

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 871 9511 2740) on Tuesday, June 21, 2022, at 7:30 p.m.

Present: Janet Andersen, Chair
Jerome Kerner
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: None.

Approximately 51 participants were logged into the Zoom and 5 viewers on YouTube.

Ms. Andersen opened the meeting at 7:31 p.m.

Janet Andersen: Hello, and as everyone is joining I'm just going to remind people that it's very helpful if you put your name on your Zoom window, so we know who is, who is who. So, I'd really appreciate it if you if you do that.

Okay, so with that, let's get started. I'm Janet Andersen. I call to order of the Town of Lewisboro planning board meeting for Tuesday, June 21 at 2022 at 7:30 pm. Happy solstice everyone and first day of summer. The open meetings law changes enacted in the New York state budget enabled us to have this meeting by video conference during an emergency declaration and that emergency action was extended to July 14. The Board has agreed to meet virtually as long as circumstances allow. I expect our July meeting to be in person at 79 Bouton Street [Road], but if the governor issues and other extension, we would then meet virtually. 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 a transcript of this meeting to the town website and the Zoom video will also be available on the town's YouTube channel. Joining me on this Zoom conference from the town of Lewisboro are the members of the planning board: Charlene Indelicato, Jerome Kerner, Greg La Sorsa and Bruce Thompson. We do have a quorum and thus we can conduct the business of the Board and vote on any matters that come before the board. Also, on the conference are our counsel Jud Siebert and I believe, Jan Johannessen from Kellard Sessions, our planning and wetland consultant is joining us now. Also, on are the planning board administrator Ciorsdan Conran and the CAC chair John Wolff. We do have a public hearing scheduled for tonight. That's the only time we expect to take public comments and I will describe the process before we begin the public hearing in just a few minutes. The public has joined muted until that point. We ask any applicants who are not engaging in dialogue to mute their lines, this will help everyone hear over the inevitable background noise. And to ease the recording of our votes as we go through our, our meeting, I will poll board members individually. So, with that, let's get started.

I. DECISION

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

(3:17 - 8:56)

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 and three new wells.

[Sean Peters, H2M Architects and Engineers; was present on behalf of the owner.]

Janet Andersen: The first item on our agenda is calendar number 09 - 22 PB, calendar number 17 - 22 WP, calendar number 10 - 22 SW. This is the Indian Hills Water System at Apache Circle, Katonah, New York. The application is for

construction of a water treatment facility and three new wells. This applicant was before us in April, and we opened and closed a public hearing in May, and we have a resolution in front of us that Jan, I'll ask you to briefly review.

Jan Johannessen: Yep, just give me a moment. Just bringing it up.

Janet Andersen: Okay. And I should say I see Sean Peters on for the applicant.

Jan Johannessen: Just a second. Okay, yes, as requested by the board, we prepared a resolution for site development plat approval, wetland activity permit approval, and the stormwater permit. For, a for the Indian Hills water treatment plant upgrade. This property is at Apache Circle located at an Apache Circle in the R-2A zoning district. It consists of 8.2 acres; it is currently developed with a communal well that serves the Indian Hills subdivision. It's being upgraded upgraded to comply with Westchester County Department of Health standards and requirements. It does include the construction of a building to house the new equipment and the exploration of new wells, some of which are located within the wetland proper or in the wetland buffer. Outside of the building, a water storage tank and reclaimed water tank will be installed. Other site improvements include site grading, stormwater management, pavement for building access and underground utilities. The wetland that's on the properties regulated by the town of Lewisboro and the New York state DEC. The Town of Lewisboro has 100-foot, 150-foot wetland buffer the DEC of 100-foot wetland adjacent area. Disturbance, mainly associated with the wells, is proposed within the wetland itself. Disturbance associated with the transmission lines in the building are located within the buffer. They will require an Article 24 freshwater wetland permit from the DEC. They have provided a wetland mitigation plan, which includes removal of invasive plants, restoration of disturbed areas with native seed mixes, installations of trees and shrubs, and a stormwater management practice to capture and treat the stormwater runoff from the added impervious surfaces. They do require coverage under the New York State DEC SPDES general permit. They've provided the SWPPP and the NOI for our review. The project's been reviewed by the building inspector: there's a memo in the file. The public hearing was opened and closed on May 17, 2022. This is a type II action under SEQRA. The conditions associated with the resolution are mainly compliance with any outstanding comments from from my office, approval from ACARC, approval from the Westchester County Department of Health, obtaining the SPDES general permit from the DEC and obtaining the DEC Article 24 freshwater weapon permit. I'm just noticing in condition two, a bullet point 4 is missing the S in New York State DEC, I'll make that correction. Other than that, there's no other other conditions to be satisfied prior to signing of the plans, and I believe the conditions following that are really pro forma, there's nothing unique, they're all standard conditions of the, of the board.

Janet Andersen: And I should I should say that the resolution was was distributed to the board members prior to the meeting. So, and if there are no questions, I will look for a motion to approve the resolution. Jerome.

Jerome Kerner: I move we approve the resolution as prepared.

Janet Andersen: And amended, right with tha one [edit]?

Jerome Kerner: And amended.

Charlene Indelicato: Okay I second the motion.

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

Charlene Indelicato: Aye.

Janet Andersen: Jerome.

Jerome Kerner: Aye

Janet Andersen: Greg.

Greg La Sorsa: Aye.

Janet Andersen: And Bruce.

Bruce Thompson: Aye.

Janet Andersen: And I also say aye, so the resolution is approved as as amended by as Jan noted, thank you very much.

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

Janet Andersen: Good night, Sean.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the amended resolution dated June 21, 2022, granting Site Development Plan Approval, Wetland Permit Approval and Town Stormwater Permit Approval for the construction of a water treatment facility and three new wells at the Indian Hills Water System, Apache Circle, Katonah, was adopted. A copy of the Resolution is attached and is part of these minutes. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

Cal #07-22PB

(8:57 - 15:06)

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.

[Ashley Murphy, Waccabuc Country Club; John Doyle, Doyle Coffin Architecture; and Michael Sirignano, Esq. were present.]

Janet Andersen: The next item on our agenda is calendar number 07 - 22 PB the Waccabuc Country Club / Harder lot line change. This is on Carriage House Road in Waccabuc, New York. This is the application for a lot line change. This came before us in March and April. We had a building inspector memo that sent the applicant to the ZBA and we have gotten a Resolution from the ZBA that approved the variance, so with that we did ask Jan to prepare a negative declaration, a Neg Dec and a resolution and again that's been, already been distributed to the board. So, Jan, do you want to go over that briefly.

Jan Johannessen: Sure. This is a resolution for final subdivision plat approval associated with a lot line change that comes with it a negative declaration of significance under SEQRA. The project includes a lot line reconfiguration between the Waccabuc Country Club and Teresa E. Harder. And it basically involves the conveyance of land, 4.8 acres being transferred from the Harder property to the Waccabuc Country Club. Waccabuc Country Club consists of 42.47 acres of land. The Harder property consists of 48.63 acres of land. That property is developed with the single-family residence, a pool and other ancillary improvements. Both parcels are in the 4A, R-4A zoning district, the Waccabuc Country Club parcel will increase to 47.27 acres and the Harder property will decrease to 43.82 acres. This project will result in no form of land disturbance or construction. It's simply the conveyance of land from one parcel to the other. The Waccabuc Country Club is considered a legally existing non-conforming use. This project was reviewed by the building inspector who determined that, that conveyance resulted in a an expansion of a non-conforming use and referred it to the Zoning Board of Appeals who granted it a variance, not even a variance, it's an approval, there's a provision in the zoning code that allows the zoning board to approve expansions of non-conforming uses. That was issued May 28, 2022. It's an unlisted action under SEQRA. And, as I mentioned, this resolution encompasses a negative declaration which we also prepared. There's really there's no outstanding comments from my office and the conditions are pro forma.

Janet Andersen: Okay, so I'd look for a motion to issue the negative declaration and to approve the resolution.

Charlene Indelicato: I so move.

Janet Andersen: Thank you Charlene. And Bruce.

Bruce Thompson: I'll second.

Janet Andersen: Thank you. Any discussion? Hearing none, I will poll the board Charlene.

Charlene Indelicato: Michael.

Janet Andersen: Michael, sorry.

Michael Sirignano: Yeah so, I just want to be sure, the resolution, the second whereas clause on the first page of the resolution mean says what a Jan and Jud means that to say, it says that the Waccabuc Club parcel is undeveloped. And I don't care if that's if that's what they mean it to say that's fine, I just want the board to know that it is a golf course, there are tees and greens, there's irrigation and the usual amenities there's no major structures, so if that's what what Jan and Jud mean by undeveloped, meaning no major buildings then that's fine, but I just want to make sure it says what they mean it to say. Thank you.

Jan Johannessen: What clause is that, Michael?

Michael Sirignano: The second whereas clause on the first page, it says that the Waccabuc, the club parcel is undeveloped. And, as in do you mean by that that there's no major structures, if so, that's correct, but I mean it is it's not it's not wooded, it's it's fairways and greens and tees.

Jan Johannessen: Okay, I think we should strike the word 'undeveloped.'

Janet Andersen: Now, what would that then say, the whereas clause.

Jan Johannessen: Waccabuc Country Club parcel currently consists of 42.47 acres of land and it is it identified on the Town of Lewisboro tax maps as sheet 25 block so and so.

Janet Andersen: Is that satisfactory Michael?

Michael Sirignano: Yes, I again I didn't care, I just wanted to be accurate to what they wanted to say and the board understands it to be.

Janet Andersen: yeah, I guess, I had taken it as the parcel to be conveyed is not developed.

Jan Johannessen: good okay. That's what it meant.

Judson Siebert: That was the intent.

Jan Johannessen: That was the intent but it's a little inconsistent.

Judson Siebert: bit.

Janet Andersen: All right, all right, so any other questions or comments. Hearing none, I will now poll the board Charlene.

Charlene Indelicato: Aye, did we get a second?

Janet Andersen: Oh yes, we did. That was Bruce seconded. Jerome.

Janet Andersen: Jerome.

Jerome Kerner: Aye.

Janet Andersen: Greg.

Greg La Sorsa: Yes.

Janet Andersen: And Bruce.

Bruce Thompson: Aye.

Janet Andersen: And I also say aye so the, so the motion to issue the Neg Dec and approve the resolution is carried. And, if nothing else we'll move on to the next item.

[On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the amended resolution dated June 21, 2022, granting a lot line change to Teresa Harder and the Waccabuc Country Club at 0 Carriage House Road, Waccabuc, was adopted. A copy of the Resolution is attached and is part of these minutes. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

Cal #05-22PB

(15:07 – 24:47)

The Boro Café, 873 Route 35, Cross River, NY 10518, Sheet 20, Block 10800, Lots 2 & 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.]

Janet Andersen: The next item on our agenda is the Boro Café, this is calendar number 05 - 22 PB. This is at 873 Route 35 in Cross River, New York and is the application for a change of use from office to restaurant and yoga studio.

John Swertfager: We're on.

Janet Andersen: And this was before us in March and April, we opened and closed a public hearing in May with giving 10 days for email comments after that, after we closed the public portion of the public hearing. And we did receive more comments on traffic and safety concerns. As discussed last month, we have received some minor changes to the plans which we reviewed. So, and those were basically implementing the the one way on the exit to [Route] 35. And I think that was in, there was one other minor change so and any, any comments or questions. Yes, Charlene.

Charlene Indelicato: Well, thank you for removing the trucks, I noticed that today. Um, I have one question the yoga is going to be ended at 5pm also, as with the business hours of the, of the café?

John Swertfager: Whenever is in, whatever is in our business plan is what's going to happen.

Charlene Indelicato: Okay, I just. So, no evening classes for yoga.

Jan Johannessen: And that's, that is what the business plan states that they're the same hours of operation as the as the café which I believe closed at 5pm.

Charlene Indelicato: I just want to make sure.

John Swertfager: Thank you.

Janet Andersen: I do have one minor question, I guess, and that is that we've we've heard a lot about safety and traffic, and I know that it's not incumbent on the applicant at all, I mean it's, to handle the whole 35 crosswalks, anything, but I

was curious about, if people are worried about more traffic on North Salem Road, whether there would be any willingness to maybe put a walking path or flagstones, things from you know, on your property from 35 to the to the parking lot or to the entrance drive, so that if somebody was walking they, and managed to get there, they wouldn't be walking on North Salem Road, I know that we're not expecting, we're expecting most people to drive, but if that happens, I just wonder if that would be a way to ease some of the safety concerns that we did hear about.

John Swertfager: We can take that into consideration. I don't yeah not sure we haven't really looked at that yet.

Jerome Kerner: Yeah, I think that's the lesser of a concern is that stretch between 35 going south up the up to their driveway, the bigger concern is the walkway a from the high school to 35 where there are driveways and and as school lets out there's a lot of traffic from school students that are exiting on to North Salem Road going south. So, ultimately, I think a sidewalk along, so you know along that western east boundary of the North Salem Road would be a critical consideration, but again, as you say that's off site and it's not the applicants' responsibility, but I think as a planning board we should push for that if this project goes ahead.

Janet Andersen: I agree, I mean again I don't think we can ask the applicant to either do that or wait until that's done, but I think I think that's an important message that we need to continue to to push. Okay, we do have, so if there are no more comments, we do have a resolution, Jan, perhaps I'll ask you to run through the highlights of this again.

Jan Johannessen: Sure. Let me find it. Would you like me to go through the changes from the last time or go just go through the entire resolution.

Janet Andersen: I think, just the changes.

Jan Johannessen: Okay. The changes really dealt with the operational conditions. I don't think there were any other changes to the conditions to be satisfied prior to the signing of the plans, the biggest one being the health department I, I believe that ACARC has approved, has approved this. The only outside agency approval, besides ACARC was the health department for the water, well, we await their decision that's been made a condition of the approval. The operational conditions I'm just going to go over real quickly, each one of them, so everybody's aware. Condition 20 just refers to section 220 - 43 which are the the town's requirements for limited service carry out restaurants, with more than 10 seats, instead of re, reiterating all of them we're just identifying the the chapter, where they can be found. Condition 21 states outdoor seating shall be limited to 12 seats in the locations shown on the approved plan. 12 was proposed, 12 is being approved and that's just noted in condition 21. Outdoor, condition 22, outdoor seating shall be operated in strict compliance with code section 220 – 16, which is the section refer or relating to outdoor seating. Condition 23. I believe this is a new condition or has been revised, the applicant's stated hours of operation for both the café and the yoga studio is 6am to 5pm Monday through Sunday. Condition number 24, I believe this is a new condition, as discussed at the last meeting. Any special event shall take place indoors and / or on the proposed deck. I believe that was a question raised by the board, and I believe that was the applicants' response that would be either indoors or on the deck or or both. Condition 25.

Bruce Thompson: I don't know. Still on speaker. [Chirping noise]

Jan Johannessen: Condition 25, there was some concern about special events, so this indicates any special event any special events which are expected to attract 50 or more number of persons to the site at any one time shall require prior notification, written notification from the applicants to the Town of Lewisboro building department and police department. Notification shall be in written form and shall be sent registered mail at least one week in advance of the event so, they're going to have an event where they expect 50 or more people they they notify in writing the building department and the police department of that event one week in advance of the event. 26. I believe this was previously included, overnight parking of commercial vehicles or trailers shall be prohibited. 27 previously proposed, on street parking shall be prohibited unless authorized by the town board. And 28 is new and also results from conversations at the last meeting: Any change in use expansion or intensification of use or change in ownership shall require approval from the planning board. That those are the operational conditions.

Skaz Gecaj: Oh, I'll need a. Tell me again it.

Janet Andersen: Is that a question I'm sorry.

John Swertfager: Oh, I'm sorry, was there a question?

Janet Andersen: No, I thought I heard something from from your end there. Okay, if, I would look for a motion to approve the resolution which Jan has just reviewed with us.

Gregory La Sorsa: I'll make a motion to approve the resolution.

Janet Andersen: Thank you Greg, do we have a second.

Jerome Kerner: I'll second.

Janet Andersen: Jerome. Okay, any further discussion? Hearing none 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: Yes.

Janet Andersen: And I also say aye, so the resolution is approved, thank you.

John Swertfager: Thank you very much.

Janet Andersen: Okay.

[On a motion made by Mr. La Sorsa, seconded by Mr. Kerner, the resolution dated June 21, 2022, granting a change of use to the Boro Café at 873 Route 35, Cross River, was adopted. A copy of the Resolution is attached and is part of these minutes. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

II. EXTENSION OF TIME REQUEST

Cal #07-21PB

(24:48 - 27:12)

Cross River Pharmacy, 890 Route 35, Cross River, NY 10518, Sheet 20, Block 10801, Lot 30 (Central Ave., White Plains, LLC., owner of record) - Application for a change of use.

[Elaine Feldman, Cross River Pharmacy, was present.]

Janet Andersen: The next item on our agenda is an extension of time request, this is calendar number 07 - 21 PB. Cross River Pharmacy 890 Route 35, Cross River, New York. This is an application for change of use. And I am not sure who is on for this. Okay I see you Elaine yes. Do you want to unmute yourself?

Elaine Feldman: Yeah, hi good evening I'm Elaine Feldman, owner of Cross River Pharmacy and the board did graciously give us a permit of use. A permit for change of use was approved last fall, it has expired, unfortunately, due to just you know with COVID and the Westchester County Department health lost some of our records that we submitted, we have resubmitted records and we were requesting if we could have six months change of use extension for this. It has already been granted and we're just hoping to get an extension. I have all my things in place on the plumbing and electrical you know, once we get our permits from the board of health and the DEC. We submitted water records I'm working on the septic records. But everything's lined up once, we have all of our permits, so we're just hoping to get an extension so that we can proceed with our room getting the permits and building a pharmacy and state of the art lab for us for that new location.

Janet Andersen: Great. Thank you, and so we would look for a six-month extension which would take it out to October 19, [20]22. Does anyone want to make a motion for that.

Jerome Kerner: I'll move that we approve a six-month extension as described.

Janet Andersen: And Charlene were you going to second.

Charlene Indelicato: Yes.

Janet Andersen: Okay any, 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: Yes.

Janet Andersen: And I also say aye, so the the extension of time request is approved to 10 19, [20]22.

Elaine Feldman: Okay. Thank you so much, I really appreciate it.

Janet Andersen: Thank you good luck with the DOH.

Elaine Feldman: Good night.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board granted a six-month extension of time for the Change of Use Permit Approval and Waiver of Site Development Plan Procedures dated October 19, 2021 to the Cross River Pharmacy at 890 Route 35, Cross River; the new expiration date is October 19, 2022. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

III. PUBLIC HEARING

Cal #03-13PB, Cal #03-16WP

(27:13 -1:33:03)

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

[Susan Haft and Eric Moss, owners; Gerri Tortorella, Esq., Hocherman Tortorella & Wekstein, LLP; Ed Delaney, Bibbo Associates; Lori Ensinger and Brendan Murphy, Westchester Land Trust; were present. Prior to the start of the meeting, Ms. Tortorella 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.]

Janet Andersen: Okay. The next item on our agenda is a public hearing. This is calendar number 03 - 13 PB, calendar number 03 - 16 WP. This is Silvermine Preserve at Silvermine Drive and Lockwood Road, South Salem, New York. It's an application for subdivision, wetland activity, and stormwater permits for the construction of a 13-lot subdivision. Okay, so. As a reminder, the purpose of a public hearing is for the board to hear the concerns and comments of the public. Comments should be addressed to the planning board, not to the applicant. A public hearing is not meant to be a dialogue and in general the board will not respond to comments at a public hearing, although we may issue corrections to misunderstandings. The Board will take public into, input into consideration as we continue to review the matter before us. Members of the public can always express their views by mail or email to planning@lewisborogov.com. The Board and has invited and received public comments by email before this meeting. To speak at this hearing, please raise your Zoom hand by clicking on the raise hand icon on the bottom of the screen, or if you are on a phone press star nine. We will ask speakers to give their name and address and ask that the comments be kept short and and if someone has already made a comment similar to what you are going to make, please consider whether or not you really need to say the same thing again. The format for the public hearing is, I will give a brief introduction to the application, the applicant will give a summary of the project, the planning board advisors will review any comments, then we'll have the public comment period, and then a discussion by the planning board. I did want to say a bit more on this application.

The planning board decided to conduct a public hearing on the final subdivision plat submitted by Silvermine Preserve, even though we could have waived a public hearing, the decision to hold the public hearing was because of the passage of time since the, between the issuance of the preliminary subdivision approval in 2017 and the submission of the final subdivision plat. The applicants have requested and have been granted extensions of their prelim, preliminary subdivision approval before they submitted their final plan. We have, in advance of tonight's public hearing, received comments asking the board to deny the final approval for this project. The board, however, has taken several substantial steps that focuses tonight's public hearing on final plan details, not on a decision to deny final approval.

In 2017, the planning board granted preliminary plat approved for this project. The term preliminary may be somewhat confusing. In the subdivision approval process, it is actually a very significant step. Preliminary approval conclusively establishes the primary characteristics and design features of a subdivision: it cannot be simply cast away. In addition, the planning board served as a lead agency for environmental review of this project and, in 2017, issued a detailed negative declaration finding that this subdivision will not have a significant negative impact upon the environment. A great deal of time went into that decision and the planning board solicited comments from interested agencies and parties, including, among others, the town highway superintendent, the Vista fire volunteer fire department, the First Taxing District of the City of Norwalk because of the proximity of the City of Norwalk watershed, the Katonah Lewisboro School District, the Conservation Advisory Council, the Open Space and Preserves Advisory Committee, the Parks and Recreation Advisory Council, and neighboring property owners. And there was a three-session public hearing held in 2016 and 2017.

We have also received comments questioning the conservation subdivision format or clustering of this project. This is a permitted form of subdivision design. In the case of this project, clustering was the result of design changes sought by the planning board during the preliminary phase. This cluster design was endorsed by the CAC and was allowed to be used for for this project based upon express authorization from the Town Board, which is required whenever clustering is used.

The Town Board approved this plan in May 2017. In sum, although we want the public to see the project in its final form, the scope of the planning board's authority at this stage is limited. The planning board reviews applications in accordance with the Town Code and the responsibility for that code rests with the Town Board. That said this cluster design, the proposed use of the property and the project's impacts have been thoroughly vetted. So, with that I see Gerri is on. Gerri do you want to give a few introductory comments?

Gerri Tortorella: Yes, I'd be happy to. Thanks very much. Gerri Tortorella of Hocherman Tortorella & Wekstein, LLP and we're counsel for the applicant. And I want to introduce other team members who are joining us this evening. We have Ed Delaney from Bilbo Associates and Beth Evans from Evans Associates. They have both worked on this project actually Ed in his prior life he actually reviewed this site in his capacity as a representative of the health department oh so many years ago, and they have both worked on this site throughout the approval process, since we first were before the board, I think it was in 2016. Ed if you can, if you would just put up the subdivision plat so we can just show the layout. As the Chairwoman indicated, it is a 13-lot subdivision we actually started with a 12-lot subdivision on 55 acres of property and at that time we did not own an additional lot that's been added to this subdivision. As we went through the process and trying to lay out the subdivision and meet some of the urgings and suggestions of the planning board and and the planners at the time, there was a strong push that we figure out a way to make a through road through to Silvermine. And there were concerns initially about the access way from Lockwood Road so over the course of time, our client actually was able to acquire a second parcel of approximately two acres to make this subdivision property a little bit over 57 acres and that enabled us to improve the access and also to minimize disturbance to wetland buffer area. As a consequence, the subdivision went from a 12-lot subdivision to a 13-lot subdivision, the 13th lot being an already approved and improved building lot. Ed, we can't, are you able to share this?

Ed Delaney: No I can't, I'm trying. Ciorsdan, can you do it from your end?

Ciorsdan Conran: You have all the permission to share you want.

Ed Delaney: Yeah, but I somehow it didn't come through on this on this desktop. I don't know why. I'm at home here and I set it up this afternoon. I tested it earlier and I can't find it. So.

Gerri Tortorella: Do I have authority to share?

Ciorsdan Conran: You do.

Gerri Tortorella: Okay, let me see if I can make that work. If you can tell me if you can see the subdivision map. Since I'm not able to tell what you can view showing.

Ciorsdan Conran: Not yet.

Janet Andersen: Not yet. No.

Gerri Tortorella: Hopefully that will work. And I'm sorry about the scale, but it's a large piece of property and it's a little difficult to be able to enlarge it, but what where we have just so I can orient people is we have Lockwood Road here, which is on the south. We have Silvermine Road on the north here and then this is the combined subdivision parcel so the original subdivision piece was as I'm outlining here. And then we added this additional already existing building lot that's already been, that already had improvements on it, to the subdivision so in its entirety it's these two parcels combined. The plan is to have access from Lockwood Road, we have 13 building lots. And in those those parcels we will be constructing single-family residences and there'll be served by septs and wells. There'll be a private road that's constructed which I'm indicating here it's a dead-end road. There are some lots that will be served by common driveways, again a technique that's used in order to minimize the amount of disturbance and grading that's necessary throughout the site, and this is really been the theme throughout the development of this subdivision.

The Chairwoman mentioned that this is a conservation subdivision and I saw a number of the comments that came in from members of the public, and they were concerned about the fact that this was not adhering to existing zoning and I want to emphasize that the lots are permitted to be developed at the lowered acreage as a conservation subdivision but the number of lots that is proposed is no more than the number that we would be able to develop if we were to have done this as a conventional or traditional subdivision. So, there's a control and a limitation that's built into the law that permits conservation subdivisions that says that the lot count is equal to the lot count that you would be able to build were you able to develop these lots in a conventional manner. In order to get that lot count, we had to go through an exercise of demonstrating what a conventional subdivision would bear, and it was at least 13 building lots and that's why you see 13 building lots on this plan.

Over the course of developing the subdivision, it became apparent that this area centrally located in the property was really very good developable land. And there was a strong urging and recommendation by the planners and by the, by the planning board and by the Conservation Advisory Commission and also supported by the town board that we try to create and establish, basically, swaths of open space to envelop the developed area. What that does is enable us to keep development away from wetlands that are on the open space piece. Up in the north side, we have a state wetland and then we have a couple of other wetlands over on the east and on the west side and also a little bit towards the south. And in doing that, we are actually minimizing disturbance to land. This is 57 acres of property, the disturbance is approximately 14 acres. We are preserving 40.8 acres in the open space and the idea behind the preservation of this open space is that it will be dedicated to the Westchester Land Trust in order to be preserved in perpetuity and utilized for public access purposes. That was a very important consideration among the open space committee in the town, and I think, very important to the Town Board and the CAC as we were going through the design of this subdivision. We have had extensive conversations with the Westchester Land Trust. The Westchester Land Trust is on record from the early stages of this development of its of its willingness to it be involved and participate in this project and accept dedication of the land and assist in creating publicly accessible trails. So, all of that has been discussed, and you know, a kind of an integral part of the proposal that we have before the board.

The road will be a private road. What that means is that it will be owned and maintained by a homeowner's association that will be responsible for its maintenance, its cleaning, and its restoration and repairs. There are stormwater basins that are proposed as part of the subdivision we have 1, 2, 3, 4 storm water basins. They are designed to treat storm water, and particularly in the north side here to address and protect this wetland on the north side from sedimentation that has that has occurred in the past. Those stormwater basins will be actually maintained by the Homeowners Association as well, it will be responsible to monitor and inspect and maintain wetland mitigation that has been designed as part of this project for some minor wetland buffer encroachment. The encroachment of the wetland buffer is into the local wetland. There's a state wetland on this property, but there is no disturbance of the wetland buffer that's associated with the state wetland. We talked, I mentioned the drainage and the storm water improvements. I want to mention also that we have, in here and it's may be difficult to see, but this little section right here is actually a small parking area that the that the applicant will construct and will be utilized, made available and utilized by the Land Trust and anyone who's using the publicly available publicly accessible trails. So, we're not looking to impose the burden of people using the trails on the existing road networks, we are actually providing parking in this location for people and there will be an easement that's created and that allows public access in order to be able to access the public trail system. Another feature of the subdivision that confers benefit on the community is the creation of or the construction of an underground fire storage tank for water storage purposes. An easement will be given to the fire department for the use of that tank but that tank will be installed by the developer, and will be maintained by the Homeowners Association, so the cost of that is not borne by the general public, or by the town itself. That's an overview of the subdivision. I if you have any questions I'm happy to answer those questions, but you are correct in saying that this has been the subject of extensive review and discussion. And it has been pending before the board for quite some time and really been I think we've exhausted, you know all avenues of making it the best plan that that it can be.

Janet Andersen: Thank you um. So. I don't know Jan if you have any comments that you want to offer at this point.

Jan Johannessen: I don't think so. We, we have a we have a comment memo that probably dates back from last meeting. There's a couple of open items that need to be resolved. There were conditions with the preliminary plat and we're

working with Beth's office and Bibbo's office and just addressing those these details at this point. One was the mitigation for the stormwater runoff coming from the end of Silvermine Drive, the applicant had agreed to provide a stormwater practice on on the open space parcel for mitigating runoff from coming from the cul-de-sac there before it hits the wetland. We had approved or the board had approved the concept plan as part of the preliminary, that concept needs to develop into a more, you know, more of an engineering plan. Now the other stuff is just, you know, we have reviewed this SWPPP I think we had indicated that the last meeting that we had no no further comments on the storm water pollution prevention plan. So, we're just you know a few things.

Janet Andersen: Great. Okay, thank you. Okay, so I see, we have two hands up. Um, Rhonda, could you give us your name and address and comments, please. You're muted still.

[The public hearing for the Silvermine Preserves subdivision was opened at 8:15 p.m.]

Rhonda Shaw: Yeah. Thank you I'm Rhonda Shaw, I live at 18 Silvermine Drive. I share a border with plot number one I'm not sure how many houses actually share borders with the plan plots. So, I find the impact is meaningful to our lifestyle and our investment in this house. When I look at the map, I would appreciate some clarity, if you can give that on that little swath between plot one and the border of the entire 57 acres, because that's what I share with it, and I would like to know how that strip, it's it's between you know you I yes right there how who can access that strip, that is a lot line that what has our pool and our pool fence and our backyard and where we spend a lot of our life. And it would be just stressing if that walkway was not made available, just to a single two or four acre a homeowner and their family. But to anyone in the walking trails are in the development. Are we going to be out there hearing you know commentary having people walking by. Potentially having their dogs run into a yard like what are we looking forward to having that shared lot line and why plot number one had to be there, given the size of this development, is unknown to me because that's really aggressive, I think, considering the reduced size of the acreage. We didn't buy this house and spend it, you know meaningful and highest taxes in the United States in this Westchester County to then be forced to endure you know reduced acreage landholdings, ongoing construction for years as on demand building, you know. I looked at the builder's website and they still have unsold properties, so now that we're working from home and spending time at home. And we get to hear all this natural forest, you know being felled, and all this construction. Very concerning. So what is the plan for that area.

Janet Andersen: Thank you, I I hear your concerns. So, you're concerned about noise construction and and....

Rhonda Shaw: Intrusion.

Janet Andersen: ...and people. Okay, thank you. The next person with the hand up I see is I'm sorry, I have to get close to my screen Olas, go ahead and give us your address too.

Olas Carayannis: Yes, hi Olas Carayannis, I go by she/her I am at 5 Serenity Place. So, I would like to thank the board for holding this hearing, I understand that this hearing almost did not even happen. Even though this project's last public hearing was almost six years ago, and I get the reasoning that that hearings was uneventful. I would like to commend Greg La Sorsa as the lone voice that advocated for our right to a hearing. The average stay in a home in America is about seven years so I'm sure that I'm not alone in saying that, six years is too long to not renew public hearings and to let current neighbors weigh in. In the years of elapsed since the hearing, we have seen two new presidents, a global pandemic and economic upheaval that has completely transformed the real estate market of the country, state, and this town. To assume that this project and the community response to this project can be frozen in time is irresponsible. These hearings are an important democratic function that allows community stake holders to have their questions answered and to make their voices heard. By holding these meetings, the worst that can occur is that you waste your time listening to a vocal minority, but by skipping them you steal from your constituents and neighbors their voice in a democratic process. I urge you to restart this process, to hold the hearings that happened seven years ago today with the actual and current stakeholders. I'd also like to say that I have many concerns about this project. The developers have pushed the boundaries of what is permissible in many aspects of this project from the acreage of each property to the sign that they used to post these hearings which was more than 10 feet from the roadway. To seeking to have no public hearing at all for over six years to

develop this property. All of these things may seem like minor acts and that's true to an extent, but I worry when they start building, they'll just continue this practice. Our little rural neighborhood gets its charm from the wetlands that surround it, the wildlife that inhabits it in the area of unlandscaped wilderness that supports that animal life. I worried that this project developing 13 new houses will permanently change the nature of the neighborhood, contribute to the degradation of wildlife lands and disrupt the lives of its current residents. I want this board to consider the permanent nature of these changes and to weigh that appropriately. I ask this board to give strict scrutiny to every part of the plan to sure that it fully compliant with the law. Not just basically complies but follows the letter of the law and the spirit of law and the laws which are put in place to protect our little town's charm, the feature that makes this property so desirable for folks to develop it. I hope that the developer in seeing the specialness of this place that they seek to conserve it specialness. But, most importantly, I asked that you, this board and the developers, work to regain our trust. Trust once lost can be retrieved but it requires conscious work. Listen to us, listen to your current neighbors, listen to your constituents and listen to us with the generosity that you would give to your siblings, to your parents, to your friends. Answer our questions, honestly and completely. Follow the law, both in the letter in the spirit, thank you.

Janet Andersen: Thank you Olas. Okay, I think the person next person with the hand up is Mary. Do you want to unmute yourself?

Mary Testani: Hi my name is Mary Testani. I live at 86 Lockwood Road so I'm down the road from the entrance on Lockwood. Miss Tortorella mentioned that they had looked at having an a road that was a thoroughfare with an exit on Silvermine and then she knows I don't see it on the map, I remember being at the hearing where they mentioned that and I don't see that anything was done with that. Um. So, was there any resolution with that or?

Janet Andersen: Yes, so the the plan is, as you currently see it, where there is a entrance only from Lockwood it does not continue through the the. It was felt that the the wetland that was at the, that would have to be crossed to get to Silvermine would be too significant so that the the, it is a dead-end street now, not a through street.

Mary Testani: So, they couldn't there's there's houses over there, further they couldn't go through there okay. So that's going to be the traffic, 13 houses in and out on Lockwood then. And that wasn't considered by the DOT, by the traffic I don't know what you call it when it's local yeah.

Janet Andersen: We did it we did, there was a traffic study and they looked at the difference in, I wasn't on the board at that point, but they did look at the the expected peak load changes, and it was determined to be not significant. Okay Stacy if you want to give us your address please.

Stacy McKelvey: Sure so so good evening my address is five Serenity Place and I use they pronouns they in public. Am I okay to start? Awesome, okay so I've already had the opportunity to to speak with many my neighbors and I know they've submitted a lot of really great letters capturing some of our collective concerns so I'm not going to focus on that I just want to focus more on a procedural point in my in my address. I do think it's really important that we follow process because that's what leads to integrity and decisions. And as I understand our town code and I'm new here, so I don't know it very well yet, that subdividing land is a multi-stage process that begins with the preliminary plan and that that reason is to make sure that all the stakeholders, including residents have the facts before they make decisions and, as I read it chapter 195 - 15 of our code, says plots expire after six months or 18 months with extension, and so I get that you said in your in your comments, so thank you for for mentioning that that they have received approvals, but I just don't know why they've received approvals for what looks like on paper for five years, which seems quite more than the 18 months that our that the town code expresses and and that to me is a problem, because I do think, as others have expressed so much has changed. The land, the roads, laws and most important stakeholders, and so I do feel a little saddened that I wasn't here or have the opportunity to be here in 2017 when the hearings happened, so I couldn't ask the real questions that I wanted to ask, I heard the building inspectors have changed several times. I think the company developing this land isn't even the one who originally submitted the preliminary plat so it's hard for me to understand what's being proposed today can be considered an extension of the initial application and that's why to me my fundamental point is, I think the preliminary plot should be considered expired. And I think anybody developing the land should start the process over and that particular point's important to me because I think if we started over with the stakeholders today versus the

stakeholders then, I think we would come to a different decision about the number 13 and that's where I'm coming from, so I don't think that number is appropriate. I get its private land, it can be developed on, I don't have a choice we all don't have a choice about that, but I have looked over the plans. And I have a lot of questions about based on the the codes that I've sent an email and I'm not going to recite them here and bore you all here, but that there are a lot of codes that seem to be, it seems to me, this is a way to get around the fact that this land is primarily wetland, wetland buffer, and and vegetated sloped land and this to me, does not seem like something in our best interest, it seems, in the developers best interest and I wish we had the opportunity for more robust public hearings with current stakeholders, so thank you for your time.

Janet Andersen: Okay thank you. And I will say, I believe that we're superseding.

Judson Siebert: With regard to the extensions that the provisions with regard to the extension of the preliminary subdivision approval are driven by New York State, New York State enabling legislation which at one time did cap the number of extensions and the time of the extensions for preliminary approval. That that limitation was was eliminated and give us the board the authority to do what it has done over the time that elapsed between the grant of preliminary approval in 2017 and today. As it has with other preliminary approvals, preliminary subdivision approvals within the town of Lewisboro .So I just want to clarify that those extensions were in fact in accordance with with New York State law.

Janet Andersen: Thank you, thank you Jud. Okay um. Let's see Rhonda and you have your hand up again, if there's something if you have a new. Okay, I just want to make sure it wasn't a mistake okay go ahead yeah.

Rhonda Shaw: Thank you very much, and I also want to reiterate that I'm very grateful that this hearing is being held, because it's very important, so thank you to the board for doing this. I just wanted to ask, also with these walking trails and this dedication of land for town use, that comes with expenses is that already covered because there's, as I pointed out my written comments that I sent in. There's a lot of expenses with keeping parkland and walking trails as in the enforcement of proper use, appropriate hours, garbage, you know presence of animals, and and I saw the parking, thank you for highlighting the parking when that was reviewed, but doesn't this gift to the town also come with a lot of expenses and is that able to be kept up because you know I'm I'm just concerned that this is a gift with strings attached in a way and not sure the town is prepared to do that. We have many town projects that don't seem to be finished yet. So just wanted to raise that as well, and I just also wanted to say that, back in 2016, I was present at those meetings and raised my concerns about sharing the lot line with plot one so. You know that was not acted on, and any mitigants were not codified as far as they were spoken at those meetings, but I didn't see them, codified anywhere and so happy to be corrected if they exist, but you know there were some, you know mentioned made or will put up some kind of tree barriers or all kinds of things and I don't know if I like I said that swath of land not clear what's happening to that. Thank you.

Janet Andersen: Thank you, so I will just make one clarification, so you mentioned this going to the town. That the parcel is actually going to Westchester Land Trust, and I believe they are, you know, only willing to take it if they believe that they have the capability to continue to maintain that and and really handle it in the way that that's appropriate for the preserves that they want to the handle as part of the Westchester Land Trust so. Okay. I don't see any other comments at this point, any other raised hands, and I think we are still, from the applicant waiting for both responses to the building inspector letter and the design of the stormwater facility as Jan mentioned earlier. So, I think, in light of that, we probably should carry over the public hearing till the next, to our next meeting, which will be July 19. But and actually, I'll ask Gerri if you could stop screen sharing, so we can see each other again. Great. Thank you that. We can probably, I guess I'd look for consensus among the board, whether we're ready to ask for a resolution to be prepared, or to be started, at least for the next meeting. We do have one major I think decision that we need to discuss, which is the the recreational fee, and whether the the trails and the gift of the this open space to Westchester Land Trust, I shouldn't say the gift, the transfer to Westchester Land Trust will satisfy that and and under which condition, under what conditions we might want to imply or impose in order to make sure that it does actually satisfy those conditions. Gerri, I see your hand up.

Gerri Tortorella: Thank you um, so I do want to be heard on on the issues of you know, the design of that treatment device at the end of Silvermine on you know, on the property, but at the end of Silvermine. I was under the impression that that was something that we could deal with as a condition of the approval, I don't think it's terribly complicated design. I don't

know if Ed has any thoughts about that I'd invite him to say it, but I don't I did not think that that was something that you were waiting for in order for us to move the process along and the comments that we received from the building inspector, which were recently provided to us. The engineer's office also took a look at those comments and does not see any aspect with with respect to which we would not be able to do a satisfactorily addressed the building inspector's comments so it's enough in my experience it's customary to put those kinds of items or make them conditions of the approval, as opposed to you know prolonging an approval process. I mean, I understand that there are new people who live in the community, but the comments that have been made tonight are very similar to the comments that were made to the board back in 2016 and 2017. I haven't heard anything new in this round of comments that were not heard before, and the reason I point that out, is because I want it to be clear on the record. That the deliberations of the Board and the considerations of the Board did keep those factors and issues in mind. And the environmental review was focused on those concerns about the subdivision, so it's not as if you know this originally went through very quickly with no real review and there's a very detailed review, there are many sessions of public hearing, they were long nights. I remember them there was a lot of discussion about various issues, about the through road, about whether conservation subdivision was the way to go, I mean our client originally started this and really did want to have a conventional subdivision, wanted oversized lots. But, but was really urged, I think, by by planning authorities to pursue the conservation subdivision and and truthfully what it does is it really does with the development on the portions of the property where the development belongs right, they're the sections of the property that require the least amount of disturbance of slopes, most of the disturbance is a slopes less than five less than 15% other very, very good soils in the area to support the drainage infrastructure, as well as the septic systems. There was an ability to create some protection around wetland and wetland buffers and to create the opportunity for some public access to the property. I mean this property is kind of part of a corridor of open space, and it was kind of a missing piece, and I think there was a strong desire and a belief, I mean the Town Board meeting a finding that it was in the Town's interest to have a conservation subdivision so that there could be protection of the open space and an ability to create a trail system. So, I you know I would urge the board to move on, I think that anything that's outstanding in terms of details can be dealt with as a as a condition of the approval and we certainly would stipulate to those conditions and accept those conditions.

Janet Andersen: Thank you Gerri, I just wanted to say that I, I think that was a comment from Jan and I'd look to him to say whether those responses, you know are, should be obtained before before we go to, obtained prior to getting the final resolution or made conditions of the resolution.

Jan Johannessen: It's it's the Board's call I mean they were conditions of the preliminary plat there is required in the preliminary Resolution, I believe, as as needing be required before when when they make application for the final plat the building inspector comment is obviously new. I don't think that it's it's going to be difficult to address that comment. So, it's totally the board's call I don't have a position, one way or the other it's just that it was specified in the, I believe it was specified in the Resolution of the preliminary plot that they provide details on Silvermine mitigation, it was in a prior memo of ours. Okay, I don't I don't have a strong position, whatever you like.

Janet Andersen: Okay. Jerome.

Jerome Kerner: Well, if you're up for planning board comments, I'd like to I'd like to add that, I'd like to suggest that I agree with Geraldine about those details could be handled with the stipulations, and that we've heard the public if there are more comments I'd like to hear him but we've heard from public, I think we, I recommend we close the hearing. I do acknowledge. That. There are there are changes in the adjacent owners, but there hasn't there's no change in the land. The land is the land, the planning board had looked at the land plan planning board had considered the best possible use. There was, as was stated earlier, there was a plan provided for conventional development as per as per the code and the cluster reflects the maximum number that could be put on that property. And I'm sure anybody could recognize that there's less impact by doing it as a cluster with smaller lots and, by the way, I think that the developer sacrifices probably dollars, by having smaller lots I think 13 larger lots could probably sell for more and although I don't agree with entirely in that the adjacent land being open and available for trails is very attractive. And the trails are an interesting fact because they exist already. So those adjacent landowners must already be impacted not only by walking, but I understand there are ATVs and vehicles you know kids doing all sorts of things without any kind of supervision that could be more of a problem, credibly more than having it owned by the land trust with protection and maintenance, that would be on those trails, so I

think all in all, it's a win, win situation for the town environment in adjacent landowners. If there are screening necessary, I'm sure that the developer as a sensitivity to not only the the neighborhood but. But also, the benefits benefit to his property as well, to create the property screening and that we can look into that. As we progress here. So, I would move that we close the public hearing and handle whatever we need to administratively.

Janet Andersen: Okay, um well I do see two new two hands again and it looks like Rhonda do you have additional comments.

Rhonda Shaw: Yes, I want to say that the remarks from Ms. Tort.... to the applicants' counsel I'm sorry just don't want to get the name wrong. That nothing's changed is is not right it's not just the stakeholders. With COVID and working from home now we're home, and this, now we are here, many of us 24/7. The amount of delivery vehicles and people getting serviced by Amazon and and take-out food and all that kind of stuff has greatly increased over the past two years beyond what the initial analysis showed so I don't agree with that. I also raised my remarks in 2016 to no avail, so having said oh well, you had opportunity, and it was approved on a preliminary basis back then. So, you know now let's hold your peace that's that's disingenuous and unjust and you know I I am really impacted and even now, I hear language, we can try to do something to mitigate the screening. I don't want you to try to do something. I want a definite commitment, because we are heavily impacted by this this optimization of someone's monetization of this property. If I asked to divide my two plus acres into two building lots there would be uproar and the board would not consider it, although it would be financially opportunistic for me. So, I don't know why I have to give up my life in Lewisboro to make this up this monetization come true for someone else. Here's the point so,...

Janet Andersen: So, I think I will tell you that it is so what we do is we comply with a code, the code is is legislated by the the town board and we implement it, so if there's a concern with the code that's not something that the planning board has the ability to change. So, thank you for your comments and I'm going to move, I think, to John I'm sorry I can't read from here, if you could you give us your address, please John.

John Wille: John Wille. 101 Lockwood Road. Yeah, I wanted to comment on Mr. Kerner's comments, which I found you know rather disturbing. He's talking about ATVs in the property, in the first place those ATVs get there over public roads. They are being operated by children that are basically under the age of 16, the vehicles are not registered, the operators are not licensed and since recently, the Lewisboro Police has gotten involved, they have talked to the parents, they have put a stop to this practice, Mr. Moss has basically, put chains across the entrance to this property and last Sunday, he has posted signs on the property. So, the comment to make to make a comment, like Mr. Kerner made in trying to justify whatever disturbance this development is going to force the residents that live here by saying well, well, there's already ATVs in there, that's a totally ridiculous comment. And. Looking at the subdivision map, all the traffic coming out of that development can only go one way and that is south on Lockwood Road, there is no way to prepare to make a right hand turn to go north on Lockwood Road. Where that road enters Lockwood Road, that's a private road and it has to enter Lockwood Road, that comes out on curve, on a curve, and there is the poor visibility, they have already been accidents there in the past and you're going to now have you know 13 homes there with let's say at least two drivers for home that's 26 cars you're going to have accidents there on a daily basis.

Janet Andersen: Okay, thank you.

John Wille: Because you can put all the stop signs in the world there because people around here do not stop for stop signs, I can tell you that I walk this road every day.

Janet Andersen: Okay, thank you John. So, Stacy.

Stacy Mc Kelvey: I want to make this fast. It's just a question and the, I heard that there was right, a plan drawn up to show what this would look like, if you took, if you didn't take the cluster approach and stayed with the traditional. I would just love to see that it's something I'm not, it would help me feel better to see what that would look like, is there a way that can be posted or shared with the community.

Janet Andersen: I I know it's available in the planning board office or at least I believe it is. I I think way back it was probably in a, in an agenda package and an agenda that was posted on the website, I honestly I think but the best thing would be to contact our planning board administrator Ciorsdan and she may, yes, who might be able to locate one. I don't know when it first came in, if we were doing things on PDF and if it can be shared electronically or not, honestly. So, because it was a while ago.

Kathy and Jerome August: Because you got this.

Janet Andersen: I'm sorry. Someone by the name of Kathy you are speaking?

Kathy and Jerome August: Yes, Kathy and Jerry August. Quick question.

Janet Andersen: What okay I'm sorry, could you give your your name again and address, please.

Kathy and Jerome August: Sure, Kathy and Jerry August 24 Silvermine Drive.

Janet Andersen: Thank you.

Jerome August: I looked at all the plans and I understand the desire to create some walking trails, but I have yet to see after four years how those walking trails interact with the residence on 24 Silvermine Drive, and I would very much like to see that. And from four years ago, the residents here 24 Silvermine had a concern about people trying to access those trails from the dead-end street on Silvermine, and we had requested that no parking signs be put at the bottom of Silvermine Drive to prevent that. I have yet to understand that anyone who's going to put those non parking signs in and I've yet to see how the trails interact with the properties on 24 Silvermine. And I would think that after four years the Westchester Land Trust must have some idea of how they wanted to build those trails, so I'd like to understand what that's going to look like, before the final approval goes through.

Janet Andersen: Thank you. So I will just say that it is neither up to the applicant, nor to the planning board to post signs on town streets, that would be possibly a town board or highway department decision, not, certainly not in something either the applicant or this this board can do. Okay.

Jerome August: Well, Janet, I must take you back to a December meeting the four years ago. We're at the planning board, the planning board committed that that was an excellent idea to put no parking signs at the bottom of Silvermine Drive. So, I would like to understand how that that has disappeared after four years, and why you couldn't orchestrate that or indicate to the department who.

Janet Andersen: I hear your concern and I think I understand the concern I that's where I'm gonna stop.

Jerome August: Well, when are we going to see how the walking trails are portrayed on some diagram so that the residents on Silvermine see what that looks like.

Janet Andersen: I think that planning board also have said, has expressed an interest in seeing the plans for the trails and they do not yet exist and so. That is, I understand again we're hearing your concerns. I think that's that's where we are at.

Jerome August: Well, I'm glad to hear that you're hearing them, but what I'd like to know is what you kind of do about them.

Janet Andersen: Thank you okay um. I think I've I've expressed what I can on that. Olas.

Olas Carayannis: I just I want to make sure that this made it onto the record, I was asking a question in the chat to to Mr. Kerner. Why, why have public comment, if you only care about the land, the town, the people of the town are telling you

it's not the same as it was back in 2016, 2017 and these hearings happened. But you're choosing to ignore us and saying well the land is the same so it's fine why bother having public comment if the land is the same.

Janet Andersen: I'm just going to say that there the whole the whole series of codes that we have and I thought I addressed some of this when we started out is, when you actually have a preliminary subdivision and you have a Neg Dec, there are limits to what additional degrees of freedom, I'll call it, that the planning board has to make changes. So. That is a I hear that that you, or other members of the public might like to see bigger changes, but at this point procedurally if we follow the code, if we follow the regulations that we are are tasked with abiding with, we, there are limits to what we can do at this point in the process.

Judson Siebert: Janet, as you said at the outset of the public hearing. The the title of preliminary plat approval is somewhat confusing, but that is a significant step toward a final subdivision approval. That's why, in fact, the the planning board could have waived this public hearing on final if it wanted to, because the plan that was submitted for final approval does not vary in any substantial way from from the preliminary plat that was approved. There had been no project changes proposed by the applicant between the preliminary plat approval and today. There has been no appreciable development or change in the intensity of use or our around the project site. This was the product of an application of the Town Code, of the New York state town law, it was the subject of a thorough examination under the state environmental quality review act, there was a negative declaration that was adopted by the planning board at the time of preliminary plat approval that went through project impact after project impact and indicated why empirically there was no significant impact on the environment as a result of this 13-lot subdivision, a subdivision that is permitted under town code, a subdivision that, as we said, Jan said, as Miss Tortorella has said, the applicant could have come in and insisted and pushed on a conventional plat and obtain the 13 lots. It didn't do so it was moved in that direction into the direction of clustering really by concerns voiced by the planning board, by the CAC. And the only reason that permitted to cluster in the in the format, as proposed, is because the town board gave them express authorization to do so. So, you know. I I recognize the perhaps the frustration that this public hearing comes when it does, and we have new owners who weren't around in 2017 or who did not participate in the earlier hearings, but, our code, New York state town laws, what we've done under SEQRA really places us on a, you know, on a binding path we can look at project details, but this is not a time when we can simply you know up end a very thorough approval process that has occurred, and you may disagree with it, but we have to work within the confines of the law as a board.

Janet Andersen: Thank you Jud, and the one thing I would add is that the public hearing only happened because the majority of the Board agreed to have a public hearing. And I think the fact that people I think it's a it's good because it gives us a chance to make sure that the public understands what the development is, even and so some of these, I hope, we were able to clarify some of the the decisions that have been made along the way.

Jerome Kerner: Janet I see a hand up Richard Ellrodt, I see a hand up.

Janet Andersen: I see. I'm sorry I see Mary Shah. Oh, he's raising his hand on the video.

Jerome Kerner: Mr. Ellrodt.

Janet Andersen: Okay, Go ahead Richard. You have got to unmute.

Richard Ellrodt: How are you, Janet? I didn't know I didn't raise my hand. I'm a dinosaur when it comes to these things. I touched the wrong thing I'm glad I wasn't at auction I would have bought property. Anyway, thank you.

Janet Andersen: Okay, so any comments, no.

Richard Ellrodt: No, no. I'm good.

Janet Andersen: Okay, Mary Shah.

Mary Shah: Thank you for letting me ask one question with. Will the board, the planning board accept written comments from the public, after this meeting is finished?

Janet Andersen: So. I. We have done in the past when we closed a public hearing, we have, we have allowed written comments. I think one of the questions we might have among ourselves, is, and I did hear Jerome I think made a motion to close the public hearing, I don't think we quite got to a second. We started doing more comments. I think one of the things we should think about is that if we close the public hearing, we start a time clock. So. And we do have some discussions on the trails and on the rec fee that we need to discuss. And we might want to look for legal guidance on that. So, I'm, I guess I would look for some discussion on whether whether we should keep it open, I know and and Gerri also encouraged us to close the public hearing. Jud do you have a comment?

Judson Siebert: There's a there's an open motion to close. If it's not seconded it sits, if there is a desire for a written comments, we have in the past kept the public hearing open for written comments for a period of 10 to 14 days. Um.

Janet Andersen: Yeah.

Judson Siebert: That's an option.

Janet Andersen: Okay. Um. So as as Jud just said, we do have choices.

Judson Siebert: Bruce has his hand up.

Janet Andersen: Go ahead Bruce.

Bruce Thompson: Question clarification, please Jud is that 10 to 15 days after the public hearing has been closed or prior to closing I'm uncertain.

Judson Siebert: What we've, what we've done is we have closed the public hearing except it, the public hearing as a public hearing is closed, except as it's held open for 10 days from the date of the motion passes for submission of comments so it's held open for a period of additional 10 days for written comments only or for 14 days.

Bruce Thompson: Okay, then, if I may Janet I will for purposes of moving this along, I will second Jerome's motion.

Janet Andersen: Okay so.

Judson Siebert: That's solely to close, correct Bruce?

Bruce Thompson: That is correct.

Janet Andersen: So, I will ask Jerome if you would consider amending your motion to allow for public hearing for 10 days, for 14 days for public comment for 10 to 14 days. Written comments.

Jerome Kerner: Absolutely, I will amend the motion to close with the extension of allowing for extension written comments, by the public.

Judson Siebert: But for how many days.

Jerome Kerner: 14 days Jud.

Janet Andersen: So, Bruce will you amend your second.

Bruce Thompson: I will.

Janet Andersen: Thank you.

Bruce Thompson: You're welcome.

Janet Andersen: Okay, so we have a motion and second, any comments from board members. Okay, I will poll the board you're all moved in this. Okay, Jerome.

Jerome Kerner: Aye.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: Greg.

Gregory La Sorsa: Oh yeah I'll vote on the amended motion.

Janet Andersen: Okay you'll vote yes on the motion.

Greg La Sorsa: Yes.

Janet Andersen: Did I get everybody? Oh me.

Greg La Sorsa: We need Charlene.

Janet Andersen: Oh. Sorry, Charlene.

Charlene Indelicato: Aye.

Janet Andersen: When And I also say aye, so the the public hearing is closed with the with the with um and the public is invited to send written comments to planning@lewisborogov.com Or, I guess, by snail mail to the planning board. Okay um. So.

[On a motion made by Mr. Thompson, seconded by Mr. Kerner, the Board closed the public hearing for the "Silvermine Preserve," Silvermine Drive & Lockwood Road, South Salem at 9:01 p.m. with the condition that written comments can be sent in through July 5, 2022. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

Janet Andersen: We do need to discuss, again the the recreational fee and the trails and I think we should defer that and look for legal guidance on that if people agree. Okay. So, with that. We also could ask for this a resolution to be drafted by by Jan and I guess we do this by consensus, so I would look for thumbs up among the board to say yes, we can do this. Okay Greg.

Gregory La Sorsa: No I'm just yeah just rephrase what you said.

Janet Andersen: Yes, I'm looking for consensus to ask Jan to start to or to prepare a resolution for our next meeting.

Gregory La Sorsa: um no I don't, I want to hear more.

Janet Andersen: Okay. So I think that's what we've got now Jud.

Judson Siebert: What you asked for. What consensus and so what's what's the board's.

Janet Andersen: So, we have four in favor one not in favor so I believe we can ask Jan. Okay, so. Obviously we won't vote on it until we have further discussions and and that would be next time. Anything more on this this application. Okay, with that I'm going to move to the next item on our agenda, which is the site development plan review and lead agency discussion.

Gerri Tortorella: Thank you good night.

Janet Andersen: And thank you Gerri.

[The Board reached consensus to have the consultants prepare a draft resolution.]

IV. SITE DEVELOPMENT PLAN REVIEW AND LEAD AGENCY DISCUSSION

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

(1:33:04 - 2:01:28)

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.

[Ashley Murphy and Peter Hall, Waccabuc Country Club; Zac Pearson, Insite Engineering; and John Doyle, Doyle Coffin Architecture, were present.]

Janet Andersen: And this is calendar number 06 - 22 PB calendar number 05 - 22 WP and calendar number 03 - 22 SW, the Waccabuc Country Club snack bar on Perch Bay Road, Waccabuc New York and, and this is an application for beachfront improvements, including renovation of the boathouse, construction of a pavilion, replacement of the snack bar, and installation of accessible parking and walkway. Okay. This was before us in March and April, we had an April 9 [2022] site walk and there's been a DEP memo and I think a pending meeting. So, I don't know that we have. Well, I guess, maybe I'm looking to see who's on. Zac?

Zac Pearson: Good evening, Chairwoman Andersen, members of the board. Zac Pearson with Insite Engineering, Surveying, and Landscape Architecture here on behalf of Waccabuc Country Club, also on the call this evening is John Doyle, the project architect from Doyle Coffin Architecture, and Peter Hall, who's a member of the club and the committee for the beach club. Just as a little bit of a recap, we were before you before the April or in the April 9 meeting there were concerns raised by the by the board, specifically member Thompson, relative to stormwater. We have completed the onsite testing witnessed by the DEP in support of stormwater, and it was found that that area that we were going to install an infiltration system was not going to work out, we also have the our wetland consultant back on site to complete the flora and fauna report and it was found that that area, you know, there was standing water there that would be considered a wetland. So, with that permission to share my screen?

Janet Andersen: Sure.

Zac Pearson: Can you all see that?

Janet Andersen: Yes.

Zac Pearson: Okay, great. So yeah as a recap, you know we are proposing construction of a new snack shack, an access drive from the existing parking area down to two ADA handicap parking spaces. From this location, we have access to the existing main dock overlooking Lake Waccabuc. The new snack shack will have kitchen facilities, as well as handicap accessible bathrooms. Also proposing a ramp system to get down to the existing boathouse. And then removal of an

existing structure here for any the construction of a, essentially, a covered patio area. This was the area, you know, we had the infiltration system pushed a little closer to the property line, further to the you know that would be to the west. The area was low and wet. We did get out there in May, it's still wet, we did do testing in this area, and we were proposing a micropool extended detention pond designed in accordance with the New York state stormwater design manual. We have submitted to the DEP for the variance application, I know, that was a board, of the boards concern last time we have submitted that variance application, we got a notice incomplete application, they were looking for a few items. They wanted a copy of the EAF or a SEQRA neg dec which we do not have yet, they wanted a copy of our SWPPP which they're not reviewing it yet because it does not meet their threshold, so we we provide that to them we're looking for an overlay map which I'll show you guys quickly, I think this this will dovetail into something else. You know, they were looking for existing impervious inside of the hundred-foot set back from the lake versus proposed, so the blue what you see is the blue here is existing impervious inside of 100 feet. Green is the new impervious area; an orange is the new impervious area outside of the buffer so. I know we are in receipt of Jan's memo; current memo and I know that the board may still have concerns relative to this walk you know this walkway that was kind of making its way down. I just want to point out, you know, there is an existing driveway here now that we are removing, you know, as part of the project and we're putting back this walking trail trail down so yes, we are increasing near the lake with some of these other improvements, but this trail is right here, where this is an existing driveway that we're tending to pull out. So, I mean with that I guess I'll turn over to the board if you have any questions. Tonight, we are looking for the Board to declare itself lead agent, lead agent for the project we did do circulation. And [unclear] public hearing.

Janet Andersen: Okay, thank you. Um and I don't remember seeing that overlay as part of the submission. So, if you haven't submitted it yet, please make sure that gets sent to Ciorsdan. Thank you.

Zac Pearson: Yeah, it's included it's included in our SWPPP now based on comments from the DEP folks so.

Jan Johannessen: Zac, can you can you expand, I think that was for the 100 foot setback for the DEP, can you extend that for the 150 foot setback.

Zac Pearson: Yeah, we can absolutely yeah no problem.

John Doyle: Hey Zac, can I just add one thing there. John Doyle for the record that green area in the front than the water side of the boathouse is existing. Yeah so that would be blue that piece right there yeah.

Zac Pearson: Yeah, that's the deck yep.

Janet Andersen: Okay, good. So yes, you did bring up the, the comment about lead agency status, I believe we have received back comments and the timeframe has passed. But so one of the things we might want to look for is a motion to confirm our, our status as lead agency on this application. Okay Jerome. No, you're muted Jerome, I'm sorry.

Jerome Kerner: Yeah. So, moved.

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

Charlene Indelicato: Second.

Janet Andersen: Thank you Charlene. Any discussion on this? Okay I'll poll the board. Jerome.

Jerome Kerner: Aye.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: Greg.

Gregory La Sorsa: Yes.

Janet Andersen: Charlene.

Charlene Indelicato: Aye

Janet Andersen: And also say aye, so the motion to confirm lead agency passes, is approved.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board declared its intent to serve as lead agency for the coordinated environmental review of the lakefront improvements at the Waccabuc Country Club, 0 Perch Bay Road, Waccabuc. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

Janet Andersen: I have a question actually on this, this picture that we have now in front of us with the new infiltration path, the new detention pond actually I'm sorry it's, I was wondering if there was any consideration given, even though I know it's not required, to add the the outfall. Right now there's some catch basins that go down and they just go to a level spreader and I know it would take more capacity, but I don't know how much more, if that were somehow if those if those catch basins could exit into the detention pond rather than just right down to the level spreader.

Bruce Thompson: [noise]

Janet Andersen: I don't have any idea about the magnitude of the flows. But I think it would get that more more treatment if it could end up in the detention pond, although it could be wrong about that too.

Zac Pearson: Yeah, I mean that is something we can look into. You are correct, there is a there is a bypass piping system from what comes up hill that passed around the pond, you know we have. We have to look into what the drainage area is for that uphill and how that would affect the pond without you know we're trying to thread a needle here a little bit, we're trying to minimize our disturbance, minimize tree removal um but yeah that is something we could look into and intend.

Janet Andersen: Absolutely I just I think it might it might just treat a little bit more, rather than have a level spreader that gets clogged up pretty fast with with the dirt coming off of that.

Zac Pearson: Absolutely, absolutely and I do understand, the club, you know there's a potential East of Hudson stormwater retrofit project that's proposed either on club property or near the corner of Perch Bay Road or some somewhere, you know potentially just uphill of this project, so you know, we can certainly look into see what we can do to to to maximize the health and benefits of the lake.

Janet Andersen: Yeah, so now that you brought that up I had heard something about that I don't. I don't know. I don't know if that's actually anywhere near a wetland or whether it would be part of any review or not. I don't know what to do about hearing that there might be an East of Hudson project on this property. Do you intend to fold it into this plan?

Zac Pearson: Nah, they have to they have to be. Obviously, if there's something happens in the future then we would have to be accommodated for this project. The the RFP that I did see you know it looks like the improvements are more up the hill kind of all the way, near Perch Bay Road and kind of adjacent to where the the existing basketball courts are, so not anywhere, you know the wetlands, the other wetlands, or if you're here and we're talking about this location, which is a little cut off, but.

Janet Andersen: Okay.

Zac Pearson: To look into your concern, we can certainly look to see you know what area what kind of drainage area we have coming through those pipes and what we can do to potentially to you know, to run those to the pond.

Janet Andersen: Okay, and.

Jan Johannessen: Hey Zac, just looking at the stormwater basin location. It's kind of a bit removed from the rest of the develop development. Is there anyway to get it a little bit closer, it requires a bit of tree removal to to get it where it's proposed, can you tuck it any closer to the driveway.

Zac Pearson: Yeah, so again that's also for a reason, which we're trying to stay as far away from that existing well as possible.

Jan Johannessen: Oh right.

Zac Pearson: We still need to go to the health department and have them, you know, review the septic, witness testing scheduled for the percs next week. Deeps were witnessed back in May when the stormwater was done but yeah we're trying to we're trying to really you know respect the well.

Jan Johannessen: Thanks for clarifying that.

Janet Andersen: Jerome.

Jerome Kerner: Yes. When we were at the site, there was some concern expressed about emergency vehicles coming down that curve and into the retained level parking area. And I'm still concerned that if there was an emergency, if there was a two cars parked in that area, if you'd show that shaded drawing you had a moment ago. Yeah, you've got handicapped parking spaces there. Obviously, if there's an emergency people, can't get down there perhaps as quickly as they could to remove their cars or they. So, I was suggesting that it'd be some kind of a T at that curve that could also serve to access the the bio-retention pond because that has to be maintained and I'm wondering, so that would that way if an emergency vehicle did come down to that area, we are showing a K turn occurring right now. And the cars will park there they could always back into that T and then get up the hill without having to have any of the cars parked there moved.

Zac Pearson: So, something, something in here Jerome something like that.

Jerome Kerner: Exactly. If you look at the other plan you have, the shaded plan, which shows the bio retention. Well, even that plan you could see where you're going to have to get access by some, with some machinery to clean out that pond, to service it from time to time and it might also serve as a just pull out serve both functions.

Zac Pearson: I think we do provide the turning study of the emergency, fire trucks we're envisioning were not coming down here, you know fire trucks we show up in this location turning around fire turn around.

Jerome Kerner: Right. What about an ambulance?

Zac Pearson: Our turning study was was for a larger a larger suburban, slash larger truck yeah it wasn't it wasn't a small vehicle so.

Jerome Kerner: Right, it's, suppose an ambulance came down there and there were two handicapped spaces filled.

Zac Pearson: Well, we showed we showed the possibility of them turning around even using striped areas beside side the spaces, so we did you know, this is turning around once space to turn around and the other spot, and this is turning them using striped area, you know the west of the west western most handicapped spot to turn around there. We tried to use all three again trying to minimize impervious surfaces and things like that, but we can certainly take a look at it.

Jerome Kerner: But, but in reality you're gonna have to get access over to that bio retention pond I'm not sure if Jan could say something, but it's necessity, to get over there, during its functioning.

Zac Pearson: It's a requirement we do need to provide a path, but I mean it's not a hard surface and you know we've done them by just. Other site plans we've done we've just showed where the path is, it's a ten foot wide, misses trees, and it doesn't you know it's straight here. You're you're going to use a small mini excavator, something like that for maintenance so okay.

Jerome Kerner: Okay, good enough.

Janet Andersen: Thank you. Bruce. I thought you had your hand up too, yep.

Bruce Thompson: Yes, I do. I've got a question for Zac. Zac after the site walk in April, John Assumma was kind enough to let me come back a couple of days later, and I wanted to check where that rock outcropping is, where the that just is tangent to the proposed road coming down. There's a seep that was active at that time. And so my question that's all yes that's correct right at the at the the point of rock. And my concern would be in that area, I believe I forget the stations there, there was going to be a two foot cut which is going to make it, that water that was coming out of the ground, then, all the more likely to be problematic when that cut is made, so I'm curious as to whether or not you're you're going to have any provision for a curtain drain or some kind of drainage along that outside radius of that that drive to pick up that water and take it to a desirable place for discharge.

Zac Pearson: Sure, I mean there's a pretty you know that's something we can look into absolutely you know, it would seem to be a pretty simple solution we would have to look here.

Bruce Thompson: Yup.

Zac Pearson: Right, you know we could run it's a little little tricky getting around the rock you know we're trying to get around it, you know here to kind of keep it as a feature. But you know we could certainly get from this location into that structure something like that.

Bruce Thompson: Like I said, I actually even took a picture of it just to show you that how active that was at that time so as we all know, those kinds of conditions that that time of year tend to repeat from year after year, so I'm raising it, not because I think it's impossible to provide for, but as a recommendation to provide for it.

Zac Pearson: Sure.

Bruce Thompson: That's it. Thank you.

Janet Andersen: Okay um I think the other thing actually if you slide up this a little bit along up the top towards the upper towards up toward going uphill yeah there's a couple of things. One is that I think there was a rather large tree, this came up in the CAC memo, a rather large tree that they were interested in preserving. I don't know whether you've looked at that.

Zac Pearson: Yeah, it's unfortunate it's not overlaid, but I can show you which one it is. There's a tree 21 which is right here with this cluster three trees. 30 and. It was just beside this garden. And unfortunately it's right where the driveway peels off to get down to the lower you know it's it's directly across from the existing parking lot at the elevation you know of parking lot, which establishes the start of the road, which establishes you know we have a set grade I think. I believe, is 12%, a traveled way is 12% now, you know if we were to go further uphill, obviously we wouldn't want to increase the length so, then the driveway would get steeper. You know that would be a not an ideal situation. Yeah, so that that tree kind of sits like right in here, right where this road kind of peels off off of the existing driveway.

Janet Andersen: Um.

Jan Johannessen: Sorry sorry to interrupt Janet, but Zac, could you provide an additional sheet or an exhibit that shows the tree removal plan on top of your grading plan.

Zac Pearson: Sure absolutely.

Janet Andersen: Yeah, that's good Jan. So. The other thing I think is in your Jan's memo there's a path that goes through a small wetland and I think so yeah, I think that's a little higher up right. And I just I think his point about that being potential for good mitigation, I don't know what I don't know how steep or anything, it is, if you can move that

Zac Pearson: Yeah, I can go to the grading plan I don't think I think it kind of follows along the contours yeah I don't think it's just kind of from my from memory, it goes right off of the driveway its its way across the same contour, right.

Janet Andersen: Right. I don't know, something to protect the wetland there would would be good or good mitigation.

Zac Pearson: We can work that through that with the club.

Janet Andersen: All right, um. So. Other, if there aren't any other comments from board members, perhaps I'll ask Jan to to kind of hit the highlights about what has to happen still, from the memo that you've got.

Jan Johannessen: Sure. My video on? Procedurally you took you took care of business tonight with the declaration of lead agency. You know, there are there are a number of outside agency approvals, including the ZBA, ACARC, the DEP, the health department, the DEC, SHPO, so, you know as you evaluate the project under SEQRA you'll be responsible for preparing the declaration. The applicant has submitted the long form EAF, we had provided some comments on that, they submitted part one of the EAF so far and then in our memo we requested that they take the first cut at preparing part two, which is really the the planning board's document, but we oftentimes have the applicant complete it for for review and perhaps at your next meeting, you can go item by item and and just evaluate the project under the part two EAF and start determining significance. We had asked previously for a cut and fill calc. I noted that it was indicated in the cover memo that it was supplied. I if it's there I couldn't find it, Zac.

Zac Pearson: Yeah. Yeah we're going to respond to your comments Jan, and you'll have it next Tuesday for sure it'll be there if it's not there already. I don't I don't think we got to it, I think we move we were moving stuff all the way up until the end. So I just don't think we got to it but. Quickly, I believe we have ACARC, John Doyle will be able to speak to that, I think we have that approval, and we just got a letter from SHPO, I think, yesterday, so we will forward that, along with our submission back to you guys. They came back and had I think they're only comment had to do with trying to maintain a couple of the northern windows and the look of northern windows on the boathouse. That was kind of it from that.

Jan Johannessen: We had some comments about the tree removal, trying to evaluate the tree removal comparing it to what's being proposed as replacements. We didn't mention the 30-inch elm tree, which was just discussed. And we just identified some areas that could potentially be locations for additional tree replacement. We did identify that the the proposed walkway, you know, is in an area of steep slopes and there was a driveway there, but it adds to the net increase in impervious cover on the site within the buffer, and it seems like if you are trying to reduce impacts and impervious cover that would be a candidate for removal just because it could be incorporated into the driveway there's other ways to get down to the snack bar. I know there's some existing walkways, they're not ADA accessible, but you have the new driveway. I know there's concern about strollers and such, but you know, it's obviously a board call, but if, there was it seemed to be a lot of concern about the extent of disturbance in the buffer and it seemed like that that was one potential for being considered for removal, so we pointed that out. There has been there's a schedule for a conceptual landscaping plan that was submitted: we're looking for a true wetland mitigation plan that provides 1:1 remediation for wetland buffer disturbances. We previously talked about one of the items could be maybe trying to reroute that trail through that small pocket wetland. But there needs to be a comparison towards the buffer disturbance and and wetland mitigation, that's comment #8. Let's see I don't know that I need to go through any of these others, the remainder of them deal with storm water and it sounds like you're on top of that, so I won't I won't go through those comments.

Janet Andersen: Great, so I think what I heard Zac is, you are going to have another submission for us for next month?

Zac Pearson: Yeah, when we have we have Jan's comments we did get you know SHPO approval or letter from that we're going to submit that yeah we'll have part two of the EAF. And you know, basically, you know what we heard from the board tonight and get those addressed.

Janet Andersen: Great, thank you. And then we got. Go ahead John Wolff.

John Wolff: Yeah, I think one of the points that the CAC letter made is, we like to see the mitigation be much stronger in terms of replacing the trees not you know not just you know there's something like 56 trees being removed. And we like to see something more equal and that you know, for cover and for the root system or the water going into the lake, so we'd like to see a stronger mitigation with tree plantings, that's a key point.

Janet Andersen: Thank you, John. Jan, were you gonna say something more.

Jan Johannessen: Was but I can't remember what it was. Okay, it must not have been too important.

Janet Andersen: Okay um, so I think that's it for this then right? Anything else.

Zac Pearson: I just had a quick question so in your memo Jan, and you remember what you didn't know that we we need you know, we need to go to the ZBA at what point.

Jan Johannessen: That was it! That was the yeah yeah.

Zac Pearson: Yeah, I mean what what point can we go to the ZBA and start the process there? There's the you know there's the, the club aspect being non-conforming in the zone which you kinda addressed earlier in the meeting with the club, you know, in addition, there, and also, I think there's a couple setback issues relative to the boathouse.

Jan Johannessen: I think you're free to go.

Janet Andersen: The letter from building inspector, go ahead Jud.

Judson Siebert: Zac, but keep in mind, because it's a coordinated review and we're lead agency. You can start that process but they're not going to be able to do anything until the determination of significance is made by the planning board as lead agency. So, it doesn't stop you from starting the process, but that you know there's going to be a hold up until the SEQRA process runs it, runs its course.

Zac Pearson: Okay.

Janet Andersen: And we need the part two of the EAF to start looking at that, in order to get to the Neg Dec. Okay, great.

Jan Johannessen: Zac, maybe before you submit, I don't know where your what your deadline is, but perhaps we could have a staff meeting I also just need to run out there and confirm the wetland boundary I know I've been working with you guys and what Jim try to find a date but I gotta get out there.

Zac Pearson: Yeah, let us know, I think the submission deadline it's Tuesday right it's the 28th believe. I'll reach out to you Jan.

Janet Andersen: Okay, thanks, and so, if you could stop screen sharing great. Okay, thank you.

Zac Pearson: Thank you very much.

Janet Andersen: Okay, see you next month.

V. SUBDIVISION

Cal #10-22PB

(2:01:30 - 2:32:42)

JJE33 Holdings LLC, 27 Old Oscaleta Road, South Salem, NY 10590; Sheet 35, Block 11826, Lots 3, 11 & 12 (JJE33 Holdings LLC, owner of record) – Application for a lot-line change.

[JJE33 Holdings LLC representative, owner; Ed Delaney, Bibbo Associates; and Michael Sirignano, Esq. were present.]

Janet Andersen: OK, the next item on our agenda is a subdivision. This is calendar number 10 - 22 PB, this is JJE33 Holdings LLC, this is at 27 Old Oscaleta Road, South Salem, New York. It's an application for a lot line change, and I believe Michael are you?

Michael Sirignano: Yes, okay. Good evening, Michael Sirignano. I'm here with Matt Gironda from Bibbo.

Ed Delaney: No, not really I'm on, Mike.

Michael Sirignano: Oh, Ed Delaney okay.

Ed Delaney: Just a little bit older.

Michael Sirignano: Okay, so Ed Delaney is here, and also one of the homeowners, [JJE33 Holdings LLC representative] is with us, and before I turn it over or introduce her and turn it over to Ed I want to basically explain this project. Ed's got it up on the screen and working the cursor. So, I want to show the Board Ed the current configuration of tax lot three which currently contains 68 acres. It it starts out along Old Oscaleta Road, there's a single driveway entrance, right there and and let's go the perimeter of it Ed. So come back down the driveway. Okay, so this is the perimeter of the 68-acre parcel. No, no, no that's not part of it. Okay. Can you see my cursor or not, no, I guess, not. Ed, let me. Let me try to share my screen come off of yours for a second.

Jerome Kerner: It's a whiteboard Mike.

Michael Sirignano: It's a whiteboard okay. How's that?

Jerome Kerner: No.

Ed Delaney. Whiter.

Michael Sirignano: Whiter. Keep going.

Jerome Kerner: Scrolling.

JJE33 Holdings LLC rep.: I think it looks great I think we should motion to close you guys.

Michael Sirignano: There you go. Okay, you got it now? Is that it?

Jerome Kerner: Got it, ah, you guys shrink it a bit. Zoom out.

Michael Sirignano: Okay. Okay. So, here's current lot three, which is 68 acres. We're going around a little one-and-a-half-acre vacant landlocked piece, and then we're going here and then we'll go up here here and I'm now on the perimeter of the Gale vacant lot that's accessed off of Knapp Road, and then this is our lake frontage. And then we come down here I'm sorry to here, here we go around what I call the Huntington subdivision I got approved when I was a young lawyer with with a full head of hair, and then we come back down to Old Oscaleta Road and, and this is the main entrance to it, so that that's the current lots six, ah, lot, tax lot 3, this is 68 acres, it's improved by a one-story cottage. Which is here. And there's also a former much larger residence that a prior owner of chopped off probably two thirds of and, and so this is a they're both one-story buildings, this one doesn't even have a full kitchen. So, the clients, the homeowners wish to build a new house for their themselves and their three young daughters, in order to do that as-of-right because there's this existing frame cottage and this other one one-story residence. To do it as-of-right we, we need to do a lot line change, and that's why we're here. And that lot line change is going to involve obviously the largest lot three that I just outlined, but it also involves this abutting lot 12 which fronts on Oscaleta Road. This currently is a 3.6-acre vacant unimproved lot, it's a building lot, never been built on. So that's part of the lot line change and then this little one-and-a-half-acre vacant lot not sure why or the history or of its origin. But we're going to erase these two these two lines or these three lines, and so this vacant lot 11 is no longer going to exist, and so what we're doing is we're enlarging lot 12 to include 11 and then we're going to extend into what was three and wrap around this existing frame residence, cottage it's called, and there's some stables, and a barn building and a garage and we're going to wrap around that. And, and then and by doing that we reduce the 68 acres of the large tract to 59 acres. So, we just designated the enlarged one, this one here, as being parcel two on our lot line change and its frontage will remain on Oscaleta Road, no new development of parcel two is presently contemplated or in the future contemplated by the clients. And parcel two, I'm sorry, building parcel one, as I said, will go from 68 acres down to 59 acres and it will contain only this two story. Where am I? This two-story residence here, which meets all of the setbacks for the new boundary line likewise these structures will meet all the setbacks from the new boundary line so we're we're conforming on on both sides of the new line.

We met with the building inspector, the former building inspector, and before we filed this last line change application, and he advised us that we will be able to construct a new home on parcel one as-of-right and and that's going to be here. Okay. We can do that as-of-right, because the existing two-story residence that will also share parcel one, qualifies as an accessory residence dwelling under Section 220 - 40.1 of our zoning code. So, some some board members may be familiar with this provision section 220 - 40.1 it allows a second accessory residence to share the same lot as as the main house provided there's several conditions, the important ones for our purposes are that it provided the lot contains a minimum of 20 acres which we do we'll have 59. The exterior size of the accessory residence does not exceed 1,500 square feet and this does not exceed 1,500 square feet and there is no more than two bedrooms in the second residence and there are no, there are two bedrooms in this residence. So, this provision of the zoning code is sometimes referred to as the DelBello amendment because Al DelBello, our former county executive, former lieutenant governor, and lawyer, he's since passed away, but he is the one that lobbied successfully for this amendment back in 1999 [static] so somebody dubbed it the DelBello amendment. So, we meet all the standards under section 220 - 40.1. As I said, the existing two-story residence here qualifies an accessory residence dwelling and it can remain as is and share the 59-acre parcel one as reconfigured, together with the applicants' new home which Matt will talk about more in a minute. Tax lot 12. This one down here, is currently undeveloped, as I said, it's 3.6 acres, we are enlarging it to 13.9 acres, that's what will be parcel two on this plat. And by incorporating the existing cottage no additional homes or home can be built on the large lot 12 or parcel two as shown on this plat. So, [the homeowners] will continue to own both parcels one and two. Because they cherish their privacy and very much love these lands this, these properties, so we're before the board be to seek only to adjust the lot lines of lot three and 12, eliminate line 11 entirely, so that we can build a new home one parcel one. As I said, [the homeowner] is joining us on the meeting and she's asked to just briefly address your board tonight....

JJE33 Holdings LLC rep.: Yes, I think I'm unmuted right. Can you hear me? Good evening Chairwoman Andersen, and planning board, it's so nice to meet you all and and to hear, I was texting Michael during this, I was like Is this a volunteer role because the work that you guys put into this and the care is really been amazing and also the care from the community. I've never you know, been a part of this before so just to hear how prepared everyone is and. Anyway, so thank you, thank you all for spending your time improving our lands and I think that's why. This is the most beautiful place in the world, I mean I had someone asked us recently. You could live anywhere why here and I was like why, why not? Why would anyone want to live anywhere other than here, I really believe that, like it's just heaven. So, I don't have

anything technical to say except that we love this land so much, we're so grateful to to have this land and to have such space and such privacy. I don't know if any of you know, this property from the Abrams or Eckersons, but it really is just so so special and you know, our goal is only ever to be additive to the community and never take from it. To be additive to the land, and never take from it, we have a giant field of solar panels. We also you know, want to build this home in an incredibly sustainable and thoughtful way, not just because it's the right thing to do, but because it's something that we're both passionate about. I'm also like a huge fan of history. I'm just trying to find Maureen. I've been asking everyone how to find Maureen to learn more about like the history of the land, and that's part of the reason that we didn't want to take down the cottage or the other structure, even though they're only two-bedroom structures, the the accessory building that would be a part of the main building. Or the main house doesn't even have a kitchen has a half bathroom, it doesn't have closets it's it's a great lodge it used to be this big beautiful home, I have no idea why they cut it down to like a fourth of the size of what it was, I mean that home was great as it was. But you know I look at the old photos and the history of it, I mean the cottage that's here that we're proposing to make a part of parcel 12 used to be on the lake, which I'm sure some of you knew that, 1920 they moved it up onto the land, so you know we wouldn't never take any of those down, we respect the history and the story so much, but also we have three children. And we're probably not done having kids. I just love having kids so much, but I'm just saying, oh I love my babies so much, um but um but you know I'm also one of five children, my husband's one of four. Our family drives us insane but, yet we always have them here, we always have them around. The goal is to have them visiting as as much as possible. So yeah, we actually do use these accessory buildings, but you know, two-bedroom buildings aren't enough for us and our and our children. And don't I know if you guys are familiar, John Eckerson who lived at the property before, lived in a different house on Old Oscaleta Road and for us to have all this land and to buy that house didn't make any sense privacy wise, not because of anyone within the town, everybody's not only respectful but incredibly protective. It just didn't make sense, because if we didn't want to bring anyone from outside of the town to be sort of wandering around and and you know, because our profession, sometimes you know, it calls that attention if it's accessible people might kind of you know, start to linger. So, you know, and he had a plan to build a big home on this land, but he ended up buying that big white house, but it wasn't private enough for us, so we bought this land and thought Oh, this is incredible we ultimately have 110 acres here. He's talking, Michael's been talking about 60 acres but the whole thing is 110, but we thought amazing we have 110 acres and we don't have a house. So, this is us just saying like we're just so excited to live here, our kids are growing up way too fast, which is none of your problem, but definitely ours. We've had this property for four years now and I'm just desperate to get shovels in ground and be living on this land and enjoying it and. You know our neighbors will never see us, in the best way you know, with all of our plans, it's very much a part of the earth and and you know we're not cutting down we're literally like flagging trees to save, half the trees we're trying to reuse for lumber. Which is actually more cost effective these days to because of what's happened since you guys already know all this stuff but anyway. We only ever wanted to be additive to the community, and you know we're, I feel you can say that we're good people and we're good neighbors and like we're just and we've been surrounded by that. What we've seen in our in our bit of time in the town of Lewisboro so anyway, thank you for hearing us, thank you for hearing everyone tonight, and I just wanted to speak on behalf of myself and my husband who's in the south of France working right now, he was going to set an alarm to get up in the middle of the night, and I was like my darling, I got this, I got us. He would have no idea what he's talking about anyway, but he'd be so charming doing it, but anyway, thank you all for the time and I'll let everyone else speak.

Michael Sirignano: Okay, so let's go back to the driveway, because we're going to utilize this existing driveway, we're not proposing or have any plans whatsoever to have a new driveway for the new house or for the existing cottage. So, the the home, the new home will utilize this existing driveway which is as-of-right because it's part of the bigger 50 it won't be 59 acres but parcel parcel two we're going to give an easement, I'll draft an easement and we're going to give parcel two an easement to utilize the existing driveway, we have no interest in having multiple driveways. So, in summary, parcel one is will end up being 59 acres and have a new large single-family home for [the homeowners] and and daughters, and there's a an indoor pool proposed as well, which is here and a and a gym as those are accessory buildings, the main house will be here and I'll turn it over to Ed now. Because he's done all the soil testing and percs and and has found the septic area and the well and, and I'll have him describe what septic systems and wells serve what buildings and what proposed septic and well will serve the new main residence. Ed. Okay you're managing. Your me to take down my. All right, I'll stop sharing.

Ed Delaney: Take down your screen please. Okay, and I'll put mine back up. Okay, well, we have a project here that's been in the works for a while, but the essence of what's going on here, when we do this lot line change from the county health department's point of view, is basically each lot has to stand on its own two feet. So, whereas we have a small cottage here with some barn outbuildings on a new parcel two that has existing two septic systems back here. The health department in anticipation is requiring us to show where a more modern septic area could be, and we have tested, an area in here. That's been witnessed, all of my testing that I'm going to be talking about tonight, has been witnessed by both the Westchester County department of health engineers, and the New York City DEP engineers, stormwater infiltration has been witness by the town engineer, and we have completed those tests. So, with that being said, as we spin off parcel two we're dragging an existing well that served this compound for years, it's an extraordinary well that's going on with parcel two. And for the new parcel we're drilling a new well basically in front of the house, right here, we are following the driveway around. And we're coming back up into the area in the courtyard here, we are, we are going to go back behind the building, it will still be a few hundred feet away from the lake, with a septic system that would serve the house, the gym and the pool. Stormwater will also be in this area for treatment, and we have completed the testing, we are actively going on to the next step, which is design, and applications to all the agencies. I don't see any problems yet. We have multiple wetlands on the properties some were down here by the lake and as the client has described. This cottage we believe anecdotally came from the lake. There's an old foundation down here.

JJE33 Holdings LLC rep.: I have a photo of it, actually.

Ed Delaney: There's a photo of.

JJE33 Holdings LLC rep.: It's more than an anecdote. In my Town of Lewisboro book and its...

Ed Delaney: It's in the history of town of Lewisboro and. I think I gave a client a copy of that that history of the town of Lewisboro, who clearly shows the gay 90s or excuse me, the 20's with the model T Fords all around and 30 or 40 people having a great time down here, we believe that was moved up here. But we do have wetlands down here. Mr. Eckerson, the former owner, and hired us and the wetland experts to map all these wetlands, we have done that, there's some some wetlands in here that have been mapped. So, we're going to be providing the town and Jan with a better map than this that will show all the wetlands on the property, all the buffers that are on the property, all where all the sewage disposal areas are going, the storm water areas, and then we go off to a board of health, to get them to sign off on a two-lot subdivision, along with the planning board. So, we have an old, the original the original water supply was down at the pump house, which is a spring. We may or may not use that I haven't talked to the client about up a ton of water coming out here that we can reuse for irrigation, so we don't have to tax our new well here. Other than that it's pretty straightforward lot line to lotter, I've done well, I don't want to say hundred of these, because I give away my age that but certainly, certainly when both lots can stand on their own two feet, I usually we are pretty successful in getting that approved, so I'm open for questions from you guys, we have any.

Michael Sirignano: Let me just let me yeah, let me just put some perspective on this, the board had just to spend time on a public hearing on Silvermine preserve. That was 57 acres 13 homes if, when this is approved, our landline change we're going to have a main residence and a smaller accessory residence on 59 acres, so I think a good thing when clients such as [JJE33 Holdings LLC] can afford to keep large tracks large and not have them become you know subdivisions. So, Ed and and Matt Girona, at Bibbo, the project engineer is Rob Johnson, our project surveyor, and I have reviewed Jan's memo and we're confident that we can address all of his comments, and we're happy to field any questions or comments from board members, thank you.

Janet Andersen: Sure okay I, I do have. I guess I'm going to start with some of the things that Ed said so um. So, the the sort of two existing two story that's too small that's on the parcel one, does that currently have a septic and what is happening with that and what will that be served by the new well or how will that be.

Ed Delaney: We have a, remember, there was a giant house here. Yup. and they have a giant septic system here. Right now, this is like a half bath no kitchen type residence, that is currently connected to this existing system, I see no reason to abandon it.

Janet Andersen: Good no, I just I'm just curious so and the new well, I thought you put sort of over close to that septic, which is why I was, it's far enough away?

Ed Delaney: No, it's over here.

Janet Andersen: Great. That was one of the questions and then you said on the parcel two, you're going to replace the septic. Or are you just going to have an expansion area.

Ed Delaney: All these septs that are these properties predated county health department approvals, so what happens in those instances, and I think I knew the guy who made this rule up by the way, you do have to show an area you don't necessarily have to abandon these septs.

Janet Andersen: Okay it's an expansion area that's all you meant.

Ed Delaney: I think that's exactly it.

Janet Andersen: Right and that's that's what I wanted to say okay um. So, and and I think the. So, the the the I had I had had some questions based on I thought they parcel one was going to or parcel two was going to get sold off, but now it sounds like it's all staying together so some of my questions from that go away.

Michael Sirignano: Oh, can I can I just make that clear, there is no no, there's no way they're going to sell off parcel two or the Huntington lots which they own, or or the lot over here which Doctor Mercurio used to own and now they own that as well. So, no they're there they're going to, and they own some land across the street as well and they're not it's going to remain a family compound.

JJE33 Holdings LLC rep.: Also, to be clear, we bought it with all of them, but the Mercurio house we don't have a plan to like be tyrannical and try to just buy up every bit of land available like we we have more than enough beautiful buffer and like we've had opportunities for some of the other plots around us that we we haven't, because there's been no need for it, so anyway, I also just wanted to say that, like there's no.

Michael Sirignano: The nearest neighbor to the new main house location is the Gale lot, which is undeveloped, off of Knapp Road, access it off of Knapp Road, off a branch of Knapp Road.

Janet Andersen: Okay, so I'm sorry to do this, but I have to mention that, Lake Oscaleta is one of the three lakes and I'm the President of Three Lakes Council so if you ever have any questions about Three Lakes Council.

JJE33 Holdings LLC rep.: Oh gosh, I have so many. I told Michael I tried to donate and it was like \$40 for sand and was like. I was trying to get involved, and I was like I don't think this is the better way to get involved so.

Janet Andersen: Yeah so let me so I'm ThreeLakesCouncil.org is our website and ThreelakesCouncil@gmail.com will get to us but anyway so and we also have a little history book, but anyway any if you have questions, but I love hearing.

JJE33 Holdings LLC rep.: My questions always where to find the best fireworks on Fourth of July too because I don't I don't station at the right position so yeah that's I will even. Be careful what you wish for.

Janet Andersen: Okay, but now, so this is so, I, but as I look at all this, I am watching it from the eyes of the planning board, not from Three Lakes Council, and I do try to keep them very separate, but I had to mention that. I think. Let's see you, the one thing I think, maybe that came up in Jan's memo that we should do tonight is refer this to the building inspector, which we can do by consensus so Ed maybe if you could stop sharing Ed, and we could see everybody on the board. Okay, so I'd look for a thumbs up to say we want to share okay I've got that okay so Ciorsdan will be sending this to the building inspector for official review. I don't know, but we have been we have been asking for a fire code review at

the same time, or fire department review and I guess just for safety sake, I don't see really a complication here but Jan would you suggest we do that as well.

[The Board reached consensus to refer this matter to the acting building inspector for zoning compliance.]

Jan Johannessen: I think the only application before the board is a lot like change.

Janet Andersen: Oh you're right. Thank you. Jerome.

Jerome Kerner: Well, I wanted I didn't notice, I had to step away for a moment whether there were, was any development within the wetland buffers. Ed could you clarify that?

Michael Sirignano: No, there's there's none, we're outside the 150-foot buffer.

Jerome Kerner: Yeah. So, we're really focusing on the lot line. change. I don't see why we couldn't have a motion to accept the lot line change. With what I've heard today, both lots are viable, if if that would ever to happen and we've been assured that it's not going to happen, so I think, why not move this along.

Judson Siebert Jerome, Jerome, you need you need a resolution to do so, you'll need a draft resolution.

Jerome Kerner: Well I'm moving along too.

Judson Siebert: Yeah, I mean.

Jerome Kerner: Once you get.

Judson Siebert: To move it along the the, the you know, we also need to get the all clear from the building inspector, although it sounds like that's going to be in hand. So why don't want, if you want. You can net, you could direct Jan to begin a resolution for the next meeting.

Jerome Kerner: That's my. That's my suggestion.

Jan Johannessen: I'm happy to prepare the resolution, there are some outstanding items. There's, are are wetlands mapped wetlands on parcel two that have to be shown on the plan that could affect the buildable area, could affect septic location. There's a, I think, I'm happy to prepare the resolution, but we should have a staff meeting, Ed, and just go over some of the comments, because there's, you have to prove out the buildable area and at least that parcel, that smaller lot.

Michael Sirignano: Yeah, Ron Johnson is already working on those wetlands, Jan so we're going to turn this around quickly, but we would appreciate a resolution being ready at the next meeting.

Janet Andersen: Yeah, and part of that, I guess, would be the decision I believe we can waive the public hearing, as long as there's no ZBA variance required so. I, I think that Jud, I think we can do this by consensus right, so if everybody agrees just.

Judson Siebert: Consensus of asking Jan to prepare the resolution.

Janet Andersen: But also waiving the public hearing.

Judson Siebert: Well. That.

Jan Johannessen: It's better to expect it.

Judson Siebert: That will occur when you adopt the resolution I.

Janet Andersen: Part of the resolution. Ok, got it.

Judson Siebert: We're moving in that direction so the resolution would actually have to have language in it reciting the provision of the town code that allows you to do so and and formally waiving it.

Janet Andersen: Right okay.

Judson Siebert: And granting approval.

Jan Johannessen: And Ed before you make your your next submission, please schedule a meeting.

Ed Delaney: Okay, no problem. I'll call Ciorsdan.

Jerome Kerner: By the way, if you go to Lewisboro.gov you'll find a historian's cell phone number.

Janet Andersen: It's it's in the chat too.

Jerome Kerner: 3326 763-3326 yeah.

JJE33 Holdings LLC rep.: Thank you. You're wishing me upon people that don't want me to be. I just love it. I just love town history, we have all the photos that anyone's given us framed too, we just love them yeah.

Jerome Kerner: She loves it too, she loves to talk too.

JJE33 Holdings LLC rep.: Yeah, I would love that well, thank you all for your time we really appreciate it and I'll see you next month.

Janet Andersen: Great. Okay, thank you.

JJE33 Holdings LLC rep.: Thank you so much.

Michael Sirignano: Goodnight.

Janet Andersen: Okay.

Ed Delaney: You guys. I want to hang out with you guys.

Janet Andersen: The next. You're welcome to stay Ed.

VI. WETLAND PERMIT REVIEW

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

(2:32:43 - 2:35:49)

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

[Garrett Schilke, owner, was present.]

Janet Andersen: The next item on our agenda is the is calendar number 21 sorry 29 - 21 WP, number 03 – 20 WV this is the Schilke residence 3 Beaver Pond Road, South Salem, New York and there's an application for remediation of wetlands and I think we're on really for control a control date to see where we stand and if there's, if there can be a report of any progress, and I see Mr. Schilke is on. Hi.

Garrett Schilke: Hello. Hi. I have a since, since started doing something, not much of the planting I wanted to make sure that I had approval to start doing it first realistically, but I did the wildflower meadow that's already done. It was just the planting of the shrubs and the trees, so I just wanted to know that I didn't need exact placement or if I was okay to start planting and that's all I wanted, I talked to Steve today, and he said for me to start planting so.

Janet Andersen: Okay um do you have a sense as when you'll be able to have it all finalized, so it can get reviewed, and we can close this out?

Garrett Schilke: Um if you give me a month or so, I think that should be good.

Janet Andersen: And so. With that say. I don't know, come back for that August 16 meeting or.

Garrett Schilke: Sounds good.

Janet Andersen: Sounds good?

Garrett Schilke: Sounds good.

Jan Johannessen: I think we're just check the check the wetland permit application. Just to make sure there's not supposed to be a pre-construction meeting or any sort of meeting to review the site before the plantings go in. I know you have the permit we issued it, but sometimes there's a meeting that takes place with me and Steve and yourself just to go over the plan before installation. So just check that permit to see if that condition exists. I'm looking for the permit while we're on air, but I can't get I can't get it up get it on the screen.

Judson Siebert: Jan, Jan it looks like condition five prior to the installation of any planting material, including seeding the subject property so be inspected by the town wetland inspector.

Jan Johannessen: Yeah so we, we should have that meeting before you go any further with the plantings so so we can ensure all the wood chips are gone and.

Garrett Schilke: That's, I had a feeling that there was something in there and it said so I hadn't started the planting, so when would you like to come by.

Jan Johannessen: Shoot me an email tomorrow and we'll schedule something for early next week, so it doesn't hold you up.

Garrett Schilke: All right cool.

Janet Andersen: Okay, great um so that shouldn't that I don't think, I would hope that shouldn't delay anything any longer, and we can still plan to see you in August, but, if necessary, let us know and we'll push you off to September, but I think it sounds like we can make it in August, right?

Garrett Schilke: Yeah, thank you.

Janet Andersen: Okay, thank you.

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

(2:35:50 - 2:46:37)

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

[Kathleen Gallagher, Insite Engineering, was present on behalf of the owners.]

Janet Andersen: And the next item on our agenda is calendar number 72 - 21 WP, calendar number 21 - 21 SW, this is the Dayton pool and patio, 62 Mead Street in Waccabuc, New York. It's an application for a courtyard including a new pool, fire pit, and pavers. And Kathleen yes okay. You used to be on that side of the screen, everything, everybody moved.

Kathleen Gallagher: I know right that's the part everybody puts their hands up and then it changes order. Good evening, my name is Kathleen Gallagher with Insite Engineering, Surveying, and Landscape Architecture. I'm here on behalf of the applicant for the Dayton residence. I'm going to share my screen. The project at 62 Mead Street was last in front of the planning board, I believe it was December of last year. And the project is in front of the board for a town wetland permit and a stormwater permit. Just friendly reminder that we have our 150-foot wetland buffer located at this green line here. The project consists of re, improvements and a rehabilitation of the courtyard which is located just south of the existing residence. The courtyard will have new pavers, a new pool, some additional landscaping. The project also includes a mudroom addition to the existing house, which is the only improvements to the existing residence. The garage and the house will remain the same for the purposes of the review of this board. And the improvement of the garage, which we're calling the garage slash grotto for this area, it also includes stormwater management practices and some wetland mitigation for the project. Since the last time we were in front of the board, we did get a variance from the Zoning Board of Appeals for the floor area for the permitted accessory structure, which is the garage and the grotto, that was granted on April 27, [2022]. And the applicant has also received a determination from Westchester County Department of Health of no objection to the garage improvements. And also just stating that the house still continues to remain the five bedroom house, we did just receive this today, and so we haven't been able to forward it to the planning board, but we did want to show it to you, that we were able to to acquire a no objection determination. Changes to the drawing since the last time you've seen the drawings include additional tree protection, mitigation, some additions of plantings for the mitigation area we did include serviceberries, which are located on basically either side of the mitigation here and here. And that was in response to one of the comments of making sure that the additional mitigation area wasn't going to be accidentally mowed, there is a really large meadow area that's here, so we're just really kind of connecting that middle area into the stone wall located at this location and then we'll have something a little more vertical in those areas to prevent mowing in potential accidental mowing. Also we've clarified some of the additional utilities on site coming in and out of the garage. As well as the location of the well is now specified on the drawings and we can see our horizontal offset as well. Our latest application also included additional architectural drawings, more detailed plans of the garage and the mudroom for clarification and I'm happy to answer any questions from the board. I do believe the wetlands permit may require a public hearing, and so the request is just a discussion of, if the board still feels that that is needed for the process, the last submission, we did give included letters from the neighbors stating that they had no objection to the improvements on site, and if one is required, we would just request that that be scheduled for the next meeting.

Janet Andersen: Okay. So, one of the things I noticed is that the driveway areas all are gonna be asphalt with gravel on top. So that seems like a lot of impervious surface, you know, addition, because I think it was just gravel before and am I correct? Is there, is there a way that any of that could be permeable paving of some sort and.

Kathleen Gallagher: It was gravel before. I off the top of my head do not know what the material underneath it was. If it was something that was pervious it may have been pretty compacted if it wasn't like asphalt, it was probably pretty compacted dirt after all these years and I wouldn't imagine that it's functioning in accordance with any sort of a perviousness, we are accommodating for the increase in impervious surface with additional stormwater management practice, including the infiltration. I think their concern is the existing gravel that was there was loose and it's much more difficult, you know, on cars and for children to be running around. The owners do have a young child and the potential for kids will throw you know, whatever they can I think they were just looking for something a little more sturdy that wasn't going to be able to move. And, and to be a continuation of the existing asphalt. The driveway is an existing asphalt that

area they didn't want it to be asphalt first that it purposes, but they were hoping for it to be something a little more stable than what's there now.

Janet Andersen: But I think one of the things that used to have sort of a garden area or a circular thing, and that has gone away, I know there's more I so I'm. I would be willing to see this go administrative, which would mean you wouldn't have to come back to us at all, if there was a way to take maybe some of that impervious surface away. And I don't you know, there are these paver blocks, there there's all sorts of alternatives that you know might still be a similar function, but if it could be made pervious in any way I I'd like to see just I don't know a small section.

Kathleen Gallagher: Even if it's just a portion. It's just something we can discuss with the homeowners. I do believe that they would like this process to proceed as efficiently as possible and if that means that some of this becomes a little more pervious I think they'd be willing to entertain that.

Janet Andersen: So, um I guess I'd look to the rest of the board for your comments on that I am yes we're all in one corner okay any any comments? Jerome, I think you're muted. Oh go ahead, Charlene.

Charlene Indelicato: I very much agree with that, it's the impervious surface that somewhat concerns me.

Janet Andersen: Would you be willing to see it go admin if take if, as part of that they said we they look to be able to reduce I don't know even 10% I think would make me happier.

Jerome Kerner: I would be in favor. I would agree with that.

Charlene Indelicato: Yes.

Janet Andersen: Bruce.

Bruce Thompson: Yes, this came up before I joined the board, I believe, and so I'm pretty unfamiliar with it, but I certainly don't have any objection to the direction that you're suggesting, Janet.

Janet Andersen: Okay, so I look for a motion to move this to administrative process with well, I guess, I should ask you Jan first, would that be all right with you.

Jan Johannessen: Yes, okay with me, the only two comments we had was the health department, which has been resolved and just depicting the five serviceberries on one of those sheets.

Kathleen Gallagher: Which we will clarify on the next submission.

Jan Johannessen: Great no problem, thank you.

Janet Andersen: So okay so I'd looked for a motion to move to make this administrative with the with the provision that effort be made to make some of the current impervious driveway area more permeable.

Charlene Indelicato: I so move.

Jerome Kerner: I'd second. I second.

Janet Andersen: And Jerome seconds. Okay any more discussion?

Jerome Kerner: Well, I have one, I you know it just in terms of looking for a logical cut off or place to change, I see a gate that leads toward the garage and towards a more private. That gated if that gates kept close that certainly looks like an

area that could remain asphalt, previous asphalt or some such treatment that it's a another so different. It's a line of demarcation that could be changed, you know, without affecting affecting the aesthetics of the front courtyard.

Kathleen Gallagher: Yeah, my initial review is I agree there's the potential for this, which has a nice cutoff there's also the potential for this area, which is outside of the main vehicular traffic of them coming in and out of the garage.

Janet Andersen: Yes, that's actually where I was looking was thinking if they're not parking as much or driving as much there, maybe that would could become a little bit more of a you know occasional parking could handle a little bit different something I don't know. But yes, we leave it to your discretion and to work with Jan on that, so we have a motion, we have a second, any any other discussion. Okay, 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: So, I'll also say aye so the motion carries, and this will be handled administratively. Thank you Jan. And thank you very much Kathleen.

Kathleen Gallagher: And I much appreciate it.

[On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the Board determined that construction of a pool, garage/grotto and rehabilitation of the courtyard at the Dayton Pool/Patio, 62 Mead Street, Waccabuc, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

VII. SITE VISIT REPORT

Cal #15-22WP, Cal #07-22SW

(2:46:40 - 2:57:36)

Rini/Langel Residence, 15 Benedict Road, South Salem, NY 10590, Sheet 33, Block 11155, Lot 10
(James Rini and Elizabeth Langel, owners of record) - Application for a garage/cabana, pool and patio

[James Rini, owner; Alan Pilch, PE; Ken Anderson, AIA; and Michael Sirignano; Esq.; were present.]

Janet Andersen: Okay. The next item on our agenda is a site visit report, this is calendar number 15 - 22 WP, calendar number 07 - 22 SW, the Rini / Langel residence on 15 Benedict Road, South Salem New York, an application for garage, cabana, pool, and patio. So I will start a site walk report and others who attended can comment, so the site walk took place at 15 Benedict Road, South Salem New York on June 18, 2022. From the applicant had James and Liz Rini there, Ken Andersen, Alan Pilch and Michael Sirignano. From the Planning Board it was myself, and joined by Charlene and Bruce, and from the CAC, John Wolff, Sally Frank, and Val Ondes. Upon arrival we walked up an asphalt driveway to an area that's currently gravel. We saw that the extent of the garage and cabana and porch and pergola was staked. And we

saw that the property drops off very steeply to the Waccabuc River behind a fence that was described as about 10 feet from the property line. The majority of the building would be on areas that's currently grass or driveway. The pool would go into a garden. The entire area to be developed, is within the wetland buffer. The driveway would extend back almost to the fence, which would remove some beech trees and sparse undergrowth, and would end up being perched on top of this pretty steep slope to the river. Asphalt would replace the current gravel driveway. The pool was staked and we noticed that it was set quite a distance from the house and then impervious patio area would extend from the house to the pool and run along the sides of the pool. We went to the far side of the house and saw the approximate location of the patio expansion expansion on the side of the house, and the approximate areas of the septic systems that serve the cottage and the main house, and the proposed infiltration area for the sorry proposed area for the infiltration units were shown to us. And we also went, walked to observe the wetland in the front of the house again that's down a very steep drop from the lawn area and is pretty wooded and well protected there. We were also shown the area, the existing asphalt driveway that would be removed once the new mudroom and porch for added to the side of the house. So, I think that's what we saw. I don't know if anyone wants to make any additions or comments. My comment would be that it seemed like this was a pretty aggressive use and and that some of the the paving went to what I would consider pretty close to that steep slope down to the river, which was a little concern. I know that the the applicant wanted 30 feet to back out of their garage, so I ended up going and measuring my backing out of my garage and it's about 20 feet, so I mean, maybe even taking it to 25 feet, or so, it just seemed like everything was, as I observed it, I was concerned about the total amount of impervious but also how close it went to the the top of the steep slope that goes down to the river. I don't know. Any other any comments from anybody, either from Charlene or Bruce who also on the walk.

Charlene Indelicato: I guess it was impervious surfaces again that was concerns me the amount of it increasing.

Janet Andersen: Yeah, we did ask whether or not the pool could be pulled a little closer to the house, because it seemed like in addition to the pool, there was a lot of impervious between the house and the pool. Okay, I don't know. Bruce.

Bruce Thompson: I think it's fair to comment that the they're eliminating a fair amount of driveway going up the other side of the house also. And in the course of doing that they're making it possible to have a much-improved expansion area for their existing septic and that to me is a huge plus for them. The. The, so far as as backing out I don't know a lot has to do with the size of your vehicle and making a three-point turn is a, can be a bit frustrating, at times, and especially in the wintertime when you got snow piled up too. I I was, I was taken by the, how stable the the site was, there were no signs of erosion in in it didn't appear to me that the new construction would result in a degradation of that. So, I I didn't see anything that was particularly alarming to me about the proposal.

Janet Andersen: Go ahead Jerome.

Jerome Kerner: Yeah Jan, I wasn't at the site walk I was out of town at that time, but I do recall a favorable opinion I had of the addition because of the okay its location within an already what seemed to be an already impacted portion of the site. So, and I think that's a big consideration, they weren't disturbing anything outside of what had already been disturbed, for the most part.

Janet Andersen: Yeah. I agree, I mean I think there's some very, there are positives to the design. So, I just that's that's kind of my feedback as, again the the the biggest concern I had was where it was really close to the steep slope going down to the the the river and the overall amount of impervious although you know, I understand that that, that there's a lot going on there, and they are trying to make a really a series of additions really to the house. Go ahead Charlene.

Charlene Indelicato: Bruce did you know I know they're getting rid of the driveway in the front. I don't remember if that was asphalt or not, I know that the present driveway right now is is gravel and that's really the issue, I know that for the children they don't want it all on gravel because there's issues with that, but as Jan said in the other the other case there are other materials that can be used, and I was wondering if it be possible in this case too.

Janet Andersen: So, we don't really have an application in front of us, I think this was a, I mean, a submission right now in front of us, this was a reaction to the site walk. I'm giving our feedback, so I just I think, you know it's it's reaction and we

will see you know if you can have a new submission for us. Or, I know there were some discussions about small changes at the at the site walk. You know, look of our comments there and I'll be in agreement with it. Go ahead Bruce.

Bruce Thompson: If I can add this you know the longer path of that you give water to drain the bet, generally, the better it is because you can overcome steep slopes that way. By giving water a broader path to take and I'd like to see what they propose for the grading of that impervious area at the top, because I think that that could make a big difference in it as well. So. I'll leave it at that.

Michael Sirignano: I know there's no application before you, but we assure you we're listening. James Rini is tuned in I see Alan Pilch's tuned in, obviously I am, and we're going to take a look at some of these concerns that you've expressed or, and this is why we wanted you to come out to the site, we thank you all for taking time on a holiday weekend to do that.

Janet Andersen: Well, thank you for well, thanks to the James for hosting us and okay, so.

Jan Johannessen: Janet before you move on. I was not able to make the site walk if Alan can reach out to me and find a date to walk the property together, I'd appreciate it. And there should be a pre are there should be a meeting with staff before there's a new submission. So please keep that in mind, before you resubmit.

Bruce Thompson: Jan, if I can add, they hadn't dug the tests holes yet either so.

Jan Johannessen: That's fine, that that'd be somebody different from my office that would inspect those that that's common but I haven't been to the site, yet, but I'd like to walk it.

Michael Sirignano: Very good. We'll try time to get on your agenda this for this Thursday if you you have room Jan.

Jan Johannessen: Just have Alan reach out and try to find a date that works. I'm not sure what Thursday looks like.

Michael Sirignano: Okay, thank you all.

Janet Andersen: Okay. Thank you okay.

VIII. CORRESPONDENCE

(2:57:37 - 3:01:17)

Referral from Wilton, CT Inland Wetlands Commission – Amadeo Residence, 101 Silver Spring Road, Wilton, CT
– Application for proposed driveway reconfiguration, septic modification and new infiltration system.

[No one was present on this matter.]

Janet Andersen: The next item on our agenda is the this, under correspondence is a referral from Wilton, Connecticut the Inland Wetlands Commission, The Amadeo residence at 101 Silver Spring Road, Wilton Connecticut. It's an application for proposed driveway reconfiguration, septic modification, and new infiltration system, and this is referred to us because it's actually on the border with our town. You know, and I looked at it and I might have some comments, but I really think, what I would say back what I would recommend that we send agree to say back to the town board, who will get back in touch with them, is that, we have no comments and we'll let the Wilton Connecticut Inland Wetlands Commission deal with it, not not us. I, we don't know their approaches and laws, so I think we'll just leave it at that, so, if you agree. Oh Jud, I forgot do I need a motion.

Judson Siebert: You need a motion authorizing you to sign a letter to the Town Board to that effect.

Jerome Kerner: Yeah, so so moved, authorizing.

Bruce Thompson: I'll second.

Janet Andersen: Okay, any further discussion okay and I'll poll the board all in favor, Jerome.

Jerome Kerner: Yes.

Janet Andersen: Bruce.

Bruce Thompson: Aye

Janet Andersen: Greg.

Greg La Sorsa: Yes.

Janet Andersen: And Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Thank you and I also say aye so. Thank you, we'll get that letter out.

Jerome Kerner: Talking about Wilton, I know it's late, but I wonder if Jan, was that the wave pool slash therapy pool ever built?

Jan Johannessen: Oh yeah. It's it's not received a certificate of occupancy yet, but it's it's built and they we're going through the final inspections.

Jerome Kerner: For those board members that weren't here at that time it's the pool it's a private pool that was larger than our town pool.

Janet Andersen: It's the third largest in the US, actually, I think.

Jerome Kerner: It's 900,000 gallons of water.

Charlene Indelicato: Where?

Jerome Kerner: In the town of Wilton, but we had before us for the infrastructure crossing wetlands in the town of Lewisboro.

Janet Andersen: So, you might not have heard, and I'm sorry to do this, but when they turned it on it actually dimmed all the lights of the neighbors. And the electric company couldn't get out there fast enough, so the owner actually paid for new electric services to like the whole community. So. Yeah anyway. The next item.

Jerome Kerner: Well, good, well, I just have to say that when the application became before us it was labeled as a therapy pool and I think after two or three meetings or the second meeting I had seen an article in the New Yorker Magazine about wave pools, which were being built, because the Summer Olympics now have surfing, and wave pools were being built throughout Texas, and you know inland areas so that kids that wanted to learn to surf and compete can do it in the land and not wait for the ocean exposure amazing.

Janet Andersen: And the only reason we got to see it is because of this little wetland crossing, I mean if it hadn't been that, it could have been built without anyway.

[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 the Amadeo Residence, 101 Silver Spring Road, Wilton. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

Cal #10-15 PB, Cal #20-17WP, Cal #5-17SW

(3:01:17 - 3:12:11)

Lewisboro Commons (Wilder Balter), 100 Beekman Lane, Goldens Bridge, NY 10526, Sheet 5, Block 10776, Lots 19, 20 & 21 (Lewisboro Commons Housing Development Fund Co., Inc., owner of record) – Amendment of Condition 67 in the Resolution granting Site Development Plan Approval, Wetland Activity Permit Approval and Town Stormwater Permit, dated February 26, 2019.

[John Bainlardi, Wilder Balter, was present.]

Janet Andersen: All right, the next item on our agenda is calendar number 10 - 15 PB calendar and number 20 - 17 WP calendar number five - 17 SW, this is Lewisboro Commons Commons, otherwise known as Wilder Balter at 100 Beekman Lane, Goldens Bridge, New York, and this is a request that we received to amend condition 67 of the Resolution granting site development plan approval, wetlands permit activity, and I'm sorry approval, and town stormwater permit of February 26, 2019. So, this is really, I think, driven by communication between the fire department and the owners of the Lewisboro Commons to change some of the standpipes and the sprinklers in the attics. So perhaps John do you want to tell us a little bit about it.

John Bainlardi: Sure, good evening and it's nice to see all your faces and, interesting last hour or so is listening in. So, it's a be continuing to stay busy. So, yes, we, by way of a little, just a quick little background, we're coming quickly here to to a place we're going to be hopefully ready for occupancy. We did have the application process and lotteries on or over 1,800 applications for 42 units, which is incredible and. We met with the fire department, the pretty much the entire fire department came out. Some members of the district as well. They were pleased with with the construction, with the sprinkler systems that have been installed in accordance with the code. The separate water system that's that's detached from from the sprinkler systems, the 25,000-gallon tank, you may recall, that's on the site at the fire department have use of to fight fires, both on our lot and if they have to take water off the site. So, during that that walkthrough, they made it clear to us that they did not want us to install the dry systems in the attic. They expressed some concern about having two separate standpipes and and we're we're we're you know amenable to that. To remove those, we had installed it in the first building. And we were preparing to install them in our buildings and their direction and stopped so. There is, there is the provision in the Resolution that made it a condition of approval, so when it conferred with with staff, they indicated that probably need to take the, go to the process of amending that formally and that's why we're here this evening.

Janet Andersen: So, I think what we really want to do is, if the board agrees, we'll ask Jan to amend the resolution in accordance with the wishes of the fire department, so I'd look for consensus, unless you have questions, I guess I'd look for consensus to ask Jan to prepare that resolution for next month.

Gregory La Sorsa: Have we seen anything from the Fire Department on this?

Jan Johannessen: I had gotten an email Greg from Rob Melillo, that and I don't know Ciorsdan if you received the same email, I think it was sent to us to me, and then I think I referred him to you and the building inspector, but he wrote to me and said, you know hey we don't we don't want these dry dry sprinkler system in the attics, the rest of the building, you know, the main floors are fully sprinklered. But there was this condition in the resolution that states each building shall be equipped with an additional fire connection and dry line to service the sprinkler heads in building attics. And I had thought that that condition came from, originally, a request of the fire department I'm not sure I forget how it got in there. Rob on behalf of the fire district, I guess, made it known that they prefer not to have that line in there if it was not connected to the main system. Just I guess for their own, just how they operate so.

Gregory La Sorsa: Shouldn't that be part of this application?

Jerome Kerner: No.

Jan Johannessen: Why well the email you mean?

Gregory La Sorsa: Yeah, I mean anything from the fire department.

Jan Johannessen: Ciorsdan do you have that email? If not, I could circulate it to the board tomorrow.

Ciorsdan Conran: I don't remember.

Jan Johannessen: Okay. I haven't Greg if you don't have it off. But the request from Rob Melillo [Goldens Bridge Fire Commissioner].

Jerome Kerner: It's it seems to me, Jan, that that's outside of the scope of the board in any event, I mean it's a building code issue and it's between the building inspector and the fire department, and especially if they're now confirming they don't want as opposed to maybe.

Gregory La Sorsa: Well, I haven't seen it, no one's seen it, we're just we're just hearing applicant's you know, and I think it should be part of the application, certainly not outside of our scope under those circumstances.

John Bainlardi: I don't.

Jerome Kerner: I hear you.

John Bainlardi: I have no objection, I have no objection to it, and just just for the record when I when I sent a letter to your board, I copied the Chiefs. And you know we've we've been we've been communicating with the fire department now for some time. We've given them the opportunity, as we had promised, to locate Knox boxes, truss placards, we've conferred with them on connections for for the fire hydrants and for the for the separate fire suppression system, so you know they're they're very clear. I copied them, I copied the Chiefs. Honestly, the Chiefs I've been telling me earlier in the process that they really didn't want these things installed, they'd reconsidered. And you know, I was, I was in I was in the mindset that isn't it was a condition of the resolution, I was just going to go forward, but when they came out they really, they really don't want them so we're we're prepared to to remove what's been installed and in the one in the one building, and not installed them in the balance.

Gregory La Sorsa: Okay, so just so I'm clear, the first we heard about this was Thursday.

Janet Andersen: I think we had gotten an earlier memo and I don't know where it went. I think it was, it didn't. I'm not sure.

Gregory La Sorsa: I mean, on Thursday, I saw reference to a memo, maybe it was Friday, going back to May, but I didn't see that memo and then we saw that they wanted to be put on this agenda for on on Friday, for you know for Tuesday's agenda, and I still don't see anything from the Fire Department.

Janet Andersen: Okay, so clearly, I think we'll ask Jan to circulate the the email that he got, but I thought we had gotten something some time ago, and then it sort of disappeared, and I think we forgot about it, but maybe I could be wrong.

Jan Johannessen: I think that's I think that's correct. I think John had sent an email to the board some time ago. It just got lost in the shuffle and then he he contacted me either this, earlier this week or last week, and said what's going on with this and I said oh, we have to bring up before the board, it needs to be addressed by the board in an amendment. So, we asked John to recirculate his initial request. That went to Ciorsdan and then we added it to the agenda for correspondence, certainly not any sort of decision, but just to have this conversation. So that that's as much as I know.

John Bainlardi: Was also involved in the conversation with the fire department as well. Just to confirm that the that the fire suppression systems that are installed, which had been confirmed that the time of site plan approval again, that building department, at building permit issuance and and again now. I'm sorry.

Charlene Indelicato: Jan did you have a discussion with the fire department and and received that note from the fire department?

Jan Johannessen: I received the initial email from Rob making the request to remove the systems and then like Jerome said well it's probably a fire, or building inspector item for getting that that was a condition in the Resolution. So yes, I haven't seen the email from Rob and I will make sure if you don't have it that you. You have it.

Charlene Indelicato: If you saw it and that's what it says okay with that.

Jan Johannessen: Well, let me, this is just for discussion item so there's no action tonight we'd have to prepare resolution anyway so, I'll circulate it so everybody has it.

Jerome Kerner: So, in the meantime. In the meantime, we could request John you could request or Jan something in writing from the fire chief and that would satisfy Greg's concern just to have it in the file.

Janet Andersen: I think we should ask for resolution anyhow.

Jerome Kerner: Let's have it, the paperwork.

Janet Andersen: So. We've agreed to ask for that to be written? Okay, thank you, thank you Jan. And we'll see you in July.

John Bainlardi: Thank you. I apologize for the hat, I was coaching a little baseball today.

Janet Andersen: Thank you.

[The Board reached consensus to request its consultants prepare a resolution amending Condition 67 in the Lewisboro Commons (Wilder Balter) Resolution (10-15PB), dated February 26, 2019.]

IX. MINUTES OF May 17, 2022.

(3:12:12 – 3:12:55)

Janet Andersen: So, we have I'd look for approval for the minutes of May 17, 2022.

Charlene Indelicato: So moved.

Janet Andersen: Thank you Charlene. Okay I'll second that no go ahead Jerome.

Jerome Kerner: Second.

Janet Andersen: All right, any discussion on the minutes. I'll poll the board. Jerome.

Jerome Kerner: Yes.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: Greg.

Greg La Sorsa: Yes.

Janet Andersen: And Charlene.

Charlene Indelicato: Aye.

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

Jerome Kerner: Motion for adjournment.

[On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the Board approved the minutes of May 17, 2022 as submitted. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

X. EXECUTIVE SESSION

(3:12:56 – 3:26:17)

Janet Andersen: No. We need to have this discussion about the Silvermine. So, we can either have it in public now and have it stream to YouTube or we can, I, actually I'm going to make this. I move to convene an executive session of the board for the purpose of obtaining attorney advice, and to appoint Jud Siebert to take minutes at this executive session.

Charlene Indelicato: Second.

Janet Andersen: Any discussion.

Jan Johannessen: Janet I'm gonna drop off unless you need me at the exec session.

Janet Andersen: I think we're okay.

Judson Siebert: Jan, it's fine.

Jerome Kerner: Jan, stay on for a moment please. I mean I object to the executive session. I feel like we ought to do it transparently and it seems to me that's, the key question is is it is, a walking trail or satisfactory in lieu of a playground or any other forms of recreation, and that's the only question whether a trail is equal to any other form of it.

Janet Andersen: Well, I think there's some discussion about the financial aspects.

Judson Siebert: And Jerome I have, I have, through some of the emails I've received some legal questions that just touch on some legal issues relating to the rec fee.

Jerome Kerner: Okay, I.

Judson Siebert: It won't be long.

Jerome Kerner: Yeah, so I remove my objection.

Janet Andersen: So, we have to go to a breakout session again, which I forget how to do.

Jan Johannessen: Night all.

Janet Andersen: Night okay good night Jan. Happy summer.

[Mr. Johannessen left the meeting at 10:45 p.m.]

Jerome Kerner: Am I co-host?

Janet Andersen: I so.

Jerome Kerner: Yeah, I am co host so I make a we just want to be all in one room not a separate.

Judson Siebert: The motion, the motion.

Janet Andersen: Oh, I made a motion did anybody second it?

Charlene Indelicato: Second.

Janet Andersen: Charlene did okay any, we have to vote on it, can we since it's only just us can we just say Aye.

All members: Aye.

Jerome Kerner: Okay we'll going into breakout room. What happened?

[On a motion by Ms. Andersen, seconded by Ms. Indelicato, the Board entered into an Executive Session at 10:47 p.m In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

[On a motion by Ms. Indelicato, seconded by Mr. Kerner, the Board exited its Executive Session at 10:57 p.m. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

Janet Andersen: Okay, I think we're all muted, so we have to unmute ourselves somehow so. Okay, and end share. OK, so now.

Judson Siebert: Okay a motion to reopen the public meeting.

Charlene Indelicato: So moved.

Jerome Kerner: Seconded?

Janet Andersen: Any discussion all in favor Aye.

All members: Aye

Janet Andersen: Okay.

XI. NEXT MEETING DATE: July 19, 2022.

(3:26:18 – 3:26:36)

Janet Andersen: So we're back in the public meeting so now, I think I announced the next meeting date is July 19, 2022. We anticipate that we'll be in person, unless the executive order is issued that allows us to meet by video conference again.

XII. ADJOURN MEETING.

(3:26:37 - 3:27:00)

Janet Andersen: And so I look for a motion to adjourn the meeting at 10:57.

Jerome Kerner: So moved.

Janet Andersen: Thank you. Second?

Charlene Indelicato: Second.

Janet Andersen: Any discussion? All in favor

All members: Aye Aye.

Janet Andersen: Okay so good night everyone. Happy summer. Right okay.

Various voices: Good night.

Jerome Kerner: Hey Ciorsdan?

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the meeting was adjourned at 10:57 p.m. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

Respectfully Submitted,

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

Ciorsdan Conran
Planning Board Administrator

**RESOLUTION
LEWISBORO PLANNING BOARD

INDIAN HILLS WATER SYSTEM
SITE DEVELOPMENT PLAN APPROVAL
WETLAND PERMIT APPROVAL
STORMWATER PERMIT APPROVAL**

**Sheet 10, Block 11152, Lot 189
Cal. #09-22PB, #17-22WP, #10-22SW**

June 21, 2022

WHEREAS, the subject property consists of \pm 8.2 acres of land and is located on Apache Circle within the R-2A Zoning District ("the subject property"); and

WHEREAS, the subject property is developed with a communal well used to serve the Indian Hills Subdivision; and

WHEREAS, the applicant, Liberty Utilities, is proposing to upgrade the system to address instances of contaminants exceeding maximum containment levels (MCLs) and is working with the Westchester County Department of Health (WCHD) to provide the required treatment ("the proposed action"); and

WHEREAS, the proposed action includes construction of a building to house equipment, and the exploration of new wells, some of which will be located within a wetland proper and wetland buffer. Outside of the building, a water storage tank and a reclaimed water tank will be installed. Other site improvements include site grading, stormwater management, pavement for building access, and underground utilities; and

WHEREAS, the subject property is identified as Sheet 10, Block 11152, Lot 189 on the Town Tax Map; and

WHEREAS, disturbance is proposed within the New York State Department of Environmental Conservation (NYSDEC) 100-foot Wetland and Wetland Adjacent Area and within the Town of Lewisboro 150-foot wetland buffer; and

WHEREAS, disturbance to the wetland and wetland buffer results from installation of test wells and future water supply lines to the treatment building; and

WHEREAS, an Article 24 Freshwater Wetland Permit is required from the NYSDEC; and

WHEREAS, a wetland mitigation plan has been prepared to offset any impacts to the wetland and wetland buffer and includes the removal of invasive plants, restoration of disturbed areas with native seed mixes, installation of trees and shrubs, and installation of stormwater management facilities; and

WHEREAS, the proposed action will result in more than 5,000 s.f. of land disturbance. The applicant has prepared a Stormwater Pollution Prevention Plan (SWPPP), as required by Chapter 189 of the Town of Lewisboro Town Code and the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001); and

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

WHEREAS, a duly noticed public hearing was open and closed on May 17, 2022 at which time all interested parties were afforded an opportunity to be heard.

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

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

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

Plans, Prepared by H2M Architects + Engineers, dated (last revised) May 27, 2022:

- Existing Conditions Plan (Sheet V100.00)
- Demolition Site Plan (Sheet 100.00)
- Dimensional Site Plan (Sheet CS 100.00)
- Grading & Drainage and Erosion & Sediment Control Plan (Sheet C 100.00)
- Wetland Mitigation Plan (Sheet C 101.00)
- Site Details (Sheet 500.00)
- Site Details (Sheet 501.00)

BE IT FURTHER RESOLVED THAT, in consideration of the above and in accordance with Chapter 189-7B of the Town Code, the Planning Board hereby issues a Town Stormwater Permit, subject to the below-listed conditions; and

BE IT FURTHER RESOLVED THAT, the Town Stormwater Permit shall expire upon completion of work and shall be valid for a period of two (2) years from the date of this Resolution (June 21,

2024), unless extended by the Planning Board in accordance with Section 189-7G of the Town Code; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby finds that the Wetland Activity Permit Application pertaining to the proposed action is consistent with the provisions and policies of Chapter 217 of the Code of the Town of Lewisboro and said permit is hereby approved, subject to the conditions set forth below; and

BE IT FURTHER RESOLVED THAT, in the granting of this Wetland Activity Permit, the Planning Board has considered/evaluated wetland and wetland buffer functions and the role of the wetland and buffer areas in the hydrologic and ecological system and has determined that the impact of the proposed action upon the public health and safety; special concern, rare, threatened and endangered species; water quality and wetland and buffer functions has been avoided or minimized to the maximum extent practicable. In this determination, the Planning Board has taken into account the factors listed under Section 217-8A of the Wetland and Watercourse Law; and

BE IT FURTHER RESOLVED THAT, the Planning Board has reviewed the criteria listed under Section 217-8B of the Wetland and Watercourse Law and has determined that any impacts to the affected wetland buffer are necessary and unavoidable and have been minimized to the maximum extent practicable; and

BE IT FURTHER RESOLVED THAT, all work associated with this Wetland Activity Permit shall be conducted in strict compliance with the plans approved herein; and

BE IT FURTHER RESOLVED THAT, no work shall commence until a Wetland Activity Implementation Permit is issued by the Town Wetland Inspector; and

BE IT FURTHER RESOLVED THAT, this Wetland Activity Permit shall expire two (2) years from the date of this Resolution (June 21, 2024), unless a Certificate of Occupancy has been obtained prior thereto; and

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

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

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

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

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

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

1. The applicant shall satisfy all outstanding written comments provided by the Town's Professional Consultants and staff.
2. All Applicable Town, County, City, State and Federal permits/approvals shall be obtained by the owner/applicant and copies of same submitted to the Planning Board and Building Department. Should the plans approved herein differ from those previously approved by an agency having jurisdiction, the applicant shall be responsible for obtaining amended permits/approval, as determined necessary. The following permits/approvals have been identified:
 - Architectural and Community Appearance Review Council
 - Westchester County Department of Health
 - (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) – to be supplied prior to the issuance of a Building Permit
 - NYDEC Article 24 Freshwater Wetland Permit
3. The applicant shall submit a "check set" (2 copies) of the approved plans, prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
4. Following review and revision (if necessary) of the final plans, the applicant shall furnish the Planning Board with two (2) complete mylar sets of the approved plans for final review by the Town's consultants and endorsement by the Town Engineer, Planning Board Chair and Administrator.

5. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.
6. The applicant shall provide a written statement to the Planning Board Administrator acknowledging that they have read and will abide by all conditions of this Resolution.

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

7. Conditions #1 - #6 specified herein have been satisfied.
8. Following the endorsement of the approved plans by the Town Engineer, Planning Board Chair and Administrator, one (1) mylar set will be returned to the applicant for copying and the second mylar set will be retained by the Planning Board as a record copy.
9. Within ten (10) days after endorsement of the approved plans by the Town Engineer, Planning Board Chair and Planning Board Administrator, the applicant shall deliver to the Planning Board Administrator nine (9) printed sets of the signed plans, collated and folded.
10. No Building Permit shall be issued absent compliance with Town Code Section 220-75B(3).

Conditions to be Satisfied During Construction:

11. During construction, the Town's consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved plans.
12. A copy of this Resolution and the approved plans shall be kept on site at all times during construction.

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

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

15. No Certificate of Occupancy shall issue until all proposed improvements, both site and building related, are complete to the satisfaction of the Building Inspector and the Town's consultants.
16. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved plans.
17. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Other Conditions

18. All WHEREAS clauses contained within the body of this Resolution shall be deemed incorporated as conditions of approval, as if fully set forth herein.

ADOPTION OF RESOLUTION

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

The motion was moved by: Jerome Kerner

The motion was seconded by: Charlene Indelicato

The vote was as follows:

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

Janet Andersen ^{cc}
Janet Andersen, Chair June 21, 2022

**RESOLUTION
LEWISBORO PLANNING BOARD
FINAL SUBDIVISION PLAT APPROVAL
LOT LINE CHANGE**

WACCABUC COUNTRY CLUB AND TERESA E. HARDER

**Sheet 22A, Block 10802, Lots 59, 83 (Harder Property)
Sheet 25, Block 11155, Lot 36 (Waccabuc County Club)
Cal. #07-22PB.**

June 21, 2022

WHEREAS, the Town of Lewisboro Planning Board has received an application from Waccabuc Country Club and Teresa E. Harder for a Lot Line Change involving conveyance of land resulting in ± 4.8 acres being transferred from property owned by Teresa E. Harder (Lot 59) to the Waccabuc Country Club (Lot 36) ("the proposed action"); and

WHEREAS, the Waccabuc Country Club parcel currently consists of ± 42.47 acres of land, ~~is undeveloped~~, and is identified on the Town of Lewisboro Tax Maps as Sheet 25, Block 11155, Lot 36; and

WHEREAS, the Harder Property currently consists of ± 48.63 acres of land and is developed with a single-family residence, pool, and other ancillary improvements; the Harder Property is identified as Sheet 59, Block 10802, Lot 59 & 83 on the Town Tax Map; and

WHEREAS, both parcels are located within the R-4A Zoning District; and

WHEREAS, as a result of the proposed action, the Waccabuc Country Club parcel will increase in size to ± 47.27 acres and the Harder Property will decrease in size to ± 43.82 acres; and

WHEREAS, the proposed action does not include any form of land disturbance, construction or development and will not result in any new or exacerbate any existing zoning nonconformity; and

WHEREAS, the Waccabuc Country Club is considered a legally existing nonconforming use; and

WHEREAS, the Building Inspector determined that the proposed action will result in an expansion of a nonconforming use; and

WHEREAS, the applicant applied to the Zoning Board of Appeals and the Zoning Board approved the expansion of a nonconforming use by Resolution on May 25, 2022; and

WHEREAS, the Planning Board has considered the submitted application, other materials submitted by the applicants in support of their proposal, the written and verbal comments from the Board's professional consultants, and the verbal commentary made during Planning Board meetings; and

WHEREAS, the proposed action has been determined to be an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617.4; and

WHEREAS, the Planning Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions.

NOW THEREFORE BE RESOLVED THAT, the Planning Board hereby issues the attached Negative Declaration of Significance; and

BE IT FURTHER RESOLVED THAT, in accordance with Section 195-13 of the Subdivision Regulations, the Planning Board hereby waives the requirement of a public hearing and waives submission of the Step II Application and a Preliminary Subdivision Plat; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves the following plan, subject to the below listed conditions:

- "Lot Line Change Map Prepared for Waccabuc C.C. and Teresa E. Harder", prepared by Insite Engineering, dated March 29, 2022

BE IT FURTHER RESOLVED THAT, Conditions #1 through #5, outlined below, must be completed within 180 days of the date of this Resolution (October 16, 2022). Should said conditions not be completed within the allotted time frame, this Resolution shall become null and void unless a 90-day extension is requested, in writing, by the applicant within said 180-day period and granted by the Planning Board.

Conditions to be Satisfied Prior to the Signing of the Plat by the Planning Board Chair:

1. The applicant shall satisfactorily address any outstanding written comments provided by the Planning Board's consultants.
2. The applicant shall provide a letter to the Planning Board Administrator acknowledging that they have read and will abide by the Conditions of this Resolution.
3. All applicable application fees and escrow shall be submitted by the applicant to the Planning Board Administrator.

4. The applicant shall submit a "check set" (two copies) prepared to address any outstanding written comments and the conditions of this resolution for final review by the Planning Board's consultants.
5. The applicants shall submit two (2) original mylar copies of the Final Subdivision Plat, complete with all required original signatures, for final review by the Planning Board's consultants and endorsement by the Town Consulting Engineer, Planning Board Administrator and the Planning Board Chair.

Conditions to be Satisfied Subsequent to the Signing of the Plat by the Planning Board Chair:

6. Following the endorsement of the Final Subdivision Plat by the Planning Board Chair and Administrator, one (1) mylar plat will be returned to the applicant for copying and the second mylar plat will be retained by the Planning Board as a record copy.
7. Within ten (10) days after endorsement of the Final Subdivision Plat by the Planning Board Chair and Administrator, the applicant shall deliver, to the Planning Board Administrator, nine (9) printed copies of same, collated and folded.
8. The applicant shall demonstrate proof of filing the Final Subdivision Plat with the Westchester County Clerk's Office. The applicant shall deliver to the Planning Board Administrator three (3) 18" x 14" copies of the Final Subdivision Plat, as filed, showing all signatures and acknowledgements of filing.

ADOPTION OF RESOLUTION

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

The motion was moved by: Charlene Indelicato

The motion was seconded by: Bruce Thompson

The vote was as follows:

JANET ANDERSEN

aye

JEROME KERNER

aye

GREG LASORSA

aye

CHARLENE INDELICATO

aye

BRUCE THOMPSON

aye

Janet Andersen ^{cc}

Janet Andersen, Chair

June 21, 2022

**State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

Date: June 21, 2022

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lewisboro Planning Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Waccabuc County Club and Harder Lot Line Change

SEQRA Status: ☐ Type 1

☒ Unlisted

Conditioned Negative Declaration: ☐ Yes

☒ No

Coordinated Review: ☐ Yes

☒ No

Description of Action: The proposed action involves an application is for a lot line change between the Waccabuc County Club and property owned by Teresa E. Harder. The proposed action will result in ±4.8 acres of land being transferred from the Harder property (Lot 59) to the Waccabuc Country Club (Lot 36). There are no known improvements on the property owned by the Waccabuc County Club, nor are there any improvements on the land to be transferred. The parcel owned by Harder is developed with a single-family residence, pool and other ancillary improvements that will remain.

Location: Mead Street, Town of Lewisboro, New York

Reasons Supporting This Determination: The Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c). Specifically:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production.

The proposed action involves a lot line changes and no land disturbance or construction will result.

2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources.

See response to Finding No. 1 above.

3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).

The subject property is not located within a Critical Environmental Area.

4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.

The applicant obtained approval from the Zoning Board of Appeals for expansion of a nonconforming use which results from the transfer of land to the Waccabuc Country Club, a nonconforming use.

5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood.

See response to Finding No. 1 above.

6. The proposed action will not result in a major change in the use of either the quantity or type of energy.

7. The proposed action will not create a hazard to human health.

See response to Finding No. 1 above.

8. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

No changes are proposed to the property, as the proposed action does not involve any physical changes or activity.

9. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
10. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
11. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
12. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
13. The Planning Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

For further information contact:

Ciorsdan Conran, Planning Board Administrator
Town of Lewisboro
79 Bouton Road, South Salem, NY 10590
Phone: (914) 763-5592
Fax: (914) 763-3637

This notice is being filed with:

Ciorsdan Conran, Planning Board Administrator
Town of Lewisboro
79 Bouton Road, South Salem, NY 10590
Phone: (914) 763-5592
Fax: (914) 763-3637

**RESOLUTION
LEWISBORO PLANNING BOARD**

**SITE DEVELOPMENT PLAN APPROVAL
SPECIAL USE PERMIT**

BORO CAFÉ AND YOGA STUDIO

**Sheet 20, Block 10800, Lot 8
Cal. #05-22 P.B.**

June 21, 2022

WHEREAS, the subject property consists of ±0.69 acre of land, is located at the intersection of NYS Route 35 and North Salem Road, and is identified on the Town Tax Map as Sheet 20, Block 10800, Lot 8 ("the subject property"); and

WHEREAS, the subject property is located within the Retail Business (RB) Zoning District and contains a three (3) story office building, detached garage (formerly approved for indoor recreation), and a parking lot containing 26 parking spaces; and

WHEREAS, the subject property is owned by GHI Real Estate Corp; and

WHEREAS, Shkelzen Gecaj and John Swertfager ("the applicants") are proposing to convert the existing first floor office space in the building into a café, the second floor to a yoga studio, and the third floor to office space. The applicants are also proposing a deck on the north and west side of the building, a portion of which is proposed to be used for outdoor seating ("the proposed action"); and

WHEREAS, the proposed action includes accessible ramps and landings to the south entrance of the building, accessible parking spaces, a dumpster enclosure, and landscaping; and

WHEREAS, reference is made to the applicant's submitted business plan, prepared by Shkelzen Gecaj and John Swertfager (undated); and

WHEREAS, the existing detached building, which was previously approved to be used for indoor recreation (physical training), is proposed to be converted to storage only; and

WHEREAS, the proposed use is permitted within the underlying RB Zoning District; however, the café requires a Special Use Permit from the Planning Board under Section 220-43 of the Town Code given the number of proposed seats (greater than 10 seats); and

WHEREAS, the applicants have demonstrated compliance with the Special Use Permit conditions specified under Section 220-43, Limited service carry-out restaurant with more than 10 seats, of the Zoning Code; and

WHEREAS, seasonal outdoor restaurant seating is permissible subject to compliance with Section 220-16 of the Zoning Code; and

WHEREAS, the applicants are proposing a maximum of 24 indoor seats and 12 outdoor seats, for a maximum of 36 seats total; and

WHEREAS, reference is made to the Building Inspector's review letter, dated April 18, 2022; and

WHEREAS, reference is made to an existing conditions survey prepared by Bunney Associates, dated (last revised) December 27, 2006; and

WHEREAS, the proposed action has been referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law; and

WHEREAS, a duly noticed public hearing was opened and closed on May 17, 2022, at which all interested parties were given an opportunity to be heard.

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

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants Site Development Plan Approval and a Special Use Permit and approves the following plans ("the approved plans"), subject to the below conditions; and

The following plans, prepared by The Helmes Group, LLP:

- Site Plan/Zoning Data/Water Usage/Parking Analysis and Photographs (Sheet 1/7), last revised May 20, 2022
- Existing/Proposed First Floor Plans & Photographs (Sheet 2/3), last revised March 28, 2022
- Existing/Proposed Second/Third Floor Plans & Photographs (Sheet 3 of 3), last revised March 28, 2022
- Proposed Landscape Plan (Sheet 4 of 5), last revised March 28, 2022
- Section & Detail (Sheet 7 of 7), last revised April 19, 2022

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

BE IT FURTHER RESOLVED THAT, the Planning Board may extend for periods of one (1) year each conditional approval and approval of a site development plan if, in its opinion, such extension is warranted by the particular circumstance; and

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

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

BE IT FURTHER RESOLVED THAT, conditions #1-#7 must be fulfilled within six (6) months of the date of this resolution. Should these conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six (6) month period and granted by the Planning Board; and

Conditions to be Satisfied Prior to the Signing of the Approved Plans by the Administrator and Chairperson:

1. Each and every sheet of the approved plans referenced herein shall contain a common revision date with notation stating "Planning Board Approval", shall contain the Town's standard signature blocks, shall contain an original seal and signature of the Design Professional and shall contain an original signature of the owner.
2. The applicants shall satisfy all outstanding written comments provided by the Town's Professional Consultants and staff.
3. All Applicable Town, County, City, State and Federal permits/approvals shall be obtained by the owner/applicants and copies of same submitted to the Planning Board and Building Department. Should the plans approved herein differ from those previously approved by an agency having jurisdiction, the applicants shall be responsible for obtaining amended permits/approval, as determined necessary. The following approvals have been identified:

- Lewisboro Architecture and Community Appearance Review Council (ACARC)
 - Westchester County Department of Health
4. The applicants shall submit a "check set" (2 copies) of the approved plans prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
 5. Following review and revision (if necessary) of the approved plans, the applicants shall furnish the Planning Board with two (2) complete mylar sets of the approved plans for final review by the Town's consultants and endorsement by the Town Engineer, Planning Board Chairperson and Administrator.
 6. The applicants shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.
 7. The applicants shall provide a written statement to the Planning Board Administrator acknowledging that they have read and will abide by all conditions of this Resolution.

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

8. Conditions #1 - #7 specified herein have been satisfied.
9. Following the endorsement of the approved Site Development Plans by the Town Engineer, Planning Board Chairperson and Administrator, one (1) mylar set will be returned to the applicants for copying and the second mylar set will be retained by the Planning Board as a record copy.
10. Within 10 days after endorsement of the approved Site Development Plans by the Town Engineer, Planning Board Chairperson and Planning Board Administrator, the applicants shall deliver to the Planning Board Administrator nine (9) printed sets of the signed plans, collated and folded.
11. No Building Permit shall be issued absent compliance with Town Code Section 220-75B(3).

Conditions to be Satisfied During Construction:

12. During construction, the Town's consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved plans.
13. A copy of this Resolution and the approved plans shall be kept on site at all times during construction.

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

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

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

16. No Certificate of Occupancy shall issue until all proposed improvements, both site and building related, are complete to the satisfaction of the Building Inspector and the Town's consultants.
17. Submission of an as-built survey, prepared by a NYS Licensed Land Surveyor and to the satisfaction of the Town Engineer, demonstrating compliance with the approved Site Development Plans shall be submitted to the Building Inspector and Planning Board (four (4) copies).
18. The applicants shall obtain any and all approvals from the ACARC relating to signage.
19. The applicants shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Other Conditions:

20. The café shall be operated in strict compliance with Section 220-43, Limited-service carry-out restaurant with more than 10 seats.
21. Outdoor seating shall be limited to 12 seats in the locations shown on the approved plans.
22. Outdoor seating shall be operated in strict compliance with Section 220-16 of the Zoning Code.
23. The applicant's stated hours of operation for both the café and yoga studio is 6am-5pm, Monday through Sunday.
24. Any special event shall take place indoors and/or on the proposed deck.
25. Any special events which are expected to attract 50 or more number of persons to the site at one time, shall require prior written notification from the applicant to the Town of Lewisboro Building Department and Police Department. Notification shall be in

written form and shall be sent (registered mail) at least one (1) week in advance of the event.

26. Overnight parking of commercial vehicles or trailers shall be prohibited.
27. On-street parking shall be prohibited unless authorized by the Town Board.
28. Any change in use, expansion or intensification of use, or change in ownership shall require approval from the Planning Board.

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: Greg La Sorsa

The motion was seconded by: Jerome Kerner

The vote was as follows:

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

Janet Andersen CC
Janet Andersen, Chair

June 21, 2022