

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 980 3691 3820) on Tuesday, November 16, 2021 at 7:30 p.m. The audio recording of this meeting is Lewisboro Planning 111621.mp3 and the YouTube link is <https://www.youtube.com/watch?v=scGtRKOOVsk>

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: None.

Approximately 26 participants were logged into the Zoom and 6 viewers on YouTube.

Janet Andersen: It's 730 so I'm going to start the the meeting. I'm Janet Andersen and I call to order the Town of Lewisboro planning board meeting for Tuesday, November 16, 2021 at 7:30pm. The State legislature passed a temporary amendment to the open meetings law that allows municipal boards to meet via video conference until January 15, 2022. The board considered this and agreed to meet by Zoom, and we are also live streaming to Zoom on, sorry, to YouTube on the Lewisboro TV channel to enable viewing by the public. No one is at our in person meeting location at 79 Bouton. This meeting is being recorded. Ciorsdan has confirmed that the YouTube feed is active and working, and that the meeting has been duly noticed and legal notice requirements fulfilled. We intend to post the recording and transcript of this meeting to the town website. And the Zoom video will also be available on the town's YouTube channel.

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 recently resigned from this board. I do want to thank Maureen for her contributions and insights while she was a member of this board. We do have a quorum and that means we can connect the business of the board and vote on any matters that come before the board. I should add that the planning board does have an opening as a result of Maureen's resignation. Members of the planning board are appointed by the town board, so anyone who is interested in being considered for an appointment to the planning board should send a letter of interest and a resume to the town supervisor. Also on the conference call with us is our planning and wetland consultant Jan Johannessen and, if not on now, I expect counsel Jud Siebert to join us shortly. Also on are our planning board administrator Ciorsdan Conran and CAC chair John Wolff.

We do have a public hearing scheduled for tonight, and that will start shortly. That's the only time we expect to take public comments. I will describe the process in just a moment. The public has been joined muted and without video until that point. We ask any applicants that are not currently engaging in dialogue to mute their lines, this will help everyone hear over the inevitable background noises. And as we've done in the past, to ease the recording of our votes I will poll board members individually. So with that let's get started.

I. PUBLIC HEARING

Cal #06-02PB

(3:00 - 18:08)

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 for final release of bond

submitted in accordance with Smith Ridge Housing, LLC, Security Agreement for Construction of Water and Sewer Improvements to be Conveyed to Oakridge Water and Sewer Districts.

Phil Pine, owner, was present.]

Janet Andersen: The first item on our agenda is a public hearing. This is calendar number 06-02 PB. This is Oakridge Gardens, also known as Laurel Ridge, 450 Oakridge Common, South Salem, New York. This is the request for a final release of a bond submitted in accordance with the Smith Ridge Housing LLC security agreements for the construction of the water and sewer improvements to be conveyed to the Oakridge water and sewer districts.

Jerome Kerner: You should note for all attending that the closed captioning is available. I don't know if you did that, but if folks wanted, they can click on the CC at the bottom of the screen and then choose, in the pulldown, see subtitle or something that says subtitles and that'll show the the actual transcript as you're speaking, on the bottom of the screen.

Janet Andersen: Okay. And so I hope everyone was able to follow that and if you want to see the transcript, I will say the transcript is not always accurate, but it is helpful directionally at least. Now, unfortunately Jud hasn't joined us. And this, the process for the public hearing.

Ciorsdan Conran: Excuse me Janet, Jud did email. He's having internet issues.

Janet Andersen: Okay, so um. So I guess I'll try to introduce this and or maybe Jan, you could step in. So what we have is a, what's been called a ping pong process where, in order to release a bond, we have to ask the town board to grant us, grant us the planning board, the ability to to make a decision and to have a public hearing. So that is the reason that we are now having a public hearing on this request. So, I guess, the first thing I would say is as part of a public hearing, what the purpose of the public hearing is for the board to hear the concerns and comments of the public. Comments should be addressed to the planning board, not to the applicant. A public hearing is not really meant to be a dialogue, it's for us, the board, to hear what the concerns are and, of course, we will take public input into consideration as we continue to review the matter before us. Members of the public can always express their views by mail or email to planning@lewisboro.com. We invited public comments by email before the meeting. We did get a couple of inquiries but, I'm going to ask Ciorsdan to confirm that we did not really get any comments more just questions.

Ciorsdan Conran: That's correct, no, no written comments and I just checked my email again. Nothing's come through on this.

Jan Johannessen: Janet, I'll just I'll just and Jud really kind of led and prepared the documents for this, but just as a really brief overview. I'll let you know that, remind the board that, as part of its site development plan resolutions and condition of resolutions associated with the build out of Oakridge development and the condominiums, there was a requirement for performance bond relative to the water and sewer services in the amount of \$243,770. And since the adoption of the resolution and the payments or issuance of that bond there's been two releases or partial releases of money from the town to the applicant, back to the applicant following the same process. The first was 190, \$190,281 on February 17, 2015, and then November 15, 2016 a partial release of 26, \$26,151. The remaining \$27,000 is now what is being considered, the release of the remaining funds in that that account. Again, it's for the water and sewer services, and my office has been routinely inspecting the installation of those improvements. They have been installed, they have been accepted by the health department and my office consented to the release of the remaining funds.

Janet Andersen: And I do note that Jud is now on. So, thank you for that. Thank you.

Judson Siebert: Hi. Trouble tonight. Sorry.

Janet Andersen: No problem, thank you, Jan, for covering for that, so if anyone is here to speak at the hearing you can raise your Zoom hand and if I don't think there's anyone on the phone, but if you're on the phone and want to raise your hand, you can press star nine. So I do see Simone, I'm going to ask you to unmute.

Simone O'Connor: Hi, good evening. I'm Simone O'Connor [3 Robins Court]. I'm actually extremely concerned with the continuation of building and taxing the water system at Oakridge. The water's still an issue, nothing's been resolved, I mean grants have been applied for, but you know, hopes and pipe dreams and the building's continuing over there. Shouldn't, just an idea, all building stop and have it continue only if the water situation is cured. I worry very much about all the human beings living there young and old, 2021. And I think that we all need to be concerned before we just keep moving and building and building. Thank you.

Janet Andersen: So again, this is now for the release of, this hearing is now for the release of the bond, given that the water system has been accepted by the Westchester County Department of Health.

Jan Johannessen: Yes, these are for already approved and for the large part already constructed units. It's nothing, there's there's no proposal for additional units, as part of this particular action for the previously approved project.

Judson Siebert: And yeah, the there, there was phased development and there were milestones set for each phase of development in terms of what needed to be done and, so far as sewer and water improvements were concerned, performance security has been gradually decreased, as each set of improvements have been installed and approved. We're now at the installation and approval or completion of the phase three so as Jan said there's nothing beyond this that we're we're acting on, it's simply to acknowledge that what was supposed to have been done at this point has been done.

Janet Andersen: Jerome.

Jerome Kerner: If there's no further public comment, I would move that we close the public hearing.

Janet Andersen: Okay I'm um I will say that I'm not seeing anyone else's hand raised so. Do we have a second on that? Greg, I see your mouth moving but you're muted.

Gregory La Sorsa: We have the hearing is the first thing on the agenda right, so everyone supposedly knew that it was going to start right off the bat. It's not like there are people who might think it would be later in the in the.

Jerome Kerner: No, no it's on the agenda as the first item.

Gregory La Sorsa: Okay, okay, I see no hands either. I don't know if I have a Board of everyone on the on the Zoom call right now, but I assume Janet there are no other people interested in talking.

Janet Andersen: I see none and we're giving people a chance to raise hands so. There are no, there is no one else.

Gregory La Sorsa: And we had no emails indicating that there were people who would plan on talking.

Janet Andersen: That's correct, Ciorsdan got a couple of questions when people saw the signs about what was happening and let them know and one, I think was forwarded the notice of the public hearing, I'll let you talk Ciorsdan.

Ciorsdan Conran: That's true and I just checked my emails again, I do not see any written comments. The one gentleman who had asked about the notice I do see him on the Zoom, but he's not raised his hand.

Gregory La Sorsa: Okay. So, speak now or forever hold your peace right.

Jerome Kerner: Right yeah.

Gregory La Sorsa: Okay, I'll second the motion and unless somebody's going to come in at the last minute, but I'll second the motion otherwise.

Janet Andersen: Right, I guess, I will informally say that we have been known to sometimes get emails after the official public hearing and you know we do read everything we get. Okay, any further discussion or comments on this. Okay, I'm gonna um I guess poll the board now. So, Charlene. You're muted, she's nodding her head.

Charlene Indelicato: Aye.

Janet Andersen: Okay. Jerome.

Jerome Kerner: Yes, yes.

Janet Andersen: Greg.

Gregory La Sorsa: Yes.

Janet Andersen: And I also say aye, so the motion to close the public hearing is carried or it's approved.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board closed the public hearing for final release of bond submitted in accordance with Smith Ridge Housing, LLC, Security Agreement for Construction of Water and Sewer Improvements to be Conveyed to Oakridge Water and Sewer Districts at 7:44 p.m. In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa and Ms. Indelicato. Absent: None.]

Janet Andersen: So, we do have a resolution and Jud perhaps you, and which has been received and distributed among people, so perhaps Jud you could just briefly overview what the resolution says.

Judson Siebert: Sure, and I want to underscore the fact that this is a very finite determination it's being made by the board with regard to water and sewer for this development. There was performance security that was posted as a result of an initial approval to ensure that water and sewer improvements would be installed as approved, and the way that approval was fashioned would be done in three stages, three phases, and over the course of development the board has a you know upon review, upon public hearing, released a certain amount of the performance security. We're now down to the last component of that performance security, which involves ensuring that the water and sewer improvements, as approved for phase three, have been installed. That request has been made; we do have written confirmation from the County Department of Health. We have confirmation from the State Department of Health that those improvements are to their satisfaction. Town engineer has reviewed this, and the resolution before the board really follows the form of the prior resolutions that have released the performance security in phases. So you know with with those sign offs, this will release that performance security. All I can say is with regard to future issues or concerns regarding the sufficiency of or adequacy of water and sewer in this district, those are district concerns and should be voiced to to the town board but otherwise what is before this board are all the adequate sign offs and the resolution acknowledges that and with authorization from the town board to conduct the public hearing and and then make a determination, the resolution provides for the final release of the performance security.

Janet Andersen: Okay, any questions from the board about the resolution and if there are none, I would like a, I would look for a motion to approve the resolution. Jerome.

Jerome Kerner: I make a motion to approve the resolution as drafted.

Charlene Indelicato: Second.

Janet Andersen: Thank you, Charlene, okay I'm going to poll the board. Oh sorry any further discussion? Okay now I'll poll the board: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: Greg?

Gregory La Sorsa: Aye

Janet Andersen: And I also say aye, so the motion carries.

Janet Andersen: Okay, thank you. The next item on our agenda is the sketch plan review for Oakridge Common, but we did receive a message from Bob Ebert who is representing that, saying that he will have another meeting and might be delayed, and I do not see him on so with the forbearance of the Board I would skip over this and move to the next topic, if that is all right, with everyone.

Gregory La Sorsa: Okay, okay.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board granted its support for final release of a bond for Construction of Water and Sewer Improvements to be Conveyed to Oakridge Water and Sewer Districts in the resolution dated, November 16, 2021 to Smith Ridge Housing, LLC, 450 Oakridge Common, South Salem. In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa and Ms. Indelicato. Absent: None. A copy of the Resolution is attached and is part of these minutes.]

II. FINAL SUBDIVISION APPROVAL

Cal #03-13PB, Cal #03-16WP, Cal #19-21SW

(18:09 - 1:11:10)

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

Susan Haft and Eric Moss, owners; Gerri Tortorella, Esq., Hocherman Tortorella & Wekstein, LLP; Tim Allen, Bibbo Associates; and Beth Evans, Evans Associates were present.

Janet Andersen: Thank you, the next item on our agenda, then, is the final subdivision approval, this is for calendar number 03-13 PB, calendar number 03-16 WP, calendar number 19-21 SW: this is Silvermine Preserve, which is near Silvermine Drive and and Lockwood Road, South Salem, New York. This is an application for subdivision, wetland activity and stormwater permits for the construction of a 13-lot subdivision. And I am not sure who is taking the lead on this for for the applicant.

Gerri Tortorella: Good evening, Gerri Tortorella here from Hocherman, Tortorella & Wekstein, and we have Tim Allen, Eric Moss is also on and Beth Evans, we've all worked on this project together. And Tim can just summarize for you very quickly, what the submission is there really has not been much in the way of changes from the preliminary approval. But he can just reacquaint you with what the original layout was, and you know, our request is pretty straightforward this evening, so Tim I'll turn the floor over to you.

Tim Allen: Thank you Gerri, good evening. Basically, the subdivision as proposed in preliminary, being the 13 lots on 58 acres with a roughly 40-acre open space parcel, the roadway comes in and. Ah Ciorsdan, do I have the ability to screen share?

Janet Andersen: Yes, you do.

Ciorsdan Conran: Go right ahead, just click the green button.

Tim Allen: There you go. Essentially, the Lockwood Road being in this area here...

[Various voices]

Tim Allen: You're not seeing the moment?

Jerome Kerner: We're not seeing the plan

Tim Allen: Not seeing the plan that's.

Janet Andersen: I'm not seeing the blank screen that usually proceeds it if it's slow to load either.

Tim Allen: You got nothing on your end now? Any suggestions folks?

Janet Andersen: Does somebody else have a plan that can share it?

Jerome Kerner: I've got to open it up. Hold on a minute, I have it here. That's Oakridge Gardens. Hang in there. What sheet did you want Tim?

Tim Allen: Sheet 2. Site plan.

Jerome Kerner: Is that the one you want?

Tim Allen: Now I can't see what you've got up. What Jerome has got on I can describe the plan real quick.

Jerome Kerner: You.

Tim Allen: Got it, yes, I can see it. Okay I'm. Essentially, the main drive comes in off of Lockwood which is to the right of the plan. Silvermine comes in, but is not part of the subdivision, you'll recall during preliminary we had many schemes that showed a through road, many alterations of this plan and during that process, the applicants also bought the corner lot, which is a at the corner of the entry, the new road and and Lockwood and that was added to the subdivision as lot 13. The whole perimeter of the property will be open space and we were intending to donate that to the land trust once the plat is filed. All the testing from the health department is done, the health department has signed the plan originally. The new plat that you have before you will need to be resigned by the health department. We've received comments from Kellard [Sessions]. Essentially, most of them are done already, we just need to clarify a few things with Jan [Johannessen] and Joe [Cermele]. We'll certainly

do that. And we're here before you for final approval um it's been a long road, and hopefully we're at the very end of it.

Janet Andersen: Okay.

Gerri Tortorella: Just to supplement that Tim's comment about the the perimeter area, that designated open space there who actually have been conversations with the Westchester Land Trust and, if you remember way back when when this was originally before the board for preliminary approval the land trust did make appearances, at the Planning board meetings to explain what its vision was for the property and the land trust you know remains committed to being involved with this property and taking title to it so.

Janet Andersen: Okay, I do have a few questions and and maybe I'll start with the comment that you had about Westchester Land Trust. When, there's a there's a trail shown on the property and I'm not sure when - what we what we've seen in some past things that that developments have happened and the trail has never been completed, and I would would ask you if you have any insights as to when, who is actually going to construct the trail, when it might be constructed vis a vis, you know, is it is it a homeowner responsibility to pay for that, is it Westchester Land Trust, is it the developer, you know just I, I would like some insight as to the, the approach to developing that trail.

Gerri Tortorella: So, I will tell you what what our understanding and belief is but but I don't have the authority to speak for the land trust, and this is something of interest and concern to the board, I certainly do think that we can get the land trust to weigh in and just express to you what their plans are for the site. You know my understanding has been that the land trust will take title and actually develop the trail system, I mean there are existing trails on the property. Some will be you know some that currently exist or within the areas of the lots to be developed so those will have to be relocated to really be useful to people, you know, to the general public. So, we would envision that the land, our expectation is that the land trust will take responsibility for relocating those and, in fact, I was under the impression that the land trust had already even looked at what a possible layout of trail system would be. Now, the relationship with the land trust I know we say we talked about donating the land to the land trust and it's not done free of charge to the to the applicant, I mean the applicant is expected to make a stewardship grant to the land trust in consideration for the land trust accepting title to the property, and those funds are used for a number of different purposes, and you know may be available to the land trust to be able to construct and establish those trails. We haven't discussed a specific time frame, with the land trust in terms of when those trails would be constructed, I think it would be depend in part on the timing of the construction and some of the lots. And there's a number of other factors that are really outside the applicants controls to when those things could be created, we certainly be happy to you know see if we can get some more direction directly from the land trust to give you some more crystalline and clear cut answers to those questions.

Janet Andersen: I think that would be helpful, because it is, you know, it is, I think, an important benefit to the, both the homeowners and to the community to have that. And I would, I do see that, on the plans, there was a small sort of loop trail. Having been to a couple of planning conferences recently where they talk about the importance of connectivity between long roads, I would be very interested in an assessment from Westchester Land Trust about whether there's a walking path that could connect over to Silvermine as well just. Okay, but I got off on that we do have comprehensive memo from Jan and I would perhaps ask him to just start going through that for us.

Jan Johannessen: Sure. Well, because of the, the length of time between when this was last reviewed and today and the fact that we have gone through a couple of building inspectors in the interim, I would recommend that the the plans be referred to the building inspector for review, so he is not seeing them for the first time, when the building permit is being requested for a particular lot. That's our comment number one. Two is submission of an updated SWPPP, notice of intent and SWPPP acceptance form. I believe that the prior SWPPP that was prepared was under a prior SPDES permit. I don't expect that it's going to change the design of the storm water

features too much, but we do need an updated SWPPP. Third comment it's just really administrative, changing some verbiage on the signature blocks. Four, the wetland mitigation plan that was submitted, it was the older mitigation plan for a different layout, it does not include a lot 13 being developed. We did review the planting cost estimate that was submitted. And we found that to be acceptable, was right on the money actually to the extent that there's minor changes, excuse me, as a result of updating the mitigation plan to reflect the current layout and perhaps the bio filtration system that's going to be at the bottom of Silvermine Drive, we could we could revisit that and an update that cost estimate of according accordingly, but we did look at that and that that looked to be in very good shape.

There was a legal memorandum prepared by Gerri's office, we really deferred review of that to Jud. I believe the preliminary resolution really called for the drafting of the particular documents, not an overview of what those documents would ultimately contain. Could certainly, the board could require those to be prepared now, or it could require them to be prepared as a condition of final subdivision approval. I don't really have a, really, an opinion on that. I wanted to clarify on one of the paragraphs, paragraph nine, on page three regarding the the water storage tank, underground water storage tank for fire protection purposes, just want to make it clear that the fire department would not be responsible for the maintenance, repair, or replacement of that tank. That they could have the right to do it, but not the requirement to do it so Jud could just look at that language and insure that they're not on the hook for the maintenance of that tank. We'll review the cost estimate for site infrastructure, when the final plans are submitted and the final SWPPP is submitted, so we deferred that. That's going to likely be the basis for any sort of performance bond. And the engineering and inspection fee.

There is a new, unfortunately, you know after sometime after, perhaps right before preliminary approval, the surveyor of record passed away and there's a new surveyor, surveyor of record, that prepared the subdivision plat for the project. Terry Collins is the now preparing the subdivision plat. And the plat is you know very similar to what had previously been prepared. I think some of the notes on that plat now need to be updated a bit so that's that's comment number seven just updating the plat and the engineer's subdivision plan PP-1, just to go over those notes, make sure they're all applicable, and update them as necessary. DEC wetlands validation block appears on the subdivision plat and needs to be updated, the 10-year time frame has expired and we require, or the state requires an updated signature on that validation block as far as I could tell. And then there's some conditions, conditions, five, six and eight of the preliminary approval that needs to be resolved or satisfied, and they have to do with comment number nine, condition number five it's really just taking off some layers on the on the subdivision plat or one of the sheets of the subdivision plaque just to make it more legible. Condition six had to do with a you know, showing us a street sign detail, the street, the private road has been named there's a proposed name on the on the plans. We need a detail of the street sign and I have to look back on the correct procedure, but there is a procedure for getting the name of the road, approved by the town. And the person that's kind of in charge of E-911 confirming that that that name doesn't exist anywhere else and was a suitable name for the street. I could look back on prior subdivisions and see what that process is, it might be the receiver of taxes, I forget who's in charge of that but that's comment number 10. And then comment 11, condition number eight of the resolution. During the review process, it was determined that there's a lot of stormwater runoff coming off the cul de sac of existing Silvermine Drive and onto the subject property, potentially affecting a wetland that exists at the base of that slope there and the applicant committed to installing a storm water management facility, I believe it is a bio retention facility at the toe of that slope to capture some of the runoff that's coming off existing cul de sac. I believe the applicant had provided a sketch of that facility and we determine that that would be adequate, but one of the conditions was that if the facility be fully engineered and made part of the plans which I didn't I didn't see in the last submission that's comment number 11. And that's it.

Janet Andersen: Charlene.

Charlene Indelicato: I would like to see a term sheet between the Westchester Land Trust and the developer sort of stating what are, when the arm the trail is going to be kept up, what their vision is how much is going to be held

in escrow or whatever arrangement, you have. I'm just interested, because that that's a big portion of this, the beauty of this project is the 40 acres, and I would just like to see a term sheet.

Janet Andersen: Okay, and I also had a question.

Gerri Tortorella: Will we will certainly talk to the land trust about that and provide that information.

Janet Andersen: I think that would be helpful. Thank you. I also had a question on the long-term stormwater maintenance and inspection requirements. It said once everything is stabilized and there's there's a bunch of things that are there, that are the retention basins and so forth, it says that the only inspection and maintenance is going to be limited to the two infiltration systems and, I mean I've seen stormwater basins, and I know they need ongoing maintenance, so I'm I'm a little confused by that so I guess that would be something that maybe Joe [Cermele] would look at, Jan, I just I'm, that doesn't seem to fit with all.

Tim Allen: Janet, we'll will check that on our plans, because that doesn't make sense to a lot of, myself either it's all the basins will be absolutely maintained obviously.

Janet Andersen: Great. Thank you. I just I thought it's the sentence at the very top of was page one, but it's page one of I think a separate document long term stormwater maintenance and inspection requirements, thank you, that would be helpful.

Jan Johannessen: I think that that goes to you know, actually, you know we'll review the final documents that will actually be.

Tim Allen: Jan, the reason why we didn't include the SWPPP in the resubmittal was that we didn't revise it, it was basically the same, but we'll certainly resubmit it and put a date on it that reflects the plans.

Jan Johannessen: I think it was a couple of general permits ago so there's new NOIs, there's a lot of new things that need to be incorporated into the SWPPP, it's it's outdated.

Tim Allen: Okay, we'll look at that.

Janet Andersen: Okay, so I think the first recommendation in Jan's memo was...

Judson Siebert: Yeah and, if I can weigh in, my name my name was invoked by Jan a couple of times so if you don't mind. I apologize, I had to find a place my house where the wifi is working if I'm like fading in and out I'm not like one of those like late night Saturday night horror movie hosts, this is the way it's working. With regard to the building inspector referral I think Jan's correct, we don't want to have any surprises down the road. For us, or for the applicant. I just ask the board to keep in mind and the building inspector on referral to keep in mind that the preliminary plan that was approved is not a plan without consequence, I mean a lot of time, effort and and and approval and review was including building department review was was devoted to that plan. So you know if it's going to be referred that you know that that Jan and myself, perhaps the town attorney also be involved in that in that review, so that we're not disrupting or putting the applicant in a position where were you know significant plan details are disrupted to any extent. The preliminary plat is, you know, again, is something that was the product of significant review on this board and by town departments, but I agree with Jan.

Secondly, with regard to the the preliminary plat approval and the requirement that we have fully developed documentation in terms of HOA commitments, easements, you know recorded, you know recorded instruments, I agree, I think it's it's probably best to hold that off as we typically do until the final approval is issued. We then we'll have the the final plat. We then know and have defined you know what everyone's rights and

responsibilities are and it makes it easier and it's just it's a lot less a lot less effort upfront that really is unnecessary, that that all can all can be conditioned until final approval.

Janet Andersen: Okay. Jerome.

Jerome Kerner: Yeah, I wanted to thank Jud for emphasizing the effort that we put in and the fact that this is a preliminary approval. When you look at the plans, they are clearly detailed, to the extent the final approval plans we and I think I'm the only one that's on the board now that was part of the deliberation and approval that started 10 years ago. And the, so I appreciate Jud's emphasizing that this not be looked at as something that's just materialized and that Jan and Jud be present, perhaps at any review by the building inspector. Thank you.

Jan Johannessen: I don't think he's going to be looking at the construction drawings. I think it's going to be confirming zoning compliance, looking at the driveways.

Jerome Kerner: Right. Yeah. I meant that too, part and parcel of the comment is not just the details, but also the concept and.

Janet Andersen: Well, so are you suggesting that when we send the memo to the building inspector, we say that this has this is being sent to him, to acquaint him with a with a well-developed plan, in recognition that this is, that he is he was not there for the preliminary approval. Something like that?

Jerome Kerner: I would what I'm recommending is that we excerpt Jud's words, they they're on their on the record now and incorporate that into a letter

Janet Andersen: Okay.

Judson Siebert: Well, I, I would just say let's refer, as we typically do and Jan and I can confer with Joe [Angiello] and, as he works through the process.

Janet Andersen: All right. Okay, Charlene.

[The Board reached consensus to refer this matter to the Building Inspector for zoning compliance and comparison of preliminary and final approvals.]

Charlene Indelicato: I do understand that there's been a lot of work, and it looks like a good plan, however, there has been 10 years and my. My thoughts on it, is that I would be more comfortable with just a term sheet that Westchester Land Trust is in the same position now as they were 10 years ago that's all.

Janet Andersen: Yeah. Go ahead, Gerri.

Gerri Tortorella: Thanks Janet. My my only point that I would hope can be conveyed to the building inspector, is that this was authorized to be treated and approved as a conservation subdivision and and one of the benefits of doing that and one of the effects of doing that is that regulations get modified and tweaked. And and some relief is given from zoning requirements when you do a conservation subdivision. So you know, I just want to make sure he understands that that this is not supposed to be, or the layout and all the details are not intended to be exactly in compliance with the zoning regulations for this district, because it is being developed as a conservation subdivision.

Jerome Kerner: Right, right.

Janet Andersen: I have to believe that there are files with the with the Building Department on this, but.

Jan Johannessen: Its pretty clear in the plat, you know being labeled as such, right and I'll sit down with Joe [Angiello]. Normal order of business is it gets referred and Joe and I sit down and go over it, so I will give him all the history.

Janet Andersen: Okay, so and and I think I was around, but on the CAC when this was done so, I remember that there was a lot of discussion and work on this. All right so I'm looking for consensus to refer this to the building inspector. I see nodding heads, everybody's okay, so we have consensus. With with the advice from counsel that we send it as sort of normal process, and I think it sounds like it's very normal process for Jan to get involved in the review with the building inspector so that sounds good. Is there, I know, at one point, just as this might be, you know, new to the building inspector, it might be new to the community, but. So. I wanted to, I don't think much has changed in this at all, I don't really know if there's a reason to do this, but previously, we had discussed whether or not this should have a second public hearing or have a public hearing, it is not required for final subdivision. Just because it is a, it has been so long since it's it's been in front of the the neighbors and the community. And. Again I'm not sure that that the purpose of a public hearing is to educate the public as much as to hear from the public. And what we would be doing here is sort of letting the public know what's going on, so I I sort of want to see, would like to to get your sense as to whether you feel a public hearing would be necessary and/or beneficial in any way on this on this final review.

Gregory La Sorsa: We had one 10 years ago?

Jerome Kerner: Indeed.

Janet Andersen: Um I don't know, that I think it might have been more recently than that.

Judson Siebert: More recently than that.

Jerome Kerner: Yeah, about four. About four years ago.

Janet Andersen: Yeah, I think.

Gregory La Sorsa: In general, I see no problem with it.

Janet Andersen: You don't see the problem with having one.

Gregory La Sorsa: Having a public hearing.

Janet Andersen: So, you would favor a public

Gregory La Sorsa: Yes.

Janet Andersen: Okay. Charlene.

Charlene Indelicato: I'm not sure I would favor a public presentation, maybe you know but it has already gone through the process if we open it up and we were opening it up again and I don't believe that at this juncture we really should. Presentation, I understand, because the public hasn't seen anything.

Gregory La Sorsa: Well, if you have a presentation it's going to beg itself, the question so and a public hearing incorporates a public presentation, so I don't see the possibility of having people questioning and/or making comments at that point if we're going to have a presentation.

Tim Allen: My recollection of the original public hearing, it was there really was not a lot of public that had much to say. I'm trying to remember now, but I think there was only maybe two or three people that had anything to comment on. That's just my recollection.

Jerome Kerner: You're right, the the main comments were on headlights on exiting Lockwood and some thought about connecting the road to Silvermine, which we learned was really not a feasible. But I'm not in favor of opening a public hearing and only thing that's changed is the date on the plan which is 10/16/21 rather and same plan it's, there's some conditions that would be imposed here as Charlene is suggesting one, very important one. Janet mentioned one about possible study of connections by a foot path, but other than that, I think that the applicant has complied with good planning practices and unless Jan, I would defer to Jan if you felt that it was something that. That.

Jan Johannessen: Certainly, no no plan changes, it's up to the board, whether it wants to hold a public hearing.

Jerome Kerner: Yeah. I would be against a public hearing.

Janet Andersen: Charlene, you had your hand up.

Charlene Indelicato: On I was going to ask Jud a question, I mean no public hearing is required, is that correct?

Judson Siebert: The Board can waive a public hearing, provided the final plat and submitted is in substantial agreeing or compliance with the preliminary plat which I'll defer to Jan, but I think that is the case here it's.

Charlene Indelicato: So we would waive, be waving a public hearing.

Judson Siebert: You don't you, you need not require a public hearing for a final plats. Provided it is in substantial compliance.

Jan Johannessen: Right, I assume that the public hearing that was conducted with the preliminary subdivision also included the wetland permit, I believe it did.

Judson Siebert: Yeah. I think it did Jan.

Janet Andersen: I am not not really sure how we would make a presentation without a public or you know sort of acquainting the neighborhood without a public hearing, so I'm wondering if there is, I know some applicants in the past, have had their own website I don't know whether we could put, I mean, certainly the whole agenda packet's on our website, but it's sort of difficult for people to find something I I am.

Gregory La Sorsa: I don't see the point of having a presentation without the opportunity for people who attended to comment. So, therefore, it is a public hearing so either don't have a public hearing, or have a public hearing, but the idea of having a presentation. I would agree with Janet I mean the information is there if you're not gonna have a public hearing, I mean that's just the type of thing that creates bad will. If there are issues that want it people want to talk about something that's out there and we put it out there and we don't give them the opportunity to speak, I mean it may well be that if we do that they're going to speak anyway.

Janet Andersen: Right.

Gregory La Sorsa: I mean we've seen that we've definitely seen people when the when when we've made situations of presentations that have turned into an ad hoc public hearings. So, I mean either we have it, or we don't, I happen to think it wouldn't be a bad idea, it doesn't seem to be the consensus opinion on this board, but you know it's okay.

Janet Andersen: Gerri.

Gerri Tortorella: I, I know that you're well intentioned in discussing it, the concern, I think that we face is that I'm not sure that comments really have any bearing. I mean we went through this process what what would you do with the comments? You know I mean you just let people speak, but at the end of the day, we've got a preliminary approval and as long as our final approval is consistent with our preliminary approval we're pretty much entitled to you know to final approval, based on the preliminary so it almost, you know as as Greg said, you know is inviting some havoc and some frustration among members of the public if you offer them an opportunity to comment, but then say thanks very much but we can't really do much with your comments.

Janet Andersen: Yeah, I understand that and and that's one of my hesitations. Is that. I think, as as both Jud and Jerome have said, an awful lot of work went into creating and fashioning this and it's hard for me to see that there would be comments that have not, did not cover areas that are sorry comments that did cover areas that have not been considered by by the board previously. The the other thing that I do know, though, is if all of a sudden something starts happening, you know, on a on a piece of property and people might have either forgotten or new people to the area.

Gregory La Sorsa: New people, yeah absolutely I was just thinking that it is four years.

Janet Andersen: Might be totally unaware of what's going on and that's why I think. You know I don't know if we have a reporter on, you know somebody I mean I just think that, in some ways, somebody we are to be able to get out the message that you know this is happening so someone doesn't you know I don't want a bunch of calls in that say you know something's what's going on, you know nothing happened here I didn't know about anything in this area, so I think that's what I want to sort of avoid. Yes, Jerome.

Jerome Kerner: I think what would be missing, of course, it could be, it could be overcome, but with the the alternatives that were gone through initially, which treated the site as a conventional subdivision and left nothing for conservation. And I think that what would be a perhaps a better idea, would be, would be to have some kind of, let the press handle it or have an article on the value of conservation easements and how this is exemplary, and it could serve as a model for other projects. In a way that Hunt Farm is similar, but I think people have a hard time understanding these plans and you will get, and I'm going to say say it on the record because I've seen it happen dozens of times you get you get the the vocal minority that's opposed to a project will come out and have arguments about any development.

Gregory La Sorsa: Boy Jerome. You would have been on the other side of that coin 50 years ago. Funny how the world has turned. And I would have been also probably. But I mean I mean just when you say that it just falls harsh on my ears to not give people the opportunity to hear about something and speak about it, I mean I get what you're saying. You've done it already but.

Jerome Kerner: The neighbors that were there I don't know how many times it's changed hands, but they were informed everybody within 500 feet.

Gregory La Sorsa: Yes.

Jerome Kerner: Has had an opportunity to...

Gregory La Sorsa: I know four years ago, but okay, I mean you know listen I just believe I just it's just something I believe in.

Judson Siebert: You know what. What if the board were to conduct a public hearing recognizing the limitations that are imposed by virtue of the grant preliminary, the consistency of the final plat as presented with a preliminary approval. Look, I'm not saying that we should all go through an empty exercise, you know for the sake of just having a public hearing, but if we were to do that and allay perhaps some of the concerns that there are folks out there that don't know about this or have not been educated. Do we do that, but at the same time you direct Jan and I did begin drafting up you know, for final approval, you know kind of closing the public hearing and proceeding to to approve the project, provided the board's comfortable with that.

Janet Andersen: I saw Charlene you had your hand up.

Charlene Indelicato: Yeah I don't see again I don't see the purpose of having a public hearing that's not going to result in anything other than people getting you know in.... in well. I don't think a public hearing is an informational I think it's a public hearing that people will speak their mind on and if they have any concerns, because if we have a public hearing, what do we do afterwards, when we get comments.

Janet Andersen: So.

Charlene Indelicato: Can we change it.

Janet Andersen: So, I'm going to put this on the applicant, I think. I think you hear that we're hesitant to go forward with a public hearing that would, would not really be substantive, you know, but what we also feel like the community doesn't know enough about the plans you know they might be surprised when a bulldozer shows up or when stakes go up or something and I guess I'd ask if there if applicant has any recommendations about how to communicate to the to the community, whether they would think about a you know, maybe almost a salesy interview with a newspaper or... Just asking asking you to think about about that because, because I think there's a desire to get information out there.

Tim Allen: Um, a solution could be, we could do a mailing to the abutting owners and have them contact our office and we'd be more than happy to go over the plans with them, email them in the plans or just let them know what's going on. I don't think that's, that's a compromise there or we can go back and look at who was noticing the last public hearing and check the tax rolls today and see you know we're looking at the same list um that's another option.

Janet Andersen: Okay um. So I think Ciorsdan also has just messaged me that you know we could put up the plans on a separate link on the town of Lewisboro website, and you know, and maybe joined with a letter to the, you know it wouldn't have to be a certified letter, just a letter to the abutting neighbors offering I think that would be a good thing, I mean we ask a lot of people to talk to the neighbors and make sure they know what's going on and. So, to offer to talk and maybe to reference a set of plans up on the site. [static] I'm I'm. I'm open I'm open to ideas like that, because I understand that and, you know that that a public hearing, where we where we are offering information, but not getting getting comments is.

Gregory La Sorsa: Who said we weren't getting comments at a public hearing?

Janet Andersen: Oh, we I said we would but we .What we're saying is it's probably a pretty pro forma in that it would be surprised.

Gregory La Sorsa: Didn't we just have a public hearing like that tonight?

Janet Andersen: Um.

Gregory La Sorsa: About an hour ago. I appreciate everything that everyone's saying, I appreciate what Tim had said, but why should we do more work and do more difficult work when the best thing to do would be to hold a public hearing and then it's on the people who either partake or don't partake. Because if you put an article in the paper or if you go and look at the rolls are all these other things, that seems to be a more difficult task they just holding a public hearing. There's no guarantee, that any of these things are going to be satisfactory and then people will say why didn't you have a public hearing. If in fact that comes up the likelihood is, and I think I recall the public hearing several years ago it was it was not a greatly attended, I don't remember it being one of one of our more lively public hearings, but I think there were people there that the likelihood is we're going to have a few people come in here, make a few comments you'll probably get compliments along the lines of some of the things that, like some of the board members have been talking about time about how nice this plan is. And then at least we'll be able to go forward with that. I mean all these other things that you're suggesting are interesting, but I think they evade the point of what we're trying to do, which is you know do it by the book and and let the people have an opportunity to talk.

Eric Moss: Good evening members, Eric Moss. I will mention, there is a substantial site plan posted on the property very easily to see so I I do know that anybody in the neighborhood has is aware that there's a plan in place, and they can see it's very, very large and very plain to see the lots, it's not very complicated to understand and, and the property is very easy to walk through I it's been traveled by most of the neighbors. So I really don't see this being necessary.

Janet Andersen: Is there contact information on that sign?

Eric Moss: Yes, there is.

Gregory La Sorsa: Can we say that about every project we have.

Janet Andersen: Well, I just I'm, so I think that's it's helpful to get that, to know, Eric, that that sign is out there and that it's, and it's visible and available for people to see.

Eric Moss: Yeah, it's a whole map and there's even lot signs posted in throughout the property where the lots are there, posted, all 13 of them.

Janet Andersen: Great. Thank you okay so with that, I guess we've got to, Go ahead Jerome.

Jerome Kerner: Greg you said, do it by the book and in fact the book says, we have the right to waive the hearing.

Gregory La Sorsa: To waive a hearing, exactly.

Jerome Kerner: Yeah, so so that so we'll be doing it by the book.

Gregory La Sorsa: Meaning that the hearing is supposed to go forward, unless we waive it.

Janet Andersen: So let's um do we have to make a motion and whether to waive the public hearing.

Judson Siebert: I would make a motion.

Jerome Kerner: I make a motion that we waive a public hearing per the discussions that we've had so far.

Janet Andersen: Do we have a second?

Charlene Indelicato: I'll second it.

Janet Andersen: Any further discussion? Okay I'm going to poll the board. Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Jerome.

Jerome Kerner: Aye.

Janet Andersen: Greg.

Gregory La Sorsa: No.

Janet Andersen: And I'm also going to say you know, based on the. And it was helpful to hear from Eric that there is a sign, their contact information is available, I will also say that I vote in favor of waiving the the public hearing, so the motion carries. Okay.

[The Board reached consensus to not hold a second public hearing on this matter.]

Eric Moss: Yeah, just just to reiterate it it's it's more than a sign it's an actual plan it's it's the full plan laid out on a very large board.

Janet Andersen: Great, and I should probably drive past and see it because it's been a while, since I've been anywhere near that site, so thank you. So with that, I mean I believe there's a number of things that that have to get done and we should. So we did refer to the building inspector, we did get, we did ask for some, a little bit more on the Westchester Land Trust, and I think, is there anything else that we need to do at this meeting. Okay. I know we did talk about potentially starting to do to work on on a resolution. Is that something we should ask at this point, or do we want to wait for some of these other items in the in the memo to come in?

Jan Johannessen: I have no problem starting the resolution, but we do need the resubmission of the items in the memo and we need the building inspector's signoff. We could start putting it together, but you know technical review of the final SWPPP hasn't been conducted, we need to see the final mitigation plan, we need the letter from the land trust so maybe those things can happen simultaneously that'd be fine but I'd like to see them before it's voted on.

Gerri Tortorella: Can I just ask for some clarification, so in terms of the the feedback. You want some sort of a written confirmation or reconfirmation of from the land trust about its willingness to take the property and understand what its vision is for the property and its commitment to the property. And and we'll work with them to develop that as well, because we've we've always worked under the and been operating under the assumption that this this is real land that's being dedicated not just left over land which you see in some subdivisions, so in our mind is always really been kind of meeting the requirements for the for the set aside of land for passive recreational use, although, although the trail system isn't necessarily going to be so passive. Because you know this got some rolling topography, with it, but we, you know we we really are, have always worked under the operation that it would meet that requirement, so we will work pulling that information, together with the land trust. As there's any other information that you, it will be helpful to you on that point that you think of now, if you just want to mention it to us so that we can make a comprehensive submission to you.

Janet Andersen: As I said before, I think, as part of their vision, it would be helpful to see if they when if they have any view of when the timing of the completion of the trail might be and in particular, I would again look for foot foot path conductivity over to Silvermine if if they agree that that is a feasible trail to build. You know I don't want them to have to build a bridge.

Jan Johannessen: Janet, Gerri brings up a good point, and I'm not sure it's something that the board is ready to discuss tonight, but Gerri's alluding to the fact that the conservation or the open space parcel is going to be the recreation for the subdivision. And that that's going to satisfy the requirements. I have to look back on the Neg Dec and the preliminary resolution, to see if there was any discussion of that in those documents, but the the rec fee is \$10,000 per lot of a 13 lot subdivision so it's \$130,000 so at some point the board and I'm not saying you have to do it tonight, but since Gerri raised it, the board will have to determine whether the land that's being conveyed to the Westchester Land Trust is going to satisfy the recreational requirements of the subdivision.

Janet Andersen: Do we have any obligation as a board to ask for input from any of the, I don't know, Parks and Rec or town board or anything on the value or that they see of of the proposed recreational amenity?

Jan Johannessen: I think, maybe we should take a look at at the the prior documents, the preliminary resolution the Neg Dec. Let us take a look at the law, the zoning ordinance and see how it's to be applied and then maybe we can come back the next meeting and discuss that further.

Judson Siebert: I also think that you know further elaboration from the land trust in terms of the trail system and the connectivity and the public access to that trail system will be informative to the board in terms of that determination.

Charlene Indelicato: Yes, and how much is put aside from maintenance, etc.

Gerri Tortorella: Yeah, and we will address that I mean I recall it, I know I recognize it's a number of years ago, but, but the open space committee was very involved and enthusiastic about the possibility of setting this land aside and working it into some sort of a trail system. So let us put that together, let us address it in the context of referring back to the agreement that I'm sorry not the agreement, but the resolution of approval, the neg dec. Because they do touch on those things, and as well as the criteria for you know, recreation land, parkland under the subdivision regulations because it's it's spelled out as to what you know what the parameters are in the and the expectations of what that land would be.

Janet Andersen: Okay, anything else on this matter?

Gerri Tortorella: Nothing from us, so we wish you a happy thanksgiving and we'll be in touch when we have pulled that information together.

Charlene Indelicato: Thank you.

Janet Andersen: Okay. Thank you and happy thanksgiving to you too.

III. SKETCH PLAN REVIEW

Cal #08-21PB

(1:11:11 – 1:50:50)

Oakridge Common, 920 Oakridge Common, South Salem, NY 10590, Sheet 49D, Block 9829, Lot 10 (Smith Ridge Housing, LLC, owner of record) – Application for a change of use from restaurant to residential.

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

Janet Andersen: Okay um so I see, Bob Eberts, I believe has as Bob Ebert has joined us his as everybody goes off of all the names move around, but there he is still there. So perhaps we'll go back to the item we skipped over

before, which was the sketch plan review calendar number 08-21 PB, this is for Oakridge Common, 920 Oakridge Common, South Salem New York. And this is an application for a change of use from a restaurant to residential so. Bob, Hello.

Bob Eberts: Hello, thanks for postponing here your hearing on this until I got back from the other meeting.

Janet Andersen: Sure. I think a few things have come in, we did get a memo from Westchester County planning, which I believe you should have a copy of which asked about consideration of an affordable unit, even though it's a four unit rather than the statutorily required in a five unit um. I guess that's one thing I wanted to bring up do you have anything you want to show us or at this point, or share.

Bob Eberts: No, know I think it's a, there's a couple of points we want to make, but you may want to review Jan's memo before we do that.

Janet Andersen: Okay that's where I was going to go next so Jan do you want to hit the highlights of your memo for us.

Jan Johannessen: Sure. So the the project's before the board for site development plan approval. It does qualify for the waiver or our waiver site development plan procedures, given the fact that it's a change of use from restaurant to residential without the need for any variances. So that really just shortens the review process and the applications that need to be submitted. Typically, it's a two-step process this brings it is down to a one-step process. The Board could potentially waive the public hearing.

The application has been referred to the Westchester County planning board and you've received some comment back from them, we have previously recommended that the application be referred to the building inspector for review. I believe that has not taken place yet if I recall correctly, from the last meeting that we postponed that until this evening. If it had been referred, I don't believe that we've received anything back from the building inspector, but I thought we're holding off on that. The applicant did provide, as requested, a comparison of water usage between the previously approved 250 seat restaurant and the four three-bedroom apartments and in terms of water demand using the New York State DEC design standards for intermediate sized wastewater treatment systems. And the analysis that the applicant provided we confirmed as being accurate based on those standards and basically the 250-seat restaurant was estimated to result in 8,750 gallons per day versus the proposed four three-bedroom apartments 1,320 gallons per day, those are based on the New York State DEC standards. The applicant is proposing to off site or to offset its recreational requirement by providing memberships to the lakeside fitness facility to comply with the recreational requirements per the zoning code regarding multifamily developments. And we defer to the building inspector and the planning board as to whether that require or that that proposal meets the requirements of the code. I don't know a lot about that particular fitness facility, I have never been there, I don't know what it costs to, to get a membership there. For reference the fee in lieu of for a multi-family unit is \$7,500 per unit. We had previously requested that the applicant submit architectural floor plans of the proposed change of use, understanding that they may change as as the applicant you know further designs them and the market changes, but just a general idea, if all four units were going to be three bedrooms what the layout would consist of knowing that you know that there may be some tweaks between now and when you apply for building permits just understand the general idea.

During the October 19 meeting, the board had requested certain information which we enumerated in comment number five, five a through five e. The board, the planning board asked that the applicant obtain a letter from the town board consenting to the change of use and the modifications to the water and sewer flow. That's comment five a. Five b, the planning board requested and the applicant committed to providing electrical vehicle charging electric vehicle charging stations and we ask that they be illustrated on the plan: not quite sure whether the board intended that to be for this, this change of use, or whether it was in the context of when the applicant was describing that there may be some future expansion of the first floor or change of use of the first floor of a

residential use and maybe that was when the Board was looking for those particular charging stations, but, but we defer to the Board on that. The Board asked that the applicant contact the health department and identify whether any approvals are required of the health department for the change of use. As we just asked that the applicant provide something in writing from the health department, as to whether approvals are required. The Board asked for actual water meter readings of a three-bedroom unit within the existing condominium development. That's comment five d and you know we can compare those to the DEC standards that are identified in our comment number two.

There was some discussion by the board and just wanted to the board, I think, just wanted to put put it in on the record that, should the applicant wish to further convert nonresidential space to residential space that the board would be looking at this this instant application and any future application collectively when determining the required amount of affordable housing. That was, that was the memo. So yeah, the items five a through like five e through are items at the board at requested that I don't believe had been provided to date.

Michael Sirignano: Good evening. Michael Sirignano. I'm here with Phil Pine and Bob Eberts, the project architect. I think Jan has laid it out very succinctly, so we can save time here, it is a type-2 action exempt under SEQRA. We're not proposing any changes to the parking lot, or the traffic flows and the building exterior will remain, the footprint certainly will remain exactly the way it is, some windows will get swapped out because of fire code requirements of having larger escape windows in the bedroom areas. So given that we're making no real changes to the exterior of the building, certainly not the footprint or the parking. We we certainly are asking for a waiver of site development plans approval.

In terms of the referral to the building department for zoning compliance, we ask you to do that, have your planning administrator send over the the application to the building inspector for his review. We agree with Jan that the that the conversion or the comparison of restaurant/cabaret use with 250 seats approved to four three-bedroom apartments will significantly reduce water usage and produce significantly less sanitary flow, so I think that's a good thing for those concerned with the capacities of the water and sewer systems.

Yes, we are asking to have acknowledged that the free memberships we're offering, we can provide information about what the memberships cost. And and work those numbers for you, I'm happy to do that. In terms of the architectural plans Bob Eberts can certainly draw up four three-bedroom apartments and we can submit that to you, but Phil really is, needs some flexibility because we're going to let the market dictate. It may be that that we go out we build out four three-bedrooms or maybe we have some three bedrooms and some two bedrooms, so I would ask you to draft your resolution in a way that would set caps, as opposed to exactly defining how many bedrooms each unit will have so we'd ask that you say no more than four units or you're approving up to four units and no more than 12 bedrooms total and let Phil and the market figure that out and submit drawings, to the building department. I don't know how interested you are planning board members in the interior layouts of apartments. If you are, we're happy to share them when they're ready, but again we're going to ask for flexibility in the way you draft your resolution, hopefully waiving site plan approval.

Jan Johannessen: Michael, I don't want to interrupt. But, just on, I think the idea is just to understand access and like if there's going to be a center hall to you know how that's going to lay out, you know....

Michael Sirignano: Okay.

Jan Johannessen: ...not getting into the weeds on how the units laid out, but just a general idea of how it's going to work, how you're going to enter the building. And that's it, you know that I don't think there's any, not trying to tie it to that particular plan and we understand that the three bedrooms would be the maximum and you'd have the ability to reduce if needed.

Michael Sirignano: Okay that's fair enough. Jerome wants to speak.

Jerome Kerner: He does. Yeah I agree that our concern here is the total number of bedrooms because there's assumptions being made about water usage. And so, if we landed on 12 bedrooms and dealt with the access center hall, whatever it's going to be, I think that would be my interest, but here I'm going to take Greg's position on this as well, I think Greg, where are you, that because of the, the issues around this entire property, I think it should be a public hearing if to clear the air and to show that we're asking for due diligence and in terms of water usage and and the issues of water quality is going to come up again and we'll find, but I think it's, it's important that for that community to know that we are concerned about these issues as well, and we want to hear what they have to say. That's my....

Michael Sirignano: My my answer to that is I don't think we have a problem with a public hearing. I'll take, I'll seize on Jud's suggestion on the earlier matter that perhaps a resolution could be prepared so we don't lose a month, and that if you're, based on the public comments or no public comments, the Board is comfortable to to act on a resolution it'll be ready and in in front of you.

Gregory La Sorsa: Yeah, I think we should have at least in the back of our mind on this one, that this may not be one of those situations where we can do the resolution right after the public hearing, I think we will get feedback here.

Janet Andersen: And, I think....

Michael Sirignano: ...that's your business, I'll leave that up to the board.

Janet Andersen: Yeah I, I also think. You know I, I would like to see, I want to go back to the comment about the the floor layout I just feel like approving a four bedroom unit when we don't have sorry, four three-bedroom units when we don't really know if it'll fit how the access is going to be anything I I just I know it's not gonna it doesn't have to be the final one, things can change. I just feel like I'm approving you know. I don't know, at the end we're the planning board and there were no plans, I feel I feel like I need something so, and again with I understand how the eventual resolution may may be a max rather than min, but I would be really helpful just you know, are people going to go, although, can you walk from one end to the building to the other what's what's the thought it's kind of the concept in and help me a little, a little bit with that.

Michael Sirignano: Do you want to, Bob do you want to jump in and just give the board the concepts of how you would lay out four apartments however many bedrooms they may contain.

Bob Eberts: Yeah, we do not see a center hall at all, we see all exterior entrances. Right off the parking lot, if that it's there, the sidewalks that are there so really, we're just changing the exterior windows, to allow egress windows in the bedrooms that are around the perimeters so the kitchens will be interior, the bedrooms will be exterior bedrooms and living rooms will be exterior. It's pretty simple layout I think it's just that we don't know which bedrooms go with which units, so we don't know whether there's going to be three-bedroom units, maybe even a one-bedroom unit might happen. And, and until we do our our marketing, you know it's tough, to say that, so how many entrances will there be, we really don't know yet.

Jerome Kerner: I'll ask, Bob your plan shows four doors so that substantiates what you're saying, there are two on the North elevation and two on, the South elevation.

Bob Eberts: That's correct.

Jerome Kerner: So yeah, so these are like mainsonnettes if you will, where you can walk in right off the street, with no. So, I mean you've gone to a lot of detail on the elevation, it seems to me wouldn't take much to just block out the the four units and satisfy what Janet's talking about to clarify that's feasible, it's not a big deal.

Bob Eberts: We'd be happy to do it.

Janet Andersen: Thank you so much, and then I think, because we one of the items is to refer this to the building inspector, and I am sure that the building inspector is going to want to see the lay out as well, so and recognizing that it might not be final but I think it would be, it would be helpful to have at least a working idea, a vision to to base this on.

Michael Sirignano: Just I can quickly take through the paragraph five of Jan's memo where he listed a through e and just finish up on that part of the presentation. Phil has provided the town board, the supervisor, the acting, the deputy supervisor with a lot of information about water and sewer.

Phil Pine: Excuse me a second.

Michael Sirignano: And it's on the agenda for November 22nd. For the town board so before we, the public hearing is open, we're certainly going to have feedback from the town board on that. I'm going to skip over five b for a moment, come back to it, five c. Yes, we are going to get to something from the health department, which will tell you and us whether any approvals are required, once we Bob develops his plan. Five D. We've requested actual meter readings for a three-bedroom unit within the existing condominium development we don't have it, yet we should have that information certainly before the public hearing, and it, we'll provide it. Jan's memo notes, and I think this came from from the the the chair at the last meeting, a request about what the actual restaurant readings, meter readings were. We just don't see that that's relevant at all, as Jan points out the DEC standards show that we're significantly, going to be significantly less water usage and sewer. And so, the what the restaurant did whether it was a healthy restaurant or not so healthy restaurant I think that's particularly relevant, and so we, we would ask the board to to waive on that. Five e. Yes, we if this works if these rental units are in demand and they rent too, Phil is certainly going to come back to you with a new plan from Bob to convert other commercial space into residential space and if, when and if we do that, we will certainly and will agree now, but we will then certainly reconfigure the parking lot to eliminate unnecessary and non-required parking and make improvements to the landscaping and lighting. Also, the and now I'm going back to five b which I skipped over in terms of the minimum of three electric vehicle charging stations. Phil will do that as part of any future proposal, not with these original four, but we will commit today to doing that, as part of any future conversion of additional units beyond the four. And and and we, we will agree today to calculate these four in and add them to any additional units in the future, for purposes of affordable housing unit calculations and requirements so that's our quick overview of Jan's comments. Phil what did I miss.

Phil Pine: Just quickly, since we spoke earlier, the town did send over the usage for the Boulder Ridge units. We did get it we weren't able to determine which were three bedrooms and which were two bedrooms so just and putting together a calculation, the numbers. I said everything was a two bedroom which obviously make the numbers higher, and the numbers are coming in at less than half of the 110 gallons per bedroom that the health department uses, so you're going to be I don't think we're going to get 12 bedrooms in there, but let's assume we do, you're going to be in a 600 gallon range, not the 1,300 gallon range. The we are on the agenda for with the town. On the usage, on the capacity which, when we left the meeting last time was my understanding that you wanted me to go back to the town and get the town to agree that there was capacity or not, which is what we're doing, and at that point, I thought that was the issue at hand, and we should have that. Hopefully we'll have that one one way or the other at the November 22 meeting with the town board that they have the numbers. The plant is using 33,000 to 37,000, billing excuse me 33,000 to 37,000 gallons per day, the usage is significantly higher because of backwashing and there's. I mean this need needs to be looked at, but it's in the 57,000 gallon range is what what the wells are providing each day. So, there is, I mean we're looking at 600 gallons compared to the total is 80,000 gallons for the plant and you're at 57,000 gallons per day, the usage is there and that's what the town board is going to hopefully say on next week. So you know, I was hoping that that would be enough to satisfy you this to change of use in a building that exists without you know and I'm obviously trying to do, do

business here, I can't market this without knowing that we're going to be able to get this, something likely needs to be done with that.

Janet Andersen: Yeah, I think the, you know, the town board, I still see as the ultimate sort of management authority over the water system, and so I think part of it is to make sure they're aware and that they agree that this is a reasonable thing to do so, it sounds like you're on the path to do that and.

Phil Pine: So if we do get that from them on the 22nd will the Board, is that enough for the board, which is what I thought it was when you know from the last meeting.

Janet Andersen: I think that's that's our intent is to get their agreement that this is an appropriate change of use and that they understand the water requirements which you've laid out for us.

Phil Pine: And for them. We gave them all of that information.

Michael Sirignano: And I'd also note that the county planning board referral letter response of October 25th does contain the following comments, just in case any interested people are listening, that the comment from the county was affirmatively furthering fair housing, that's that was their primary comment on our proposal to convert to for additional units.

Janet Andersen: I think one of the things that we kind of skipped over, I'm sorry Jan, did you want to say something?

Jan Johannessen: Just that I think that the more crucial numbers are the actual water usage for the the residential units and not you know what the restaurant did during its peak you know, several years ago, you know if we know the actual water usage of of three-bedroom units in that particular development. I don't know what else what other you know what what the restaurant numbers really do for you, you know.

Phil Pine: That's what the town board is asking for and we just got that again at 4:30 this afternoon we'll have that over to me came from the town, you know from the billings of the town over the last two years.

Janet Andersen: I think one of the items that we should probably address is the use of the fitness center as a recreational amenity that would offset the the fee to the town. I tried to go out and look up lakeside fitness, I don't didn't see any reference to it in a website, Facebook. You know no sense of fees. I one of the things I worry about is what happens if that goes out of business and we or and and is that really what the intent of the recreational fee is, I think the the intent of the recreational fee is to provide an amenity to the community, not necessarily just to the people who happen to live in that, in that particular apartment, so I do have some concerns about that. I don't know I mean I think one of the things we might want to do is ask the building inspector whether that's an acceptable interpretation of the code and and see that so. Oh, I have two hands up okay Charlene. You're muted, you're still muted, Charlene.

Charlene Indelicato: I agree with you, I don't think that a recreation fee was meant to benefit private individuals, it's meant to benefit the community at large, so I I don't see that as a possibility, in my mind.

Janet Andersen: Jerome, you had your hand up as well.

Jerome Kerner: I also agree, and I think, if they, especially if they're three-bedroom units that would imply that would be a range of ages: children, maybe old folks and sandwich generation and that. There are existing recreational facilities on the property and the question is how, how are they being utilized, are they underutilized. And I think the applicant needs to substantiate that perhaps they could add to those existing facilities if they're within a reasonable distance, as opposed to recreating it, but maybe, maybe a small sitting area, playground for

children, or you know some way to create diversity. And not just deal with you know middle aged people who want to go workout on the treadmill.

Phil Pine: So, when you say, recreation facility on the shopping center property or.

Jerome Kerner: Well, what you have, on the overall property in the Oakridge Condo they, would they be willing to share those facilities for additional units, or would they say to you know they're not adequate, we need you need to have more square footage so that I think it has to be my mind it's one large complex, multi-use complex.

Phil Pine: You know, we did that. We did that, with the townhomes, we actually made a deal with them and we're paying our proportionate share, to be able to use the facilities over there. It's difficult because it's all good you know it's a condominium that has to vote to do it, it is a difficult one. We would certainly be happy to do the same thing we did before and reach out to the to the management company, but if you're not happy with the fitness center I'm not, I wouldn't object to going back and just paying the recreation fee. If there are other alternatives that this is, this is not going to be a stumbling block. To here the the. Again, at the last meeting we talked to water, we were talking capacity I think that's going to be resolved in a week, hopefully it's going to be resolved with a week because the numbers are so low compared to you know the plant, the capacity of the plant. I wouldn't the recreation facility will try to go back to the condos and see if we can do something over there, that have not if you're not happy with the fitness center. We can certainly just pay the fee and go forward, but you know I'd like to just the process itself I'd like to just see if there's any way we can get this use, to change of use from the restaurant to residential. It's not like we're building anything new, so the process, it is very difficult, not being able to do anything with that space.

Janet Andersen: Charlene, go ahead.

Charlene Indelicato: Mr. Pine, I understand that you don't want to put in three EV chargers and you're promising that if in fact you do anything with other units, you may not mean maybe in two years, would it be possible to do one charger.

Phil Pine: it's just figuring out how to get the electric to the chargers, where we're going to put them, you know becomes a site, you're doing site work to get them. so. Again I'm favor, I like the idea of the chargers it's just we're not really doing very much site work right now to do that so. It is something, and when we have another 16,000 square feet and this building that needs, needs to be utilized one, you know, for something, this is a stepping stone to see, you know, how this works. I think it is the right use for that area and again I'd be happy to do that all three of them when we're doing something more substantial within the shopping center and I would be happy put that in writing.

Janet Andersen: Okay, so I'm going to try to, so first of all I do notice a member of the public has their hand up, this is not a public hearing. It sounds like we may be on our way to making a public hearing at which point comments will be welcome, and of course you can always email at planning@lewisborogov.com, thank you. So I think what I'm hearing is first of all, we want to refer this to the building inspector. I don't know if we want to wait till we have apartment interior plans or whether we can do that, you know, now. But I think I've looked for consensus to refer it, and perhaps the the the interior plans can be forwarded subsequently, so thumbs up or yes or something if you agree to send it.

Jerome Kerner: Okay, just clarification Janet. I think, to stress that the interior plans for egress, access and so forth are building department issues building code and building department and so we'd like them to be included in any submission that goes to the building inspector, for it to be meaningful review, we can see it later.

Janet Andersen: I think.

Bob Eberts: As I understand it, you're looking for a zoning review, though.

Jerome Kerner: No.

Bob Eberts: Building, a building permit is being issued much later and that's when all that will be addressed in detail.

Jerome Kerner: Bob, in fact though, the point I think the point that's being made here, maybe it's indirectly, but when you look at the square footage of this, of this restaurant. When I see division walls here, I see a lot of blank walls without exterior exposure. And when you put three bedrooms in, and we know that there's a ratio of of light and air and also egress that have to be provided for each bedroom. And it looks to me like it's going to be a stretch. I don't know if you've set a pencil anything out, but I think we might be talking about fewer units with the using the perimeter and I don't know what you're putting in the middle, but I think let's get real here and look at the plan. That's what we're saying. We want to, we want to send something to the building department that that works and not have him tell us hey what are you guys thinking about here this isn't gonna work, so let's get real.

Phil Pine: I think the, asking for the four three bedrooms don't think we're really going to end up with four three bedrooms, it's just giving us the flexibility, so I think like we said, if you end up with with to two bedrooms or or one bedroom, thinking we'll end up with 10 bedrooms and we'll be able to make that work within that existing space.

Jan Johannessen: Phil we can't have a resolution that approves 12 if we're we're not...

Phil Pine: I understand.

Jerome Kerner: You've got to have a plan. You put a lot of ink on paper on the for elevations assuming that we're not going to be looking at practicality, we don't approve the interior floor plan, but we'd like to see how this would break up and before it goes to the building inspector.

Michael Sirignano: All right, what why don't you we you refer everything, initially he's got to make an analysis of the zoning whether to use is permitted, whether the density is permitted, whether the backs are changed or or things like that, so he can certainly start on that while Bob comes up with a preliminary layout.

Janet Andersen: And I think we did. We did just agree to send it, refer this to the building inspector. Did we want to and and you know we'll look for the the plans to go along, and I think I you know the point we don't want to approve a blank check or something that we have no idea what what is really going to look like. I think it's up to -- we've sort of beat that into the ground. Okay, then the next thing is, we have talked about a public hearing. Is this. Do you think that, I look to Jan to say if, do you think this is ready to go to a public hearing, or that we can schedule one for this?

Jan Johannessen: I would think of public hearing could be scheduled provided the applicant provides responses to the comments, between now and and the hearing.

Michael Sirignano: And we feel we can tick off almost all of these, if not all of them address all Jan's comments quick rather quickly short turnaround.

Janet Andersen: Yeah and I and and you know the electrical charging and the, I do is I do understand that if you you don't want to tear up asphalt and re-lay stuff if you're going to end up redoing and looking at a different kind of landscaping. But I think that the market is moving towards expecting electric amenities, and that there are enough grant and other opportunities out there, that I do encourage you to stay aware of that, you know and and

maybe the time is better sooner than later. Okay, so should we set a public hearing in December, is that what we're saying. And does the board agree.

Gregory La Sorsa: Do we even have enough time for that?

Jerome Kerner: Thirty-day notification.

Jan Johannessen: It's over a month away.

Judson Siebert: Yeah, the 21st, we should.

Janet Andersen: For the month, I think we should be all right. Okay, any anything else on this. Think I got all of the items we have talked about.

Judson Siebert: So we are gonna. We are going to proceed on the 21st for the the public hearing?

Janet Andersen: If if we believe that they applicant can get the information to us, which I think I heard them say and then get notices out.

Jerome Kerner: What is what is the official paper now and when do they come out.

Janet Andersen: The official paper is the *Record Review* and.

Jerome Kerner: They come out on Thursday.

Charlene Indelicato: Friday.

Gregory La Sorsa: Why, I don't think we're going to really get this done. I mean I'll maybe Michael has a better idea about what he can get done but. I mean I'm, a holiday in the middle of it and.

Jerome Kerner: I agree.

Ciorsdan Conran: The mailings go out 15 days before the public hearing, the sign needs to be posted seven days before the public hearing, and the publication is five days before the public hearing.

Jerome Kerner: Just five days. Well that's not a problem.

Michael Sirignano: Yeah, we can do it.

Janet Andersen: Thank you Ciorsdan helps, that helps us assess the doability.

Jerome Kerner: Okay.

Janet Andersen: So we'll plan for, plan for December.

Ciorsdan Conran: 21st.

Janet Andersen: December 21st yes okay anything else on this.

Bob Eberts: No.

Janet Andersen: Okay, thank you.

Bob Eberts: Thank.

Phil Pine: Happy Thanksgiving everyone.

[The Board reached consensus to schedule a public hearing on this matter December 21, 2021.]

IV. WETLAND PERMIT REVIEWS

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

(1:50:52 - 2:05:38)

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 owners.]

Janet Andersen: Okay, the next item on our agenda is a wetland permit review calendar number 30-20WP, calendar number 05-20SW, the Stein residence, 51 Pine Hill Drive, South Salem New York. This is the application for the construction of a single-family home. And I did see Brian.

Brian Hildenbrand: Yes.

Janet Andersen: Brian you've moved at the people go off and all the squares move alright, so this is Brian is on.

Brian Hildenbrand: Yes, so. For the record, Brian Hildenbrand, the engineer for the project. Since our last meeting the board discussed the site walk, since the site walk, we submitted revise site plans. One to include the boards comments from the site walk and also to address the the Kellard Sessions memo. So, what we did. I'll go out to share my screen. So, I'll just run the board quickly about the changes that were made. Can everyone see my my screen?

Janet Andersen: Yes.

Brian Hildenbrand: I can zoom in. Okay. So, the major changes that we did where we shifted the house, again here's our lot, there's an existing common driveway. There's two other houses, this is the third and final house on this common drive, we have our septic in the front yard, we have a NYSEG easement in the rear. And our wetland is located to the the North, page left, there's a local wetland and also a DEP watercourse which is their 100-foot buffer is this red line. So, what we did is we shifted the house as far away from the wetland as we could and still with still meeting zoning setbacks and fitting our septic components in. We changed the driveway to gravel because the driveway is closer to the wetland and entirely in the buffer, we made modifications to the storm water system. Previously we had a rain garden, we changed to an underground infiltration system. This limits the reduces the amount of disturbance required so that helped. It does overall reduce our impacts on the buffer. We also prepared a wetland mitigation plan to offset and meet our one-to-one requirement. We do have some work to do on this plan based on on Jan's comments, but we have no issues addressing those comments.

Janet Andersen: Um. I believe, Jan, you have a memo on this.

Jan Johannessen: Yes. Yeah, we thought the modifications to the plan were very good, moving the house over to the extent possible, shifting the house, shifting the driveway all resulted in less impacts to the wetland buffer, so I think the you know the the location of the improvements certainly are are better than they were, and we support kind of the conceptual layout there. The wetland mitigation area, we felt needed to be more densely

planted than shown. And there's a there's a wetland, on, you know, looking at the plan upper right-hand corner off site. It's a DEC wetland I don't suspect that it's going to come into play, but we would like to see it mapped. You know the approximate location, based on the DEC wetland maps and the buffer associated with that just to document it and then the properties in the DC check zone so we'll need confirmation from the DEC that the project doesn't require a DEC wetland permit. We had some minor comments on the storm water, but you know this is definitely heading in the right direction. And really, it just came down to making some improvements to the wetland mitigation area and fine tuning the storm water and locating that that off-site wetland and confirming that no wetland permits are required with the DEC. But definitely an improvement from from the first go around.

Brian Hildenbrand: And just to jump in I did meet with DEP last week, with Andrea and Miriam. We walked the site and we walked the water course they had no issue with what we show as far as the water course they just want to see what happens. A little you know the extend the view a little bit, with some GIS topo so once I get them that figure they're going to issue their, you know, no jurisdiction letter, so that isn't, it's in progress and we reached out to DEC just to get their their verification and we'll be sure to show that wetland moving forward, that DEC off site wetland.

Jan Johannessen: Great.

Janet Andersen: Yeah, I agree that that this is a very responsive plan to the concerns that were reported back after our site walk so I I appreciate that. I, I'm looking, I believe the CAC had a memo on this, John do you have any comments on this?

John Wolff: Our memo was pretty positive. We, we, you know that, basically, what Jan said. A significant improvement over the previous plan. I think I think the only other comment was about some of the trees being removed.

Janet Andersen: Right, and I think that addition, you know if some more plants go in as part of the mitigation perhaps a couple trees can be added as part of that. Okay, any any comments yes Jerome.

Jerome Kerner: Perhaps you could clarify, there's a note that says a NYSEG easement and it shows a single line there and usually easements have a width to them, not just a single line, what's going on there?

Brian Hildenbrand: There are overhead power lines that traverse the property and actually you know we're looking what I call out as the closest easement line there's there's two. I just can't zoom in at the moment we have a reason to show.

Jerome Kerner: That's not the center line of the of the overhead line, though right?

Brian Hildenbrand: No, the poles these dark tick marks here actually the the power lines poles and so they're within the easement which is this dashed line.

Jerome Kerner: Okay, Okay, I just isn't wasn't clear on the plan with what the extent was to the north, I guess that is.

Janet Andersen: So, Brian, have you had any communication with the neighbor on this?

Brian Hildenbrand: No, not since our, I don't believe the owner has has made any contact, I have not.

Janet Andersen: Okay um. Because I think. One of the things we'd like to do, I mean this seems like it would be a candidate potentially for administrative, but I think we'd like to know, especially when when we've heard from a neighbor or well yeah Jan actually heard from the neighbor when he was out looking at the site. You know we'd

like to have some validation that the, that the neighbor has, is aware of this and you know if they have or want to make some comments, they have a chance to make comments to us so. I I, it would be helpful if you would reach out or the applicant or the owner would reach out and and kind of let the neighbor know what's going on, and that if they have any concerns, they can send an email or contact the planning board.

Brian Hildenbrand: Yeah okay.

Janet Andersen: So.

Brian Hildenbrand: We just copy the town or anything we send. This way there's a record of what gets sent.

Janet Andersen: Um well because I mean I think if we were to do a public hearing this would be basically to get that one person's comment so I'm hoping to say rather than go through the public hearing process, perhaps we could um get get some kind of you know, information and then and then have this go administratively. I guess I'll ask the other board members what they think, I mean, I think it is certainly improved. I'm not sure we'd get much feedback, again, I think the public hearing will be sort of to notify the one neighbor and I'm like that's that's not necessarily the purpose of a public hearing.

Jerome Kerner: I agree Janet I mean there's one house to the east that's now quite close.

Janet Andersen: Yeah.

Jerome Kerner: I don't know what the distances, but oh it's it's probably it's about 100 feet, I guess.

Brian Hildenbrand: Um sure I mean we could do that, is there a risk that we do go that route, and then the public hearing is still required, my question would be.

Janet Andersen: Maybe if you could stop screen sharing, we can see each other. I want to see what the other board members think about this. Do you have any any views I'm, yes Charlene?

Charlene Indelicato: Can we make it sent administratively to Jan if he accepts that are subject to the um the um maybe a letter from each of the neighbors?

Jan Johannessen: I've been in that position before and I've received letters that you know, after a projects gone administrative that letters from the neighbors that have, you know identified concerns and comments and then I'm know kind of position that it has to go back to the board, so I prefer that you either, either have the public hearing or get the letters prior to referring it to my office.

Judson Siebert: Yeah, I agree with Jan, that that puts you know that puts Jan in an administrative position in a very tough spot to then be having to vet you know what correspondence from neighbors you know. You know what's waiting to be recorded and so. You know if we if letters that are supportive, or at least neutral to the application can be submitted before you make that determination. And it's up to the applicant to determine how to obtain those we can go that route, or I would say just do a public hearing.

Janet Andersen: I'm thinking that, in the interest of time, if we say go get a letter and then they don't like them, and then we say so maybe we just schedule public hearing.

Judson Siebert: Schedule a public hearing.

Janet Andersen: For December. We've sort of demonstrated; we think we can fit that in. I expect you know the neighbors will be able to comment, if they want, and if we don't get much

Judson Siebert: And then, I said it earlier, with the direction to Jan or myself to draft a resolution.

Gregory La Sorsa: Well, do we need a resolution to go administrative?

Judson Siebert: Or or or yeah or just be prepared to go administrative, and I believe, I'd leave it to Jan, I guess, which way he would prefer.

Jan Johannessen: I don't have any, does not matter to me, one way or the other.

Judson Siebert: So why don't we just conduct a public hearing in December. That decision can be made.

Jerome Kerner: Right yeah I mean looking at the overall site plan to that area, this is really two houses that have any impact whatsoever, so I don't think there's much chance that the but I think we should hear them.

Janet Andersen: Okay, so we'll set the public hearing for, and if you haven't been through this process with us Ciorsdan will be very helpful at getting you to the public hearing setup okay.

Brian Hildenbrand: Okay sounds great.

Janet Andersen: All right, we'll see you next month great.

Brian Hildenbrand: Thank you everyone.

Janet Andersen: Thank you.

Charlene Indelicato: Happy thanksgiving.

[The Board reached consensus to schedule a public hearing on this matter December 21, 2021.]

Cal #48-21WP

(2:05:39 – 2:14:54)

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

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

Janet Andersen: The next item on our agenda is another wetland permit review, and that is calendar number 48-21 WP, Clark garage, 68 East Ridge Road, Waccabuc, New York. This is the application for a garage. And and. Hi there's. And is Mike on as well.

Michael Wetzel: I am.

Janet Andersen: So, we got the, we did get a, now the the actual plans that I think you showed us last time but we hadn't received. And I think we again have. So, since you showed it to us last time and now we got to actually look at them, I don't know if we need to see them again, or if we can go right to any comments from Jan on this.

Jan Johannessen: Happy to go through the comments if you'd like me to.

Janet Andersen: Yes please.

Jan Johannessen: Now the first comment is regarding notes that remain on the plan relative to the accessory apartment, which I believe has been removed from the application, so removing those notes from the plan would be appropriate. Now that the, well, let me just back up and that the prior iteration of the plan included a detached three-bay garage and access off the existing driveway. That plan, after conceptual review by the board, has been modified so that the the garage is now attached to the home, the apartment on the second floor has been removed, and they're relocating the driveway to the kind of the central portion of the lot so that it's the majority of the driveway is outside of the wetland buffer. So, the existing driveway is in very close proximity to the wetland. That will be removed, restored to vegetation of some type. I'll need to discuss that restoration with with them, and the driveway relocated so that much of the driveway's outside of the buffer. So that relocation of the garage and the relocation of the driveway are significant improvements from the initial iteration of the plan, so I just want to make everybody aware that. And then the obviously the connection to the septic system goes away because the the driveway or the the apartment's being eliminated. So, I view those are all very positive things.

There is a wetland delineation on the plan, we have asked that the person that delineated the wetlands and the data that delineation be noted on the plan. They haven't yet developed their wetland mitigation plan, but they'll be responsible for preparing that and preparing a plan that provides a 1:1 wetland mitigation, although I think that there should be some credit for relocating the driveway outside of of the buffer because I think the garage probably could be accessed via the existing driveway and they've done that to kind of better the plan and as a response to comments from from the board. The wetlands are off site, they are regulated by the DEC so the DEC will need to confirm the wetland boundary and their wetland validation block will need to be included on the plan and signed by the State DEC. The limits of disturbance associated with the project need to appear on the site plan and the area of disturbance associated or the area of land disturbance denoted on the plan, that way, we can determine whether a storm water permit is also required and the project is in the East of Hudson watershed so any disturbance over 5,000 square feet would require the preparation of a storm water pollution prevention plan and the filing of a notice of intent with the DEC along with the town's local stormwater permit. An erosion sediment control plan needs to be provided. The applicant should as as we require in all cases mitigate stormwater runoff from the roof of the proposed garage. There's there's some comments about our office witnessing the soil testing for for those improvements. That's that's really the majority of the comments. I think the plan is is far improved from the original iteration and it's just kind of dealing with some of the details at this point.

Janet Andersen: So, previously the the plan was reviewed by the ZBA and got variances. I don't know if we need to send it back to the building inspector, if there's anything that might pertain to it a garage that's attached to house, as opposed to separate.

Jan Johannessen: Yeah, the the variances that they obtained, the town has a requirement of 600 square foot maximum on a detached accessory structure, so they got that variance which goes away now because the garage being attached to the to the house. There's also the Town also has height limitations on detached accessory structures which are more restrictive than principal dwellings, but now that the garage is attached to the house the height requirements for the house, are going to kind of govern that 35 feet or two stories. So, I suspect that both of those variances are probably no longer applicable. But it's for the building inspector to determine whether you need to make that formal referral, or I could just communicate with the building inspector to see kind of where it's going, you can handle it either way.

Janet Andersen: Um well, the only thing I would say is, well, do we need to hear back from him and I guess if you handle it, so the fact that you're saying, maybe handle it informally, does that mean that you would be ready to take this administratively?

Jan Johannessen: I would, I'd be comfortable taking it administratively because of where the project's going from where it was and just knowing what we're dealing with the details associated with the storm water. Again, I think that a lot of the mitigation should really. A lot of the mitigation, I think, is come about and revisions to the project design and relocating a driveway. So, I'm pretty comfortable with where it stands now.

Janet Andersen: What do other members of the board think.

Jerome Kerner: I'd be in favor of an administrative review.

Janet Andersen: I think you have to make a motion if.

Jerome Kerner: I'd make a motion that we do an administrative review.

Janet Andersen: I'm sorry Greg.

Gregory La Sorsa: I said I think we're gonna run the table with administrative.

Janet Andersen: Okay. So.

Jerome Kerner: Do we have a second.

Gregory La Sorsa: Which means I'll second it yes.

Janet Andersen: You know this is pretty hard to run this when I have to run the table all right so.

Gregory La Sorsa: It's a sports metaphor, I'm sorry, it's a pool metaphor, it's a billiards metaphor. Knock all the rest of the balls into the holes.

Janet Andersen: Got it. So. Any further discussion on this, the motion made by Jerome seconded by Gregory okay so I'm going to poll the board, Charlene. Now okay so you're muted, but I hear Aye, right?

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Aye.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Yes, and I also say approve this going in administratively, so thank you and thank you Jan for taking it on. And, yes. So, I think we're we're done here.

Michael Wetzel: Yeah, thank you.

Jennifer Clark: Thank you, happy holidays, happy thanksgiving.

Janet Andersen: Yes, yes, happy, thanksgiving to you.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board determined that the construction of the Clark garage at 68 East Ridge Road, Waccabuc, will be handled administratively under a permit issued by the Wetlands Inspector.

In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa and Ms. Indelicato. Absent: None.]

Cal #53-21WP

(2:14:55 - 2:14:15)

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.

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

Janet Andersen: And next item on the agenda, also a wetland permit review is Calendar number 53-21WP, the Nitta Residence, 10 Lambert Ridge, Cross River, New York. They have asked to be adjourned to December.

Cal #70-21WP

(2:14:16 - 2:29:56)

Gardner Residence, 23 Waccabuc Road, Goldens Bridge, NY 10526, Sheet 12, Block 11360, Lot 12 (Laura and Todd Gardner, owners of record) - Application for an addition, pool and patio.

[Bob Eberts, AIA; Beth Evans, Evans Associates; and Alan Pilch; ALP Engineering; were present on behalf of the owners.]

Janet Andersen: So, we're going to keep moving to calendar number 70-21WP, the Gardner Residence, this is at 23 Waccabuc Road, Goldens Bridge, New York, this is an application for an addition, a pool, and patio. And I see Bob Eberts, so I guess.

Bob Eberts: Yes, how are you tonight?

Janet Andersen: Good. Go ahead.

Bob Eberts: I could introduce the the project to you if you'd like. Okay I'll share the screen if it's alright with you and pull up a site plan. The the property is in a R2 two-acre zone and it's a six-acre triangular shaped property on Route 138 not too far from Billingsley Trail if you know where that comes in.

Janet Andersen: If you are intending to show it, I don't think it's showing up.

Bob Eberts: You're not you're not seeing it. Let's try that again. Still not?

Janet Andersen: No.

Bob Eberts: I wonder what's going on.

Jerome Kerner: Here I can show it.

Bob Eberts: I'm hitting share but it's.

Jerome Kerner: Here it is.

Bob Eberts: Well, thank you very much appreciate it, Jerome. Yeah, so this is a six-acre parcel triangular shaped, it's got a stream running from one end of the property to the other in the back of the property, the existing house is a two-story frame house sitting fairly close to Route 138. The driveway comes in, from the extreme right side and loops in to the side of the house. There's a septic system on the right side of that that driveway over there, and what we're proposing to do is add a 10-foot addition on the back of the house with this extra little five feet bump

out and then, put a new, remove the existing deck which is, which is fairly large, sticking out out the back toward the wetland. Instead we're going to build that more on the side of the, the new deck on the side of the house, and then add a pool with a pool surround on again on the left side of the house. In the area that we're talking about doing the the pool and the pool surround, the grade is very flat in that area and there's only true two trees that have to be removed. So, it's a pretty welcoming site for that pool. Almost the entire site is within the 150 wetland a buffer, town wetland buffer and, most of it is also within the hundred-foot New York state DEC buffer as well, so we really can't, can't put the pool or the the addition somewhere that's you know, beyond the beyond the the wetland boundaries. If we moved closer to Waccabuc Road with with all this, then we'd be within the setback, the front yard setback, so, you know, we really don't have much, much choices to move to add to the back of the house and put put the pool on the left hand side. The the drainage we're anticipating handle handling with two rain gardens, one on the left, one on the right, on the right would would handle the primarily the building run off and the one on the left would handle the pool surround run off. Now the the way they're shown right now they're a little too close to the septic and to the existing well. So, we're going to push those a little bit further to the right and and again, further to the left. In your next submission you're going to see that, but it won't affect any trees or or anything else other than just moving those a little bit wider away from the the rest of the construction. I think that will do it for initial presentation, are you comfortable with that.

Janet Andersen: Yes, thank you um. I I did notice when I looked at the parcel maps on Westchester County, they they mentioned a cemetery on it just sort of says cemetery I think what would be to the left of what we're seeing here but, perhaps you could comment, or is there, do you know of anything that would that would be out there that. Why why it says cemetery on the parcel map from Westchester County?

Bob Eberts: There is a cemetery that's that's further along, further west on on Route 138 but I on on this side of the road, but it's not on this parcel that I'm aware of.

Beth Evans: Beth Evans. I walked the parcel and did not see anything that looked like an old cemetery.

Janet Andersen: Okay, I mean again this is Westchester County's map, so it might be off the little bit. I'm sorry, did you mention what kind of pool is this, is this chlorine or salt?

Bob Eberts: This, they're thinking they haven't decided firmly yet, but they're thinking of a saltwater pool.

Janet Andersen: Okay, I'm I'm generally more concerned about drawdown when there's salt, you know it never, you can get rid of chlorine, but salt sticks around. Just so that would make us be a lot more alert to any you know drawdown arrangements and proposals there. Another thing I noticed, just as I looked at this, that there is an underground storage tank, not really where you're working but towards the yeah towards the, I guess towards the road from the house. It's right at that corner there, and I was wondering, since there is going to be quite a bit of disturbance, whether that was any consideration had been given to maybe taking the tank out and putting it in a different spot. Yeah, that the cursor is right on it now.

Bob Eberts: We had, we had not discussed removing that tank. And now there's not going to be the the construction will all go around the back of the other property and other residual we're going to remove that deck first and then build the pool, after we removed the deck so everything's going to be going around the back where the addition will be. It's the grade really doesn't allow you to come around the front so there's not going to be any construction work that comes comes in that area. That will be the the deck piers, of course.

Janet Andersen: The closest, the deck piers. Oh, I see. I noticed that and I didn't know if that was a consideration while so much other activity was going on. I think we do have a comment letter again from Jan on this so maybe you could go through that.

Jan Johannessen: I won't go through; we had a number of comments I won't go through all of them. I think the the plan that was submitted is more conceptual in nature, we're still looking for the storm water to be designed, a wetland mitigation plan to be prepared, I assume that's why Beth and Alan are on tonight, so I know that's forthcoming. We do have a DEC wetland involved here, so they'll have to do their due diligence with the DEC. So, you know those things will you know, will will come and we'll review them. I didn't know if there is any potential for reducing the amount of cover associated with the terrace by potentially pivoting the pool 90 degrees and maybe shortening up the terrace a bit just one idea but. You know, as more information is submitted, we'll we'll take a look at it, I know, Bob had mentioned to me on the phone that there was a good opportunity to remove invasives on the property, Japanese barberry mentioned so it's good form of remediation. So, we'll see see where it goes. I'm familiar with the property passing by so often but the wetland boundary look good. We'll wait to see the details, with a stormwater management plan and the wetland mitigation.

Janet Andersen: And we also got them memo as I recall from the CAC, John is is there anything that you feel should be added to our discussion so far.

John Wolff: On the I guess the thing is to see identification of the trees, that's unknown. That might have an influence on the mitigation plan, but most of what we said was similar to Jan.

Janet Andersen: I had a little problem hearing you at the end there, could you speak a repeat it, a little louder.

John Wolff: Yeah I think most our comments are in line with what Jan said, you know we'd like to see the trees identified that are removed that would have some impact on the mitigation plan.

Bob Eberts: Two trees are are indicated on the drawings, to be removed.

Janet Andersen: So, it's mostly lawn area that you'd be impacting with this

Bob Eberts: Yes.

Janet Andersen: All right, so. Any comments from anyone else, Jerome yeah you're muted.

Jerome Kerner: Bob it seems like, I mean there's already a significant amount of incursion into the wetland buffer and has there been any other studies. As has been inferred to minimize the further incursion into the wetland boundary. There's a lot of outdoor living here this and you know there's a raised deck with I'm assuming outdoor space where you're showing a canopy.....

Bob Eberts: Yes.

Jerome Kerner: ... and there's a dining, it looks like a dining table with six chairs and the living room outdoors and then you go down the steps to another incredibly large deck around the pool. You know sort of treating this as though it were a property without any wetland constraints and, in fact, there are wetland constraints and I think we're kind of looking the other way when we see this much expansion into the wetlands and not commenting on how the expansion in that direction, seems to me to be inordinately large for for a recreational recreational use, in other words, not for any habitation or something that would make the house. Not that I'm against recreational enjoyment but perhaps there's a discussion we need to have where to look at alternatives. I've said enough, I think you get my drift.

Bob Eberts: I do, we're actually reducing the amount of deck that they have currently by several hundred square feet and we will commit to reducing the pool surround from what's shown now probably another 500 square feet.

Janet Andersen: Right now, the pool surround is about 1,500 and you say you're going to take that down closer to 1,000.

Bob Eberts: Yes, so I'll review with the owner and see if we can reduce the deck area a bit.

Janet Andersen: So, I think yes, between Jan's memo and the comments from the board, I think you have the sense that we feel this is trying to put a lot on this on a constrained piece of property constrained by the stream, I mean which I'm sure you enjoy the stream in the wetlands, but. Okay so um, resubmittal I think it's by November 30 for for next month, if possible, yes. Just checking. So maybe we'll see you in December with an updated plan.

Bob Eberts: Absolutely.

Beth Evans: Thank you, thank you.

Janet Andersen: Thank you. And now I lost okay.

Cal #72-21WP, Cal #21-21SW

(2:29:57 - 2:54:45)

Dayton Pool/Patio, 62 Mead Street, Waccabuc, NY 10597, Sheet 22, Block 10802, Lot 70 (Duncan and Rena Dayton, owners of record) - Application for a courtyard including new pool, fire pit and pavers.

[John Watson, Insite Engineering; and Rick O'Leary; AIA; were present on behalf of the owner.]

Janet Andersen: With that, the next item on the agenda is calendar number 72-21 WP, calendar number 21-21 SW, this is the Dayton pool and patio at 62 Mead Street Waccabuc, New York. This is an application for courtyard including a new pool, fire pit, pavers, and a new garage and grotto. So. Yes, John Watson is on for this.

John Watson: Hi, yes I am. We also have our architect Rick O'Leary, if you could unmute him or allow him to speak. Can I share my screen and walk you through the site plan?

Janet Andersen: Yes, we've had people have trouble doing it, but we hope you can.

John Watson: I'll try. Can you see that?

Jerome Kerner: Yes.

John Watson: Awesome. Right, so this is a property a 62 Mead Street, it is a just over six acres. It's a very odd shape midstream is on the eastern part of the property on the right-hand side of this picture. There is a existing guest house and garage just off to the right and a long driveway that sweeps to the back and goes up to an existing residence. There is an existing wetland on the adjoining property to the east and we're here for wetland permit, because we are within that buffer. I'd like to go to a blow up that area, so this is the existing conditions plan of the house so currently we have a small garage here, a small garage here, and a circular driveway. The main house sits here and then this is a enclosed courtyard with walls around the outside and an existing pool. And this is a stone wall which is the property line, the blue is the wetland wetlands on the joining neighbor's property and the green is the 100-foot buffer off of that wetland. So, in the proposed condition we're looking to change a few things. The house, this garage stay the same, the driveway is getting a minor to work better for getting into the garages and a little motor court here we're also taking down the small garage here and making a little bigger garage and that enclosed courtyard, which was here, is getting this. The southern wall of the courtyard has been removed and pushed out several feet, just to allow for a bigger pool, this is where the pool has currently been and we just want

to make that pool bigger so there's not a lot of new development it's it's basically the realignment of the driveway a little bit. I'd like to actually zoom out and show you both pictures at once, I think that shows a good picture.

Janet Andersen: Okay, so it looks like there are some things going on at the north end of the house as well, I'm not quite sure what I know there's a little infill.

John Watson: Correct, yep there's a little infill and there's gonna be some AC units. Rick you want to address those?

Rick O'Leary: Yes, the yeah the gray area is a mudroom. To the north of the existing attached garage is an area reserved for for compressors and the other there's a path leading from the back, part of the driveway to the garage they'll be a doorway into that attached garage. And can you just slide over.

John Watson: That one I'm trying Rick.

Jerome Kerner: This is good.

John Watson: It's not cooperating.

Janet Andersen: Use the slider at the bottom, maybe.

John Watson: Ah ha. Thank you.

Janet Andersen: Well, maybe not yeah there you go.

John Watson: So, there is a a mudroom addition, this is a little infill off the existing house. So, there's going to be an HVAC equipment pad here, a concrete pad here, and a little walkway from the new parking back into the existing garage.

Jerome Kerner: Now what's the half tone gray area to right of that John. So that septic, it sits over the septic tank.

Rick O'Leary: That that rectangle is a on the ground hot tub that's the way this house is configured the first, the master suite is on the first floor on the back of the house there, where it says open porch. And so, they were hoping to have a small area where you could walk out on grade and have hot tub so there was that's where that the dashed line that indicates area, proposed limited of disturbance.

John Watson: Is that this dashed line here, is this like a patio Rick?

Rick O'Leary: It's just probably just grass and just you know it's it's not designed yet, but it's an area that's reserved for deserve, disturbance it's probably grass, and you know, some stepping stones things like that.

Jerome Kerner: Okay, but it is over a septic tank, and you need to maintain access to that.

Rick O'Leary: Yes, yes.

Janet Andersen: Yeah, that was one of my concerns looking at that was you know, can you still get to all those things, but if it's a walkway. And so there's a septic pump and holding tank so, does this not have fields?

John Watson: It has fields, the fields are further to the north, because of the grade is so flat here, they have to pump to the septic system because it's a bigger septic system that requires dosing so health department, Westchester County requires a septic tank. And then, a separate pump kit and then an overflow tank so if the

power goes out and the pump pit fills up, it will go to this third overflow tank, so this is an empty tank that just sits there but yes, we do need to maintain access to all of these. And it's not uncommon for people to put some type of walkway or a patio over their septic tanks and they just either leave some type of clean out to grade or they just know they have to remove some of their walkway for the pumping.

Janet Andersen: Thank you that's very helpful I I was puzzled by what was going on there. Yes, okay.

Rick O'Leary: That other box by the green line is a sandbox for their son.

Janet Andersen: Okay, and then those three little things right by one of the by the middle of septic tank.

Rick O'Leary: Those are conceptually steppingstones to go from path that leads to the side entrance to the garage to the little private area where that hot tub maybe.

Janet Andersen: Got it okay, I was trying to make something much bigger than then steppingstones out.

John Watson: Okay, so if we go to our actual site plan. So, this is the detail of of what we want to do this reads a little better because we're over, and we crossed over the 5,000 square foot disturbance threshold we do have to do storm water treatment, we did prepare a SWPPP, we're doing storm water infiltration. Over in this area here we're grabbing the new driveway for you in the redevelopment of the patio the development of the driveway patio brings it back to the infiltration system with an overflow out to discharge down by the wetland.

Janet Andersen: Okay um so I this is. This is about to prove that I know nothing at all about stormwater. But when I look at this and I see all those planting beds and I see like a storm water catch basin in the middle of the patio and I'm I sort of it sort of seems to me like you're going to take all the rainwater off and put it in the infiltrator and then you're probably going to water the plants, and I was wondering if there's any way to have, you know, some of the stormwater sheet off or something into the the gardens, this is purely conceptual and you can tell me it's nuts, and to actually you know almost use like parking lots that now use tree islands and islands for stormwater. I kind of looked at that and said, maybe there's a way to do this, that something like that here to kind of you know, use the storm water in a better way and I'm, I have no idea if that would work.

John Watson: That's not crazy at all that's a that's actually a pretty progressive idea. So, what we could do is right now we've done, we've made low points where the catch basins. The difficult part is we have this that whole patio patio areas enclosed by like a six foot stone wall around the whole way, so everything just the water doesn't leave here, we have to get it out by pipes. What we've done is we've created low points in the patio so everything pitches is low points what we could do is possibly pitch them to the planted areas, we would still need structure, we'd still need overflows and provisions for that so that is but that that's interesting and would really be some very similar to a rain garden which, so um.

Janet Andersen: Great subsurface drainage that allows me, you know so you're not soaking wet but you get them wet when they're needed I I. just wanted to know if you'd considered that because it what it seems possible to me, but I I don't know.

John Watson: We didn't consider it but that's that's that's that's interesting and we could definitely, the only reason I think we would not do it is if we can't get the elevations to work with like. the overflow pipes and you might be flooding I you know I don't I'm trying to think it through and it's it.

Jerome Kerner: Yeah John, I think the key would be tied into an irrigation system. On valve control.

John Watson: So yeah, actually I don't even know if they have an irrigation system.

Jerome Kerner: You'd create one, create one within the plant beds have a storage tank and then, when when hydration is required, we just pump it from the storage instead of sending it down to the infiltrators.

Janet Andersen: Right, I mean. That might be more complex and I'm I'm really, I just wanted to get the idea. The other question is, is this a saltwater pool or or chlorine, do you do you know?

John Watson: Rick?

Rick O'Leary: I'm I'm not sure I know his pool it as other house was chlorine, but I don't think we got a final determination on that, I know what is this what is the third type there's another type that's like ionization or something like that what is that?

Janet Andersen: Yeah, where they I think that that is sort of functionally equivalent to a chlorine or bromine or something I mean it's a it's a less chemical but they it's it's essentially... the, the question is, is it salt or other, because any again any kind of drawdown with salt.

Rick O'Leary: I think it was going to be other because his prior pool was chlorine and I think there was discussion of this other, less chlorine like or salt like filtration system, I did I can't remember working on another project that hasn't but I can't remember what it's called right now.

Janet Andersen: Okay.

Rick O'Leary: The pool guy knows.

Janet Andersen: Okay um we did have a memo from Jan on this as well um yeah Jan, did you want to go through the highlights of that.

Jan Johannessen: Yeah, I won't go through all the comments, but the the stormwater look look good, we reviewed the SWPPP we don't really have any technical comments on it, if it changes to incorporate some, or to address comments from the board regards to the irrigation, then we'll we'll look at that. We do need to confirm or witness soil testing for the infiltration system. And we need to see a wetland mitigation plan. You know, we have some other comments, but I won't bore you with them. What are you doing with the pool fences, is the wall high enough, that is, the pool fence is that the idea?

John Watson: Yeah, the was like six foot high.

Jan Johannessen: Okay gotcha.

John Watson: Jan, and I did have a question on the wetland mitigation plan. Because it's a redevelopment project and we're really not doing a lot of new we're not forging into new areas we're just be developing areas we had we still have to do a full 1:1 mitigation.

Jan Johannessen: Well, I mean you're, you're redeveloping portions of the site that are already developed so I don't I don't think so. The code really doesn't speak to that, but you know typically we're we're reasonable, but we need we need some form of mitigation for buffer disturbance.

John Watson: Yeah, we do have some thoughts on that so we'll prepare something and see what you think.

Jan Johannessen: Yeah maybe I mean the the footprint of the patio, the pool is basically the same so you know, maybe it's the disturbance associated with the storm water or you know we'll figure something out but I don't have to provide mitigation for re disturbing already disturbed lawn area.

Jerome Kerner: Well, you know. Yeah, Janet may I speak.

Janet Andersen: Go ahead Jerome.

Jerome Kerner: Sorry, to be so loquacious tonight and the hour is getting late, but we have a what an existing walled garden that's being expanded, and I'm wondering if the only reason for the expansion is to get a larger pool. Couldn't the garage move to the west to the to the west and and maybe compress that one planter bed is a lot of planting in there and and not expand that area that way, we could truly stay say that we're not expanding further into the wetland buffer and we're not disturbing additional areas, the garage would be out of the buffer all together and the area would say the same, why is the requirement to expand that so critical.

John Watson: Oh. From a site perspective, we if we if you push the garage to the west we're going to be into those utilities, we got electric meter and the cable TV and so. I don't think we have enough room to push that over to get it out of the out of that walled in courtyard and still be able to get into the garage there it's already pretty tight getting into there and then Rick, what do you, what are your thoughts on Jerome's comment?

Rick O'Leary: Yes, on the lower left corner of that garage there's a dashed line, which is the the zoning setback, so we enlarged, we're proposing to enlarge it but not go beyond the setback, so that we're not into a territory of asking for a variance, so that was the location of that edge. It is based on the side yard setback, and then the enlargement of the walled courtyard it was kind of irregular that this high wall T-bones into the middle of the building and the other edges of the wall come to the edges of buildings, so we thought it just seemed more logical to come to the edge in a similar way that it does in other places, well there's there's one place where it T-bones into the garage but the other edges come up adjacent to the house.

Jerome Kerner: Right.

Rick O'Leary: But it just seemed to be a smoother connection.

John Watson: Jerome, this is that side-yard setback line right here. survey, so we can we can.

Jerome Kerner: What's the dimensions of that garage? That's that's much deeper, it seems than a what you need for any car today, what what's that dimension Rick?

Rick O'Leary: The width is the existing with which is approximately 24 and it's basically 24 by 24, and so the I don't know John can you use your cursor and just say show yeah that portion of it is an existing garage, and so the concept is to make that like a seating area where you can have a covered that's what we're calling it a grotto it's kind of a fancy name for just a covered seating area. In this case, and then we're enlarging the west edge, the left edge, as far as we can that it still fits a car and a seating area so that's the layout for that. Again, it's basically like 24 for the garage and then there's three feet for a stair to go up into the loft area and then there's maybe 20 feet for the seating the covered seating.

Janet Andersen: But. And Jerome I think your goal was to get it out, so it was outside of the buffer, but I think that dashed line is the hundred foot buffer not the 150 so moving it further really wouldn't make the objective of getting to the overall goal.

Jerome Kerner: The overall goal I had was not to expand to the south. Not to expand the walled garden but leave it and and then by maybe shortening up on the garage you could move the pool over to where that planter is. Time so.

Rick O'Leary: John I think that is 150-foot line, by the way.

John Watson: Yeah Janet that that that is the 150 foot off the wetland.

Janet Andersen: Okay, great okay yeah.

Jerome Kerner: Yeah, that makes sense so.

John Watson: There's existing deck, those existing patio there anyways so it's it's already you know part of that interior courtyard this patio.

Jerome Kerner: I understand, I understand, yeah we We keep talking about no disturbance but we don't actually disturbing that southeast section, well that was all that was my only thought was.

John Watson: I believe I said no significant disturbance, we're doing little things around the edges, but in general we're redoing the parking where the parking is, we're doing the garage where the garage is we're redoing the walled courtyard where that is with the little addition off the, off the south end yeah.

Jerome Kerner: Okay, well, I don't hear any other planning board members commenting so I guess you're right.

Janet Andersen: So I'm one of the things that and I think we could do is is refer this to the building inspector, and I, I can only see Jerome so maybe if you stop sharing, I think.

John Watson: For sure yeah.

Jan Johannessen: We have to send, we do need to send it over to the building inspector but there's some zoning information that has to be added to the plan.

John Watson: We can add that.

Jan Johannessen: Is it, is it possible I'm guessing you don't have this and this this survey in AutoCAD.

John Watson: We are we know we just have a PDF, which is why this looks like it does, we were just wrapping up a field so we're doing a on the ground, real total survey so we're going to have a real plan for hopefully the next submission.

Jan Johannessen: Could you add the zoning information and maybe the setback lines for the building inspectors review?

John Watson: Yup, yup, of course, yep.

Janet Andersen: So, should we defer referring it until with the next submission?

Jan Johannessen: Or maybe they just in the something that when it becomes available, we'll get the plans over to the building inspector.

Janet Andersen: Okay, so we agree, so I am looking for thumbs up, we agree to refer it. Yes, okay good um. Anything further on this?

John Watson: When you referred it, was that a that referral to the building inspector or administrative referral.

Janet Andersen: Building inspector. Not so fast!

Jan Johannessen: Nice one John.

John Watson: Well, it's late, I thought I could slide that in.

Judson Siebert: We're awake still.

John Watson: Jud, nice to see you're here.

Jerome Kerner: Will the real John John Watson step up, please.

Janet Andersen: You know I think I thank you for explaining some of the mysteries and I think I feel a lot more comfortable with what the application is about now than when we started this, thank you.

John Watson: Yeah, one other thing Jan, and it did say to get a wetland permit is required is that true?

Jan Johannessen: That is why you're here.

John Watson: I'm sorry it's late, my bad, a public hearing for the wetland permit.

Jan Johannessen: That is true, the board decides to take the application to resolution if it ends up being referred at some point administrative then a public hearing doesn't happen.

John Watson: Okay yeah cuz I noticed some of the other some of the previous wetland permits didn't have public hearings went administrative, but the but now I understand, thank you.

Janet Andersen: So, one of the ones you might have heard previously if we hear from the neighbors that they're in supportive this, or at least have no objection, it certainly leans the, you know, it leans us towards a, another reason to say it's okay to go administrative, I guess, I would say so. That's that's a the thing that would really help on that, because you do have neighbors sort of in that inside your ell there.

John Watson: Both sides yes. Okay, so the next meeting is December 21, I think.

Janet Andersen: It is, and the submission date is November 30th.

Jan Johannessen: John as soon as you get a plan, we can get it over to the building inspector, you don't have to wait until the submission deadline.

Janet Andersen: Great. Thank you.

John Watson: All right. Thank you have a great night.

Janet Andersen: And you too, and happy thanksgiving.

[The Board reached consensus to refer this matter to the Building Inspector.]

V. DISCUSSIONS

2022 Meeting Dates

(2:54:46 – 3:00:00)

Janet Andersen: Okay, the next thing is just a discussion of meeting dates. So, we have choices of two dates in January and choices of two dates in February. I think the first comment on January was that Jerome won't be able to make it if we choose January 11, but we would be able to Zoom. If we go to January 18 we have Jerome but we're in person, so we need to make that decision. I'm a little, with with only four members I hope we will get a new member by then but I don't know. It makes me a little. You know, then it was really important for the other three of us to show up on January 11 so,

Jerome Kerner: Janet, if the 11th is preferred, I can skip the other, the other commitment is not as critical as the planning board, and I mean a quorum, so I could go for the 11th that's what the choice is.

Janet Andersen: I think people would prefer to Zoom as long as we can.

Charlene Indelicato: Yup.

Janet Andersen: I mean, I know we're gonna have to go there but there's a chance that by February that would be a yeah.

Jerome Kerner: Well I'm good with that.

Janet Andersen: I'm good okay.

Charlene Indelicato: All right, I said. Thanks Jerome.

Janet Andersen: Yes, thank you so it's January 11. And then the February meeting I think is really I think we heard Jud last time Jud said, you said that you were flexible either, either week was okay, so it's all what the what the vacations.

Judson Siebert: I I've passed the torch to Jan. Okay, this is now Jan's issue to deal with I'm an empty nester so.

Janet Andersen: So, we all learn when your house is empty.

Judson Siebert: I would defer to Jan in terms of the schedule and his availability.

Jan Johannessen: I failed my homework assignment, and I just ran upstairs to my wife is still awake to figure out which week we're going to Disney.

Judson Siebert: You're going to Disney?

Jerome Kerner: If they're live I can't make either one, I'm in San Francisco starting the fourth of February.

Jan Johannessen: It's either the 15th or the 22nd?

Janet Andersen: Yeah.

Jerome Kerner: I'm away until the 11th of March from the 4th of February. I'm out of pocket.

Janet Andersen: Which do you prefer Jan?

Jan Johannessen: I'll be right back, hang on a second.

Gregory La Sorsa: Well, it's a very long gap between the 11th and the 22nd does that have any bearing on anything?

Janet Andersen: And I know it's a long gap, but um.

Gregory La Sorsa: Just asking I mean if it doesn't matter, it doesn't matter but I'm just wondering.

Jerome Kerner: How about meeting on the first?

Janet Andersen: Of what Jerome, February? Well, I, when yeah when people have things that tend to go on a cadence, so they are doing something every second or every third or the fourth you know it gets it gets harder when we start moving things around.

Jerome Kerner: Oh, I know.

Jan Johannessen: Don't know when it's scheduled for. Choose whichever you prefer, and if I can't make it I'll get coverage.

Ciorsdan Conran: Could you please Zoom in with Mickey ears on?

Jerome Kerner: We can't zoom, no that will be post Zoom right.

Ciorsdan Conran: Oh right.

Jerome Kerner: Right unless you do a hybrid.

Janet Andersen: Which I understand is very difficult to set up and manage so. Why don't if there's no difference why don't we try February 15 just because as Greg pointed out that that isn't quite as long a period, it's still a little bit longer you know it's one extra week but usually we do it slightly differently and we'll hope that the State will figure out how to get the, how to get us back onto Zoom by then, but that might not happen.

Jan Johannessen: I suspect that that week, that will work out then, I'm sure that the schools are closed the week of Presidents Day, which is the following week.

Janet Andersen: Yeah, I think that's yeah that made it all weird this this month Okay, so thank you so we'll plan on January 11 virtual and February 15 in person, unless we hear otherwise between now and then. Okay.

Comprehensive Plan

(3:00:01 - 3:00:18)

Janet Andersen: I just wanted to make one comment about the the RFPs that were out for the comprehensive plan and just let you know that we did receive, the town received five responses, so that is moving forward.

VI. MINUTES OF October 21, 2021

(3:00:19 - 3:00:53)

Janet Andersen: Okay, so with that we have the minutes of October 21st, I'd look for a motion to approve them. Charlene.

Charlene Indelicato: So, moved.

Janet Andersen: Charlene. Anybody want to second? Okay, Greg, thank you. um any discussion about the Minutes okay um. I'll poll the board, Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Aye

Janet Andersen: Greg?

Gregory La Sorsa: Aye

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

[On a motion made by Ms. Indelicato, seconded by Mr. La Sorsa, the Board approved the minutes of November 16, 2021 as submitted. In favor: Ms. Andersen, Ms. Indelicato, Mr. La Sorsa and Mr. Kerner. Absent: None.]

VII. NEXT MEETING DATE AND ADJOURNMENT

(3:00:54 - 3:01:59)

Janet Andersen: So now our next meeting date is December 21, 2021, and so now I'm I'll look for a motion to adjourn.

Jerome Kerner: Motion to approve the minutes as submitted.

Janet Andersen: We just did that.

Jerome Kerner: We did.

Gregory La Sorsa: Yeah well, I think I know what you're saying I don't think we yeah, but we didn't effectively did that, yes, we've been doing the same manner we usually do, but I think I got it.

Jerome Kerner: Okay. I beg your pardon.

Gregory La Sorsa: I think I was thinking that too, but it's late.

Janet Andersen: Okay yeah, it's late.

Jerome Kerner: Motion to adjourn.

Janet Andersen: That's from Jerome seconded by Greg. Do, I read somewhere we don't really have to poll the board on this, but I'll do it anyway, we don't need to, your correct no, we do okay. Charlene?

Charlene Indelicato: You don't need to.

Janet Andersen: You don't meet you. All right, it's a we're adjourning at 10:32.

Charlene Indelicato: You just say all in favor and do it by acclamation.

Various voices: Aye.

Janet Andersen: All in favor. All right, that's it, and so have a Happy Thanksgiving.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the meeting was adjourned at 10:32 p.m. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. La Sorsa. Absent: None.]

Respectfully Submitted,

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

Ciorsdan Conran
Planning Board Administrator

NOV 17 2021

Town Clerk
Town of Lewisboro

**RESOLUTION
LEWISBORO PLANNING BOARD**

**RELEASE OF PERFORMANCE SECURITY -
SMITH RIDGE HOUSING, LLC/LAUREL RIDGE DEVELOPMENT, INC.
450 OAKRIDGE COMMONS, SOUTH SALEM, NY**

**Sheet 49M, Block 9830, Parcels 315-324
Cal. #6-02 P.B.**

November 16, 2021

WHEREAS, Smith Ridge Housing, LLC (“Smith Ridge”) and Laurel Ridge Development, Inc. (“Laurel Ridge”) are the owner/developer of certain property located on the northerly and westerly side of Oakridge Drive (a private access road within the Oakridge condominium complex located on the westerly side of Smith Ridge Road [NYS Route 123] in the Hamlet of Vista, Town of Lewisboro, Westchester County, New York), which is partially designated Sheet 49M, Block 9830, Parcels 315-324 on the Tax Map of the Town of Lewisboro; and

WHEREAS, by Resolution adopted on October 2, 2010, the Planning Board granted Wetland Activity Permit Approval, Stormwater Permit Approval and Site Development Plan Approval authorizing the construction of a multifamily housing development now known as Laurel Ridge Townhomes; and

WHEREAS, the Planning Board thereafter amended these Site Development Plan Approval by Resolutions adopted on July 11, 2011, June 12, 2012, August 14, 2012, September 24, 2012, September 17, 2013, July 15, 2014, November 18, 2014, February 17, 2015, June 21, 2016, November 15, 2016 and October 19, 2021; and

WHEREAS, the approval, as amended, required Smith Ridge/Laurel Ridge to construct certain water and sewer mains, laterals and the necessary valves, hydrant fittings and appurtenances, which are to be conveyed to the Oakridge Water District and Oakridge Sewer District in accordance with plans approved by the Planning Board; and

WHEREAS, pursuant to Condition SP39 of the Resolution adopted by the Planning Board on September 24, 2012, amending these approvals, Smith Ridge/Laurel Ridge was required to post a bond or letter of credit in the amount of \$243,770 as performance security for the cost of the water and sewer improvements to be conveyed to the Oakridge Water District and Oakridge Sewer District; and

WHEREAS, pursuant to said Resolution, Smith Ridge executed an undertaking, entitled “Smith Ridge Housing LLC Security Agreement for Construction of Water and Sewer

Improvements to be Conveyed to Oakdridge (*sic*) Water and Sewer Districts,” on August 27, 2013; and

WHEREAS, upon the execution of this undertaking, Smith Ridge/Laurel Ridge tendered the sum of \$243,770 by check payable to the Town of Lewisboro drawn on the account of Laurel Ridge Development, Inc.; and

WHEREAS, these cash proceeds were maintained by the Town of Lewisboro as performance security for completion of the water and sewer improvements; and

WHEREAS, pursuant to the terms of this undertaking, and in accordance with a Resolution duly adopted by the Planning Board on February 17, 2015 following a public hearing authorized by the Town Board, the Town of Lewisboro released the sum of \$190,281 of this performance security on account of the installation of water and sewer improvements for Phase I of the Laurel Ridge Townhome project; and

WHEREAS, pursuant to the terms of this undertaking, and in accordance with a Resolution duly adopted by the Planning Board on November 15, 2016 following a public hearing authorized by the Town Board, the Town of Lewisboro further released the sum of \$26,151 of this performance security on account of the installation of water and sewer improvements for Phase II of the Laurel Ridge Townhome project; and

WHEREAS, the remaining \$27,338 in performance security remains, in the form of cash proceeds, with the Town of Lewisboro for the purpose of insuring satisfactory completion of required water and sewer improvements for Phase III of the Laurel Ridge Townhome project; and

WHEREAS, by letter dated August 16, 2021, from Mr. Philip G. Pine of Laurel Ridge Development, Inc., Smith Ridge/Laurel Ridge requested the release of this \$27,338 on account of the completion of the Phase III (Building 9 through 11) water and sewer improvements; and

WHEREAS, with this written request, Mr. Pine submitted copies of correspondence dated June 8, 2021 from the Westchester County Department of Health (“WCDOH”) confirming completion of the Phase III water and sewer improvements in compliance with WCDOH-issued plans and requirements; and

WHEREAS, Mr. Pine also submitted a copy of an “Approval of Competed Works for Public Water Supply Improvement” dated June 8, 2021 issued by the New York State Department of Health (“NYSDOH”) confirming that the installation of a water main, hydrant and appurtenances to Phase III was in accordance with NYSDOH standards and requirements; and

WHEREAS, following receipt of the August 16, 2021 request, the Planning Board adopted a motion at its October 19, 2021 meeting to notify the Lewisboro Town Board of this application for the release of the aforementioned performance security; and

WHEREAS, upon receipt of notification from the Planning Board, the Lewisboro Town Board, pursuant to Section 195-17(I) of the Lewisboro Town Code, authorized the Planning Board to conduct a public hearing so that it could entertain and act upon the requested partial release of performance security; and

WHEREAS, on November 16, 2021, the Planning Board conducted a duly noticed public hearing concerning the request for final release of this performance security; and

WHEREAS, said public hearing was opened and closed on November 16, 2021, at which time all interested parties were provided an opportunity to be heard; and

WHEREAS, the Planning Board has received confirmation from Kellard Sessions Consulting, P.C., the Town Engineering Consultant, that installation of the water and sewer improvements associated with Phase III of the Laurel Ridge Townhome project have been satisfactorily completed and tested under the supervision of the Town Engineer and have met with WCDOH and NYSDOH approval; and

WHEREAS, the Planning Board received comments from its counsel and consultants with regard to the request for final release of the performance security and duly considered same.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board finds that the Phase III water and sewer improvements of the Laurel Ridge Townhome project have been satisfactorily constructed and installed; and

BE IT FURTHER RESOLVED THAT, the Planning Board authorizes the release to Smith Ridge/Laurel Ridge of \$27,338 of the cash proceeds held by the Town of Lewisboro as performance security pursuant to the aforementioned undertaking; and

BE IT FURTHER RESOLVED THAT, in accordance with the aforementioned undertaking, the Planning Board's authorization to release this \$27,338 is conditioned upon final and unconditional acceptance of the Phase III improvements by the Oakridge Water and Sewer Districts, which shall be memorialized and confirmed to the satisfaction of the Town Attorney and Planning Board Attorney; and

BE IT FURTHER RESOLVED THAT, the Secretary of the Planning Board is directed to file this Resolution with the Town Clerk of the Town of Lewisboro.

ADOPTION OF RESOLUTION

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

The motion was moved by: Jerome Kerner

The motion was seconded by: Charlene Indelicato

The vote was as follows:

JANET ANDERSEN

aye

JEROME KERNER

aye

GREGORY LASORSA

aye

CHARLENE INDELICATO

aye

Janet Andersen^{cc}
Janet Andersen, Chair

November 16, 2021