

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 955 0229 2637) on Tuesday, December 21, 2021 at 7:30 p.m. The audio recording of this meeting is Lewisboro Planning 122121.mp3 and the YouTube link is <https://www.youtube.com/watch?v=trolPaDjuCg>

Present: Janet Andersen, Chair
Jerome Kerner *arrived at 7:56 p.m.
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 *arrived at 7:33 p.m.
Ciorsdan Conran, Planning Board Administrator
John Wolff, Conservation Advisory Council

Absent: None.

Approximately 22 participants were logged into the Zoom and 2 viewers on YouTube.

Janet Andersen: Okay. Hello everyone. Happy solstice and let me get started. I'm Janet Andersen. I'm calling to order the town of Lewisboro planning board meeting for Tuesday December 21, 2021 at 730 pm. The State legislature passed a temporary amendment to the open meeting law that allows municipal boards like ours to meet via videoconference until January 15, 2022. Our board agreed to meet via Zoom. We are live streaming to YouTube on 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 and Ciorsdan has confirmed that the YouTube feed is active and working and that the meeting has been duly noticed and legal notice requirements have been fulfilled. We do intend to post a recording and transcript of this meeting to the town website and the Zoom video will also be available on the town's YouTube channel. Joining me on the Zoom conference from the town of Lewisboro are members of the planning board. Charlene Indelicato, I don't know if Jerome is on yet, but I expect him and Greg La Sorsa. In any case, we do have a quorum and thus we can conduct the business of the Board and vote on any matters that come before the board. Also on the conference are the planning well I didn't see Jan on yet, but we expect planning wetland consultant Jan Johannessen and I did see Counsel Jud Siebert. Our planning board administrator Ciorsdan Conran is on, and also the CAC chair John Wolff.

Ciorsdan Conran: Excuse me Janet, Jan's having trouble with his Internet but he should be on soon.

Janet Andersen: Okay, and did we see if Jerome joined? Not quite yet.

Ciorsdan Conran: I don't see him either.

Janet Andersen: Well, we do have three board members so we're ready to go, so let me start with this. We do have two public hearings scheduled for tonight, these are the only times we expect to take public comments. And the public has joined muted and without video until the hearings begin and, as usual, we ask any applicants that are not currently engaging in dialogue to mute their lines: this helps everyone hear over inevitable background noises. To ease the recording of our votes as we go through the the matters tonight, I will poll board members individually. So with that let's get started. Let me talk about the public hearings. When we have a public hearing on our agenda, the purpose of the public hearing is for the board to hear the concerns and comments of the public. The comments should be addressed to the planning board, not to be applicant. A public hearing is not meant to be a dialogue. In general, the Board will not respond to comments at a public hearing, but the Board will take public input into consideration as we continue to review the matter before us. We may of course correct any matters and we may comment. To speak at the hearing, please raise your Zoom hand by clicking on the raise hand icon at the bottom of the screen. If you are on a phone, and I think we do have people on the phone, you can press star nine to raise your hand, we will ask speakers to give a name and address, and that we asked that comments be kept short.

I. PUBLIC HEARINGS

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

(4:02 - 23:07)

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: So the first public hearing that we have tonight is calendar number 30 - 20 WP and calendar number 05 – 20 SW, it's the Stein residence at 51 Pine Hill Drive, South Salem, New York, and this is an application for the construction of a single family house. I believe I saw Brian on and maybe I'll ask the applicant to give a quick summary of the project, and then we will ask the planning board advisors to review any comments. We will have a public comment period then, and then a discussion by the planning board, so let me ask, I think, Brian to start with your, maybe to give a brief overview of the project.

Judson Siebert: Janet if I can before that I want to note that there was an affidavit of service submitted by Brian with regard to the distribution of hearing notices, together with photographs of the posting of the required signs.

Janet Andersen: Thank you, yes and we did have a copy of that available to the board, so thank you, Jud and okay, Brian oh, let me just, I'm sorry, I just say that I have, I do see Jan Johannessen has been able to join us, and I don't know if Jerome is on yet, but I'm, okay. Thank you, so go ahead, Brian sorry.

Brian Hildenbrand: Okay, good evening, Brian Hildebrand, I'm the engineer for the project. And I'll just share my screen just to run through the plans. Can everyone see my, the site plan?

Janet Andersen: Yes.

Brian Hildenbrand: Okay, so this is for 51 Pine Hill Drive. It is currently in a vacant lot. That is there really an existing common driveway that serves to existing homes, we're the third and final home on the common drive. So the plan is, as mentioned is to build as a single family home, four bedrooms. Typical you know size comparable to the surrounding houses. We do you know the site is pretty constrained for with a few different reasons, one being the wetlands and the local wetland setback. There's a watercourse on the property that's been confirmed, it also as a DEP regulated watercourse so we have their you know the DEP set back to respect. We do need to fit a septic area, which is going between the common driveway and the house. Also, to the rear is a NYSEG overhead power line utility easement that we cannot build any structures within so that narrows down our envelope. We've sited the house as far away from the wetland as we can, and still meeting the zoning setbacks from the property line. We are currently getting the septic approved, we just received comments from the health department yesterday, so we are going to address those comments. But we are here in front of the board for a stormwater and wetlands permit. We are mitigating stormwater in an underground infiltration system that is sized to mitigate the 100-year storm. So that is that system, right here. And then the other topic that was brought up in the Kellard Sessions memo, the memo was the wetland mitigation. We did supplement our previous plan. Right now, there are 11 trees to be taken down, we are proposing to put back 16, as part of the offset and buffer mitigation. We also have added a wide variety of shrubs, plugs, and ground covers to as part of our mitigation and our mitigation and will be behind there's an existing stone wall so between the stone wall and the wetland is that we feel a good spot to do the plantings and really bolster up the buffer from the the development. So that is a quick overview.

Janet Andersen: Great. Thank you. Jan, do you have any, do you want to review any comments from your memo.

Jan Johannessen: The majority of our comments have been satisfied with this last submission, we have a couple outstanding items, but nothing of significance. I'll say that you know, since the first iteration the plan has as improved and has been developed in response to comments and the, as you mentioned earlier. The building footprint's been pushed significantly further away from the wetland than when what was previously proposed up against the side-yard setback

line, so it really can't go any further away from the wetland, and the driveway is also been relocated from the original proposed location to be further away from the wetland, and as Brian mentioned the wetland mitigation plan has been enhanced from the prior iteration to respond to our comments and to provide more density in the plantings within the mitigation area so. Our comments are really been significantly resolved. And we, we have received a review from the building inspector.

Janet Andersen: Yes, I believe we got a review from the building inspector that had no comments.

Jan Johannessen: No comments.

Janet Andersen: So.

Jan Johannessen: Much done with it.

Janet Andersen: Okay, and and I would agree. Members of the planning board did take a sidewalk here, we went out and looked, we. And I think the applicant has been very responsive to our comments and concerns and has done their best to get away from the wetland. Okay, if there are any members, I will say we did get a comment letter, and with an indication that people might, that the person who sent in a letter might also be on the call tonight so again, if you want to make a comment you can raise your hand, raise your Zoom hand up okay there's somebody raising a physical hand alright so um I can't really tell from the from your your name so give us your name, you can unmute yourself, give us your name and and make a comment, please.

Vincent Kooch: We live at 49 Pine Hill Drive. I'm on the back property line. For me and my concerns about the house being jammed into that small lot, which is extremely close to our property line. I do understand that it is done works for a while, but the previous owner had issues with it, and I do know that he and someone else in the neighborhood tried to buy that lot previously. So my comment is actually a question because I want to know what what variables will solve solved. If it's still very close to a wetland because we did our own we're moving in here and I started planning, you know I appreciate the engineering and such but but that's still a concern, as well as the privacy, because it's really jamming on a very small piece of land off a driveway that's right in our sightline you know, based on the drawings I think 40' back that's not very far back from from the property line and you look at the other homes in the neighborhood and they're spaced well, they're spread out so I'm curious as to why it's being accepted at this point because it's it's definitely going to be be a nuisance and a privacy issue for us.

Janet Andersen: Okay, I'm sorry I missed is your house on the opposite side of the common driveway or is it further up the, further up the road on the same side.

Vincent Kooch: It is across the common driveway.

Janet Andersen: Okay, well, thank you, I so your your concerns are basically privacy and wetlands. I will tell you, we take wetlands very seriously, and we think that the applicant has done what is possible on this lot to, to get as little impact as possible on the wetlands and with the mitigation plan you know I mean I I think we've got a mitigation plan that except that fits our criteria for what's required, when there is a development so. It it basically fits the criteria that we have.

Stephanie Kooch: To say it, so much so that you have moved so far back from the wetlands that it just touches the line of our property and so that's not a priority for you at all, maintaining the proper property privacy and integrity of the neighborhood.

Janet Andersen: Okay um well, as you said you knew that there was a vacant lot there when you bought the house so um this development is always a possibility. Okay any any other comments from anyone else. I do thank you for your comments, I mean we hear it. Okay, I see a Rachel Simon could you, please you're welcome to talk identify yourself and tell us where you live, please.

Rachel Simon: Hi um so I live at 47 Sabbathday Hill, so another adjoining property and I want to echo some of what Vince and Stephanie said that concerns about the wetlands, it seems like if we're so serious about protecting wetlands and we don't need to be mitigating what's happening to them, but just continuing to protect them, I thought that you couldn't build that close to wetlands and then also we have concerns about trees being cut down and then also with the additional driveway where that runoff is going to go is that going into the wetlands. And I see that there's that mitigation plan for the wetlands, but I don't you know how can we know that it's a sufficient plan and why are we giving up protected wetlands.

Janet Andersen: Okay, thank you and. So again, the comments. The concerns are the wetland protection and and I guess generally developing a lot. Any other comments from either a member of the public or a board member? Okay.

Judson Siebert: Jan. If I may say a couple of things. Just to kind of dovetail off your comments and. Obviously the board invites and and wants to hear from the public with regard to these types of applications, I just want to make a couple of things clear with regard to what the application before the board involves. With regards to the location in the home and any structures on the site, that that is something that's driven entirely by the zoning code and the zoning code specifies certain set back requirements from lot lines which, if observed, this board has no control over, that's a function of the zoning code. So, in terms of location of a physical structure in a lot in a house, that is that's that that's driven by code and this this board is really not in a position to countermand what the code does or doesn't allow. With regard to the wetlands, yes, the, what brings this particular project before the Board is an application for a wetlands permit. And the wetlands code is designed to protect the wetlands, but by the same token, like any other provision in the town code that relates to development, there's a balance between protection and also allowing development of a site and the code does that, in terms of wetland the wetlands code by providing that certain construction activities with regard to wetlands and one buffers offers must be observed, or you have to obtain a permit and to obtain a permit, you need to prove to the satisfaction of the Board and to its wetland consultant, that there are going to be steps taken. That basically balance off or address or mitigate any impacts of the development. So those impacts I you know I don't want anyone to think that those impacts aren't thoroughly evaluated, they are by the board, they are by the Board's consultants and it, you know it's it's a it's a wetland protection. You know code it's not a you know it's not a complete prohibition in terms of development and, so far, as well as they're concerned, so that that's I just want that out there so that you know those those who commented, and those who are listening can understand the parameters under which the Board is operating.

Janet Andersen: Yes, thank you Jud so and and to go maybe a step further that so that the wetlands and the wetland buffers are regulated, and so there are criteria that apply when when actions are taken, so but it's not, as Jud said, it is not a prohibition. So we have to look at at the at the code and we have advisors that help us and so you've heard both Jan and Jud are here to help the board, as we, as we look at all this. Okay so um. Does any member of the board have any comments? I would look for a motion to close the public hearing.

Charlene Indelicato: I move to close the public hearing.

Janet Andersen: Greg. You're muted.

Gregory La Sorsa: I will second the motion.

Janet Andersen: Okay um any further discussion. Okay I'll poll the board members and so Greg.

Gregory La Sorsa: What are we voting on?

Janet Andersen: Closing the public hearing.

Gregory La Sorsa: Yes, I vote yes.

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: And I also vote aye to close the public hearing. I still don't see Jerome. So, with that the public hearing is closed.

[On a motion made by Ms. Indelicato, seconded by Mr. La Sorsa, the Board closed the public hearing for the construction of a single-family house at the Stein property at 7:51 p.m. In favor: Ms. Andersen, Ms. Indelicato and Mr. La Sorsa. Absent: Mr. Kerner.]

Janet Andersen: I want to ask Jan if he would feel comfortable taking this on as administrative wetland application wetland permit.

Jan Johannessen: If the if that's what the board is looking, for that would certainly be content doing that, as I mentioned earlier. The few comments that we have left they're really administerial at this point, and just kind of just dotting the i's and crossing the t's on the plans.

Janet Andersen: Okay, so I certainly think this is ready to go administrative if others would agree, and I believe we need to do that by a motion as well.

Charlene Indelicato: I would move that Kellard [Associates] in this manner under administrative consideration.

Gregory La Sorsa: I'll second.

Janet Andersen: Any further discussion? I'll poll the board. Greg?

Gregory La Sorsa: Yes.

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: And I also say aye, yes, so this has been moved to administrative, thank you very much Jan, and again I want to say thank you to Brian and the applicant. I think they have been very responsive to the concerns I think the, you know, even tonight we saw more mitigation plan improvements, so I I do appreciate that. Thank you.

Brian Hildenbrand: Thank you very much and good night.

Janet Andersen: You too and.

Charlene Indelicato: Happy holidays.

Janet Andersen: Happy holidays, yes, happy solstice. Happy New Year too.

[On a motion made by Ms. Indelicato, seconded by Mr. La Sorsa, the Board determined that the construction of a single-family house at 51 Pine Hill Drive, South Salem, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Indelicato and Mr. La Sorsa. Absent: Mr. Kerner.]

Cal #08-21PB

(23:08 - 1:07:47)

Oakridge Commons, 920 Oakridge Commons, 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: So without the next item on the agenda is calendar number 08 - 21 PB. This is again a public hearing it's on Oakridge Commons, 920 Oakridge Commons. And this is in South Salem, New York, sorry, and this is an application for change of use from a restaurant to residential to residential apartments. So again, this is a public hearing, the same kind of approach. We will give a brief introduction on the project and then if there are any members of the public who want to speak will be asking you to raise your hand, so first we'll get the I think, did I see Bob on yes oh Michael okay. Good evening.

Michael Sirignano: Yes. Good evening, all right, Michael Sirignano for, with Phil Pine the principal of Oakridge Shopping Center and also we have Bob Eberts the project architect. So the Board's familiar with this, but it is a public hearing so I'll give a brief description, we are proposing, [animal noises] oh my dog is growling. We are proposing to convert what was historically a restaurant space into four residential apartments. Jackson quiet.

Janet Andersen: It is a public hearing and it wants to be heard.

Michael Sirignano: I know, sorry, my dog is making himself heard. So. Originally, we thought or Phil thought that perhaps there would be four three-bedroom apartments, the board asked for architectural drawings and Bob laid it out and has given you a floor plan now showing three three-bedroom apartments and one two-bedroom apartment or a total of 11, that's the maximum it may end up being even less than that but that's that would be the maximum number of apartments [bedrooms]. As the board knows this building is in the western most part of the 10-acre shopping center it's known as building 9B. And you referred the application to the building inspector, and you have a letter dated December 15 from the building inspector, and he had two comments: first, that this is a zoning compliant application and that a multi-family dwelling is a permitted use so we are proposing to change from a permitted use restaurant to another permitted use multifamily and it's zoning compliant as certified by your building inspector. Secondly, he has advised the board that a recreation fee of \$7,500 per multifamily density unit is required for the project. There had been some original earlier proposals to utilize some of the existing recreational space or club space, but we're not going in that direction now.

Water usage of course poses an issue and your board asked a lot of questions and asked for information on water usage. Phil collected, a lot of data from town hall and town officials, town staff and submitted that to your board and to the town board, and you have a resolution of the town board dated December 9 in which the town board has approved the proposed change of use and has a resolution, and I quote. That this approval is issued after due consideration and determination that there is adequate public potable water capacity and sewer capacity available in the Oakridge water district and Oakridge sewer district to serve the approved change of use, so you have that town board the resolution. That resolution was then submitted to the health department, and we have an email that came in today. From the health department, it came in at 3:31 this afternoon from Chika Amasiani, I hope I pronounced her name, right from the health department. And she wrote to Mr. Pine, to Phil Pine, the receipt of your town resolution document dated December 9, 2021 regarding the change of use for the facility at 450 Oakridge Commons, Lewisboro, is hereby acknowledged, this department has no objection to the change of use at this time well. So, I think Phil has adequately address the water capacity, water usage issue, the town your town board, who is the stewards of the districts, as well as the health department of signed off on on those issues. And as I said, Bob Eberts is here to answer any questions the board or the public may have, Phil Pine is here as well, we are asking for a waiver site plan or we qualify for it. Because we're going from one permitted use to another permitted use within the RB district, and also we're not making proposing any changes to the foundation of this building, there will be minor changes to windows for fire safety requirements, state code requirements and each, as you can see from the floor plan each of the four units will have a dedicated door, entrance door exit door to the outside, there will be no common hallway. So we're happy any of the three of us are happy to answer any questions or may be and I'm going to put myself on mute and get rid of my dog.

Judson Siebert: Michael, I'm a little nervous, to ask the question with the growling but just a housekeeping question the public hearing materials have those been provided, I I may have missed it but, notice materials to to Ciorsdan.

Michael Sirignano: The the the email from the health department came in late today, I'm sorry, I think Phil forwarded it.

Judson Siebert: No, just the notification materials with regard to the public hearing.

Michael Sirignano: Phil was handling the notification.

Janet Andersen: I think Ciorsdan told me earlier today that she did get all of the documentation.

Judson Siebert: I just wanted to confirm. That's that's it okay.

Janet Andersen: And I just saw her nod and a thumbs up so. I did ask about that. I'm sorry I was going to, but I lost where I was. OK, I think we're are without is there, are there, any comments Jan that you want to make before we go to the public.

Jan Johannessen: Nope, just that this is a permitted use in the underlying zone. They're proposing 11 apartment units, it was originally or I'm sorry 11 bedrooms in four apartments, it was originally 12 bedrooms. And the 12-bedroom use equated to 1,320 gallons per day of water usage compared to the 250 seat restaurant that was previously approved in an operation that was 8,750 gallons per day. With the reduction to 11 bedrooms water usage gets further reduced to 1,210 gallons per day and that's just based on the New York state DEC Standards there's multipliers for each type of dwelling unit. Those those are the calculations.

Similarly, the parking requirement comparing 250 seat restaurant to the four apartment units that gets substantially reduced so the from an impact perspective, the proposed uses significantly reduced from the existing. I'll also mention that the planning board referred this application to the Westchester County planning board under Section 239 a m of the general municipal law we received comments from the county planning board on October 25 those those comments have been considered by the by the board. There's no real physical exterior work proposed this is really an interior renovation and change of use so there's no physical site plan wetland buffer impact that really proposed or has been evaluated.

Janet Andersen: Thank you Jan. Okay, I did see a hand come up and then the person there Patti Jean Jacke. Please. Please introduce yourself and give us your address, and make any comments, thank you.

Patti Jean Jacke: Okay, yes, my name is Patti Jean Jacke. I live at 102 Fox Run and in Oakridge condos. I did send a letter to the planning board, to Tony Goncalves, to Mr. Lombardo and to Erica Agro of Vistans for Safe Water after the 11/16 town planning board meeting, for which we received a certified letter that there would be a public forum. We did not receive a such a letter for this discussion tonight, there was one large sign posted in front of the Heights, the restaurant in discussion for renovation. But unless people walked around the the whole community, they would not have seen that. I noticed today that there was a two-sided sign on the main road closer to the Laurel Ridge apartments so that's one comment that a lot of people here didn't even know about the public forum tonight, despite trying, you know, trying to inform people by word of mouth.

The second thing is I looked at the, well, let me address the gallon per day usage, I understand that a comparison was made for the 250-seat restaurant versus the four apartments going to be built. However, I'm not sure if you know how valid that is, in that the Heights Restaurant was not open on a daily basis to full capacity, so I don't know how you can actually compare that to actual usage of four apartments, sinks, toilets, dishwashers, washing machines etc. okay so that's just one comment. The other is that in reviewing the applications, I saw that on the short environmental assessment form number 617. 20 appendix B page three of four or seven of 18 depending upon how it was listed, that whole section was left blank and in within that section, there was question 7a, would this construction have any impact on existing water supplies or equipment and b, would this construction have any effect upon public and private water wastewater treatment plants so as, as you know, from my my letter, my concern is not what is being built, it is that anything continues to be built, because we have a dysfunctional water system treatment plant here and we're waiting federal funds and state funds and things just keep getting built to put more stress on the water and, and the reason I bring that up is I'm here 12 years and the first six years, I never had a water problem. But a few months after the initiation of the construction of Laurel Ridge I started to have the same kinds of problems that everybody else in the community reported. And fortunately the way my water works in this unit, I was able to put in a water filtration system, but my plumber told me that when I change

the filter, not not to change it right away without running a few buckets of water, when I take off the filter and I run a few buckets of water that first bucket is soot, like dirt almost you know filling up it and sometimes two buckets of that, and then I will get a bucket of of grey water and then it's brown and then it's and then it's yellow and it takes several buckets to get to clear water and then I put my new filter system and I, my new filter and I just don't understand how people who don't have a water filter system here can use this water for for anything, thank you.

Janet Andersen: Thank you Patti. So, as to the volume, yes I, I would say that the the numbers that we were talking about have been the numbers that are the standard that are required by the, that are that are used the standards that are used by New York state and EPA and and we're being advised that that's the appropriate thing to look at. The board did ask questions about what actual usage would be and we got some numbers that say that may be, a three bedroom might might use about, in rather than the amount that you know that we calculated at 1,300 or 1,200 gallons it may might be more like 600 gallons if we look at actual, so it is going from zero gallons a day at worst case to 600 and we considered that. As as a practical matter but but that's not you know, again we look at regulations and that's not what the regulations say. I think, maybe to give a little bit more comfort, we also looked at, and I think these were provided by Phil Pine that the plant capacity is about 80,000 gallons a day. About 37,000 gallons a day are billed, and there's an extra 20,000, taking it up to about 57,000 gallons a day that are used for flushing so. But even at that that's more there's more than 20,000 gallons per day of capacity available so that did enter into the board's consideration as we've looked at this. Okay, is there anyone else, that would like to make a comment. I see someone Judy has their hand raised Judy could you give us your name and address and give us a brief comment, please.

Judy Fiala: My name is Judy Fiala I live on 214 Lakeside drive here in the condos. So, following this plan, I noticed that it went from originally two-bedroom units to mostly three-bedroom units with the one that's a two-bedroom unit. And I've seen some drawings on the site where there's different roof elevations and it looks like there's exterior planning, but now I'm hearing that there's no exterior work that's going to be done. Which in ways unfortunate because the exterior is quite, looks very dry rotted and old and not very appealing, and the decks are in very bad shape, so if what I'm understanding is none of that is being addressed.

Jan Johannessen: When I made the comment, I wasn't referring to the building itself, I was referring to site work with regards to parking lots, landscape, it being driveways that that type of thing. I think there is a plan to work on the decks but I'll leave that up to the applicant to describe the actual physical work to the building, I was talking about site related work about the building facade.

Judy Fiala: Okay, and I was interpreting exterior as painting and repair.

Jan Johannessen: I think we could have the applicant address what, if any improvements to the building itself on the exterior.

Bob Eberts: My name is Bob Eberts, Cross River Architects. We're proposing to change all of the exterior windows currently most of the windows do not operate. Bedrooms are required to have egress windows from those spaces, so they need to operate and need to be of a certain size to meet the state code, so all of the windows will be changed in the in the building. We're also proposing to add some dormers to the building to dress it up a bit and make it look more residential in style and then it currently does there's a Hardie board siding a clapboard siding on the building now it's in very good shape. But the decks are in poor shape and, yes, we are proposing new decks on the back of the building, but again they'd be on the existing foundations we're not going to touch the ground at all.

Judy Fiala: Okay, thank you, and you know, probably, if this is not pertinent to the discussion, let me know but is anything planned for the downstairs area below that I mean is that going to get cleaned out.

Janet Andersen: You know that's that's not currently part of this application. I don't know what you know what might be in the plans for the future, but that's not currently what we have. Actually Bob asking, since you mentioned the decks are the decks going to be replaced in the same same format same space that they are now, or are they going to be is the shape going to change it all.

Bob Eberts: Them they'll be reduced significantly in size.

Janet Andersen: Okay, thank you. And and I see it, so let me just ask if there's any other questions from the board to the applicant on this on this matter, no. Okay, I saw another hand it's Stephanie.

Stephanie DeFilippis: DeFilippis.

Janet Andersen: Thank you my computer is so far away from me, I can't read the small print.

Stephanie DeFilippis: Great. Thank you. Thank you, I want to reiterate what Patti Jacke stated all of that is a concern. My property is 75 Fox Run. My kitchen dining room and deck look out directly onto the current property that they're going to remodel. My concerns are privacy, they've already cut down a tree. It was not done professionally, a weeping willow which we have very few have left with lots of wildlife that used that tree. It was cut down in such a disgraceful manner, it was clearly not done by professionals. My concern is that things are being done and or wanting to be done without really any other concern for the privacy, though the wildlife and the surrounding area which is Fox [Run] you know is Oakridge backing up to the Oakridge Commons. Also, the lights are concerned, it is nice to be able to look out and see the stars if we have all these decks, bedrooms, new windows and eaves and I don't know another floor is that a possibility that they're going to be there's going to be so much light that there really is not going to be a nice darkness there's not going to be the privacy, the quiet. These are concerns and I realize they're two different properties, but this is where my condo backs up to. You know, to see onto the property they've removed other trees last I think last summer or this past summer. So my my big concern, other than the water, which is a concern are the the lack of privacy and the increase in lights.

Janet Andersen: Thank you Stephanie. Okay, we have not really talked about any changes to the exterior in terms of landscaping. Do you, and so I mean I think what we had heard was that there were no were no plans to do more landscaping at this point. I don't know if there's additional exterior lights that are planned, based on the change from a restaurant to residential, I would have thought perhaps the lighting requirements were less but. I see Phil go ahead.

Phil Pine: The willows were not taken down, the willows were pruned to they are still 18 foot willows at this point, it was a professional tree service that came in and said they needed to be pruned. So that's as far as lighting we've done nothing with lighting we're not proposing anything with lighting, if anything, the lighting should be less because we don't need those huge parking lots that are there.

Janet Andersen: Thank you. Okay, any, I see somebody raising waving a hand okay I'm sorry Mindi Rocha, go ahead.

Mindi Rocha: Hi hi Phil. I'm Mindi Rocha, I faced that building at 72 Fox Run, I'm Stephanie's neighbor. The tree was butchered I mean it is so sad that tree was so beautiful. I know Phil you said they were professional. I have pictures before and after just blows my mind. What concerns me is the building, is our privacy. I face Phil's other, the shopping center where there's actually a parking lot and the fence along it that is Phil's property has been falling down for two years, two years I've asked Phil please look at it look at it look at it yeah I will I will. It's falling down it's a danger to kids that play there nothing, he has some taken care of it, it concerns me that there are things falling down all around. And he keeps building these buildings, but nothing else has been taken care of on his property. So how do we know that that's my backyard, that this is going to be taking care of it'll be clean. I mean you know, this is a big concern here when there's his property is falling apart and he is building a new building why isn't that whole fencing being taken care of two years. I've been asking him I don't understand this and he keeps getting permission to build and build and he's not taking care of the property that is owned. And behind that parking lot it's disgusting he rents two trucks these big tree trucks are backing this is our backyard and there's no regard to the residents that live here for us and it's very sad now, is this going to be mid mid level income housing. For the town that are being built?

Janet Andersen: Okay, so at the current time, putting in affordable housing in, you have to have one affordable housing for every five units that are built, and this is a four-unit proposal. I did see Phil you had your hand up. Go ahead.

Phil Pine: Sorry, so this will improve that whole area. I mean we're gonna have for rental units there. I'd love, I want to clean up that whole area, and this is going to clean up that whole area. Everything that's back there, I mean the building is honestly dilapidated it doesn't look good from any point what's back in that back parking lot. This will give us the ability, like we did with the daycare I mean if you look at that daycare it's beautiful what we did with the townhomes they're beautiful, all I'm trying to do is upgrade this area, so this should be a real plus to what is going on there.

Janet Andersen: Okay, thank you um I see another hand up, and it is Laura I'm sorry I'm coming real close to my computer Laura Brown go ahead Laura and you have to unmute yourself.

Laura Brown: I'm Laura Brown, 110 did I unmute okay 110 Oakridge Drive. Um a couple of things are they going to be rental units or is he selling them?

Janet Andersen: The application is for rental units.

Laura Brown: Rental units. Okay, and I agree about the the willows the the weeping willow trees, I even though they were professional, the guys who did it, they did a total butcher job butcher. Horrible horrible. The other thing is the water, again the people living there, there will be a lot more water used, then, is being that was being used when it was a restaurant, because it wasn't open full time, it was an open, you know it was open in the evenings and not even to full capacity. It's just I mean I don't understand it it's just not a wise decision. And, and the sewage I don't know what's going to happen with that, I mean I've been living here for seven years, since all the building started and the water's been getting worse and worse by the year. I can't put a filter system in my apartment because of the layout it just doesn't work. I think you know consider also is there a plan that we can look at to see what the exterior will look like, as well as the interior.

Michael Sirignano: Yes. There is. Bob Eberts has submitted elevations showing the exterior views of the building, I would note that Phil is not building a new building, this is an existing building that was the former approved use was not only restaurant but cabaret. I'm going to take a leap here and suggest that residential uses are going to be a lot quieter and less intense than a cabaret restaurant use. But with there's no new building here it's a it's an existing use and and frankly that the trend in in land use and zoning in New York and elsewhere is to create residential housing in retail districts it's good for retail and it's good for for providing housing rental rental market opportunities.

Laura Brown: It was also good for our community I've been in the community, I lived in Pound Ridge before I live here and I've used that, the Willows whatever it was before, and before, when my kids when you know for graduation parties or whatever, so I've seen it change and there was no with the the Heights there was no disruption from the music, nobody objected to it, there were no concerns about that.

Janet Andersen: So, I'm going to jump in because the the history, the what what we have an application for is for residential so we want to focus on that and not on what might have happened in the past. Um I think the comparison to to water again we've we've looked at that and really the town board is the manager of the district and they've given us that approval. Okay, so.

Judson Siebert: And Janet, I'll just underscore again that the underlying question of use is a function of the town code and residential is permitted in this location location.

Janet Andersen: Right.

Judson Siebert: Which is not a question for this board to entertain and it it's a permitted use right.

Janet Andersen: So I did want to say one thing about where you can see the I want to say one thing about where you can see that external things, we do have a agenda packet and my belief is the exterior as well as the interior layouts are, can be found in that agenda packet which is on the Town website. Jerome, I saw you had your hand up.

Jerome Kerner: Yes, so I want to acknowledge that I've had concern about the water quality. I've read the letters that were sent, and you know that there's action has to be taken, but I wanted to point to the fact that we're not an enforcement agency and it's up to the town board and also the water district, which they control, to rectify the situation and what we're passing on this evening is the concept of a revised use from restaurant to residential and what a quality quantity seems is already been confirmed, to be a significant reduction. And we so we want to go ahead with a decision here, but at the same time we're urging the water district and the town board to rectify this quality issue. I certainly sympathize with the residents of the Oakridge Commons.

Janet Andersen: Okay, I see Patti has, you have your hand up again is that do you have any additional comment? Maybe not.

Patti Jean Jacke: Okay right, I was trying to unmute myself sorry the last gentleman just addressed it. It's not the capacity that we members of the Oakridge water district are concerned about capacity isn't the issue, quality and safety of the water is the issue, thank you.

Janet Andersen: Thank you Patti. Judy, do you have a different comment from before and, if so, go ahead.

Judy Fiala: Yeah, I mean I'm just probably making a statement but I've lived here four years and majority of those years has been a lot of noise, construction noise and whatever. I'm just hoping and I don't know until it's approved if there is a date by which it will be completed but I'm just hoping it's going to be a quick thing you know if it is approved to happen and we don't have to continue living under these noise and beep beep beep situations, I've just had enough, and it's been enough.

Janet Andersen: Thank you, Judy. Well, to to clarify. I believe we have thought that there was no real change to the exterior other than the change of windows. I think what I've heard tonight is that the deck will be changed, there may be new dormers on the roof, or out extending the roof line, which I hadn't focused on certainly before. So, it does sound like there will be some more exterior changes, than than I think we had initially understood. Phil.

Phil Pine: The changes are really just to make it look better. The dormers don't add anything to the building they're just making it look more residential than the right on the roof it's not extending anything. The decks I'm going to try to make them look like the townhomes I just built, I just felt like I want to upgrade everything that's there, the Hardie plank that we're going to be using everything we're going to be using we're going to try to keep with the same specs of the townhomes that were just built, we're just going to change to a rental property.

Janet Andersen: Okay. Thank you, anyone else for up okay Mindi, I think. If it's a different comment, if so, go ahead.

Mindi Roca: Phil.

Janet Andersen: Please address the board with your comments.

Mindi Roca: Oh. Okay, the deck that's there right that people from the restaurant went out and hung out on that I look out to what is that going to be used for?

Janet Andersen: Okay, what we've been told, is that the decks will be, will be reduced in size, but they will be part of the the, an amenity to the apartment, to a couple of apartments.

Mindi Roca: So, that'll be their deck to hang out on.

Phil Pine: That that'll be that unit's deck, yes it'll be smaller than that unit's deck.

Janet Andersen: Okay um any other questions from the public or from our board members? I would look for a motion to close the public hearing.

Jerome Kerner: So moved.

Janet Andersen: Thank you Jerome. Do we have a second?

Charlene Indelicato: Second.

Janet Andersen: Charlene. Thank you, any further discussion? Okay I'll poll the board. Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Greg?

Greg La Sorsa: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Aye.

Janet Andersen: All right, and I also say yes um let's close the public hearing so that motion carries.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board closed the public hearing for the change of use from restaurant to residential at Oakridge Commons, South Salem at 8:30 p.m. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. La Sorsa. Absent: None.]

Janet Andersen: We do have a resolution, the resolution was prepared and circulated prior to this meeting. I'll ask Jan to to run through it quickly.

Jan Johannessen: Absolutely, this is a resolution for Oakridge Commons, Building 9B, the proposed apartments, it's for amended site development plan approval, the applicant's proposing to convert the second floor of the western-most building referred to as building 9B from a former restaurant to four apartment units. It is a permitted use within the underlying zoning district, the resolution discusses the water capacity analysis that was completed. That's in the fourth whereas, I'll just note that that whereas clause references the 1,320 gallon per day number that was for four three-bedroom units. Going down to 11 bedrooms, that number is reduced to 1,210 gallons per day so if the board moves the resolution I would recommend changing 1,320 gallons per day to 1,210 gallons per day because of the reduction in bedrooms.

The resolution refers to the Town Board resolution that approved the change of use and the modifications to the water and wastewater flow, makes reference to the referral that was made to the county planning board. Indicates that none of the units are required to be affordable, however, if there's any future expansion of residential use, perhaps the ground floor, that the calculation for affordable unit take into account these these four units. Also, that the applicant committed in the future with any future change of use or expansion of residential space, to provide vehicle charging stations, also to eliminate portions of the paved parking lot, to the extent they're not needed due to the reduction in parking. And also the applicant committed to usual landscaping improvements should the first floor convert to residential, that's all documented in the resolution. Resolution refers to the drawings that were prepared by project architect Robert Eberts, refers or declares that the act, the actions that type II action under SEQRA which does, I just want to point out one of the comments regarding the short EAF, while the applicant submitted the short EAF, that's a SEQRA document. And that was not actually necessary he submitted, it was not technically reviewed due to the fact that the application is not subject to SEQRA it falls under the type II action list. Specifically change of uses are Type II actions under SEQRA. So just wanted to point out that, while that form was incomplete that form was not necessary to be submitted.

The application qualifies for a waiver of site development plan procedures under 220 – 47(A) (1) of the zoning code basically reduces the application process from a two-step to a one-step process. And then goes on to approve the drawings that were submitted by the architect. The conditions are to address any outstanding comments, the applicant is to prepare to pay the fee in lieu of recreation. Comment condition three was the health department which apparently has been satisfied. For the discussion on the applicant's tonight, we will look to see that in writing. And the rest are really pro forma conditions, the operational conditions, starting in Condition 22, there are a couple, one site specific condition relating to the maximum number of bedrooms to be 11 bedrooms as as proposed. That's it.

Janet Andersen: Great. Thank you um I guess I did want to ask one more question and that one of the questions from one of the applicants was a sorry, one of the public comments was some idea about how long the construction might take. And I was wondering if there's any kind of estimate, you have one and what the timeframe might be.

Phil Pine: Unfortunately, I really don't. I mean we need to develop the actual plans what's being done there. Today building is slow, I mean it just with the pandemic and everything it just really you're not going to have site-related work so most of the work is going to be interior, so it should not adversely affect the community. I think when done they're gonna be happy with what they see so but I just don't have an idea, but again, most of its going to be interior work that should not adversely affect.

Janet Andersen: Thank you. Okay, and so we do have a resolution and I guess I would look to see if there's, go ahead Jerome and you have to unmute yourself.

Jerome Kerner: I'd like to move that we adopt the resolution as drafted with the modification to the number of bedrooms as specified by Jan in his dissertation.

Charlene Indelicato: I'll second it.

Janet Andersen: Okay, and I think that's actually to the gallons per day and.

Jerome Kerner: It was a number of bedrooms as well.

Janet Andersen: Okay.

Jan Johannessen: Gallons per day, based on the number of bedrooms.

Janet Andersen: Okay right. Any further discussion? Okay um so we have a motion, I will pull the board Greg?

Greg La Sorsa: Yes.

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Yes.

Janet Andersen: Yes, and I also say aye, so no motion carries and the resolution is approved. Thank you. Yeah and we will we do want a copy I should have mentioned, we, we do expect a copy of that letter from the health department, please, if you could send that in.

Michael Sirignano: We will, tomorrow morning.

Janet Andersen: Thank you, and happy holidays.

Phil Pine: Yes, happy holidays everybody, thank you.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the resolution dated December 21, 2021, granting a change of use from restaurant to residential at Building 9B of the Oakridge Commons, 920 Oakridge Commons, South Salem, was adopted. A copy of the Resolution is attached and is part of these minutes. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. La Sorsa. Absent: None.]

II. EXTENSION OF TIME REQUEST

Cal #10-17PB

(1:07:48 - 1:18:58)

Mercedes Benz of Goldens Bridge, 321 Main Street, Goldens Bridge, NY 10526, Sheet 4E, Block 11135, Lots 1, 2, 3, 4, 6 & 7 (Charisma Holding Corp., owner of record); Sheet 4E, Block 11135, Lot 5 (Spencemorg, LLC., owner of record), Sheet 4E, Block 11135, Lot 9 (Charles Monaco, owner of record) and Sheet 4E, Block 11137, Lot 42 (Robert Castelli, owner of record) – Application for Site Development Plan for additions to existing auto showroom and service buildings, additional parking spaces and construction of a parking garage.

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

Janet Andersen: Okay, and the next item on our agenda is an extension of time request, this is calendar number 10 -17 PB. This is Mercedes Benz of Goldens Bridge, 321 Main Street, Goldens Bridge, New York; this is an application for site development plan for additions to an existing auto showroom and service buildings, additional parking spaces and construction of a parking garage. And I am looking, I believe, Michael you are on for this.

Michael Sirignano: Yes, so good evening. We're asking for what we hope to be the last extension we will need. We've made substantial progress in meeting the many conditions of your approval. I believe Steve Spina of JMC recently submitted a letter with the documentation showing all of the conditions that we have met and and there's limited very few left unmet. Maybe I don't know if Jan has had a chance to review that submission if he has we would welcome his his comments as to have the progress we've made but we're we're feeling good about our progress. Health department approval has been time consuming. We had to do a yield test which required involving monitoring the neighbors' wells, and that required logistical efforts to reach out to the neighbors to get them to understand the process, get them to sign paperwork authorizing our folks to go on to their property and and put monitors on their wells, we've made some improvements to one of our neighbor's wells at her request. But the the yield test went well. And now we're waiting for the lab results on the water quality testing and then we're going to make a submission back to the health department so we're getting close on that, we made significant progress there.

On the architectural side John Sullivan, the project architect, I believe, has completed his construction drawings for the service building. And the plan is to, it may have already been done, to submit the plans for the service building the construction drawings and also obviously your approved site plan to the building department to get them started on their review for permits, because the priority according to pursuant to your board's express wishes is to get the site work started up on the Northern end and the property as the first product of the build out product process. And while we're doing that normally site work we're going to tackle and focus on the the service building the main building to the south or the center of the property is going to be a second separate stage of construction. So I believe you have some submissions from like we're from Steve Spina I don't know Jan wants to comment on that he's had a chance to review it, but we need another extension. Tom Maoli has has closed on his construction financing so we're ready to go as soon as soon as we get the health department, really, I think Jud and I have to do a couple more crossing t's and dotting i's on some of the instruments that will have to be recorded, I'll work with Jud on that, then we're ready to go forward, but we need additional time. Happy to answer any questions.

Jan Johannessen: Janet, I'll just say that we have we have received the materials from JMC, we're actively reviewing them. We have not finalized our review, but the plans were in pretty good shape, when they got approved. Really, I think it comes down to the outside agency approvals, the health department, DEP, DOT, there was a license agreement from the town board. So those those type of things need to, obviously, be completed before the plans are ready for signature, but we are you know, taking a final look at the site plan package which is significant. The SWPPP and I don't expect there to be many changes because they were so far along one when I got approved, but the outside agencies are really really, the more significant piece, there was a construction cost estimate that was submitted that we're reviewing as well, so. You know I can say that they're they're making progress for sure, or we receive those materials, a couple weeks ago.

Janet Andersen: Great. Thank you and. Yes, so I will say that we did receive an email from Ms. DeNicola who is concerned about some complaints. We did check with the building inspector, and there have been no recent violations and no written complaints that have been given to him to to go as the code enforcement officer to go look at so. I, I think that is, you know, again with there's there's nothing that seems to be outstanding or associated with that business that would validate I guess this that concern. On the concern, you know we certainly have been concerned about the the water issue and I think it will be addressed if if this project moves forward. So. That seems like the the path to take. So I guess I would look for a motion, we can extend up to a year, if I understand correctly, but of course we could do shorter if we felt that we wanted to do some some checks in any way on this. But I would look for.

Judson Siebert: And Jana I would just know you know if you look at the date of approval, this was March of 2020. So obviously we've all been operating under some extraordinary circumstances in the intervening time. And I just offer that for the for the board's consideration.

Janet Andersen: Correct and I think the, so I think the current extension, the current extension ended on December 17, 2021. We did get the request for an extension before that. So any extension would be from that date onward so.

Judson Siebert: But I'm just I'm pointing out as to when the initial approval was adopted and adopted after you know, a very extensive analysis and a lot of work went into the review and approval of this project over an extended period of time.

Janet Andersen: Yes. Yeah, I think probably Jerome and Greg you know, remember that, with a lot of pain as well. Okay so I'm looking for I I I think again, we can give it a year extension. I understand that the difficulty as we've just heard from Mr. Pine the difficulty in construction continues with the pandemic so unless there's any other reason I guess I would look for a motion for one year extension, which would be until December 17, 2022.

Gregory La Sorsa: I'll make a motion to extend this project for a year.

Janet Andersen: Second?

Charlene Indelicato: Second.

Janet Andersen: Thank you, Charlene, any further discussion? Jerome?

Judson Siebert: You're muted.

Gregory La Sorsa: You're muted Jerome.

Jerome Kerner: So you don't have to strike what I said from the record. What I wanted to acknowledge the concerns that were voiced in Ms. DeNicola's letter and although they were not sent to the building inspector as in writing as potential violations, it would seem to me that as good neighbors the Mercedes Benz of Goldens Bridge would look into the complaints that deal with constant beeping at night, as whether it's car deliveries or car searching, car searches and and try to be a good neighbor during the this delay and until the project is complete when we think those issues would be obviated. So that's my only comment and.

Janet Andersen: Yeah, I guess, one of the things that I was thinking and I don't know whether it's done as a default or not, but there are you know some some location things use the horn and some have a a beep, still I mean it's still noise but it's not a horn and maybe one of the default settings that Mercedes Benz could implement would be to always have it, not the horn and go to this other beeping or something so perhaps Michael you could convey our desires to mitigate the you know noise as much as possible.

Michael Sirignano: I'm happy to speak to Tom Maoli about it and I'm sure you do whatever it can be done.

Janet Andersen: Thank you. Okay, so we do have a motion to extend this for a year, any further discussion. Okay I'll poll the board. Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Aye.

Janet Andersen: Greg?

Greg La Sorsa: Aye.

Janet Andersen: And I also say yes, so this will be extended out one year till December 17, 2022 Thank you.

Michael Sirignano: Thank you, happy holidays.

Janet Andersen: Happy holidays, Happy New Year.

[On a motion made by Mr. La Sorsa, seconded by Ms. Indelicato, the Board granted a one 12-month extension to the Resolution dated March 17, 2020 granting Amended Site Development Plan Approval and Town Stormwater Permit Approval to Mercedes Benz of Goldens Bridge, 321 Main Street, Goldens Bridge; the new expiration date is Monday, December 19, 2022. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. La Sorsa. Absent: None.]

III. WETLAND PERMIT REVIEWS

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

(1:18:59 - 1:27:45)

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

Garrett Schilke, owner, and Steve Marino, were present.]

Janet Andersen: Okay um, the next item on our agenda is calendar number 29 - 21 WP, number 03 – 20 WV. This is the Schilke Residence, 3 Beaver Pond, South Salem, New York, and this is an application for the remediation of wetlands. So we do, I think, have a memo from Jan on this so maybe Jan you can hit the high spots.

Jan Johannessen: My pleasure. I'll just bring it up. We thought there was a lot of progress made in the last submission. We had a couple of minor comments regarding the size of the plant material. I think that the applicant is in agreement with the size, the plant material that we had recommended and they really reiterate that, in their cover memo, but I believe that there's just some updates to be done on the plan in regards to the size yeah I really. We have a couple of minor items there's a couple of no mow zones that are proposed. To be cut, you know no more than once a year, we had asked that

those be delineated in the field by use of monuments, or some other form of permanent demarcation just so they could be kind of evaluated in the future if needed and just a reminder to the the owner as to where the no mow zone is, but I think the plan itself is acceptable to us. There's additional plantings that have been proposed, the slope of a little section over by the wetland area is now proposed to be planted to stabilize that slope. You know it's it's an acceptable plan, mitigation plan, from our perspective. I don't have any further comments.

Janet Andersen: Thank you Jan. I see Steve, I believe you're on for the applicants.

Steve Marino: I'm here for the owners, yep yep. If I could just jump in real quickly as Jan mentioned, we did get a memo from his office end of last week and we did send make those revisions immediately and sent that into Ciorsdan today so. Our response in terms of accepting those three comments that that Kellard Sessions has made has been provided, and we delineate that in an email that we sent to Ciorsdan this afternoon, so yeah we have no problem with that we've added additional trees, where it's 16 trees now, 70 shrubs, a program for replanting in wildflower meadow and grassy areas that would be you know low maintenance and we're ready to move forward with cleaning this up.

Janet Andersen: Yeah. Thank you for that quick turnaround I'm I'm not sure that everybody got a chance to see it today, but I did note that it came in and I think someone might have had their hand up, I do yes Jerome.

Jerome Kerner: Yeah so I'm looking at the CAC memo and Jan I wonder if you had any comment on that whether they were looking for 2:1 as a recommendation, based on the fact that significant shade trees will clear cut around the pond and I'm wondering if the 16 was that an original proposal, was having increased.

Steve Marino: If I could address that really quickly, Mr. Kerner. There were no trees cut near the pond all the trees that were cut were relatively close to the house, within a 50 to 60 foot distance from the house, so no trees were cut everything beyond that point to the edge of the pond is knotweed. So you know there's been some clearing of the knotweed we'd actually you know kind of a little bit of remediation going on to try to get the knotweed out of that area, but there have been no trees cut near the pond. So that's the good news, there were there were some dead ash trees that were cut down there were a couple of trees relatively close to the house that we're leaning towards the house. The family has young children, they wanted to take those down so although up to a dozen trees were cut down there was no bad intention here in order to clear area or you know it's never it hasn't been restored his lawn area for a playground or anything like that. It right now it's it's naturalized in in partially in a wildflower meadow that's being established, as well as an area that was woodchipped with the chips that came from the the trees that were cut down so yeah there were no and in terms of the numbers of trees, my concern is that it's it's approximately a half acre of area that was where the trees were cut. To put too many trees in there at some point is going to be too many trees, I think 16 is a nice spacing and we are under planting with 70 shrubs. All of which are suitable for a buffer area transitional area to the pond, so I think that's how we we kind of made up for the number of trees by adding a high number of shrubs.

Jerome Kerner: Thanks for that.

Steve Marino: All native all native species.

Jerome Kerner: Thank you.

Jan Johannessen: I agree with what Steven mentioned, I think it's an appropriate plan and I think the extent of mitigation is appropriate, given the disturbance that was conducted there.

Janet Andersen: Great. Thank you. So Jan, I might be jumping the gun on the view of the board yet, but would you be willing to handle this administratively.

Jan Johannessen: I would.

Janet Andersen: Okay um and I would say, I think, on this, it does seem like a nice mitigation plan and some of the wood chips that were a thick layer being removed I think it's, Steve I want to say thank you and to the owner as well, for you know being responsive on this be so. If the board is in agreement, I would look for a motion to make this wetland permit to be handled administratively.

Charlene Indelicato: I submit that motion.

Janet Andersen: Thank you Charlene, do we have a second?

Jerome Kerner: Second.

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

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Aye.

Janet Andersen: Greg?

Greg La Sorsa: Yes.

Janet Andersen: And I also say aye, so this is, will be handled administratively, thank you Jan, thank you Steve as well, for being here.

Steve Marino: Thank you very much.

Jan Johannessen: I'm sorry just before we move forward, can I just ask Jud to just put forth the next steps in terms of processing the violation before the applicant jumps off.

Judson Siebert: Right so we'll, I think the the the appropriate step is to probably set a control date for this and Jan, I'll defer to you as to when they should come back. But once the administrative permit is issued, and once the work is completed, notice of completion is with the Board will have to come back to entertain and resolve the the underlying violations so.

Jan Johannessen: I'm thinking, this is probably a springtime project, maybe June.

Judson Siebert: I was thinking June June yeah yeah.

Janet Andersen: Steve does that sound.

Steve Marino: I will, I will check with the property owners, but I think that you know June 15 June 30 something like that to complete things in time for the spring planting season, that would work for us.

Judson Siebert: Right and Steve nothing if for nothing else, why don't we just put it on the June agenda as a control date we can check in with us to progress at that point.

Steve Marino: That's not a problem.

Janet Andersen: Okay, great. Thank you um yeah so it's the third Tuesday in June, whatever that date is I don't have my calendar in front of me right now okay so great, thank you very much and happy holidays.

Steve Marino: Thank you, thank you very much.

[On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the Board determined that the restoration of the wetlands at the Schilke Residence, 3 Beaver Pond, South Salem, will be handled administratively under a permit issued by the Wetlands Inspector and a control date of June 21, 2022 was set. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. La Sorsa. Absent: None.]

Cal #53-21WP

(1:27:45 - 1:37:47)

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

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

Janet Andersen: Thank you, the next item on our agenda is calendar number 53 - 21 WP. This is the Nitta Residence, 10 Lambert Ridge, Cross River, NY. And this is the application for the installation of a pool. I am looking for is it Greg are you on for this.

Greg Mercurio: Yes.

Janet Andersen: Thank you.

Greg Mercurio: So, let me see if I could share the screen um. Thanks everyone. For this evening, let's see here. I'll choose. So, I'm not sure, is everybody seeing this plan? I feel like there was a minor victory in the sense that we kind of got through a lot of the housekeeping kind of comments from our last time we were here with the planning board to review this project. We're working with Brian Hildebrand to address a lot of the stormwater comments and with our last review from Kellard Sessions we got it down to about four comments and and they were not to say minor but they were just some clarifications, a North arrow on one and the pool size was miscalculated was slightly larger by about know so 35 feet and went to 38 feet and Brian had submitted an adjusted stormwater calculation to mitigate for that additional square footage of pool size. I guess, one of the main takeaways on my end with a with a planting mitigation was that we were covering about over 7,000 square feet with shrubs and trees. We have almost I believe it's like 600 plugs we're thinking about putting in into those areas, as well as a no-mow seed blend along with the wildflower mix, so it seems like that's the theme of the night. It's a lot of these meadow plantings, low maintenance, which is kind of a cool thing to see because I don't think they were as popular as they are now, which is a great land use feature, particularly in a residential setting so um. I guess I'll open it up to you guys, to see if you have any additional questions.

Janet Andersen: I do have one, could you remind me whether this is a salt pool or a chlorine pool?

Greg Mercurio: We checked with Nejame [& Sons] and we believe it's a chlorine system.

Janet Andersen: Okay, thank you. I think that makes it a little easier for drawdowns. I think Jan you might have some other comments.

Jan Johannessen: I think Greg hit them. Well we're down to a couple minor minor comments. I think the storm water stuff's been resolved. And I think the planting plan's been resolved now if Greg you could just confirm that the hat the hatched area, that's the no-mow zone.

Greg Mercurio: Correct yes. Yeah all that dot hatch throughout all of those beds so where you don't see a shrub and you see that hatch that would all be either, it would be a combination of the plugs and the grassy so typically start with the bigger material first, we set that in and then we'll work, you know from our bigger perennials. And then, and then

overseed everything with a no-mow grass seed which has been a really nice thing we've been using. And I'll see it too much in New York, but in Connecticut we've been using it for mitigation adjacent to wetlands, doing these like landscape moguls with this no mow grass and the ups and downs of the moguls kind of help slow the water flow but it's this particular no-mow grass that we've had a lot of success with so we're proposing that in this design.

Jan Johannessen: Okay, now the are those going to be, for instance, mitigation area A, along the property line where the existing evergreens are located. Yes, is that's going to be a planting bed, is it going to be a defined bed, or do we need some demarcation to identify where the no-mow zone kind of begins.

Greg Mercurio: Well, it would be a like an edged bed, so you would have like a lawn, just like you have any typical border pad around the property, they typically have cut edges. I, you know I kind of haven't gotten too much of the details, with the homeowner but, in certain instances, particularly through the wooded areas, you know it might be nice to delineate some of it with some small stones. I don't know that they really want to get into any like steel edging or metal edging because of the scope of these areas, but I kind of defer to you guys to see. I mean I in the comments I said that I would lay these areas out as per the plan and you know, we would be, we'd be very careful in trying to make sure that we're doing it as accurate as possible.

Jan Johannessen: Yeah just for future, years, landscapers in the future, just they know where to where to where to not mow.

Greg Mercurio: Yes, in some of those instances it might not be suitable for lawns, they might go to wood chips, where it's too shady for lawn but, for the most part, yes, everything would be would be clearly delineated on and I, and I believe that you guys to go back and check the plantings at some point too, so I think.

Jan Johannessen: Yeah well we do it for the final you know the final CO but then you know it's up to the owner to maintain that and they need to know, sometimes we'll see, you know, small cedar low lying cedar posts markers just to indicate, you know where the no-mow zone is if that's appropriate, but really the comment is.

Greg Mercurio: I mean.

Jan Johannessen: I think the.

Greg Mercurio: It's really like, it's a small backyard. So it's going to be kind of more like an intimate garden, more so than like a staked out with posts and and monuments necessarily I mean it if it's important to to get it some areas think that and confirmed, you know with a surveyor or something like that, I mean I suppose that's an option, but like I said I'm, you know this is this drawing this to scale and there is general square footage areas of of no-mow and meadow planting so.

Jan Johannessen: I'm satisfied with mitigation plan and I know that the no-mow zone has been clearly identified on the plan, it's just a matter of the owner, you know, complying with it in the future so. I'm okay with....

Janet Andersen: Over time, as you know, if that the homeowner changes or if there's a you know new landscaping crew comes in, we don't want them to suddenly try to make everything lawn again so. You know I I think I can say that Jan has typically come up with some kind of you know, as you indicated a couple stone markers or something that that lets people know that this is this is no-mow area beyond the fact of of the fact that the vegetation is different. So Jan would you, it sounds to me like you're willing to take this on administratively as well.

Jan Johannessen: Yeah that I think we're we're at the finish line here.

Janet Andersen: Great. So, if you could stop sharing Greg so that we can look at every at each other.

Greg Mercurio: For me what's that.

Janet Andersen: Could you stop sharing the screen, so we can.

Greg Mercurio: Oh sure, sorry about that.

Janet Andersen: Oh no problem we just this makes it easier, as I try to look at people.

Greg Mercurio: This is like my third Zoom meeting so.

Janet Andersen: So, and I would look for a motion, to make this make the Nitta residence application an administrative wetland permit.

Jerome Kerner: So moved.

Janet Andersen: Thank you Jerome, is there a second?

Gregory La Sorsa: I'll second.

Janet Andersen: Thank you Greg, any further discussion? Okay, I'll poll the board, Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Aye.

Janet Andersen: Greg?

Greg La Sorsa: Yes.

Janet Andersen: And I also say aye, so this is now again something we delegate you to Jan to handle administratively. Thank you Jan and thank you Greg and and I think with that we can move on, so happy holidays to you and.

Greg Mercurio: Thanks everybody have a great night.

Janet Andersen: Okay okay good night.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board determined that the installation of a pool at the Nitta Residence, 10 Lambert Ridge, Cross River, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. La Sorsa. Absent: None.]

Cal #70-21WP, #26-21SW

(1:37:48 - 1:48:51)

**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.**

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

Janet Andersen: Okay, the next item on our agenda is calendar number 70 - 21 WP and calendar number 26 - 21 SW, this is the Gardner residence at 23 Waccabuc Road, Waccabuc sorry Goldens Bridge New York. This is the application for an addition pool and patio, so um I believe Bob Eberts, are you the lead on this one now?

Bob Eberts: Hi, how are you?

Janet Andersen: Hi ,go ahead.

Bob Eberts: Yeah, this is a five-acre parcel are looking to add a an addition a 10 foot addition on the back of the building at a pool to the to the side of the building and a pool surround. Since the last submission, we we've made a few changes, we've reduced the pool surround the pool patio about 600 square feet so we've made a substantial reduction that size also reduce the deck size by 300 feet. And we've pulled the deck a further away from the from the wetlands so it's less than the rear yard and it's almost entirely now in the in the side yard. So we pulled that away, the other, the other change we made is we are showing the oil tank being eliminated eliminated will put an above ground oil tank under the deck. So those are the substantial changes that we've made since the since the last submission.

Janet Andersen: Okay um. I think. I know Jan you have a memo, do you want to review that?

Jan Johannessen: Sure, I'll go over go over quickly, I think the modifications that were made to the plan or obviously positive and the the reduction in scope. So you know I think the majority of our comments were identified in our prior memo and they're just going to take some time for the applicant to work out. I didn't expect that they would have enough time to respond to them we're you know we've requested some topographic surveys and tree surveys and detailed mitigation plans that are just going to you know I think they're all underway, it's just going to take some time to to finalize and get to us, but from a concept perspective, I think that the plan is an improvement from what was previously proposed. I spoke to Beth Evans, the wetland consultant, on this last week and identified that I was was happy with the locations that they chose for the mitigation there just needs to be more detail regarding you know invasive species removal primarily Japanese barberry, then replanting of that area, so waiting for the details on a couple of things, but I think we're heading in the right direction.

Janet Andersen: And I think one of the comments that I believe is in your memo was that we should probably refer this now to the building inspector.

Jan Johannessen: Yeah, we didn't have a, the board contemplated that at the last meeting but we didn't have, there wasn't enough information for the building inspector do do a thorough review. I think we have that now and that information should be forwarded to him so he can conduct a zoning evaluation.

Janet Andersen: Okay, so again we refer by consensus, so I would look for board to give me thumbs up and we can say we're Okay, I think we do have that. Thank you so. So we will refer this to the building inspector. I think that the, you know there there is quite a bit of change, and you know, there might be some questions about height or anything so it's better to get that sooner than later. Um. Other than that, I think we had a CAC memo, but I think it was similar to the the comments that Jan went over in the more details about the mitigation plan. And, so is there anything else that you want from us tonight.

Bob Eberts: Would you consider scheduling a public hearing?

Judson Siebert: I suggest we hold off, let's see what Joe comes back with this there's a prospect that this could ultimately go administrative would make a public hearing [static]. Okay yeah. Unless Jan disagrees.

Jan Johannessen: No, I think you're right on Jud, Bob I think you should resubmit the additional information when when it's in, I know that you have you know you're dealing with the work products from other people, but I think it's premature to schedule the hearing and it might not even be necessary at the end of the day.

Janet Andersen: Are therr neighbors very close or adjacent to your property that might be impacted and, if so, you know we're always interested to have a letter of saying that they're in support of your changes. I'm I'm trying to think I know you're on I don't know if their neighbors close by, but if there are that would be helpful to have a statement.

Bob Eberts: There are neighbors across the street, obviously, on the other side of 138 which I don't think are impacted in any way. There's a up the closest neighbor is on the right side of the property we're working on the left, so I don't think they're impacted in any way, there is a very, very distant neighbor behind the property, so I don't think they're going to even know what's happening. So no I don't I don't think there's any neighbors that will have any impact at all.

Janet Andersen: All right, um John did you want to add any comments from the CAC?

John Wolff: Um no I think there was just the rain garden, maybe moved further from the wetland was one of our I think was the only other comment that Jan didn't have.

Jan Johannessen: You felt that John, it was close, too close?

John Wolff: Yeah, that was the feeling.

Jan Johannessen: I think that. I'm sure that it's selected there because that's where the, they're getting daylight. I'm not sure if they did, Bob did you do any soil investigation to see if he could go subsurface with the drainage or are rain gardens just it.

Bob Eberts: No, we, it's our feeling that, based on the elevation of the wetland that you know we go four feet down we're probably going to hit water. In fact, the design of the rain gardens that were done by Alan Pilch really didn't calculate any percolation at all, they are really just calculated 100% storage, really just retention of the water.

Jan Johannessen: Well, maybe just go back to Alan and see if there's any way to move the basins a little further away from the wetland but I'm sure, a lot of that has to do with where you can get your pipes to daylight. See if we can work on that.

Bob Eberts: We'll take a look at it, thank you.

Janet Andersen: Okay um. And also, I think I remember at this is the right one, they regard might have been fairly close to the well or I mean, maybe that's one of the other limitations.

Jan Johannessen: Anyway, we've asked them to demonstrate. There's all sorts of setbacks, that the health department requires from well and septic, the stormwater practices so we've asked them to demonstrate that graphically on the plan all those those setbacks. So we'll see how it goes.

Alan Pilch: Right, Hi, it's Alan Pilch, we actually did take that into account that sighting of the bio retention area on the west side of that. And we'll take a look at the rain, you know location rain garden of it may depend also on where the tree survey shows. That is that something we didn't want to do is cut down trees for the rain garden, or if we can avoid that.

Jan Johannessen: Sorry, Alan, I didn't know that you were on the call, I would have directed that question.

Alan Pilch: No, it's okay I'm here. But I'm not saying that, what we'll we'll take a look at that observation, but we did take a careful look at well and it's set back from the bio retention area. You know it's just picking up runoff from speaking of pool and rooftop off, so it can be 50 feet away from the well. In that case you know not a 100 feet, this is stopping your driveway right on.

Jan Johannessen: Yeah, so if you could just put the separation distance radius off. You know the various components to demonstrate that compliance that'd be helpful.

Alan Pilch: Yes, yes.

Janet Andersen: And, as I recall, this is a saltwater pool, so I I'm assuming the drawdowns of the pool don't go into the rain garden and add salt to the plants there unless there.

Bob Eberts: That's correct no, we have a draw down area that's it is subgrade that four Cultecs will be shown or are shown on the drawing.

Janet Andersen: Yes, okay great. Thank you. Forget that all right um, so I think that is, we will send this to the building inspector and you know, I guess, right now, unfortunately, the the date of submission to get us in January in January January is today, so we are going to probably see you in February, so thank you.

Bob Eberts: That's correct Thank you okay.

Janet Andersen: All right, you.

Beth Evans: Happy Holidays.

Alan Pilch: Enjoy Happy New Year, thank you.

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

(1:48:52 - 2:12:12)

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.

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

Janet Andersen: Okay, so the next item on our agenda is calendar number 72-21 WP and calendar number 21-21 SW, this is the Dayton pool and patio, 62 Mead Street, Waccabuc, New York. This is an application for a courtyard including a new pool, a fire pit, and pavers, and there's also a little bit more of a building fill in and. Let's see, I'm looking for.

Kathleen Gallagher: John Watson is not here tonight I'm Katherine Gallagher I'm with Insite Engineering. I'll be presenting on the behalf of Insite.

Janet Andersen: Oh, thank you, I knew I was looking for a name and didn't see that. Thank you.

Kathleen Gallagher: And then I'm also joined tonight by the architect Rick O'Leary, so I will share my screen. Since our last submission a couple items have been updated on the plans. As was mentioned in the last planning board meeting, the drainage within the interior courtyard was relocated into the lawn areas, both here and here as was suggested it's allowing the planted areas to be used as basically an incidental stormwater rain garden. That allows it to capture the water before it goes into the infiltration system, so those are not just lawn, those will be planted areas in this location. We've also updated the background to include a survey that was done by Insite Engineering, so the background that you see now isn't the PDF that you saw before, but as an updated survey that was recently done over the last several months.

I'm going to jump to the aerial for a moment and reorient ourselves to here, we are proposing a mitigation area that is located in this hatched location. So way the site is functioning at the moment is obviously where there is a wetland on the eastern side of the property between the wetland and the stone wall it continues, a meadow area that's basically an extension of the the wetland that comes up, and triangular piece right here, which is also a meadow and then there's a lawn that is in between the two that's kind of separating the two. So when we were looking at mitigation areas, this seems like the best location, to be able to merge those ecosystems feel to create a connectivity from an area that was already being used as a meadow and extending that into the wetland area with the meadows and that is our proposal. We are proposing a native seed mix. Which is located under the site seeding notes. Which is an agency mix that will be used to really bridge that gap, and you can see just the upper portion of that located in green here, and you can barely see this line, this is really the edge of that that meadow area that's located in that location. We've also provided letters from the adjoining neighbors to the property, which are stating that they have no objection to the proposed improvements. And, in light of that, we do hope that tonight we'll be able to move the project to administrative wetland process and procedure and to move forward

with that. We have made note of the comments we received comments from the building inspector, from Jan's office from Jan's office, as well as from the CAC. Many of those things we feel like we'll be able to work through with the building inspector in the building department if we're able to move through this administratively and with that that's my summary of the changes and we're happy to answer any questions that the Board has tonight.

Janet Andersen: So okay, you mentioned the building inspector letter and it does seem to us that he has identified a couple of things that need to go to the zoning board to get approval and for the variances, so I think the size of the out building and the height of the garage sitting area that is in the lower left corner as we're looking at here.

Jerome Kerner: Jan? I don't think he cited those as objections. He had questions. The plan did not dimension the height, the maximum which should be 20 feet so if the applicant stays within that it would not be referred to the ZBA for that and then also the 600 square feet is permissible with without a building permit I mean not without it's permissible within the code. So I don't see where you're saying he's referring it to ZBA unless I misread that.

Jan Johannessen: The building's over 600 square feet right, it would have to do, it would have to go to the zoning board.

Jerome Kerner: Right oh.

Kathleen Gallagher: It is over six, I do believe that and, better than I can but I do believe, from a height perspective, we do believe that will be able to show that it is in the requirement, but we, but I do think that the square footage is going to be over that 600 square feet.

Jerome Kerner: I see, okay.

Janet Andersen: Yeah, I could have read it wrong myself, but that was my impression, that he was sending it off, so I am. Uh, I think we need to hear from the ZBA just to make sure that they, there aren't any changes to this before we say we would make it administrative. At least that's my view on I'll. Actually, let me, could you please stop screen sharing, so we can see faces again. Thank you. I don't know I I would really like to have a sense from the ZBA about the their view of this plan and I think before I've had a plan go administrative I I don't know Jan, I'll, go ahead Charlene.

Charlene Indelicato: I would agree with that I be that the building inspector officials should look at it, if it needs to go to the Zoning Board, it should go to the zoning board and those questions really at this point are outstanding, so I believe that there should be a delay in sending it administratively.

Kathleen Gallagher: We agree with you that we may need to go to the ZBA, specifically for the the square footage I guess my question would be, their comments could potentially be on the height of the house, which isn't going to, the height of the garage which isn't necessarily going to change anything from a mitigation standpoint. Because it's not changing square footages or storm water or things like that, and if we don't get the variance for the size of the garage that's just going to end up being smaller, which would also not increase the impact of what the Board is reviewing at the moment.

Janet Andersen: Yeah I think the other thing that we asked for, or that was in the Kellard Sessions memo, was the the plans for the area that's going to be added to the very north side of the house. I don't think we've gotten that yet either I again I I hear what you're saying about the size would only get smaller, but I think, you know, we, I think I'd like to see it before I send something off to, I mean my my personal view, before we send it administratively and... Go ahead.

Rick O'Leary: Hi. Maybe I'll just say one thing on that sorry. Hi, I'm Rick and we had submitted a permit application for the mudroom and discussed it with the building inspector, and there was a stair that exited the building and when the building inspector looked at the stairs he said okay, well, we got to hold up on that. This needs to be looked at more comprehensively, but he did have the plans and elevations and details for a building permit for the mudroom, which were submitted it was the question of the stairway, which he wanted more clarification on because it was on. Basically, that mudroom goes in the back corner of the house between two portions of the building right, and when we were out there,

and he looked at, he said okay that looks reasonable. But then when he saw the stair that went out beyond the corner of the garage he said okay wait let's let's stop and look at this more carefully, but they did have the planes of elevations, which we could circulate.

Janet Andersen: I think that would be helpful to get that just so we have a complete view of what is going on, thank you Rick for explaining that and what was going on. Yes, Jerome.

Jerome Kerner: So, Rick, while you're here, could you I don't see any place on the plan that dimensions, the proposed garage could you give us that.

Rick O'Leary: Yeah there's, there's an existing garage there, and this is basically an extension of the footprint it's 24 feet wide and then we were going to stretch it in its footprint towards the side-yard setback, which is 50 feet, which gave us about, it shown on the inside plan I think of 65.7 feet, so we can go up to 50 feet, without having to get a variance so we were going to come to be allowed a setback. So the dimension would be minimum 50 feet, the building itself would be the existing 24, and it's approximately 40 feet long.

Jerome Kerner: Okay.

Jan Johannessen: Can you provide a square footage total if I'm sorry if I missed that.

Rick O'Leary: Yeah yeah the, verbally it's, you know, In the you know call it 950 and then on the second floor there are there's an office area which is 650, so we are about 1,500 of finished space.

Jan Johannessen: It's about, it will have to go to the health department just review see if they're gonna have you do anything different with the septic system.

Rick O'Leary: Based on the thousand feet? yeah.

Kathleen Gallagher: We do plan on going to them to get a jurisdictional determination, I will say that they're usually as long as there's not a bedroom being proposed, It's usually considered to be like incidental like an incidental bathroom or something of the sort, so we don't anticipate having any issues, but we do anticipate having to submit the letter.

Jan Johannessen: But if you, if it if they saw it differently, I, and I agree with what you just said, but, is there any, if they counted it as a bedroom is there, additional capacity in the in the existing septic system?

Kathleen Gallagher: I do not know that answer but that's something we'll have to review.

Jan Johannessen: Okay. So that just might be another reason, just to get that information before it goes administrative just to see if we have any septic impacts.

Rick O'Leary: Yeah there, I mean there is there's only a powder room and there's no cooking in that building, so it wouldn't be a dwelling or a bedroom. I don't think, it would be difficult to interpret as a added bedroom.

Charlene Indelicato: And we never determine, I'm new at this, have we ever determine something subject to the zoning board.

Janet Andersen: I think we generally wait to see it just because if if the zoning board, you know wants something tweaked sometimes things change, and then you have to go back and you know it becomes a question of should we look at it again, should do they have to bring it back, so I think we tend to wait on after the administrative sorry after the ZBA before making a decision about sending something administratively.

Charlene Indelicato: It makes sense.

Rick O'Leary: And forward thinking I don't think it would never be larger than it's already depicted so that's we were looking at it from the the wetland permit point of view, more so than a building permit or variance application.

Janet Andersen: Yeah I I hear you. I think you're right. I don't expect to have things changed that would be more impactful. But I think it's, I'm, because things might change and because it puts a burden on you know the wetland inspector to then he'll have to decide well do I need to bring this back to you or not, I would just assume leave it, and then we will. We will move as expeditiously as possible, we really do want to try to make this, this work.

Rick O'Leary: This would be just a question of clarification, so would the request be to apply for a building permit get rejected apply for a variance get approved and then apply for a wetlands permit?

Judson Siebert: Now, well, it seems to me, you have a determination from the building inspector that give you predicate now to go to the ZBA. Right.

Rick O'Leary: Yeah, although we haven't applied for a building permit yet.

Judson Siebert: You have an interpretation, you have an interpretation from the building inspector that's all you need to go to the ZBA.

Jan Johannessen: Yeah you don't need to submit full drawings.

Judson Siebert: You have you have a written decision and actually I'd think you want to act on that, unless you modify your plans to satisfy his his concerns regarding compliance so take this.

Rick O'Leary: ...We wouldn't be able to comply with this.

Judson Siebert: I think you've got basically the admission ticket to get to the ZBA right now by virtue of the letter from the building inspector, so I'd just I do that, get that going. I can't speak to the ZBA but they typically move relatively quickly and in the meantime, get you know what what Jan is looking for, and we can be back and potentially be in a position to get you, you know, moving either through a board issued permit or possibly a referral, you know, to Jan for an administrative permit, and you know, in the same amount of time. But I'd get to the ZBA first.

Kathleen Gallagher: Can I also just loop back just for one clarification with Chairwoman Andersen you had mentioned about getting the plans to the north. I just want to clarify what you're looking for, my understanding is that that was in relationship to kind of that like patio area that was over the septic tanks and making sure that we're designing that, in a way, where you are being granted access to the tanks in the future, is that the specific issue you're referencing.

Janet Andersen: I actually I think it was something that, the plans for the mudroom that were on the north, and we didn't really have any, I thought that was something that had still not been provided.

Jan Johannessen: We didn't get any floor plans or elevations on the mud room so that that's a requirement to be submitted to the to the planning board, and I believe the the building inspector asked for, I think there was some sketches of the garage and grotto, but not real scaled, dimensional drawings.

Kathleen Gallagher: Wonderful, I just wanted to be clear on priorities, so we can be efficient, moving forward. And we did get letters from, three different letters to which clearly outline what has to be looked for as well, which we will respond to.

Janet Andersen: Yeah, so I think we heard from Rick that they, the plans for the mudroom do exist, he shared them with the building inspector, so I think that's just get get us a copy of them. Well, it sounds like it might change I don't know, but you know, to have that and, but I think, as we did as as Jud did clarify. When we referred this set of plans to the

building inspector, the building inspector issued a letter and that letter can be your adequate path to say we need to go to the ZBA and to get over get a you know, a decision from them, and then come back so I hope we would see you in February and perhaps be able to as as Jud indicated move forward quickly from that point. Any other comments from anybody else on the the Board? I do think, I do think that there were some you know interesting changes on the plans, they they are more clear. And I do appreciate getting the neighbor letters, but I think we just need you know, the next step is for you guys to go to the ZBA and then we'll see you, once they make a decision.

Rick O'Leary: Kathleen can I just request one thing, Kathleen, can you bring up the site plan again and I just want to show the stairway on the mudroom was removed, and it was replaced with a path so that helps to explain that you see that right right where your cursor is the mudroom had a landing and and three risers coming out, but that existing garage has a staircase inside it so rather than have an outside stair, they're going to use the inside stair and then walk out that path that goes out the back of the garage and over to the driveway. So that's how they were, the mudroom will look exactly as previously submitted, except for without the door becomes a window but it's pretty much the same so yeah we'll we'll follow up with that.

Janet Andersen: Yeah, I don't think we ever got those and that's why I think it'd be helpful to see. Yes Jerome.

Jerome Kerner: Yeah so. Maybe we've crossed this bridge before, but the existing garage is going to be removed right? Where you were just pointing to the mud room.

Rick O'Leary: Well, there are two garages actually. There's a there's a two-car attached garage and then down at the corner of the courtyard there's an existing two car detached garage and then that that detached garage is going to be expanded, if you look at that side-yard setback if that zoomed in I think it's 67 feet, so that that garage is going to be extruded until it meets the side-yard setback restriction. So he comes you know the cars are going to slide towards the driveway this this the footprint that's leftover is going to become placed a covered seating area for the pool.

Jerome Kerner: I see so the 40 feet is not totally parking garage, it's a combination of parking and some kind of covered seating. Yes, why isn't that depicted on the plan?

Rick O'Leary: And there is a. Oh well, there's it was on a separate drawing. Um do you want to see that Kathleen or I don't know if you have that right.

Kathleen Gallagher: I can grab it from.

Jerome Kerner: Is it the hand drawn, hand drawing?

Rick O'Leary: Yeah, it was a hand drawing it was actually drawn to scale it may have gotten printed.

Jerome Kerner: It's in the packet I did see that, but I was wondering I didn't connect the two I get it now.

Rick O'Leary: Yeah so the cars, the car parking slides to the driveway yeah leftover space becomes pool covered pool seating a shaded seating area. And then the attic the existing kind of triangular roof area is going to get two dormers and to create enough headroom to have space to have two little office spaces.

Jerome Kerner: So, in fact, if you wanted to you could actually somehow create a garage that was 24 by, you know, under 600 square feet and then just have a covering a pergola or something covering that patio/dining area I mean, I think yeah it's up to you, I guess you could.

Rick O'Leary: Yeah, yeah at their former house they had this little a little shelter that they called the grotto and they like that so they're trying to basically literally recreate it with the same furniture and everything so that's where it comes from.

Jerome Kerner: Got you. Thank you.

Janet Andersen: Yeah and, just to clarify that other garage at the north is not being removed, so this is the only this garage is being removed not and and enlarged right okay.

Rick O'Leary: No, it in the same footprint it's just being extruded till it gets to the setback. The footprint in the courtyard area stays where it is it's going to be rebuilt, but it's the same footprint so we're adding to the left side we're adding you know about 15 feet, at the same width so about 360 feet of footprint.

Janet Andersen: Okay.

Rick O'Leary: So, in terms of footprint it's less than 600, it's 360 but then we've got finished space upstairs.

Jerome Kerner: But the plan you have shown up there now shows an interior space it's called the grotto but it's like the living room with a fireplace and it's completely enclosed.

Rick O'Leary: No, it's open its open to the exterior. It's like a, it's open, I could give you a picture of their old place.

Jerome Kerner: No need, I get it.

Rick O'Leary: It's like a run in shed for a horse but it's got furniture in it.

Janet Andersen: Well, good, I think you understand what needs to get done and we will see you as soon as possible after the ZBA.

Kathleen Gallagher: Excellent Thank you very much we appreciate your time I'm happy solstice.

Janet Andersen: Yes, happy solstice.

Charlene Indelicato: Happy solstice.

Janet Andersen: The days start getting longer.

Kathleen Gallagher: Yeah, exactly.

Janet Andersen: Okay, and Happy New Year we'll see you then.

Kathleen Gallagher: Thanks.

IV. DISCUSSION

Interview process for the Comprehensive Plan Request for Proposal responses.

(2:12:13 - 2:39:09)

Janet Andersen: Thank you. The next item on the agenda is a discussion, and this is the interview process for the comp[rehensive] plan request for proposal responses. So, when I read the RFP I saw that one of the things for the RFP required for the applicant that or sorry the vendor that wins, and does the comprehensive plan will come in and interview the planning board. What I missed going through is that it actually says that the planning board will interview all of the people who responded to the RFP and help make a decision. So there were five responses to the RFP and I got a call from the the Chair of the Steering Committee for the for this comprehensive plan and she said well what six days in January in February, can the board meet. And I realized that this might be difficult, so I think we have two choices.

We can either decide to meet as a board to review, to interview all of the RFP respondents, and that would require noticing the minute and noticing the meetings and then you know going into executive session and so forth, because of the open meetings law. Or the board could decide to say we want to set up a committee of the board to go interview and have less than a quorum of the board so that we could just join, the people who were on the committee could just join with a steering committee and interview the the various firms and make a recommendation to the town board. We don't we don't get to decide, we recommend to the town board and they decide who would be hired to run the comprehensive plan. So.

Jerome Kerner: I vote for the latter.

Janet Andersen: Yeah I mean, I think. I mean. I think it's certainly easier if we say we want to do a subcommittee and I've been involved in this, so I would be willing to be on that not a subcommittee a committee of the Board and Charlene has certainly been involved, so I would expect her to be that. But I don't want to you know if the board wants to be part of this entire set of interviews for six meetings in January, February you're very welcome, I thought, maybe.

Gregory La Sorsa: Why don't why don't we just have a special meeting and have them all come and look at them in one night.

Charlene Indelicato: I don't think, as a member of the steering committee, can I address that? I mean I just that's just not going to work because they need at least an hour each at least and I don't think the steering committee would be open to that Greg.

Janet Andersen: I have.

Gregory La Sorsa: Because?

Charlene Indelicato: Because it's an hour each. And it just would not work for all of them to spend five six hours because it's at least an hour each.

Gregory La Sorsa: So have them come in at their appointed time.

Janet Andersen: No, no, this is this, so what I think it's the steering committee members, I've been on a few of the meetings, not all of the meetings of the Steering Committee, and they are a very deliberative and thoughtful group, that likes to take their time and think about the various issues so and they are really calling the shots here they they would set up the meeting, so they have said, you know choose January 18, 25th February 1, 8, 22 you know I mean which of those. And then March 1, 8, which which six of those eight dates can can you go to. Six of those seven dates, can you go that's they're kind of calling this. If so, we could have them. The problem is a quorum.

Judson Siebert: You're gonna you're gonna. you're gonna you're going to step into an open meetings law problem, I mean you know, for purposes of interviews. You know more, more than three members of the board. And the interview is going to be potentially viewed as conducting business. I just I just think it's going to be a you know just a logistical problem.

Janet Andersen: What we could probably do...

Gregory La Sorsa: Whoa, whoa whoa, let's back up okay. So they want the planning board to interview these people. But it sounds like they really wanted one or two selected people, people have already been preselected to interface.

Charlene Indelicato: That's not really....

Gregory La Sorsa: I'm sorry, can I speak? I haven't really said much tonight, so you can give me a chance. So that's all right, I mean that's fine, but I don't understand why we can't as a body do this and if. If they want us to meet on six different occasions, why don't we do it on two or three different occasions and I don't understand why this has to be an open meeting, because we can do it in executive session.

Judson Siebert: Right, no, no you're right Greg yeah no, I agree with you, it, you know if if the board wants to meet collectively right and then do the interviews, we would we would set up a special meeting, we would all each vendor in the interviews would be conducted an executive session, and you know we can we can go from there. Yeah, this is a board call, it's just you know it's a matter of calendaring and.

Janet Andersen: Right, so I mean they're basically looking for every Tuesday night so here's what we would so first of all, if we're not. It gets complex, because if we are not in, if we are not able to meet by Zoom because the you know the emergency thing through the 15th expires, that means we would have to meet in a common place. Go into executive session immediately, you know after it's been noticed, then we could have the meeting, then we will come, we could have the interviews in executive session, then we come out of the executive session, and and close out the meeting. It's not hard to do it's just that it's something we would have to do. I'm just saying that the Steering Committee who is steering this has said that they would like five nights and we can go back and say, we can make you know here are the four dates, we can make and and maybe they do some of it without us, or we say here are the six nights we can make meeting and we do that, like I said it's it's basically.

Gregory La Sorsa: Does this have to be a an in-person meeting?

Janet Andersen: It will have to be unless something happens with the legislature. Right now.

Gregory La Sorsa: I'm not sure about that.

Judson Siebert: No, no, no, it would have to be in it would have to be an in-person meeting [static]. You know, you know, unless the open meetings law reprieve is extended.

Gregory La Sorsa: But if we're doing this in executive session, do we still have to meet in person?

Judson Siebert: Yeah. You have to set the open meetings law then go into executive session.

Janet Andersen: So we could I mean we could stretch it and say we meet a person that we all go to our individual rooms go into executive, you know individual places.

Judson Siebert: I mean that's the way.

Gregory La Sorsa: We're going to be in person that we're not I mean I'm just wondering if we can you know, do the do the Zoom virtual meeting for something like this.

Charlene Indelicato: The Steering Committee will not do an in-person meeting so so we would do we would have to go into Zoom.

Gregory La Sorsa: We would have to do a Zoom meeting so that makes it simpler.

Judson Siebert: So well and and look let's talk about what's going to happen, right now, we have legislation that says we can meet virtually and still satisfy the open meetings now through January 15. We're all reading the papers, we all know, what's going on.

Gregory La Sorsa: Who knows what's going to happen.

Judson Siebert: I think we all know, what's going to happen, that, with everything that's going on my anticipation, is that you're going to see an extension of the open meeting law provisions that allow us to meet virtually, for you know, for a period of time. I you know, do I have a guarantee, no, but look at what's happening with with the numbers, look at what you know, what's going on statewide.

Gregory La Sorsa: I think, Charlene, did I understand you to say that the steering committee wants us to meet with these people virtually?

Charlene Indelicato: No, I'm saying that the steering committee will not meet in person, nor do we have to meet in person we're a recommending board, we're a committee we're not a statutory board.

Gregory La Sorsa: Right so yeah.

Judson Siebert: Whereas the planning board is. Right.

Charlene Indelicato: So therefore we're going to meet, because our because our Chairperson does not do in-person meetings, so we are going to meet via Zoom so, but we do have the extra added attraction of having to go in person or notice the meeting and then vote for executive session.

Jerome Kerner: So, I'm willing to delegate the responsibility of looking at these firms and checking their credentials and making sure that they have the qualifications. At some point they're going to whoever selected will come up with a plan, and I think the planning board as a planning board member, I would like to do them participate and review those plans but I'm not, I have no no desire to to to interview each of the firms and determine which one is best qualified. I glad to see the appoint a subcommittee so that it's not a full board so I'm wondering what your thinking is Greg and why you feel so important for the whole board to review these people.

Gregory La Sorsa: Because I'd be, that's what I think we should do.

Jerome Kerner: Okay that's it.

Gregory La Sorsa: You know I mean I just think that the board should act as a board if we've been asked to do that, I mean you know. I respect what you're saying I mean when I when I asked that question before I was given basically the same answer, that because they think that that's what we should do. So maybe it's a philosophical point I just think the whole bunch of did that, I mean over the course of our of my involvement with the board, I think we've always run into trouble when one or two people were you know doing something, on behalf of the board, and I know that with some subjects that we had that that became a very big issue.

Judson Siebert: Yeah....

Gregory La Sorsa: I just think philosophically, I just like I would rather see the whole board but right now, we only have four board members.

Judson Siebert: Yeah and and Greg I'm it might be a kind of a minor point, but one thing at the end of the day, whatever recommendation is issued with regard to the vendors has to come from the entire board. Yeah right, so if it's a subcommittee doing the interviews, they would do the interviews, report back to the entire board, and then the board would make its decision, so you know I just offer that. In, in other words it's not going to be one or two people making the decision for the board, they're going to do the interviews and report back.

Janet Andersen: Charlene, go ahead.

Charlene Indelicato: Greg, we can I don't know if you've gotten it because I'm on the steering committee and don't see that if you have gotten the five firms that have applied.

Gregory La Sorsa: No, I don't think I have, I have, I haven't seen it.

Charlene Indelicato: So you can get those materials, and if you want to submit any questions that I'm not saying that we're not going to meet as board, but in the alternative, if, in fact, we do it as a committee, then we can sort of you can review it and see what you think and see if you have any issues with anything.

Gregory La Sorsa: Okay, so what I'm what I'm understanding is that you're going we're going to appoint a committee to interview these five perspective companies and then the people who are on the committee are going to synthesize that information and come to the planning board.

Judson Siebert: Yes, yeah yeah because, ultimately, that recommendation has to come from the entire planning board not not a subcommittee so it's your base, you're delegating that, you're delegating the task of doing the the face-to-face interviews to a subcommittee but review of all of the materials that are submitted and whatever you know, the each board member can take a look at that and make a decision on their own.

Gregory La Sorsa: So, what happens if, in the course of the synthesis of each interview, a question comes up by one of the board members who weren't in the interviewing process, how do we address that?

Janet Andersen: I think there's well so. Oh I'd let me try to I'm going to jump in a little bit. I'm seeing that I'm wondering why we're Rubina Nitta is still on, but anyway. So I think right now, what is happening is all of the members of the Steering Committee are looking at the proposals and they are doing what they call Stage One with a series of questions, it's possible that one or more of the five vendors would be cut out. I am not sure what's going to happen just based on that preliminary review. Then they will interview up to five and that it's during that interview process that they have asked the planning board to join with the five people who are currently on the comprehensive plan committee, so it is not just the planning board that will interview separately, it would also be all the steering committee members. My understanding of what they are talking about doing now is having one session, that would be as kind of an hour set of questions. That would be fairly standardized set of questions that they're looking at, then they would have another meeting set up with each of the five to do sort of more freeform Q and A. I think the we could certainly bring in, and that would be certainly an opportunity to kind of come back with any feedback, say here's some preliminary information if you have any further questions we could we could take the questions of that, for that second go round and again I'm going through a little bit of this process, because I believe this gives an indication of how the the comprehensive plan committee steering committee tends to be a deliberative, thoughtful, process organization. I don't think they're going to do this in you know, one meeting per firm. I think what they're currently planning on is having two meetings as a sort of a standard set up with each firm. So it's going to be it's going to be a relatively lengthy process I think. Another go ahead, Charlene.

Charlene Indelicato: I'm sure Greg if you have any burning questions that you can give them to us after after we talk about it, and we can then forward it to the firm for answers.

Judson Siebert: I think I think that would probably be. You know if there are open questions after the interviews I think anything that we was extended to a potential vendor, they're going to you know they're going to answer, and if they don't. You have a response in a way.

Gregory La Sorsa: Okay, so I'm totally confused now. So are we are we and and you know I don't know, maybe I wasn't listening, but it didn't sound it sounded to me Janet that you just described a completely different process than you originally described all right. So are we is the planning board now going to be meeting with each of these potential vendors individually, or is the planning board or representative of the planning board going to be sitting in on the steering committees interview of these vendors?

Charlene Indelicato: With the Steering Committee.

Janet Andersen: We are part of the steering committee's interview with each of these.

Gregory La Sorsa: With the also the planning board, then, is not, the intention is not for the planning board to have separate interviews with these vendors.

Janet Andersen: That's that's right.

Gregory La Sorsa: I don't think you said that in the beginning.

Janet Andersen: I apologize if I didn't say that. And I think. I mean that certainly we could do that whole alternative and say all right, we want you all in for half an hour each and dah dah dah dah, but I don't. I think that the the way that this was was envisioned was that the steering committee would and the planning board would be together, you know originally this group of potentially 10, five people on the steering committee of sorry and and five from the planning board, but there's overlap of Charlene be a total of nine people be sitting in a room or sitting on Zoom doing in the new view of the firm's. Where the first thing would be fairly.

Gregory La Sorsa: So it will be a Zoom interview then.

Judson Siebert: Well no, if the planning board is involved in its entirety, it would it's going to if if we don't have a you know, a lift of open meeting requirements, then it would be in person, but.

Gregory La Sorsa: I mean yeah okay all right. All right, so in terms of asking them questions Jud, I'm a deposition guy I'm not an interrogatory guy. Or you know. I mean, if you want us to ask people questions on paper, and you know get their perfectly formulated responses, I mean I don't I don't know if we get exactly what we're looking for, but listen. It's so, if I understand this correctly, you want a member of the planning board, which is apparently going to be Janet to sit in with the Steering Committee and interview these five vendors and then Janet will report back to us at some point when this interviewing process is completed. With her what, with her opinions or with her the facts of what went on, I mean I'm not sure if you're going to make a recommendation for us to either support or not support I guess Charlene would do it also.

Charlene Indelicato: It's not a matter of am I doing it, we also had a sheet that we rate these people. Right and that we will give that to you to you may find that helpful and we're not is this is grading prior to their interview, by the way, and so you would have to go through all their you know in each of them are about 42 pages.

Gregory La Sorsa: I mean you know we're not going to interview it so we're going to rely exclusively on what to tell us, I don't see how else how else that can happen right.

Janet Andersen: I mean the other thing, so I have already been involved and I have seen a lot of this, I've read the RFPs, I've generated questions. I offered to do this because I thought it would be easier, certainly if you Greg or Jerome want to be, I mean the only person that's got to be there is Charlene because she's on the member of the steering committee. So it's possible, we could say. You know, you could go and do this on those I'm just warning you I think it's going to be possibly six meetings. Or I don't know if we could have, you know, you go to two of the six and I go to two of the six and Jerome goes to two of the six and so we each have.

Judson Siebert: You could do that to, as long as you don't have a quorum.

Janet Andersen: As long as we don't have a quorum, so we could have different people. I don't think that this is.

Gregory La Sorsa: I think the same person that should go to all of them, I mean otherwise you're going to get different perspectives.

Janet Andersen: Well we will. It's possible the other thing we could do is ask for it to be recorded not posted on YouTube, but then..

Gregory La Sorsa: So so what I'm sorry to interrupt I kind of want to maybe cut to the chase so so what, what are we talking about, so the five vendors, going to be interviewed and at some point sounds like March or April, maybe at the

earliest, someone's going to come to the planning board and say who should we recommend to the to the town board your we know we know what are what planning board recommendations to the town board, you know, historically, what happens to them, but you know so there's, is that how this is going to play out?

Judson Siebert: That's that's how it's going to play out Greg it's gonna be right.

Gregory La Sorsa: Okay. Do we have to decide this tonight?

Janet Andersen: Yes, because they're trying to set up meetings, and so you know I mean if we decide, we want to well, I mean like they want to know which of these meetings January 18, 25th, February 1, 8, 22 you know and then and.

Gregory La Sorsa: Oh, I'm sorry.

Janet Andersen: January 18[&25], February 1[,8 & 22], March 1.

Gregory La Sorsa: Okay okay. So I will I mean I may not even be right that's. Right yeah yeah I know you're usually out in February also yeah I may go down to Florida in February. All right so look let's let's set up this committee and then we'll see what happens.

Janet Andersen: Okay.

Gregory La Sorsa: So put Janet and Charlene on it, I'll consent to that.

Jerome Kerner: Which brings up another issue. That if Greg and I are both away in February, I mean I'll be available on Zoom, if we are meeting on Zoom.

Gregory La Sorsa: Yeah yeah, we can see what happens.

Jerome Kerner: I get to get an appointment done by board pretty quickly.

Janet Andersen: Right, so I did talk to Tony [Gonçalves, Town Supervisor-Elect,] and asked if they had any candidates and my belief is they're planning to interview perhaps January 10 so maybe we will have somebody even appointed by January 11th, I don't know so but that's yes we got another thing all right alright so I'm.

Judson Siebert: Yeah, why don't you just make a motion to designate a subcommittee of Janet and Charlene for purposes of conducting the interviews and reporting back to the planning board with regard to the vendor selected for the Comp plan.

Jerome Kerner: So moved.

Janet Andersen: Thank you Jerome. Do we have a second. I'll second it, I think I'm allowed to do that right. Okay, so. Um because I, you know we don't want to be here all the way past the end of this solstice day. The nights are going to get shorter now, we've got to start running, okay so um so I guess, I will poll the board for that motion it unless there's any further discussion. Okay Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Aye.

Janet Andersen: Greg?

Gregory La Sorsa: We need three votes?

Janet Andersen: Yeah.

Gregory La Sorsa: Yeah, I'm gonna abstain on this.

Janet Andersen: Okay, and I vote aye so but, and so the motion carries we have a committee that is Charlene and I. Ciorsdan has already volunteered to send a link with all of the RFPs to all of you. I think we can possibly also give them the round one sheet as well, in case they have any desire to score, the first, the five RFPs according to the first sheet and that would be helpful information I'm sure for everyone to have. Okay. Um. I don't think we have anything more to say on that I do want to make clear that the whatever vendor it will be is going to come and at least interview with the planning board at at some point, and I would expect that we would get invited to participate in a lot of the various meetings. There are expected to be other meetings around town for public comment so, whether in hamlets or whether in in various other locations.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board approved Ms. Andersen and Ms. Indelicato to act as a Planning Board subcommittee for purposes of conducting interviews of the respondents to the RFP for updating Lewisboro's Comprehensive Plan and reporting back to the entire Planning Board with regard to selecting that vendor. In favor: Ms. Andersen, Ms. Indelicato and Mr. Kerner. Abstain: Mr. La Sorsa.]

V. MINUTES OF November 16, 2021.

(2:39:10 - 2:39:33)

Janet Andersen: Okay, so with that we have the minutes for November 16. Go ahead Jerome.

Jerome Kerner: I move for approval as submitted.

Janet Andersen: Okay.

Charlene Indelicato: Second.

Janet Andersen: Okay any discussion on these? I will poll the board. Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Jerome?

Jerome Kerner: Aye.

Janet Andersen: Greg.

Greg La Sorsa: Aye.

Janet Andersen: And I also say aye, so the minutes are approved.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, 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.]

VI. NEXT MEETING DATE AND ADJOURNMENT

(2:39:34 – 2:40:07]

Janet Andersen: Our next meeting day is January 11, 2022 it will again be by Zoom, and we hope that shortly thereafter we will know what will happen with the format going forward into 2022. So with that I'd look for a motion to adjourn.

Charlene Indelicato: I so move.

Jerome Kerner: Second.

Janet Andersen Seconded by Jerome, and I believe we can do this by acclamation, so all in favor.

[Various voices:] Aye.

Janet Andersen: Have a great new year and we will see you in 2022.

[On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the meeting was adjourned at 10:10 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 last name "Conran" clearly distinguishable.

Ciorsdan Conran
Planning Board Administrator

**RESOLUTION
LEWISBORO PLANNING BOARD**

**OAKRIDGE COMMONS SHOPPING CENTER
AMENDED SITE DEVELOPMENT PLAN APPROVAL**

OAKRIDGE COMMONS BUILDING 9B – PROPOSED APARTMENTS

Sheet 49D, Block 9829, Lot 10
Cal. #06-02 P.B.

December 21, 2021

WHEREAS, the subject property contains a shopping center, known as Oakridge Commons Shopping Center, consists of ±10.3 acres of land developed with several mixed-use buildings, located on Smith Ridge Road (NYS Route 123) in the hamlet of Vista, and is within the Retail Business (RB) Zoning District ("the subject property"); and

WHEREAS, Smith Ridge Housing, LLC ("the applicant"), is proposing a change of use to convert the second floor of the westernmost building (referred to as Building 9B) from a former restaurant use to four (4) apartment units; and

WHEREAS, the proposed residential use is permitted within the underlying RB Zoning District, subject to 220-26 of the Lewisboro Zoning Code; and

WHEREAS, the subject building is served by central water and sewer services and the proposed change of use will result in significantly less water demand and sewage flow when compared to the former 250-seat restaurant use (1,320 gpd compared to 8,750 gpd); and

WHEREAS, when comparing the former restaurant to the four (4) apartment units, the proposed change of use requires significantly less required off-street parking spaces; and

WHEREAS, the Town Board has reviewed the proposed change of use and has approved the modifications to water/sewer flow (which will be reduced); and

WHEREAS, the proposed action has been referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law and the October 25, 2021 comments from the County have been considered; and

WHEREAS, the proposed action does not include, and is not required to include, affordable housing units; however, should any further residential expansion of existing non-residential space on the subject property be proposed in the future, the calculation of required affordable

housing units shall include the four (4) units associated with the proposed action being considered herein; and

WHEREAS, the applicant has committed to providing electric vehicle charging stations, eliminating paved parking areas determined not to be required by code or necessity, and undertaking landscaping improvements should any further residential expansion be proposed in the future; and

WHEREAS, the application has been referred to the Building Inspector for review and the Building Inspector has determined that the application conforms to zoning; and

WHEREAS, a duly noticed public hearing was opened and closed on December 21, 2021, at which all interested parties were given an opportunity to be heard; and

WHEREAS, reference is made to the following drawings prepared by Robert J. Eberts R.A. of Cross River Architects, dated October 15, 2021:

- Oakridge Commons, Building #9, Floor Plan (A1)
- Oakridge Commons, Building #9 Exterior Elevations (A2)

NOW THEREFORE BE IT RESOLVED THAT, the proposed action is a Type II Action under the State Environmental Quality Review Act (SEQRA); and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby determines that the proposed change of use qualify for a waiver of Site Development Plan application procedures under §220-47A(1) of the Zoning Code; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants Amended Site Development Plan Approval subject to the below conditions; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves the following drawing, hereafter referred to as "the approved plan", subject to the conditions listed below:

Plans Prepared by Cross River Architects, LLC, dated (last revised) November 16, 2021:

- Site Plan (SP/1)

BE IT FURTHER RESOLVED THAT, in accordance with Section 220-55B of the Zoning Code, the Planning Board finds that the proposed number of off-street parking spaces is sufficient to serve the existing/proposed uses based upon the joint use of parking spaces and variations in the probable time of maximum use by patrons and employees; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby determines that a suitable recreation area of a sufficient size does not exist on the subject property to support the additional apartments and the applicant is required to pay a fee in lieu of recreation, as determined by the Town Board schedule of fees; and

BE IT FURTHER RESOLVED THAT, conditions #1-#8 must be fulfilled within six (6) months of the date of this resolution. Should these conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six (6) month period and granted by the Planning Board; and

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

BE IT FURTHER RESOLVED THAT, the Planning Board may extend conditional approval and approval of the Site Development Plans by not more than two (2) additional periods of one (1) year each if, in the Planning Board's opinion, such extension is warranted by the circumstances; and

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

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

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

1. The applicant shall satisfy all outstanding written comments provided by the Town's Professional Consultants and staff.
2. The applicant shall pay a fee in lieu of recreation as determined by the Building Inspector.
3. The applicant shall provide a letter from the Westchester County Health Department confirming that they have no objection to the Change of Use from restaurant to apartment use.

4. All Applicable Town, County, City, State and Federal permits/approvals shall be obtained by the owner/applicant and copies of same submitted to the Planning Board and Building Department. Should the plans approved herein differ from those previously approved by an agency having jurisdiction, the applicant shall be responsible for obtaining amended permits/approval, as determined necessary.
5. The applicant shall submit a "check set" (2 copies) of the approved plans, prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
6. Following review and revision (if necessary) of the final plans, the applicant shall furnish the Planning Board with two (2) complete mylar sets of the approved plans for final review by the Town's consultants and endorsement by the Town Engineer, Planning Board Chair and Administrator.
7. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.
8. The applicant shall provide a written statement to the Planning Board Administrator acknowledging that they have read and will abide by all conditions of this Resolution.

Conditions to be Satisfied Prior to the Issuance of a Building Permit:

9. Conditions #1 - #8 specified herein have been satisfied.
10. Following the endorsement of the approved plans by the Town Engineer, Planning Board Chair and Administrator, one (1) mylar set will be returned to the applicant for copying and the second mylar set will be retained by the Planning Board as a record copy.
11. Within ten (10) days after endorsement of the approved plans by the Town Engineer, Planning Board Chair and Planning Board Administrator, the applicant shall deliver to the Planning Board Administrator nine (9) printed sets of the signed plans, collated and folded.
12. No Building Permit shall be issued absent compliance with Town Code Section 220-75B(3).

Conditions to be Satisfied During Construction:

13. During construction, the Town's consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved plans.

14. A copy of this Resolution and the approved plans shall be kept on site at all times during construction.
15. Building construction shall be consistent with the floor plans and elevations referenced herein.

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

16. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved plans.
17. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

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

18. No Certificate of Occupancy shall issue until all proposed improvements, both site and building related, are complete to the satisfaction of the Building Inspector and the Town's consultants.
19. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved plans.
20. The applicant shall obtain any and all approvals from the ACARC relating to signage or exterior elevation changes.
21. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Other Conditions

22. All WHEREAS clauses contained within the body of this Resolution shall be deemed incorporated as conditions of approval, as if fully set forth herein.
23. The total number of bedrooms within the four (4) proposed apartments shall not exceed a total of 11 bedrooms.
24. All conditions previously imposed under the Site Development Plan Approval, and amendments thereto, issued for the subject property shall, except as modified by the terms of this Resolution, remain in effect.

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	<u>aye</u>
JEROME KERNER	<u>aye</u>
GREG LASORSA	<u>aye</u>
CHARLENE INDELICATO	<u>aye</u>

Janet Andersen ^{cc}

Janet Andersen, Chair

December 21, 2021

**STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF LEWISBORO**

I, Ciorsdan Conran, Administrator to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 21st day of December 2021 and that the same is a true and correct copy of said original and of the whole thereof.

Ciorsdan Conran

Ciorsdan Conran
Planning Board Administrator

Dated at South Salem, New York
This 22nd day of December 2021