

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 811 6809 3499) on Tuesday, May 17, 2022, at 7:30 p.m.; the YouTube link is <https://www.youtube.com/watch?v=fuKO7LD-IHs>

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 35 participants were logged into the Zoom and 4 viewers on YouTube.

Ms. Andersen opened the meeting at 7:32 p.m.

Janet Andersen: Hi everyone. I'm Janet Andersen. I'm calling to order the Town of Lewisboro planning board meeting for Tuesday, May 17, 2022 at 7:30pm. The open meetings law changes enacted at the New York state budget enabled us to have this meeting by videoconference and the board agreed to do so at our April meeting. I expect our June meeting to be in person at 79 Bouton [Road] unless the emergency declaration, which now goes until before our meeting in June, is extended, in which case we would probably do videoconference again as well. I will emphasize that no one is in 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.

Janet Andersen: 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, I believe, yes Bruce, Bruce Thompson. We have a quorum and thus we can connect the business of the board, and we can vote on any matters that become before the board. Also on the conference call are the planning and wetland consultant, Jan Johannessen and counsel Jud Siebert. As well as the planning board administration sorry administrator Ciorsdan Conran and CAC chair John Wolff. We do have three public hearings scheduled for tonight, these are the only times we expect to take public comments. I will describe the process before we begin the hearings in just a few minutes. And the public has joined muted. We ask any applicants that are not currently engaging in dialogue to mute their lines, this will help everyone hear over the inevitable background noises. As we go through this, to ease the recording of our votes I will poll board members individually. So, with that let's get started.

I. DECISION

Cal #56-05WP

(5:23 – 8:42)

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

[Peter Rinaldi, owner, was present.]

Janet Andersen: Okay, the first item on our agenda tonight is a decision on calendar number 56-05 WP, this is the Rinaldi residence at 9 North Lake Circle, South Salem, New York, and this is a request for relaxation of a septic requirement which is included in an existing wetland permit. And we considered this matter at our last meeting and asked for resolution which we, has been circulated but perhaps Jan can I ask you to review it quickly.

Jan Johannessen: The property owner had had appeared at the last planning board meeting and presented its case for the elimination of the septic inspection requirement. This wetland permit dates back some years, predates my tenure with the with the town. The application, the wetland permit application was an administrative wetland permit that was issued by the wetland inspector at the time was for a I believe a 300 square foot addition to the house and a deck. The addition was really for a kitchen, there was no increase in bedroom count. There was a restriction placed on on the permit that the applicant was to inspect the septic system once once a year. Since the issuance of that permit, and I believe the the owner has been diligent in you know addressing that condition with with having the septic pumped and inspected every year. Since that permit has been in place that town amended its its town code to require that all property owners within the town have their septic inspected on every, once every five years. So at the last meeting the the board entertained the application and agreed with the applicant that the condition was no longer necessary and requested that our office prepare a resolution that eliminates that condition going forward.

Janet Andersen: Okay, and so I think it has been, as I said, distributed to the board to review, so I if there aren't any questions I would look for a motion to approve the resolution.

Charlene Indelicato: I so move.

Jerome Kerner: Second.

Janet Andersen: Okay, I think it was moved by Charlene and seconded by Jerome, any further discussion. Okay I'm hearing none, I will poll the board Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Jerome.

Jerome Kerner: Yes.

Janet Andersen: Greg.

Greg La Sorsa: Aye.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: I will also say I, so the motion carries, the resolution has been approved. Thank you, and I see Peter is on. Thank you Peter.

Peter Rinaldi: No, thank you, thanks to all the members of the board for my consideration, I appreciate it very much thank you.

[On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the Board granted an amendment to the Wetland Activity Permit Approval (#56-05WP), in the resolution dated May 17, 2022, to the Rinaldis at 9 North Lake

Circle, South Salem. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None. A copy of the Resolution is attached and is part of these minutes.]

II. EXTENSION OF TIME REQUESTS

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

(8:43 - 10:32)

Gossett Brothers Nursery, 1202 Route 35, South Salem, NY 10590, Sheet 31 Block 10805 Lot 46

(Thomas Gossett for T. Gossett Revocable Trust, owner of record) – Request for a 90-day Extension of Time to resolution granting Site Development Plan Approval and Wetland Activity Permit, dated March 16, 2021.

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

Janet Andersen: Okay, the next item on the agenda is an extension of time request this is calendar number 03- 20 PB and calendar number 37 -20 WP. This is for Gossett Brothers Nursery at 1202 Route 35, South Salem, New York, and this is an application for site development plan approval and wetland activity permit approval for an existing nursery. And this did expire on March 16, 2022 and we did get a request for an extension before that date, and I believe Michael you are on for this.

Michael Sirignano: Yes, good evening. My understanding is that this is still down with the health department and that's what we're waiting on so we're asking for a further extension.

Janet Andersen: Okay, I think, typically, we have heard that the Department of Health is is slow, obviously, because of the pandemic. This is typically a six-month extension, and I would like to look for a motion to approve the extension application and extension to 9/16/22.

Jerome Kerner: I so move.

Greg La Sorsa: I'll second it.

Janet Andersen: Thank you. Seconded by Greg. Any discussion on this? Not hearing any, I'll poll the board. Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Jerome.

Jerome Kerner: Aye.

Janet Andersen: Greg.

Greg La Sorsa: Aye.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: And I also say aye so they extension of time has been extended, has been approved and the extension time has been approved.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board granted one 90-day extension to the Gossett Brothers Nursery Resolution granting Site Development Plan Approval and Wetland Permit Approval dated March 16, 2021; the new expiration date is Friday, September 16, 2022. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

Cal #08-12PB

(10:33 - 12:53)

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

[Michael Sirignano, Esq.; was present on behalf of the owners. Ms. Andersen recused herself at 7:39 p.m. and Mr. Kerner chaired the meeting.]

Janet Andersen: Okay, and the next item on our agenda is a matter I'm recused from so I ask Jerome to handle it.

Jerome Kerner: Now, the next item is calendar number 08- 12 PB, Petrucelli/Badagliacca, Oscaleta Road property and it's a request for a 90-day extension of time to to a resolution granted granted prime, preliminary final subdivision plan and negative dec under SEQRA dated October 21, 2014. I, Michael I think you're representing.

Michael Sirignano: Yeah, I am and I had a discussion with Jud about this, I think there is a path to to get this concluded but it's going to take a little more time, but I think we've made some some progress. I'll let Jud speak to it.

Judson Siebert: I I spoke with Michael, I have been speaking with Michael I think there is it's, keep in mind that this is a subdivision approval that was granted basically to recognize existing property rights between the property Petrucelli and the neighboring property owner. And it's a question of what can be prepared for purposes of filing with the county that will be acceptable to them, recognizing the approval that was adopted and granted by the board in 2014. So, I think we're, we keep saying we're close, but I think another 90-day extension might do it, we may be back, but I think I think we're close.

Jerome Kerner: Okay, so we need a motion then, for the, the 90-day extension.

Greg La Sorsa: I'll make the motion.

Jerome Kerner: By Greg seconded by Charlene. I'll poll the board and it's, got any discussion before we vote, if none I'll poll the board. Charlene.

Charlene Indelicato: Aye.

Jerome Kerner: Greg.

Greg La Sorsa: Aye.

Jerome Kerner: Bruce?

Bruce Thompson: Aye

Jerome Kerner: I say aye as well, so the motion carries. Jan[et] it's back to you.

Janet Andersen: Thank you Jerome and obviously I abstain on that one.

[On a motion made by Mr. La Sorsa, seconded by Ms. Indelicato, the Board granted one 90-day extension to the Petruccelli Subdivision Resolution granting Preliminary/Final Subdivision Plat Approval dated October 21, 2014; the new expiration date is Monday, July 18, 2022.]

In favor: Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Abstain: Ms. Andersen. Ms. Andersen returned to the meeting at 7:42 p.m.]

III. PUBLIC HEARINGS

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

(12:54 - 24:47)

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

[Sean Peters, H2M Architects and Engineers; and Christopher Peters, Liberty Utilities were present on behalf of the owner. Prior to the start of the meeting, Mr. Sean Peters 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: OK next we have some public hearings. Let me start with the ground rules sort of. The purpose of a public hearing is really for the board to hear the concerns and comments of the public. The comments should be addressed to the planning board, not to the applicant. A public hearing is not meant to be a dialogue. In general, the Board will not directly respond to comments at the public hearing, although we will correct errors if we if we recognize them at that moment. The Board will take public input into consideration as we continue to review the matter before us. Now members of the public can always express their views by mail or email to planning@lewisborogov.com and we did invite public comments by email before the meeting. I will now open it up to people to speak. To speak at the hearing, please raise your Zoom hand by clicking on the raise hand icon which is at the bottom of the screen. If you are on a phone, you can press star nine and that will effectively raise your hand. We will ask speakers to give their name and address. And we do ask that the comments be kept short and if your comments are substantially the same as a prior, prior person, please, you know, consider lowering your hand. The format for a public hearing: I'll give a brief introduction to the application. The applicant will give a again a brief summary of the project, the planning board advisors will review their comments. We'll have the public comment period, and then a discussion by the planning board.

Janet Andersen: So the first item on, the first public hearing on our agenda is calendar number 03-22 PB, calendar number 09 – 22 SW. This is for the Arbor Hills Water System on Brundige Drive in Goldens Bridge, New York, this is an application for the construction of a water treatment facility, and I believe I saw the applicant okay.

Sean Peters: Can you guys see my screen?

Janet Andersen: We can. Could you just give your name again for the record here.

Sean Peters: Yes, um thank you, my name is Sean Peters from H2M Architects and Engineers. Also joining me on the call today is Christopher Peters from Liberty Utilities. So as chairperson Andersen mentioned, I just want to give a very brief background on the project. So, this site is an existing water supply and treatment facility. It

services the Arbor Hill subdivision. It's a 4.6-acre parcel in an R-2A zoning district. Our district services about 210 people through 67 service connections. So, what the project is looking to do is to provide a new water treatment building on the site, the location of the building itself was selected in a location that would be further away from existing residencies that are adjacent to the parcel. As you can see over here, this is where the existing treatment building is, and this is where the new building is located. The. The project itself is in a fairly wooded area and it abuts Brundige Drive and Waccabuc Road.

As far as improvements on the site itself, we have this 1,680 square foot treatment building. The fenced in area will provide security around the site, there are two 8,000-gallon water storage tanks that are proposed on the site, those are used as part of the water treatment process. As far as other improvements, it's very limited, there's going to be some resurfacing of the asphalt pavement on the site, as well as a small underground detention center which is going to provide attenuation of the 25-year storm. For the benefit of those on the call, the site is typically unmanned, and we don't anticipate this site generating any additional traffic as part of this project. Typically Liberty Utilities will stop at site once or two times a day to check on operations and make sure that everything is running okay. The lighting on the site is proposed on all four sides of the building for operation and security reasons, however, as noted by Kellard Sessions, the town's consultant, those lights will have glare shields and will also be on motion detection so you know, the majority of the time you won't be seeing any lights on these buildings. There are a few photos that I just wanted to show this is the site entrance, as you can see, the project site is very wooded. We have a few pine trees lining the entrance to the site, the new building is located generally in this area. So, it is well screened, this is another view from the intersection of Waccabuc and Sullivan Road, you can see there's a lot of new vegetation in that area, which provides adequate screening. The existing site has as we've talked about before as a small treatment building and this area over here, is where the new building is proposed. As you can see it's predominantly cleared, so there will be a minimal amount of tree clearing proposed as part of this project. If the Board has any questions at this time or wants me to further clarify anything, please just let me know.

Janet Andersen: I think that's great. Thank you, Sean. Jan, did you want to I I don't think you had an extensive memo on this, but do you want to offer any comments.

Jan Johannessen: We did not have a memo on this application, or we had prior memos that were satisfied. So, no further comment on our end for this particular application.

Janet Andersen: Okay, I'm looking for, are there any members of the public who have any comments or questions about this particular application? Okay, I don't see any so. Perhaps if you could stop screen sharing, we could see the board. I'd look for a motion to close the public hearing. Everybody wants. Okay, I think Jerome got there first and maybe Bruce second, seconded it. Okay, any discussion on this. Okay I'll poll the board again. 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: I'll also say aye, so, the public hearing is closed.

[On a motion made by Mr. Kerner, seconded by Mr. Thompson, the Board closed the public hearing for the construction of a water treatment facility at Arbor Hills Water System, 0 Brundige Drive, Goldens Bridge at 7:48 p.m. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

Janet Andersen: We did have a resolution on this and Jan, I'm sorry, first I should say that the resolution has been distributed to the planning board members and so Jan, do you want to quickly go through this.

Jan Johannessen: Sure, this is a resolution for site development plan approval and a stormwater permit for an upgrade to a water treatment system for Arbor Hills located on Brundige drive on a 4.63-acre property in the R2 zoning district, The system currently serves 67 customers, it is being upgraded through the Westchester County Department of Health. There are no wetland or wetland buffer impacts, there's no wetland permit involved here. Limits of disturbance are slightly exceed 5,000 square feet so there's a town stormwater permit. And the applicant will be required to file SPDES general permit for stormwater discharges construction activity. The applicant is mitigating stormwater runoff with a storm water detection system, the project has been referred to the building inspector, you have a memo from the building inspector identifying zoning conformance. It's a Type two action under SEQRA and, as I stated earlier here, our office has no further comments.

Janet Andersen: Okay um I just noticed that there is a question that came in through the chat from Jane Bendor [1 Shoshone Drive, Katonah] that asked how will cost be recovered. That's not typically an issue for the planning board, but perhaps the applicant can address that.

Sean Peters: Yeah so, I can speak to it at a high level. Obviously, as chairperson Andersen mentioned, you know this isn't really something that typically pertains to the planning board's purview, but you know what I will say is that, with a with a provider such as Liberty Utilities, typically what happens is that these costs are distributed over a larger base. And I think this is a benefit actually to the Arbor Hills subdivision as a whole, as opposed to their previous provider, which was a smaller system, I believe it was back in 2012 or 2017 when Liberty Utilities took over. Before it was that it was Arbor Hills subdivision Arbor Hills Waterworks so I believe that those costs would be spread over a larger base as opposed to being directly impact to residents so um I, I see that as a benefit. When you're working with a company like Liberty Utilities, but other than that I really don't have too much more information on that.

Janet Andersen: Okay, thank you.

Judson Siebert: And Jan, and I yeah, I would, I would just add that the question of cost and rate is outside of the board's jurisdiction as a water utility, this is something that would be addressed in a rate filing with the New York state PSC.

Janet Andersen: Yes, thank you Jud. I see John you have your hand up.

John Wolff: Unmute here yeah, we just noticed on the drawings, that there was a large maple that was like on the edge of the road that I think was 26 inch and the comment we had as the CAC is, we like to have that preserved, if at all possible, if there could be a slight modification to the road.

Sean Peters: Can I actually speak to that?

Janet Andersen: Yes. Go ahead.

Sean Peters: Okay, yes, so John, we did receive that comment that was for the Indian Hills System and and we have no objection to that for the Indian Hills project, will we will protect that tree.

John Wolff: Okay, thanks.

Janet Andersen: So, but we are discussing right now the Arbor Hills and we and we have a resolution that's been briefly described by Jan, so I would look for a motion to approve that resolution. Okay Bruce looks like you're moving and Charlene that looks like a second. okay any further discussion on this hearing none, I will pull the board Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Jerome.

Jerome Kerner: Aye.

Janet Andersen: Greg.

Greg La Sorsa: Aye.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: I also say aye, so the resolution has been approved, thank you and we will move on to our next public hearing.

[On a motion made by Mr. Thompson, seconded by Ms. Indelicato, the resolution dated May 17, 2022, granting Site Development Plan Approval and Town Stormwater Permit Approval for the construction of a water treatment facility at Arbor Hills Water System, 0 Brundige Drive, Goldens Bridge, 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 #09-22PB, Cal #17-22WP, Cal #10-22SW

(24:48 – 40:22)

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; and Christopher Peters, Liberty Utilities were present on behalf of the owner. Prior to the start of the meeting, Mr. Sean Peters 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: And this is calendar number 09- 22 PB, calendar number 17 - 22 WP, calendar number 10 - 22 SW, this is for the Indian Hills Water System at Apache Circle, Katonah, New York. This is the application for the construction of a water treatment facility and three, possibly three new wells, and again I believe Sean you you've got this so again, let me just the format will be the brief introduction to the application, which I just gave a summary of the project, any comments and then the public comment period, and then the planning Board will discuss it. So, take it away Sean.

Sean Peters: Thank you very much I'm so so very similar and actually let me go to this this first one. So very similar to Arbor Hills, this site is also looking to install a new water treatment building. The site is an 8.2-acre parcel in the R-2A zoning district. This services, the Indian Hills subdivision which consists of about 360 people through 80 service connections. In addition, on this on this site, there is a need for water storage and water supply, as well. As chairperson Andersen mentioned, we are looking into three potential test well locations. And the purpose of that is to provide a redundant water supply, that would meet regulatory requirements. That would serve as a backup water supply for, for example, you know, there was a needed repair maintenance on one of the existing wells. Just just to show those locations over here, those three locations are TW-5 TW-6, TW-7, those locations have been sent to the DOH, for their confirmation. Our intent is to start with TW-7 which would be the furthest away from the wetlands and environmentally sensitive areas. If everything goes well with testing on that location, then we wouldn't need to proceed to TW-5 and TW-6, however, in the event that we do need to perform testing in those locations, those locations will be outside of any wetland disturbance.

As far as site improvements up by the building, we are also proposing a 34,600-gallon water storage tank. I know I know this sounds like a large number, but actually the tank is only 15 feet high so it's not it's not very tall it's actually smaller than the building. We're also proposing a fenced in area for security purposes and to protect that water supply area, a gravel turnaround area and a underground detention system which will attenuate a 25-year storm. I did have a few photos for the benefit of those on the call that might not have seen them before. This is the site entrance in photo two. As you can see the site is also fairly wooded and set back off of the main road. Photo number one shows the existing treatment building, an emergency generator, and the general layout of the area. The new water storage tank and treatment building will be located in this general area, the location was selected because it reduces tree clearing a lot of those areas is shrubs and smaller vegetation. We are in receipt of comments from the building inspector who noted this site is zoning compliant and referred to the Kellard Sessions memo. We also received comments from the CAC, which is what I believe John was referencing before regarding that 26-inch maple, that specimen tree, we have no objection to protecting that. That will be noted on the plans we also received a Kellard Sessions memo. We have no objections to it, but I did have two items that I just wanted to clarify with Jan if I could. The first one being the wetland mitigation plan. I know that maybe it's a little unclear, but that is discussed on C -100. Jan, I don't know if you were looking for a separate wetland mitigation plan if that's typical for us to break this out into a different sheet. What we're showing here is is seeding, a wetland seed mix for all those disturbed areas for the well access and then also a conservation easement area. So, I can certainly break that out into a separate sheet if that's what you're looking for, I just want to make sure that I understand the comment.

Jan Johannessen: Yeah, I think that would be that would be helpful. I'd like to understand the seed mixes in a little bit more detail, and obviously the conservation area will need to see limits on that and and description of the activities that are are prohibited in that area.

Sean Peters: Okay, yeah so we can break that out into a sheet, to provide a little bit more detail, the only other question I had Jan was just where we talk about widening and resurfacing of the driveway that currently isn't proposed as part of this project, and I didn't know if it was something that you were noticing us something we needed to do, or you were kind of suggesting that if we were, we need to show details for that.

Jan Johannessen: Kind of a combination of of the two, to the extent that you have pavement that needs to be restored, we want to see like a restoration detail. I imagine, as you get up closer to the facility, you'll be repaving that.

Sean Peters: Okay yeah, I mean the pavement is in good condition, but we have no objection to showing a detail for that and identifying that you know if there's damaged pavement or areas that need to be repaired and kind of call out that detail.

Jan Johannessen: Yeah, if you have like maybe a pavement restoration detail would be satisfactory.

Sean Peters: Okay all right so other than that I didn't have any I didn't have any other comments, like I said, we have no objection to addressing these comments that we received from Kellard Sessions, so if the board has any questions at this time we'd be happy to answer them.

Janet Andersen: Okay, I'm going to hold my comment and another question until just a little later, but maybe I will ask Jan to review, we've already addressed some items in your memo, perhaps you can highlight if there's something else that needs addressing.

Jan Johannessen: Sure, you know, the main difference between this project and the other that was just discussed is the need for a wetland permits. The facility is located within the Town wetland buffer, we have some wetland crossings with the proposed water works. This wetland is also regulated by the DEC so the applicant will require an Article 24 fresh water wetland permit from the DEC. The plant itself is very kind of consistent in terms of the other project, their mediation strategies for stormwater are consistent. We wanted a little bit more information on the wetland mitigation plan and I'm happy to speak with Sean offline on exactly what's needed to reach the one-to-one mitigation requirement. We had some questions or concerns about the stormwater detention structure that's proposed under underground they did have some, they did encounter some some groundwater, evidence of groundwater during the soil testing, so some concerns about how that that system would be protected from from groundwater and potential floating in the system. There was a couple other odds and ends, but those were the the main comments, little couple comments on the stormwater mitigation system and flushing out the wetland mitigation plan.

Janet Andersen Okay, thank you. We will now open this up again to any public comments and if the, if anyone from the public would like to make a comment you can raise your zoom hand and we'll call on you. Well, that's perhaps while that's happening. I will make a comment, and that is that. Because there are wetlands relatively close to where you're going to be putting in the wells, and this new activity, I I think I would really like to see some perhaps some shrubs or something that feels a little more permanent than than a seed mix. I leave that to Jan's discretion, but I do think that, as part of getting to the one-to-one mitigation if there is some way, you can you know the whole idea is to protect the, as you well know, to protect the wetlands from disturbance and ongoing activities, so perhaps something a little more robust than than just a seed mix would be something I'd like to see but but I'll you know I defer to Jan's expertise on this. All right, again I don't see any member of the public that has raised their hand on this. So, I guess I would look for perhaps you could stop screen sharing Sean. And I look for a motion, to close the public hearing.

Jerome Kerner: So moved.

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

Greg La Sorsa: I'll second.

Janet Andersen: Thank you Greg any further discussion, I will poll the board. Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Jerome.

Jerome Kerner: Aye.

Janet Andersen: Greg.

Greg La Sorsa: Yes, aye.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: I'll also say aye so the public hearing is closed.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board closed the public hearing for the construction of a water treatment facility and three test wells at Indian Hills Water System, 0 Apache Circle, Katonah at 8:07 p.m. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

Janet Andersen: I think we did ask Jan to start a resolution on this, I would say that if there is a sort of. If Jan, if you become comfortable with a a mitigation plan and some of the minor corrections, I guess we'd look to have that for the next meeting.

Jan Johannessen: I'm happy to have that prepared for the next meeting and Sean, if we could set up a meeting between now and then just to go over the mitigation plan, that's great.

Janet Andersen: Okay so we'd look for that resubmission so that we could go forward on the resolution. Any other discussion on this before we move on. Yes, Bruce.

Bruce Thompson: I'm curious about something that you said, and I understand why, on the shrub versus the the seed mix. I'm curious about which solution is a better control of invasives if you're mowing a seed mix say once a year, maybe even twice, I'm not familiar with how often they mow it but some of these things they if they're not well anything if it isn't maintained you're going to get an infestation of invasives.

Janet Andersen: Yes, um I I think that's one of the reasons I like to see some shrubs but I again I'll defer to Jan, it somewhat depends on which shrubs are planted to how much ground disturbance there is, and again I'll defer to Jan and further comments on that.

Jan Johannessen: Yeah, I think a lot has to do you know these are fairly narrow trenches for the you know the wells and the water lines. Obviously that disturbance up by the facility itself and the driveway some more open. But I think with regards to invasive species, a lot has to do with what's around it and and the extent of kind of canopy and shading that you have it's if it's a wide open area and you cut a big swath in there and just throw it out to proceed mix probably not going to be very successful to try to try to have some shade that that really prevents some of that from taking off so it's a unique project specific want to take a look at the area and try to work with Sean to develop the right plan. I would suggest, and they obviously need to maintain these areas right, so you can't cut this line and and then plant it out with shrubs they're going to need to get back to that well periodically, you know for maintenance so on projects like these we have suggested you know perennials or or a seed mix, so that you know you can access them that they're just become kind of a naturalized path. So, I don't really have any objections to that provided they spec the right seed mix and it's successful.

Janet Andersen: Yeah, that's actually good. Thank you, Jan, because obviously they do need to continue to have access to the well site so.

Jan Johannessen: And, hopefully, you know they're they're kind of showing you the worst-case scenario, by all these different tests wells Sean mentioned hopefully they draw the first one, they hit money and that's it.

Janet Andersen: Okay, good, well, thank you, yes, so as, as I indicated if the mitigation plan is acceptable to you. That you're really the expert in this. Okay, so I think we're done with this matter and hearing. If unless anyone has any other questions.

Jan Johannessen: I just wanted to point out, and I it's, I didn't pick up on the conservation area, but you know I don't know that that's really necessary and I would hate to get into a situation where you may need that area in the future and there's some restriction in the way that was just to satisfy mitigation requirement, I think you can get to where you need to be without that imposing that such a restriction on a parcel like this that's really meant for utility.

Sean Peters: Okay, no, I think I think we can work on that Jan and I'll I'll reach out to you about a meeting and and we can improve that plan.

Janet Andersen: Okay yeah, I would agree, I think that it's unlikely that the kind of thing that a conservation easement would typically protect against would be, it would be proposed for this particular parcel so. Good catch Jan.

Cal #05-22PB

(40:26 – 1:52:22)

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. Prior to the start of the meeting, Mr. Helmes 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: The next item on our agenda is calendar number 05- 22 PB, this is the Boro Café, 873 Route 35, Cross River, New York. This is an application for change of use from office to a restaurant and yoga studio. Okay, so I'm still seeing a screen, a shared screen did he leave without.

Steven Helmes: Can you hear me? Stephen Helmes with the Helmes Group Architects.

Janet Andersen: Yes, hi Steven.

Steven Helmes: Hi. I'm going to try to share my screen, if I can now, I'm on tonight with my clients Skaz Gecaj and John Swertfager.

Skaz Gecaj: Hello.

John Swertfager: How are we doing guys?

Steven Helmes: I'm gonna. Can you all see that?

Janet Andersen: Yes.

Steven Helmes: Okay, just to give a little recap, this is a site is located at the corner of Route 35 and North Salem Road it's a little over half acre, 0.6 acres. And it's an existing three-story building with a basement and it has been used for offices for quite a few years and we'd like to convert the first floor in the first-floor offices into a café, and the second-floor offices into a yoga studio. There's no change in footprint with this application, other than ADA-compliant handicap ramp in the front yard or in this south side here and a deck at grade level facing Route

35. That's the extent of the site work the parking and circulation is to remain as is. We are seeking site development plan approval for this project, as well as a special use permit for the outdoor seating for seasonal outdoor seating with a caveat that it would be a maximum of 12 people outside 24 inside again that seasonal so it's a 36-person maximum for seating at this establishment. We were at the ARB, ACARC last week looking for some approval on this submission. They had some comments on maybe substituting some other type of bushes instead of the box woods, we took that under advisement. And we do have to go back to ACARC for signage. However, the signs are going to remain in the exact two spots, which is located here, and here, but we'll submit that, the coloring and so forth, but the signboards will stay.

Janet Andersen: Steven, perhaps, Steve, perhaps you could speak up a little, we're getting some background noise.

Steven Helmes: Okay.

Janet Andersen: Thank you.

Steven Helmes: We did submit this application to the health department and in April, and we are anxiously awaiting. I've been in contact with people at the health department on this application. Hoping to get some feedback [static] at the end of this week, I was hoping I'd have something today. But a, a little backed up and they did receive everything and they're reviewing it. Let's see what else, that I just I would bring to touch in this building conforms to all setbacks. We're not increasing the coverage or the impervious site and. With respect to the elevations, we're going to be residing and replace the windows and the roof is going to remain. That's pretty much my application, I'll go through these plans here for the public, this drawing number two reflects the floor plan, the drawing on the left, top left, is the existing office layout, and the drawing on the right which is colored, depicted in colors, is the café. And we have unisex bathrooms here. And then, on the second floor, we have a yoga studio which is here and we're taking out part of the third floor to maximize the headroom in the second-floor yoga studio. A landscape plan was submitted to your board last go around. Subsequent to that they did plant a Norway spruce I believe here. And that's an existing site plan drawing that was asked for this is sort of a rendition of the exterior with vertical siding, dark windows and nice folding doors here to gain access in and out from the cafe out to the deck. But the massing and all that stays as it is reference picture down on the lower here is how it sits today, this is a inspiration picture of the folding doors. This is just another view off North Salem Road and in this area here. There was a deck drawing prepared and a sign detail that was asked for. Skaz and John would you like to add anything to this presentation.

John Swertfager: No, no that was it,

Skaz Gecaj: No, you pretty much nailed it we're really excited. And we're looking forward to this.

Steven Helmes: And again, this is a permitted use in this zoning district, I need to stress that. Just for the record, there. We'd be happy to answer any questions.

Janet Andersen: Okay, and so good for the next item. Next thing is to ask, I don't know Jan if there was any other comments that you had to give at this point.

Jan Johannessen: No, our comments were were addressed with the last submission as Steven indicated, we the health department is something that we'd like to see, although we made that a condition of the approval, of the resolution of the board if the planning board acts on that. The change of use requires health department approval.

Janet Andersen: Okay, so I will now open this up to the public for comments and again, to make a comment, please raise your Zoom hand by clicking on that icon, and if you are on the phone, you can hit star nine to sort of

virtually raise your hand and I would ask people again to be to be succinct and to let us know your concerns, and so I do see one hand up, then, so I ask Glenn to unmute yourself and and begin.

Glenn DeFaber: Can you hear me?

Janet Andersen: Yes.

Glenn DeFaber: Hi my name is Glenn DeFaber, [2 Howland Drive] Cross River resident for many years, when I heard that these guys were putting in a café, I couldn't believe how lucky I was to last this long not to have a place where you can go other than Dunkin Donuts. It's a perfect location, it's low impact, it's not a 7/11 and I think it will enhance our community to where I think it is and where it's going to go. And it's great to have young guys who grew up in town, who have a stake in our community that want to see it get better and grow for their children, and for my grandchildren. thanks, a lot okay.

Janet Andersen: Thank you Glenn. And the next the next hand I see up is Jerry. Please, please unmute yourself and go ahead.

Jerry Pozniak: Hey good evening, my name is Jerry Pozniak and I'm a resident at 23 Mark Mead Road and my wife and I moved here in 2001. We're long time Cross River residents and also the residents who are probably closest to this application. I'd love to see growth in the community, but I do have a couple of concerns and I do have a couple of questions so I'll keep it brief. One of my concerns is that part of the application and in the business plan there was indication that part of the target demographics was going to be the students of the high school and middle school. As someone who likes to walk, I mean it's treacherous trying to cross Route 35 at that intersection there are no crosswalks. Typically, traffic does not adhere to the posted speed limit and nobody really stops at the stoplight and then just makes the right hand turn so one concern is is that our middle school students are going to be coming over across the street, will the planning board require a a traffic study to see if it's going to be a dangerous intersection.

My second question to the planning board is that, the gentlemen Mr. Swertfager and Mr. Gecaj came into the property that we own my wife and I own and removed native trees that were in good shape, not diseased at all, without our permission and took down a series of trees, at least five or six trees. One, which would have straddled the property line between our property and their property was one that actually was on the rock wall and that the survey showed that was you know completely divided by the two properties. They subsequently made amends by planting some non-native species trees to to address our concerns of the lack of you know now, we have no shading and also you know now we're seeing Route 35 where we didn't see it before you know. Mr. Gecaj when I asked him questions about this, why they came on to our property he he said that Lewisboro has in the tree ordinance that a neighbor can come on to another neighbor's property within 100 feet of a foundation to cut down a tree without asking permission. I reviewed the ordinance and I couldn't find anything like that in the ordinance. So, my question to the Planning Board, which can be addressed is, is there, can neighbors just go on to another neighbor's property and just cut down trees, and these are trees that were native trees, some of them were on the larger size. I do have video, I do have images of the trees that were taken down. And I think that the least the neighborly thing would have been to do was to knock on my door and asked permission to do so. So, I mean my major concerns are the trees that were taken down and the lack of transparency. I know that they also mentioned that the gentleman who mentioned earlier, before about the roof. That the roof was going to remain the same, but Mr. Gecaj had mentioned the reason why they wanted to take the trees down was to put solar on the roof, which I love solar. But it seems more like the plans that were submitted for the landscaping plants that they needed to add in some sort of a buffer. So, and this was done before anything was approved so just bring it to your attention, those are my concerns I'd love growth in the town, but I also like honesty from the people who are going to be, you know doing this kind of work. Thank you so much for your time and I appreciate it.

Janet Andersen: Okay, thank you um. I will say I am not an expert in in the Town Code, but I do not believe it was ever the intent of the code to allow people to go on to other people's property and I. That, I think, becomes a matter that is, perhaps I'll let Jud address it.

Judson Siebert: Our Town Code provides no provision that allows one neighbor to cross on to another neighbor's property, you know, for purposes of tree removal. You know the issue of whether that occurred and what the ramifications of that removal, you know what you know, what what those are is not something that this board can address, we can only address the application that's before us. That's more a matter of you know the assertion of your property rights and claims of trespass against a neighboring property owner. But. You know, in terms of what the Town Code does or doesn't countenance, no I I am unaware, and do not believe the Town Code provides for that type of off premises activity at all.

Janet Andersen: And I, I do believe that there is a lot of existing precedent that talks about the the issues of one neighbor removing another person's trees. I would certainly say I favor native plantings over nonnative. The second question about a traffic study I think we'll discuss a little bit more later that. So, I will go to the next person whose hand is raised is Tim Collins.

Tim Collins: Hi, how are you. My name is Tim Collins. I'm at a 20 Valeria Circle in North Salem, New York. I'm a John Jay high school graduate and also you know coached on the fields at John Jay. In regards to the application, this is an absolute great opportunity for growth in our community and also an absolute excellent opportunity for jobs. We are in a situation where in our economy, jobs are needed, this is a great situation for high school kids to be able to have a job after school. And for other members of our community to go to and work and make our community better. In regards to the traffic situation. I've lived in this town all my life there was a time when there was no light at that intersection so there's a light there now and it should not be an issue. As far as the property ownership that's that's as you guys said that's a situation for someone else to handle. But I just want to say that it will bring job growth to our community, and these two guys bring so much back to our community, another business owned by them would be phenomenal for this area, thank you very much.

Janet Andersen: Okay. Thank you, I don't see any other hands raised at the moment, again, if someone would like to comment you can raise your zoom hand. Pete go ahead. You have to unmute Pete.

Pete Lorenzini: Okay sorry, can you hear me yes hi my name is Peter Lorenzini. I live at 81 Hemlock Road over in South Salem. I just wanted to mention that I think this is a phenomenal idea. We need something like this in our town because right now, I mean reality is I take my kids and I go over Ridgefield to do these kinds of things um I think this place would benefit the community would benefit the kids and you know I really, really like to see this get approved. Um so that's all thank you.

Janet Andersen: Thank you. Okay, perhaps. If you could stop screen sharing, we can go see each other. And I'm going to continue to say that if someone wants to speak again. We have received a couple of comment letters. But I think that the issues that we've heard today are ones about safety. Perhaps access and and traffic. I would say that I am concerned, I agree with the concerns about about the street crossings there, they're very, the street crossing is not easy. And but I think it's also out of not only out of planning board control to some extent, it's also out of the control of the town, because it is a state road. I would like to ask and ask for some some clarification on the hours. I believe verbally we heard that the hours were 6am to 4pm but I don't know, it was not part of the business plan, so perhaps the applicants can can expand on that a little.

Steven Helmes: Skaz or John can you address that?

Skaz Gecaj: Yeah well it's either going to be 6am to four or 6:30 to 4:30 but no later than 4:30. We're kind of just trying to figure out where we can catch that and traffic. So just to kind of butt in I know you guys are worried about you know kids coming over, but I don't think kids have \$7 to spend on a cappuccino.

John Swertfager: This I really that's priced out, you know we close right after school um you know our market is not not the kids so this, this is not that.

Skaz Gecaj: We're really trying to build a place for adults for our community to kind of get together. So. You know I know Bacio was next door did a massive renovation. I don't think traffic study was asked for there and they're open longer than we are. I'm flattered that you guys think we're going to be very successful,

John Swertfager: Yes, that is nice to hear.

Skaz Gecaj: Very, very flattered, yeah that is nice of you, but I think this is being made into a bigger deal than it is. It's a simple café we're offsetting a couple yoga classes, maybe four or five seven at the most week on a weekly basis. And that's about it. Nothing, you know, like yeah yeah...

John Swertfager: I think everyone's getting excited about it um and. We need to think about like what it actually is it's a coffee house this not a you know huge restaurant, cars flying in and out so that's just not realistic, not going to happen.

Janet Andersen: Okay, I do see a couple more hands up, so I would ask Patty to unmute oh you're already unmuted. Come on and talk.

Patty Hinkley: Hi my name is Patty Hinkley and I've been a resident for 20 years and, as a business person myself, where I do a lot of meetings at cafes and restaurants and And you know places like that, I often find myself in Hayfields out in North Salem or the Reading Room in Katonah and I would much rather meet clients or do business from somewhere local and I think this place sounds like just the ideal spot for again, more local business to happen and to support what is going to be an amazing addition to our awesome little town.

Janet Andersen: Great. Thank you could you give us your address sorry Patty.

Patty Hinkley: [7] Butternut Lane, Katonah.

Janet Andersen: Great. Thank you.

Patty Hinkley: Thank you.

Janet Andersen: Okay, and Lisa Miller, could you unmute yourself and go ahead. You're still muted. There you go. I'm sorry we're not hearing you still. Make sure you haven't muted, the mic somehow. Now you're muted again. Okay um I don't know how to help. There's there might be a little microphone on your computer that has a red button or a red light that maybe you can hit that and if that's lit it is keeping you from speaking.

Judson Siebert: Try now, it looks like it's off.

Janet Andersen: I am sorry. So, we do have we do have a memo that I believe came from the same Lisa Miller, and so we have we have circulated it among the Board members um. Yeah, and I, try again? Can't hear you. Okay, so I think the the major issue again was was some concern over traffic I just put it aside. And I think. I think. A curfew on the use of the outdoor deck but if the whole business closes at 4:30 I don't think a curfew on the outside deck needs to be added. That would be my view, but I mean I'm going to I'm going to look for board comments okay I'm really sorry Patty I don't I'm sorry Lisa, I don't know how to help you get to be heard. Um. Okay, so any any other comments or anybody have any suggestions on how to help Lisa. Okay, and then I will open it up, I think now to the board for any any comments that you might have on this. Yeah Jerome.

Jerome Kerner: Lisa could go out and come in again. Why don't you sign out and come in again try it again. My comment is. Well, first of all. To be in agreement with those that have spoken about the benefit of a project like this to the community, and I would agree that would be a wonderful place. I know people travel to Ridgefield and Katonah to have the cafe and have cafe meetings and. There is a potential for high school kids that come out I see them go to Greenway they flood in there between 2:30 and 3:30 and surely, they'll be tempted to come across, and the reason, a lot of affluence in this town I can't deny that they would be able to afford those prices that were discussed. And I do think it's not just the traffic light that I'm concerned about, because that that may be the least of the problems, but it's travel actually, to travel from high school to that crossing, there are no sidewalks, it would mean walking across along 121 that state road, crossing the entrance to the shopping center, which in itself is not a safe thing. So, I'm wondering if we moved ahead here for approval if we could have a review built into the approval see a two-year review and we know from experience how many kids are doing that trip, what what the problems are and in the interim look into what Dan Welsh has been for years now talking about safe streets and.

Skaz Gecaj: Jerome, so I spoke to Tony Gonçalves, town supervisor and he's lined up a bunch of business owners like Mirash [Vataj] who owns the plaza next door [19 North Salem Road] and he's pushing for sidewalks and crosswalks. I just want to get this straight, we have no issue with that, the only issue is we're not going to create a sidewalk we have nothing to connect to.

Jerome Kerner: Listen, I it's not your it's not your issue, but if it is an issue, it's the responsibility of the planning board.

Skaz Gecaj: Gotcha. Okay.

Jerome Kerner: To make sure, to make sure that safety is is a factor, you know if somebody wanted to put it up, you know something that did not require or attempt, was not an attractive or a tempting place to go to it wouldn't be an issue.

Skaz Gecaj: So what do you guys recommend up, you should we pressure the state like I'm kind of confused on what.

John Swertfager: Sorry we're getting excited.

Jerome Kerner: Hear me out here. We've had we've had instances in the past. Where, for instance, for instance, a place worship, that I know. Was as had to get a special permit because they were putting up facilities for high holy days, let's say when the traffic was going to be more extensive than normal and it wasn't sure about how the parking of work, whether it be any dangerous situation on the roads, etc, and what the planning board at that did at that time, this goes back to you know 15 - 20 years ago as a built in a a test period for it and said it would be review of the of the approval for a 10 year period, a two year period and obviously there's a lot of money invested in building it, and at that time, if something were missed it will be difficult to say well I'm sorry we're pulling your permit. But it's something to consider that we need to both, if you're saying you will not be an attraction to high school students, somebody else said they'd be students that might be working there but if it's only automobile access that's not a big issue, but it's pedestrian access which by the way, is a lot of what you see in the access to coffee shops in Katonah and Ridgefield, and I think that we might have safety issue in the fact that there are no sidewalks and a difficult crossing. But other than that, it's a great project.

Janet Andersen: Yeah, so I think I remember what you are referencing and it was a special permit renewable after I think it was a couple of years and that allowed us to look at any kind of conditions that might be appropriate to, I think we actually had conditions in there that we removed like counting the number of cars and so forth, so after two years, we were able to reduce that so that might be a way to see if if, at that point there's something that has

changed in the environment that we could deal with. Um I see that Lisa got back on but meanwhile we have another hand George do you want to unmute yourself and go ahead.

George Eggleston: Yeah, um hi my name is George Eggleston and I live on Mark Mead Road I can do my video I guess you can. There I am. I live on [54] Mark Mead Road which intersects a North Salem Road, so we run parallel to 35. And I just had a couple of comments. One you mentioned earlier, that there was some health department approval required, can you just explain what that was it might relate to the question I have about the septic.

Janet Andersen: So the.

Steven Helmes: Health health department. This is Stephen Helmes. Health department approval for the change of use. Again this building the yoga studio does not have a shower it's it's a toilet and lavatory and sink on the first floor so there's no shower in the building and it's based on water usage for the for the use and we calculated that and there's 1,000 gallon septic tank there's fields we have documentation on that that was all submit to the health department, along with our calculations and they're reviewing it as we speak. So they're going to come back with their comments.

George Eggleston: Okay, so specifically, I had the question I had was whether or not the health department was reviewing the adequacy of the size of the septic system.

Steven Helmes: Yes, again. The clearances are on a site plan, but they're actively reviewing it now, yes, sir.

George Eggleston: Okay okay, thank you and a small thing, but I noticed somewhere on the plans that was a washing machine that was not hooked up to the septic system and I wondered where that water was going.

Steven Helmes: Skaz or John do you know?

Skaz Gecaj: There shouldn't be any washing machines there.

George Eggleston: Maybe I'm mistaken, I thought I saw that.

Skaz Gecaj: There's no kitchen here, it's more grab and go style, so I.

Steven Helmes: Not a commercial kitchen.

Skaz Gecaj: I don't know about washing machine.

George Eggleston: All right, okay.

Janet Andersen: Perhaps it's a dishwasher?

Skaz Gecaj: It's grab and go style of you know all biodegradable cups plate you know, like there's not really a sit and grab type place, I mean sit and eat like fine dining so we won't be having silverware.

George Eggleston: Okay, all right, I just I'm sure you know better than I just thought I had seen some reference to that. My other question I mean traffic obvious everybody talks about and there's not much anybody can do, but I was when I looked at the property layout. I believe, and I was at the last meeting it was a brief conversation there's egress on the North Salem Road, both in and out from the property in the parking area. As well as an existing driveway I'll call it on the north side of the property that exits on to Route 35 and I believe that is a single lane road. So, I'm just raising a question as to traffic pattern, and what happens if people are coming off a 35 into

that single lane road and there's already a car there waiting to exit. So, I'm just bringing up that traffic pattern issue through the property that might be a future issue.

Steven Helmes: That driveway widens up, that widens up before you come out to 35 and that came up in a previous planning board meeting, so the consensus was to keep the traffic flow the way it is now. But you can come in and there's it's wide enough to have two cars go by, maybe not the first 15 feet, but it does widen out to allow that.

George Eggleston: So, there will be both entering and exiting from that driveway and the one on North Salem Road. Okay all right I'll leave that to the planning board to look at.

Skaz Gecaj: What is it currently?

John Swertfager: It's just both ways.

George Eggleston: Okay.

Steven Helmes: I mean, maybe another thought was on the speed limit through that section like they do what schools, maybe there can be a sign that would reduce speed even when it is the green light, not to exceed 25 or 30 that would maybe, something that the state could look at I'm not a DOT official, but it could be looked into to slow down the cars, but the traffic light should do its job.

Janet Andersen: Yeah, okay I'm. Sorry I'm trying to keep this from becoming the dialogue between.

George Eggleston: Yeah, I just I just have one more question. How's that.

Janet Andersen: Okay, go ahead.

George Eggleston: Let's see if I remember it now. Now it just dropped completely out of my mind anyway, so I won't waste your time, thank you very much for allowing me to speak.

Janet Andersen: Okay, and I think. So I do think we should think maybe about the, I think there will be more traffic, probably at this with this use than with the office use. So. Maybe the. That would be another thing to look at, because I, because I do think this is going to be successful, I do think this is going to have a, probably more traffic than the than the office, the current office building has. So. Lisa, I know you're back on do you want to try again. I don't see her. Go ahead and speak. No, we're not hearing you okay. So, I guess without any more, not seeing any more comments, I guess, I would look for a motion to close the public hearing.

Jerome Kerner: Charlene's got her hand up.

Charlene Indelicato: Yeah, Jan. I just have two questions. One now my presumption is or I got the impression that the hours are going to go into the business plan is that correct?

John Swertfager: The hours should be in there.

Skaz Gecaj: ...they should be in there.

Janet Andersen: They weren't in. So perhaps you could update it yeah that's a good point Charlene, I did not see them in there.

Skaz Gecaj: Okay, we could send that over.

John Swertfager: Sure.

Charlene Indelicato: Secondly, I still see the flat bed dump trucks there.

Skaz Gecaj: Their term ends at the end of the month.

John Swertfager: End of the month, they're all out yeah they bought that property we're talking to the owner today actually he's moving his trucks over behind Sal's but that's another thing.

Janet Andersen: Okay. Anything else Charlene?

Charlene Indelicato: That's it.

Jan Johannessen: But Janet maybe when the the business plan is being updated if the applicant could also offer hours of operation for the yoga studio if it's not already included.

Skaz Gecaj: Sure.

Janet Andersen: That would be great. And, and I think I mean one of the confusions is sort of the special events piece I'm wondering. If you. um I'm.

Skaz Gecaj: Guys we're trying to become the heart and soul of our community right, we're former athletes as well, so that's a big part of this that we would love to share with a bunch of people. You know

John Swertfager: It's just going to be an event here and there

Skaz Gecaj: Parents parents of kids playing.

John Swertfager: Stuff, we can already do.

Skaz Gecaj: Yeah, we do it here at the gym and people love it.

Janet Andersen: Yeah, I think the gym actually.

John Swertfager and Skaz Gecaj: We have another location to do it. You know, like it's.

Janet Andersen: I think the gym probably has a little more space and less you know, you know less resident residential people right around it, but I I don't I don't know so that's again I do think.

John Swertfager: The parking spaces we're allotted is the parking spaces we have, you know we're not allowed park anywhere else so....

Skaz Gecaj: ...spot on parking places both places the same amount.

Charlene Indelicato: Are these going to be special events outside?

Skaz Gecaj: No.

John Swertfager: No. In our footprint.

Janet Andersen: I see that there's a

Judson Siebert: I just wanted to jump in, but I think Charlene's question is the special events are they going to be outdoor events or are they going to be within the premises and are they going to fall outside of the normal hours of business, I think that's the question.

John Swertfager: Yeah, they are on our property it's I don't know I don't know how to answer that.

Skaz Gecaj: Yeah, I'm a little confused. Oh, are you guys expecting people to party on the lawn? Is that what you guys are asking.

Jan Johannessen: Question is is everybody going to be inside, are they going to be outside?

Skaz Gecaj: I mean on the deck and...

John Swertfager: you know we're we're yeah yeah well, ...

Skaz Gecaj: ...it's what we can have as a business, you know it's the purpose of the deck. But there's 10 seats out there, so it's not like we're going to fit 100 people there.

Jan Johannessen: But as an a what about like the parking lots the lawns so you're kind of thinking that everything is going to be, as it normally would be within the confines of the building and the deck and and in the parking lot.

Skaz Gecaj: Yeah, you know, we don't want people on the lawn that's that's just crazy. I live 150 feet away from it, that's last thing I want.

Jan Johannessen: I think it was just important to clarify.

Charlene Indelicato: And will those be at the same same time that you're open or will be on other hours.

John Swertfager: Yeah yoga. But we do football thing once a year you're going to have a Christmas tree lighting once a year, I mean.

Steven Helmes: Does the yoga going to go into the evenings Skaz or John? Are there evening hours?

Skaz Gecaj: One thing I mean I mean if we do an annual Christmas lighting we're kind of open have..

John Swertfager: Oh guys this isn't an event every Friday, this is maybe four times a year we do something, this is like big events you know.

Skaz Gecaj: Big fundraising events for the [John Jay High School] booster club, you know we fundraise a lot for the booster club. I'm confused in like what you guys are asking.

Jerome Kerner: Well, I can I just jump in here, because in many situations like this where there's a seating capacity and a parking capacity that's established on the drawing any events that go beyond that require a special permit.

John Swertfager: Okay yeah so be it.

Jerome Kerner: It's true it's true and, as I said, I cited houses of worship when they have special events, they have to get a special permit, and you know if the traffic demands it.

John Swertfager: Well, whatever you need we will get with...

Skaz Gecaj: Guys whatever you guys need the guy to like if we ever decide to have an event and like let's say we have 50 people registered and we only have 36 seats, we'll apply for a special permit if that's what we have to do, that's we have to do.

Janet Andersen: Great. Okay, so thank you for for saying that and again if there's any other questions or comments, please raise your Zoom hand and we will we should see that. I did see a comment in the chat that asked if the pizza oven would happen, and I will say that the building inspector memo indicated that that would not be in conformance with the zoning. Okay um. Another another chat came in. Okay um. So. I guess if there's if there's no more comments. Should does anyone feel we should close the public hearing at this point and would make a motion to that effect. Go ahead Bruce, you have to unmute. You have to unmute.

Bruce Thompson: I make a motion to close the public hearing.

Charlene Indelicato: Second.

Janet Andersen: And so make motion made by Bruce, seconded by Charlene any further discussion on this.

Judson Siebert: I just want to clarify that, if the public hearing is going to close, we will still have an updated business plan submitted by the applicant.

Janet Andersen: Yes.

Skaz Gecaj: That's only a time thing only our an hours thing, that's correct Judson.

Janet Andersen: I think, maybe the other thing it did mention. You did mention some special events and perhaps to say that update that to clarify that you would be willing to get a special special permit for those. Those events and add that. And, and I think perhaps we should also say that we're willing to take written comments for a bit if we close the public hearing.

Judson Siebert: With I would suggest a 10-day period.

Janet Andersen: 10 days all right. And, and so I guess I is that an amendment to the motion, Jud, or can we just kind of say that and so close public hearing.

Judson Siebert: I would ask someone to amend the motion to close to subject to a 10-day written comment period.

Janet Andersen: Okay Bruce.

Bruce Thompson: I will amend the motion that we close the public hearing with a 10-day comment period in writing.

Janet Andersen: right And, and the expectation of an updated business plan.

Bruce Thompson: Correct.

Janet Andersen: Okay and Charlene will you second that again. I see her nodding her head okay um any further discussion on this. I'll poll the board. Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Jerome.

Jerome Kerner: Aye.

Janet Andersen: Greg.

Greg La Sorsa: Yes.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: I'll also say aye, so we have closed the public hearing

[On a motion made by Mr. Thompson, seconded by Ms. Indelicato, the Board closed the public hearing for a change of use from office to restaurant and yoga studio at The Boro Café, 873 Route 35, Cross River at 8:52 p.m. with the condition that written comment could be received for an additional 10-day period. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Absent: None.]

Janet Andersen: I think, however, while we do have a resolution. I would, I would like to, I think we've heard some things that that say that perhaps the resolution needs to get updated and we should ask for it for the next meeting. In particular. As I read the resolution it references outdoor, some of the comments about that outdoor zoning in section 220-16. And I think, maybe we should, should make explicit, one of the comments in there, which is no music outdoors. I think I think this comment about the special events requiring a [special use] permit perhaps that can get added to the resolution as well. And we could see that, for the next the next meeting, oh go ahead Jerome.

Jerome Kerner: Well, I wanted to ask Steven Helmes a question regarding what was brought up about the entrance in and egress from 35 since it does bottle down, is there any reason why that couldn't be widened it would require permission from DOT but. It seems to me that your answer begs further investigation now, since you say it widens put the necks down at the entry, which creates a bottleneck and a potential for danger is there any reason why they couldn't be physically widened?

Steven Helmes: Well, if there is one car coming in and out, is it safer than two cars, trying to come in and out. One car taking the left and one car taking the right, it may control itself so. If they give that a little thought the been like that, for many years, we did talk about making one way traffic coming in North Salem and looping through the property and going out either turning left or right onto 35. But I believe your board would prefer to keep it the way it is, but that gets involved with the state and the highway widening I just don't know if that's safer.

Jerome Kerner: I would suggest that we leave that up to our plan planning consultant and and the engineer for the property property to determine whether that's safe ingress and egress for two cars, but it did come up and I wanted to make sure it was considered as during this period.

Janet Andersen: Right so Jerome, I know you just said, leave it to to Jan but I'm going to jump in and say I do have concerns about people trying to turn across traffic to enter there. So I would maybe think I'm sorry, let me just finish I'm sorry I would think maybe it would be wise or or ask people to look at maybe making that exit only there. And then you could come in, or go out both on on North Salem Road, but maybe just exit there that would

that would say you didn't have to do a curb cut people who came out and especially were turning right as they accept that might be easier, but then it it wouldn't have a potential bottleneck of somebody you know stuck on 35 trying to get in while somebody is trying to exit.

Steven Helmes: That was our thinking that the get go where the traffic light controls to circulation you know the traffic light, you can take a left into North Salem at a green light go into the property and exit so I don't Skaz and John would you object to a one way at that entrance off 35.

Skaz Gecaj: That's what we went in with originally and then you guys told it told us to keep it the way it is.

Janet Andersen: Yeah, I think what we didn't want was all of the exiting to only go that way, I think.

John Swertfager: That's fine.

Steven Helmes: Good point.

Jan Johannessen: That's not what you guys had. Originally, you had a one-way traffic pattern through the site it wasn't the same thing as this ways.

John Swertfager: Oh, okay, okay.

Skaz Gecaj: I get it.

Steven Helmes: I'm just so we could go in and out of North Salem but just exit out to 35 that's the latest.

Skaz Gecaj: We'll make that change, sure.

Janet Andersen: If again I'll defer to to the you know to Jan and and to Stephen about that, if that makes sense to you.

Jerome Kerner: That makes sense.

Steven Helmes: That makes good sense.

Janet Andersen: Okay. The other thing that has come up as we just discussed here is whether we wanted to do like a, what I'm going to say is a renewable special permit where we have a chance to look at the conditions. And after maybe a couple of years of experience that experienced and say, is there, you know where we too strict. Is there something that can leave do we need to fine tune something. What is the board sense on that would we want to see that in a resolution?

Greg La Sorsa: Just explain that a little further Jan.

Janet Andersen: Sure. um what we've done in, and I think, I think Jerome mentioned the the religious entity on 123, we had an initial special permit with conditions and we said it's renewable after I think it was two years. And we saw what happens so they, for example, had to do traffic counts not traffic counts parking counts. And when we realized that there really wasn't any problem with big parking overloads there after two years, we said okay drop it no more packing counts. So, I'm wondering if if there are, you know, maybe we will say. Either there's something we need to do and I don't know what that is or something we can remove you know this, maybe this special permit for special events condition or something so I'm just saying, if we had a. You know it's it's initially it's an initial two-year period renewable after two years, and that would give us a chance to look and may, and maybe be a little bit wiser, after some experience on this.

Charlene Indelicato: Actually, that would help us with DOT, you know traffic counts, would help us with DOT if, in fact, we have to ask them for some alteration of the either the timing of lights or widening of the roads so it would be helpful, a special permit because asking for traffic counts and things that you look at in a traffic study so yeah I would I would think that would be very useful.

Skaz Gecaj: Okay let's play let's play worst case scenario here. In two years, you know about you guys want us I'm confused and what you guys are saying one two years you're gonna say we can no longer operate.

Janet Andersen: I don't think that's the intent. Let's say in two years say.

Skaz Gecaj: Let's take the worst case scenario, let's play well I live my life by playing worst case scenario, and then I judge if it's worth me doing that. Let's play worst case scenario, two years you're like what we can't operate. If something like what's what what's the worst-case scenario, to get that to happen, that's kind of what I'm like confused with the special permit.

Janet Andersen: Yeah.

John Swertfager: Just a little uncomfortable as business owners in this town if this is what's going to go on,

Skaz Gecaj: You know, like I don't want two years to come up and we're really popular and all of a sudden, now we have to close down now.

Janet Andersen: Okay, I I certainly understand that and I don't think that's our. That certainly wouldn't be our intent.

Skaz Gecaj: Maybe. Maybe the easier approach is to actually to get the DOT to do it, to get sidewalks in crosswalks and get the Cross River hamlet with crosswalks and sidewalks. It would be easier for everyone.

Janet Andersen: Yeah, that would be wonderful, but you guys don't want to wait until that happens to operate your thing, and and neither does the town, the town, I think this would be and something that the town wants to see happen. It's just how do we make it safe, how do we make sure that it's not intrusive. I'm sorry I see Jerome has your hand you have your hand up.

Jerome Kerner: Well, no, I you know I admire you guys and your entrepreneurial spirit and your love of the town and want to do it, but let's let's take a worst-case scenario.

Skaz Gecaj: Yeah okay.

Jerome Kerner: Okay worst case scenario is you guys win the lottery, and you decide to move to Las Vegas. You sell the building. You sell the building and get make a nice profit somebody comes in and he wants to sell soda and soft drinks and hot dogs or that or whatever. No hot dogs, but so does an affordable affordable items and we got kids screaming streaming across there your gone when we approve this it's not it's not were approving a use and a building that's going to be permanent, you may not be.

Skaz Gecaj: So Jerome I let me butt in...

Jerome Kerner: No hold on hold on so you just have to understand that what we're doing, we we're here for the town for the long haul, you guys say you are, but you know you're you're what in your 30s you might want to leave next year.

John Swertfager: I've been here 31 years baby come on.

Jerome Kerner: Okay, but I'm giving you the worst-case scenario, which also I think tells you that we, as a planning board are responsible to the community to create facilities that that work and are safe from in all in all, regards and we're you're creating an attractive. An attraction that's going to attract high school kids and whatnot without giving them a fair shot at getting there so that's. That's my concern and I'm not sure if the rest of the Board feels that way, I heard some other people who have community that run through the ask about it but they're not really focusing. You know, and then I going 30 - 40 feet off the ground, looking down and seeing hey this could be a problem.

Judson Siebert: But sure I'm just you have to understand the special permit you know, unlike unlike say a variance or something that runs with the land. It's it's applicant specific, so this concern that it could be transportable and someone else comes in. It's not a concern I mean if you're if you're worried about taking a look at this after a few years, you know I think that's one scenario that.

Greg La Sorsa: Oh, are we suggesting that they want these guys to make an application for a special permit to the planning board.

Janet Andersen: Yes, well, so my understanding is, it is a special permit that they have to get to open this, to have.

Greg La Sorsa: That's not something that's applied to us, is it, isn't it to the building department?

Jan Johannessen: No, that their use Greg is a special permit use because they're over 10 seats they require special use permit to operate.

Greg La Sorsa: Every time, they want to do that, to come back to us.

Jan Johannessen: No, no, well, it can be handled one of two ways. They can get a special use permit now and and that would be it and so long as they continue to operate under the guidelines of the conditions of the special permit they don't come back. But they are before you for a special use permit so so they need one because of the number of seats. What is being I think discussed is a provision in the special use permit that would require them to come back in two years to kind of re review the application and that's. It is something you've done in the past for other applicants it's not always done, I can remember the one case that that Jerome mentioned on 123 for for the religious use and then you've done it for for cell tower uses before. But that it's not mandatory it's just if you felt that you needed to see this after they are operating for a couple years to make sure there was no impact and then you could institute that type of condition, but it's it's not something that is, you know that you have to do it's not a requirement that would be something that the planning board would impose a condition of the special permit for the café and the outdoor seating area.

Janet Andersen: Okay, go ahead Bruce.

Bruce Thompson: So, I'm familiar with the reservations on both sides, and I feel that it's entirely reasonable to expect an applicant like Skaz and John to have some reservations about proceeding when an application could be rereviewed from the get go again. I want to say this to them. They can't be denied that which is provided for in the ordinances that as-of-right use. If you meet special permit parameters, you you can't be denied it. That you, so in that regard, you have the assurance that that what you started with can be continued. However, if the conditions upon which it has been was issued are not, no longer being met, then that's a problem. I'm remembering that Skaz said in the original I believe in the original presentation of this that they were going to have an ongoing dialogue with DOT. And they hoped that they would get support from the surrounding community, maybe the school even, about providing a better means of crossing at that intersection and I think

that's key to a to a lot of concerns, but like it's like the chicken and the egg you don't know what you're gonna which you can make one come first, I think the DOT needs to know that there's something there. There's the viable operation there that needs their attention and you're much more likely to get it that way, then you are on on by being speculative.

Janet Andersen: Okay, so um. I think that we have, we've kind of gotten to where we can here. We've we've given some guidelines to Jan to update the resolution. I think we can have a fuller discussion of that next time we will see if there are any more comments that come in written in the next 10 days. And we will look for an update to the to the business plan and most I think unless there's anything else from the board at this point, I think we should move on.

Jerome Kerner: Oh, I just quickly yeah I'm sorry but I agree with Bruce and I also see the downside to recommending that kind of approach and if Jan is correct in that if the conditions of the special use permit that are spelled out in the business plan etc are not adhered to that there is some other mechanism through the building department. To address that and I'm happy with with that and would drop any requests for any kind of special view, but I would like to clarification on on that from...

Greg La Sorsa: That that's what that's what I thought that we were talking about Jerome that if there's an event that came up down the road that that's part of the building department for some sort of special permit.

Jerome Kerner: Not just the event. Greg, but there are a lot of assertions being made here about occupancy, hours of operation and and

Greg La Sorsa:they're saying that there may be three or four times a year when they would go outside their parameters, outside the parameters that were listed.

Jerome Kerner: Right. So, if that's the case then then I'm okay, you know what. I'm talking about, not just a special events, but the daily use if we find.

Jan Johannessen: That there would be. Jerome, maybe I could.

Jerome Kerner: Jump in there.

Jan Johannessen: You would typically have, and you know we drafted a resolution. Not sure if the applicant seen it but there's there are certain operational conditions that are associated with with the draft that they would have to continue to abide by. Or else they'd be in default of their special permit, most of them, you know kind of are in line with the special provisions for the use in the zoning code so with regards to hours of operation, the number of seats. There was a concern about the overnight parking of commercial trailers, we've discussed that so that that's a condition, you can build in operational conditions that are, you know, reasonable to reduce impacts that's what special permits are all about, and if they don't abide by them, then they could be, you know, it could be enforced by the building department, you know things like hours of operations things like that number of seats that type of thing. We I have seen special permits have notification requirements for special events where you don't necessarily get a permit you don't have to get on an agenda to a planning board to get a special permit for a special event but I think we've we've done it before maybe it was the Bedford Audubon that if they had an event that exceeded their normal occupancy they had to notify the chief of police, the fire department, you know whomever appropriate so everybody was kind of an alert that something different is going to be going on here on this particular day and it's more of a notification.

Charlene Indelicato: Yes.

Jan Johannessen: That's an option as well.

Jerome Kerner: Oh example, an example that comes to mind is the the restaurant on 123 where where they wanted to increase their deck seating and there were conditions apply incorporated that dealt with sound, acoustics, smoking. All kinds of things that we felt, but ultimately a bottom line is my mind was monitoring and we set up to the neighbors to complaining to the building department before any kind of correction or.

Jan Johannessen: Yeah, the building inspector's not always there, so a lot of times it comes down to complaints if somebody you know if there's ongoing issues, they say here's this permissible that building official looks at the Resolution in the Code and says makes a determination and then there's a potential action, but you know a lot of. It may be helpful at some point for just I can go over. You know the conditions that are already built into the code, because I just simply referenced the code sections in the resolution and said, you know, subject to the conditions of to 220 – 43, well there's 10 conditions in there and it has to do with hours of operation number of seats know amplification of music, you know there's a lot of stuff that's already built into the Code, that's built into this resolution that should safeguard the community.

Charlene Indelicato: Jan, there may be two issues here. It's not really a matter of the code that Janet or that I'm talking about. It's an unknown, it's the traffic issue. And that isn't unknown you can't you can't do it for the resolution and that's the portion that maybe should be that into years, not to take away their business but, in fact, to help them grow their business so maybe we can use anything we get from that to DOT. Secondly, can we incorporate the business plan into the resolution.

Jan Johannessen: That's already that's already incorporated if it's not it should be, I believe it is, and you know, obviously we're going to see an updated business plan, I would suggest just maybe the. If you're if you if the board does entertain having some sort of condition that requires the applicants come back, to be specific in that condition as to what you're going to look at so that the applicant knows that they will have an approval that will stand the test of time and you can't take it away from them so maybe it's something like traffic and pedestrian safety will be reevaluated in two years, maybe that's the condition, so that you know they don't feel like they could have the carpet pulled out from underneath everything yeah.

Charlene Indelicato: I do not believe that [static].

Skaz Gecaj: Question, John and I have lived here our whole lives. The last thing we want to see is create a mess right, we were going to do the best we can to make sure that this place is safe. Right, we believe, because of our price point that we're not going to have freshmen and sophomores walk over and at the same time, those freshmen and sophomores are coming here at the gym between 2:45 and four o'clock. Right so it's a Catch-22 are you going to come hang out on the and John and work out or you're going to go to a café that we're not even there on a daily basis. So, this whole traffic thing I don't know, like you, making it seem like we're gonna get flooded with middle schoolers, that's the whole purpose of the gym. You know, we have people who walk up in the middle school here to the gym I think you're going to get juniors and seniors come up top left can park their car right, the majority of the young kids are going to stay here, you know, like.

Charlene Indelicato: Then there shouldn't be any problem....

John Swertfager: This is our third meeting and we've talked about the same traffic for three meetings, I just wish we knew earlier, we can handle this you know, like just another month it's killing us.

Janet Andersen: So, again I think we're going over the same things, let me just try to to say, I think, I think. We can just we can ask Jan to write the memo [resolution] for next, the next meeting, and we can discuss some of the nuances there, I do agree that. I mean you just mentioned seniors. I'm sorry you just mentioned juniors and seniors parking their cars there, I mean that would be a horrible thing if all the if they came in at at morning and left it there until 4:30.

Skaz Gecaj: No, no, no. When they drive and park there after school.

John Swertfager: If they can get a coffee mug and no ones parking there.

Janet Andersen: Wait wait okay got it but I'm, but this is this is exactly, we don't know what's going to happen, so I think it's the intent the intent is.

Skaz Gecaj: What's another month going to do, what are you going to know one another month that we can't help now, I mean the same place, like a month going to go by, and what we're just going to come up with a magic number and say there's 100 people come in their day I go, this now what we're lost about that what's the another month going to satisfy.

Janet Andersen: I think what we have is a resolution that we would like some amendments to so and it's very difficult to do amendments on the fly.

Skaz Gecaj: Like if this is a whole special permitting use let's just remove that now. We don't have to do any of that we won't do a Christmas tree lighting we don't do any of that. That's not a problem at all.

John Swertfager: We had the business on this whole time we're just. There's another month wasted, we're spending money left and right, architect fees, these fees like you know it's going to take time to get product, you know just to build the place.

Janet Andersen: I understand.

John Swertfager: We're on a very, very anxious timeline.

Janet Andersen: We don't have an option tonight, I don't believe the board, or at least I'm not ready to sign the resolution or to approve the resolution tonight and I'm I'm my my sense of at least some of the Board is that that is not something we're ready to call.

Judson Siebert: Nor, nor can you at this point, the public hearings been closed, but there's a 10-day comment period so.

Janet Andersen: So.

Skaz Gecaj: What information to you want us to provide for you guys,

John Swertfager: So we know everything, we'd love to handle all of this next month.

Janet Andersen: So, we will not be able to do this tonight. Right so just leave that. But I think the things we want are an updated business plan that includes the hours for both the uses. And, and if you don't know if it's going to be 6:30 to 4:30 or six to four make it six to 4:30 I mean, and that gives you whatever coverage you want. We want the hours for the yoga studio if they're going to be different, I think what we heard is. That. I think I think Jan's suggestion of notification of special events so that when something when something happens outside of your these hours, people are aware and we're not going to get complaints or confusion about it. And that might actually help you advertise it because, presumably, that would be something that would be picked up by papers, or some other notification. And, and I think that the comment about notifying but not requiring a special permit of some sort would be would be good.

John Swertfager: We don't have to do anything for that that just has to be is that you guys handle that.

Jan Johannessen: You get If I could just interrupt the answer your question yeah. I think what you need what you guys owe the board for next month is just the business plan. With the hours of operation for both uses, I would build in there, that you know, to the extent that you have special events that they're going to be within the confines of the building and on your deck. We discussed that other than that, I think the remainder of it is provisions that are going to be built into the resolution.

Jerome Kerner: Well, what about modifying the site plan for egress.

Jan Johannessen: Egress yeah, I think if you accompany that with a new site plan from Mr. Helmes that just shows the exit only onto 35 and you know we can always provide that as an condition as well, you know that the site plan be modified to show this.

Janet Andersen: Okay.

Jan Johannessen: Do you guys, want to have a you know, a call or something just go over yeah.

Skaz Gecaj: Yeah, we're definitely a jump on a call.

John Swertfager: Thank you thanks Jan.

Skaz Gecaj: Thank you.

Janet Andersen: That said, we will see you next month.

John Swertfager and Skaz Gecaj: Time have a great night good night guys.

Bruce Thompson: You too.

Janet Andersen: Okay. And I want to thank everybody for their contributions and help as, we, as we can work their way through that and and I think better understood the concerns of the public.

IV. SUBDIVISION

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

(1:52:23 - 2:33:20)

“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; and Brendan Murphy, Westchester Land Trust; were present.]

Janet Andersen: Okay, the next item on our agenda is a subdivision. It's calendar number 03- 13 PB and calendar number 03-16WP, this is the Silvermine Preserve at Silvermine Drive and Lockwood Road. It's an application for subdivision wetland activity and stormwater permits for the construction of a 13-lot subdivision. And so I thought I saw Gerri on for this or....

Gerri Tortorella, Esq.: I'm here.

Janet Andersen: And and Ed and I think. Well, okay, maybe Gerri take it away if you're the.

Gerri Tortorella: First, thanks very much Gerri Tortorella from Hocherman Tortorella & Wekstein and we're counsel for the applicant, are you already identified Ed Delaney from Bibbo Associates is the engineering firm and Eric Moss behalf of the applicant is here this evening with us. We were last before the board in November of 2021 and at that time we had a discussion of a variety of different topics with the board. And the review memo that was issued by the town planner and the consulting engineer had pointed out some updates that we needed to make to our plans. If you remember, we had actually originally not had, these are two parcels that are part of this subdivision now originally we only had the one larger parcel. And, and when we joined the two parcels, added a parcel and join them together in a subdivision not all the plans have been updated so we were asked to update our plans to make sure that everything coincided which we've done, which Bibbo Associates has done. And so, the submission that was made to you for this meeting doesn't really, does not have any substantive changes reflected in it it's really a matter of housekeeping, cleaning up, updating the SWPPP for the project. We also had provided you with a copy of a letter and a second copy of a letter that the Westchester Land Trust has submitted to the board in February of this year and I was remiss in not pointing out that Brendan Murphy from Westchester Land Trust is also here this evening, I mean he's not here on behalf of the applicant. But as you know, the Westchester Land Trust is the intended recipient of the dedication of the open space that's part of this subdivision, so Mr. Murphy is here as well, if you have questions about their submission.

When we were with the board in November we discussed a number of different things, including that the applicant had always anticipated that the open space that was being dedicated to the Westchester Land Trust would qualify for and meet its obligations for setting aside parkland under the conservation subdivision or cluster development ordinance in the town and that section 228 of the Town Code, as well as the subdivision regulations provision that's 195-26 of the Town Code. It's came out in the course of that discussion that I don't know that the we really had had a lot of substantive communication with the board about it, it was our assumption that that was what was going to happen. We made an, we explained to the board the reasons why we thought that was the appropriate way to treat the parkland and you know the board so that it would consider it further and asked us to actually confirm with the Westchester Land Trust to reaffirm its interest and willingness to accept dedication and to make that a parcel that would be available for public use, active public use as opposed to just some preserve that would not be utilized by anyone. And I hope, most of you know, and if you don't let me put it on the record, but the property is already considered to be public property by a lot of people in the vicinity around the property. It's used quite heavily by the public, people walk on it, they walk their dogs on it, they ride their motorized vehicles on it, I mean, Mr. Moss has had quite a time trying to you know contain some some of the uses of the property by the general public. The letter that the land trust submitted did reaffirm to the board its commitment to accepting dedication and to providing public access, proper public access to the property. Presumably, you know, hopefully, and specifically in the form of of a public trail system, a hiking trail system, I mean there's no intent to have any motorized vehicles be able to use the site, or horses or bikes it's not really suitable for that purpose, but they really are expecting that there will be a trail system that will be developed on the property. In its letter the land trust does mention to the board, it really does not want to see any specific trail layout imposed on the on the property at this juncture. The land trust really wants to take the time to make sure that the trail is laid out in a way that makes sense, both physically and with respect to the conservation values that that are important on the property and kind of augment the beauty of the property and people experiencing that beauty when they actually use the property. I think that letter estimated, though, that they thought there might be an ability to develop, you know somewhere between one to two acres of trail system. And you know, an effort, I think they indicate will be made to make a connection to Silvermine Road, although you know there's no promise or assurance and again that's going to be a factor, based on, I think topographical conditions. There's a wetland system up by that Silvermine Road, so you know all of those things have to go into the equation of how it gets laid out. And the land trust, and I worked with the land trust on other projects, so it's got quite a bit of experience in establishing the

trails and really wants to be careful about it. That said, though, when when the land trust did originally commit to accepting dedication, it did go through an exercise of laying out some trails on the property for the purpose of confirming that trails could be laid out on the property right and that not that you know. There was there was a concern or we wanted to make sure that the record was clear that the property was not simply discarded excess acreage that had no utility or value for recreational purposes. So, you know we're here this evening I think we've done everything that we needed to do you know we're ready to move to the next stage of get final approval. Our client's eager and interested in being able to build out the subdivision. As you know as as you think about the open space issue and it's its qualification for and satisfaction of the the parkland reservation requirements of this code, I do want to point out to you that it's about 40.8 acres of a 55, almost 56 acre site, so we're talking about over 70% of the site is going to be set aside as open space, and you know utilized for that purpose. It will be publicly available. Under the subdivision regulations, I think, in the R-2 acre district, I think the recommendation is that the set aside of of parkland be 7% or you know over 70% so we're far in excess of any requirement of the code and I think the land, you know we've demonstrated that the land is suitable for the intended purpose. It can be made available for public use, and you know meets the letter and the intent of the land set aside for recreation purpose regulations.

You should know also that our client besides building the access road which will provide access to the hiking area and that open space is also constructing a small parking area that's shown on some of the improvement plans, so you know our client is doing a lot to be able to contribute to and make sure that that open space does become actively used trail system for the for the Westchester Land Trust purposes, and then, of course, for the town's benefit and for the general public's benefit. And you know, in the land trust. I think in the letter has pointed out, to that there's a requirement that there be an endowment that's established by anyone who wants to deed land to them, so, in addition to doing that construction work and and other physical improvements to facilitate the use of the property for recreation land, our client is also required to make a financial contribution to the land trust, a fairly substantial one so with all of those things in mind, I asked you to keep those things. Take them under consideration, and I think we meet the standards for the land to be satisfying that set aside for recreation purposes, I in fact I think we exceed them, but I just wanted to make sure that that I refresh the board's recollection about that.

Janet Andersen: Okay, thank you. I'm sorry I was muted. Thank you for that. I guess, I certainly do think that the recreation fee was one of the items that we felt that we needed to address and, this you know, you're your comments, certainly are things that we will take into consideration. I also had some questions I guess on. On. It was actually in the November submission, or the October submission for the November meeting, we had some discussions about some of the easement documents and, or the things that would come into easement documents and be included, and I think some of the questions were addressed by getting the SWPPP in place. I am not quite sure we, I think, if I remember correctly, we agreed that that we didn't need to see the details of those at this point, but I wondered if there were any changes or any updates to any of those items. I think, in particular, there was a question about whose responsibility it was to maintain and/or replace the fire department tank. It looked like it was given to the fire department to do and I had a question about that. I don't I think there were a couple other questions and I apologize that they don't pop to mind, but I wondered if there were any updates on any of that. Besides the the items addressed in the SWPPP. I think that did that one of the questions was about the maintenance of the of the of the stormwater things and I think that that came in the SWPPP.

Gerri Tortorella: Well, there's been no change to the the kind of the conceptual description of the outline of the easements, covenants, and restrictions that we submitted to the board for the, for the November meeting. I, we have not had any further conversations with the [Vista] fire department about the maintenance of the tank and it's always been an expectation since we're paying for installing it and we're, you know, paying to get it ready to be used, it would be appropriate for the fire department to do its maintenance. I mean they know better than we do in terms of what needs to be done to make sure that that tank has the available supply it needs when when, if you know it needs to be put in operation.

Jan Johannessen: That that Gerri, I think is probably the only item that I have a comment on. What we've, this could be spelled out in a future condition, but I'll just tell you how it's been written in the past is that you know that really is that obligation's on the applicant that the fire department will have the ability to utilize it and train on it. But the maintenance is really on, typically, on the owner and the HOA.

Janet Andersen: And any potential future replacement if it degrades in some way or somebody in a snowplow takes out the dry hydrant.

Jan Johannessen: I mean if they're with if the fire department uses the water for a training exercise or for a fire they're going to replace the water that's in the tank right, but if the tank springs a leak, the HOA has to fix it. That's typically how we've written we've done a bunch of them it's it's always the maintenance obligation with the exception of the the water in the tank is typically on the owner.

Gerri Tortorella: Okay, I don't know that I know I don't believe I fully appreciated that. I don't know if if Eric did, and there are other partners involved so we'll have to go back and talk about that all I do, though, is if that's a requirement, all the more reason that imposing the recreation fee is really not appropriate or easy for us to swallow. You know, that's not a small obligation, I mean that's an obligation we're going to have to pass on to the HOA. So that's going to be the homeowners' responsibility to do that and we just need to look into what it means in terms of you know, annual costs, I just have no idea of order of magnitude of anything of that nature or even what maintenance is required.

Jan Johannessen: Very similar to your the rest of your infrastructure: your roads, your curbs, are stormwater minutes it's not uncommon for the fire service protections to be borne on the Homeowners Association.

Gerri Tortorella: Well, that's how it would be structured.

Jan Johannessen: Yeah, and not the volunteer fire department.

Janet Andersen: Yeah, and and I, I understand your point that it's another expense, but I would separate that from the rec fee because it doesn't have much to do with recreation, it has something to do with the infrastructure as Jan just indicated. My other question I guess on the Westchester Land Trust memo I think, and I understand there are no guarantees, and thank you Brendan for joining us. I think one of the concerns I had was that, you know quite appropriately, there are our comments in there about well, it depends on staffing and funding and topography and everything else, but I would just make, make the comment that we really would like to see a trail system in there and feel that I think today people cut through all the way from Silvermine through to Lockwood and certainly would hope that there would be a way to make sure that that continues, I think, a commitment and I recognize staff shortage, I recognize, you know everything but but the, you know, saying you want to do something and saying that it will be done, are two different statements and. I'm just gonna leave it there it isn't as forceful a statement of intent as I might hope for. Okay, I should see does anyone else on the board have any comments about the, about what we've seen here.

Charlene Indelicato: Right Jan, I agree with you as to the letter, being a little amorphous, it seems to me an endowment was stated that is going to be given we don't know how much or when it's going to be given. How, you know and the parameters of the endowment. Also, it's unclear as, as you said, as to the trail ending and where it would end and would it be able to get through the property. Um. This seems to me, this is a conservation easement and I believe that um the taxes or sort of taken away from full property because of that, so if there is a benefit to the applicant in my eyes and correct me if I'm wrong Jud. That the conservation easement is usually considered a benefit to the applicant, obviously, to the greater public, but much of it is land that they cannot use in any case.

Judson Siebert: Well, I mean surely yeah that that's that that's dependent on the particular application, and you know, the particular piece of property and I don't think that blanket statement can be made um. Go ahead, I.

Gerri Tortorella.: Let me. I'm sorry Jerome. Is it Okay, if I speak, or Jerome.

Judson Siebert: Go ahead.

Gerri Tortorella: It is okay if I speak? Sorry Jerome. I want to make two comments about that benefit issue. You know, this is not a situation, certainly not a situation where we get any tax deduction, you know it is the requirement of an approval, and for that reason, it is in essence, a quid pro quo and you wouldn't we wouldn't get that benefit in this instance. In terms of tax assessment, you know, I think that area, once it's owned by a not-for-profit, it will be taxed differently. But, but, but the town will also have 13 nicely developed residential parcels that will generate much more real in real estate taxes and then you're realizing now. And you know the the whole idea of this being a conservation subdivision was was did not originate with our client. It originated and and I'm not bashing the CAC, Jan[et] so please don't take it this way, but it and maybe you you'll be happy about it, because you really were the impetus behind it. That the CAC back in 2005 we have memos like go back that far the CAC have really pushed for this subdivision to be a conservation subdivision very hard. And when our client, finally, that you know bent to that and agreed to do it the idea was that the open space would be owned by the HOA so that it would be for the benefit of the homeowners in the in the subdivision. And again, we met incredible resistance to that concept, and there was a strong push and I think it came from CAC, I think it may have come somewhat from the town board. You know there's an open space committee at the time that really wanted to kind of expand the trail network is my recollection. And, and we were urged very strongly to go find kind of a land steward to take that property over, which is what led to us having conversations with the Westchester Land Trust. And we had those discussions, the Westchester Land Trust was very gracious and agreed to work with us, but you know it has conditions on which it can take and accept the dedication of land, but it too saw a lot of value in in in conserving that land and that preserve. And and thought it was worthwhile, both in terms of the network, it would create and it will provide a nice opportunity for a trail system. And so, it was willing to get involved, and I mean even had people who I don't know how you know there's a long time ago Brendan, and I'm not even sure where you were in your career, you might have been, you know in elementary or middle school. But um you know Dave Emerson I remember came to the meetings, and you know explained the support and stated the support of the Westchester Land Trust for the open space piece. You know, in our clients view if we didn't weren't forced to do a conservation subdivision, we'd have much larger lots. Right and and that there's a value to us to having much larger lots and we would not be having the public traipsing behind those, you know those residential lots and those actually those two factors, smaller lots and public access to that open space actually has, I think, has, a negative effect on property values for the applicant, so you know I want you to keep that in mind as well, I mean this is, this is not one of those situations where you know, we had this crap leftover land that we can't do anything with and we just want to dump it on someone else and hey the land trust was foolish enough to say that they'll take it that that's not the fact pattern here.

Janet Andersen: Jerome go ahead. You're muted, Jerome.

Jerome Kerner: I'm not sure why. Thank you Gerri for clarification of both times you spoke, but I'm not sure why we're taking this much time to retrace the steps and the decisions that were made by a previous planning board. It so happens that I was on that planning board I'm not sure if you were Greg when this was approved, but one of the actions that we did was to make sure to see the maximum number of lots that would fit on that property and that's the number that's currently on the balance of the land that's not being used for the conservation easement. So, Charlene, there's no there's no bonuses here to the matter of fact, as Gerri said lots might have been more desirable, a higher price point sale, if they were the larger lot so clearly the conservation or the conservation cluster development favors the open space and the benefit to the town in terms of potential trails and and which are being used now, by the way, so and. I do feel that it's passive recreation and should qualify for my opinion I don't know what the rest of the board feels for recreation, recreation use. And I would not want to put an

additional requirements on this applicant for recreational use and, by the way, Ed Delaney sitting here was on the open space committee at the time that this this property was being considered for for that purpose, so there's a lot of history here and it's rare that we're a planning board contemporarily contemporaneously questions decisions made by prior board and I'm not sure why what are we here for tonight is just to discuss recreational fee or in lieu of fee or is there any other approval that we're looking for tonight.

Janet Andersen: Well, I think there were that came up because we haven't really asked Jan to go through his memo, but I think that was one of the comments in the memo. And I think it was proactively addressed by the the applicant as they brought this in and so maybe Jan where there are other aspects in your memo.

Jan Johannessen: The reason it's on the agenda, because the applicant has made an application for final subdivision approval and the board had issued a preliminary subdivision approval on the Neg Dec in 2017 and there was a set of conditions associated with that resolution and the applicants been working towards addressing them. Our memo identifies a few that remain open. At the last meeting the board re-referred the application to the building department for zoning review and fire code review, I know, Joe Angiello is actively working on that I know he's been in touch with the applicant's engineer on that. We don't have his memo, but I believe we'll have it very soon. The rec fee, or you know how you're going to handle the the recreational component, is an open item that you continue to address. The applicant submitted its full SWPPP based on the new project plans. We did a full analysis of that, we don't have any, any technical comments on it, we had one comment on on the notice of intent, but not really a big deal. There's a couple of conditions, conditions five and eight of the preliminary resolution that have not been addressed. Number five is just addressing the subdivision plat itself and removing some items from the the plat consists of two sheets and sheet one, the preliminary resolution asked for some things to be removed to improve clarity. That has not been done. Condition eight is, you'll remember that as part of the preliminary Resolution, the board one wanted to address the stormwater runoff coming from the terminus of Silvermine Drive and onto the subject property and the applicant had committed to handling that via a storm water practice on their property that would that would take the water coming off Silvermine. And the preliminary resolution identified that that engineering practice or that stormwater practice be fully engineered - that has not been done. And then there's some you know minor things like signature blocks and things of that nature. Our office did review the construction cost estimates, there was one provided on the infrastructure, and another provided on the landscaping and mitigation wetland mitigation, we had no comments on the landscaping the wetland mitigation was right on the money. The engineering cost estimate for infrastructure we did have some comments and we will be sending edits to Bibbo Associates under separate cover it's probably going to go out tomorrow and. So, you know, I think that you know, there was a number of items that needed to be addressed tonight. I think we're in really good shape, the SWPPP is in good shape, the plans are in very good shape, a couple of minor items that have to get flushed out, they could probably become conditions of a future resolution if you wanted to. I don't want to have any objection to that. I'd like to see how they absence going to handle Silvermine Drive, but even that could probably become a condition. Let me see if it was anything else. You know, getting another letter from the building department because it, you know, was last before them in 2016. I think, you know, it just helps the record. I don't think there was going to be any issues, you know, from talking with Joe. So it was just kind of buttoning things up, and you know at the last meeting the board did ask us to start preparing a resolution we have it's not ready to be distributed, because we had some of these open items, but it can be if you're ready to move in that direction, we could have it available, you know, for you at the next meeting, if you want to so that's kind of where we're at.

Janet Andersen: Okay, and I think the other, the other item that perhaps we should visit is whether or not we want to have a public hearing, I think we discussed this in November, and at that point felt that we did not want a public hearing again. I'm as I think about this, you know that was again another six months ago, so whether with the passage of time and hearing about, I think there's a lot more public awareness about activities going on. I want also that's another thing that we could could say, do we, while I wouldn't expect major changes there might be comments about the the you know the walking path or the hiking path hiking trails that might be comments. I don't know on what so I'm going to, that would be another thing that we might want to discuss whether we

wanted to have a, revisit even the idea of a public hearing on that it was a split vote when we when we voted last time.

Charlene Indelicato: Jan yeah I I remember Greg made the suggestion that maybe we should and in retrospect, I really actually agree with him and I would be in favor of a public hearing, because this has been a very long, now I'm hearing the history and maybe I just jumped to a conclusion, and Jerome I wasn't questioning the decision that the board made, I was just trying to make sure that those trails are done and how it was envisioned to have those trails done because I think they really are special, so I would I would vote if if there is going to be a vote I would vote for a public hearing.

Greg La Sorsa: Well, are we calling for a motion to reconsider?

Janet Andersen: Sure, if you would like to make one.

Greg La Sorsa: Sure, I'll make a motion to reconsider and put put to a vote whether we should have a public hearing on this issue.

Charlene Indelicato: Second.

Janet Andersen: Okay I'm not quite sure how we so, that's a motion to have another vote or is that a motion to say we want to have a public hearing.

Greg La Sorsa: Say well if it's possible to do that that's the way we would do it, Jud.

Judson Siebert: Yeah.

Greg La Sorsa: We have to do we have to.

Judson Siebert: To to. To rescind and to and to provide for a public hearing.

Greg La Sorsa: Right okay that's that's yes.

Janet Andersen: That's the motion you're making?

Greg La Sorsa: That's the motion I would be making yes.

Gerri Tortorella: Can can I be heard?

Janet Andersen: Yes, of course Gerri.

Gerri Tortorella: So, I just, when we had this discussion, I know we had it in November and and I know it wasn't a unanimous decision. But my recollection is that one of the reasons that the decision was, that there wouldn't be much accomplished public hearing, is because our final plan and our preliminary plan are very similar so there's really I mean there's no no area or room for change, I mean well what will a public hearing resulted because you're not I've gotten approved plat preliminary plat, I have the right to go forward with that plat we're not going to be changing that and we haven't changed in the final.

Greg La Sorsa: I think it's a slippery slope to say that, oh what what's going to change.

Janet Andersen: Okay. Jerome.

Jerome Kerner: Well, I'm going to speak to the motion. Yes, that was made and seconded. Similar to what Gerri just said, I was going to come up with that comment as well, that, if there were any changes at all if there were anything that was of substance, I would say yeah let's let's review it again, but since there isn't, I don't see the point I mean. Yeah, there may be some new people that moved down the block, so to speak, that didn't see the original proposal, but you know I think we've evaluated that, we've evaluated public opinion. We've we've taken those comments and incorporated them into the plan, whether it was head lights at the at the coming in and out of that exit drive on Lockwood, plantings and what ways and drainage, I don't see where anything has changed, and I think it's just a waste of our time, the applicants' money and I just feel like it's it's uncalled for. In the case of a Mercedes Benz when they there was delay and they came back and they had substantial changes we had to have another another hearing public hearing it was justified, but his case where I know not sure I know the delay so far has been on the applicant in terms of finance and all of the other things that go on, but I'm not sure that that's sufficient enough to. But anyway. You heard what I have to say. I'm against it.

Janet Andersen: Okay, to be. There has been some, I think small changes in that we have had the addition of the other parcel and the modification of the mitigation plan, which I think is only improved because of that parcel and the ability to move out of wetland, a little, but. But it is. But it has been a while, since we've had and.

Jerome Kerner: It's just my opinion and I feel strongly about it so let's have the vote, go right away.

Janet Andersen: Any other discussion by, any other comments by anybody on this? Okay, then with that I will ask people to I will poll the board so Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Jerome.

Jerome Kerner: No.

Janet Andersen: Bruce. You're muted.

Bruce Thompson: Nay.

Janet Andersen: Greg.

Greg La Sorsa: Yes.

Janet Andersen: And I'm going to say yes as well. I do feel, I went back and read the minutes from the last time. I reconsidered what Greg said. I did look again at Jerome's comments, but I feel that a public hearing would be appropriate. I don't expect major changes, but I want to make sure that the public feels that they have the right to be heard.

[On a motion made by Mr. La Sorsa, seconded by Ms. Indelicato, the Board agreed to schedule a public hearing on this matter for June 21, 2022. In favor: Ms. Andersen, Ms. Indelicato and Mr. La Sorsa. Against: Mr. Kerner and Mr. Thompson. Absent: None.]

Janet Andersen: Okay, and so we would. We are in a little bit of a situation in that I believe at this point, we will have to meet in in public session, but there is a chance that there could be an extension of the executive order that would allow us to meet virtually so that that public notice will have to be carefully crafted I'll ask Jud to help with that.

Judson Siebert: Yeah, the the the governor extended the state of emergency through the 14th of June, so that actually falls before our June meeting meeting, but in the event it's extended again, there is the prospect, the meeting can be virtual we can work that out in terms of the public hearing notice but sounds like we're setting this for the June meeting one way or another, correct.

Janet Andersen: That's what I would like to see, yeah.

Judson Siebert: So, Ciorsdan and I can work with Gerri and the applicant in terms of preparing the requisite notice but I'm also hearing that Jan is to work on the approving resolution so that that can be ready for June and discussion at that time?

Janet Andersen: Yes, I mean I'm assuming we'll have the the building inspector memo by that point and, you know, we can perhaps wrap all this up in June.

Gerri Tortorella: Is there a way to make sure that you have that memo because that referral went back went out in November of 2021 yeah, we will follow up again, but if you could just you know impress upon the building inspector, the need to have that we would appreciate that.

Janet Andersen: I think he's very aware, thank you, though.

Gerri Tortorella: Okay thanks.

Jan Johannessen: Jan, before you move on to the next item, just in preparing the resolution, the one thing I heard that I don't really have clarity on is. Is that the timing of when the trails would be expected to be installed, is it going to be left open ended, are they going to be, you know, prior to the issuance of the last CO that there's going to be a trail system, a certain period of time, I mean. Especially, I think, as the board deliberates on on the rec fee I think it's imperative that those trails be in place for that to really constitute open space and recreation, so what would be like a reasonable amount of time, I guess, this is a question for the applicant and maybe the land trust as to when that town could expect that those trails would be installed and open to the public.

Janet Andersen: So, I think one of the questions I mean you gave a couple of alternatives could it be before the last house gets a CO could it be before within, you know, two years of the start of construction, I don't know what what things you might want to look at, but.

Jan Johannessen: I could leave that open in the resolution, but I, you know I could leave a blank, but I think that you know the Board and the applicant should just give that some thought, between now and June as to when you think that should be done.

Janet Andersen: Yeah so, I ask the applicant to give us their sense of of a condition that, or a timeline that they feel would be appropriate. I'm sorry my clock is going off.

Gerri Tortorella: I mean I, we really need to consult with the land trust about that and we couldn't make that decision in a vacuum, so let us talk to the land trust about it.

Janet Andersen: Yes, yeah That was my intent, so if you could have that, as part of the information for our next meeting, that would be very helpful. And we could make sure, at that point that. If you know the board the board discusses it and can insert it into insert back or some some some conditions similar into the into the resolution. or defer it for another month.

Gerri Tortorella: Okay, so let us try, I think Brendan needs to consult with people the land trust as well, so I don't think anybody's prepared to answer that tonight, but we'll talk further with them. And you know part I mean part

of it's going to depend on on when this gets approved because the land, trust is already doing is planning, I think, for for 2023. So, it's fully committed to activities in 2022 so let us discuss that and hopefully get you some more constructive information on that.

Janet Andersen: That would be very helpful, thank you. And thank you Jan for bringing that up. Okay anything else. Thank you all um we're gonna move on to wetland permit reviews the next item on our agenda.

Gerri Tortorella: Thanks very much.

Janet Andersen: Okay, thank you, if everybody's okay.

V. WETLAND PERMIT REVIEWS

Cal #11-22WP

(2:33:21 - 2:43:14)

Hardart Garage, 12 Gilbert Street, South Salem, NY 10590, Sheet 36F, Block 10806, Lots 32 & 33 (Frank Hardart III, owner of record) – Application for a garage.

[Frank Hardart, owner; and Paul Dennis, AIA; were present.]

Janet Andersen: The next item on the agenda is calendar number 11 - 22 WP, this is the Hardart Garage at 12 Gilbert Street in South Salem and it's an application for a garage. I'm not sure who is on for the applicant here.

Frank Hardart: Frank is here and I'm here with Paul Dennis the architect.

Paul Dennis: Hello.

Janet Andersen: I'm looking for Paul.

Frank Hardart: Yes, he's here.

Jan Johannessen: They're on the same screen.

Janet Andersen: Okay, on the same screen. Why don't you tell us a little bit about the application here.

Paul Dennis: Okay yeah, I'll do. This garage, it's an existing garage. It was built in 1926 and it's built on a concrete slab. It's about 20,12 inches below ground level so the garage floods in the rain, in a moderate rain so really can't be used as a garage or for storage, it's really not in. Not practical, so it really needs to be rebuilt, and because it's not possible to raise the existing structure up because it's it's in well it's in pretty poor condition. That might cause some, Mr. Hardart and Mrs. Hardart want to keep their garage, so we're rebuilding the garage and. On exactly the same footprint and and location as the present garage and. So, the garage was probably built as icehouse storage, the property used to be the original clubhouse for Lake Truesdale. It was built with the same time as the clubhouse was in in 1926. So. The existing slab is somewhat bigger than the garage itself but it's underground to see it so that that slab will be removed and replaced by a proper trust system. So, so it's really not going to be as much impervious surface. So, the floor has to be higher than the existing driveway so that it no longer floods that's the whole purpose of rebuilding a garage. So, we designed the garage quite similar except it's um, matching the existing house in style more so and to be kind of be a little less utilitarian I think blend in better with the neighbors. Also, the existing garage has a storage loft above what would normally be the car storage area. Which the Hardarts would like to convert to a a playroom and add dormers and a small deck for children, because it would overlook a lake and it's fabulous view. And and then, they also would like to build a small,

roofed walkway so that they can get from the garage to they have without getting wet when it's raining and things like that so. So that breezeway would add about 114 square feet in impervious coverage, which is pretty minor in the grand scale of things. And some. But we're not going to change the existing grade just raise the floor of the garage and. And we're not importing soil. That's really. What they the extent is. Building, re building a garage and they also want to reuse the old boat house door that faces the lake. It's a really attractive overhead door really an old one I think I want to keep that. In the new garage because it just it historic and really reflects back to the early days of the lake community. So that that's really the extent of the work I did get the memoranda from, a memorandum from from Jan which I have responded to and I'd like to move forward and okay, I think that's the job, thank you.

Janet Andersen: Okay yeah and and it was helpful to get your comments so quickly that did indicate that is because it wasn't clear to me, at least, that it was on the same footprint, that was helpful to see. Jan perhaps you want to review your memo on this.

Jan Johannessen: Sure. We didn't have a tremendous number of comments and understanding the net increase in impervious cover of just being over 100 square feet is one of the questions that we had asked and was really going to help us make a determination as to whether there's any sort of stormwater management requirement or wetland mitigation. And typically, as a rule of thumb we use 300 square feet as a threshold to start looking at storm water so. I don't think there's anything in my standpoint that will be needed. We'd like to see the septic shown on the plan, they are proposing a full bathroom on the second floor of the garage, the connection to the septic system. I don't see any way that they're going to use this as a bedroom there's no kitchen up there, so I don't think they're gonna have any reason to go to health department, but we should know where their septic is and to the extent it's anywhere near construction, it should be cordoned off during construction, there should be some version sediment controls shown on the plan things of that nature. I don't expect they'll go over the 5,000 square foot threshold for stormwater permit but we'd like that calculation shown on the plan so we can determine that it's not required. And then we just ask that I go to the planning, or to the building inspector for zoning review so I don't unless the planning board feels otherwise, I don't see a real need for mitigation. It's a it's a real replacement of the garage I've been on the property for prior applications over the years. The breezeway you know isn't really insignificant so.

Janet Andersen: Yeah, and the putting them on the deck on doesn't doesn't add anything right? So yes, it's so okay um. So. I think first I would look for consensus to refer this to the building inspector. So can I see thumbs up everybody one two Bruce okay Charlene okay okay so I'm: Ciorsdan, we would like to refer this to the building inspector for zoning compliance. And I. Yes, go ahead Jerome.

[The Board reached consensus to refer this matter to the Building Inspector for zoning compliance.]

Jerome Kerner: I would move that to move this to administrative review since there's no mitigation requirements. If the building department's okay, with it, I don't think we need to see this again.

Janet Andersen: I don't anticipate any problem from the building inspector but, maybe Jan, would you be okay taking it with the recognition that if there is something that comes from the building inspector it comes back to us or.

Jan Johannessen: We we work in concert and in tandem, so I don't see any issue there and wetland permits don't get issued until they get issue with the building permit so they would go in hand in hand if there's any sort of zoning issue I'll know about it, and I can advise the board.

Janet Andersen: Okay, so we have a motion, to move this administrative. Do we have a second?

Greg La Sorsa: I'll second it.

Janet Andersen: Okay Greg seconds any further discussion on this? Okay I'll poll the board Jerome.

Jerome Kerner: Aye.

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. Okay, so we anticipate that this will move forward without coming back to us, but obviously if there is an issue that's identified by the building inspector, we may get to see you guys again, but other than that. Thank you, Jan, for taking it and, and thank you for waiting through until 10 o'clock to have this covered so. Thank you and good night.

Frank Hardart: Thank you, thank you. Good night. Okay.

[On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board determined that construction of the replacement garage and new breezeway at the Hardart Residence, 12 Gilbert Street, South Salem, 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.]

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

(2:43:15 - 3:22:25)

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; Michael Sirignano, Esq.; Alan Pilch; ALP Engineering; Ken Andersen, Granoff Architects; were present.]

Janet Andersen: The next item on our agenda is calendar number 15 - 22 WP, calendar number 07 - 22 SW, this is the Rini/Langel Residence, 15 Benedict Road, South Salem, and this is an application for garage, cabana, pool and patio. Michael, you're on.

Michael Sirignano: Good evening. I'm here for James and Elizabeth. They're the homeowners, the applicants are before your board tonight requesting a wetland activity permit for their home on 15 Benedict Road which does not have a garage. And essentially, they wish to garage their two cars in essentially the same location or place where their current outdoor parking area is located. This wetland permit application includes also a pool for this young family to enjoy. The proposed accessory building is designed, we'll hear from the architect, in a few minutes to be a multipurpose structure, the front or westerly portion of the structure is a two car garage, the rear on the rear side backside of the the structure that faces the pool will contain the cabana amenities, including a changing room with a half bathroom, a pool kitchenette, and a wet bar that that have doors that open wide to the pool so it's kind of an almost an outdoor feel for those amenities, and then above the the two-car garage is an

open, recreation room on the second story. On, James and Elizabeth have assembled a terrific design team who are with us tonight Kenneth Anderson is the principal architect at Granoff Associates, and he is designed this multi-function structure and the pool, and also the landscape features, including the patio around the pool the outdoor seating. And the landscaping and I'll call upon Kenneth very shortly, because I know it's getting late, to describe this site plan and his building design and asked him to explain why, after exploring other potential locations for the building and the pool, these are the only practical ones. [static] Our design team also includes Alan Pilch, I'm getting an echo now. I don't know why. Alan Pilch is familiar to the board members and Alan will address his mitigation measures being proposed is erosion control and sediment control measures in a storm water management plan. As Alan will explain in greater detail, the Waccabuc River is located on the neighbor's property to the immediate west and the wetland buffer, the 150-foot buffer extends not only beyond the current house and driveway and basically all the improvements, but it also extends to where we're proposing the garage and the and the pool. And so, before I turn it over to Ken, we have reviewed Jan's 5/13[22] memo and we know that Kenneth and Alan have work to do, and we're confident that we can make the case that one, impacts have been avoided, to the extent possible and and, secondly, the unavoidable impacts can be mitigated to, we believe the board satisfaction, I would note that we're not overbuilding here, the proposed building coverage including our proposed new accessory building and pool will be 4.5% when 9% is allowed so we're at 50% of maximum coverage at on this 1.5 acre parcel. And and I'm gonna turn it over to Ken now, but I would throw it out there and I think a site walk by your board would be helpful and there's some unusual features, Waccabuc River, And the and the configuration of this lot and the existing structures and driveway and I think the board can better understand why Kenneth and Alan have settled on these proposed locations, if you come out and visit the site earlier in the process, I think you get a better idea than just seeing it by way of photographs so we're done introduction Ken can you take over and share your screen and show your your site plan and your building drawings.

Ken Andersen: Yeah, thank you Michael for that introduction. Sorry board, I'm trying, there we go. For some reason the cursor doesn't show up on my on your zoom screen, but can you see my screen my screen now.

Jerome Kerner: Yeah, and the cursor.

Ken Andersen: Okay, it doesn't show up on the Zoom though I don't know anyway um. As Michael explained this is architectural site plan and just because it's easier to read what's happening with the buildings. I just want to give a brief summary of how we arrived that locating these. The red line around the property are the setback lines, we were, we wanted to stay within that. And the river setback is over here from what that's the wetland setback, the river is actually further over. And then, if you can see the red here, let me zoom in a little bit. So, this is the proposed two-car garage and the backside of it, as described by Michael was, a cabana structure which has doors that open up fully on to sort of a pergola area where where the Rinis would like to put a future pool, also this has a changing room and a bathroom here. It is detached from the structure which exists from the main house we're also adding a small mudroom which the current house doesn't have with a covered porch and this sort of creates this connection spine between the two structures. As Michael had stated, there is an existing parking lot in this area and we're sort of putting all of our improvements, mostly on on top of that area. The Rinis did study and we did as well entertain putting the the pool and the garage in different places on the property and it just made sense to consolidate things around the existing house. They didn't want to have a remote pool and pool house and they. The more we looked at it, it seemed to make more sense to have all these functions into one one structure so that's why we ended up with the the pool house here um I can show you the floor plan briefly. Here's that new front porch on the existing house, the new mudroom and then it connects down through to the detached structure which is a pool bath changing room. This pool kitchenette which opens up with sliding doors to the to the pool and then here's the two-car garage. There's open stairs up that go to a second floor, which is, you know, an open area, both both our clients Liz and James worked from home extensively and they do have two young boys so sort of being remote from the house is sometimes easier to do work, so they they do a lot of that work from home over here. Or they will do that over there. Here's the elevations, the garage door side in relation to the existing house, and this is the pool side, as we're talking about these are the sliding doors that open out onto the pool, and this is sort

of the approach to the front of the house. When you park. If I could just briefly share some photographs that sort of explain where this is going. The siting of the pool was really based on centering it on this existing gable putting in across an area where there's an old well where we know the excavation goes down and not, there's no rock in that area. And then, this is sort of where the existing parking happens already on the property. And they just really want to enclose it to keep their cars, out of the weather, especially in the winter months. So, it just gives you an idea of siting, some other pictures of the site this, you can see, is the river down below here is a dramatic grade drop just beyond the fence here, you can see a little bit of the neighbor's house down below on this side and this is it looking from the front, this is where the garage would be in the pool you know would be out of here. Different view here's from the front again kind of where we want to put the garage and I think I had a view of the other here's the other neighbor, which is all the way over here. And there's a large buffer of woods between the two. Um, the Rinis have explained this to those two neighbors I just showed you and the neighbor across the street, and they were in full support of them doing this project. I believe there was a letter submitted to the board. That's just a brief introduction to it, I can hand it over to Alan if he would like to share some of the mitigation and the impacts that that he'll be taken care of.

Alan Pilch: Good evening. Alan Pilch, ALP Engineering. I'm here with James, in the same room. I'd just like to point out that, in addition, just to point out that wetlands are actually located to the west of, where the Waccabuc River is on the north, which is actually where it appears that there's the DEC wetland L-14 is located there actually to the south of the property and when you tabulate at all of the 67,336 square foot property all but 875 square feet of the property lies within the town's regulated buffer so for avoidance it's virtually impossible. There's just a small area on the eastern portion of the property that lies outside of the wetland buffer. Perhaps Ken, can you can put up the site plan? If you'd be so kind as to share that, sorry I'm not able to do that, but if you could just do that.

Ken Andersen: Yeah sorry. When I do the share I can't see my cursor so it's hard to hit the share button.

Alan Pilch: It's okay I'm sorry but happen to be with life with some Comcast issues tonight. You can thank

Ken Andersen: Really guessing here, where it is.

Alan Pilch: Okay well I'll just continue anyways. At any rate, so, as I said, all but 875 square feet of property lies within the town wetland buffer, so I thought. As Ken pointed out and actually Michael pointed out, we actually made strenuous efforts to really provide the homeowners with a multi-function building. To really minimize to the maximum extent the impacts in the buffer. Everything's very compacted into the you know the center of the property as as Ken pointed out, the proposed garage is located, the second sheet that'd be fine go to the second sheet. Yeah, that's good. And you know it's all in the you know, very much in the central portion of the property where the garage is, as you know, it's over the footprint of the existing parking area on the property, you know so as a change of land use it's going from you know parking area into. You know proposed garage band of building, you know to you know, and the idea of combining also into one structure helps minimize the overall impacts so what can occur. I'd also like to point out to further minimize the impact, on the south side of the house there's an existing driveway which used to go to some like probably a one-car garage but that garage no longer exists, so what I'm proposing to do is physically remove that entire segment of driveway. You know, to really and that's all within the 100-foot buffer, well the 150-foot buffer which you can see, on the right side I'm pointing to it, but nobody can see it but that's the dashed line that runs off the property on the right hand side, so with that it helps really reduce the amount of of, you know impervious surfaces on the property, helps you know, keep the numbers down as best we could but I'll also point out that that portion of the impervious surface that is there actually drains into the wetlands associated with the Waccabuc River and so that's an important reduction to incorporate.

With regard to mitigation, you know, we have shown, we had submitted two exhibits, would show that at the present time there's 9,456 square feet of impervious surface, yes, it does increase by about 10,000 square feet.

You know, really due to, you know counting the pool and all the other surfaces that are there and the and the garage cabana building, but as mitigation what's being proposed is a significant planting area. Right now, most of that area is either just lawn or just you know, not even brush it's just like it's very uh you know kind of like very open wooded area it's not even that. There's just like a sprinkling of trees through that whole area going up to the stone wall which is the northern portion of the property. What we're proposing to do there is to really supplement what's there that drains through the state wetland to the north and into the Waccabuc River by you know, providing a significant wetland enhancements wetland buffer enhancement and the overall planting areas is about 11,000 square feet, which as well in excess of the proposed you know the proposed increase in impervious surfaces in the buffer, and finally I'll just like to point out we're also proposing stormwater mitigation which you can see in the sort of middle central portion of this site plan, where we have you know 30 Cultec 100 chambers, to be installed, and you know the runoff from the the new driveway and from the driveway and the garage apron in front of the proposed garage/cabana building and portions of the roof runoff will be conveyed first to a pretreatment facility and then into the chambers then ultimately discharge into what is presently an open area. Where there'll be a level spreader which will then discharge the treated run off whatever access or maybe you know after it infiltrates into the ground to a level spreader which will then us discharge across a wooded area into the you know into the wetlands associated with the Waccabuc River. So, there's a lot of mitigation proposed from the vantage point of storm water and does provide peak rate attenuation over the range of storms, as required, and also there's a, as pointed out on the plan there's a significant wetland buffer mitigation that's being proposed to enhance, what is presently a very sparse area or just is you know presently lawn. So that's the intent of the plan to mitigate impacts, for what is being proposed, and with that I'll turn it over back to Michael or back to you madam chair. If there are any questions.

Janet Andersen: Thank you um I do have one quick question which I think is also a CAC question, but what what type of pool is proposed, is this chlorine, salt, what what is proposed.

Ken Andersen: We honestly haven't gotten that far with it, I mean because the initial request is that they really need to get the the the garage structure and and because we were going to the board, we figured we'd show them exactly what this is this might be a future permit. Currently we were just proposing the porches, the mudroom addition, and the and the garage cabana structures, but it is there, is there a preferred pool that you would like to see [static] or.

Janet Andersen: I think, in general, from an environmental point of view. You know, basically salt never goes away so if you have any kind of drawdowns, it is more problematic than than chlorine, but you know that's one of the things that would perhaps go into drawdown considerations or mitigation or anything that's I think that's a typical reason we ask it.

Ken Andersen: Okay.

Alan Pilch: I'll just point out too that there is, you know from the pool equipment, we do show a PVC pipe which goes to the to the proposed infiltration facility for the drawdown it's on the plan too.

Janet Andersen: Yeah, but if it's salt.

Alan Pilch: I understand. If it's if it's a salt, yeah. It could be more problematic.

Janet Andersen: You know, whereas you can be probably mitigate chlorine more easily. I when I look at this proposal, I just want to make sure I'm reading it right that, so you have a little sketch showing two cars sort of adjacent to the side of the house, that's also new impervious area, is it not?

Ken Andersen: It's sort of overlaps what's existing as the parking area. Part of that is new, but most of where we're proposing everything is already driveway.

Janet Andersen: Yeah, so It just seems like that could be a very easy way to get a little less impervious if somehow I mean I know you've got the.

Ken Andersen: Yeah, I mean that could you we could pull you mean I don't know if my screen is still showing.

Janet Andersen: Yes, it is.

Ken Andersen: Like from here, we could pull that back more on the idea was that there would be a, you know we didn't want to see garage doors when we came up. So, there was a way to park into the garage here and in the back of the garage was going to serve as the cabana so we wanted a place for guests, delivery, you know that kind of thing, but we could certainly. You know, talk to the Rinis about reducing this yeah.

Janet Andersen: I it's just you know with the, it just seems like with all of the impervious that's going on, and I understand you know patios makes sense and walkways make sense, maybe that would be something that could be looked at.

Michael Sirignano: Surely, we will look at it.

Janet Andersen: Yeah I. I should see, actually I'm going to other any other questions before we may be ask to stop screen sharing, so we can see each other.

Jerome Kerner: Janet, the area in front of the garage, is that a large concrete apron, or there's a rectangle that shows 30 feet.

Ken Andersen: Yeah, that's we were conscious of you know not going. We're trying to minimize the close proximity to the wetland, but you know 30 feet seemed to us as a minimum, to back out of a garage. You know, to turn around and get out of there. But yeah, that was that was proposed as a as an asphalt driveway.

Jerome Kerner: Right, okay.

Janet Andersen: Okay um any other. Actually, Jan do you want to go through some of your comments on this.

Jan Johannessen: Sure. As Alan mentioned the wetlands are regulated by both the Town of Lewisboro, and the DEC and the development is occurring within both regulated areas. They'll need a fresh water wetland permit from the DEC, they should make that application as soon as possible, so we can start hearing their feedback. There is a floodplain on the property. So, a flood plain development permit will be required, I believe that the home is outside of the boundary but if as soon as the boundary touches the property that that permit comes into play. That's issued by the building inspector. They'll require coverage is under the SPDES general permit for storm water and obviously they're before your board for wetland permit and a town stormwater permit. I would recommend that they be referred to the building department for review. There's probably some additional architectural information that needs to be submitted before that referral takes place. I guess our overall comment is as Alan mentioned there's 10,000 square feet of new impervious surface within the buffer, and that's with taking away a portion of the existing driveway. They're compliant with the building coverage, but there's a lot of impervious cover within the buffer and in close proximity to the wetland, so our overarching comment was to try to reduce that, it sounds like you know were cognizant of that when putting together the plan, but there are large expanses of impervious cover within the buffer and it's it's significant.

The wetland mitigation plan, there was a conceptual mitigation plan provided, that will need to be flushed out to demonstrate one-to-one mitigation. We'll look for the wetland boundary to be verified by the DEC. Again, the 100-year flood plain should be shown on the plan, base flood elevation illustrated. Our office will need to witness

deep and perc tests for the storm water infiltration system. Question for the for Alan. Do you see this going, or is there, additional bedrooms proposed, do you meet any criteria for going to the health department, any modifications to the septic system?

Ken Andersen: I can answer that there's no no additional bedroom.

Alan Pilch: Right, there's no additional bedroom we're very conscious of that.

Jan Johannessen: And do you know anything about the existing septic system, the date of it, what it consists of, pumping history.

Alan Pilch: Pumping history we can get from James.

Jan Johannessen: Is there an expansion area on the on the property?

Alan Pilch: Yeah, I believe so, yes, there is it's all in the southeastern portion where the property septic system is.

Jan Johannessen: So, there's a designated expansionary provided.

Alan Pilch: Yeah, below that you know what's shown, there is the gallery and two 36 linear feet of septic trenches and below that is where the hundred percent expansion area is very there.

Jan Johannessen: If you can box that out. Yeah it's. We have to kind of get into the weeds on the application and I'd be happy to meet with the applicant during the course of review, but if there is ways to push some of the items further away from the wetland and try to reduce the amount of cover, or look at materials that are pervious. There's just a lot happening on an already developed site.

Michael Sirignano: We're happy to look into all of that, in terms of the building department referral that's fine, we have no objection, but the board should know that the building inspector has already reviewed our plans and and found that because we're trying to combine multiple uses in the single structure where we need a variance for the overall square footage of of this new accessory building and we're going to be before the zoning board next week on that. But then when, we meet all we meet all setbacks. So. it's this we don't need to set back variance, just a you know the.

Jan Johannessen: Michael, I think, it's, we need to get that letter from the building inspector, you know. I think typically, I think this has happened in a couple of cases now, that applicants are going to the ZBA before they come to the planning board and there's not enough time for the planning board to vet these applications before you have your zoning variances in hand. So, I would, I would like this to be vetted by the board before you know before the ZBA we don't even have a referral letter into the building inspector and it's already before the ZBA.

Michael Sirignano: Well, he issued a denial letter, based on the size of the accessory buildings, but we have no problem with you asking him to look at whatever issues you're....

Jan Johannessen: Yeah I mean, I would ask that the ZBA defer their their decision until this project gets vetted, vetted a little, and you're kind of putting the cart before the horse, here, in my opinion. A lot going on here and you're walking into our next meeting with the variance in your hand.

Michael Sirignano: I think they had the based upon the denial, they had the perfect right and the board had jurisdiction to entertain.

Jan Johannessen: They might have had the right Michael, but you know that with all the cases you've had here and Lewisboro that you typically bring the applications before the planning board, I think, on a couple of occasions now you're you're going to the ZBA way in advance.

Michael Sirignano: I'm not sure I know what instance you're talking about but we'll take it under consideration. I'll speak with James and Elizabeth.

Janet Andersen: Was there any, since you've already have it reviewed, is there any the there's another cottage on the property, so does this become is there also a requirement for. Not a cottage but a building of some sort up there, it says so, are these now two two buildings or as the other one too small to be considered, I mean those are the kind of things that the building inspector would tell us.

Michael Sirignano: As you know, under Lewisboro code there's no limit as to how many accessory buildings, you can have on your property, so there's no, he did not see that we need a variance because there's an existing cottage building in the back.

Jan Johannessen: What is the cottage is it used for, what's in there?

Michael Sirignano: I believe it's a setup as a one bedroom. James, you want to chime in on this either I believe it's a one-bedroom cottage and it's been there, it predates their ownership.

James Rini: The cottage, yes, has been there for very long time, and has a CO I believe 1947, it is an open kind of setup where there is a bathroom and a sink, not not a full kitchen or anything like that. It's fallen on disrepair. So right now, it's currently being used as effectively a shed.

Jan Johannessen: So, is there a separate septic system for that?

James Rini: Yeah, there is.

Alan Pilch: We're not proposing a modified you know anything in the building right now.

Jan Johannessen: Right, but you got to pool their you got storm water there where's the septic system.

Alan Pilch: It's right adjacent to the building.

Jan Johannessen: Do you have it mapped out.

Alan Pilch: We'll show where it is.

Janet Andersen: Okay and.

Alan Pilch: The pool is quite distant from the restrictive distances, and the infiltration system is you know, quite distant from the septic for, that for, you know, for that building, so the you know it's well beyond the restrictive distances, but we'll show it on a plan.

Jan Johannessen: Does it have a separate well?

James Rini: No, the water, the water to the cottage is is off the main system of the primary well.

Alan Pilch: Primary well is to the east of the house.

Janet Andersen: Yeah, and I'm sorry to the east of the house I'm looking.

James Rini: That's denoted on the plan there.

Janet Andersen: Yeah, okay great. So perhaps if you would stop screen sharing for a moment at least I can ask the board for consensus to refer this to the building inspector. Just for a you know, so that we have a letter back that that indicates what's going on, I think that would be helpful so. Can I see by thumbs up, if you agree to send it to the building inspector. Okay, so I see everybody so by consensus, we will refer this to build inspector, it may be very redundant. Okay.

[The Board reached consensus to refer this matter to the Building Inspector for zoning compliance.]

Janet Andersen: One of the things that that Michael suggested is that we consider a site plan or a site plan visit, I believe that. I know at least I saw it once before, but I think back when I was on the CAC so it was a while ago there was another application that I think came in initially and then never was pursued. I know I think the CAC memo said it was denied, but I think instead I don't think it was denied or approved, it just kind of was one of those that never came back a second time.

Michael Sirignano: The prior owners in the project and sold the property.

Janet Andersen: Okay, so what do you think about the site walk, is this something that you feel would be worthwhile seeing.

Charlene Indelicato: Yes.

Janet Andersen: Bruce, was that you want to talk or yes you want to see it?

Bruce Thompson: Yes, I'd like to see it.

Janet Andersen: Okay, and typically as anybody, I mean we've got a couple of that say so so. Greg, what do you think?

Greg La Sorsa: If you want to set up a site walk that's fine and I will try to attend if I'm available don't don't go by me because I'm my weekends are no longer as free as they used to be.

Janet Andersen: Okay, and so we typically do a site walk the weekend before I did not look up what the date was for this one. Our next meeting is June 21 so I don't see any big event on Saturday the 18th, would that be a date that other people could make and. All right, so. I think if we want to say again nine o'clock if that works for people, and we would ask that the applicant kind of stake out, perhaps the edges of the proposed building and anything else you think we need to see. You know that maybe the how far the the pad in front of the garage goes that that turnaround area. Center line of the road up there if it's not really pretty obvious where where it goes and something like that, so we could have a sense of of what this looks like.

[The Board reached consensus to schedule a site walk on this matter on Saturday, June 18, 2022.]

Michael Sirignano: Okay will do. Can I just go back to I think Jan and I have an honest disagreement on.

Greg La Sorsa: Well, at. 10:48 at night, why don't you do that privately.

Michael Sirignano: Yeah, I just that the project revolves around this building and I and now. Alan and and and. and Ken are going to spend a lot of time and the clients' money addressing all of your concerns which we're

happy to do. But only to find later on three months down the road that the zoning board doesn't like our building so I'm trying to protect my clients here, I want to know if we have a building that the zoning board is approving and then we're happy to spend whatever time and money, it takes to take care of the wetland mitigation issues and so that that's my thinking, I'm not trying to circumvent anything I want the board to understand my thinking as the applicant's lawyer, I think my my client, I think this, Jan has a good institutional argument that he makes but I want to protect my client.

Jerome Kerner: The strength of your argument is based on the fact that as you initially opened and said that there was investigation for other locations. But this was thought to be the location, and I concur, the impact on the site is already in this location. So it substantiates your your action to go ahead with some assurance that the ZBA would or if we had we had comments it wouldn't overturn the scheme entirely, but I still agree with with Jan that the first step is to come here and I see why you did it. You have a substantial case. I'm not an attorney.

Janet Andersen: Okay. So. I think what we, we have said that we will send this to the building inspector, we have set a site plan [walk], we will look at this. You know I mean, I think that. The danger is is, if we go out and say it, and look at it and say, we would be much better there than here or, this is unacceptable to us, then you've already been to the ZBA, but that that's not you know I can't predict that that is going to happen or not happen.

Michael Sirignano: Well, we're not we're not in a setback. It's a question pure size question, and if we have to go back to zoning board because of some action and some compromises made in front of your board then we're prepared to do that.

Janet Andersen: Yeah, I I understand. Okay, was there more I don't Jan and did you.

Jan Johannessen: I said, my piece, I disagree, for the record, but I said what I had to say.

Janet Andersen: Okay, and so we will at if there is no more submission if there isn't any different submission by next, by our June meeting, we will at a minimum have a site walk report for you.

Michael Sirignano: Great.

Janet Andersen: Okay. Thank you. We are. I look forward to seeing that.

Ken Andersen: Thank you.

James Rini: Thank you very much.

VI. WETLAND VIOLATION

Cal #01-21WV

(3:22:26 - 3:26:22)

Maple Tree Farm, 400 Smith Ridge Road, South Salem; Sheet 24, Block 9831, Lot 49B (Maple Tree Farm, LLC, owner of record)

[Brian Cooney, owner, was present.]

Janet Andersen: Okay, the next item on our agenda is a wetland violation, this is calendar number 01- 21 WV, and this is Maple Tree Farm on 400 Smith Ridge Road. And I see whoops as the squares move around, I know the the owner is on the is on the call with us so, can you give us an update on what's happening.

Brian Cooney: Yes, how we doing sorry Brian Cooney um. So, we met with Jan back in November and then winter kind of hit hard so we met with two engineering firms just recently to go over the site plan remediation. And we finally hired Joe Riina and he, and this is only earlier this week sorry for the delay. But he's about six weeks out to come up with a plan. But he also was explaining to us he's like at this point, all the ground is stable, we don't have any kind of like you know, like steep slope, there's plenty of vegetation there's not any is like and as of now, if he comes up with something in about six weeks I don't think we could really start planting or doing the remediation to the fall. But we're working with that and in the meantime we're going to get the wetlands permit going and hopefully we get this wrapped up as soon as possible, but I mean I know these engineers are super busy and they're really backed up, but we'll do it as quickly as we can, he says about six weeks from now, he should have a plan And then within you know timely fashion, will get as much will get as everything done.

Janet Andersen: Okay, so would that be appropriate to say we'll see you at our August meeting or September meeting so that we can get this done, and you can get working from kind of maybe.

Brian Cooney: What we're shooting for August. I mean it's up to you guys like I said he he you know, he was pretty confident that everything or like was growing and we weren't in a steep slope and everything looked good so there's no rush, but I know they're very busy but it's up to the board if you, you know we can shoot for August, or we could shoot for September it's up to Jan, up to you guys.

Judson Siebert: Right, I mean the permit application needs to get in as quickly as possible.

Brian Cooney: Yes, that we're going to do in the next few weeks. We'll get that.

Judson Siebert: Setting the date is simply a report back why don't why don't we why don't we why don't we put it down for August.

Brian Cooney: Okay.

Janet Andersen: So, the submission date before that would be July 25 if you can get something in so we'll look for that.

Judson Siebert: I wouldn't be regarded by the submission date with the the wetland permit application should be submitted as soon as it can get in.

Janet Andersen: Okay that's it but I'm also saying if we can [static] now we can make it a more substantive thing if he can get more in. Okay, but we will see, we will see you August 16.

Brian Cooney: Okay, perfect and we'll do that wetland permit as soon as possible.

Janet Andersen: Great, Thank you.

Brian Cooney: All right guys thanks.

Janet Andersen: Sorry, to make you wait so late. Good night

Brian Cooney: No worries, good night.

VII. CORRESPONDENCE

(3:26:23 - 3:41:15)

Town Board referral for zoning change at 19 Mark Mead Road, Cross River.

[Michael Sirignano, Esq.; and Antonio Coppola, petitioner; were present.]

Janet Andersen: Okay, the next item on the agenda is really correspondence the Town Board has referred to as a request for zoning change at 19 Mark Mead Road and Cross River. and Michael I'm assuming you're on for that.

Michael Sirignano: Yeah, let me see if I can share my screen here. I can't seem to get that. All right, so. You folks see, see that picture?

Janet Andersen: It was just a white, white board.

Michael Sirignano: Okay. Let me, let me see if it comes up now if it doesn't oh, here we go okay. Is that up?

Bruce Thompson: Yes.

Michael Sirignano: Okay, so this is a coming out of the the rear exit of Bacio Trattoria and I am we took the shot, so that you can see that the driveway just across North Salem Road is almost directly in line with Bacio and and, as you remember some of your board members who approved Bacio everything to the rear half of Bacio is zoned residentially and basically everything from the curb line you see to the south is his own residential R-1/2 acre. And, and then the the the site that the restaurant and the parking lot at Bacio is is retail business [RB], so what is what has been happening historically is, particularly on busy Friday nights and Saturday nights, especially in the warmer months when the outdoor seating dining is in full swing, patrons will pull in to the parking lot of Bacio if they find no available parking space they then come up this exit ramp make a quick left and then go into the property that you had before you earlier on tonight's agenda. Antonio Coppola had made an arrangement with the prior owners of that AIA property now it's Boro Café or proposed to be Boro Café and Antonio had his overflow patrons park there during the busy dinner hours, he he made a play for that property to try to buy it and it didn't pan out and so he's trying to control his own destiny, and he now has this property 19 Mark Mead Road under contract subject to his ability to use the northerly 75 feet or so for parking. And so, the idea would be to have this property split zoned, just like Bacio is split zoned, so that the the the southerly edge of the curb line of the driveway into the existing driveway off of. off of North Salem road on 19 Mark Mead Road would be everything from their north to the AIA or the Boro Café would be rezoned retail business, but like we did with the town board, and I think your Board was certainly involved in it down in Vista when we rezoned some property we limited the zip the uses within a retail business, down there we was limiting that uses within a general business, but the same concept here, all we want to do is is have the ability to to once this is rezoned, or at least the northerly half of this property is rezoned, to come back to your board with the site plan to put in some overflow parking, in the northerly 75 feet. Basically it would be up against the AIA fence there which you see on the far left side of this photograph, over here is the AIA fence and their their parking is just facing south right against the other side of that fence, so this from this curb line north we're we're, ultimately we want to use that for overflow parking we petitioned the town board for that to rezone or change the amend the zoning map to allow that and that would give us the ability to come back to your board for the full site plan, and you know, landscape and design and buffers and screening and lighting and all of those kinds of things. But that's the idea and then of course the town attorney referred our petition to your board for comments I'll stop talking and answer any questions.

Janet Andersen: Okay, I think, if you could stop sharing.

Michael Sirignano: All right, let me get rid of this. Did that do it?

Janet Andersen: It did it. Thank you so, this is a little difficult in that I think. I think I think I have no objection really to the substance of this, but but we're kind of talking about zoning and not talking about the the new use or the the new site plan. So, I don't know I'll ask anybody on the board if they have any concerns about about saying

this, I, I would like to say I would propose when the instant in the interest of time that we say we have no objection, you know, to the substance of the change but procedurally we'd really prefer to see a coordinated review. And I hope that, you know if the board agrees, you would delegate to me the right to or the ability to send that letter to the town board with obviously Jud's help and Jan's help, in drafting that.

Michael Sirignano: Well, obviously you'll do what you want to do, but we would we would like you to give your general sense of whether you think parking overflow parking in the northern half of the site is something that the Town Board should consider. And by the way, I've Antonio with me I sees on the Zoom if you have any questions for him.

Janet Andersen: Right, I mean.

Jan Johannessen: Do you have a site plan or something that you could show us where the parking would be.

Michael Sirignano: Jeff Jeff De Rosa's crew was just out there yesterday their their backlogged, so I had hoped to have something, but I don't tonight, but it's it's the northerly, it's from the existing driveway north to the AIA property on.

Charlene Indelicato: It's hard to comment on something that you know I parking sounds like a good idea, but it's very general I the planning board usually deals with site plans and you have something in front of you to say, well, I think this is good, this is good and my feeling, as a general rule yeah I in looking at the property and knowing the property, I think that it work, but until we see something it's hard to to make out a thing, so I you know.

Michael Sirignano: I understand. We, we have to come back to you with a site plan and go through the whole process if it's rezoned, or at least the northerly 75 feet are rezoned, that's all we're asking.

Janet Andersen: Yeah, I mean, I think, so I would say that you know Bacio is certainly an asset, the parking lot has you know it's not like the parking lot isn't kept neatly at their current place but I feel conflicted because we're only asked to to really talk about the zoning change and we don't have a site plan so um. So, I go ahead Jerome, get me out of this and you're muted. You're muted.

Jerome Kerner: Boy, the three most frequent words using the English language these days 'you are muted.' I don't think it's unreasonable for the board to ask or the town board to ask if that's an appropriate use of we agreed based upon the parameters that we would apply to any site plan that's adjacent to a residential area and you could put that in the letter, you know that you know where what our concerns are and that we would address those concerns when site plan is submitted, but certainly having a letter that says we're in general in agreement with rezoning that for parking I don't see the problem with that.

Michael Sirignano: And the house is going to remain R1/2 acre and and everything from the driveway south.

Jerome Kerner: Yeah, I mean, so our job is to make sure that that house is not impacted adversely, there's no negative environmental impact, but we know we can do that, we have methods and means to protect the house and so there's lighting, fencing, buffering.

Michael Sirignano: Either way, that's a legal two-family house. It's an oddity for for Mark Mead Road.

Judson Siebert: But, but I think Janet are you saying that concern you would voice is that, from a procedural perspective that decision with regard to environmental impacts should be done on a coordinated basis between the Town Board and the planning board with one of them, you know, becoming a lead agency and making that determination. Well, that's the concern right?

Janet Andersen: It's a it's a SEQRA concern, but I mean it is a required, you know I'm, that's procedurally that would be I think the cleaner thing to do, if the town board has has decided not to do it that way, then I mean I I certainly. So, on the substance of the of the matter, I certainly think it makes a lot of sense, and I understand why Bacio would look to do this, it's you know it makes a lot of sense. It's procedurally slightly difficult, but the town board has has decided to approach that way, so I I. I don't know how to deal with it.

Michael Sirignano: The town attorney has advised the town board that it's an unlisted action. And and, by the way, just to complete the story that about the two family and Antonio, if he acquires the property, if he gets the rezoning, he's going to house some of his staff they're important staff that won't have to travel great distances so it's a win, win for him.

Janet Andersen: Thank you. Well, I know it's late so, is there, do we need a motion for this can we have general consensus to say that we are.

Judson Siebert: You'll need a motion, if you if you're going to draft a letter on behalf the planning board in response to the referral you'll need a motion authorizing you to do so, and in giving the parameters what you're going to say.

Jerome Kerner: So, I make a motion that we, that we authorize Chairwoman to draft a letter generally in accord with the rezoning for the purpose requested, understanding that a site plan and environmental impacts will be reviewed by planning.

Janet Andersen: Is that okay Jud?

Judson Siebert: That's fine.

Janet Andersen: Do we have a second?

Greg La Sorsa: Seconded.

Janet Andersen: Okay Greg um any discussion on this. I'll poll the board Jerome.

Jerome Kerner: Yes.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: Greg.

Greg La Sorsa: Yes.

Janet Andersen: Charlene, I see her nod even though she's muted and I also say aye, so we are. So, thank you we'll get that letter out promptly.

Michael Sirignano: Thanking the board members, because I made a special request that you each to take a drive by So you can see it and be in a better position tonight to discuss. Thank you.

Bruce Thompson: Janet.

Janet Andersen: yeah, go ahead Bruce.

Bruce Thompson: I. Is it I've been listening to this and digesting what you're saying Michael. I have a concern about patrons at a restaurant having to cross the road for parking. I would be very interested in knowing how many parking spaces are set aside for employees for this current parking. I would not be opposed to employees parking, on the other side of the road, but I I'm familiar with at least one horror story of parking across road for patrons at a restaurant.

Michael Sirignano: That's a good point Bruce and Antonio though as a as a safe history because he's been using the AIA property as overflow for years without incident, but you make a good point. And Antonio can control, who where his staff parks and we'd be happy to have that, as part of the site plan approval that the employee parking occur on the across the street and thereby reducing the number of patrons crossing the street.

Bruce Thompson: Thank you.

VIII. MINUTES OF April 19, 2022.

(3:41:16 – 3:42:11)

Janet Andersen: Okay, and. Is. So I think that's it unless there are any other comments I think we're done with that. And look for approval of the minutes of April 19, 2022.

Greg La Sorsa: I'll make a motion to approve the minutes.

Janet Andersen: Okay, thank you Greg.

Charlene Indelicato: I'll second it.

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

Bruce Thompson: Aye.

Janet Andersen: Greg.

Greg La Sorsa: Yes.

Janet Andersen: Charlene, she's nodding yes and Jerome you weren't there.

Jerome Kerner: I abstain, yeah.

Janet Andersen: And I also say aye so the minutes of April 19 are formally approved.

[On a motion made by Mr. La Sorsa, seconded by Ms. Indelicato, the meeting minutes from April 19, 2022 were approved. In favor: Ms. Andersen, Ms. Indelicato, Mr. La Sorsa and Mr. Thompson. Abstain: Jerome Kerner.]

IX. NEXT MEETING DATE

(3:42:12 – 3:43:26)

Janet Andersen: We are at our witching hour, we have. We had, I think. Jud has suggested that we make a motion to go into an executive session for the purposes of obtaining attorney advice.

Judson Siebert: My recommendation, given the hour, is that any advice I was going to give I'll synthesize and do an email based on things we've heard this evening and get it out to the board, I think it's just more productive.

Jerome Kerner: We appreciate that.

Judson Siebert: Yeah.

Janet Andersen: Okay and. And and, if necessary, we can go into an executive session at the next meeting.

Judson Siebert: At the next meeting yeah.

Janet Andersen: The next meeting date is June 21, 2022. Right now we are planning that to be in person unless there is an executive order or an extension of the emergency declaration that allows us to meet virtually, in which case I believe we would all concur that we would prefer to meet virtually.

Greg La Sorsa: yeah

X. ADJOURNMENT

(3:43:27 -3:44:16)

Janet Andersen: Speak up if you disagree okay so I'd look for a motion now to adjourn the meeting.

Greg La Sorsa: I'll make the motion.

Janet Andersen: Thank you Greg everybody seconds Okay, I guess, we had Bruce speed in a second and if no discussion okay I'll poll the board, Jerome.

Janet Andersen: 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: I also say aye and I hope people voted, because you can't vote after the meeting tonight at all. Thank you all and we'll see you all in a month either have no we've seen before that, at the site walk and...

Jerome Kerner: The 18th. Good night.

Janet Andersen: And then. Okay, good night.

Greg La Sorsa: Good night all.

Janet Andersen: Good night.

Various voices: Good night.

[On a motion made by Mr. La Sorsa, seconded by Mr. Thompson, the meeting was adjourned at 11:12 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 that reads "Ciorsdan Conran". The signature is written in a cursive, flowing style.

Ciorsdan Conran
Planning Board Administrator

RECEIVED BY

MAY 18 2022

Town Clerk
Town of Lewisboro

**RESOLUTION
LEWISBORO PLANNING BOARD
AMENDMENT TO WETLAND PERMIT 56-05 W.P.**

**RINALDI RESIDENCE
9 NORTH LAKE CIRCLE**

**Sheet 34A, Block 11827, Lot 23
Cal. #56-05WP**

May 17, 2022

WHEREAS, the subject property is owned by Peter and Audrey Rinaldi ("the applicants") and contains a single family residence, served by an existing septic system; and

WHEREAS, the applicants were granted a Wetland Activity Permit by the then Town Wetland Inspector on August 11, 2005 (Permit # 56-05 W.P.) in connection with a proposal to construct a deck and a 300 s.f. addition to allow for a kitchen and dining area expansion; and

WHEREAS, a condition of the Wetland Activity Permit states: "septic system shall be inspected and serviced on an annual basis. Proof of inspection and service by a licensed maintenance company shall be provided to the Planning Board Administrator"; and

WHEREAS, the applicants have submitted an application and requested that the above condition be eliminated ("the proposed action") for reasons articulated in a letter from Peter Rinaldi to the Planning Board, which is attached to the application (stamped received on March 7, 2022); and

WHEREAS, Chapter 183, Sewers and Sewage Disposal, of the Town Code, adopted by the Town Board on April 25, 2011, requires all septic systems (Town-wide) to be inspected at a minimum frequency of once every five (5) years.

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, because of the reasons articulated in the applicant's letter and the due to the Town-wide septic inspection requirement (enacted after the issuance of Permit #56-05 W.P.), both referenced above, the Planning Board hereby amends Wetland Permit #56-05 to eliminate the requirement for septic inspection, which is recited verbatim above.

ADOPTION OF RESOLUTION

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

The motion was moved by: Charlene Indelicato

The motion was seconded by: Jerome Kerner

The vote was as follows:

JANET ANDERSEN

aye

JEROME KERNER

aye

GREG LASORSA

aye

CHARLENE INDELICATO

aye

BRUCE THOMPSON

aye

Janet Andersen ^{cc}

Janet Andersen, Chair

May 17, 2022

RECEIVED BY

MAY 18 2022

Town Clerk
Town of Lewisboro

**RESOLUTION
LEWISBORO PLANNING BOARD**

**ARBOR HILLS WATER SYSTEM
SITE DEVELOPMENT PLAN APPROVAL
TOWN STORMWATER PERMIT**

**Brundige Drive
Sheet 12, Block 11152, Lot 200
Cal. #03-22 PB, #09-22SW.**

May 17, 2022

WHEREAS, the subject property consists of 4.63 acres of land and is located on the corner of Brundige Drive and NYS Route 138, within the R-2 Zoning District ("the subject property"); and

WHEREAS, the subject property is identified as Sheet 12, Block 11152, Lot 200 on the Town Tax Map; and

WHEREAS, the subject property is developed with a water system used to serve the Arbor Hills Subdivision, consisting of 67 customers; and

WHEREAS, the applicant, Liberty Utilities, is proposing to upgrade the water 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; and

WHEREAS, the proposed action includes a new water treatment building, a concrete pad to house two (2) 8,000-gallon water storage tanks, an underground stormwater detention system, driveway expansion, fencing, tree removal and grading; and

WHEREAS, no new well is proposed; however, a new connection to the existing well is proposed; and

WHEREAS, no disturbance or development is proposed within the Town's 150-foot regulated wetland buffer; 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 and approves the following plans ("the approved plans"), subject to the below conditions; and

Plans Prepared by H2M Architects + Engineers, dated (last revised) March 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)
- 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 (May 17, 2024), unless extended by the Planning Board in accordance with Section 189-7G of the Town Code; and

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

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

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 applicant 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/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:
 - Architecture and Community Appearance Review Council
 - Westchester County Department of Health
 - (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001)
4. The applicant shall obtain a Town Stormwater Permit from the Town Engineer/Building Inspector.

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

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

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

Conditions to be Satisfied During Construction:

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

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

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

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: Bruce Thompson

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 May 17, 2022