

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 929 1150 9235) on Tuesday, February 15, 2022, at 7:30 p.m.; the YouTube link is <https://www.youtube.com/watch?v=TJJwqXkl95g>

Present: Janet Andersen, Chair
Charlene Indelicato
Jerome Kerner
Greg La Sorsa
Bruce Thompson
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Jan Johannessen, AICP, Kellard Sessions Consulting
Ciorsdan Conran, Planning Board Administrator
John Wolff, Conservation Advisory Council

Approximately 15 participants were logged into the Zoom and 3 viewers on YouTube.

Ms. Andersen opened the meeting at 7:30 p.m. and welcomed new member Bruce Thompson.

Janet Andersen: Okay. So, I'm Janet Andersen. I'm calling to order the town of Lewisboro planning board meeting for Tuesday, February 15, 2022 at 7:30 p.m. The State legislature passed a temporary amendment to the open meetings law that allows municipal boards to meet via videoconference, so long as the state of emergency is in effect. Our Governor has just extended the state of emergency until March 16. So, we are able to meet this month by videoconference and we plan to do so for our next meeting on March 15 as well. If the open meetings law exemption is not extended, our April meeting will be in person. We are live streaming to YouTube on the LewisboroTV channel to enable viewing by the public. No one is at our in-person meeting location at 79 Bouton. This meeting is being recorded. Ciorsdan Conran has confirmed that the YouTube feed is active and working, and that the meeting has been duly noticed and legal notice requirements fulfilled. We intend to post the recording and a transcript of this meeting to the town website. And this Zoom video will be available on the town's YouTube channel. So, joining me tonight on this Zoom conference from the town of Lewisboro are the other members of the planning board Charlene Indelicato, Jerome Kerner, Greg La Sorsa and I want to welcome Bruce Thompson to the board. 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 this conference are planning and wetland consultant Jan Johannessen, counsel Jud Siebert as well as planning board administrator Ciorsdan Conran and CAC chair John Wolff. We do not have a public hearing scheduled for tonight, and we do not expect to take any public comment at this meeting. Members of the public can always express their views by mail or email to planning@lewisborogov.com. And again, the public can see and hear this meeting via Zoom, or oops not via Zoom, but live on the LewisboroTV YouTube channel. We ask any applicants that are not currently engaging in dialogue to mute their lines, this will help everyone hear over the inevitable background noises. And when it comes time to take a vote, to ease the recording of our votes I will poll the board members individually. Okay let's get started.

I. DECISION

Cal #10-21PB

(2:17 – 9:22)

Palminteri Residence, 4 Bluestone Lane, South Salem, NY 10590; Sheet 40, Block 10552, Lot 42 (Chazz and Gianna Palminteri, owners of record) – Waiver of site development plan procedures application for the construction of a single-family house.

[Paulette Dimovski, AIA, was present on behalf of the owners.]

Janet Andersen: So, the first item on our agenda is a decision. It is calendar number 10 - 21 PB, this is the residence at 4 Bluestone Lane, South Salem. It's a waiver of a site development plan procedures application for the construction of a single-family house. And we discussed this last, at our last meeting and we asked the, we asked Jan to prepare a resolution for us. So Jan, perhaps, if you want to go through that briefly.

Jan Johannessen: Sure. This is a resolution to amend the construction plans for 4 Bluestone Lane, which is a 3.1-acre lot located in the former Popoli subdivision or JVG Estates as it later became known. That subdivision was approved by the planning board for a cluster subdivision plat. There's references to the resolution in that plan and in this resolution. What's happening here is the applicant is proposing a home in a slightly different location on that lot and the house is slightly extending outside of the contiguous buildable area. And the local zoning section 220-10 E (2) (d) requires that the house and the septic system be installed within the contiguous buildable area and that's how it was originally shown on the original construction plans. Now that we have a kind of a real lot development here they they fine tuned it. The house was modified and there was a slight encroachment outside of the buildable area. The Zoning Board of Appeals granted a variance to allow that to occur. And here, your, now the applicant is before your board to modify the construction plans to allow for the modification of that lot so that's that's what the resolution is all about. It's a type II action under SEQRA. The only other outside agency approval is the health department for the septic and well designs so that's a condition of approval and, while the applicant's architect has provided a nice site plan to show the location of the house and the approximate grading, there's a condition that they they provide a engineered site plan to show any modifications and erosion sediment controls and stormwater management, as the house and the driveway has kind of expanded from the original proposal. There's going to be slight tweaks to the stormwater management system, so those have been made a conditions of approval to be satisfied prior to the signing of the site plan, but that's kind of the you know, the crux of the application. If you have any questions, I'm happy to answer them for you.

Janet Andersen: And I should have said that we do, I believe Paulette is representing the applicant, she is here too, who can also and answer any questions, but thank you Jan I think that was pretty straightforward, a summation of the of the resolution that we've seen that that has been distributed to us so. Any questions comments? Okay I'd look for a motion to approve the resolution.

Charlene Indelicato: I move to approve the resolution.

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

Jerome Kerner: I'll second.

Janet Andersen: Thank you Jerome. Any further discussion?

Gregory La Sorsa: We we did more than just discuss this at the last meeting, right? I think we've spoken about this before, is what last meeting was not the first time it was on.

Jerome Kerner: Right.

Gregory La Sorsa: I remember speaking about it before, I just want to know that, to determine whether I need to abstain or not.

Jan Johannessen: Let me try to go back Greg and find out.

Gregory La Sorsa: I think. I remember speaking about this.

Jerome Kerner: Yeah.

Gregory La Sorsa: We definitely the nature of who it was and all that, I think I remember this.

Bruce Thompson: When, what is the date of the original subdivision?

Jan Johannessen: Let's see, it's noted in.

Janet Andersen: It's in the resolution, right?

Gregory La Sorsa: October 21, 2014?

Bruce Thompson: Okay.

Gregory La Sorsa: No, no, no, wrong wrong wrong that's no that's not it.

Jan Johannessen: 2017. April 18, 2017, is the date of the subdivision plat. Yeah, it was approved in 2017 as JVG Estates.

Jerome Kerner: The original subdivision right.

Jan Johannessen: I think the original construction plans under Popoli dated back to 2010 and then they were trying to sell the subdivision for some time. JVG purchased it, satisfied the conditions of the resolution, and the subdivision plat was filed in 2017.

Janet Andersen: So, Greg if you would like to see it I'm sure Paulette would be willing to briefly show you what the what the changes are.

Gregory La Sorsa: No, no, no, I kind of followed up on it from the last time I just wanted I just didn't think that it that the last time was the only time that it was on.

Janet Andersen: I don't know okay um any other discussion. Um okay so. We have a motion and a second. I will poll the board Jerome.

Jerome Kerner: Aye.

Janet Andersen: Bruce?

Bruce Thompson: I'm gonna abstain for lack of being familiar with it, but I hope it's going to pass. Let's put it that way.

Janet Andersen: Okay. Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Greg?

Greg La Sorsa: Ah, all right I'll vote for it.

Janet Andersen: Okay, and then I also say aye so that the motion is approved, the motion carries the resolution is approved and and thank you all. You should have a copy of the resolution and it will be signed and processed shortly. Thank you.

[On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the resolution dated February 15, 2022 granting an amendment to the contiguous buildable area as found in the approved construction plans dated October 3, 2010 for Lot 5 of the JVG Estates (formerly the Popoli/Sicurezza) Subdivision, 4 Bluestone Lane, 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. Abstain: Mr. Thompson.]

II. EXTENSION OF TIME REQUESTS

Cal #08-12PB

(9:24 – 12:03)

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

[Michael Sirignano, Esq.; was present on behalf of the owners. Ms. Andersen recused herself at 7:40 p.m. and Mr. Kerner chaired the meeting.]

Janet Andersen: Okay, the next item on the agenda is an extension of time request that I am recused from so I'm going to ask Jerome to handle this on my behalf.

Jerome Kerner: Yes, hi. I'm sorry I don't have the calendar number at hand but it's.

Gregory La Sorsa: 08-12 PB.

Jerome Kerner: Thank you Greg. Petrucelli property I think it is still Petrucelli, known as, on Oscaleta Road, in the town of South Salem. Michael are you here to address that extension?

Michael Sirignano: Yes, good evening, it is one of my two clients, the two current owners, is a Petrucelli, and, well they're both Petrucellis, but the daughter is married, has a married name. So the engineer that they have working on this issue with the health department has asked me to request an additional extension of time. He needs more time to to work this out. And so we filed the request, so we asked for another extension along the lines of the prior extensions.

Judson Siebert: We've been granting extensions of 90 days and Michael had sent me an email earlier this afternoon, I haven't had a chance to look at it, but there is something that we need to look at that may move this along, so I would, you know I would endorse a grant of 90 days.

Jerome Kerner: Yeah. Okay, any comments from the board members.

Gregory La Sorsa: And there's no limit, if I recall correctly there's no limitation or there's nothing. It was nothing to limit. The amount of adjournments they can have right.

Judson Siebert: No, Greg, you're right. There used to be, but there's not now.

Jerome Kerner: And so do we have a motion for extension?

Gregory La Sorsa: I'll make the motion to extend to grant the extension of time in accordance with the request.

Charlene Indelicato: I'll second it.

Jerome Kerner: 90-day extension seconded by Charlene, any further discussion. All in favor. Aye let me poll board Charlene.

Charlene Indelicato: Aye.

Jerome Kerner: Greg?

Gregory La Sorsa: Aye.

Jerome Kerner: Bruce?

Bruce Thompson: Aye.

Jerome Kerner: I say aye as well, it's unanimous.

Michael Sirignano: Very good, thank you for sending me the link I couldn't find it.

Janet Andersen: And I'll just say just for the record that, obviously, I abstained on that. Thank you, Jerome.

[On a motion made by Mr. La Sorsa, seconded by Ms. Indelicato, the Board granted one 90-day extension to the Petruccelli Subdivision Resolution granting Preliminary/Final Subdivision Plat Approval dated October 21, 2014; the new expiration date is Monday, April 17, 2022.

In favor: Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Abstain: Ms. Andersen. Ms. Andersen returned to the meeting at 7:43 p.m.]

Cal# 8-14PB, Cal# 95-14WP, Cal# 20-14SW

(12:04 – 16:27)

Goldens Bridge Village Center, NYS Route 22, Goldens Bridge, NY 10526, Sheet 4, Block 11126, Lot 07 (Stephen Cipes, owner of record) - Request for Extension of Site Development Plan, Wetland and Stormwater Permit Approvals.

[Nancy Tuccillo and Rocco Triglia, property managers, were present on behalf of the owner.]

Janet Andersen: The next item on our agenda is calendar number 8-14 PB, calendar number 95 -14 WP, calendar number 20 - 14 SW, this is the Goldens Bridge Village Center on New York state route 22, Goldens Bridge in New York. This is a request for an extension of the site development plan, wetland, and stormwater permit approvals. Those all expired on January 21, 2022 and we did get a request. I'm not sure who is on for this.

Rocco Triglia: Okay, can can you hear me?

Janet Andersen: Yes, I can.

Rocco Triglia: Okay, my name is Rocco Triglia and I am here this evening to represent the landowner Steve Cipes. My wife and I took over his property management a little while ago, so and I am somewhat,

Rocco Triglia:not 100% but somewhat familiar with this site here, I know what has been going on and tonight, of course, so we're here to request the another extension. Possibly for six months, as we are in process to present a new development in a sense a renovation for the hamlet of the Goldens Bridge.

Nancy Tuccillo: The Hamlet Center.

Rocco Triglia: The Hamlet Center of Goldens Bridge, so we will need another extension if you will.

Janet Andersen: Okay, I believe we can extend up to a year, and perhaps. I'm sorry.

Rocco Triglia: It's [static] actually. Because I know the, that this is not gonna happen overnight and I'm sure you are aware of that too.

Janet Andersen: Okay, so you would prefer a year.

Rocco Triglia: Yes, ma'am.

Janet Andersen: Okay, I see Jerome raising his hand.

Jerome Kerner: A question, what are we extending, it apparently there's a whole new design and if we approved something in the past that's going to be totally changed. What do we think they're just.

Jan Johannessen: I think they're trying to keep the formal approval, the former approval alive. So there, it's the site plan, it's stormwater, wetlands associated with the original approval, and I think that they would, think probably wisely so trying to keep that that approval valid while they're going to go through this exercise to modify the plan, but if for some reason that plan didn't get approved, they would have a fallback, so I think I think it's appropriate to, while they work towards this amendment that they can try to keep the former approval in place.

Rocco Triglia: Well said.

Janet Andersen: So I'm as I said look for a motion, if there are, unless there are other questions I would look for a motion to approve the extension of time for Goldens Bridge Village Center.

Jerome Kerner: So moved.

Janet Andersen: Thank you Jerome.

Judson Siebert: For a period of one year correct yeah.

Jerome Kerner: One year.

Janet Andersen: One year, so it will expire January 21, 2022. And a second?

Jerome Kerner: 23.

Charlene Indelicato: I'll second it.

Janet Andersen: 23. Oh, my goodness, yes. And Charlene seconded it and so any further discussion. I'll poll the board. Jerome?

Jerome Kerner: Aye.

Janet Andersen: Bruce?

Bruce Thompson: Aye.

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Greg?

Greg La Sorsa: I'll vote yes.

Janet Andersen: And I also say aye, so the motion for extension of time has been approved. And so you've got a year, but we hope we see you back before that. Thank you very much.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board granted a one-year extension of time to the Resolution granting Goldens Bridge Village Center, NYS Route 22, Goldens Bridge a Negative Declaration of Significance, Site Development Plan Approval and Town Stormwater Permit Approval dated January 21, 2020; the new expiration date is Monday, January 23, 2023. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

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

(16:28 – 26:49)

Pound Ridge Stone, 2 West Road, South Salem, NY 10590, Sheet 49B, Block 9831, Lot 1 (Two West Road LLC, owner of record) – Request for Extension of Site Development Plan, Wetland and Stormwater Permit Approvals.

[Joseph Riina, Site Design Consultants, was present on behalf of the owner.]

Janet Andersen: Okay, the next item on our agenda is calendar number 04 - 19 PB, calendar number 17 - 19 WP, and calendar number 06 - 19 SW. This is Pound Ridge Stone at 2 West Road, South Salem, New York. This is again a request for an extension of site development plan, wetland, and stormwater permit approvals. And that did expire on January 27, 2022, and we got a request in before that, and again I'm not quite sure who's on for this application. Ah hi. Thank you hi.

Joseph Riina: Good evening, everyone.

Bruce Thompson: Good evening, Joe.

Joseph Riina: Essentially, we have all our ducks in a row in order to get the site plans signed. The only outstanding condition that we're having difficulty addressing right now with the DOT approval to close the existing driveway. They're just not responding, we're constantly trying to get them to at least tell us what they need, in addition to what we've already submitted, but we can't seem to get a response. So with that I was hoping we could ask for a time extension and an amendment to the resolution where the DOT work, or the DOT approval, isn't going to bind up the rest of the work that needs to be done on the site and could be issued at you know at the time that that work will be performed. So at this point, you know that's that's where we really want to be kind of restore we still have it on a site plan to do that work we just don't want it to continue to impede us from receiving it.

Janet Andersen: Okay, so I think some way to look at this is to first talk about the extension of time and and we understand why you're waiting for the DOT, and then second to talk about an amendment to the

Janet Andersen: resolution. And so do it in two pieces, because I think we're going to have to ask for, if we if we agree, we'd have to ask for and an amendment to the resolution to go forward so. If I understand it, I think again, I think we can get a one-year extension that would take it until January 27, 2023. So I'd look for if a motion for that.

Charlene Indelicato: I move it.

Janet Andersen: Thank you Charlene and second? I'll second it, okay.

Bruce Thompson: I'll second it.

Janet Andersen: Oh, thank you Bruce Bruce one second okay so. Any further discussion on this. Okay I'll poll the board oops Jerome?

Jerome Kerner: On the second point, I have a question on the second part.

Janet Andersen: Okay, so first we're we're, are you what we vote, how will you vote on the extension of time?

Jerome Kerner: Aye

Janet Andersen: Okay Bruce?

Bruce Thompson: Aye.

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Greg? You're muted.

Gregory La Sorsa: Okay, I don't quite understand exactly what we're voting for. I'm sorry.

Janet Andersen: Right yeah right now we're just doing an extension of time.

Jan Johannessen: Greg.

Gregory La Sorsa: Yeah, go ahead. Jud. I'm sorry.

Judson Siebert: It's strictly an extension of the existing approval.

Gregory La Sorsa: All right, so whatever else was mentioned is not on the table for us.

Judson Siebert: No, no okay.

Gregory La Sorsa: Yeah, so we're voting for a one-year extension. Yes, okay, I'll vote yes.

Janet Andersen: Okay, and I'm also voting aye so that that is approved okay so. Thank you all.

[On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board granted a one-year extension of time to the Resolution granting Pound Ridge Stone, 2 West Road, South Salem a Negative Declaration of Significance, Site Development Plan Approval, Special Use Permit Approval, Town

Wetland Activity Permit Approval and Town Stormwater Permit Approval dated August 17, 2021; the new expiration date is Friday, February 17, 2023. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

Janet Andersen: So now what we will do is discuss this, the second part, which was, I think what Joe was talking about, as far as the DOT.

Jan Johannessen: Janet can I just explain a little bit?

Janet Andersen: That would be perfect, thank you Jan.

Jan Johannessen: Okay it's, just so everybody's aware, we have a resolution that was approved. You just extended the time period in which they have to satisfy the conditions of approval so the site plan can be signed. As is typical, your Resolutions have a category of items that need to be satisfied prior to the signing of the plans, prior to the issuance of a building permit, prior to commencement of work, prior to a CO. Right now the DOT approval is in the category prior to the signing the site plan and the DOT approval is really required because they're trying to close off an old curb cut on 123. They're not using the state road for access, they're coming off West, which is a local road. But you know that the site plan requires them to remove the old entrance and restore it to vegetation, etc. So, what the applicant is asking is because of the issues with the timing, with the DOT, which is understandable. That they're asking that the DOT approval be moved from the category prior to this prior to the signing of the site plan to prior to the issuance of CO. So, this would allow the site plan to be signed, the applicant to work on the property. But, would the resolution if you chose to adopt one would require them to get the DOT work prior to the issuance of a CO and require that that work be done prior to the issuance of CO so you wouldn't close the project until that work had been completed, but it gives them some time to get started, and it gives them some time to get the DOT permits in place. You know if they were relying on the DOT for access, you know this, we probably wouldn't be having this conversation but it's basically landscaping within the DOT right of way.

Joseph Riina: That's agreeable to us. If the board would consider that.

Janet Andersen: Yeah, so what we would. What we would do tonight if if we think that's a reasonable request, and I do, but you know, we need the Board, is, we would ask that Jan prepare a resolution for the next meeting that would basically amend the resolution to move the DOT permit from early in the process towards, back towards the end of the process. And. So, yes Jerome.

Jerome Kerner: Yeah, I make that motion that we modify the resolution to reflect the change in requirements.

Judson Siebert: Jerome, yeah sure at this point, it really is a consensus to ask Jan to you know draft resolution because you're going to you can't amend existing resolution by motion, we will need another resolution. Again, you're you're you're not surrendering that condition it's just a matter of where it falls in the process.

Jerome Kerner: I understand, I just wanted to add, though.

Judson Siebert: That, no, no, no yeah.

Jerome Kerner: So I think that's were you know if this were a condition of creating the entrance I'd be a little more hesitant.

Judson Siebert: Understood, exactly.

Jerome Kerner: But eliminating it, and I think takes away concerns.

Janet Andersen: Yeah, I think you know as as Jan pointed out that's really the the crucial point here is that they don't use it for access. What they're really trying to do is complete and neaten up the site, so I think if it's there are there any other questions about this I'd look for.

Gregory La Sorsa: Is the applicant, making this request or we're suggesting that they make this request?

Jan Johannessen: They've made the request.

Bruce Thompson: The applicant made the request, that's right, I have a question, and that is that when when did it fall, that it would be closed off during the construction process: could it be used during the construction process or not?

Jan Johannessen: No.

Joseph Riina: No, it's not necessary, no.

Jan Johannessen: Okay, the construction entrance is off West.

Bruce Thompson: Correct so, but the point is, is that it will still be there, so perhaps it should be memorialized that it won't be used. Less it create a problem if there was, I'll just come up with, if there was an accident there.

Joseph Riina: We would agree to block it off. Until such time as we get the permit and part of it and Bruce part of the work that's going to occur. The construction of some material storage areas is going to block it off anyway.

Bruce Thompson: Okay.

Joseph Riina: But we would clearly agree to not use that accessible at all.

Judson Siebert: And Bruce, that could be folded into a an amended resolution.

Bruce Thompson: Okay, I just. I just think you the less it get used in any creates a problem that's all.

Janet Andersen: Good point okay so. As Jud indicated, what we need is consensus to ask Jan to to write this so I'd look for a thumbs up from everybody to say yes, we went this written, 1, 2, 3, 4. Greg? Okay 5. All right so we've got consensus so that should be done next month we'll see you again, Joe, next month and, and we should have a, be able to vote on that as it's written.

Joseph Riina: Great. Thank you very much goodnight, everyone.

[The Board reached consensus to have its consultants amend the previous Resolution for Pound Ridge Stone with regard to the timing of the DOT approval and use of the driveway on Route 123.]

III. SKETCH PLAN REVIEWS

Cal #01-22PB, Cal #01-22WP, Cal #01-22SW

(26:50 - 1:02:00)

HVDDSO Hostel # 2273, 8 Waccabuc Road, Goldens Bridge, NY 10526, Sheet 12, Block 11362,

Lot 2 (NYS Office of Mental Developmental Disabilities, owner of record) - Application for the reconstruction of an existing driveway and installation of stormwater practices.

[Lauren Sherman and Jim Edwards, C.T. Male Associates, were present on behalf of the owner.]

Janet Andersen: Okay, the next item on our agenda is a sketch plan review. Calendar number 01- 22 PB, calendar number 01 - 22 WP, and calendar number 01 - 22 SW. This is the HVDDSO Hostel # 2273, on 8 Waccabuc Road, Goldens Bridge, NY. This is the application for reconstruction of an existing driveway and installation of stormwater practices. And I'm not sure who is on the, on for this one. Lauren, you're muted Lauren right now.

Lauren Sherman: Thanks. Lauren Sherman with C.T. Male Associates. So, as you mentioned we're proposing reconstructing the existing driveway, adding a couple of new parking spaces, repairing the existing fencing, improving drainage on site and replacing the driveway culvert and another culvert along the driveway. There's a wetland located adjacent to the driveway. We're planning to minimize disturbance as much as as possible and we submitted all the you know the wetland and stormwater application forms as part of our package.

Janet Andersen: So, if you would like to share your screen and take us through. A certain view of the plan that would be good. There it is.

Lauren Sherman: So this is our existing conditions plan. Right now there is, you know, an existing driveway to access the site. This is all paved currently, there's a fence along here, there's an existing wetland in this area and a culvert the crosses under, there's another driveway culvert over here. A smaller culvert located here. There's kind of poor drainage right now on the site so we're making we're proposing some improvements in this area which I can show on the on the proposed conditions plan, but I just wanted you to see you know what's here in terms of pavement right now. You can see we're proposing to reconstruct this swale, drain into a low area. We're relocating the existing culvert slightly and allowing it to discharge to where it discharged previously this culvert which is crushed now would be replaced. And we would be repairing the fencing and guide rail along the wetland boundary. And right now we have about 11,000 square feet of disturbance, so we fall within the you know the 5,000 square feet and one acre disturbance to do an erosion sentiment control SWPPP.

Janet Andersen: Okay, thank you, does anybody want to see any more of this or have any questions on it while we're looking at it.

Jerome Kerner: I have a question.

Janet Andersen: Yes, Jerome.

Jerome Kerner: Oh, two things one is: the fence chain fence, I noticed in our in Jan Johannessen's comments suggests removal. Is that for protection of the of the inhabitants or, can you tell us a little more about the fence, the origins of the fence and why you want to keep it.

Lauren Sherman: Um I mean it is, I guess, a semi-secure facility, I think I didn't discuss specifically with the owner, but I would think that they would want to leave the chain link fencing and I know it was mentioned to remove it to allow for you know animal crossings. I can, I can discuss that as an option with the owner, but I'm not sure that they'll want to have it removed.

Jerome Kerner: But if it's not going to be removed, your plan is to replace it?

Lauren Sherman: Because you were some areas that were damaged and they're planning to replace um...

Lauren Sherman: I think it was in this section I don't think that the whole thing was planned for replacement, it was just a section along here.

Jerome Kerner: Right, the second question I had was with regard to the driveway. Is it predominantly sheet flow and is it yeah it looks to me like it's toward the wetland.

Lauren Sherman: Yes. It was we're not really altering drainage patterns from what they were previously.

Jerome Kerner: Right, but there is a question about fluid fluids from parked cars and so forth, that might be washing and I wondered if a curb along that that would be the east side I guess, would be recommended in order to, or at least direct the water toward that bio retention area, instead of living a sheet flow into the pond.

Lauren Sherman: I mean it is currently draining that way so anything that was potentially coming off of cars or salt or anything is is going there now. I don't know if we can you know, based on these grades I'm not sure that we can pitch it over here, and this is really just a grass depression it's not you know, a standard treatment practice because we don't you know it's not required that we have one.

Jerome Kerner: Right but.

Lauren Sherman: I want to concentrate flows too much and cause erosion, by putting a curb and and trying to direct it you know, somewhere else.

Jerome Kerner: You have an opportunity here to make an improvement, if it is sheet flow into the pond. I would think that the curb and directing it to somewhere where it can be cleaned before it enters the pond would be preferable, but I'll leave the further discussion on that to Jan.

Janet Andersen: Would it be possible to move it all the way down, so it enters I'm not quite sure you know sort of almost joins with the with the culvert going under the road to discharge into that not that far the middle one right yep right there. I don't know...

Lauren Sherman: To get water over here you mean.

Janet Andersen: No, I meant even to move it to the east side of the road there but there's a there's already a discharge from the or an overflow that would, I think that's past the pond at that point right.

Lauren Sherman: Yeah, cuz I mean this is the main ponded area, and then it kind of necks down before it goes, you know it's it's all kind of interconnected before it flows under the road. So, really, I think the only opportunity to try to treat any sort of water would be you know over here because there's really no room to do anything on the other side.

Janet Andersen: No, I was just I was reacting to Jerome's comment about perhaps a curb that would direct some you know or a little bit of a shoulder that would direct some of it down along until it could join you know at sort of the exit point there. Here yeah, I don't know I mean I'm not an engineer. Okay. I'm Charlene did I oh, did I see you had your hand up yep.

Charlene Indelicato: Yeah, I have been just a couple of questions, how many new parking spaces, will there be?

Lauren Sherman: Two right here at the existing end of pavement. So, it's kind of.

Charlene Indelicato: Is there is there a particular need for it?

Lauren Sherman: I mean currently they're kind of parking you know here, and they don't they don't really have all that many spaces, so I think you know they were hoping to have a couple more.

Charlene Indelicato: Okay, so you have nothing to do with increased usage or more traffic or anything.

Lauren Sherman: No. And this area gets kind of mucky, so I think they just wanted to you know have that for parking and then that's why we kind of redefined this swale a little better.

Janet Andersen: I guess, I have another question on the chain link fence: does it go all the way around the pond?

Lauren Sherman: It goes. It does extend I'm not sure if it goes all the way around on this side because we that's the kind of the limit of our survey here, but it goes right now, it goes, all the way along here.

Janet Andersen: Um. So, um we have began to talk about some of the aspects that are in the, in Jan's memo. Jan, perhaps you'd like to take us through that and it might be, if you could stop screen sharing, so we could see him. And see if there's questions that come up with faces, that would be great. Thank you.

Jan Johannessen: Sure. First of all to we saw this as a Type 2 action under SEQRA. They're before you for a wetland activity permit and a stormwater permit. I believe they've applied for site development plan approval, but I'm going to ask the building inspector to determine whether that's necessary for these types of facilities. In the past, I believe that town is considered them like residential. So, there's a question as to whether site plan approval is necessary but certainly before the board for a wetland activity permit and a stormwater permit. The wetland is regulated by the DEC so disturbance within their 100 foot within their wetland adjacent area will require an article 24 permit. They're in the New York City watershed so they will be applying to DEC for coverage under the SPDES general permanent. The state does not require anything above erosion sediment controls in this case, however, the town's local law does require the installation of post-construction stormwater management practices with impervious surfaces over 300 square feet has been our general rule so I've asked for a calculation of net impervious coverage to see if they're going to trigger the stormwater improvements. There's a lot of state road so referral to the county planning board is required. Like the plan should be referred to the building inspector for zoning review. The same time we'll ask him whether the site development plan approval is necessary.

I just had some questions about the width of the parking, the length of the parking spaces and the width of the drive. I know a lot of that is existing but the town does have requirements for dimensions of parking spaces and dimensions of driveways and the ability for a car to be able to turn around. So that that all has to be illustrated on the site plan that was comment number three. We ask the building inspector whether there was any necessity for an accessible parking space. Make that determination, right now I don't believe there's one shown. We did recommend that the entire length of the chain link fence be removed. Kind of twofold: one I think there's some benefit to allowing, you know animals to get into the wetland and out, and that fence is a barrier currently. It's also not in good shape and it's covered with invasive plants and vines. I don't think it provides any sort of protection of vehicles going down that slope as much as a guide rail would so we for a couple of reasons recommended that that fence be removed and guide rail be extended to the road. This the site doesn't seem to be fully enclosed with fencing so I'm not sure it had security reasons for the fence not sure what its origins were. Maybe just to keep people from getting going down the slope and into the pond there, but I think that there's some ability to improve that situation. Right now there's there's no wetland mitigation plan provided, so we thought that that could go towards wetland mitigation. There may be some ability to remove invasives and plants, you know. In and around the guardrail and down the slope to the pond to offset any impacts to the welcome buffer. There's some basic zoning information that that should be provided on the plan zoning setbacks both zoning table. I mentioned the the wetland mitigation plan. It is in the New York City watershed so we asked that...

Jan Johannessen: ...since there's some additional impervious surface proposed that they just check in with a DEP to see if there's any permitting required from them. They did submit a swppp, but the swppp that we received did not have the appendices. So, we would ask that that'd be resubmitted I didn't see a copy of the NOI, Notice of intent and some other components that we would need to review. Comment 13 speaks to the post-construction stormwater practices, if they were to exceed 300 square feet of impervious new impervious. Some details regarding the erosion and sediment control measures. The staging and stockpile area look to be within the existing drainage swales we asked them to you know clarify that or demonstrate how that that won't be a problem. The the outlet of the pipe underneath the driveway looks to extend into the wetland and into the stream with a stone outlet structure looks to appear to be in the water, so just wanted to see if that needed to be clarified or adjusted. The rest of the comments were insignificant.

Janet Andersen: Thank you Jan. And that seems pretty comprehensive. I know, John, the CAC had a memo but that talked about drainage off the driveway do you feel like we've addressed that enough or do you want to make a comment.

John Wolff: I think you covered exactly what we were trying to get to so yeah.

Janet Andersen: Okay, thank you yep Jerome was was on, was mind melding with you okay. So, I think we have two things that we can do by consensus here. I'm sending it to the county planning department and sending this to the building inspector with a couple of the questions that that Jan had specifically identified whether we need a site plan and maybe, I forgot what the other one was but it's in the minutes. And we do we need to send this at all to the fire department, I mean ask the building inspector to take it to the fire department.

Jan Johannessen: I think if you were interested in getting their comments, you would have to make that request, so it wouldn't be done unless there was request by the by the board.

Janet Andersen: Yeah, I don't think this is really much of a change, so I I I don't see a need, but I open it up to the thoughts of the board.

Judson Siebert: And I think it just I think if that's going to be made it goes through the building department to the fire department.

Janet Andersen: Right. We're not really changing that much. Go ahead Jerome.

Jerome Kerner: A question I didn't know this existed as a hostel per se, I wonder if Ms. Sherman could describe the inhabitants: who actually lives there what are there – or just describe them.

Jim Edwards: Hey folks it's Jim Edwards with a C.T. Male I work with Lauren. Sorry I'm kind of sneaking up on you here. Just kind of an overview. It's a state run facility, it's a DDSO. Their their residents there are people with disabilities and this the parking is really just for the staff that take care of the residents there's not really any visitors. There's a garbage truck that will pick up garbage once a week in the back. That's where you see the damage fence that's where that that damage came from and that's why it's being replaced. And, overall, the fencing is really a necessity, based on the residential use there's a fenced in backyard, too, if you you probably got no reason to go back there and kind of look that over but it's really it's for the safety of the residents. I understand the wildlife considerations, but these comments we'd have to run by you know the state. Our client is actually the dormitory authority DASNY. And their their client is DDSOH the Hudson Valley DDS so so in some of these clients, I know you're doing a great job and reviewing a site plan, but they'd have to look look these over and see if it fits operationally and from a safety perspective. But it is essentially replacing in kind the existing driveway. If you have taken a drive out there, you know that it's very low lying very poor soil is very poor sub soils.

Jim Edwards: And I'm sure this pavement has been deteriorated for the last 20 years if I had to guess. The two parking spaces, that we showed are more of our suggestion, only because people park in the dirt, you know kind of in the end, I don't think they really need them, and honestly if the 300 square foot is breached, we probably go back and pull one back and leave it as one additional space in terms of having to provide stormwater treatment. That was our initial layout recommendations for them, and if that's what would trigger you know. That you know that type of action we probably recommend they don't put the second space in. But overall, it can just function better, so that was our job to was to kind of what this. As they repaved it, improve the layout, improve the function, you know the get the garbage truck get back there without being in the fence, hopefully, again, but we can't control that obviously because they'll do what they want to do. We even considered moving the dumpster up closer to the side of the building, but again, this is a state-owned facility, they kind of they kind of run the show and we make recommendations and if they accept them great. If not, we'll kind of run with what they want, want to do out here. It's sort of atypical site plan for us to and that it's it's a state run facility. We've done our best really to lay it out and prove drainage, because it is a poorly drains site in the water, you see coming down the swale on the side of the driveway. That the origin of that water is way in the back of the property so when it rains hard the water runs down the side of the house and and down the I guess it's the, I hope I've got my bearings right here, I guess the west side of the parking lot and just sort of ponds up there. We're at least allowing for it to run freely down the side of the paving, cross the road and the rest of will continue down to the State road where again that that culvert's crushed under the road now. So, we're improving that that's the only reason we want to do work in that area where DOT has right of way, is because that culvert is currently nonfunctioning so just a bit more background.

Janet Andersen: Thank you. I see Jerome.

Jerome Kerner: Well, I just wanted to end my comment by saying, Mr. Edwards we're making some recommendations as well, so that you may have to, as has been suggested, run by DASNY or the state and see how they react to it and come back, I guess, but current concerned about sheet flow and concerned about the fence in general and the invasives there, but the other question I had was I thought was that masonry enclosure around a dumpsters I don't think is advisable. And maybe Bruce you might have an opinion on that as well, these garbage trucks come, they back up or will pull up to take the garbage and it's not as easy to repair a masonry enclosure as it is a wood or metal stockade type of enclosure but that's that's my comment.

Janet Andersen: Charlene it looks yeah you had your hand up too.

Charlene Indelicato: Yes, on as to sending it to the fire department, I would feel more comfortable if it were referred to the fire department, because Jan said something about you know the width of the driveway and extra parking spaces, I just would feel more comfortable with the fire department, making sure that access to those residents in case of a fire is available and is easy access.

Janet Andersen: Okay, any other comments from anyone on this? So I'd look for consensus, I guess, first to send this to the county planning department. Thumbs up. One two three, we've got enough. And consensus to send this to the building inspector? So now with we're going to ask him, for, in addition to the site plan, I'm sorry, to the review whether or not this needs to be a site plan and to, to review this with the with the fire department to make sure that it is compliant with their with their needs so I'm looking for thumbs up consensus on that too one two three yup okay um.

[The Board reached consensus to refer the proposed improvements at the HVDDSO Hostel # 2273, 8 Waccabuc Road, Goldens Bridge to the Building Inspector, Goldens Bridge Fire District and the Westchester County Planning Board.]

Janet Andersen: Anything else that we can do tonight or well I guess I'll ask Jan given the concern...

Janet Andersen: ...about safety. Is there is there something that's other than a guide rail or a fence that that you can think of that might be appropriate here, or you know, does it change your view at all of the, of your recommendation?

Jan Johannessen: Not really I mean if if the fence had to stay, a lot of times in sensitive areas, we look to raise the fence six inches off the bottom of the ground to allow for some animal movement so that's a possibility, but you know, I think it also goes to aesthetics. I don't think the fence is in good shape and it's covered in vines and it's right up against 138 so you know it needs to be maintained, like anything else. Right there's, right now there's no mitigation plan so they're they're gonna have to come up with something, and I thought that was an easy way to handle the mitigation kind of kill two birds with one stone but um I think one way or the other, the board look at that fence and just see if it's going to be acceptable aesthetically. If if you're fine with the way it looks we can have them removed the vines and remove the invasives and and lift the fence up to allow some movement or cut the fence. If you're not concerned about that aspect of it, and you know it's really your call is really just a recommendation things we look for but, as I stated there is no wetland mitigation plan currently proposed so they're going to have to develop one regardless of that.

Janet Andersen: Okay um I. Is is the condition of the fence visible from the road or would we have to do a site walk to see it.

Jan Johannessen: You could drive you could drive by or you know it's pretty apparent, if you look at Google street view some aerials, it's just something that hasn't been kept up with.

Jerome Kerner: Well, you know. Well you know this question of security or safety of the of the inhabitants. I think begs the question of what other safety conditions there are, for example, is there a contained play area, a yard in the back. Are the people, let out at all, the young people, I don't know what age group they're in and, you know if they are let out, is there a fenced area, are there alarms on the doors that would that if it's that level of security, in other words to claim that this is securing the pond or you know is, I think perhaps a maybe it's a shortcut to not doing anything else that might be more relevant and still allow people to get outside.

Janet Andersen: So, Jim did say that that the backyard was fenced, but I don't know. I'm sorry.

Jan Johannessen: A portion of the pond the fence is going to be removed, so security to the pond is a concern, they you know they're going to have a guide rail now that you know could be hopped over and a portion, so why not just extend it down that was....

Jerome Kerner: Exactly exactly. I mean just because it's been there and just because the water is draining from the driveway into the pond now doesn't mean it has to stay that way, that's what happens when you come for before us for improvements. We get we get a second chance to to correct problems.

Janet Andersen: Okay um. Yes, Bruce you going to have to unmute yourself. We can't hear you.

Bruce Thompson: Can you hear me now? Yes, okay I'm confused about the state and, since this is a state run facility. What. What what authority do we have jurisdiction here, your, Jim alluded to something about the limitations of the work that he was doing for them so I'm a little confused here. This this facility has been there for a long, long time, correct. And has it changed has it has it has the residents have the has the the nature of the facility changed, is it still serving the same set of needs for those who were there? I'm I just don't know.

Jim Edwards: Yeah, generally again I I've only been to the site once and I met the DDSO representative there, these are generally adults with special needs, they're they're residents there, there's they're ...

Jim Edwards: ...served by a staff 24/7, a small staff. And generally I think they do need to go outside for some fresh air on occasion I think the backyard is fenced that's where the septic tank is. We were trying to get a handle on the drainage flow and different utilities and understanding how the site functions, but to my knowledge, as soon as a site changed hands, which I don't know what that was it's been I would expect at least 20, 20 plus years ago when when the state office facility. I was a little bit confused myself originally and the State was, as well as far as sort of jurisdictional reviews here, so we just we just you know we went with the town's recommendations, based on its proximity to a wetland primarily and a lot of the operational questions and such and a history of the site, I can we did ask the state to kind of chime in tonight we gave them the Zoom invite but they didn't join us tonight so that's the best of my knowledge, as far as the history of the site.

Bruce Thompson: Jan, who establishes the parking requirements for a facility like this?

Jan Johannessen: I'm not sure there is one. You know I think it's based on need and again I'd ask the building inspector, we have a couple of, not that exact uses but similar uses in town. And they've been treated as residential projects. And then therefore don't have a parking calculation, but you know we'll have to get to the bottom of that what the building inspector. There's not a parking calc in the code that is for this particular use so it's really dependent on [static] but if they're proposing parking, then I think that you know that and they're proposing a plan before the planning board then there's a likelihood that they would have to show compliant parking in terms of you know, the dimensions of those spaces.

Bruce Thompson: Does this owner operator of this site operate other sites in town? Group home sites?

Jan Johannessen: I know several group homes in town I don't know if it's the same operator. I can't answer that.

Bruce Thompson: Because I know there's one at the end of Todd Road where we live and I don't know who does that, and the reason I bring up parking is is that many times the residents are visited by family and the parking overflows onto the road, it happens to be a very wide portion of the road, none of us are really put out by it. That's Route 138 over there that's very different story on that road right there. It has a speed limit it's quite a bit faster than Todd Road so. I've just I find it amazing that, Jim how many parking spaces are going to be here when all said and done?

Jim Edwards: I will defer to Lauren for that I think it's around seven or eight.

Lauren Sherman: Seven.

Bruce Thompson: Seven, okay I misunderstood that I, for some reason, rather I thought it was like two or three so okay.

Janet Andersen: They're adding two.

Bruce Thompson: They're adding two okay.

Jan Johannessen: To your question about jurisdiction, I can't answer that, but I mean they've applied to the board, they've applied to the State themselves to the DEC for a wetland permit so, somebody on their side they you know, they need permits, but I can't...

Judson Siebert: And and and the board's jurisdiction is is triggered because of the need for a wetland permit, so this is a wetland permit application.

Jan Johannessen: And stormwater.

Judson Siebert: Stormwater yeah. Thank you.

Bruce Thompson: Okay, understood, thank you.

Janet Andersen: Okay, so I think, I think we'll we'll refer this and we will get some information from the building inspector. You've heard some of the questions that we have about the you know the fence, the slope, potential runoff, and so I think um. I guess, I guess, I would ask, do you guys have any questions from us, for us, do you know what you need to do to come back.

Jim Edwards: I think so, it looks like your building inspector is going to weigh in, so I think we'd be waiting for some feedback from your building inspector. Also on the process, would there, this is considered sketch plan, is there any final site plan review process then that would that would follow this. And I.

Judson Siebert: At this point I don't think it's certainly you need site plan approval. I think my, and we have to defer to the building inspector but my view of this, and looking back as if you're probably talking about a wetland permit, and stormwater permit from this board. Not a site plan approval and the wetland permit can be treated, you know either in, you know, in the fashion, of a board approval or ultimately an administrative approval that is issued through the you know through Jan, but I think we need to kind of walk through some of the initial steps here to figure out how this will be ultimately processed.

Jim Edwards: Okay. Yeah, this is a bit unusual I we you know we we understand you know the state was also, trying to wrap their arms around this too and DASNY and it's a it's a bit of unusual site, you know what is a residence but it's a State-owned residence, so it is definitely not your typical sort of site plan application process, so we appreciate your time.

Janet Andersen: Okay, thank you, thank you, thank you Lauren too and and we'll see you I probably I think the reapplication day for the next month is only next week it's February 22nd so um. I think we have an unless you can get a lot of this stuff done it might be two months before we see you again, but hope to see you soon. Thank you.

Jim Edwards: Sure, I think the states consideration is just you know, having a having the driveway rebuilt upon construction season kind of kicking off, so I think we're I think we're on the right track for that so. Thank you.

Cal #02-22PB, Cal #03-22WP and Cal #02-22SW

(1:02:01 - 1:02:25)

Hollander/Audemard residences, 153 Post Office Road, South Salem, NY 10590, Sheet 32A, Block 10804, Lot 19 (Cassie & Seth Hollander, owners of record) and 151 Post Office Road Sheet 32A, Block 10804, Lot 91 (Olivier & Rebecca Audemard, owners of record) - Application for lot line change and driveway work.

Janet Andersen: Okay, the next item on our agenda was really for 153 and 151 Post Office Road. They have asked to adjourn until they resubmit so we're going to skip over that, and, unless - does anybody have any questions about that? We'll just see it next when they resubmit.

IV. WETLAND PERMIT REVIEW

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

(1:02:26 - 1:17:18)

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.]

Janet Andersen: And we're going to move to a wetland permit review calendar number 70 - 21 WP, this is the Gardner residence, 23 Waccabuc Road, Goldens Bridge, New York, an application for an addition, a pool, and a patio. And I see Bob and I guess Alan around to this so Bob do you want to start?

Bob Eberts: Sure, good to see you again tonight. We we went through most of the comments that Jan put together at previous meeting and there's, I would say, two significant changes to the drawings that we that we had; the first is we changed the location of the mitigation area, we were proposing it to be between the house and the pool and the stream. Instead we've moved that mitigation area to the east of the house, in other words on the opposite side of the house from the pool. We did that, because it's a clear area without trees. And also Beth was concerned about the DEC's view of the impact on the stream if we came as close as we were showing it previously. The other significant thing that we submitted was a drawing that showed the neighboring properties, the structures. The septic systems and wells, and what we show on that drawing is that we're at least 200 feet away from any structure, septic system, or well, and so we really have no I don't think we're proposing any impact at all on that on those those systems.

Janet Andersen: Okay. Well, I do have a question I mean I'm I'm I saw the change in the movement of the mitigation area. And it seemed like first of all it's it's being actually a seed mix in the wetland area and wondered if that's you know how that's going to be, how that's gonna work, but also, I did notice a couple of trees and shrubs I think three trees might be going down in order to put in the pool, and I was hoping that some trees could be integrated into this and and really I I sort of felt that the that the former area, you know different, was more protective of the of the stream, so you know, then kind of what looks to be an open area so Beth maybe if you could go through a little bit about that mitigation and why it moved and what's going on there, I think it'd be helpful.

Beth Evans: Sure, I'd be happy to Janet. The mitigation area that's shown. It was my choice because frankly that area is where the the greatest concentration of barberry and multiflora rose is that if we're going to try to remove invasive I'm sure Todd and Laura are going to want to continue to do that closer to where they're they're living space is but in terms of an area that is large enough for the mitigation ratio for the for the one to one mitigation, the eastern portion of this property really is almost impenetrable with barberry and there are some trees there and I'm sure that we can add some trees to the mitigation area to go along with the seed mix. The reason I didn't propose shrubs in that area as simply because we're trying to remove shrubs and in terms of long-term monitoring getting the rest of that little barberries that come back out, it's easier if we're not trying to tell a landscaper don't take that blueberry take that barberry. It I love the way barberry turns into bayberry a lot of times when you're talking to a landscaper, or so. We're trying to do something that could be holistic, if you will, and and actually improve the habitat that that Eastern portion of the wetland is quite open. Which is why we chose a wet meadow mix to try to enhance the seed bank, but we can certainly put some trees in as well, I just don't want to put deer food down there and have to have a deer fence. So that's that was my thinking, the the stream where it gets closer to the house in the lawn area it's actually quite steeply banked and, and so I didn't want to be yanking barberry out on the steep bank. I wanted to try to concentrate on an area where I felt we could be more effective, on a larger area. So, if that answers your question, hopefully, but otherwise it's not just such as we're probably draw a big circle, it was actually based on the field conditions.

Janet Andersen: Thank you. I think that it helps some what, I'm I do want to try to protect the stream and so you know I that's why I kind of was thinking, maybe a little bit more over in the other area as well.

Beth Evans: The stream actually, I don't say this lightly, the stream is pretty well protected by the....

Beth Evans:very dense growth on on the sides of the bank's near the house between the house or the corner. With with the road it's the area is the more open area that I think provides better wetland habitat and and more productive wetland habitat on the east side of the property, where I just think that barberry is going to keep marching towards the stream over there, so that's why I chose it, we can certainly move it, we can go out and take a look when we do the stormwater testing but based on my crawling along the edge of this wetland through barberry, I felt there was more good to be done on the eastern side of property.

Janet Andersen: Yeah I know that stuff I I pretty much fought a war against barberry in my backyard and I, but the edges of the property or stark contrast, I mean it's it's tough, I know that. Jerome did you have your hand up?

Jerome Kerner: No, I'm just looking at the plan.

Janet Andersen: Okay yeah um. Any other comments, maybe Jan, I'll ask you for a summary of what you wrote up.

Jan Johannessen: We're down to just a few. They really mainly deal with the mitigation at this point. The stormwater the comments have been addressed, but we need to get the deeps and percs, the soil testing completed and witnessed. I think that was really it for the stormwater and then it was the mitigation, you know there's an area shown there's a seed mix specified, but the means, means and methods of the invasive removal and maintenance plan going forward all have to be developed in providing on the plan, and I agree that there should be some bolstering of the mitigation area with trees. If if shrubs or not ideal, then you know I think there should be something to go along with the seed mix. Because at the seed mix is not successful, and it becomes just a lawn area that's not something that we're interested in having as mitigation, so the mitigation plan really needs to specify how it's going to be maintained. You know, over a certain period of time there's going to be inspections reports filed, etc.

Beth Evans: And I'm happy to do that, and I could provide that by the next submission deadline. I just, there are trees out there and and I can I can make a quick site inspection and try to get you some pictures of that area just so you see what the intent is.

Jan Johannessen: Why don't we go there together and just walk the area.

Beth Evans: Well, that that sounds very efficient.

Jan Johannessen: I kind of agree with, I'd like to see the area elongated a bit along the stream corridor without messing with the the banks of the stream. Since it's directly downhill of the improvement and....

Beth Evans: I'll try to set that up with you Jan so that's an excellent suggestion.

Jan Johannessen: But that's that's really I mean they're. The majority of that I think the other comment was just you know there's there's a lot of site plan sheets and I hate to go through them and try to figure out if there's any inconsistency between the two so I'd like to just pick one show all the site work on one and I just have a smaller set, along with the mitigation plan. So if you can help coordinate those details the site work on to one set of site civil drawings that would be helpful, but I think that the plan's come a long way appreciate the work that the team put into to get it there.

Alan Pilch: It's Alan. I just thought I'd also mentioned we'll hopefully with the weather, now that we're midway through February we'll be able to get some soil testing done soon. It was obviously very difficult in the dead of winter, when it was frozen out there. So hopefully we'll be in a position to do that. Can I just ask one question regarding the need for a perc test, to say I'm just gonna ask the question, you

Alan Pilch: ...don't have to answer now, with the modeling that we did for the bio retention and rain garden, it did not involve any percolate perc rate at all, it was it did not have that at all, so I was just just I guess the question would be whether we could just limit it to just doing a deep hole test just confirm the soils.

Jan Johannessen: You have to ask Mr. Cermele, that's his comment.

Alan Pilch: That's fine, I will ask Mr. Cermele.

Janet Andersen: Yes, Jerome, I see your hand.

Jerome Kerner: Yeah. Due to the condition of the plan, where we are with it in terms of planning board commentary, is this an appropriate time to suggest a resolution or motion, to go administrative on on this project.

Janet Andersen: I don't know, I'm in a way, I sort of like the hear a report back after Jan and Beth visit the site. I don't know, Jan and what would you feel comfortable at this point or....

Jan Johannessen: I would be fine, so long as the applicant committed to you know, modifying the mitigation plan as we've described. We can have a meeting of the minds on what that should consist of, it needs to be elongated along the stream and bolstered with some trees if that's something they can agree on I wouldn't have a problem.

Bob Eberts: We have no problem with that will will definitely agree.

Janet Andersen: Okay, and I did see John I think the CAC memo also mentioned some trees, but you had them more in the I don't in one of the rain gardens, I think, or....

John Wolff: Yeah I think the trees, just to replace the was taken down, we also you know I don't know the site topography but should be a no-mow area and, should it be demarcated that makes sense for this?

Janet Andersen: Monumented in some way, yeah.

John Wolff: Because you know, this may pass on to another owner at some point, and so that needs to be, I think the needs you know to be maintained and marked.

Jan Johannessen: Yeah I think we might have made the same suggestion, but we can talk with Beth about that in the field.

Beth Evans: That will we'll we'll definitely make sure that where the mitigation is happening it's clear what the long term, maintenance and management of that area is to involve it's not to be turned into lawn.

Janet Andersen: Well, that sounds good so. So so Jerome has made the suggestion that we handle this administratively from now on, or delegate this to Jan handle administratively so um I believe we do this by motion so if if you want to put that in terms of a motion Jerome we can.

Jerome Kerner: Yeah, I would move that we resolve to have this administered by our planning consultant for from this point on.

Gregory La Sorsa: I'll second that.

Janet Andersen: That was Greg seconding. Any further discussion on this?

Judson Siebert: I would just note the motion, you know it recognizes the commitment the applicant made with regard to mitigation.

Jerome Kerner: Yeah. Recognizes there's consensus on on a meeting of the minds for improving the mitigate the mitigation to include trees or shrubs.

Janet Andersen: Great. I think that's great forward motion, forward progress. Okay, so we, so we have a motion and a second any further discussion. Okay I'll poll the board, Jerome?

Jerome Kerner: Aye.

Janet Andersen: Bruce?

Bruce Thompson: Aye.

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Greg?

Gregory La Sorsa: Yes.

Janet Andersen: And I also say I say aye. The motion carries, and this will be handled administratively. Thank you, Jan, and also thank you to the team, I do think this has moved quite a bit further, and I think your willingness to work on the mitigation, is is helpful to getting this to to administrative position, so thank you.

Bob Eberts: Thank you for your time on this project.

Janet Andersen: Good night.

Beth Evans: Good night.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board determined that the review of the Gardner Residence, 23 Waccabuc Road, Goldens Bridge, will be handled administratively by a permit issued by the Wetlands Inspector as the applicants have agreed to additional mitigation measures. In favor: Ms. Andersen, Ms. Indelicato and Mr. Kerner, Mr. La Sorsa and Mr. Thompson.]

V. MINUTES OF January 11, 2022.

(1:17:18 - 1:18:37)

Janet Andersen: Okay, so the next next item on our agenda is is are the Minutes from January 11 of 2022. And I think we had a slight, I think Bruce found a typo on them today so we've gotten an new version and he is appointed by the board to our board thankfully. So. I'd look for a motion to approve the minutes.

Charlene Indelicato: I so move.

Janet Andersen: Thank you Charlene.

Jerome Kerner: Second.

Janet Andersen: Thank you Jerome and actually I'm thinking about that okay so. I'll poll the board assuming no discussion, Jerome?

Jerome Kerner: Aye.

Janet Andersen: Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Bruce, I think you have to abstain.

Bruce Thompson: I am, really is sounds crazy to make this correction and now I'm going to abstain.

Charlene Indelicato: That's true, but we agree with you.

Janet Andersen: And Greg, so you weren't here so you have to abstain as well. And I also say aye, so the motion does carry and we have approved the minutes.

[On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the Board approved the minutes of January 11, 2022 as amended. In favor: Ms. Andersen, Ms. Indelicato and Mr. Kerner. Abstain: Mr. La Sorsa and Mr. Thompson.]

VI. DISCUSSION - Extension of Time Request Fees

(1:18:38 – 1:20:07)

Janet Andersen: Quickly, before we adjourn I wanted to give you an update on the recommendation that we made for an extension extension of time on the fees to the town board. The supervisor did come back and ask me for asked a couple of questions about what other towns are doing and Ciorsdan and I are trying to gather a couple of, a little bit of information from other towns and will pass that on to him, but the fact that it didn't get discussed at the last couple of meetings, does not mean it is, it is either rejected before going to the board or rejected by them or or forgotten so we'll get them that information and see what what steps they decided to take. I also was asked you know, do you do all this that that often and it looked like about 10% of our, of the of the applications last year in 2021, about 10% of the times the applications came to us, they were extension of time requests, so that seemed like it's a sizable amount of work among everyone so um so that is just the update on where we are there.

VII. NEXT MEETING DATE: March 15, 2022

(1:20:08 - 1:20:26)

Janet Andersen: Our next meeting date will be March 15 and we will be able to do it by Zoom again, so we will be doing a Zoom again and then, if the emergency is not expanded, we will have to meet in person in April.

VIII. ADJOURN MEETING

(1:20:27 – 1:21:04)

Janet Andersen: So, with that I'd look for a motion to adjourn the meeting.

Jerome Kerner: So, moved.

Janet Andersen: Thank you Jerome.

Charlene Indelicato: Second.

Janet Andersen: Thank you Charlene and I think we can do this by consensus so great.

Judson Siebert: No, no vote.

Janet Andersen: We need to vote on this, okay. Jerome?

Jerome Kerner: Aye.

Janet Andersen: Bruce?

Bruce Thompson: Aye.

Janet Andersen: Charlene?

Charlene Indelicato: Aye

Janet Andersen: Greg?

Greg La Sorsa: Yes.

Janet Andersen: And I also say yes. So, we are adjourned, the meeting has ended at 8:52 p.m. Thank you all and we'll see you.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the meeting was adjourned at 8:52 p.m. In favor: Ms. Andersen, Ms. Indelicato and Mr. Kerner, Mr. La Sorsa and Mr. Thompson.]

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ciorsdan Conran". The signature is fluid and cursive, with the first name being more prominent.

Ciorsdan Conran
Planning Board Administrator

**RESOLUTION
LEWISBORO PLANNING BOARD**

AMENDMENT TO CONSTRUCTION PLAN

**Palminsteri Residence
4 Bluestone Lane**

**Sheet 40, Block 10552, Lot 42
Cal #10-21PB**

February 15, 2022

WHEREAS, the subject property consists of ±3.174 acres of land and is located at 4 Bluestone Lane within the R-4A Zoning District ("the subject property"); and

WHEREAS, the subject property is identified on the Town Tax Maps as Sheet 40, Block 10552, Lot 42; and

WHEREAS, the subject property is currently owned by Chazz and Gianna Palminteri ("the applicant"); and

WHEREAS, the subject property is an undeveloped residential lot which was approved as Lot 5 of the JVG Estates, LLC Subdivision (formerly known as the Popoli/Sicuranza Subdivision); and

WHEREAS, referenced is made to the final approved subdivision plat entitled "Final Cluster Subdivision Plat, JVG Estates, LLC, Formerly Popoli/Sicuranza", prepared by Raymond E. Heinsman, PLS, PP, dated (last revised) April 18, 2017, filed with the Westchester County Division of Land Records as Filed Map No. 29079; and

WHEREAS, reference is made to the approved construction plans, entitled "Proposed Subdivision Plans, Popoli/Sicuranza Property", consisting of 21 sheets, prepared by DeLalla & Associates, LLC and dated (last revised) October 3, 2010; and

WHEREAS, the above-referenced construction plans illustrate a proposed residence, asphalt driveway and parking court, inground swimming pool, septic system and potable water well; and

WHEREAS, in accordance with Section 220-10E(2)(d) of the Zoning Code, the above-referenced construction plans illustrate the then proposed residence and septic system within the contiguous buildable area, as required; and

WHEREAS, the applicant is proposing to modify the lot layout such that a portion of the proposed residence will extend beyond the previously established contiguous buildable area line; and

WHEREAS, according to the plans submitted by the applicant, the proposed new residence will extend 650 s.f. outside of the contiguous buildable area; and

WHEREAS, on November 17, 2021, the Zoning Board of Appeals granted a variance to allow this portion of the residence to be constructed outside of the contiguous buildable area; and

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

NOW THEREFORE BE IT RESOLVED THAT, the proposed action has been determined to be a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617.5; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves the following drawings amending the construction plans ("the approved plan"), subject to the below conditions:

Prepared by Dimoviski Architecture, PLLC, dated (last revised) October 12, 2021:

- Site Plan (SP-1)

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

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

1. The applicant shall satisfy all outstanding written comments provided by the Town's professional consultants.
2. All applicable Town, County, City, State and Federal permits/approvals shall be obtained by the owner/applicant and copies of same submitted to the Planning Board and Building Department. Should the plans approved herein differ from those previously approved by an agency having jurisdiction, the applicant shall be responsible for obtaining amended permits/approvals, as determined necessary. The applicant has identified the following outstanding outside agency approvals, which shall be obtained prior to the signing of the approved plans, unless otherwise noted:

- a. Westchester County Department of Health (WCDH) for private well and septic.
3. The applicant shall prepare and submit a site grading and utility plan, prepared by a NYS Licensed Professional Engineer, including erosion and sediment controls, prepared to the satisfaction of the Town Engineer; a drainage report and supporting calculations shall be provided. Said plans shall be included with the approved plan for signature.
4. Following review and revision (if necessary) of the final plans, the applicant shall furnish the Planning Board with four (4) complete original sets for final review by the Town's consultants and endorsement by the Town Engineer, Planning Board Chair and Administrator.
5. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.
6. 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 Commencement of Work or Issuance of any Building Permit:

7. Conditions #1 – #6 specified herein shall have been satisfied.
8. No Building Permit shall be issued absent compliance with Town Code Section 220-75B(3).
9. All erosion and sedimentation controls shall be properly installed by the applicant and the limits of disturbance shall be staked by a NYS Licensed Land Surveyor and a construction fence installed along said limits.

Conditions to be Satisfied During Construction:

10. Disturbance within the Town regulated wetland buffer is expressly unauthorized.
11. All development activities shall be completed in accordance with the approved plans. For any reason, should modification to these plans be deemed necessary, the applicant shall immediately contact the Town's Professional Consultants and Building Inspector to review same and to determine if amended approvals are required. Any change to the construction details approved as part of the approved plans shall be reviewed and approved by the Town's Professional Consultants and/or the Building Inspector, as applicable.
12. Unless specifically modified or amended herein, the applicant shall comply with the previously approved Stormwater Pollution Prevention Plan (SWPPP) developed for the subdivision, including mandatory inspections and reporting.

13. During construction, the Town's Professional Consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved Site Development Plans.
14. The Town Engineer shall be notified prior to the commencement of work, prior to the backfilling of any underground stormwater management practices, and prior to the installation of pavement.

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

15. 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.
16. The applicant shall obtain and submit all applicable certificates of compliance from the WCHD or any other regulatory agency having jurisdiction (to the extent said agencies require issuance of same).
17. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit an as-built survey, signed and sealed by a NYS Licensed Land Surveyor and Professional Engineer, demonstrating compliance with the approved plans. This survey shall be prepared to the satisfaction of the Town Engineer and Building Inspector.
18. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit written certification by a NYS Professional Engineer that all stormwater management practices and associated improvements have been installed in conformance with the approved plans and are functioning properly.
19. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved plans and this Resolution.
20. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Other Conditions:

21. Unless specifically modified or amended herein, all conditions of any previously granted Planning Board approval or authorization shall remain in full force and effect.
22. All commitments, conditions and requirements set forth in this Resolution shall be binding upon the applicant, its agents, affiliates, transferees, successors and assigns.

ADOPTION OF RESOLUTION

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

The motion was moved by: Charlene Indelicato

The motion was seconded by: Jerome Kerner

The vote was as follows:

JANET ANDERSEN	<u>aye</u>
JEROME KERNER	<u>aye</u>
GREG LASORSA	<u>aye</u>
CHARLENE INDELICATO	<u>aye</u>
BRUCE THOMPSON	<u>abstain</u>

Janet Andersen CC

Janet Andersen, Chair

February 15, 2022