

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 961 9204 2224) on Tuesday, March 15, 2022, at 7:30 p.m.; the YouTube link is <https://youtu.be/IJXHXy2eERM>

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

Ms. Andersen opened the meeting at 7:30 p.m.

Janet Andersen: Okay. So, I'm Janet Andersen. I'm calling to order the Town of Lewisboro planning board meeting for Tuesday, March 15, 2022 at 7:30 p.m. The State legislature passed a temporary amendment to the open meeting law that allows municipal boards to meet via video conference as long as the state of emergency is in effect. The Governor Hochul has extended the state of emergency until tomorrow March 16th, so we are able to meet tonight by video conference. If the open meeting law exemption is not extended our April meeting will be in person, and I do, that's that's our current expectation. When we meet in person, we do not yet know if a YouTube recording will be available, but we expect to post an audio recording. Tonight, we are live streaming to YouTube on the Lewisboro TV channel, so the public can view the our meeting. 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 a recording and transcript of this meeting to the town website, the Zoom video will also be available on the town's YouTube channel.

Joining me on the Zoom conference from the Town of Lewisboro are members of the planning board: Charlene Indelicato, Jerome Kerner, I just saw that Greg La Sorsa is joining us and Bruce Thompson. We have a quorum, and thus we can conduct the business of the Board and vote on any matters that come before the board. Greg is still.... Okay we got him. Also on the conference is the planning wetland consultant Jan Johannessen. I don't think our counsel Jud Siebert is on right quite yet, but we expect him within a few minutes, the planning board administrator Ciorsdan Conran and also the CAC chair John Wolff. We do not have a public hearing scheduled for tonight. We do not expect to take any public comments at this meeting. Members of the public can always express their views by mail or by email to [planning@Lewisborogov.com](mailto:planning@Lewisborogov.com) and again the public can see and hear this meeting via Zoom or live on the Lewisboro TV YouTube channel. As usual, 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. As it comes time to record our votes, I will poll the board, board members individually. Tonight, I also expect that we will go into an executive session, which we will do by going into a breakout room, which will not be seen on the YouTube feed, and then we will return and complete the meeting.

## **I. DECISION**

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

(2:44 - 8:50)

**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.

[David Moorman, owner, was present.]

Janet Andersen: So, with that let's get going. The first item on our agenda is a decision on calendar number 04- 19 PB, calendar number 17 -19 WP, calendar number 06- 19 SW. This is Pound Ridge Stone, 2 West Road, South Salem, New York. This is a request for an extension of the site development plan, wetland and stormwater permit approvals and actually for a slight amendment to the resolution, and I believe we have that resolution that has been circulated before us. If there's no other questions, I'll ask Jan to briefly go through the the resolution.

Jan Johannessen: Sure. This is a resolution for Pound Ridge Stone, 2 West Road. It's an amendment to the planning board's August 17, 2021 resolution to request, in response to a request made by the applicant to amend the resolution. The project, I'm sure you're all aware of, was for the legalization of an existing landscape business located at that property, construction of a storage building, the continued use of retail and office space, parking lot improvements to support 24 parking spaces, 4 of which are going to be land banked, material storage bins, stormwater management facilities, landscaping and wetland mitigation. That was the project. The board issued a SEQRA Negative Declaration and an approving Resolution on August 17, 2021. You recently granted a one-year extension to that Resolution at the last meeting on February 15, 2022.

One of the proposed improvements includes the elimination of old curb cut and driveway entrance off Smith Ridge Road. The property and project rely on access from West Road, this is just an old curb cut that the applicant proposed to eliminate. The elimination of that curb cut requires a permit from the New York State DOT, Smith Ridge Road being a state road, and the August 17 Resolution required that that permit be granted by the DOT prior to the signing of the site plan and the applicant has indicated that it's made application to the DOT for that work and quite some time ago and has not heard response and is anxious to get going on the improvements on the property. So, the last meeting the board discussed this and the board agreed that that condition regarding the issuance of the DOT permit could be a condition that could be satisfied prior to the issuance of certificate of occupancy as opposed to prior to the signing of the site plan. This would allow the applicant to complete the remaining conditions, get the site plan signed, get building permits and start construction. The CO, the way the resolution's written, the CO could not be issued until that work is obviously completed. And with a the issuance of a DOT permit and in the interim, as discussed at the last meeting, that driveway would be barricaded in the interim by the applicant to the satisfaction of the building inspector, so that is the resolution that's before you it's simply taking the DOT condition and moving it towards, prior to the CO allowing the applicant to get started on the project. Even if for some reason the DOT didn't issue the permit, that, the project could really go on, just as it is proposed, this is really just some landscaping improvements in closing off that DOT right of way, so it really doesn't have an impact on the project, we thought it was, the request was applicable.

Janet Andersen: Right, um great, anybody have any other questions? Jerome, I see your hand up.

Jerome Kerner: Yeah, I'd like to move that we approve the resolution as drafted and cited by Jan.

Charlene Indelicato: Second.

Janet Andersen: Thank you Charlene. I will say I think there were a couple of typos that in the, what was

circulated to us, and I believe they've been updated, but they were like spelling errors, nothing that had anything to do with the content of the of the resolution, so we have a motion made and seconded any further discussion. Hearing none I'll poll: Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Jerome.

Jerome Kerner: Yes.

Janet Andersen: Bruce. You're muted.

Bruce Thompson: How's that?

Janet Andersen: We can hear you now.

Bruce Thompson: Okay, thank you. Aye.

Janet Andersen: and Greg.

Greg La Sorsa: Yes.

Janet Andersen: and I'll say aye as well, so the motion carries, the resolution is approved. Thank you very much. Any questions from anyone or the applicant on that. Okay, great and then we'll move on and then the next item on our agenda is an extension of time

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board granted an amendment to the August 17, 2021 Resolution granting a Negative Declaration Under SEQRA, Site Development Plan Approval, Special Use Permit Approval, a Town Wetland Activity Permit and Town Stormwater Permit Approval to Pound Ridge Stone, 2 West Road, South Salem; a copy of the revised Resolution, dated March 15, 2022, is attached and is part of these minutes.

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

## II. EXTENSION OF TIME REQUEST

### **Cal # 1-14PB, Cal# 7-14WP, Cal# 1-14SW**

(8:51- 13:54)

**Pinheiro Subdivision, 930 Old Post Road (Route 35), Cross River, NY, Sheet 20, Block 10801, Lot 13 (Fernando and Maria Manuela Pinheiro, owners of record) – Applications for Preliminary Subdivision Plat Approval, Final Subdivision Plat Approval, Wetland Activity Permit Approval and Stormwater Permit Approval**

[Fernando Pinheiro, owner; Dominique Albino, Esq.; and Naim Bajraktari Esq.; were present.]

Janet Andersen: This is sorry calendar number 1-14PB, calendar and number 7-14 WP, calendar number 1-14 SW. The Pinheiro subdivision on 930 Old Post Road, Route 35, Cross River New York, this is an application for preliminary subdivision plat approval, final subdivision plat approval, wetland activity permit approval, and the stormwater permit approval. The subdivision plat was signed in 2015. But the wetlands and stormwater permits expire on May 19th 2022. So, who is on for that?

Dominique Albano: Yes. Hi hi Chairwoman Andersen. I represent Mr. Pinheiro.

Janet Andersen: Okay.

Dominique Albano: So, good evening, everyone on the board. My name is Dominique Albino and I'm an associate at Zarin and Steinmetz and I'm here this evening, representing Mr. Pinheiro in his request for an extension of the wetland activity permit and stormwater permit for real property located at 930 Route 35. Joining me this evening is Mr. Pinheiro, the current owner of the property and attorney Naim Bajraktari who's our, who's counsel for the prospective purchaser. As you may recall the board originally granted the subdivision, wetland and stormwater approvals for the property in 2014 allowing for the two-lot subdivision, as you mentioned before. Following initial approvals Mr. Pinheiro filed, the proof subdivision plan in the county clerk's office on April 28, 2015. For variety of reasons, including personal and recently the pandemic the Pinheiros have not commenced their approved work on lot 2. As such, this board granted extensions for the wetland and stormwater permits in November of 2018 and June of 2020. The current approvals for the property are set to expire May 19, 2022. The Pinheiros have entered into a contract of sale for the sale of both lot 1 and lot 2 the prospective purchaser has requested that we seek an extension of the wetland and stormwater permits for the property. Just as a way of background, Cronin Engineering has confirmed that the site conditions remain the same on the property. So therefore, the Pinheiros are respectfully requesting your town board, town planning board to grant a two-year extension of the wetland and stormwater permit approvals for the property.

Janet Andersen: Okay, so I will note that the resolution currently, currently, refers to the New York general permit um back from it that was in effect at the time when this was done in 2014 and, of course, if even if we grant the extension of the stormwater permit at the time, construction begins, the then current stormwater permit will apply. So, even though the resolution that we would be extending here would, refers to the old permit the the permit in in a in effect at the time of when construction begins is the one that actually applies, I just want to make sure everybody's clear about that. And I reviewed that with Jan if I said anything wrong, maybe you know please correct me.

Jan Johannessen: That's correct. I don't think there's been any material change that would affect this project from one permit to the other but there you know when they do go to apply for building permits. They will have to prepare the the correct SPDES general permit. I don't suspect there'll be any problems, but I think it was good that you noticed that, for the record.

Janet Andersen: Great. Okay, any questions or any any other comments on this. And if not, I'd look for a motion to extend the wetland and stormwater permits for two years, with this one, with the understanding or the proviso that the the stormwater permit referred to in the original resolution sort of automatically updates to the current stormwater permit.

Charlene Indelicato: So, moved.

Janet Andersen: Thank you Charlene.

Bruce Thompson: I'll second.

Janet Andersen: Bruce is seconding. Okay any further discussion? Okay I'll poll the board, Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Jerome.

Jerome Kerner: Aye.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: Greg.

Greg La Sorsa: Aye.

Janet Andersen: And I also say aye, so the motion carries and the extension is granted. Thank you.

Dominique Albano: Thank you so much. Have a good evening.

Janet Andersen: Good evening.

[On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board granted a two (2) year extension of time to the Pinheiro Subdivision's (930 Old Post Road (Route 35), Cross River) Wetlands Activity Permit (7-14WP) and Stormwater Permit (1-14SW); the new expiration date for both permits is May 20, 2024. In favor: Ms. Andersen, Ms. Indelicato and Mr. Kerner, Mr. La Sorsa and Mr. Thompson.]

### III. SKETCH PLAN REVIEW

#### **Cal #03-22PB**

(13:55 - 43:33)

**Arbor Hills Water System, 0 Brundige Drive, Goldens Bridge, NY 10526, Sheet 12, Block 11152, Lot 200 (Arbor Hill Waterworks, Inc, owner of record) - Application for the construction of a water treatment facility.**

[Sean Peters, H2M Architects and Engineers; Christopher Peters, Liberty Utilities; and John Kilpatrick, Liberty Utilities; were present.]

Janet Andersen: Ok, the next item on our agenda is a sketch plan review, and this is calendar number 03-22 PB, Arbor Hills water system on Brundige Drive in Goldens Bridge, New York. This is the application for the construction of a water treatment facility. And I don't know exactly who is on for that.

Sean Peters: Hello board, thank you for having us here today, my name is Sean Peters. I'm with H2M Architects and Engineers joining me on this call today is Christopher Peters from Liberty Utilities and John Kilpatrick from Liberty Utilities. So, this is the first time I've been on a virtual meeting with this board do I have the ability to share my screen?

Janet Andersen: Yes, you do.

Sean Peters: Just making sure. Can everyone see that?

Greg La Sorsa: Yeah.

Sean Peters: Yes, good. I just want to provide some background for the board on the project. I know we did receive a memo from the office of Kellard Sessions, we have no objection to those comments, and we'll look to address those in our next submission. So, I just wanted to give some background on the project, but if you have any questions or can't see anything just let me know. Just so you know, this site is an existing water supply and treatment facility. It's an existing utility use in the R2 zone. The site

currently has a treatment building. It's a one-story concrete building, as well as four wells, which provide water to the site and to the adjacent Arbor Hills subdivision. Arbor Hills subdivision consists of approximately 210 people, 67 service connections and averages about 28,000 gallons per day. So in in our you know what our quality testing this performed on this site, it was noted that there are some impurities in the drinking water which exceed the New York State Department of Health requirements. So, our office and Liberty Utilities has been diligent in contacting the DOH and working with them on some preliminary designs for this new water treatment building. So, what we're before you to here today is to present this new water treatment building and associated site improvements so. We anticipate this building is going to be approximately [16,080] square feet, this does meet the criteria for a Type 2 under SEQRA as it's a non-residential use. That that point was noted in the Kellard Sessions memo we received. As far as other site improvements, we're looking to install to small water storage tanks about 8,000 gallons and those facilitate the water treatment process inside the building. As far as other other improvements we're going to have a small chain link fenced area. That'll provide security that that's typical per DOH requirements and on-site access. There was a few more items I wanted to go through based on our our narrative that we submitted as part of this application, but is there any questions so far?

Jerome Kerner: Well, just for the record it's 1,680 square feet.

Greg La Sorsa: Yeah, I was gonna....

Sean Peters: Did I say 16,000?

Jerome Kerner: You did.

Sean Peters: Well, that's uh yeah 1,680 square feet, thank you for that. So yeah, as far as site access for the site, it does receive access off of Brundage Road. It's a small asphalt driveway and we note that your Code does not have a specific requirement for parking but does allow your board, under their authority, to make a reasonable interpretation of what's required for this site. We will note that you know typically this site is unmanned. Every once, once or two times a day somebody from Liberty Utilities typically stops by the site, they check on everything, make sure everything's running properly and and that's it, you know it's one vehicle one to two times a day. With the installation of the new treatment building, we don't anticipate any changes it's still really the same process, the same amount of water going through the system it's just going through a more rigorous treatment process. So just wanted to note that.

As far as lighting for the site, we did note in the memo received that you're looking to have glare shields on any exterior lighting so we're going to comply with that we're going to have dark sky friendly fixtures. And one of the other recommendations that was made was that we consider utilize utilizing motion detection. I did speak with Liberty Utilities about that and that's not an issue, so we will incorporate that in the next submission. As far as the landscaping and screening. Actually, one more point just in terms of the building location itself and, as I zoom out here, there is park land over here this site is undeveloped it's actually owned by the Arbor Hills, Arbor Hills waterworks, Liberty Utilities now. And then there's residences over here on this lot, this lot, this lot, and I believe on this lot as well. So that new building on the location that we've selected was based on a few things the first, the first being that this area of the site is the flattest. We note that your Code discusses steep slopes so we're looking to avoid that to the maximum extent practical. The other thing would be tree clearing. This was actually a cleared-out area over here, so any tree clearing will be minimal and in our next submission, you know, we'll identify any trees that would need to be removed. The other thing is setbacks from residences over here, so you see that that existing building is located here so actually that new building building, even though it is larger, it will be located farther away from any residences. So, I did also provide a aerial footage of the site. So, like I said there's a few residences over here, I believe this is the closest structure and then there's also a building over here so that new building will be offset by a fairly significant area of what the site itself is

about four acres and actually over four and a half acres in R2 zoning district so so it's a larger parcel which is, which is good. It provides a good amount of screening and then this this image, right here shows the site, you know the majority of the year, when you have you know trees and full foliage, you can't even really see this area so so it does have adequate screening. I did also provide two pictures. This first picture is the site entrance and that's off of like I said off of Brundige Road, so this is actually late fall looks like so there's mostly leaf off condition. But there is pine trees along the entrance which screen the site fairly well. That existing building is pretty much centered on that drive it's right about here and that new building would go somewhere over here so just wanted to show that, obviously, we can provide more detail on that and our next submission. This is located along the intersection of Waccabuc and Sullivan Road. And there's no there's no site entrance along this side, but I just want to show a vantage point from that road facing towards the building you notice there's a lot of younger vegetative growth in this area, so you know the thought is that as time goes on, the screening will only improve, so I wanted to point out those things. And the other thing I wanted to talk to the board about was I noted in that memo. That. And this is I'm just going to read what he said. Site plan approval is required from the planning board and unless waived by the planning board, a public hearing is required to be held on the site development plan. So, I wanted to you know respectfully ask the board if there's any consideration of waiving that public hearing, the reason for that being that this is, you know public water supply. It's adequately screened, the applicant has no issue with you know, using a neutral tone color or something like that, and you know the other thing to keep in mind is that we're looking to you know, install this and get this treatment improved as soon as possible. Obviously, we're working with the deal which on this, and this is a public water supply serving this existing subdivision right here, so I just wanted to ask that you consider that. I don't know if there's any questions or comments on that.

Janet Andersen: Okay, I do have a couple of questions I don't know if anybody else on the board wants to speak up but let, let me start with. So, I know you've talked about having MCL exceedances and I went out and looked at the the most recent water annual water quality report, which was 2020, and that showed no MCL violations. And I'm really hopeful that the members of the public aren't finding out about MCL exceedances for the first time by listening to this, you know this this hearing and, or this meeting, and I hope that, so I would really appreciate it, I think if we could get a copy of any notifications that have gone out to the water supply customers. Just so that we're you know so we're reassured that we're not the the source of their knowledge on this.

Sean Peters: I think that's I think that's reasonable. I will note that um John Kilpatrick has his hand up he is the applicant on this project, I think he might have some input on on this application.

Janet Andersen: Okay, go ahead John.

John Kilpatrick: This is John is a is the volume working?

Sean Peters: We can hear you, John.

John Kilpatrick: Great, so what I like to clarify on the MCLs here, there's a there's a couple of wells that have gone over the MCLs and as a result, we're not using those wells, those wells are, they're out of service. So, all of the drinking water that we're producing at this facility that's going into the distribution pipes meets all of the health department standards. So, what we're doing currently is we're trucking in water in those peak summer times so we're bringing in trucked-in water, refilling our storage tank there, and pumping that out to customers. So, there isn't there's not being any water that's delivered to customers that's above the MCL, and so what this project allows us to do is to bring those wells back into service by adequately adequately treating that water down to non detect to remove all of the contaminants.

Janet Andersen: Great. Thank you that kind of information is very helpful. Because yeah I did notice on

again on the water quality report, it said well three was out of service and that appeared to be the one that had exceeded MCLs so I couldn't help but wonder.

John Kilpatrick: Yeah, and we test very regularly and we submit quarterly results to the to the New York Department of Health, they're our regulator, so you know if there was any, if there was any exceedance of MCLs that would go to the health department, there's required notification that we do to customers and that has not occurred because we have not put water above the MCL into the distribution system.

Janet Andersen: That's great could is there if it would, if it's possible to sort of give us a document that states that, in case we get any questions from the customers. That would be quite helpful.

John Kilpatrick: Okay, we can we can do that.

Sean Peters: Thank you, thank you John. And Janet, to that point, with trucking in the water, I think that just kind of, you know kind of goes back to our point about you know, obviously we're looking to comply with any any comments, any questions that the Board has but also looking to you know get this site developed and get this treatment building in as possible.

Jan Johannessen: Sean, what's your expected approval date from the health department?

Sean Peters: Jan, I believe it's the I believe it's the, oh approval date or when we need to put this online?

Jan Johannessen: No, I mean, you when do you expect to have health department approval, so that you can actually commence construction on this?

Sean Peters: So, I believe we received initial comments already and prepared for resubmission, so I would hope that we get approval within the next you know, two months or so.

Janet Andersen: I see Jerome has his hand up.

Jerome Kerner: Yeah um. I wanted to say that because of the nature of the project and the public water supply aspect and that the residents surrounding this are totally aware of this project, I would assume, I would consider approving a waiving a public hearing and to help expedite expedite matters as obviously not this evening, but once we get a more final submission. Thank you.

Janet Andersen: Sure. Charlene. Oh, go ahead.

Jan Johannessen: I didn't, I was just clarifying, has the, are the users aware of the application, I think that was Janet's point.

Sean Peters: I'm not sure if they've been made aware of it, not not on my end but certainly if you know there's correspondence that you'd like us to send out to users or anything like that we certainly can do that.

John Kilpatrick: This is John, I'll jump in on that one, um so in this particular water system. Liberty Utilities is is the appointed operator by the Public Services Commission, so the the the current owner operator of the system kind of went defunct, abandoned this and then the public service Commission told Liberty Utilities, you know, formerly American Water to take over and be the operator of the system we've been going through a process with the public utilities commission to purchase a system so, then it would be owned and operated by Liberty Utilities. And the customers are well aware of the water supply issues out there and the lack of attention that they've had over the years under the previous owner and you know, are very welcome of us coming in there and making sure that they have you know, an adequate and



safe water supply, as you saw by some of the pictures there's some nice homes out there and you know, without adequate water to supply those homes, customers fear that the value of those homes would be in jeopardy so so they're very aware of the issues that we're working through and are very appreciative of that.

Sean Peters: Thank you John.

Janet Andersen: Charlene.

Charlene Indelicato: Um just for the record um what has been asked about whether on the users know about it, I think it'll be helpful in deciding whether to waive the public hearing that we get some sense of the support of the users of that treatment plant of the new treatment plant and just put in the record so [static] the consideration of the waiver of the public hearing.

Judson Siebert: And Charlene and I think that'd be helpful, I mean the decision to waive the public hearing under the Code involves the scale of the improvements that was considered in a prior reviews and I don't think those would have taken into account the current situation, and you know prior public hearings. The decision whether to waive or not will rest with the Board but I guess, from a practical perspective, my concern would be that the Board acts and then there's someone serviced by this, you know by this utility, that steps forward and and says you know I didn't know about it, and what was going on, so again it's not a fully legal concern it's more of a practical one, but I think the Board should consider it.

Janet Andersen: Yeah so I'm. I am a certified water operator, and I would say that you know being very sensitive to to what customers think I almost think the fact that it's a water supply would would be a reason to have a public hearing to make sure everybody knows what's going on, I but. I understand the the. The the reasons to try to act with urgency, so I don't know that we need to make that decision tonight, I think that. You know the next step would typically be to send this to the building inspector, but I don't know that we quite have enough information here. I think some of the things in Jan's memo about dimension in the driveway and so forth and would say that might not be ready to go. I don't know.

Jan Johannessen: I think you need some, there's some basic zoning information that has to be provided on the plan there's really no doubt in my mind that it's only compliant but the building inspector's going to request that information anyway, so my recommendation would be for the applicant to respond to the comments. And then take that submission and and the board can refer to to the building inspector for review.

Janet Andersen: Because of well, I was gonna say because of the urgency could review could we refer it, and then they submit any. No, we should send one package to the building inspector. I'm sorry I'm talking I'm talking thinking aloud. Jerome.

Jan Johannessen: We could to expedite things as soon as the package comes into the Ciorsdan we can automatically send it to the building department and maybe you would get a response back in time for your next meeting. That could speed things up, instead of waiting until it gets to the planning board the next meeting, and then you formally refer to the building department, you could refer now subject to the submission of a revised set of plans.

Janet Andersen: Okay, actually Sean, can I ask you to stop sharing, so that we can see everybody.

Jerome Kerner: Well, I guess there's two questions, one is statement, and one is question. I think that we're dealing with the facility that is improving an existing water treatment system. The board of health

really deals with the approval and water system and would assure out the service, people are being service that this is compliant and not you know not going to be an issue so, it seems to me that. Well, in the second part, to the question that ties into that is that if we had a hearing and had a notice wouldn't it be based on say 500-foot diameter or radius or would we then have a different set of criteria and have to notify the 67 service customers, no matter where they are what distance, they are from yeah. From proven, you know I'm saying, if we can comply with the 500-foot radius we probably wouldn't be notifying all the users anyway. So, there's gotta be another way to satisfy the need to make sure that well, first of all, I mean what are people going to complain about? Your appearance of a building that protects their water system so heavily guarded and and and buffered by trees and planting I you know I think it's not something that's going to be visible.

Janet Andersen: I think I think the thing that people might want to ask so um so thank you first of all I do I do appreciate that I think we they we do have a sign that's generally posted at the location, so that would let people who drive by know, even if we don't notify everyone, but the. The second thing and it might be a question that someone might ask so there's only 67 users. I'm I'm actually or 67 service connections and 28,000 gallons a day that's that's a lot of water, but so I see where you're tracking it in the. This might be a few questions might come up. That really aren't planning board related but about water quality, expense so forth, that. It might it's I know it's not our job to give users, an opportunity to talk to the water utility but that might come out of this but, in any case, what I'm looking for I think what I would look for is consensus to forward this to the building inspector as soon as a new application comes in. That sounded like a reasonable suggested and from Jan and if everyone's ready if everyone would be okay with that because I get a thumbs up from people. Okay, so we have consensus to do that as soon, and I know Ciorsdan, as soon as she gets a new submission, with some of the items identified by in Jan's memo we will get that over to the building inspector. um.

Bruce Thompson: May I ask this question, clarification from Jan this is going to the building inspector for rezoning check only right?

Jan Johannessen: Right now.

Bruce Thompson: There's no architectural on this building.

Jan Johannessen: No, zoning zoning only yeah it probably it's not it's not mentioned in my memo, but it should go to at ACARC, as well as a referral there's no, there's no architectural submitted yet so that that should that ACARC referral should wait until there's architectural.

[The Board reached consensus to refer the proposed new water treatment building at 0 Brundige Drive, Goldens Bridge to the Building Inspector.]

Bruce Thompson: What is the timing on those Sean?

Sean Peters: Yeah, so that's a good question um so we have we have two considerations right now for the building type. And that would be either a prefabricated or a metal structure or a typical you know what you typically see with a lot of water utility supply buildings where it's a CMU split faced block. In either instance because I know there was mention of the building color and visibility and stuff like that the applicant doesn't have any objection to, you know, going with a color that the building or that the planning board would think would be you know, the less you know, to mitigate any visual impacts so. If that if that's a concern for the board, we can certainly accommodate that but, as far as prepared architectural drawings, I do not think that we will be able to have those by our next submission in two weeks from now, but the other items on that memo I don't see any problem with getting that over to Ciorsdan as soon as possible.

Janet Andersen: The architectural will probably go to ACARC which is the group that would look at that and we can they're they're generally pretty quick on any of their responses, so if we, as soon as we get those we can forward them on over. So um. I, I guess, we we don't need to make a decision about the public hearing at this time unless people feel like we should.

Greg La Sorsa: I don't think we're going to be waiving the public hearings, or at least deciding that today.

Janet Andersen: We're not deciding that tonight, yes I think that's right. Okay, is there anything else we should do tonight, or can do tonight John yeah so you have your hand up go ahead.

John Kilpatrick: Yeah, regarding the public hearing if it would work, we could we could get a letter in support from the homeowners association of those customers living in that area, the 67 homes.

Janet Andersen: That would be helpful.

John Kilpatrick: Okay. We'll work towards that, for the before the next meeting

Janet Andersen: Great.

John Kilpatrick: Thank you.

Jan Johannessen: I also want to mention that in our memo about a stormwater mitigation and and stormwater practices will need to witness soil testing for deeps and percs, depending on your practice, so as you're developing your your stormwater mitigation just understanding, you have to witness those tests, you can contact our office directly and we'll schedule a date with you okay.

Sean Peters: Yeah, I'm yeah I'm one question on that so if we decide to use some sort of underground detention system and we're actually doing some sort we're doing soil borings on the site right now or we're looking to do that soon. Would we need to also do say we didn't want to rely on any infiltration practices will we still be required to perform infiltration testing?

Jan Johannessen: Well, we need to see deep. You'll need to run a perc test.

Sean Peters: Okay.

Janet Andersen: So, Jan, I guess we've alluded to a lot of comments in your memo but you haven't really run through it, is there anything else that you want to mention here, and I don't recall, did you say there is a wetland on the site or...

Jan Johannessen: I don't believe so, I haven't been to the site. I would like to walk it with the engineer, there is a wetland across the street on Brundige, the other side of Brundige. That buffer probably extends onto the subject property but probably not far enough to impact where there you know where the project actually isn't the disturbances occurring, but I have requested that the buffer be shown on the plan. We had some you know some basic information to be added to the plan. I don't think I need to go over in detail. They're very, very close to the 5,000 square foot threshold for requiring the stormwater permit from the town and coverage under the SPDES general permit, that threshold is 5,000 square feet, there are 4,900 and change, I think, or something around there.

Sean Peters: 4,800 yeah.

Jan Johannessen: Yeah and that doesn't yet account for the stormwater mitigation. So, you know just something to look at if they go over the 5,000 square foot threshold there'll be another permit or two, the rest of it was just kind of basic information on the plan, nothing of any significance.

Janet Andersen: All right, so I think I think that's it we'll see you in a couple, we'll see you next month see your submission and and I think next month we will make the the decision about whether or not to go forward with the public hearing or not.

Sean Peters: Okay, thank you, I really appreciate that and and you know we'll get that letter from the HOA and if there's anything else, that would you know help make your decision on that please let us know and we'll get that information to you.

Janet Andersen: Okay, thank you.

Sean Peters: Thank you very much, have a good night, everyone.

**Cal #05-22PB**

(43:34 - 1:11:39)

**The Boro Café, 873 Route 35, Cross River, NY 10518, Sheet 20, Block 10800, Lot 8 (GHI Real Estate Corp., owner of record) - Application for change of use from office to restaurant/yoga studio.**

[Skaz Gecaj and John Swertfager, Apex Personal Training; and Steven Helmes, Helmes Group Architects, were present.]

Janet Andersen: Okay, and the next item on our agenda is Cal #05-22PB, this is the Boro Café on 873 Route 35, Cross River, New York. And this is the application for the change of use from office to restaurant and yoga studio and on for that. Hi Steven.

Steven Helmes: Good evening, Madam Chair, members of the planning board. Tonight, I have John Swertfager and Skaz Gecaj on the line, on the Zoom call with us, can I share my screen?

Janet Andersen: Please, go ahead.

Steven Helmes: Okay. Hopefully, you can all see that.

Jerome Kerner: No, it's whiteboard.

Janet Andersen: Yeah, we see white.

Steven Helmes: Oh, that's not good. Let me try that again. Let me just close that out. Okay gotta move this, that's not good.

Jerome Kerner: Do you want me to bring it up, Steven?

Steven Helmes: Yeah, if you can. I don't know what's going, I had it up earlier tonight with the screen, if someone can access that.

Jerome Kerner: You put yours down and I'll bring it up. Got it?

Janet Andersen: That's not what we want.

Skaz Gecaj: Do you want us to try and bring it up?

Steven Helmes: I can try, one more time, let me just see if I put my glasses on.

Jerome Kerner: This should be it.

Steven Helmes: That's it. Okay.

Steven Helmes: Jerome you have control of that. Yeah, okay fantastic. Okay, this is our application, we were engaged by our client in early January, we had a an initial call with building inspector and town consultant.

Skaz Gecaj: Speak louder, we can barely hear you.

Steven Helmes: Can you hear me? Can you hear me now?

Greg La Sorsa: We can hear you. I can hear you.

Steven Helmes: Okay, so we had an initial consultation with the building inspector and Jan, town consultant on this project and it's a corner lot it's located in an RB retail business zoned district. And our client would like to buy the building it's owned by GHI and they're contract vendee. They would like to utilize the footprint and create a café using the first-floor footprint. With that they would also like to create some outdoor space with a deck off the north side of the building, which would be accessible, with some nice large folding doors, to have outdoor seating in nice weather and obviously, have the indoor seating. This application does, this project or conversion does not have a kitchen, the food will be brought in off site, prepared off site and brought in, we do because we're more than 15 people need to have a unisex two toilets on the first floor and the second floor we're going to do away with the offices and create a yoga studio and then take out part of the third floor to create a little more height ceiling, if you will for that space, but again no showers on the second or third floor no showers in the building, for that matter, and septic system is located off the north side of the property between the building and the road between between Route 35. There's ample parking we feel on the site, there 26 spaces and we'll do a preliminary or, if you will, in this water usage calculation and a parking and we seem to be okay on our parking. We also we see the memorandum dated 3/11, which was last Friday, 19 items. One of the small items that's a tax lot for some reason, when we went to GIS that came up as two separate tax lots, I believe it's one tax lot so that was a typo so it's the whole corner at the corner of Route 35 and North Salem Road is this property. And we were hoping to go in for a waiver of site plan approval and do the deck and the handicap ramp under the building department purview if we could, but we don't anticipate any new lighting other than that and maybe some decorative lighting outside the doors folding doors by Code, but. I'd like that see if I could have Skaz and John maybe give them a little give you a little talk about your operation there be helpful for the board John, Skaz feel free to chime in.

John Swertfager: Hope all is well with everyone. We're excited to you know, bring this project to Lewisboro and we want to do a mom-and-pop coffee shop. No kitchen, not a restaurant. No hood just very low key you know book shelving and like a little coffee house, we're going to do yoga on the second floor and third floor we're going to leave as storage. We're really excited about this project. I think it's something the town needs um you know a little community center right right in the center of town and yeah.

Skaz Gecaj: Yeah, it's pretty much it it's a business that's not, hasn't been done in Lewisboro yet the hours are limited, so it shouldn't affect Bacio, we'll be closing at four o'clock, so this is more of a breakfast, late

lunch thing versus a restaurant thing late at night. We're planning on opening up at six and closed by four 4 pm I know that you guys made some remarks about some outdoor lighting. We have no problem with that we just won't be open. Our whole goal, you know we have a gym here in town and John and I are great at creating a community, and we think this is another stable and what Lewisboro needs. It's a great spot. That's about it simple nothing crazy. Everything will be from local vendors in Westchester and Hudson Valley. We're going to try to pull some of the best products and you know give people in Lewisboro a place to go. The outdoor seating, it'll be a seasonal thing. And then, when it's bad out the weather out, we have the indoor seating as well inside it's pretty straightforward and easy.

Janet Andersen: Jerome, maybe if you say okay actually leave there you are um. I have, I actually just had, so while you have that, the floor plan up. If you go to the third-floor plan and sort of look at it. All right, so the third-floor plan I'm just this is a nit the third floor plan sort of says, open to below and it looks like the open to below will actually be open over the bathroom that's on the second floor so that didn't quite if I'm reading that right that didn't look quite right.

Steven Helmes: I would not, that wouldn't happen and yeah that's I don't know if that plan is lined up, it should line up but no, that that would only be open to the studio portion so yeah yeah we wouldn't create a site like that.

Janet Andersen: So that was just a nit, but I actually had a question. When you talked about having this and everything bringing everything in. Would the coffee actually be prepared there?

Skaz Gecaj: Yes.

Janet Andersen: Okay. I was gonna say that could be really not great coffee.

Skaz Gecaj: No, no, no, that will be so.

John Swertfager: It's a mom-and-pop coffee house, we're trying to go with the best stuff in the area, you know the best coffee around um.

Janet Andersen: It just when when you said sort of know cooking on site, no nothing you know everything brought in, I just wanted to clarify that. I do think one of the things Jan asked for was was a kind of a little bit of a plan and hours of operation, and I appreciate hearing the six 6 am 4 pm thing, but that would help. The other question I have, I think. It shows a one-way traffic circulation pattern, and I don't think that's how it's used now, and I can't imagine trying to come out of that and turn you know left to go towards Katonah at a busy hour is, could you tell me a little bit about how you're thinking.

Steven Helmes: It would be coming in at a traffic light that's control coming in in North Salem and going into the site there it just gets narrow at that entrance leaving 35 on the North side. You know if its existing and his grandfathered in we can keep it as it is.

John Swertfager: We we're before Stephen.

Steven Helmes: What's that John?

John Swertfager: that's how, I thought we were going away with that that's how.

Steven Helmes: We discussed that yeah so, I mean this was submitted and we discussed that after receiving the memo so if we take that one way out and just have it, as it sits today where off 35 people can come into this site on the east side or.

John Swertfager: Today same as it is today in and out, forever.

Skaz Gecaj: We're not really trying it, that that was just a part of the old plans.

Janet Andersen: Huh okay yeah, I think ....

Steven Helmes: We can remove that and just keep it as it is today, no change in the parking.

Jan Johannessen: What is the circulation now?

Steven Helmes: What's that Jan?

Jan Johannessen: What what's the circulation pattern now?

Steven Helmes: It would be coming in both, coming in and out getting rid of the one-way traffic to the site.

Jan Johannessen: Yeah, okay so it's in and out no restrictions both ways in and out.

Steven Helmes: Right, that's correct, we would revert back to that as it sits today.

Jan Johannessen: Okay. You just have to dimension the driveway with the curb cuts there.

Steven Helmes: Sure, that's fair. We have some comments that obviously, we'll address each and every comment with elevations of the deck, the ramp and all of that would be certainly addressed in our next submission.

Janet Andersen: What's the what's the plan for the one story in the back there, what I think used to be a garage.

Steven Helmes: Yeah, that was a garage, and I don't know, maybe. John, correct my memory about five years ago, eight years ago that was converted to a rec prior to opening up the gym recreation facilities.

John Swertfager: That's just part of the land we're going to use for storage, I mean we're not I don't know.

Skaz Gecaj: Yeah, it will be an extension of the café, whether we need to have you know store material, you know and just kind of keep it running efficiently, instead of running in and out of downstairs yeah.

Jan Johannessen: But you had a prior approval for that for recreation.

Steven Helmes: We had a prior approval for a rec.

Jan Johannessen: So, you got it you got it, so you've got to indicate what you're going to use it for, so that, because right now it's approved as rec.

Steven Helmes: Yeah we would we would be willing to give that to revert back to storage. Not a garage but storage.

Janet Andersen: Right, and that makes sense, you might have you know need to store some of the patio furniture over the winter I don't know but yeah so.

Steven Helmes: Very good point.

Skaz Gecaj: ....flush to the ground floor.

Janet Andersen: On the on the deck is do you intend to put any kind of screen that's a pretty busy corner, as you guys know, what would you put any you know trees screening fencing I don't know anything there to kind of.

John Swertfager: There was going to be a either hedge like box woods, we are going to make this property the jewel of the town, it's going to be gorgeous.

Skaz Gecaj: Yeah, it's a gut reno inside and out.

John Swertfager: The exterior is gonna be gorgeous the interior, the landscaping we're gonna it's gonna be beautiful, you know, this is our town, we live your whole lives, you know we just want to do our part, you know,

Skaz Gecaj: Like we're planning on dropping maybe a 50-foot Christmas tree and doing holiday lighting and that's probably our big focal point of our landscaping around that tree. So, we're trying, it's going to look nice, and that's what we're focusing on. Yeah.

Jan Johannessen: You'll have to develop a plan you know, for your landscaping.

John Swertfager: Yeah understood.

Jan Johannessen: It gets approved by the planning board.

Janet Andersen: And you know I'm just as as you're doing this, if you're gonna make it a place to hang out, I mean maybe think about bike racks, I don't know, maybe an electric charging station I don't know I'm just trying to think about amenities that might, and if you do think do any of those, I'm sorry.

Skaz Gecaj: We're going, going full solar for this project, so we will bring super charging station for electric vehicles and we're hoping to bring some bike racks as well on the far end of the lot. This will be like a community, you know that that's our vibe that's what we're going after closing it early at four so we don't affect Bacio as a business, where we're good supporters of them, you know we've known them for a long time as well, so we're not trying to over cross with what they do, it's just been something to open for our town.

Janet Andersen: No all that sounds great if you, you know, I just want to make sure, anything that you're thinking about doing as you've talked sort of as a community center get them, get it onto the plan so we we don't have to worry about that um I think. I think one of Jan's oh I'm sorry um does anybody else have any questions on this. Yes, go ahead Jerome.

Jerome Kerner: Oh, just in terms of parking I, I see you using one space for each two seats. Which reduces it down around 17 cars, you got 27, but it seems to me that, in a coffee shop where you're going to get we know historically, anecdotally anyway, that people come and stay and they see usually singletons and not couples or groups. So, you might want to take a look at your.... with Jan on at a compromised parking count and see if we need more than that, and maybe some more off site I'm not sure, but it seems to me that.



Skaz Gecaj: If you don't mind, with this so currently right now the relationship of Bacio and GHI is they use our parking lot during the night. When they're operating. I'm hoping it's a vice versa thing I'm hoping to get together with the owner of Bacio and while they're closed in the morning, there's sufficient enough parking for both places but 26 should be sufficient enough.

John Swertfager: Yeah, this is an in and out coffee shop there's 26 spots all right.

Jerome Kerner: That's a contradiction that, I'm sorry.

Jan Johannessen: A lot of.

Jerome Kerner: They're not in and out if it's a community center and we know that people hang in there, doing their.

John Swertfager: They're not sitting down for two hours having a meal.

Jerome Kerner: No, but they're doing their wi fi and their office work there. You see in Starbucks, you see it everywhere so. You've got to be in reality here.

Steven Helmes: Seats.

Jan Johannessen: You have a lot of seats on the plan there's there's got to be parking to go along with those seats.

Steven Helmes: Absolutely we're going to make it if we go 12 outside 24 inside something ratio so obviously in six months of a year, they're not sitting outside so but it's all based on seats, so it can keep their furniture and seats people want to stand and drink their coffee that'd be another thing but....

Jerome Kerner: Our only concern is that there'd be no one was offsite parking. No street parking there, so it would be a dangerous situation if it did become an overflow, so we should be very cautious on that.

Janet Andersen: I think they you know if it works out with Bacio I think that might be a solution that would would keep people from parking we would hope people would not park on the street. Okay um.

Steven Helmes: Would you need a formal some type of agreement on the record on that? What's that John?

John Swertfager: ....parking, it's a major road let's yeah.

Skaz Gecaj: I said it's a major interstate I don't think anyone's parking on a major interstate combined with Bacio and us there's over 45 parking spaces. It would be fantastic if we have 50 people come in every hour it's just let's be realistic

John Swertfager: That's not happening.

Jan Johannessen: We were just learning we're just learning about the off-site parking tonight. That was not provided in your plan, and you haven't provided any sort of agreement with Bacio. And you also haven't provided the correct parking calculations on the plan. For the restaurant you so there's there's a calculation in the Code you're gonna have to provide that much that amount of parking on site, and if you can't carve out it on site, you have to go off site with an agreement.

Steven Helmes: Off site with an agreement, not a zoning board Jan, this onsite with an agreement.

Jan Johannessen: I have to look back through the Code to see what.

Jerome Kerner: Yeah, we have discretion.

John Swertfager: We have to...

Skaz Gecaj: If you don't mind me asking?

Jan Johannessen: I'm sorry, can you just let me talk to Steven for a second, what parking calculation, are you using Steven and what use are you identifying the coffee shop as under the zoning.

John Swertfager: Because Jan, you, you and Joe spoke, we were all good on this, so this is nothing

Jan Johannessen: We had a very brief, we had a very brief conversation, and I didn't recall the deck being part of it. So, and it's news to me tonight that there's outdoor seating there's an entire ordinance about outdoor seating that you haven't demonstrated compliance with so there's a lot to be done there's different approvals needed for outdoor seating, there's different parking calculations for outdoor seating.

Skaz Gecaj: I mean guys, we are in the middle of COVID, and we did outdoor seating for local restaurants around here so I'm kind of hoping there's some grievance on that. You know, like there's there was no problem of Bluebird having tables outside I'm sure they didn't go through the zoning board for that.

Jan Johannessen: This is a site plan application for a change of use. I'm not saying. Not saying, excuse me, Steven I'm not saying it's not doable, I'm saying that it's not provided on the plan the calculations, there's no indication of the number of seats. You have to do your homework and get the calculations on the plan so I could see how much parking is needed.

John Swertfager: What did we use....

Steven Helmes: We did we did one space for each two seats, or one space for each 100 Square feet of gross floor area which is how we calculated the 34 seats inside to get 17 parking spaces, but you know I got a double check if we had the deck included in that.

Jan Johannessen: Okay, if you go over 15 seats, if this is the only, I'm viewing this as a, and this is up to Joe the building inspector. I'm viewing this as a limited service carry out restaurant unless you could find some other use that's allowed under the zoning that it falls under. If you go over, I think it's 10 seats that's a special use permit. I'm pretty sure that indoor I think the definition of that use includes coffee shops. And now the only. The only way, you can get outdoor seating is tied to that type of use. Outdoor seating is permitted for restaurants only.

Steven Helmes: Restaurants only yes oh, is this considered a restaurant being that there's no full kitchen on premises here.

Jan Johannessen: Well, I'm thinking you're going to be limited service carry out restaurant because coffee shops are included in that use determination. And that that would allow you to have the outdoor seating but there's all sorts of you know there's different permits and zoning associated with that, all all by the planning board, it all gets done here but you know, you can only have a certain percentage of your indoor seats on the on the deck, there's a bunch of different you know it's got to be screened, there's a

bunch of parameters.

Steven Helmes: Is that a special use permit Jan?

Jan Johannessen: Not the outdoor seating but the if you go over 10 seats inside, and the building inspector determines that you're the the that that use, then it's a special permit it's tied to 10 seats.

Judson Siebert: And that that to me is kind of a threshold portal to pass through is having a scope to Joe for determination as to how he's going to categorize the use and what he sees is as sort of the the approval path forward.

Steven Helmes: Joe renders that decision?

Judson Siebert: The building inspector renders that determination yeah.

Steven Helmes: That is Joe Angiello, understood yeah yeah.

Janet Andersen: So, um. Well, I think you, you heard some of the concerns here, I think. What it sounds like our our thing to do is to make sure we refer this next, I think we have to refer it to ACARC, to the county department of planning. And to the building inspector, and I think we can do all that by consensus so I'd look for a thumbs up from everybody to say we can send that off. Okay, we got five people, so we will refer that. I think as you've heard some of the determination here really would come from the building inspector about what kind of use, it is, parking, other issues. Yeah, I think I was more concerned about people parking on the road between that's between Bacio and this building, I don't think people park on 35 but but. An agreement with Bacio oh sounds like a solution to that. Yes. Jerome.

[The Board reached consensus to refer the proposed change of use 873 Route 35, Cross River to the Building Inspector, ACARC and the Westchester County Planning Board.]

Jerome Kerner: Yeah, you know, I would just like to say that this is quite a step up from 7/11, which is what we looked at once before, and we I would think that you know we we seem to be picking on a lot of little things. Which are our concern: parking so forth, but I think it's it's a an excellent thought, and it could become as you say, a important cornerstone to tie Cross River, but I think there's also the possibility of looking at cross walks and other site improvements, because kids are going to be coming there from school is going to be, which we don't have right now, and by the end you know bicycle bicycling there is not so easy there's no shoulders on 35 coming north or coming east so it would be nice to bring this to the attention of whoever is doing the street scaping I know it's been a while Dan Welsh has been active on that, but I think it's a grand project, and we certainly would like to see it go ahead, I would.

Steven Helmes: We appreciate that, Jerome. Thank you.

Janet Andersen: Yeah, I think. Our comments should be taken in light of trying to get the best project possible here that complies with the Code and not as a discouragement and anyway, I think this really um.

Skaz Gecaj: So, I'll be honest with you. This is very big move for John and myself, and there are certain things, we will not budge on. So, it's either we get that deck, and we handle this parking or this ain't moving forward, because this is not a small amount of money for us and we are willing to risk this in Lewisboro like we did with the gym as well. I know some of you had some doubts or maybe not exactly this board about the gym but it turned out to pan out in a very great way for this community. We're very involved and will want to take this another step, but this is not going to be a small project.

John Swertfager: We just wanna make sure we're all on the same page with this, so we can move forward and if their steps to be taken, make that happen great.

Skaz Gecaj: And we're not really shying away from bringing the building up to Code, and it's something we aren't shying away of and we are really trying to introduce something that's not in Lewisboro yet.

Jan Johannessen: Steven, look at §220-43 [of the Town Code]. That deals with uses with 10 or more seats.

Steven Helmes: §220-43.

Janet Andersen: And Bruce I see your hand up go ahead yeah.

Bruce Thompson: I would just take it one step at a time, I really think that if you go back to the building inspector, Joe will be very helpful in turning you to the that those parts of the Code that speak to the parking calculations as Jan has pointed out. You crystallize the use, you know of the of the building. ACARC I would imagine would be receiving you with open arms, because it's a it's an improvement to an existing building and it's repurposing an existing structure for something that is much more fitting for the times, and fortunately, the zoning is, it is in is in your favor so it's it's an as of right use there, it sounds to me from what Jan has been talking about and I think you've got a good shot at getting what you want, and fulfilling your dream there but it just has to be. You have to identify more the specifics of it that's all.

Skaz Gecaj: No problem, no problem.

John Swertfager: Sounds great. Thank you, Bruce.

Janet Andersen: Okay, so um. I think you've heard some of the questions we have, I think there's some additional work to be done here, but I think we're all waiting for a little bit of feedback from the building inspector is there, are there any other questions, either from the board or the the applicant on at this point. And you did have Jan's memo or so you can look at that and the resubmission date, I believe, is two weeks from tonight, so if you can get things in by then we will see you at our next meeting, at our April meeting.

John Swertfager: Sounds great. Thank you so much guys

Skaz Gecaj: Thank you and have a good night.

Bruce Thompson: Thank you.

Steven Helmes: Thank you all.

**Cal #06-22PB, Cal #05-22WP, Cal #03-22SW**

(1:11:40 - 1:55:35)

**Waccabuc Country Club Snack Bar, 0 Perch Bay Road, Waccabuc, NY, 10597, Sheet 25, Block 11155, Lot 148 & Sheet 25A, Block 10813, Lot 1 (Waccabuc Country Club Co., owner of record for both lots) - Application for beachfront improvements including renovation of the boathouse, construction of a pavilion, replacement of the snack bar, and install of accessible parking and walkways.**

[John Assumma and Peter Hall, Waccabuc Country Club; Zac Pearson, Insite Engineering; John Doyle, Doyle Coffin Architecture; and Michael Sirignano, Esq. were present.]

Janet Andersen: So, the next item on our agenda. It is also a sketch plan review it is calendar number 06 –22PB, calendar number 5 - 22 WP and calendar number 03 - 22 SW, this is the Waccabuc Country Club snack bar at 0 Perch Bay Road, Waccabuc, New York. This is an application for beachfront improvements, including the renovation of the boathouse, construction of a pavilion, replacement of the snack bar, and installation of accessible parking and walkways. So, I'm not sure who's taking the lead on this.

Zac Pearson: Good evening, Chairwoman Andersen, my name is Zac Pearson, and members of the board. Zach Pearson within Insite Engineering Surveying and Landscape Architecture, I'm here on behalf of Waccabuc Country Club. With me this evening is the general manager John Assuma; member Peter Hall; and John Doyle of Doyle Coffin Architecture, members of the team. Permission to share my screen?

Janet Andersen: Yes, go ahead.

Zac Pearson: So, the Waccabuc beach club is here two parcels located off of Perch Bay Road on the north side Perch Bay Road, just off Lake Waccabuc, totaling 9.1 acres. Currently developed as the existing beach club for the for the country club, I scroll down here to existing conditions there's existing existing driveway off a Perch Bay Road, two parking areas uphill of the of the lake. There is a large dock, an existing snack bar in this location, the boat house is here down by the water with an existing storage building adjacent to the boathouse. The proposed improvements again include the redevelopment of this area, to have a larger snack snack bar, redevelopment and improvements to the existing boathouse kind of bring that up to you know if that little bit of a facelift and kind of repair or take down that existing storage building and create a covered deck area here. One of the one of the reasons for the improvements is accessibility. Currently right now there is no handicap access to the main dock carry in this location here, which is a set elevation that the existing snack bar kind of sits in this location. So right now there's a very steep driveway that drops down from this parking area in a straight line fashion, right to the back of the snack snack bar and what we're proposing is to you know create a, a new access here at an appropriate slope to get down to provide a handicap parking and accessibility, with that you know handicap would person would be able to get to the bathrooms located in the snack bar, they would be able to get to the existing deck location, here, we are proposing a ramp, ramp system here to get to get them to the boathouse again that's another facility that has existing bathrooms and there they will be upgraded. You know, part of the improvements also include, you know upgraded septic you know with it, with the new rehabilitated buildings and snack bar we're proposing to construct or install a new septic system currently the existing septic system is underneath this upper level parking area here. You know, and with the improvements our health department's going to make us, you know, put it in a Code conforming septic and we are proposing, if I just go back a little bit here. Show you on the aerial we are proposing to install the septic in this location further up the hill adjacent to the existing basketball court, there's a clearing there that's where we're proposing to install the septic. There if it, were some stormwater improvements as well, we're posing the capture the new impervious associated with the improvements and treat that in an infiltration system located over here to the west side. The existing well there's an existing well here, which is a public water supply well, so there are there are required setbacks to that which is the reason why this stormwater's kind of so far away from the proposed improvements. With that I could turn that over to John Doyle, he can talk a little bit about the architecture proposed with the the upgrade of boathouse and the snack shop.

John Doyle: Okay, for the record John Doyle from Doyle Coffin Architecture. Zac, do you have the architectural plans? Or do you want me to put on my screen.

Zac Pearson: I sure do.

John Doyle Okay okay so. Start with that with the boathouse first I think Zac the next one. Okay, so this is a proposed design, Zac you can point out with the existing boathouse is it's one of the oldest boat houses, one of the oldest buildings, I have been told that it's been the it's one of the oldest buildings on the lake so everybody can kind of recognize the existing building and off to the left of it is a open deck with some changing rooms and I think a bathroom in the in that facility back there on the left, Zac, back there by the where the new pavilion is going. So, we wanted to have a an open-air, roofed pavilion on the on the to the left of the of the boathouse that replacing the deck there, and hopefully having some storage underneath it. But we're thinking that by putting a foundation and it might be a better environmentally for the lake if we were to have it as a almost act as a retaining wall to to mitigate any water or flow underneath a deck type of space, so that was part of the thinking on that.

Behind the located behind the boathouse is a set of bathrooms there's two bathrooms and outside shower and the changing room back there, so this is, this is all with a flat roof, kind of connecting the the other buildings and then and then Zac, where his arrow is right now is the deck that connects the upper deck and the ramp up to the upper level, now that existing level of deck that's in there is about a six-inch step down from the floor of the existing boathouse so what we're doing is we're going to raise that up the six inches so that the entire boathouse level is accessible and then that that entire level is accessible to the upper deck as well, so what happens is the whole the whole facility becomes accessible to all people, including with the parking so you could switch to the next one, I think. So so, there's the also the snack bar so with the snack bar we kind of put it, we put it in a kind of set the the lower left corner in exactly the same spot as the existing snack bar is this is just a little bit bigger. It's using the same architectural language as the as the existing boathouse so we try to match that so it has a certain continuity to it. But you know, for all practical purposes really I think it'll it'll recede since it's set further back from the lake. And the deck is in front of it it'll kind of really recede and the other part of it is that. The you can see in the lower left elevation there's a there's kind of a wall cut into the hill and that's where the the handicap parking is so. So, from the lakeside that and there's there's two bathrooms off to the right, I should mention with a fenced area on top, where where possible hvac equipment would would go, or at least the kitchen exhaust would be hidden from any kind of view from the lake so from that standpoint, you know any of the cars that are coming down the hill into this handicapped parking spaces will be blocked by the via block from view by the snack bar itself, so what we're and with the road itself winding its way down to that level the concept was really to eliminate that straight shot down hill as Zac mentioned that's pretty steep and kind of a lot of water and everything else coming straight down towards the lake and under everything. We thought it might be a better approach, and I think mostly you know a lot of it had to do with grade but uh but also a lot of it had to do with winding it down there. Between the mature trees keeping as many trees as possible and then kind of tucking that into the hillsides that he couldn't see the actual road coming down and then, in place of that, where the existing road is, you can see how Zac's team done the landscape architect looked at making a walking path that meanders down the hill with a couple of points where you could sit on the wall and look out at the lake, but the main thing being that a) the you know any kind of run off could be it's an opportunity really to to handle any kind of run off, make for a more less dramatic walk down towards the the grill area down at those snack area and deck and then make it more accessible for everybody. The the second floor of the of the there's like a in the roof I shouldn't say second floor it's reall, it's really in the roof space so it's all pitched in there, so there's not a lot of square footage up there, but that would be just a storage area, you know, in the wintertime they take the kayaks and the sail boats and stuff and they and they just stack them in there, so it's a little storage area upstairs. That's from the architectural point that's that's really the gist of the plan. If there's any questions, I can ask that, you know that the idea, really, though, is to is to make this and give it an upgrade where there's certain problems with the site and certain problems with the accessibility, but they would like to make it so that there's. That the facilities accessible to all people, you know they have elderly people as well and there's you know there's a lot of steps it's a really tough hill, John Assuma can attest, that you know he has you know it's it can be very difficult, especially at walking uphill in the dark later that that you know there's safety issues and and I think this solves a lot of those those issues. I mean

obviously we're we're building close to a close to the lake here, so we have to, you know, we have to be very cognizant, and I think we've got some good information and the reports we've received from both Jan and the inland wetlands board but I kind of see it also as an opportunity that we can work together to you know really make a nice project here and take some really positive steps for the lake as well.

Janet Andersen: Okay, thank you. So go ahead Jerome.

Jerome Kerner: Well, a couple of questions. John one is does SHPO have regulation over this historic building and, if so, have you contacted them are they amenable to this type of improvement, and secondly, are you considering any fire suppression systems for the existing buildings are other ways of fighting fire, since it doesn't look like, it would be accessible, like any of the buildings would be be accessible for fire for pumping equipment.

John Doyle: You know, regarding the regarding the historic aspect, I don't have any information on the building. I we we did a master plan, a few years ago we we try to research you know some of the background of these things I don't have a date on that. I've been told that it's one of the older buildings on a lake and so one of the you know. The approach we took to having a roof connection to it was to really you know, have a flat roof connection, so that it looked like two separate buildings there. And, and also taking, there's a couple of existing bathrooms in the boathouse, so we're going to restore the interior back to the original, and we're going to move those bathrooms to a separate, almost a separate building that sits behind the existing boathouse so we can we have an opportunity to kind of make it, you know, bring it back to the the original interior there. I don't have any specific information on it though. Regarding fire suppression, we didn't we didn't really get that far with it, yet it's an excellent point. We'd have to definitely have a plan for that for some. You know version of that and. I imagine we'll get to that in the next phase, though.

Jerome Kerner: Right.

Zac Pearson: We are, we will be ready.

John Doyle: To make a note of that actually for right. Look, look into that.

Janet Andersen: Okay, go ahead Bruce.

Bruce Thompson: I, since you brought up the fire suppression, this is going to be a seasonal, are these buildings, going to be seasonal use only?

John Doyle: Yes, yeah I think they're. I think. I don't wanna I don't want to speak for them for the club exactly but it's you know they're typically, you know this is a seasonal use, I mean they have summer. They have Friday barbecues out there and. Maybe John Assuma would be a better one to chime in on this, of course. But you know, this is a summer use place, it's a camp for kids it's you know it's really one of the big attractions to Waccabuc is that the country club, is that this is like one of the only this is so unique in that it's the old summer camp right right here on the lake and that it's a real prize for for people that get to use that.

Bruce Thompson: I just I just bring it up in terms of considering fire suppression, because it was a seasonal use it complicates the effectiveness of the fire suppression certainly during the unused times of the year. You know. It's something I would be thinking about going forward.

John Doyle: There definitely would be the ANSUL system in the in the snack bar, I mean that would be definite. I mean that's that's an automatic, but other than that I didn't have any other plan at this point, but

I that's definitely a good it's an excellent observation that we should be going to look into.

Bruce Thompson: Okay.

Janet Andersen: And that brings up same sort of topic. I'm I'm looking at well it's actually not so if people are driving down I'm going to change my question people drive down and they see that the two handicap, sorry, the two accessible parking spots are already taken, is there room to turn around there, or if somebody is dropping off kids are dropping off, you know, a picnic or something is is that is there room to turn around and get back out?

John Doyle: I could probably like Zac but I mean, I think the answer to that is yes, if there, it says, you can back fully out, but I think the the actual use of that drive it won't be a drop off I think they're going to do it the same way that they do it now, or there at the top of the stairs or that lower parking lot. That is be strictly handicap parking and probably kitchen delivery but it's not a it will, I mean a handicap an actual handicapped person would be able to park down there, but other than that it would it wouldn't be a drop off situation And because everyone does have room to turn around though sorry Zac.

Zac Pearson: Yeah, we did look at the turn around that yes.

Janet Andersen: Okay um.

Jerome Kerner: Yeah I would I would argue that it's it looks like it's a K turn, at best, and as Janet said, if there are two handicap cars parking there, I think, a person would end up having to back out I I think you should look at that with with a, what do you call it template.

Zac Pearson: Okay, we can absolutely look into that. Sure yeah.

Janet Andersen: My other question is, so it looks like that winding, accessible the new new path down ends up having stairs at the end so I'm thinking if if somebody's bringing kids in a stroller or wagon or something down they're gonna go down the road. I really question just more hard scaping. I'll just have to guess I'll just say that I. I would encourage you to think about whether it makes more sense that people would just walk down the road if that's or the driveway down to the is the accessible parking.

Zac Pearson: Yeah, this is intended to be a you know more of a feature for people to kind of an entrance feature like John has described before with with with walls and such as you're kind of working right down here, this is. The existing grade through here's where the existing driveway is is fairly steep it's I think it's close to 20% and we're really not changing it all that much. In this little switch back walk here so anybody with accessibility issues would be coming this way and again when you're at this elevation of the parking lot you're you know you're at the elevation of the bathrooms you're at the elevation of the deck and you can make it to every you know every place, you need to. So, but that that is a good point we could certainly look at that you know the stroller use and things like you know things like that is you know hey when you do get here. You know, there is a set of steps to make it down, and you know the set of steps is there for a reason you know, this area is pretty steep so you know this this path to be walkable only can be so steep and you know you get you to this elevation and you're kind of set on steps so that's something we can certainly look into.

Janet Andersen: Yeah. It makes me really question whether you know, whether you need more hard scaping here if it really doesn't if it doesn't do the trick for for that. Okay. I think. The other thing that I, as I looked at this when you put the infiltrators the storm water practices so far away, and I understand you're giving them away from the the the well, but I don't know how you maintain them if there's a need for maintenance.



Zac Pearson: So maintenance, it's typically done with a small excavator. Yeah, things like that, I mean there's there are paths through this you know, through this is a mature, forest, for the most part. You know, you can make your way through here and get to that location pretty easily you know there's there's there's paths here to this part there's a mulch playground here there's a little stand out here there there's there's little walking trails to make your way over there. And again, if you did touch on it, this is a public water supply well, there's a 200 foot for it for no you can't if you can't do any infiltration 200 feet of it so.

Jerome Kerner: Could you get access to that, through the lake itself through barge or....

Zac Pearson: Absolutely yeah.

Jerome Kerner: ... a little pontoon boat that would take care of that.

Janet Andersen: But where are you going to unload it? There's a problem, I mean how you get the new docks down there and so.

Jerome Kerner: You'd have to create that, yeah.

Janet Andersen: So, there's you know I because I don't think you have a boat launch area but this might be something that the I mean, so the thing I was going to say before. The fire department might want to look at this and I don't know whether. I don't know what they would say if there's not a lot of places to access if there's an emergency on the lake if someone has that so if you I was going to say, if you had roads going down or our paths going down that might be of interest to an ambulance or something that will be able to access the lake. I'm thinking, there was someone who fell through the ice off sort of between the island and Castle Rock this winter and the rescue teams started off at the very east end of Waccabuc. But luckily, the person got out without any problem and and nothing had to be done, but it it really made me aware that there's there's very limited emergency access to this lake. I'm not sure that that's Waccabuc's problem, you know the country club's problem, but if there were a. You know, one of the benefits of this access might be that it gets a little bit closer to the lake if there's some kind of emergency out there, I don't know okay. One of. Well. Before rather than keep going, Peter Hall, you have your hand up.

Peter Hall: Hi Jan how are you?

Janet Andersen: Okay.

Peter Hall: Good. Well, I just want to thank you and I think you make some very good points about being able to access the lake both for the members and for the public in general. What we're trying to accomplish and and through the town and through the Three Lakes Council, as you know, we are stewards of the lake and the water supply, so you know I think this is a very modest project in the form of its scope and footprint. Our biggest concern is accessibility and also to improve the quality of the lake by moving the septic up the hill. Upgrading an infrastructure that is you know, is extremely old so you know those are our missions, and I think to your point. We are more than willing to work with the town, the Three Lakes Council on some of these things that you mentioned and I'm sure more will come up, but I think you know you bring up some very good points, as far as not only enhancing for membership, but for the entire lake community as well.

Janet Andersen: Thank you, you know and again it's not really your issue, but if. that's if there are roads or something anyhow, and again, it would not be for the community is for emergency access that I was thinking. Okay, I think there are a couple other points that we really have here. And one of them was in

Jan's memo and I will start to talk about it, and maybe beyond will jump in, but that is that the DEP has 100 foot, sort of 100 foot from the wetland from a DEP wetland a restriction on impervious surface and I know that there was a proposal, done a while ago for here and I don't know if you had encountered that or dealt with that in the past.

Zac Pearson: I can, I can speak to that there is 100-foot set back to the edge of the lake for the DEP impervious restriction which requires a variance from their regulations. So very early on, we had the DEP out to the site, you know we did a site walk with them to to verify that there were no on-site water courses. And kind of walk them through you know what our proposal for stormwater treatment would be here for the end you know and what our variance application submission would be to them and, again, you know kind of echoing what Peter said, you know, given the modest proposal of new impervious you know in this location, you know we will be submitting a variance application, you know to them for this project.

Janet Andersen: Okay, so when you talk to whoops I'm sorry shut off my video. So, when you spoke with them did they seem to be amenable to this this plan or did you not really have a lot of the details done at that point.

Zac Pearson: Yeah, we had a feasibility sketch, which is essentially what you see here with with not as much detail. You know and given you know, given the existing building the boat house is right against the lake you know the the existing storage building is right against the lake and that's going to be coming down and being replaced. You know they they they didn't see it in their opinion, you know yeah, we have to go through the process with them, we have to check all the boxes, we have to go through the process. But again, it wasn't you know something that we you know we a hurdle we're not able to get over really.

Janet Andersen: Good so their hair wasn't on fire yeah so.

Zac Pearson: No, no.

Janet Andersen: And I I do. I know you've mentioned that the historical aspects of this so. I did a little study and I'll just sort of let the board know, that the boathouse itself used to be one of the Mead's houses and the the old, the house next one that or the building next to it used to be called the Hen's Roost and the Mead, that was where the all the Mead young girls used to go and and hang out there, and that was at one point on the north side of the lake then it got moved to the very west end and then it moved to this location where it joined up with the other Mead house. So, these are, they have a lot of history on these. These. These things, and you can find old postcards and old old pictures of some of these these buildings, so I I really appreciate your attempt to or the intent to kind of leave that one the boathouse alone and have the the rest of the things sort of separated by a little bit of a flat structure. Peter your hands up again sorry.

Peter Hall: No, I'm sorry if I'm I just I think well that the Hens Roost is unfortunately in disrepair and and doesn't matter doesn't add anything aesthetically, I think, from the lake's perspective. To John's point what we're trying to do is really keep the boathouse footprint, as is and you know upgrade the historical significance inside by bringing it back to its original form and same with the snack bar. Almost looking identical to the boathouse from the lake, so I think you know again from an aesthetic standpoint, if you're on the lake, if you live on the lake if you're passing by in the lake that it will be a pretty dramatic improvement without expanding the footprint too much from from our land perspective.

John Doyle: Ms. Andersen, one other thing I can say is on the interior, there is an existing fireplace that has been you know blocked in and that'll be you know, after removing the bathrooms and removing all the wood, you know built the area inside we'll be able to expose the the original fireplace, it won't actually

be used as a fireplace because of the fire possibilities, but it'll be exposed, as you know, the stone fireplace and everything so we're looking forward to that.

Janet Andersen: Yeah, interesting okay um I think so. You know I still would so I've gone down the road that exists, and I have to say that the Waccabuc Country Club has been very generous to the Three Lakes Council over the years and, but I have gone down that driveway and it's quite steep but I agree, but there's an awful lot of trees and new impervious that kind of comes in. Did you ever consider just kind of keeping that existing road and then trying to build some accessible parking at the end or is that just not at all feasible or not practical or dangerous maybe.

Zac Pearson: Yeah, that that's that's absolutely where we started, you know that was the starting point is is, you know that existing driveway that's here can we use that. And can we get you know again the the driver in elevation for everything down here is really this big lump is the large deck that's there. You know that deck at elevation 487.1 kind of drives everything and your accessibility to get from here to here, you know to work your way around and this driveway coming down at 20% really. It just a car to even make the turn and park and to get two spaces. Just it really didn't work to get in this direction in the way it is now just you couldn't get this low enough and have the snack bar with the bathrooms for them, for them to use and people to get on the deck it just didn't work you know, and then we we said all right well if that if this you know if you look at the distance is so short here, you really needed, this is here to get down and get down to that 87 kind of elevation all through here that gets you know that gets you that access to everything else.

Janet Andersen: Yeah, so even if you would come down straight and I know it's straight and then gone off to the right here, where the you know where the curve is sort of and as a parking that that wasn't, did you look at that at all, or is it just way too steep?

Zac Pearson: Yeah, the length the see, see here how the contours are really bunched up here, you know you get dropped so quick you just don't get enough length either to get it over into this, you know kind of direction.

Janet Andersen: The other direction.

Zac Pearson: Oh, this over here yeah that that's right now, let me go back to the existing real quick. There's a little pull off there now, it doesn't you know this comes down and just kind of tucks in behind the building, you know so there's a little area here well if somebody can sneak in a car. But they can't you can't really backup are turning, and this was a first thing a look a can we make this and expand this and then you start cutting this into the hill and you're shortening you're shortening the length of this driveway by cutting into the hill on the high side, you're making it even steeper by the time we do that.

Janet Andersen: Okay, it just seemed like it would save you all that grading/regrading that's going on in the effort to make that and okay.

John Doyle: The only other issue with it, too, is that you could see the cars from the lake you know and and so, even when they back out like the people are like right on the deck right there so. So, you'd have like the cars come in with the headlights down the hill straight through there and then, if they come from the other way it's kind of all tucked into the trees that was sort of the idea with it kind of meander through the bigger trees that are there not cut them all down to put the road in.

Zac Pearson: Most of them...

Janet Andersen: It looks like a lot of trees come down, either because of the road itself or the regrading to

make the road fit into the hill and that's I was just. Trying to look at something other than that. Okay.

John Doyle: We looked at a version, where the part where the turnaround was off to the left as well, it just it like Zac said it was so steep that you know we couldn't just to get it we had to grade it out flatter to get it out, I think.

Janet Andersen: All right. So, I thought the really big issues here might be the historical building and the DEP and it sounds like you've looked at both of those. We have, we have some comments from the CAC, but I think we've kind of covered most of them, which is you know I mean you are going to need a mitigation plan with 1:1 coverage and you know, there might be some room to to put some on the now going to say it, the east side of the new building down below the next to the boathouse there might be some we're tearing that down there might be some room for mitigation in there. But I think....

Zac Pearson: Again, can you....

Janet Andersen: ....understand the plans go ahead, sorry.

Zac Pearson: If the if the board, did I mean I know the CAC did want to come out and see it. If the board did want to see it I'm sure the club would be amenable I mean it does. Seeing in person and kind of seeing what the existing conditions are and what the buildings look like, and you know the big dock or deck that's there and the buildings and our thing kind of inner inner, you know that would definitely be something that you know we will be open to you know, having having you guys out to take a look at.

Janet Andersen: Okay, well, if you stop screen sharing I'll look at the faces of the Board and see if we can. What do you think about doing a site walk?

Bruce Thompson: Yeah, I would.

Janet Andersen: I think it would be worthwhile. Okay, so typically we do it, the site walk like the the weekend before our our next meeting, but that's Easter weekend, so I don't know if we would want to do that, maybe instead April 9? Does that work for people? Around nine o'clock?

Jerome Kerner: Sounds good.

Janet Andersen: So, 9 a.m. that Saturday April 9 if that would be okay with people. I think now Jan and I know we we've again talked around a lot of this stuff is there anything in your memo that we should highlight?

[The Board reached consensus to schedule a site visit of the Waccabuc Beach Club for Saturday, April 9, 2022 at 9 a.m.]

Jan Johannessen: At that I think you had the main issues. The building that you've been talking about the boathouse is on the State and National Register of Historic Places, the property is also located within the Waccabuc Historic District that was established several years ago, so coordination with SHPO is definitely going to be necessary. We had some comments about you know furthering the SWPPP. We provided some recommendations on potentially reducing the amount of coverage within the buffer. We'll look to see the wetland mitigation plan as it gets developed. I think getting this to the building inspector will be important. This use is not listed as a permitted use within the underlying zoning district, it's a residential zone. When we looked at this several years ago under a very similar application, there were some research done at that point in time, by my office, the planning board attorney and then building inspector, and it was determined that that time in a way that it would be treated as a an existing non-

conforming use. And in Lewisboro uniquely there are provisions built into the zoning code for expansion of non-conforming uses and it's not something that necessarily requires a variance but there's like an approval authority built into the Code via the Zoning Board of Appeals to allow that to occur and we used that provision for Le Château which was kind of a similar circumstance, we had a non-conforming use in the residential zone, and that was a pretty significant expansion and they went that avenue. I will provide to the building inspector, the analysis that was done previously under the prior application for Waccabuc, and I will see you know where that that comes out but. I believe there's an avenue for it and the zoning, referrals to the fire department, I think makes sense. Just trying to look through. There there's a number of agencies involved as, as discussed. With the planning board you're dealing with site plan, stormwater permit and wetland permits. They're going to be dealing with the DEP for the variance. Would assume the health department for the septic and change of use the DEC for SPDES, SHPO. So, the extent of permits needed we'd recommend a coordinated review under SEQRA, it's an unlisted action at this time we've preliminarily preliminarily identified it as an unlisted action under SEQRA under the current plan. They have submitted a short form EAF we've recommended that they submit the full EAF and once that part one is submitted, we would, I would recommend that the planning board seek to establish itself as lead agency by circulating the plans and the EAF to the involved and interested agencies. So that's not something that can occur tonight, but you know, in the future that's what I would recommend take place. Certainly, the applicant getting as much you know correspondence and communication as they can upfront with the other agencies, especially the DEP and SHPO I think will be important. It's kind of that it was a very you know, I think, a very good conceptual plan was you know a lot of information was provided but there's additional information as we move forward, especially specifically on the drainage end and wetland mitigation end of things. So, that's I think that's all I really needed to point out. You covered a lot of it with the opening remarks.

John Doyle: Jan and I did. I did submit the drawings, to the building department for exactly those reasons I March 3 so we're so we're just waiting to hear for for some information back from the building inspector on it.

Jan Johannessen: Okay yeah, that the referral generally takes place by the planning board they walk the drawings down, just so there will make sure that he's looking at the same thing we are. Did he get a copy the site plan package?

John Doyle: Yes, exactly the same package you have. Okay, I didn't I wasn't aware of that.

Jan Johannessen: Just just so you're aware, he'll also take care of the coordination with the fire department.

Janet Andersen: Just to get this all on the record, and again I think we can refer this by consensus, I think this needs to go to ACARC, the building inspector and ask the building inspector to coordinate with the fire department, and Westchester County planning so. If I can get consensus by thumbs up we don't have to poll on that. 123 or four is see oh yeah Charlene yes. Okay, but thank you. These Hollywood squares keep moving around. Okay, so we have consensus, and we will refer this to all of those agencies or to those groups. John, I noticed, you had your hand up before, was there a CAC comment that we might have missed here.

[The Board reached consensus to refer the proposed improvements at the Waccabuc Beach Club, Waccabuc to ACARC, the Building Inspector, South Salem Fire Department and the Westchester County Planning Board.]

John Wolff: Well, again with the trees, you know when when they're putting the mitigation plan together, given that they're removing trees, and again I guess we'd like to know if there are any specimen trees in

there and stuff like that. We don't like to see maybe some of that covered in the mitigation plans as well.

Janet Andersen: Great um okay, so I.

Jerome Kerner: Just for John John Doyle. If you go on the Google and just go for Waccabuc Historic District you'll see the draft is a draft national register start places registration, like 56 pages of photos, including the boathouse. I think that might be the ticket right there.

John Doyle: Okay, great I made I just I made did make a note of that so yeah, I'm looking forward to checking that out.

Janet Andersen: Okay. Any anything else at this point. So, again we've referred it, we've set up a site walk and so, then the site walk will be reported out at the next meeting, even if there's no additional submission or any other information and perhaps we'll have something back from the building inspector by then so. I guess, I think we will see you again in April and that again will be in person.

Zac Pearson: We're going to be, you know going through the comment memos we're going to try to respond to everything that we possibly can, at this point and kind of move the ball forward absolutely.

Janet Andersen: Great. Thank you.

Zac Pearson: Thank you.

Jan Johannessen: Zac, if you get at least, if nothing else, you know the EAF.

Zac Pearson: Full EAF yeah.

Jan Johannessen: Yeah, if you tackle that you know your plans are in good enough form for circulation, so, if nothing else, you know let's get it on the agenda for the intent to be lead agency, once we have the EAF.

Zac Pearson: Absolutely, there's a number of things that we feel we can get done in the next two weeks, including the EAF. And also, I think I mentioned to Jan we've been struggling with whether you know, on the health department and DEP will not test with snow on the ground so now that we're knock on wood here, hopefully got that behind us we'll coordinate with your office to set up testing, and you know we'll get that behind this as well just moving

Jan Johannessen: sounds good.

**Cal #07-22PB**

(1:55:37 - 2:06:27)

**Waccabuc Country Club/Harder Lot Line Change, 0 Carriage House Road, Waccabuc, NY, 10597, Sheet 22, Block 10802, Lot 36 (Waccabuc Country Club Co., owner of record) and 128 Mead Street, Waccabuc, NY, Sheet 22, Block 10802, Lots 59 & 83 (Donald & Teresa Harder Revocable Trust, owners of record) - Application for a lot line change.**

[John Assumma, Waccabuc Country Club; Tim Allen, Bibbo Associates; and Michael Sirignano, Esq. were present.]

Janet Andersen: Great. Okay. So, moving on to calendar number 07-22 PB. This is again the Waccabuc Country Club with a lot line change with the Harder residence at Carriage House Road and 128 Mead

Street in Waccabuc, New York again just an application for a lot line change so. Michael.

Michael Sirignano: Yes, good evening. Michael Sirignano, and Tim Allen is with us as well. I'll be brief and then turn it over to Tim. This is a pretty straightforward application, we, the club has a once in a generation opportunity to acquire just under five acres, a square piece that juts into club property and is surrounded on three sides by the golf course, the front, the front nine of the golf course. And so, the Harder family trusts are trying to sell their entire 48-acre piece and they're willing to give us a brief opportunity to to get a lot line change to carve out just under five acres which will become merged into the club property and then the Harder estate or the Harder trust will then sell the remaining whatever 43 acres and the main house tennis court and pool to whoever wants to buy it. And so we're under a little bit of time pressure, we have a contract of sale, but they, the Harder trust didn't want to tie up the property or tie their own hands in trying to sell the majority of the site, so we have until May 16 to to get lot line change approval from you folks. As I said, the the 4.8 acres will be merged into club property, no structures are being proposed or or even in anticipated or dreamed of on this particular property. Perhaps sometime in the distant future, the I believe it'll be the fourth hole might be extended from a par four to a par five but there's, there's. And, and also it's a defensive move by the club, but the last thing we want is to have a house and it would be a large house, given the neighborhood, built with our two or three or of our golf holes wrapped around it so it's both defensive move and kind of look to the future perhaps expanding a par four into a par five which would add many strokes to my score. That's that's the project. And so, I think we qualify for a waiver of a public hearing on preliminary lot line change or subdivision. I'm getting a little ahead of myself, but I wanted the board to understand, we have some contractual time pressures and we don't want to cause the Harder family any any hardship so Tim, would you tune in with the lot line change map and describe it.

Tim Allen: Sure, I'm Tim Allen, Bibbo Associates. As Michael said, this is kind of put together in haste and I apologize, but what I wanted to do is to actually give you a little context of what we're doing here, because as Michael said there's nothing really proposed, there's no houses, there's no no improvements proposing if I share my screen now. You see this the aerial here.

Janet Andersen: I'm not seeing anything yet. I'm seeing, everybody's still here.

Tim Allen: How about now?

Janet Andersen: Yep.

Tim Allen: Okay, got it? Good. Okay, so basically, we're talking about a piece of property right through here, which will be conveyed to the club. You could see it, so this is the clubhouse area over here, parking for the club is here, this is the Harder residence. So, basically the strip that almost looks like it belonged, the lot it should have been part of Waccabuc in years gone by. And this being the second hole, the third hole coming out of the this little area here key shot as Michael discussed before it is the hole four par four, the only potential improvement and it's not even going to be contemplated right now is to possible extending this hole through here. Many years ago, back in the late 80s, early 90s, we had proposed a subdivision for this property, and we had a house right here. One of the board members, or one of the club members bought the property and put the kibosh on some of those are what we had proposed development for this property in the past. As Mike was saying, the last thing the club wants to see the house there. So basically, it's taking this piece, creating 4.8 acres creating this lot line and conveying that to the club it's really that simple.

Janet Andersen: Okay, so, if I can just ask, usually when you see something that's carved out like that there's a purpose behind it. So, there's nothing under there but that's not a septic extension or anything that that, that would impede it, that there's a reason that that belongs to the other parcel.

Tim Allen: No, there's nothing there.

Janet Andersen: Just an accident.

Tim Allen: Yep.

Janet Andersen: Okay Charlene go ahead.

Charlene Indelicato: Um, I have two questions I guess for Michael one is the Country Club is R-4A and this property is R4. Um, so I didn't have a chance to look at the code, what are the differences between them.

Tim Allen: Look, the club operates under a special use permit.

Michael Sirignano: Yes, it's a the club has a special use permit, which, if we if we were ever to expand the fourth holder would we'd have to get an amendment to it but I don't see any zoning issues here it's so.

Charlene Indelicato: I was just wondering about the the change, and the second question on really is as to the tax assessment, what are the tax implications, moving from a residential to the country club.

Michael Sirignano: I wouldn't be able to speak to that tonight, I mean I could look into it or. I know. And get you a response.

Tim Allen: Remember that's not improved land so again yeah, I couldn't speak to that either, but so it's not as if you're conveying land that has improvements on it.

Janet Andersen: Jerome.

Jerome Kerner: Yeah, I mean, I think the overarching issue been beyond questions that Charlene is bringing up which may have some relevance, but more relevant is the fact that it does close and complete that country club rectangle and it doesn't do damage to the other 48-acre lot on the other side. So, if they're left with 40, 44, 44 some-odd acres and it's certainly not any any danger of isolating you know that, you know restricting its use further so from my point of view, this is something that we should expedite quickly and accommodate the sale of that, of that parcel to the club.

Janet Andersen: Charlene, I see is your hand still up.

Charlene Indelicato: Is it up again sorry. No okay.

Janet Andersen: Did you have anything else?

Charlene Indelicato: No.

Janet Andersen: Um, I think there is one thing that we need to do again and unless you had anything else to show us Tim maybe we can stop screen sharing, so I can. Okay, take a look at people's faces or thumbs in this man can case, so I think we're allowed to waive the public hearing, as if we've been asked if there's no zoning non-conforming conformity, so if we send this to the building inspector. Which again, we can do by consensus. Then he can tell us that there's no zoning nonconformity. I mean I'm pretty sure there is, but we just should check it. So can I asked to refer it by thumbs up by from people. Okay, everybody Greg you okay with that.



Greg La Sorsa: The building inspector, is that what you're asking?

Janet Andersen: Yeah, yep okay so everybody's so we have consensus to refer to the building inspector. I think in the effort maybe to move things along, assuming that the building inspector will say there is no zone, no zoning nonconformity, what we could ask is for Jan to prepare a resolution to be considered, and that way, assuming we hear back from the building inspector, as we expect, we would be able to take action on it at our next meeting. Would that be agreeable to the board? Okay, and that, again, we can do with consensus right, Jud?

[The Board reached consensus to refer the proposed lot-line change between the Waccabuc Country Club and Harder residence, 128 Mead Street, Waccabuc to the Building Inspector and requested Mr. Johannessen prepare a draft resolution.]

Judson Siebert: Yes.

Janet Andersen: Okay. So, consensus for resolution and I'm seeing everybody okay Charlene yep okay so um. So, if you would be willing to do that, I think we can move this thing along as rapidly as possible, so um.

Michael Sirignano: The club appreciates that. Jan's memo gives us gives me and Tim some housekeeping items which we're going to jump on right away.

Janet Andersen: Yeah, so if we have if we have that and we have the the feedback from the building inspector and the resolution underway, I hope we can make your deadline, I was looking and said, our our next meeting after April is May 17 so we've kind of got the gun on. So we will we will do our best.

Michael Sirignano: Okay, appreciate that very much.

Tim Allen: Thank you.

#### IV. SITE DEVELOPMENT PLAN REVIEW

##### **Cal #4-21PB, Cal #42-21WP, Cal #08-21SW**

(2:06:28 - 2:36:41)

**397 Smith Ridge Road LLC, 397 Smith Ridge Road, South Salem, NY 10590, Sheet 50A, Block 9848, Lot 2 (397 Smith Ridge Road, LLC, owner of record) - Application for an addition to an existing self-storage facility.**

[Helen and Steven Kaplan, owners; Michael Sirignano, Esq.; and Alan Pilch, P.E. were present.]

Janet Andersen: Um, okay by any. Assuming we have nothing more on this let's move to our next item which is a site development plan review. This is calendar number 4- 21PB, calendar number 42 - 21WP and calendar number 08 - 21SW, 397 Smith Ridge Road LLC, 397 Smith Ridge Road in South Salem, New York. It is the application for an addition to an existing self-storage facility.

Michael Sirignano: Hey. It's me again.

Janet Andersen: Hi Michael.

Michael Sirignano: Okay, so I'm here tonight with Steven Kaplan, who is the principal owner of the LLC and operator of the self-storage facility. And also Alan Pilch who's our project engineer and landscape architect. So, I'll give you a brief introduction and turn it over to Alan. So back in 2012 your board granted site development plan review approval and wetlands activity permit approval for Steven to build and operate a 45 self-storage unit facility, what was then on undeveloped land just under an acre, .93-acre site, which is zoned general business. The planning board also adopted a negative declaration of significance under SEQRA at that time.

The proposal now, I guess Steven is to be congratulated for a successful business plan, because the proposal is to increase the storage lockers by adding two additional single-story, self-storage buildings containing about 2,800, 2,846 square feet and and their proposed in now, and Alan will get into this in a minute, they're proposed in a grass area that backs up to an existing fence that presently exists. Allen has also designed an expansion to the existing stormwater management facilities and and has come up with some wetland mitigation plantings that he'll show you in a minute. So, as I said, Steven has experienced demand from town residents and others in the area for the existing self-storage buildings, for example, in the past 15 months we've been we've been fully leased and in the past six months, 15 customers moved out and 15 new customers moved in. So, these figures show not only a demand or an unmet demand exists for town residents and others in the area, but they also, I think the figures also demonstrate that this is a very low intensity use for this general business zoned site. As as planning board members know, general businesses, is the most, allows for the most intensive commercial uses in town, and this is really a very low intensity use. The two additional self-storage buildings will not be substantially increasing the activity in and out of the site, they will not be visible from Route 123. We have letters from commercial neighbors, past and present, supporting the application. So, that the new single-story buildings are no higher than the existing units. Alan can show you a section through the property that that'll graphically visually make it clear that that we're not building any units higher than what's already there, and these are going to be hidden by the existing buildings from the road and from the property to the north.

The building inspector tells us that we will need an area variance because the two new buildings will increase our lot coverage to 23.52% when 20% is the standard so we're going before the zoning board next Wednesday, I think it's March 23<sup>rd</sup>, we have a public hearing to request a variance on that. We also need the planning board to refer us to ACARC. So at this point I'm going to turn it over to Alan to put up his site plan and mitigation plans and explain whatever changes have been made since he last came before you.

Alan Pilch: Can I share the screen?

Janet Andersen: Yes, you may.

Alan Pilch: Let's see if this works. Is that visible?

Janet Andersen: Yes.

Alan Pilch: Excellent. I didn't want to have a whiteboard show up or something. So um so briefly I'll just go over what the changes are. So existing at the present time first of all Route 123 is here, and the main entrance is there, there's a single L-shaped building on the north and west sides and north being left, and there is a free, freestanding building number 2, which is in the center and what's being proposed is two buildings in the I'll say central or portion of the property that's what's being proposed by us. At present the existing chain link fence runs right through here almost in the back of the two new buildings, so this is actually just a grassy area here, so it just extends just slightly beyond where the existing chain link fence is located. But that's what's being proposed, so the changes to the plan, since you saw it last include, I'll just flip the next sheet.

From a stormwater perspective, was the addition of a new pretreatment facility, which will end up being close, I'll say more akin to a it's like a septic tank, 500 gallons septic tank it's really what is a a concrete septic tank essentially what we propose here. What happens is the flow from catch basin located here, because this is a paved area to allow access into these storage units. And this catch basin, which is needed for drainage purposes from run off in this portion of the property, is conveyed into the existing stormwater chambers. There are 55 here. We'll end up losing a row, building striping on top of it, but with the new impervious surfaces that are being proposed here we're actually proposing to add 16 more chambers. So it's four rows of four chambers at the end and we submitted calculations to show that the peak rate of runoff leaving the property would be less than under, following the addition of the two buildings, when compared to present time.

The other item in the plan too was the widening of the entrance into the property, the Vista Fire Department requested a minimum 15 feet. As you could see at present time there, it's the curved line here that's the existing curved line here it's about 11 feet or so, but there's room here just to be able to get 15 feet of space and to be able to provide 15 feet width as requested from the Vista Fire Department. And I'll just say the final change to it as well. The plans that were submitted was an extensive planting plan within the buffer, which also included the addition of a planted area in a 20 foot wide strip on the adjacent property which is 401 Storage Corp and Mr. Kaplan did provide an executed or agreed to, and an easement agreement with 401 Storage in order to use that for planting purposes and on this drawing there is a list of plant materials as well, all native which are being proposed to basically restore the sort of area in the back of the two new storage buildings to be installed. The existing wooded steep slope here will remain as it currently is, and when you get down to the, down to the bottom off the property line which is located here and 20 feet off the property line this area too will be planted as well, primarily with shade tolerant shrubs, but what it will do is provide a more diverse habitat than what's there presently. In addition, we'll be the planting area will be surrounded by a deer fence. In order to protect the plants from browse from deer, which are, I'd say frequent the area and I'll just point out to again that's the state freshwater wetland is located off the property it's roughly 50 feet from the property line located here to the border of the State wetland. The hundred-foot buffer extends on this line here, and so, as you can see, the two new buildings are completely on the outside of that. But the 150-foot town wetland buffer in line is located here, so a portion of the property was already at this portion from the curved line, one was already constructed within the 150-foot town wetland buffer and these two new buildings would be entirely located inside it. Perhaps what I could do is just also show, if I may, just show that the show a section, through it, so you can see what it does look like. This is Route 123, property line, existing building 1 which is that L-shaped building, this is access between building 1 and building number 2. Building number 3 would be essentially very similar to building number 2 but building number 3 and 4 this is slicing through building number 3 and then. As you saw before the 150-foot wetland buffer adjacent line. Is in back of building number 3 so it's not. 100-foot buffer line is there there's 150 150-foot town when buffer line is here, this is 100-foot DEC wetland buffer line, which is to the, to behind this building, and this is essentially that I'll call it loosely wooded area back of the buildings. That would be restored with plantings, wetland mitigation plantings will be located here, the property line is through section there, the easement lines here and about 30 feet beyond is the wetland buffer line so that's really what is being proposed. I know there were certain comments that were provided from from the town planner and I'll just also mention that in our discussions with the New York State DEC that there will be a need for a Article 24 wetland permit application, this is primarily for the proposed it's indicated to is. The fact that there is a mulched path that's being proposed to provide maintenance access for future maintenance of this area that's what's shown here in the shaded line and because a deer fence is proposed to protect to plants, so we are preparing an Article 24 permit application to the DEC, and that is being prepared by Evans Associates.

Michael Sirignano: The easement area that that Alan showed you is already an existing condition and

there are plantings there pursuant to a written recorded easement and Alan's new plantings would be within the same easement area.

Jan Johannessen: What plantings were there, Michael, before? I don't understand.

Michael Sirignano: Alan, what's there currently?

Alan Pilch: Are you referring to this area here?

Michael Sirignano: The 20-foot easement yes.

Alan Pilch: Right now it's just a wooded area, there were no plantings there so.

Michael Sirignano: Okay.

Alan Pilch: All right, but we're restoring this area here, which is within the buffer.

Michael Sirignano: Right. I'm sorry. I misspoke, I wanted to make the point that the easement is an effect, there's already an agreement we'll provide it to the board and too Jan.

Judson Siebert: Yeah yeah Michael there had been a an initial sort of draft provided to me, and we were just sort of waiting to see how the mitigation plan would bear out. But I'm comfortable that we can work out whatever needs to be done from a recording standpoint to.

Janet Andersen: Thank you, Jud that's good to know and so.

Jan Johannessen: Michael, does the easement allow for the town to obtain access to the offsite property for inspection?

Michael Sirignano: Um I haven't reviewed it recently, but I will and I'll I'll get that answer to you. If it doesn't I'll make sure it does.

Judson Siebert: Yeah, yeah I mean Jan that's that's been a standard condition or provision in these types of easements so.

Jan Johannessen: Yeah, I was just I was surprised that it was already ready signed and executed and in place so if there needs to be revision I would imagine that you would be able to revise it.

Michael Sirignano: Yes.

Janet Andersen: Does anyone have any questions on the plan, or should we stop sharing, go ahead Jerome.

Jerome Kerner: Just a quick one on that cross section Alan. The. Building number 3 and 4 on the east side have retaining walls that will exceed I think the four-foot maximum that would require a structural engineer ah just reminder for you that. They are retaining walls retain the soil and slab and....

Alan Pilch: They actually they're really part of the building itself, so it's really not a footing per say.

Jerome Kerner: So, it's really well right.

Alan Pilch: But or say.

Jerome Kerner: You had mentioned that. You had mentioned that the first was, I think we're just 18-inch haunches, but I think you may want to have some other consideration for that back wall. Just take a look at look at it.

Alan Pilch: That's fine so we'll we'll arrange that but along this back wall you're correct. It's actually supporting the. Building so it's really part of the, I'll call it the footing and foundation for the building there.

Steven Kaplan: The architect is aware, he is Mr. Kerner, the architect is aware.

Jerome Kerner: Thank you, Mr. Kaplan.

Janet Andersen: Okay, so I saw you had your hand up that was for that. Do you want to make sure. Okay, great. Thank you um. All right, so.

Alan Pilch: Do you want me to unshare for a moment?

Janet Andersen: If you would for a moment, so because I think one of the things we just heard is that this should get referred to ACARC so and again that's by consensus so I'd look for thumbs up from everybody to say yes, we can send it to okay so. Ciorsdan, please make sure this gets referred to ACARC um. I think. I know John did we. Did we hit the comments for the CAC on this?

[The Board reached consensus to refer this submission to ACARC.]

John Wolff: Yeah, I believe we did.

Janet Andersen: Okay, thank you um so. I think one of the things because last time, the mitigation did not get maintained, I think, maybe this time would be advisable to ask for a bond for the mitigation and we should plan on that as part of the process going forward if if people agree on that. And and. I'm sorry was that a hand up.

Steven Kaplan: I plead mea culpa, mea culpa. I I totally missed the boat on that so whatever you need to do.

Janet Andersen: Okay, thank you. And I'm I'm not clear, so I know we got a letter from the building inspector that said, they had to be 20 foot and they had to have 20 foot turns or or lanes in there. Is that is they've included in the current in the current plan, the response to the building inspectors letter on that point?

Steven Kaplan: While Alan is looking it up, we actually provide 24 feet lanes I wasn't sure if.

Jan Johannessen: It's 15', you have 15' at the gates.

Alan Pilch: But I think it's like 24 feet or so 25 feet between the buildings.

Jan Johannessen: Yet at the buildings, I think he was focused on on the access to the gate, Joe was, the building inspector.

Janet Andersen: Joe wanted 20 rather than 15?

Jan Johannessen: No, he wanted the 15.

Alan Pilch: He asked for 15 specifically. This is the site with a Vista a 15 foot width at the keypad would be sufficient for fire department operations.

Jan Johannessen: Okay, I agree, Alan.

Alan Pilch: I was his February 8th letter.

Jan Johannessen: But yeah, we just had a comment about the odd curb configuration there, like to see that be a more consistent radius.

Jerome Kerner: Seems it seems like there's a pinch point there that brings back to where it originally was the 13 feet and there ought to be it the just maybe a smoother curve.

Jan Johannessen: And Janet if you don't mind, I just like to go through the memo.

Janet Andersen: Sure, yes please I'm sorry.

Jan Johannessen: So, I guess have you made have you gotten the denial yet from the building inspector to go to the ZBA what's your. Yes, okay, so when do you expect to be before the ZBA.

Michael Sirignano: Next Wednesday night.

Jan Johannessen: The DEC permit's required. A comment that we had was that the DEC wetland validation has expired, so we'd like to have the applicant and confirm with the DEC that the they're still going to keep that the boundary the way it is.

Alan Pilch: So, I'll just say I will reconfirm that with them, but we did ask whether or not it had to get reverified and they did not indicate that it did need to get verified okay.

Jan Johannessen: If you could just ask specifically whether they, if it needs to be verified verified or not.

Alan Pilch: Sure.

Jan Johannessen: So we can get a confirmation from them. I would like to, I do support the the bond requirement for the landscaping, it's customary we did have a failed wetland mitigation with the last round. I think the deer fencing will help, but this is a site that has no water services, so I'd like to see what the applicant has in mind for irrigation, especially for the first year. That should be noted on the plans some sort of maintenance protocol.

Steven Kaplan: We got water from the neighbor last time.

Jan Johannessen: Maybe not enough I don't know.

Steven Kaplan: It's on me.

Jan Johannessen: The wetland mitigation looked good it's it's over the 1:1 requirement, the access path makes a lot of sense. We didn't have any comments on the on the proposed mitigation plan other than the maintenance of it. With some stormwater, a couple comments on the stormwater which I won't get into

detail with. That was about it, the curvature of that you know that the radius on the curb could get smoothed out as discussed.

Steven Kaplan: Can I ask you for some clarity on that. I know that it's a one-way entrance at that gate and the gate is basically almost stretched to its limit as far as length, I think the one on the entrance is slightly longer but that's really stressed. Considering if a one way in, loop around, and one way out. You know just I just wanted to mention.

Jan Johannessen: It just looks like that that pillar needs just to go over a little bit you can connect the a much smoother radius on that on that curb.

Steven Kaplan: On the inside curve, I thought you were on the outside.

Jan Johannessen: No, the outside, the outside curve.

Jerome Kerner: Outside curb.

Steven Kaplan: Where the pillar is, where the bollard is.

Jan Johannessen: No, there's some sort of a, is that a column or something?

Steven Kaplan: That it's a post so people don't hit the keypad.

Jan Johannessen: No, I think we're in different locations.

Steven Kaplan: Okay. Maybe Alan can.

Alan Pilch: Outside see here too there's a place where. The gates sort of a gate comes down there's a post their sort of block the entrance.

Steven Kaplan: ...entrance lock key there.

Alan Pilch: There's no access, there's not even pedestrian access there, unless the gates go up. So it kind of prevents the general public from getting in unless you have the code.

Jan Johannessen: I don't know that you're talking about it. Maybe you want to put up the plan again, I thought Jerome and I are on the same page, I think.

Alan Pilch: Let me see if I have. I know I know you're talking about but I'm just saying. That I.

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

Michael Sirignano: You know, while you're pulling that up, but you know we know from history, from daily use or weekly use it, the circulation works, but we're happy to tweak it, however.

Jan Johannessen: This isn't a major circulation issue it's just an odd, shaped curve configuration.

Jerome Kerner: Right here, can you see my screen share?

Alan Pilch: You're looking at this point right here.

Jerome Kerner: This point right here, where the un, the right-hand side is that, where the keypad is right there.

Steven Kaplan: That's where the receptor for the gate is so the gate closes in that receptor nobody so there's no gap when the gate is closed. If we move that receptor to the south there'll be a gap between the end of the gate. .... receptor and it would just be able to swing back and forth in the wind.

Jan Johannessen: Well, maybe you have to get a different front gate.

Jerome Kerner: Can you extend the gate?

Steven Kaplan: I'm saying there I'm saying there's a limitation on the width, we have I can certainly look into. I'm just letting you know that's why that funny configuration.

Jerome Kerner: Right oh.

Steven Kaplan: But since it's a one way and the fire department equipment is less than 15 feet. I'm asking whether, if the fire department says it was okay for their equipment that they use, whether that would be acceptable. We're providing....

Jan Johannessen: I don't think it's preventing fire department access it's just an odd configuration.

Alan Pilch: That curve there's going to be removed along that along that curve that goes in front of.

Jerome Kerner: This piece of curb right here.

Alan Pilch: Yes, but further along that goes in front of building number 4 that curve is also.... So go up further I could show you on. That curve there is removed.

Steven Kaplan: But the curb Alan before the curb before the gate, why is that removed.

Alan Pilch: Before the gate, so we can have 15 feet. Because currently ....

Steven Kaplan: I said.

Jerome Kerner: Give you mean this curve here.

Steven Kaplan: Yeah, that's what that's what resulting in....

Jerome Kerner: Here right, but this this one over here right brings you back down to 13 feet, which I I can't see the point of widening this and then having a pinch point here.

Steven Kaplan: Oh, I understand I thought that was. I guess....

Alan Pilch: We'll take a look at it.

Jan Johannessen: I think you need some more dimensioning there just to prove it out that it's all 15 feet.

Alan Pilch: I was going to say I'll deal with that later, ....just going to bring up a picture.

Jan Johannessen: I guess it doesn't really yeah the understanding that that other curb is coming out that



the configuration does make a little bit more sense. Maybe show some additional dimension in there just to make sure.

Alan Pilch: I think what I'll do is I'll provide a large area for construction purposes.

Jan Johannessen: Okay.

Jerome Kerner: Good.

Janet Andersen: Did you have more in your memo Jan that you wanted to cover.

Jan Johannessen: Nope that was it.

Janet Andersen: Okay. So. We know they're going to the ZBA next next week, do we, or maybe later this week, not tomorrow, maybe tomorrow, maybe they're going to the ZBA at the next meeting. Do we want to have a public hearing on this, we have gotten a couple comments, and if so when? I'm just thinking we, we have to hear back from the ZBA, but we can get that as a report, even if we don't have the resolution yet as long as they they give us the details of that. Would it make sense to try for a public hearing in April, or are there enough information do we need enough. Will you be able to get the resubmission in in two weeks and get the details out, or should we plan for a public hearing in May?

Michael Sirignano: I defer to Alan and his schedule.

Alan Pilch: I'd rather just move this forward I think these are very straightforward comments to move this forward so whatever works in your calendar.

Jan Johannessen: I don't even know that you need a resubmission to have the public hearing, the plans, you know they're very minor comments at this point. The public hearing is mandatory because of the wetland permit.

Michael Sirignano: Right, so we would ask it to be in April if the board has room on its agenda.

Janet Andersen: Well. We will, let's try to, so again, we need to it's been a while, do we need to just do this by consensus for public hearing?

Judson Siebert: Yeah, you just need to set a consensus and direct Ciorsdan to send out the notices with the applicant.

Janet Andersen: So. I think we have a few things I know, scheduled for April, but I think let's plan to keep things moving and if everyone agrees, we'll put this on the agenda for public hearing on on April so hearing no objections let's plan for that okay um.

Michael Sirignano: And referral to ACARC, you've already done that.

Janet Andersen: I think we did that already.

Jan Johannessen: You did.

Michael Sirignano: Okay, good good.

Janet Andersen: So um. Okay. So I know that. I don't, we'll probably want a report on where you stand

on the Article 24 for the from the DEC as well, so. Okay, great. Thank you very much.

Michael Sirignano: Thank you. Good evening.

Alan Pilch: Thank you very much, really appreciate it.

[The Board reached consensus to schedule the public hearing for April 19, 2022.]

## **V. MINUTES OF February 15, 2022.**

(2:36:42 - 2:37:18)

Janet Andersen: So, the next item on our agenda is, are the minutes of February 15, 2022.

Jerome Kerner: I move we approve as submitted.

Janet Andersen: Okay, thank you Jerome.

Greg La Sorsa: Second.

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

Janet Andersen: Jerome.

Jerome Kerner: Aye.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: Greg.

Greg La Sorsa: Yes.

Janet Andersen: Charlene.

Charlene Indelicato: Aye.

Janet Andersen: And I also say aye, so the minutes of the February 15th meeting, have been adopted.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board approved the minutes of February 15, 2022. In favor: Ms. Andersen, Ms. Indelicato and Mr. Kerner, Mr. La Sorsa and Mr. Thompson.]

## **VI. MOTION TO CONVENE EXECUTIVE SESSION.**

(2:37:18 – 2:58:32)

Janet Andersen: Okay, I move to convene an executive session of the board for the purpose of discussing the employment of a firm in response to the town-issued RFP for the comprehensive plan services and to appoint Jud Siebert for the purpose of taking minutes at this executive session.

Jerome Kerner: All right. Do you want me to do the breakout?

Janet Andersen: We need, we need a second first.

Greg La Sorsa: I'll second.

Janet Andersen: Thank you Greg um, I guess, I have to poll the board or any discussion on this? I'll poll the board Jerome.

Jerome Kerner: Yes.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: Greg.

Greg La Sorsa: Yes.

Janet Andersen: Charlene.

Charlene Indelicato: Aye.

Janet Andersen: And I also say aye. So we should have at the bottom let's see breakout rooms so I'm.

Greg La Sorsa: I don't have one.

Jerome Kerner: So what you don't need one I just have to do it if I'm gonna do it.

Janet Andersen: I think I think we have let me open all rooms and everybody's already....

Greg La Sorsa: We have to get a link for a breakout room. Right?

Jerome Kerner: No, you're put into it. But is everybody going in except Jan or....

Jan Johannessen: Good night all.

[Mr. Johannessen left the meeting at 10:09 p.m.]

Various voices: Good night Jan.

Janet Andersen: There is something that's set up.

Jerome Kerner: Okay, so we're all here, so can we just stop recording.

Greg La Sorsa: I thought that's what we said we were going to do yeah we could.

Jerome Kerner: We could just stop recording.

Greg La Sorsa: I think we lost Janet.

Jerome Kerner: Oh dear, I'm gonna put her back in.

Ciorsdan Conran: Last time you all left. I put a sign that you're an executive session you'll be coming back later.

Greg La Sorsa: Wait a minute. Janet. The pop-up says Janet is inviting you to join.

Jerome Kerner: She wants she's inviting us in okay so. Please join join.

**VII. NEXT MEETING DATE: April 19, 2022.**

(2:58:33 - 2:59:08)

Janet Andersen: Okay we're back. So, I think what I want to do is just announce the next meeting date is April 19, 2022. We will be meeting in person. And and. We will have I hope at least a recording and we don't know yet if we will be able to have a YouTube stream. That that's up to the town.

**VIII. ADJOURN MEETING.**

(2:59:09 – 2:59:55)

Janet Andersen: So, with that, I'd look for a motion oh go ahead Jerome you're muted. You're still muted.

Jerome Kerner: I make a motion for adjournment, please.

Charlene Indelicato: Second.

Janet Andersen: Please, I, like the please okay I'll poll the board, Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Greg.

Greg La Sorsa: Yes.

Janet Andersen: Jerome.

Jerome Kerner: Aye.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: and I also say aye, so the motion carries. We are adjourned at 10:30 p.m. Thank you all for the relatively long meeting on the Ides of March.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the meeting was adjourned at 10:30 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, reading "Ciorsdan Conran". The signature is written in a cursive style with a small dot above the 'i' in "Ciorsdan".

Ciorsdan Conran  
Planning Board Administrator

**RESOLUTION  
LEWISBORO PLANNING BOARD**

**AMENDMENT TO AUGUST 17, 2021 RESOLUTION**

**POUND RIDGE STONE  
2 WEST ROAD**

**Sheet 49B, Block 9831, Lot 1  
Cal. #04-19PB, Cal. #17-19WP, Cal #06-19SW**

**March 15, 2022**

**WHEREAS**, the subject property consists of  $\pm 0.71$  acre of land and is located at 2 West Road, within the General Business (GB) Zoning District ("the subject property"); and

**WHEREAS**, the subject property is identified on the Town Tax Maps as Sheet 49B, Block 9831, Lot 1; and

**WHEREAS**, the subject property is developed and contains an existing building consisting of a mix of office and retail space, a gravel parking lot with access to Smith Ridge Road (NYS Route 123) and West Road, a septic system, potable well, and outdoor storage area for use by the existing landscape business; and

**WHEREAS**, Two West Road, LLC ("the applicant") had proposing the legalization and expansion of the existing landscaping business; the construction of a 24' x 35' storage building; the continued use of the existing retail/office space to support the landscape business; the installation of 24 off-street parking spaces within a gravel parking lot, including the installation of two (2) accessible paved parking spaces and four (4) "land-banked" spaces; the installation of a formal paved driveway off of West Road; the removal of the former curb cut onto Smith Ridge Road; the installation of two (2) material storage bins for storage of topsoil and sand; outdoor display areas; signage; fencing; stormwater management facilities; landscaping and wetland mitigation ("the proposed action"); and

**WHEREAS**, via Resolution dated August 17, 2021, the Planning Board issued a Negative Declaration of Significance under the State Environmental Quality Review Act (SEQRA) and granted Site Development Plan Approval, a Special Use Permit, a Wetland Activity Permit and a Stormwater Permit, all subject to conditions; and

**WHEREAS**, at its meeting held on February 15, 2022, and at the written request of the applicant, the Planning Board granted a one (1) year time extension, requiring the conditions to be satisfied

prior to the signing of the Site Development Plan to be satisfied by February 17, 2023, unless further extended by the Planning Board; and

**WHEREAS**, the proposed action includes the elimination of a former driveway curb cut on Smith Ridge Road (NYS Route 123) which requires a permit from the New York State Department of Transportation (NYSDOT); and

**WHEREAS**, the August 17, 2021 approving Resolution requires the applicant to obtain said Permit prior to the signing of the Site Development Plans (see Condition #3(c) of the August 17, 2021 Resolution); and

**WHEREAS**, the project does not rely upon access from NYS Route 123 and this work, while needed, is not a prerequisite for construction to commence; and

**WHEREAS**, the applicant has stated to the Planning Board that its has submitted the requisite applications and plans to the NYSDOT; however, a permit has not been issued; and

**WHEREAS**, the applicant is anxious to commence work on the project and has requested that the issuance of the NYSDOT permit be made a condition to be satisfied prior to the issuance of a Certificate of Occupancy, rather than prior to the signing of the Site Development Plan.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Planning Board hereby amends its August 17, 2021 Resolution so that Condition #3(c) be satisfied prior to the issuance of any Certificate of Occupancy as oppose to prior to the signing of the Site Development Plans; and

**BE IT FURTHER RESOLVED THAT**, no work shall be conducted within the NYS right-of-way absent a permit/approval from the NYSDOT and the former curb cut/driveway on NYS Route 123 shall be blocked to the satisfaction of the Building Inspector until such time as the curb cut/driveway is removed.

**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**

**JEROME KERNER**

**GREG LASORSA**

**CHARLENE INDELICATO**

**BRUCE THOMPSON**

aye  
aye  
aye  
aye  
aye

Janet Andersen <sup>cc</sup>

Janet Andersen, Chair

March 15, 2022