

Meeting of the Planning Board of the Town of Lewisboro held at the Justice Court at 79 Bouton Road, South Salem, New York on Tuesday, April 19, 2022 at 7:30 p.m. The audio recording of this meeting is 220419_001.MP3

Present: Janet Andersen, Chair
Charlene Indelicato
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

Absent: Jerome Kerner

Ms. Andersen called the meeting to order at 7:34 p.m. She welcomed everyone, noted the exits and announced that the May 17, 2022 will be held over Zoom.

I. DECISION

Cal #07-22PB

(1:43 – 6:50)

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; and Tim Allen, Bibbo Associates; were present.

Mr. Johannessen stated that in the Building Inspector's memo, he determined that extending an existing non-conforming use on to a different piece of land requires a variance from the ZBA. He noted that the Board had instructed him to draft a resolution but in light of the Building Inspector's memo this Board must wait for ZBA approval. [This matter is on the ZBA's May 25, 2022 agenda.]

Mr. Allen stated this proposed lot-line change must be reviewed by the Dept. of Health too.

Mr. Johannessen stated that there are no other comments on the proposed plat.

II. EXTENSION OF TIME REQUESTS

Cal #03-20PB, Cal #37-20WP

(6:55 - 11:27)

Gossett Brothers Nursery, 1202 Route 35, South Salem, NY 10590, Sheet 31 Block 10805 Lot 46 (Thomas Gossett for T. Gossett Revocable Trust – owner of record) - Application for Site Development Plan Approval and Wetland Activity Permit Approval for an existing nursery.

No one was present on behalf of the applicant.

Ms. Andersen stated the applicant's attorney informed the Board that he would not be attending tonight's meeting, but he did submit an extension request prior to the March 16, 2022 expiration.

Mr. Johannessen stated the applicant has met the conditions from the Resolution and recommended the Board grant a six-month extension.

Ms. La Sorsa stated that applicants should be present to request extensions and asked if these extensions could be handled administratively. Mr. Johannessen and Mr. Siebert stated there needs to be a motion from the Board for an extension of time request and then it is put to a vote.

The Board reached consensus adjourn this matter to its May 17, 2022 meeting.

Cal #08-12PB

(11:11 - 11:27)

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

No one was present on behalf of the applicant.

Ms. Andersen stated the applicant's attorney informed the Board that he would not be attending tonight's meeting. She reminded the board she was recused and unable to join the discussion.

Mr. Siebert stated the applicant's attorney did submit an extension request prior to the April 17, 2022 expiration.

The Board reached consensus adjourn this matter to its May 17, 2022 meeting, with Ms. Andersen abstaining

III. PUBLIC HEARING

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

(11:28 – 11:45 and 32:38 – 46:49)

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.

Steven Kaplan, owner; and Alan Pilch, ALP Engineering; were present.

Ms. Andersen opened the public hearing at 8:10 p.m. There were no objections to the time, place or advertisement of the public hearing.

Prior to the start of the meeting, Mr. Kaplan submitted the receipt for mailing the public hearing notice, affidavit of mailing, green cards from the certified mailings and affidavit of sign posting to Ms. Conran.

Mr. Pilch reviewed the proposal to construct two additional buildings at an existing self-storage facility; Building 3 is to be 1,500 sf and Building 4 1,100 sf. He noted the facility is completely rented and there is a need for more storage containers in our area. Mr. Pilch stated the stormwater practices will be expanded and the landscape plan includes some off-site mitigation planting which will be enabled by an easement agreement. He noted that the plantings require a NYSDEC Freshwater Wetland Permit.

Mr. Pilch stated that the proposal did receive approvals from the ZBA and ACARC.

There were no comments from the public.

Ms. Andersen stated four comment letters have been received and circulated among the Board. She noted lighting was an issue raised during the ZBA hearing. Mr. Johannessen stated the draft resolution's condition #13 speaks to lighting hours and duration.

On a motion made by Ms. Indelicato, seconded by Mr. La Sorsa, the Board closed the public hearing for 397 Smith Ridge Road, LLC at 8:16 p.m. In favor: Ms. Andersen, Ms. Indelicato, Mr. La Sorsa, and Mr. Thompson. Absent: Mr. Kerner.

Mr. Johannessen stated he accidentally omitted a condition in the draft resolution citing that the easement agreement for the off-site wetland mitigation is to be reviewed by the Board's counsel and filed with the County.

On a motion made by Mr. La Sorsa, seconded by Mr. Thompson, the Board granted an Amended Site Development Plan Approval, Wetland Activity Permit Approval and Town Stormwater Permit Approval in the amended resolution dated, April 19, 2022, to 397 Smith Ridge Road, LLC; 397 Smith Ridge Road, South Salem. In favor: Ms. Andersen, Ms. Indelicato, Mr. La Sorsa, and Mr. Thompson. Absent: Mr. Kerner. A copy of the Resolution is attached and is part of these minutes.

IV. SITE VISIT REPORT AND LEAD AGENCY DISCUSSION

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

(11:46 – 32:38)

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 installation of accessible parking and walkways.

John Assumma, Waccabuc Country Club; and Zac Pearson, Insite Engineering; were present.

Ms. Andersen read the following site walk report into the record.:

“Site walk report - April 9, 2022 - 9:00 a.m.

Waccabuc Country Club Snack, 0 Perch Bay Road, Waccabuc

Attendees:

Planning Board: Janet Andersen, Charlene Indelicato, Jerome Kerner and Bruce Thompson.

CAC: John Wolff, Sarah Cocco, Eileen Nadelson and Val Ondes

WCC: John Assumma, Peter Hall and Ashley Murphy, Waccabuc Country Club; Dawn McKenzie, Insite Engineering; and John Doyle, Doyle Coffin Architecture.

The group met in the parking area and noticed the midline of the new road had been staked out, and we followed the midline of the road from the parking area to the lower end at the back of the snack bar. The corners of the snack bar and the retention walls for the parking area were staked. We noted the need for cuts into the hillside to provide for a level parking area. It had rained quite a bit that week, and wet areas surround much of the disturbed area, including the cut for those parking spaces. The well location was pointed out, since infiltration and permeable paving are restricted within a 200' circle of that well. We then walked across the deck and saw where the ramp would lead off the deck down to the boathouse. We could see stakes indicating where the new bathrooms and changing rooms would extend and would be cut into the hill. We walked through the boathouse and also observed stakes indicating the rear of the new pavilion location. We discussed the trees that would have to be removed for these changes and observed that significant regrading would be required. We also observed where the cistern would go to the east side of the changes, and the location of the infiltrator to the west side of the property.”

Ms. Andersen stated the site visit was helpful to visualize the proposed improvements.

Mr. Pearson described the new parking, engineered retaining walls and infiltration system and stated that a full EAF had been submitted and that the wetland report and landscape plan need to be updated.

Mr. Thompson stated he was concerned with the amount of water seeping from the hillside, the results from the test holes and the timing of construction. Mr. Pearson stated he is following Dept. of Health and NYS guidelines and if the infiltration doesn't work surface water treatment will be explored.

Mr. Johannessen stated that per Town Code, an existing non-conforming use that is being expanded needs a variance from the ZBA.

Mr. Pearson noted that the application did receive approval from ACARC and is working on applications to the DEP and State Historic Preservation Office.

On a motion made by Mr. La Sorsa, seconded by Ms. Indelicato, the Board declared its intent to be designated as the lead agency for this applicant's SEQRA Review. In favor: Ms. Andersen, Ms. Indelicato, Mr. La Sorsa, and Mr. Thompson. Absent: Mr. Kerner.

V. SPECIAL USE PERMIT REVIEW

Cal #09-21PB

(46:50 – 57:35)

ATC Tower, 1065 NYS Route 35 (Town Park), South Salem, NY 10590, Sheet 21, Block 10541, Lot 5 (Town of Lewisboro, owner of record) - Application for special use permit renewal for an existing cell tower.

John Clausen, Network Building + Consulting for American Tower, was present.

Ms. Andersen stated she was concerned with the condition of the access road to the cell tower.

Mr. Clausen stated he will speak to American Tower about the road maintenance and agrees that that should be part of any approvals. Mr. Johannessen stated he could meet the applicant at the site to discuss the road and stormwater.

The Board and its consultants discussed stronger language and inspection requirements that could be included in the special use permit renewal resolution to ensure that the road is maintained going forward.

The Board reached consensus to schedule a public hearing on this matter for June 21, 2022.

VI. SITE DEVELOPMENT PLAN REVIEW

Cal #03-22PB, Cal #09-22SW

(57:36 – 1:05:59)

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; and Christopher Peters, Liberty Utilities; were present.

Mr. Sean Peters stated the proposal is to begin using test well #6 and to improve the overall water quality of the system and lower contaminant levels through construction of a new water treatment building. He noted this waterworks has a service area of 210 people via 67 service connections and in the most recent submission the building has been rotated and an underground detention system added. Mr. Sean Peters stated the Kellard Sessions comments will be addressed in the next submission and because the Building Inspector's memo noted the proposal is zoning compliant the applicant asked that the public hearing be waived.

Mr. Christopher Peters stated Liberty Utilities is the operator, soon to be owner, of the site and they have been working with the Dept. of Health.

The Board reached consensus to schedule a public hearing on this matter for May 17, 2022 and instructed its consultants to prepare a resolution.

Cal #09-22PB, Cal #17-22WP, Cal #10-22SW

(1:06:00 – 1:22:07)

Indian Hills Water System, 0 Apache Circle, Katonah, NY 10536, Sheet 10, Block 11152, Lot 189 (Waccabuc Water Works, Inc, owner of record) - Application for construction of a water treatment facility.

Sean Peters, H2M Architects and Engineers; and Christopher Peters, Liberty Utilities; were present.

Mr. Sean Peters stated the proposal is to construct a new 1,680 sf water treatment building (built of CMUs with a height of 22'), an on-site 34,000 gallon water storage tank (15' in height), a smaller reclaimed water tank, extend the existing driveway access and add a new well #7. He noted that two of the three wells are currently operable and these upgrades will improve the overall water quality of the system lowering contaminant levels. Mr. Sean Peters stated these improvements are within the 150' wetland buffer, and they are working with the Dept. of Health as well as DEC and will submit a wetland report.

Mr. Johannessen reviewed the Kellard Sessions memo and noted that the wetland delineation must be verified, and a mitigation plan submitted. Mitigation near the transmission lines was discussed along with the planting of perennials, removal of invasives and possibly a conservation easement.

The Board reached consensus to schedule a public hearing on this matter for May 17, 2022, instructed its consultants to prepare a resolution, and referred the application to the Building Inspector and ACARC.

Cal #05-22PB

(1:22:08 – 1:45:29)

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 and yoga studio.

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

Mr. Helmes stated he had addressed the comments in the Kellard Sessions memo, updated the drawings, is working with the Dept. of Health, will submit the Special Use permit and ACARC applications and per the Building Inspector's memo will not install an outdoor pizza oven.

Mr. Swertfager stated they have been doing a little landscaping (planted boxwoods, arborvitae and a Norway spruce). Mr. Gecaj noted the crab apple trees had either been pruned or removed.

Mr. Gecaj stated some of the yoga classes would be in the evening. The applicants discussed the possibility of tailgate parties on high school game days and stated alcohol will not be sold at the café.

Mr. Helmes stated there will be a total of 36 seats: 24 seats in the 799-sf café and 12 seats outside in designated 198-sf seating areas on the deck.

Mr. Johannessen stated the proposed parking is enough for both the restaurant and the yoga studio under the code. Mr. Helmes noted there will be two handicapped spaces, an EV charging station and the traffic circulation is to remain the same. Mr. Swertfager stated the truck storage will be removed.

The Board reached consensus to schedule a public hearing on this matter for May 17, 2022.

The Chair asked that the applicants consider pedestrian access to the site as the Board is concerned with public safety. Mr. Gecaj stated the Supervisor is considering a crosswalk initiative.

VII. WETLAND PERMIT REVIEW

Cal #28-21WP, Cal #04-21SW

(1:45:30 – 1:52:11)

Fries Residence, 54 Bishop Park Road, Pound Ridge, NY 10576, Sheet 25, Block 10274, Lot 10 (Daniel Fries and Hanako Shimizu-Fries, owners of record) – Application for construction of a deck, garage and office addition.

Daniel Cassidy, AIA, was present on behalf of the owners.

Mr. Cassidy stated the revised design has the garage further from the brook but closer to the lake and has received size and height variances from the ZBA.

Mr. Wolff stated the CAC comments have been addressed.

On a motion made by Mr. La Sorsa, seconded by Ms. Indelicato, the Board determined that construction of a deck, garage and office addition at the Fries Residence, 54 Bishop Park Road, Pound Ridge, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Indelicato, Mr. La Sorsa and Mr. Thompson. Absent: Mr. Kerner.

Cal #56-05WP

(1:52:12 – 2:08:41)

Rinaldi Residence, 9 North Lake Circle, South Salem, NY 10590, Sheet 43A, Block 11827, Lot 23 (Audrey and Peter Rinaldi, owners of record) – Request for relaxation of septic requirement in existing wetland permit.

Peter Rinaldi, owner, was present.

Mr. Rinaldi stated in 2006 he expanded his house with a 14' x 22' kitchen addition and that wetland permit included an annual septic maintenance requirement. He noted that since 2002 there are only two people in the house, he has made improvements (low-flow toilets and high-efficiency dishwasher), complied with the septic reporting, and feels annual pumping is excessive. Mr. Rinaldi stated the County requires septic pumping every five years and he wants to be treated like the majority of Lewisboro residents who do not have the annual requirement.

Mr. Johannessen stated the original wetland permit was an administrative permit issued by his predecessor not the Planning Board.

The Board reached consensus to instruct its consultants to prepare a resolution for the May 17, 2022 meeting.

Cal #10-22WP

(2:08:42 – 2:12:01)

TEA Fence, Gilbert Street and Lake Shore Drive, South Salem, NY 10590, Sheet 36G, Block 11174, Lot 1A (Truesdale Estates Association, Inc., owners of record) - Application for the installation of a fence.

Robert Cummings, Truesdale Estates Association, was present.

Mr. Cummings stated this vacant corner lot has a boat launch and the proposal is to install a 420' split-rail fence along the road.

Mr. Johannessen asked the applicant to contact the Highway Dept. to ensure that there is enough room between the road and the proposed fence for snow storage.

On a motion made by Ms. Indelicato, seconded by Mr. La Sorsa, the Board determined that the installation of a fence at the Truesdale Estates Association property, at the corner of Gilbert Street and Lake Shore Drive, South Salem, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Indelicato, Mr. La Sorsa and Mr. Thompson. Absent: Mr. Kerner.

Cal #13-22WP

(2:12:02 - 2:27:57)

Muscoot Reservoir Treatment, Muscoot Reservoir, Goldens Bridge, NY 10526, Sheet 1, Block 09927, Lot 1 (City of New York Bureau of Water Supply, owner of record) – Application for copper sulfate treatments at Muscoot Reservoir.

Dale Borchert, NYC Environmental Protection (Bureau of Water Supply/Water Treatment Operations) was present.

Mr. Borchert stated the proposal is for three to four applications (May, June and August 2022) of copper sulfate crystals (3 mg/l for the top 6' of the water) on the Muscoot Reservoir to treat the bluegreen algae. He noted it will be applied by the bag-and-drag method and has not been done for 50-60 years. Mr. Borchert stated similar treatments are proposed for the New Croton, Cross River (not the Lewisboro portion) and Croton Falls Reservoirs due to taste and odor complaints by end users. He noted a DEC permit is not required, this is a two-year program and there are no plans to dredge.

On a motion made by Mr. La Sorsa, seconded by Ms. Indelicato, the Board determined that the copper sulfate treatments at the Muscoot Reservoir, Goldens Bridge, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Indelicato, Mr. La Sorsa and Mr. Thompson. Absent: Mr. Kerner.

VIII. CORRESPONDENCE

Referral from New Canaan, CT Inland Wetlands Dept. – Joint wetland application to address erosion at 365 Luke's Wood Road and 1218 Smith Ridge Road, New Canaan.
(2:27:58 – 2:29:28)

Ms. Andersen stated the Board received correspondence from New Canaan's Inland Wetlands Dept. regarding proposed erosion control measures at 365 Luke's Wood Road and 1218 Smith Ridge Road. She noted this referral was made because the improvements are 500' from the Lewisboro border.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board authorized the Chair to sign a letter to the Town Board stating that the Planning Board has 'no comment,' with regard to the improvements at 365 Luke's Wood Road and 1218 Smith Ridge Road, New Canaan.

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

IX. MINUTES OF March 15, 2022.

(2:29:29 – 2:29:50)

On a motion made by Mr. La Sorsa, seconded by Ms. Indelicato, the Board approved the meeting minutes from March 15, 2022.

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

X. NEXT MEETING DATE: May 17, 2022.

(2:29:51 - 2:30:11)

Ms. Andersen stated the next meeting is to be held on May 17, 2022 over Zoom with livestreaming to YouTube.

XI. ADJOURNMENT

(2:30:12 - 2:30:25)

On a motion made by Mr. Thompson, seconded by Mr. La Sorsa, the meeting was adjourned at 10:05 p.m.

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

Respectfully Submitted,



Ciorsdan Conran
Planning Board Administrator