

Meeting of the Planning Board of the Town of Lewisboro held via the videoconferencing application Zoom (Meeting ID: 846 1012 4238) on Tuesday, August 16, 2022, at 7:30 p.m.

Lewisboro TV: <https://www.youtube.com/watch?v=MYropF5UwHM&t=3s>

Present: Janet Andersen, Chair  
Jerome Kerner  
Charlene Indelicato  
Greg La Sorsa \*left at 9:29 p.m.  
Bruce Thompson  
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel  
Jan Johannessen, AICP, Kellard Sessions Consulting  
Ciorsdan Conran, Planning Board Administrator

Absent: John Wolff, Conservation Advisory Council

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, I'm Janet Andersen and I call to order the Town of Lewisboro planning board meeting for Tuesday August 16, 2022, at 7:30 pm. The open meetings law changes enacted in the New York state budget enabled us to have this meeting by video conference during emergency, during an emergency declaration, and on Saturday, that emergency declaration was extended to September 12, 2022. The Board has agreed to meet virtually as long as circumstances allow. I expect our September meeting to be in person at 79 Bouton Road, but if the governor issues another extension to the emergency, we would then meet virtually. No one is at our in-person meeting location at 79 Bouton Road. This meeting is being recorded. Ciorsdan Conran has confirmed that the YouTube feed is active and working, and that the meeting has been duly noticed and legal notice requirements fulfilled. We intend to post the recording and a transcript of this meeting to the town website and the Zoom video will also be available on the town's YouTube channel. Joining me on this Zoom conference from the Town of Lewisboro are members of the planning board: Charlene Indelicato, Jerome Kerner, Greg La Sorsa and. I don't know if Bruce is on yet, but if not I do expect Bruce Thompson to join us. In any case, we have a quorum and thus we can conduct the business of the Board and vote on any matters that come before the board. Also on the conference here are planning and wetland consultant Jan Johannessen and counsel Jud Siebert as well as our planning board administrator Ciorsdan Conran.

We do have a plan, a public hearing scheduled for tonight. That's the only time we expect to take public comments. I will describe the process before we begin the public hearing in just a few minutes. We ask the public to remain muted and without video until that point. 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. Now members of the public can always express their views by mail or email to [planning@lewisborogov.com](mailto:planning@lewisborogov.com). And again, the public can see and hear this meeting live on Lewisboro TV and YouTube channel, and we intend to post it there for future reviews by the public. Okay, and to ease the recording of our votes I will poll board members individually.

## I. DECISION

### **Cal #08-02PB**

(2:36 – 6:16)

**JVG Estates (formerly Popoli Subdivision/ 1437 Route 35) Bluestone Lane, South Salem, NY 10590, Sheet 40, Block 10552, (formerly known as Lots 3, 4 & 5) current owners of record:**

- **Monica & Vito Di Matteo, Sheet 40, Block 10552, Lot 3 (was Lot 3 on plat) 5 Bluestone Lane**
- **Adam & Julieann Giardina, Sheet 40, Block 10552, Lot 41 (was Lot 4 on plat) 6 Bluestone Lane**
- **Chazz & Maria Gianna Palminteri, Sheet 40, Block 10552, Lot 42 (was Lot 5 on plat) 4 Bluestone Lane** - Request for wetland bond reduction.

[Vito Di Matteo, owner, was present.]

Janet Andersen: So with that let's get started. The first item on our agenda is a decision, it's calendar number 08-02PB, this is JVG Estates, formerly the Popoli subdivision at 1437 Route 35; this is now on Bluestone Lane, South Salem, New York. And this is a request for a wetland bond reduction. So, this application had been approved in 2009 with subsequent amendments, and in July, the applicant appeared before us, in accordance with the resolution, to ask for a reduction in the wetland bond. And the board asked for a resolution to be prepared for tonight's meeting, and it has been distributed to the board. So, Jud, maybe I'll ask you to go through this.

Judson Siebert: Sure. This is a request with regard to the JVG subdivision for a reduction of a wetland bond. The wetland bond relates fully to activity that was authorized under the wetland permit issued for this project, it does not relate to any sort of security for infrastructure improvements related to the subdivision. Because it's limited to the wetland activity, the Board has the authority to make a decision with regard to a bond reduction without referral to the Town Board. We're going to see that in a few moments, with regard to another performance security reduction request. The approving resolution had basically a step down, as we often do with wetland permits, in terms of allowing the performance security to sunset or phase out over a period of years, provided that plantings attain a certain survival rate and all is in good condition. We do have confirmation from Jan, that you know, as in a wetland capacity that the necessary threshold has been satisfied for this particular reduction. It will reduce the current security, which has previously been reduced by eight, a little over \$18,000, it will keep an additional \$7,400 in security, which is kind of the final phase, and it is, you know, set forth in a what I would say would be your relatively pro forma resolution for your consideration.

Janet Andersen: Okay, so I'd look for a motion to approve the resolution, yes, go ahead, Jerome.

Jerome Kerner: Motion to approve the resolution as prepared and discussed by Jud Siebert.

Charlene Indelicato: Second.

Janet Andersen: Okay, any discussion on this resolution. Okay, I will poll the board. Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Jerome.

Jerome Kerner: Aye.

Janet Andersen: Greg.

Gregory La Sorsa: Yes.

Janet Andersen: And I know that Bruce was trying to connect but I don't see him yet. Oh there you are. Go ahead Bruce.

Bruce Thompson: Aye.

Janet Andersen: And I also say aye, so the motion to approve the resolution passes and that can proceed.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board granted a partial release (20%) of the wetland bond for JVG Estates (formerly Popoli Subdivision/ 1437 Route 35) Bluestone Lane, South Salem. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Against: None. A copy of the Resolution is attached and is part of these minutes.]

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

(6:17 - 58:28)

**“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; and Tim Allen, Bibbo Associates.]

Janet Andersen: Thank you, OK, the next item on our agenda is calendar number 03-13PB, calendar number 13-16 WP. This is Silvermine Preserve, Silvermine Drive and Lockwood Road, South Salem, New York, and this is the application for subdivision, wetland activity, and stormwater permits for the construction of a 13-lot subdivision. So, this Silvermine application was granted a SEQRA Neg. Dec. and preliminary approval in 2017 and the cluster development was approved by the Town Board in May 2017. The neg dec confirmed the absence of significant environmental impacts and it was based upon an examination of plans, data, and reports, including analysis of groundwater supply. And the subdivision will be serviced by individual wells approved by the county health department. We also looked at wetlands impacts, traffic site analysis, and similar environmental issues. After the applicants submitted the application for final approval, the planning board opened and closed a public hearing in June 2022. This public hearing was held open for 14 days for written comments. We did receive additional comments from the public. And the board had asked for a resolution to be prepared for the July meeting but, at the time of that meeting the resolution was still a work in progress. At our July meeting, we agreed to table the matter to tonight's meeting. So, after the July meeting, Jud was in contact with Gerri Tortorella, the Silvermine's attorney, concerning the final approval of this project. They focused on formulating an approving resolution that would meet with the approval of the Westchester Land Trust, which was poised to accept the title to the open space parcel. As the resolution of final approval was being prepared, Westchester Land Trust advised that - notwithstanding its best intentions - it faced near and long-term constraints that could preclude a commitment on its part to a definite timetable for the design, the completion of the trail network, and for the ability to ensure trail maintenance in perpetuity. Westchester Land Trust reminded us that their primary goal is conservation and land protection. Unfortunately, these recently voiced concerns, and Westchester Land Trust's hesitancy to make commitments either to timelines at the beginning, or in perpetuity, led to an impasse in the finalization of the approving resolution. This is the result of the competing tension between foregoing a recreation fee and trying to ensure that a publicly accessible trail network on the open space parcel would not only come to pass but be maintained in perpetuity. So, from the board's perspective, a waiver of the recreation fee is only acceptable if, in fact, definite commitments are made for the design, the installation, and the long-term maintenance of this trail network for public use. While the applicant has maintained it will, with Westchester Land Trust, endeavor to create this network and to provide for its use, Westchester Land Trust emphasized that it could not, again due to operational and legal limitations, make any binding commitments in that regard. So, we were at an impasse. Recognizing the deadlock over the resolution conditions, and difficulties associated with the trail network, Jud, Jan, and I discussed a change of direction concerning the disposition and the future use of the open space parcel. We collectively concluded that a better course might be to forgo development of the trail system, thereby eliminating

future public use of the open space parcel. And, in turn, directing the applicants to pay the required recreation fee, and this fee will be a total of \$110,000 payable to the town. Under this approach, the open space parcel will, as required by the town's code cluster development requirements, remain open and undisturbed in perpetuity. Rather than being conveyed to Westchester Land Trust, this parcel will be held by the subdivision HOA, homeowners association. Upon creation and conveyance to the Homeowners Association, the parcel will be deed restricted for the purposes of preserving its open space characteristics. It need not be open for public use and it need not have trails. It is, it is open space. So, we identified the benefits from this approach as maintaining the integrity of the cluster subdivision concept. So, even though the open space parcel will not be available for use by the public, it, it will be held by the HOA and it will remain undisturbed in perpetuity, and that meets the code requirements. Instead of a trail network that the design, where completion and long-term maintenance of which present ongoing enforcement issues for the planning board and for the town, the town will receive a recreation fee of \$110,000. We also felt that elimination of the trail network will address many of the concerns raised by the owners of properties adjoining the project site. This included uncertainty about the trail design, the proximity of trails to existing residences, whether or not it would connect to Silvermine Road, and other items like that. Finally we just felt in summary, this was a more streamlined, and from a long-term enforcement and oversight perspective, an easier course to administer. In this regard, you know, even if Westchester Land Trust or another organization were to acquire the open space parcel and commit to the eventual design, creation, and maintenance of the network, it would be difficult for the town to respond to any failure of the other any land trust to do so. So, while making no commitments, we approached Gerri and her clients with this idea and they were amenable. So that's where we are now. The resolution that was prepared and distributed to the board incorporates this approach. So, with that I don't know Gerri if you want to make any comments.

Gerri Tortorella: Good evening. Gerri Tortorella, Hocherman Tortorella & Wekstein and we're counsel for the applicant, we also have Eric Moss and Sue Haft and Tim Allen who have who are tuning in and available at this meeting. We don't really have any comments, other than to talk about the structure of payment of the recreation fee, and also the bus stop. Those are the two issues that I think we'd like to discuss tonight with respect to the resolution with the board. You know, we did not want to see this outcome, come to pass, you know we tried very hard with the land trust to be able to make the public access work. But it just became insurmountable and the land trust you know graciously agreed that, as long as there would be land preservation, notwithstanding all of the time and resources they had dedicated to trying to see public access become a reality, that they would step aside just to make sure that the subdivision could go ahead. And that it would be done in a way that just would preserve the the open space and its character. And so that open space will will have the storm water basins and some of the storm water facilities on it, that was always part of the proposal and it's just naturally the way the storm water basins had to be designed because they're at low points. But other than that you know we expect a situation where it will be retained in you know, in its current state, unless at some point in time in the future the HOA would like to do something with that property and then that's you know that's a matter for the future.

Janet Andersen: Okay, so. We could either go through the the resolution I know it came out recently. Gerri did mention two different items that we might want to discuss, but I think we should look at it in context of the of the resolution perhaps first.

Judson Siebert: Yeah Jan[et], I'll jump in. Thank you. Maybe I'll turn it over to Jan. Just in terms of the overall approach. You know, as as Gerri mentioned, we closed a public hearing, we obviously had heard from members of the public in the public hearing associated with the final approval. We were in discussions, you know, in an effort to bring this trail system, you know to fruition and do it in a way that would. You know, provide certainly that would be developed in a time, you know, in a in a time frame that that was recognized that was enforceable as Gerri said, and Jan, as you aptly said at the at the outset. There are just certain constraints, with regard to the Westchester Land Trust, and I would think, possibly with other similar organizations in terms of making those kinds of long-term commitments with regard to

public access, as opposed to straight land preservation. We tried to work through them. And, and you know, at the end of the day, I think that. We, Jan[et] you and I, and Jan reached a conclusion, but I think it's a fair one that that the easiest way to kind of cut through this was the the overall integrity and intention of the cluster subdivision which is really to preserve the open space. And to create the open space, make sure it's maintained but to eliminate the public use component and apply a rec fee, so that that's what the the resolution does. There are some other adjustments in the in the resolution that's been presented to the board that relate really just to the phasing of overall site development, but even with those changes, I think the you know all of the underlying, you know, conditions and and mechanisms to make sure that infrastructure and improvements are constructed and that things move in an orderly process are there. Jan I don't know if you have anything to add.

Jan Johannessen: I'm happy to go through the resolution if the board with I need to give simply prior iterations and I don't know if you want me to go through the body of the resolution or focus on the conditions, whatever whatever you like.

Janet Andersen: I think it might be helpful to talk about one of the major changes, I think that came about, was separating the timing as as Jud mentioned of what was separate tax parcel but became lot 13, and how that is part of this, and I see Charlene has her hand up so maybe.

Charlene Indelicato: I have three general questions and one is and I don't know how this works, the the rec fee does it go into trust for the recreation department or for open space in the town or is it just put into the general fund?

Janet Andersen: So, I did I did have email dialogue with Leo [Masterson], who is the comptroller of the town. He gets that, it goes into a separate account, and it is held for the Town to decide how they want to use it, it's only released when the town allocates it for a specific purpose for parks and rec or for some kind of recreation. So, it is held separately.

Charlene Indelicato: Thank you Jan. The second question is when there is a conservation easement or any kind of declaration, can you give a copy of it to the planning board or to the assessor so we have some kind of record that we can start keeping on these conservation easements. If that's okay.

Judson Siebert: That, that will occur and the declaration will be prepared and and recorded with regard to the open space parcel and that will be provided to Planning Board Counsel, town attorney and to the the, the town assessor.

Janet Andersen: I would just add to that, though I think one of the things that has happened in the past is sometimes there are easements or conservation agreements that enter onto parcels that the town kind of loses track of and I shouldn't say it that way, that are not readily apparent. And, and sometimes the homeowners aren't aware of it until they see it. So. I would like to try to figure out if there's a way to to maybe compile some of the easements and conservation agreements that have made been made over time so maybe it's a good point, we should try to keep that front and center as we think about a permanent way of of bringing these to light. Usually, we we do find out about them when because they're recorded with the deed, but it's not really, a town resource available. Okay go ahead, Charlene, you had a third one.

Charlene Indelicato: The last question is the HOA are responsible for the open space in the sense of if there's a if there's a fence around it, or whatever on that they have to maintain it.

Judson Siebert: The HOA will be responsible for the maintenance of the open space parcel. And the maintenance obligation will be one of basically maintaining its open space characteristics as of the time that the lot is created.

Charlene Indelicato: Only because it wasn't specifically mentioned in the resolution that's all. it said, you

know.

Judson Siebert: Yeah but.

Charlene Indelicato: Examples and but it didn't.

Judson Siebert: But those those long-term obligations are also a matter of the code in terms of what, in terms of clustering and what needs to happen with what the long-term obligations are with regard to with the maintenance of that type of open space parcel.

Gerri Tortorella: Yeah I think that the resolution dealt with it in kind of a shorthand fashion, because if we were to go into too much detail, it would actually spell out the whole agreement but, but that is correct, I mean and implicit in it, making sure that it has to be to the satisfaction, the agreement and documents and all the covenants, easements and restrictions, have to be to the satisfaction of the planning board attorney that's kind of the way that we make sure that we are meeting the requirements of the code and the intent of the restriction.

Charlene Indelicato: I just want it on the record so.

Gerri Tortorella: Yeah, no that's no that's fair.

Charlene Indelicato: That's it.

Janet Andersen: Okay, any other questions before we ask Jan to maybe hit some of the highlights that we've talked about so far we've alluded to on this. Okay Jan and I think it's over to you.

Jan Johannessen: Sure. As I mentioned, I think the board has seen versions of this before, would you like me to do an overview of the body, of res, of the resolution or really focus on the conditions.

Janet Andersen: I think conditions.

Jerome Kerner: Conditions.

Jan Johannessen: So as is typically, the case, the the resolutions broken down into. The conditions are broken down into several different categories, the first being conditions to be satisfied by the applicant prior to the signing of the construction drawings. So, condition one speaks to the applicant being required to obtain the highway work permit for access on to the town road, reality subdivision approval from the health department and coverage under the SPDES general permit from the DEC. Condition two speaks to potential future pool locations and, at one time the applicant had identified certain lots that could accommodate a pool. I forget how many of the lots showed pools, but there have been some changes in the Westchester County health department regulations that kind of would result in smaller size septic systems and the thought was that this was really the constraint to installing pools on on all of the lots, just the pure size and house location, septic was tight to fit everything in but with these modifications it's it's possible that some, if not all, could contain the pool. So condition two has the applicant removing future pool locations from all the plans and there'll be no restriction on pool sites on any of the lots and in the future if homeowner would like to install a pool, they would take the normal course. Submit an application to be reviewed by the building department, my office or the town engineer, wetland inspector and obtain all necessary permits and wouldn't necessarily require a trip back to the planning board. Condition three there's some some updates to that plan. I can quickly go through these. The street trees, we had asked them to increase the caliper size of those trees to three to three and a half inches. Condition seven requires the applicant to obtain a wetland implementation permit from the wetland inspector. Eight is a preparation of a detailed cost of construction estimate and engineering inspection fee. Nine imposes a three-year monitoring period on wetland mitigation, which is typical. Reporting each year to the planning

board. The rest of these conditions in the category are pretty. Pretty typical of any resolution. Next category prior to the commencement of work and that's just making sure all the plans are have been sign, a file, they've been signed, filed appropriately, that there's a site visit conducted, and to ensure that there is coverage under the SPDES permit. The next category is prior to the signing of the subdivision plat itself. And that plan will be prepared by a licensed land surveyor, will contain the health department signature, the DEC wetland boundaries signature, signatures of the owners. Again, removing residences, pools, and driveways from the plat we show those on the construction drawings, but typically not on the plat itself. Condition 25 is the establishing of the the open space parcel. Then just filing the subdivision plat. Conditions 28 and 29. 28. What is typical have any subdivision the applicant either installs prior to the signing of the plat all of the common improvements, the road, the drainage, common grading, and completes that construction within 180 days of the signing of the resolution. Or, alternatively, submits a bond that would cover the cost of those improvements, so the applicant has that option either construct or a bond so that's conditions 28 and 29. If they chose the bond, that bond would be equal to the amount of the engineering, inspection, and cost of construction estimate. Once one of those items either one of those options are completed they file the plat and then they're off to building permits. So that's the next, starting with condition 33. So prior to the first building permit issuance of the first building permit they're going to have all their legal documentation, their easements, covenants, restrictions, that are outlined in Ms. Tortorella's letter to the Planning Board of October fifth [2021]. Those will be prepared, reviewed by counsel, myself and filed. Condition 35 states that there can be no certificate of occupancy for any lot lot one, two and three are served by a common driveway that extends off the private road. This is saying that that there can't be a CO for any of those homes until that common driveway is complete, to the satisfaction of the town engineer, and a survey is submitted. 36 gives them the ability to bond that similar to the road. 37 is the as built survey. For lots one through 12, part of the restriction so the first building permit, can't construct the house on lots 1 through 12 without the common improvements being completed, surveys submitted. 38 speaks to the underground water storage tank that's to be installed prior to the issuance of a building permit for lots one through 12. And that that tank will be installed by the applicant. It will be filled by the applicant, there's a test that needs to be completed. A pressure test. A tank have to be kind of inspected and by the by the fire department and then gets turned over to the HOA. If the fire department were to train on that, or use that tank for any purpose and evacuate water from the tank it will be the fire department's responsibility to refill the tank and we'll get filled the first time by the applicant, what if the fire department uses water out of the tank it would be their responsibility to refill it, although any maintenance, repair, replacement of the tank is on the HOA. 39 just speaks to when an individual lot comes in for a building permit, they're going to submit their health department approvals for the wall and the septic, the individual residential site plan demonstrate compliance with the subdivision plat and review review that plan prior to the issuance of a building permit. 41 speaks to, if there's a particular lot that requires a wetland permit or that requires disturbance within the wetland buffer, then an individual wetland permit would be issued by the wetland inspector prior to the issuance of the building permit. Conditions during construction those are typical you know, having your all your plans on site, the resolution on site, the SWPPP on site. Building department or town engineer can inspect at anytime. Construction has to be monitored by the applicant with a qualified inspector and they're responsible for performing their weekly SPDES Permit inspections and filing those reports with the town. Prior to the issuance of a CO, before CO for lots one through 12 they would have to install their landscaping wetland mitigation and submit an as built map of that planting. Confirmation that the 30,000-gallon underground storage tank is installed tested, satisfactory to the Vista fire department, test results submitted. The fire department can confirm whether the connections are appropriate. That will get signed off prior to the issuance of the first CO. 48 is up for discussion, I guess, some sure I'm sure after I get through this we'll talk about the bus stop. The shelter. 49 the as built survey for the common driveway servicing lots one through 3. 50 is just you can't get a CO until for an individual lot until all the project infrastructure serving servicing that lot is installed and inspected. As built surveys again for each individual lot. The and then, finally, prior to the last CO that the the SPDES permit would be closed out with the issuance of the notice of termination. And other conditions, as required by the code all utilities are going to be underground. 57 speaks to the recreation fee, the \$110,000. They can pay that all up front, or in installments as specified. \$50,000 upon the signing of the final plat and two payments of \$10,000 upon

the issuance of the first through six CEOs. 58 speaks to the maintenance repair and replacement of the fire storage tank s I indicated the fire department, will have the perpetual right to access and utilize that tank for firefighting and training purposes. The tank will initially be filled by the applicant thereafter the Vista fire department shall refill the tank whenever it evacuates water from the tank. Maintenance and repair of all common improvements, the private road, the common driveways, the drainage, the street trees as well mitigation fencing. Actually trailhead parking that should be stricken. I think that parking areas gets eliminated. The bus stop street sign that's all the responsibility, the HOA there'll be spent that's indicated in Ms. Tortorella's memorandum. And that the applicant is responsible for the replacement of any dead, dying, missing or diseased street trees. and common landscaping up to the issue into the last year and 61 just speaks to the preservation of existing stone walls within the open space parcel. Whether that's been removed. Anybody still awake?

Janet Andersen: Yep. Thank you Jan. A couple of things there were, so lot 13 can generally proceed sort of ahead and separately from a lot of these conditions, so it can get built ahead of some of these things. The couple of things that we did have, since there was going to be a bus stop enclosure in the plans on 13. That's currently in as required to be built. And I know Gerri brought this up before, so I don't. I think the the bus stop had been on the plans and bus stop. This is aimed at schoolchildren not not a transit bus but it's as a place for sheltering children while they're waiting for the bus at the end of the road. And there was a question that came up about whether this came about because of the request of the planning board, and I don't know enough of the history to know whether that might. I'll throw it open to people to to ask, I mean, it seems to me I'll just say like if the alternative is to have you know 12 cars sitting there protecting their kids from the rain, it seems like a good idea, but I don't I don't know the history of it, I don't know anything about it, and I wonder if any of you do remember.

Greg La Sorsa: I don't remember.

Janet Andersen: So, Gerri is it the request of the applicant that this be eliminated or what is the, this was one of the items you wanted to talk about. Oh, I see wait Jan has his hand up, let me get to that first.

Jan Johannessen: I didn't know I rose or raised my hand I'm sorry. I don't know how I did that, I'll lower it down.

Janet Andersen: Okay Gerri.

Gerri Tortorella: Thank you um you know when this came up and we were reading. We were reading the resolution and we were talking about it, you know the people on our team we're kind of scratching our heads saying where did this come from we couldn't recall it either we couldn't recall what function or purpose the shelter would offer. Just given that the practice and custom among people who take their children to a bus stop to be picked up and and it's you know that rarely do children leave the vehicles and stand alone in a bus shelter, while they are waiting for a bus. They're either out of the cars and playing or they're you know, in the cars with their with their parents waiting for the bus, and we don't even know if there's a situation here and it's still to be determined, I think, whether or not the bus will actually go on to Silvermine, on to Sachem Way and actually pick up the children, like you do at so many other locations at each of the driveway or at a few driveways along the subdivision road. So it seemed like it, it really didn't I mean I understand the idea behind it, but it doesn't really serve the purpose that it was intended because people's practices and the culture of people and children taking school buses really isn't consistent with standing in a shelter. So now we have a shelter that we're expected to construct and it's in a location across the street from a private residence, it needs maintenance, it's, you know, on the edge of the road, I mean it really doesn't seem to make much sense to us, and so our request is that we actually strike that requirement of an improvement that we have to construct for this subdivision.

Janet Andersen: So if we if it was not in there and the HOA at some point decided they would like to have that, it was actually on lot 13 was it not?



Gerri Tortorella: Well, you know I I can't say to you and Tim Allen knows off the top of his head, that I welcome him to jump in but I don't know if it was in the right of way before the road or if it was actually physically on to all of lot 13.

Janet Andersen: Okay it might have been.

Tim Allen: It was on a lot 13 I believe we were intending to put an easement on lot 13 to create the bus stop.

Janet Andersen: So maybe. Maybe an approach to this would be, because I certainly know that when I was standing on the bus, now this was a long time ago, I would have loved to have had a shelter somewhere there. Perhaps what we could do is require an easement to be put on that property in case the HOA in the future decided that a bus stop would be. I'm using bus stop wrong, an enclosure for the bus stop would be something they wanted, we can put we can they would then be able to do it, but they wouldn't it wouldn't be required to be built, you know, prior to the CO of any of these lots.

Charlene Indelicato: That sounds good to me.

Janet Andersen: What do you think Gerri, I mean it is, it does require an easement on the property but it's it would be the, up to the HOA to do.

Gerri Tortorella: Yeah, my only concern is is every time you try to sell a lot and people look at the easements that are burdening a lot, one more easement you know gets to be another burden and imposition on the lot and I get concerned about that because it's you know so open ended in terms of what might actually occur there. I guess the question is Tim do we think that there's any room within a right of way where that bus shelter could be located in the future?

Tim Allen: It would be a minimis area we have that the shoulder and then the embankment so really not a whole lot of room in the right of away, but certainly, it would be a possibility. The HOA will own that right of way piece so.

Gerri Tortorella: Right, that's what I'm thinking.

Janet Andersen: I saw Jerome had his hand up.

Jerome Kerner: Yeah it seems to me the, I haven't got in front of me, but the current plan has a parking area at the trailhead, which of course is not part of the plan any longer, seems to me that would be a location for not an enclosure but a lean to or just something to keep the rain off your head, if you are being dropped off.

Tim Allen: The only problem, no, Jerome, it's not the end of the road.

Jerome Kerner: Right, it's pretty close to them.

Judson Siebert: You're right about that, but there's also an issue as to what the school district will ultimately decide in terms of the pickup point and sometimes we've run into that issue in terms of the road yeah.

Jerome Kerner: That's true.

Gerri Tortorella: I don't know that we've confirmed that the current location is somewhere where the school district would select as a pickup location either.

Janet Andersen: Correct, but it's at its logical, it's at the end of the road, which is typically where they would look to have it, and the road there has site, sightlines, site distance. You know this isn't. I think we're so close on everything else, this isn't to me a huge piece, but it appears that the having enclosure for kids to wait for the bus made it, was important enough to get into the plans at some point. It's just we don't have any history on this so.

Jerome Kerner: Well. It didn't. It didn't make it into the plan, but it made it into the resolution.

Janet Andersen: It was. Now it's it sits on the plan, I did.

Jan Johannessen: Yeah, there's a shelter location shown on the plans.

Jerome Kerner: I don't recall it being discussed as a planning board requirement frankly.

Tim Allen: I think it's a cultural situation we're in today where parents are really uncomfortable just leaving the kids at the end of the road, you very rarely see that happening anymore, where the parents aren't there um that's just something food for thought there that. I think we live in a different society than we did back in our day when we used to walk with school without a problem or stay at the end of the road and wait for the bus. A lot more diligence today and rightfully so.

Janet Andersen: Yeah, so I mean and and if there's. I mean, whether people would actually really leave their kids and avoid the backup of cars at the end of the road I'd have no idea so.

Charlene Indelicato: I'd be okay with eliminating it.

Janet Andersen: I'm going to say it doesn't sound like anybody here is really adamant that it has to be there and so. You know I guess I'm I'm okay eliminating it if other people are as well. I'm going to. I think we can do this, like, thumbs up. Oh go ahead Bruce, you're muted of course.

Bruce Thompson: By eliminating it doesn't mean that it can't it can't be accomplished later on right, I mean it could be something that the HOA could approach the town and say we want to do.

Tim Allen: If they had the area.

Janet Andersen: Yeah, the problem is there's not space, I mean that's why I was saying, well, maybe put an easement on the property, so that if they wanted to do it in the future there's there's room to do it if the HOA wanted to do it in the future.

Bruce Thompson: Well, that would be part of what they had to do, though, by by you know they'd have to show how they would provide for it so and. Once again trying to first of all, all of this is not a very difficult task so just as long as they're not precluded from coming back to the town with a proposal to construct a shelter.

Jan Johannessen: True.

Janet Andersen: Correct. I don't think that would actually typically need to come to the town. But I don't know.

Bruce Thompson: It's a structure so. It needs it needs to meet zoning requirements.

Judson Siebert: Right, they wouldn't be precluded but they would need to make whatever arrangements they need to make as an HOA and with any affected property owners. It wouldn't be precluded.

Bruce Thompson: Okay.

Janet Andersen: So, it sounds to me like we're okay with getting rid of I just lost it that was number 47. 48?

Judson Siebert: 48.

Janet Andersen: So, so we are okay with striking that from the resolution.

Judson Siebert: And it would also mean an elimination in current paragraph 59 of reference to the bus stop structure. And as Jan mentioned trail head parking.

Janet Andersen: Right. So, then the other big question is, recognizing that the recreation fee is both a relatively substantial amount of funding for the applicant, but also a relatively substantial amount of funding for the town, do we think, as a group, that we want to impose the burden of. and the benefit to the town of asking for it all up front or, is a sort of deferred payment schedule, okay, and if so, this is just one of obviously many that we could have so I just open that as a as a question I. Gerri do you want to make a comment about this or.

Gerri Tortorella: Well, I do, I mean we certainly would like to have the payments staggered on an installment basis. You know I know we've worked, we've worked a long and hard time and there have been a lot of hours devoted to working with the Westchester Land Trust, which has, in an effort to try to make these trails public and and that has really consumed a lot of time and resources professional time and resources, which translates into substantial fees for our client, which you know, I understand that it's the cost of business in doing a development, but this was kind of a unique aspect to it. So what we had hoped, we would do is have a structured payment, and one that really would work for our client because they had not been anticipating having to make this payment, is if they could break it up into four quarterly payments, the first quarterly payment be made at the time that the plat was filed, and the amount of that would be \$27,500 if my math is correct and then in each quarter thereafter, every three months thereafter we'd make the additional quarterly payments so that you know and over the course of a year after the the map is filed the payments, the full payment would be made. I know it's less up front, but it's conceivable that it actually gets paid more quickly in the structure that I'm proposing, then in kind of the concept that's laid out in the resolution and I'd asked the board members to consider that.

Judson Siebert: That would be, Gerri, that would in theory that would be strictly on a time basis with the clock starting upon signature of the plat. That would be the first quarterly payment, and then we, we would just time it off that, three months, three months, three months.

Gerri Tortorella: That's the idea, and so, looking at the signing of the plat is going to be happening very close in time to when we actually file it.

Janet Andersen: Okay, so the first question is..

Judson Siebert: I just think I think everybody gets up at that point then not dependent on the pace of construction simply based on on terms of the timing of the of the plat.

Gerri Tortorella: Correct, and Eric and Sue are on here if they had questions about that I invite them to to ask the questions, but that is what we had discussed and kind of what they could they could handle and and swing.

Jan Johannessen: I agree with Gerri that that could potentially have the entire payment paid quicker than the proposed schedule, because you don't know when lots are gonna get developed so.

Janet Andersen: Right.

Charlene Indelicato: I'm good with that.

Janet Andersen: Yeah it's it isn't quite such a big up front chunk, but it certainly is at a time period, I think, from the town's perspective I'm just guessing that the comptroller would like to know date certain that that monies are coming in for planning purposes, and that that that would certainly, so based on that assumption that I'm making I would be all right with that as well. I think I see you nodding Greg is that, yes, okay um and Jerome any thoughts on that.

Jerome Kerner: I'm okay.

Janet Andersen: And Bruce. All right, so we now have a resolution kind of not quite the way we we talked about it, go ahead Bruce.

Bruce Thompson: I have one one more comment and keeps going back and forth in my head. As the owner of the open space lot, the HOA would it be wise to have anything in the resolution that says the HOA is solely responsible for any signage that would appear on this property. Occasionally people take it upon themselves to put up no trespassing signs, that's the best example I can give and. And I just always want to be sure that they have the authority to do that if they if they're if they're they're doing that. And it was most recently. [static] To a manner, nature, it had been Nature Conservancy property, and there was a big outcry over hunting on the property, and so it led to some pretty heated discussions about signage and permission, how that permission came to be.

Judson Siebert: Bruce, I think that's a detail that Gerri and I could work out in connection with the formulation of the formal HOA documents. Rather than the resolution.

Bruce Thompson: That makes sense.

Judson Siebert: If it was a concern we I think we can, I think we can work on that. Okay. I think the appropriate step would be for a motion to approve the resolution as amended, to eliminate paragraph 48, to renumber paragraph 49 through 61 accordingly. To revise paragraph current paragraph 57 now paragraph 56, to provide for the payment of installments in quarterly payments, the first quarter upon the the the plat the Chair signature of the plat, with the remaining payments to be made in three months, in three payments in three months, three months intervals thereafter. And to amend current paragraph 59 now paragraph 58 to eliminate the reference to trailhead parking and bus stop structure.

Janet Andersen: Well said. Anyone want to make that motion.

Judson Siebert: Did I did I did I did Gerri did I did, I get the installment payments correct.

Gerri Tortorella: I just I just want to make one suggestion because there's so many cross cross references in the resolution, already to later paragraphs earlier paragraph is there any benefit to simply you know, instead of deleting 48 and renumbering it just delete that the content of 48 but say intentionally deleted or is that a practice that this board doesn't like to do.

Judson Siebert: Well, I'm I'm okay with that.

Jerome Kerner: What was the terminology again.

Judson Siebert: It would simply the resolution would simply show a paragraph 48 with no text, and it would say intentionally deleted.

Jerome Kerner: Intentionally deleted.

Judson Siebert: ...and that way we avoid earlier references to you know other paragraphs we don't throw off the numbering, it's easier.

Janet Andersen: It's the old intentionally left blank page note.

Charlene Indelicato: Okay.

Jerome Kerner: So, I would move for that we approve the resolution as modified in the description just given by our counsel Jud Siebert.

Charlene Indelicato: Second.

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

Jerome Kerner: Aye.

Janet Andersen: Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Greg.

Gregory La Sorsa: Yes.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: And I also say aye, so the resolution as amended is approved. It's been a long journey, but it looks like we made it, so thank you all.

Tim Allen: Thank you very much.

Gerri Tortorella: Thank you very much.

Janet Andersen: Just technically I'm just trying to figure this out yeah Jud you'll get a revised resolution to the, to Ciorsdan.

Judson Siebert: Yeah.

Gerri Tortorella: Thanks very much.

Judson Siebert: Thank you, thank you.

Gerri Tortorella: All right.

[On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the amended resolution dated August 16, 2022 granting the 14-lot (13 houses and HOA-controlled open parcel) subdivision for Silvermine Preserve at Silvermine Drive and Lockwood Road, South Salem was adopted. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Against: None. A copy of the Resolution is attached and is part of these minutes.]

## II. PUBLIC HEARING

### **Cal #08-17PB**

(58:30 - 1:04:42]

**Oakridge Commons, 450 Oakridge Commons, South Salem, NY 10590, Sheet 49D, Block 9829, Lot 10 (Smith Ridge Associates, owner of record)** – Request for a partial release of the car wash construction performance bond.

[Phil Pine, Smith Ridge Associates, was present. Prior to the start of the meeting, Mr. Pine 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.]

[The public hearing was opened at 8:30 p.m.]

Janet Andersen: Okay. And the next item on our agenda is a public hearing this is calendar number 08–17 PB. And so, first of all let me remind people about public hearings, the purpose of public hearing is for the board to hear from the concerns and comments of the public. Comments should be addressed to the planning board, not to the applicant. A public hearing is not meant to be a dialogue and in general the Board will not respond to comments at the public hearing; we may issue corrections or clarification to any statements. The Board will take public input into consideration as we continue to review the matter before us. And, as previously stated many members of the public can always express their views by mail or email to [planning@lewisborogov.com](mailto:planning@lewisborogov.com). So the board did invite public comments by email before this meeting. To speak at the hearing, please raise your zoom hand by clicking on the raise hand icon at the bottom of the screen and if you're on a phone, you can press star nine excuse me star nine we will ask speakers to give their name and address and ask that the comments be kept short. So, I'll give a brief introduction to the application. The applicant will give a statement really about the conditions regarding the performance bond, you know we'll talk about any comments, have a public comment period and then discussion by the by the planning board. So, this is a public hearing regarding the bond associated with the completion of the infrastructure from the 2020 approval of the carwash at Oakridge Commons. And in July when we met, the board sent a letter to the town board on this matter and they authorized us, the planning board, to proceed with a public hearing and a decision. So, the public hearing was set for tonight. Um and. So, with that I'd like to see if. If I don't know if that if anyone from the applicant wants to give a brief discussion, a statement about about the performance bond and the conditions.

Phil Pine: Hi Janet and board, it's Phil Pine. Yes, so we've completed all work over there, for the carwash while the infrastructure, it's been inspected and request requesting to get the partial, 90% of the bond back. That's pretty much it.

Janet Andersen: Thanks Phil, and Jan have you inspected this.

Jan Johannessen: Yeah, I can confirm that our office inspected the project, we inspected it throughout construction and performed the final inspection and all is in good order.

Janet Andersen: Okay does any member of the public have wish to make a comment about this.

[No comments from the public.]

Janet Andersen: Okay, and I don't, I don't see any hands raised and I don't see any anyone waving at me on the screen so. With that. I guess I'd look for a motion to close the public hearing. Charlene, I saw the wave of the hand you're muted.

Charlene Indelicato: I so move that the hearing to be closed.

Janet Andersen: Do we have a second. I see Bruce rate oh very good Greg you're unmuted to go ahead.

Gregory La Sorsa: Okay okay yeah I'll second it.

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

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

Jerome Kerner: Yes.

Janet Andersen: Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Greg.

Gregory La Sorsa: Yes.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: And I'll also say aye, so we have closed the public hearing. We now do have a resolution that was prepared for us and Jud, I believe you circulated it, so perhaps you'll review the resolution with us.

[On a motion made by Ms. Indelicato, seconded by Mr. La Sorsa, the Board closed the public hearing for Oakridge Commons, 450 Oakridge Commons, South Salem at 8:32 p.m. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Against: None.]

Judson Siebert: Yes. So this is a bond release resolution, unlike the JVG resolution that we previously acted on, this is for performance security that was posted under provisions of the zoning code, so we needed authorization from the town board to conduct this public hearing and to place the planning board in a position where it could consider and and agree to the reduction. That authorization was provided by the town board. As Jan indicated, the infrastructure associated with the bond has been satisfactorily completed. The performance bond conditions provide that once that occurs, 90% is released with a 10% retention retention that's provided for in the resolution.

Janet Andersen: Okay, so I look for a motion to approve the resolution that was previously circulated to us.

Bruce Thompson: I approve. I so move.

Janet Andersen: Okay Bruce Bruce moved so.

Jerome Kerner: I second.

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

Jerome Kerner: Yes.

Janet Andersen: Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Greg.

Gregory La Sorsa: Yes.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: I and I'll also say aye, so we have approved the resolution that reduces the, or releases part a partial release of the construction performance bond. Thank you all.

[On a motion made by Mr. Thompson, seconded by Mr. Kerner, the Board granted a partial release (90%) of the car wash construction performance bond for Oakridge Commons, 450 Oakridge Commons, South Salem. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner, Mr. La Sorsa and Mr. Thompson. Against: None. A copy of the Resolution is attached and is part of these minutes.]

### III. SITE DEVELOPMENT PLAN REVIEW

#### **Cal #11-22PB**

(1:04:44 – 1:09:55)

**Goldens Bridge Village Center, NYS Route 22, Goldens Bridge, NY 10526, Sheet 4, Block 11126, Lot 07**

**(Stephen Cipes, owner of record) – Application for the installation of EV charging stations.**

[Brian Fetterman, EV PlugIns; and Nick Peretta, New York Power Authority; were present.]

Janet Andersen: Okay. The next item on our agenda is a site development plan review, this is calendar number 11- 22 PB, Goldens Bridge Village Center, New York State 22, Goldens Bridge, New York, the application for the installation of EV charging stations. We reviewed this application in July and we sent it to the building inspector for review. We did receive a building inspector letter and it discussed the need for a variance and also identified a few violations which have since been resolved so basically right now this needs to go to the ZBA, but I believe the applicant is on and has some responses to some of the comments that were given. I am.

Brian Fetterman: Sure, this is Brian Fetterman I'm with Plugin Stations and the project manager for this project. I can share my screen we actually put answers to the planning board memo that was issued in July. Essentially in short, maybe, maybe to save time, I know there's a lot of items on the agenda, essentially, there were several recommendations to add to the drawing, distance to the center line of the road, pass through distance, adding the arborvitae, etc those have all been added. We're still working through with our engineers to to complete these drawings I'd say the 90% drawings are about 90% done so, I should have the completed items there, we should be ready to submit for a spot on the September 28 zoning board meeting agenda.

Janet Andersen: Okay, so that would say that we wouldn't see you until October.

Brian Fetterman: Is up... sorry go ahead.



Janet Andersen: If we waited for the ZBA approval. Is that correct.

Brian Fetterman: Correct unless there I'm not sure on in several instances we've had a, I don't want to necessarily call it an emergency meeting, but we've had a meeting outside of the regularly scheduled with some other municipalities' zoning entities. If that that was possible, we can we could possibly meet the September meeting deadline.

Janet Andersen: No, I think, so I think what. I might not have been clear. I think what has to happen is, you have to get a ZBA approval before we can approve a resolution, so what. I think we'd be waiting for the ZBA, so I think what we could possibly do is ask for resolution to be prepared so that as soon as we hear from the ZBA, and if they do, if they do approve the variance that the building inspector identified as required, then we could move at the next meeting. But we, we do need to wait for a ZBA approval. We have not typically made ZBA approval a condition of a of an approval of a resolution. So.

Brian Fetterman: And the October meeting would be on or around the 16th of October.

Various voices: 18. 18<sup>th</sup>, middle of the month.

Janet Andersen: Yeah 18<sup>th</sup>, so um. I mean, so you weren't able to get to the the ZBA, which I think meets next or in two weeks, but that I didn't know if you were getting on the August calendar. I think what we can do by consensus is ask for preparation of a resolution for the October meeting at this point, assuming that you hear good news from the ZBA so. Again, we can do that by consensus and I'd look for a thumbs up from. One two, yep Okay, it looks like everybody's agree in agreement, so we can ask for a resolution to be prepared. You know I think Jan will like take a look, I know these submissions just came in very recently, but we'll be able to take a look at that and move forward and we hope that we will be able to do something, just as soon as you get back from the ZBA. Okay.

Brian Fetterman: Thank you for your time.

Janet Andersen: Thank you. Assuming nobody has any other comments? Great.

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

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

(1:09:59 - 1:25:50)

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

[John Assumma and Peter Hall, Waccabuc Country Club; and Dawn McKenzie, RLA; were present.]

Janet Andersen: Okay. The next item on our agenda is calendar number 06-22 PB, calendar number 05-22 WP, calendar number 03-22 SW, this is the Waccabuc Country Club snack bar, on Perch Bay Road in Waccabuc, New York. This is the application for beachfront improvements, including renovation of the boathouse, construction of a pavilion, replacement of a snack bar, and installation of accessible parking and walkways. So, this application has been before us in March, April, June, July, and we did a site walk on April 9. In July we reviewed the part 2 EAF and we have received the part 3 EAF. And so. I think our our primary goal tonight is to review the Part 3 EAF and decide if it's and if it complies with our assessment, and then to move forward from there, so I see Dawn is on are you? Okay. Hello. And do you want to make any comments on the application as it stands now.

Dawn McKenzie: So, I'm Dawn McKenzie, registered landscape architect from Insite Engineering, Surveying, and Landscape Architecture here representing the Waccabuc beach club. Joining me tonight is John Assumma and Peter Hall from Waccabuc Country Club. I just wanted to, you know we'll just tick off a couple of things that we did in addition to preparing the part 3 EAF. So, based on comments from the board, we added more trees to be planted on the project. We've actually increased the number of trees to be planted from 45 trees to 57 trees. We have made some minor adjustments to the design by, on the far side of the pavilion, the new the new pavilion this proposed to be installed by realigning the staircase on that side of the building and making a shift to the location of the cistern, and we were able to preserve two additional trees in that location, a 24 inch twin oaks and 14 inch maple, those are the ones that I know the, we have been asked to see if we could preserve and we're able to do that. In addition to that, there were some species that we were asked to change, the black birches were changed to sugar maples and the American beaches were changed to red oaks. Another thing was, we were asked to take a look at something that looked like erosion up by the water bar on the entrance driveway to the club, and so there is gravel from the driveway washing into the woods in that location, and that itself is a maintenance issue, but in order to create some mitigation at the discharge point where the gravel was being discharged into the forest, the you know the club will go in. So, we've added to the plan, though, you know, do the maintenance to replace the gravel being redistributed onto the driveway. But they'll also install as part of the project, a level spreader at the discharge point to collect anything that's coming from the driveway in one location and any runoff that's moving through the woods in that area, will, the velocity will be distributed by it going through the level spreader, so that's been added to the project. And then we were also asked to update the lighting note that talked about you know the hours of operation for the lighting and we have changed that. We noted what it was in the letter, but if you want me to read that I can. We changed the note to state that 'during the operating months site lights will be turned on at dusk and will be turned off at the end of the day's activities typically 9 pm but no later than 11 pm,' and that's generally, what we did, and we were asked to do from last meeting so um. What else um. Yeah and we're eager to move the application forward clearly and I understand that the board needs to go through their process. Just a reminder that, in order for us to go to the ZBA and get the variances and approvals we need from them, we need a neg dec from the planning board, I believe we went through all of that at the prior meeting just reminding the board of that. And we are also, we've addressed all of the comments from DEP for our variance that we've received to date, and they won't deem our application complete until we have a neg dec. So that's the only other thing I wanted to remind the board about. I don't know if there's anything you all want to ask me about. I'm sure questions will come up. Right, as we go through the part three.

Janet Andersen: Great yeah. Thank you. Jan um do you want to review your memo.

Jan Johannessen: Sure, our memo was was on the lighter side, the applicant did a good job responding all the comments. They did a good job preparing the part three, we didn't really have any comments on the part three, thought it was sufficient. One thing. I'd like the applicant to try to maybe advance to the extent that they can, prior to making a SEQRA determination, we'd like to get the feedback from the fire department, I know that's out of the applicants' hands, but perhaps you can try to follow up on that with either the building inspector or the fire chief and see that we get a response for the next meeting.

Dawn McKenzie: Okay.

Jan Johannessen: So, I'd like to see that for the SEQRA determination, but I think the next step would be, and I think you know if the board's comfortable, I think you have the information available now to make that determination. Potentially at your next meeting. So that would be the next step of the process.

Janet Andersen: Right, so I did review the part three EAF and, if anything, I think, you know, the we could have been could have been a bit stronger, one point that I think was brought up last time, that, is that we have not, to my knowledge, had any kind of complaints by the neighbors it's been a welcome and a good neighbor to the to the people around it, and I think that's another indication that the you know that

sort of strengthens all of the items in the part three. So. If, unless there are other questions, I guess what I would look for is is a, I guess, we have to ask from is a motion, or just consensus to get an neg dec to be prepared for September.

Judson Siebert: That would be a consensus and the neg dec resolution should also indicate, you know full adoption of the EAF so.

Janet Andersen: Yeah, and and I think as as Jan indicated and as we said we need to get the thing done I I think. After reviewing the EAF. I have no concerns with saying that this is a neg dec application or an application that we can comfortably ask for neg dec for so so by consensus, can I see thumbs up to. Okay, Everybody, so we will ask for neg dec to be prepared for September. I did have one question, I guess, for the applicant, and this is just as we think about going forward, the the business plan that was provided is dated 2022 and it has a lot of dates that refer to this. I'd just like for the record and sort of to know that this is is representative of what you would think the business plan would be in the future years. And perhaps, yeah if you need to to ask about that, I mean that would just be something that would be helpful to have for the next time through.

Dawn McKenzie: Okay. I'll confer with with the club, but that is my understanding that it is.

John Assumma: It is.

Dawn McKenzie: Great. Okay, thank you John. John Assumma club manager.

Janet Andersen: So. So, we do have. I think that is comfortable then, for me. So, the. The other thing that we could do, perhaps is we could talk about opening a public hearing, but we can't close it until after we get the ZBA you know. So, it would actually mean if we opened it in September, it was be very likely that we would continue it on, so I'm I don't really feel I need to get it open that at this point, but I'm I'd let I'll let people kind of give their view. It would start the discussion, but we know we can't close it in September, so I sort of just as soon leave it until October. Yes, Bruce.

Bruce Thompson: I the one, given the applicants' desire to move this as quickly as possible, by opening it in September it's an opportunity to hear comments that could be then addressed in October, rather than opening it in October and then having it carry over still another month.

Janet Andersen: Jerome. You're muted sorry.

Jerome Kerner: Yeah, I concur with Bruce. Also, there is the reality of the very few adjacent properties within striking distance that would be impacted and to begin with. And secondly, we we stated at the very inception of this discussion about how well received the property is the operation is in the community, so I have no hesitation scheduling it.

Gregory La Sorsa: You know, that's the reason why I'd do it in October, because I agree with you I don't think we're really going to get a big showing of people coming out from public can probably wrap everything up in October, I agree with you, I just have the opposite approach that you do.

Janet Andersen: Yeah, I I honestly don't know which would be more expedient. I don't really expect to, I mean we want to hear from the public, but I don't expect to hear anything that surprises us and requires so I'm.

Gregory La Sorsa: Yeah, how does our September agenda look?

Janet Andersen: Well, it's it's pretty, it's got a few things on it, I mean.

Gregory La Sorsa: Do we have any other hearings?

Ciorsdan Conran: We do, we'll have the cell tower at town park.

Jerome Kerner: That's a colocation colocation.

Janet Andersen: It's a renewal.

Ciorsdan Conran: It's a renewal of a special use permit. ATC tower. And a lot line change.

Gregory La Sorsa: If what if we're not going to wrap it up until October, I think we probably all do it in one night.

Dawn McKenzie: Chairman, can I chime in on this.

Janet Andersen: Of course.

Dawn McKenzie: Okay, so, in our opinion, we would prefer to open the public hearing as soon as possible, address the comments as they come in at that time, so that you know. We agree if there's any comments that we need to address we'd rather do it for the October meeting and have it done and then, if nothing else, comes up, we have you know, hopefully, no other comments to address at that time so that would be our preference.

Janet Andersen: Okay, so um and and I think we're kind of divided on it, so given that I'm I guess I would tend to go with what the applicant finds desirable um. That will mean they probably have to show up for two meetings, instead of one but that's okay so. Does everyone agree, then that that we would because it's a request of the applicant that we will open it in September. Okay, and I think with that that's. Again, we have this dilemma and and work with Ciorsdan, who is now getting experienced at how to write a public notice that says, well, we might be in person, but then again we might be by Zoom so. And, and that will that will be how it will be. Okay anything else that we need to do on this tonight. Jan?

Jan Johannessen: No.

Janet Andersen: I think we're okay okay so with that, thank you, we will see you then in September and. And again, we will continue to work to get this done as quickly as possible, thank you.

Dawn McKenzie: One one other thing I just wanted to bring up in response to something Jan had said about the fire department and the building inspector, you know after last month's meeting we resubmitted everything we had provided to them, you know, had had submitted to the board. Because we received comments from the building department through the board. You know, we had responded to those comments, through our response to the board, but after last week's meeting we put together a package, submitted it directly to the building inspector and we followed up. And we haven't heard back, so we will continue to follow up, but we have been reaching out, and you know and haven't heard back yet so I just wanted to follow up on that and that's all that's it so. Thank you.

Janet Andersen: Yes, maybe. Maybe now the carnival is over, though there'll be able to give us some time okay.

Dawn McKenzie: Thank you Okay, thank you.

John Assumma: Thank you.

[The board reached consensus to schedule a public hearing on this matter for September 20, 2022.]

**Cal #01-15PB, Cal# 25-15WP, Cal #06-15SW**

(1:25:55 - 1:29:55)

**Copia Garden Center, 475 Smith Ridge Road, South Salem, NY 10590 Sheet 53, Block 9834, Lots 35, 36 & 48 (Organic Choice, Inc., owner of record) - Application for Sketch Plan Review/Site Development Plan for unfinished improvements to the existing Copia Garden Center and expansion of the existing use onto adjacent tax parcel.**

[Jennifer and Peter Cipriano, owners; and David Coffin, AIA; were present.]

Janet Andersen: Okay, so the next item on our agenda is calendar number 01-15 PB, calendar number 25-15 WP, calendar number 06-15 SW. This is Copia Garden Center, 475 Smith Ridge Road, South Salem, New York, and this is an application for a sketch plan review / site development plan for unfinished improvements to the existing Copia Garden Center and expansion of the existing use on to an adjacent tax parcel. So. Last month we reviewed this and we basically deferred consideration because of the violations on the adjacent parcel and we understood that there were some pending court arrangements for that, so perhaps Jud you could give us an update on this, the status of this situation.

Judson Siebert: Yeah. Thank you I have spoken with the Town prosecutor Greg Monteleone about the status of the violations issues against Vista Market relating to the outdoors storage on that on those premises. If you recall it but prior to the last meeting Greg [Monteleone] had reported that efforts are going to be made to relocate all of the outdoor storage prior to a court appearance that I believe occurred last week. That has not occurred. As a consequence, the next court date is August 29, and I don't know the status of relocation efforts, but according to the Town prosecutor, at that point in time, the town intends to push forward for a hearing with regard to those violations for disposition and imposition of fines, with which can accrue on a daily basis, so that that's where we are same as last month.

Janet Andersen: Okay, so if I'm interpreting that right, we probably would want to wait to hear what happens, just like we did last month, wait and see.

Judson Siebert: I agree, because from a practical standpoint, the outcome of that proceeding is going to be going to bear upon what occurs with that storage and presumably it would be, I assume relocated to the to the property that's subject to the site plan application and what's going to influence the site plan application, so I think we wait.

Janet Andersen: Okay, I know the applicant is on, do you have any comments you want to make at this point? You're muted if you're like.

Jennifer Cipriano: No, all we know that our Vista Market does have counsel working on it right now. And Ag and markets is meeting in September and whatever the Council out, I know that their work, I know that I believe it's Simone Petromelis is representing Vista Market right now is working on I guess the proceedings in the courts and other town matters I guess.

Janet Andersen: Okay, thank you so. I think it makes sense to me to take our counsel's advice and and put this on to the September agenda and see if we will have an update from there, if that's okay with everybody else on the board here. All right. Okay, so thank you. We will, we hope that that will move towards resolution quickly.

**IV. LOT LINE CHANGES****Cal #02-22PB, Cal #03-22WP and Cal #02-22SW**

(1:29:56 – 1:58:55)

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

[Seth Hollander, owner; Gregory Caccioppoli, P.E.; and Bill Einhorn, RLA; were present.]

Janet Andersen: Okay, okay, the next item on our agenda is under lot line change. This is calendar number 02 - 22 PB calendar number 03 - 22 WP and calendar number 02 - 22 SW, this is the Hollander/Audemard residences at 153 and 151 Post Office Road in South Salem, New York, and this is the application for a lot line change and some driveway work so. I'm not sure who might be on for the applicant.

Gregory Caccioppoli: It's myself and Bill Einhorn.

Janet Andersen: Hello. Yes, give you a name for the record, please.

Gregory Caccioppoli: My name is Gregory Caccioppoli, I'm the engineer on the project from Casio Engineering um I also work with Bill Einhorn who's the landscape architect on the project and I'm going to share my screen, so I could jump in. Does everybody see this?

Janet Andersen: Yes.

Gregory Caccioppoli: The purpose of the project is to perform a lot realignment, a lot line realignment, and provide a new curb cut for driveway access to 153 Post Office so. Currently, this is a current look at the lot and the lot lines separating 153. So, the lot line separating 151 from 153 is here. Right and we are proposing to shift the existing lot line, which is demonstrated by the dash dot transparent line here. To and shifting it over to give 153 Post Office Road 782.5 square feet and then we're giving back that 782.5 square feet in this area of the lot to the owners of 151, so this is a net zero a lot area exchange and that's that's the first portion of this application. The second portion of the application involves the proposed curb cut for the driveway access for 153 Post Office Road. So. We propose to have a driveway access off of Autumn Ridge Road instead of the current situation which entails both property owners sharing driveway access off of Post Office Road, so both the owner of 153 here, let me get me better, See there you go, here's the driveway access off Post Office Road both of the owners of 153 and I'm sorry, 151 and 153, which is over here, have to access through this driveway, so in order to get rid of that we're trying to create access for 153 off of Autumn Ridge Road. There are some wetlands nearby which were delineated which were delineated by Evans Associates on May 3, 2022 and after they had flagged the locations of the wetland. They the surveyor did go out there and locate the flags so that's what we translated to the drawing and the work will be performed within the wetland buffer. However, we did come up with a mitigation, a wetland mitigation plan, which was done by Bill Einhorn and I guess I should switch it to him, so you can tell you about the landscaping design.

Bill Einhorn: Hey let's see. Okay you're still sharing, so let me.

Gregory Caccioppoli: I've stopped.

Bill Einhorn: Thanks. Okay, can everybody see this okay. Yes, okay so coming in off of Autumn Ridge first not to be repetitive, however, every proposed plant is a native wetland buffer plant, so as I'm going through just know that everything is is a native species. So, kind of coming in off Autumn Ridge. I just mixed in irises and evergreen ferns, just as a low little buffer adjacent to the driveway area. It is within the right of way, but I kept it very low, you know 15 inches or so and driving around the neighborhood. I saw a lot of people with a lot of low plantings kind of going up to the road area. There are, we are removing a few dead dead and decaying trees and as we come up a nice buffer between the driveway, visual and

physical buffer of American hollies and. Again, ferns and red Sprite hollies along the driveway and as we come up to drive and kind of flanked with red buds and nine barks and goat's beard and Solomon seal just again a lot of a lot of native shrubs and perennials, also added some by viburnums along the way. And coming down the drive. Again lots of 115 cinnamon ferns on one side. More cinnamon ferns more viburnums on the other side. So, some good balance and repetition of plants, a lot of Solomon seal and again red bud for the trees and hollies for screening. This is all existing, on the other, property, at this point. And that's kind of what I came up with.

Janet Andersen: And I think. Did you do a calculation there, I think I remember seeing it, of disturbance to mitigation.

Bill Einhorn: Yes, so area disturbance of wetland buffer 3,323. We mitigated and gave 3,781 so we're a little bit over the one-to-one ratio.

Janet Andersen: Great. So perhaps Jan you'd want to go through your memo.

Jan Johannessen: Sure. The proposed action is an unlisted action under SEQRA, so there is a SEQRA obligation the planning board will have to undertake. The applicant has submitted a short form EAF and we have some comments pertaining to that document as a comment for our memo. The approvals required are preliminary and final subdivision plat for the lot line realignment and a wetland activity permit for the disturbance within the buffer associated with the driveway relocation. Access on to Autumn Ridge requires a highway work permit from the town highway superintendent. We'll need to coordinate with him regarding the access point and his preferences for the driveway. There is an expedited process for a lot line changes that don't result in a new building lot or result in a zoning nonconformity, that allows you the board to adjust the normal three step subdivision application process and basically move to combine preliminary and final together, and waive the public hearing if you're so inclined, and I think, based on my review that they would meet that criteria, however, I would recommend that you have the application referred to the building inspector for zoning conformance review to ensure that that's the case. Now the application forms were submitted and signed by one of the two owners, they'll need to be sub submitted by both property owners, so all the application forms need to be revised to include signatures and names of both parties. We had some comments on the short EAF. There is some planting proposed in the right of way, the code does not allow for wetland mitigation off site or doesn't prefer that to be the case. And planting within the right of way requires a license agreement with the town board. There's also proposed phragmites removal within the right of way. That's typically done by mechanical means or by herbicide treatment, so we need some more information from the applicant on how they're going to manage the phragmites and if they are going to plant in the right away, there does need to be an agreement for any disturbance and planting in the right of way. It may be more advantageous for them to find additional areas on site to account for their mitigation. Given the location of the property within the New York City watershed and the installation of a new driveway just want them to check with the DEP as they have provisions regarding impervious surfaces within 100 feet of a DEP water course. The driveway may be exempt but I would like clarification from the DEP on that so they have to coordinate with the DEP. I'll need the deed for yes, the Audemard parcel, the Hollander parcel, that deed was submitted, but not the other. Sight line, site distance and sight line profiles are for the new entrance drive. A comment about the grading. And then just clarify the drainage inlet locations on Autumn Ridge Road that portion of the driveway is going to drain to Autumn Ridge, it's a pretty insignificant amount of the net increase in impervious, it is pretty small. It's under a couple hundred square feet for, if I recall, but it will drain to the road, so we want to understand where those drainage inlets are and just clarify their locations isn't that it's not going to be any interference between the curb cut and the drainage in the street, but you know I think this is the second time they they submitted the plans, and they are much clearer and appreciate the time that went into preparing the plans and I'd be happy to answer any questions.

Bill Einhorn: And we did or I did follow up on the phragmites removal comment and put it on the plan not sure that you guys got a chance to see it.

Gregory Caccioppoli: No, they didn't see that yet Bill. We did address because I just plan on following up to this meeting with the revised plans but yes, everything has been addressed.

Bill Einhorn: All right, and so we just be cutting and pulling, mechanical control, no glyphosate used in the area. To remove the phragmites.

Jan Johannessen: Okay.

Bill Einhorn: Actually, I believe, is a native phragmites and the introduced or invasive phragmites that's there, I never thought I'd be studying phragmites, but I spent a lot of time on it this week and went out there and from my research. It might be a native phragmites which is not quite as invasive and it's about six or seven feet wide by about 15 or 20 feet so it's not a not a big stand. So, it shouldn't be much of a problem to get rid of it, that small area.

Jan Johannessen: But that the earth work will need to be permitted by the town.

Bill Einhorn: Sure sure.

Janet Andersen: So, actually, I had a question about that because I saw that you were planning to put lawn on top of that. And again, I don't know whether it, sorry lawn on top of where the phragmites was going to be removed. If you sure its native I'm going to have to go take a look, because I don't know that I've ever seen native phragmites either.

Bill Einhorn: It's weird because they say that. And again, I did a lot of research on it, but they're the native one gets a little spots on the culms, on the stems. And the introduced the invasive one doesn't get that on the stems and I went out there and I took pictures of the the stems up close and they all had the little dots on them. So, I was like oh, I guess, this might be a native I'm not hundred percent sure, but it kind of covered some of the characteristics of the native versus the introduced phragmites.

Janet Andersen: Yeah so, but in any case I I don't know I mean I know there's pragmatics there I don't know what's really along and whether there would be, whether any ground cover or I know some people have started planting wild flowers and stuff whether there would be anything that would be more attractive than a lawn that might be.

Bill Einhorn: Yeah yeah I mean the rest that where the balance of what's in through this area is basically just scrub and weeds same, on the other side. So, I could just do like a wildflower native mix, that's fine because...

Jerome Kerner: I think we'd would like to avoid mowing, if possible.

Janet Andersen: Something low, I know, I was thinking about to leave it, so that would be great. The other question that I have, so obviously both of these neighbors are in agreement of it. Have you had any discussions with the neighbor across the street, so I think there's a driveway sort of across the street and then maybe the next one in from Post Office Road just to see if they, you know, would have any [static] just well I guess one to make them aware, and then second to see if they have any objections to this or whether they would be fine with it.

Bill Einhorn: I I haven't spoke to anybody I don't know if Greg or Seth Hollander the owner has.

Janet Andersen: Well, I think that....

Gregory Caccioppoli: No, I haven't either.



Janet Andersen: Okay. Maybe if you could stop screen sharing we could see each other.

Gregory Caccioppoli: It may be if you could.

Janet Andersen: We certainly can see a little bit more about who is where and how.

Seth Hollander: Yeah I hi this is Seth Hollander Thank you, I have discussed this with the neighbor up Autumn Ridge and and they seemed quite comfortable with it, we have not discussed it with the neighbor across the street.

Janet Andersen: So I mean typically we we have public hearings, you know to kind of inform people, as well as to hear their concerns, so I think it would be very helpful in our discussion of whether we wanted to require a public hearing for this, to have some some sense of support, or at least not an objection from the neighbors so if they could send a quick email to Ciorsdan, [planning@lewisborogov.com](mailto:planning@lewisborogov.com), that would be helpful. I do think, so again, if you could stop screen sharing. So you can see everyone, I think this next step, one of them. Well, unless anybody has any questions about this, I look for consensus to refer this to the building inspector just to make sure we're clean so. Everybody moved out I got em, okay so so Ciorsdan, we will refer this to the building inspector um. I guess the question would be. Do we want to think about a public hearing or think about asking for a resolution on this? I you know it, looking to see what what people think about this could have some small impact on the neighbors on an Autumn Ridge but it's not like there's going to be the same cars that were going out on the Post Office are now going to be going out on the Autumn Ridge around the corner, so I I don't know if there's a.

[The board reached consensus to refer this matter to the Building Inspector.]

Charlene Indelicato: If there can be some letters or acquiescence by you know touch base with, I think that would be sufficient to waive the public hearing because there's not that many people who are going to be affected by it.

Janet Andersen: Okay anyone else.

Gregory Caccioppoli: Seth, do you have a problem with reaching out to the adjacent neighbors and just getting either a letter or having them send an email to Ciorsdan, is that feasible? You're muted.

Seth Hollander: Sorry about that, I assume so, again I discussed it with one neighbor. I haven't with the other, but I would note that well, of course, there could be some change with the change in driveway the neighbor up 153 is pretty far away. From where our new driveway would be and the neighbor across the street he's not directly across the street. And as you have pointed out that intersection does get a fair amount of traffic, so I I would I would I would hazard to guess there's really no material change in in traffic flow and both of those driveways are again not not 50 feet, they're both pretty far away from where the new driveway would be.

Gregory Caccioppoli: I can share my screen to give you a visual I mean so here's 153 Post Office Road, here's 151, this is the current access that they share. We would propose a curb cut on Autumn Ridge around here, the closest driveway on Autumn Ridge is this home right here. Which is a pretty significant distance away um so so would you say just speaking to these people would be sufficient.

Janet Andersen: I think, to me, since it sounds like you've already talked to the one further in from Post Office Road on the same side of the road you got both across the street and and further the one to the I guess that's north of right yep yep so and it sounded like I thought Seth had said he had already spoken to that person, so I think if we got because everybody else you you're right is pretty pretty far away, that

would make me feel pretty comfortable that we wouldn't surprise anybody with it, or you know anyone would be apt to be upset by this.

Jerome Kerner: If this were a commercial property I you know it might be some concern, but this is a residential property, and you know it's not any significant traffic in and out unless you have some kind of operation we don't know about.

Janet Andersen: Okay, so. We'll refer this to the building inspector. Should we ask for a resolution for next month, just anticipating that we will get nothing surprising back from the building inspector and that we will be able to hear from those two neighbors?

Jan Johannessen: Well. If I may, the wetland permit requires a public hearing.

Janet Andersen: Okay. So, should we set a public hearing for next month, or do we want to wait until we hear back from the building inspector?

Jerome Kerner: I'd say next month.

Janet Andersen: Yeah, we could set it and if worse comes to worse, we we would have to leave it open, but hopefully we'll be able to move forward.

Gregory Caccioppoli: Okay, because the building inspector will provide feedback on the zoning and the bulk regulations and set backs, which would just change a dimension on the plan or a number on the table so I don't think you'd be significant to the actual wetland or the driveway.

Janet Andersen: So great okay.

Jan Johannessen: Have you have you met with the highway superintendent?

Gregory Caccioppoli: We did, but this is about a year back and I actually emailed him about it, and he said he has no issues with the actual curb cut on Autumn Ridge Road. So that was kind of give us confidence to move forward, but it's been a while since we've reconnected, so I will absolutely do so before the public hearing even to just provide some feedback on him.

Janet Andersen: And do we need a license agreement before we approve this or what you know with the town if they're doing something in that.

Jan Johannessen: That's been done as a condition in the past.

Janet Andersen: Okay perfect. Okay um so I'm not sure that we we've got consensus to go to a public hearing do we have consensus to ask for a resolution in the event that the the public hearing is uneventful. Yeah, okay looks like it okay um.

Gregory Caccioppoli: I have one question. Sure. So, the things in the right away, do we are we just going to to draft a license agreement and who would do a review and give us that authorization to plant in the right of way.

Jan Johannessen: You you would have to propose that planting and the phragmites removal to the town board and work with their counsel to develop a license agreement to install and maintain that material within the right of way. Alternatively, you can relocate the plantings out to the subject parcel and avoid that.

Bill Einhorn: Then, what would it be what would be in that area, we just leave all the the scrub that's

there now.

Jan Johannessen: Well, it could be lawn, and I suppose.

Janet Andersen: I mean I don't know what the, so it sounded like you had excess mitigation I don't know if you cut that piece out if you're still above the one to one.

Bill Einhorn: It would be close. To date we have three or 400 square feet over.

Janet Andersen: You might have to do more on the lot. so yeah but.

Jan Johannessen: It's okay, I mean it's up to the the applicant how they want to proceed with that, I suppose, but preferably we.....

Gregory Caccioppoli: Jan, we....

Jan Johannessen: ....prefer mediation on the subject property, the code kind of pushes you in that direction to have the mitigation on the on the property itself, not off site.

Bill Einhorn: But I guess, my question is, when that driveway is being constructed, there will be disturbance on.

Jan Johannessen: Yeah, that's that's covered in the highway work permit with the you know, with the highway superintendent the disturbance, you know, usually you have a little area that you know you restore to lawn yeah not not plantings not phragmites removal that's something a little bit more significant that we typically handle with a license agreement but the disturbance associated with the driveway gets covered.

Bill Einhorn: But it's not lawn now, so you know it's just scrub and weeds so it's not like restoring to lawn because it's not lawn now.

Jan Johannessen: I understand but you're going to. Typically, have a grading like if you were to create a new driveway on a vacant lot you're going to have a grading and disturbance in the right of way. And that's going to get restored. Typically it's lawn.

Jerome Kerner: But Jan the driveways not an issue that can be licensed without any issue, it seems to me the planting planting is in context of the rest of the plan that's put the driveway with which will enhance the overall finished product seem to be the town.....

Jan Johannessen: That's fine it just needs to be handled by license agreement.

Jerome Kerner: Yeah, seems to me, it's something they would consider.

Janet Andersen: Yeah, I mean it's just another step and another and another, you know, board to deal with another administrative entity. Yeah. Your choice.

Gregory Caccioppoli: Right so we'll speak about that. And then we'll come back to the next meeting with or without it, based on our findings.

Janet Andersen: Okay, and again, we'll set up the public hearing, and just to restate what I said before. Currently the emergency authorization only goes until September but not until our meeting, so we will set up the public hearing as if we are meeting in person, but with the if the emergency declaration gets extended, we would go to a Zoom as we're at today. Okay, any other questions on this. All right, we'll

see you in September.

Bill Einhorn: Thank you very much, very much.

[The board reached consensus to schedule a public hearing on this matter for September 20, 2022 and to have the consultants prepare a draft resolution.]

Gregory La Sorsa: yeah Janet Janet I have to drop out, I have to drop out right now from the meeting, I have to drop out, I have to take care of something for tomorrow, so I will see you on September sorry everybody.

Janet Andersen: Okay, so.

Gregory La Sorsa: Okay, all right thanks.

[Mr. La Sorsa left the meeting at 9:29 p.m.]

**Cal #08-22PB**

(1:59:00 - 2:09:10)

**McGuire Residence, 801 Route 35, Cross River, NY 10518, Sheet 18, Block 10535, Lots 5 & 6 (Denis and Michelle McGuire, owners of record) - Application for a lot line change.**

[Michelle and Denis McGuire, owners; and Peter Gregory, P.E.; were present.]

Janet Andersen: Okay um. So, I'm sure you've got the time on that Ciorsdan. Alright, so the next item on our agenda is calendar number 08-22 PB, this is the McGuire residence, 801 Route 35 in Cross River, New York, and this is also an application for a lot line change.

Michelle McGuire: Two in one night.

Janet Andersen: Yes, Hello.

Michelle and Denis McGuire: Thank you for your time guys, I know this is running long. My name is Michelle McGuire I'm here with my husband Denis McGuire and we have our engineer Peter Gregory is on as well, and I am new to this, I don't really know what I'm doing. But the answer any questions we can answer, and I'll let you guys take charge.

Peter Gregory: I can kind of walk everyone through it. Um, Michele owns the property at 801 Old Post Road. There, it consists of two parcels, they're referred to as tax lot number five and tax lot number six. They are both separate parcels. What we're looking to do tonight is to adjust the property line, the common line between parcel five and six, to accommodate for an addition that's being proposed to the existing home at 801. There aren't any plans to develop parcel six. We did come up with a conceptual layout to demonstrate zoning compliance and to take a look at potential sewage disposal system areas, as well as a well, access off of Route 35 into the site, and I can just show that. This is our parcel, so we're looking to amend the or adjust the lot line between five and six, shifting it over slightly, giving about a 10th of an acre over to parcel six, yup parcel five, that will allow to construct the addition, which would be probably on the it's going to be on the east side of the house, and still be able to maintain the required side yard separation distance to the property line. We have been to the Westchester County Health Department for a new septic system at 801 on the developed parcel. Our next step would be to get the health department involved to determine that the area that we're indicating as the proposed area on on tax lot six is a viable area. Soils in this area had been historically very good we don't anticipate any problems with you know, dealing with the health department for the well or the septic. We are working with a surveyor right now, who helped us developed our final map and our plat which we would also submit for

review. We have had an opportunity to review through the memo. We don't have any concerns or issues with anything that's has been discussed and we are prepared to begin to address these comments and get back in you know before the Board and the health department.

Janet Andersen: Okay, so just to be clear, what you're actually asking for right now, though, is just a lot line change, not for the new building.

Peter Gregory: That's correct. There aren't any plans or intentions to develop the other parcel.

Michelle and Denis McGuire: All we're really trying to demonstrate is that it's still a viable lot and therefore we don't want to merge the two pieces, so that we have the right if at some point in the future we want to develop lot six, but there's no intention to do so at this point.

Janet Andersen: Okay. Jan, do you want to comment on your memo.

Jan Johannessen: Sure. It's again on on for subdivision preliminary and final subdivision approval for a lot line realignment. It's an unlisted action under SEQRA. We'll be looking for the short environmental assessment form. Our main comments really were just when you're preparing the final subdivision plat or their surveyor, that that can just show the bulk zoning table, the lot line or the zoning setbacks, the septic and the wells, and the existing conditions, you can remove the the proposed addition, and the future development, if any, on lot six that can be shown on maybe like an integrated plot plan that sure people would prepare Just so there's no. To provide clarity that there's nothing really proposed on those lots and this is this is being being shown for for zoning compliance in the future.

Michelle McGuire: Jan, can I ask a question. Yeah. Are you wanting us to just have the septic showing for the lot five with the existing house, not for lot six where there is.

Jan Johannessen: The health department might make you show the septic for lot six so I'm thinking septic and well for a lot six with zoning setbacks and then your existing conditions and the proposed septic on lot five. But, like the you know future residence and the pool and your addition, that can be shown on like an integrated plot plan, and you know the planning board actually. Since you have no wetlands on or near the property, there's no need or jurisdiction for the board to review that the developments of lots six and and lot five those will be kind of administered administratively with building permits if and when you decide to develop them. So really just dealing with a lot line change and and demonstrating, as you mentioned, the potential future development of lot six and, obviously, your future plans for lot five. It looked fine I I would recommend referring it to the building inspector. I discussed with Pete, you know there's usually we're looking at like buildable area calculations and buildable area boundaries and these these parcels really don't have any slopes on them, there's no wetlands, I'm going to ask Pete just to note it on the plan, but it's basically both lots are entirely quote unquote buildable per the zoning code so it's pretty pretty straightforward. I didn't really have a whole lot of comments on it.

Janet Andersen: Okay, so what um I guess that I heard refer to the building inspectors, so we do that by consensus so okay we're done that you okay Bruce I'm assuming with referring. Okay, so we'll refer to the building inspector and then, based on what you said, I think, on this one, we can waive the public hearing and, should so can we.

Jan Johannessen: I would wait I think that's entirely possible, I would wait until you get the building department's letter. There are no wetlands to be concerned about. If you get a letter back from the building inspector saying they're zone compliant then you'd be able to waive the public hearing, because you know that there it's not creating the zoning nonconformity, so I think you can potentially set this up for a resolution, I just wouldn't waive the public hearing yet.

Janet Andersen: Okay, so we could ask for a resolution, subject to adequate response to your comments

and and we'll see what happens with with the building inspector.

Jan Johannessen: Yes.

Janet Andersen: Okay.

Peter Gregory: Jan, would the, would the resolution require satisfying health department, as part of the final as well.

Jan Johannessen: Well, yes, prior to the signing of the plat. I would imagine they would be signing the plat, they would have you.

Janet Andersen: But that would be a condition, that doesn't stop us from reviewing the resolution, it becomes a condition of the resolution.

Jan Johannessen: Correct.

Janet Andersen: Okay. Anything else? So, we will see you in September and hope that we will have a clean letter from the building inspector on this.

Michelle and Denis McGuire: When is the due date for the pieces that we owe you to be on the meeting for September.

Janet Andersen: If I have this right it's August 30. And the meeting is September 20.

Judson Siebert: Can Jan[et] and Jan, are we looking to have a resolution for September in anticipation of an all clear from the building inspector is that.

Jan Johannessen: Sounds like it.

Judson Siebert: Yeah okay.

Janet Andersen: Yeah, I think so, I mean yeah.

Judson Siebert: Yeah, it just want to clarify okay.

Janet Andersen: Okay.

Michelle and Denis McGuire: Great, thank you for your time we appreciate it.

Janet Andersen: Thank you.

Peter Gregory: Good night, thank you very much.

[The board reached consensus to refer this matter to the Building Inspector and to have the consultants prepare a draft resolution.]

## **V. WETLAND PERMIT REVIEW**

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

(2:09:13 - 2:12:07)

**Schilke Residence, 3 Beaver Pond, South Salem, NY 10590, Sheet 46, Block 9827, Lot 184 (Sophia**

**Chenevert-Schilke and D. Chenevert, owners of record) - Application for the remediation of wetlands.**

[Garrett Schilke, owner, was present.]

Janet Andersen: Moving through this but much more to go. Ok the next item on our agenda is calendar number 29–21 WP, calendar number 03– 20 WV, this is the Schilke residence, 3 Beaver Pond Road, South Salem, New York, and it's an application for the remediation of wetlands and we have. I think seen them in and last month and I think Jan has been out. to see the work that's been done there so maybe Jan if you want to give us a report.

Jan Johannessen: I was out to inspect the property. Well, first, I went out, it was like a pre-construction meeting a month or so ago and viewed the property and then was just called back last week to inspect all the plantings. Everything's been installed. The plantings are in good shape they're being they're being constantly irrigated. That's been a little bit of a struggle, but they've done everything that they are asked to do, I did give them a little bit of latitude on the conservation seed mix that is to be installed just because they it's just not the time of the year to do it. They did mulch in and around these shrubs and the trees and we talked about applying that seed mix in the fall. So was happy with what I saw, I'm going to prepare a wetland certificate of compliance. And I think the Board should request an itemized list of their expenses to date, so you can get an idea of mitigation costs. All was in good shape.

Janet Andersen: Great Thank you so um. Garrett, would you be do you think you'd be able to gather up expenses for us.

Garrett Schilke: Yeah, of course, definitely.

Janet Andersen: Prior to our next meeting that would be great.

Garrett Schilke: Okay, for the what for the next meeting, or just send it all over.

Janet Andersen: Yeah for then yeah send it prior to the meeting would be helpful.

Garrett Schilke: And I think.

Janet Andersen: We just talked about August 30 as a great date target date to get all that by.

Garrett Schilke: Okay, no problem.

Janet Andersen: And it sounds like there's really been good progress here so, then we will discuss this in September and hopefully close it out at that point.

Garrett Schilke: Okay that's fine, thank you, I appreciate it.

Janet Andersen: Thank you anybody else have any comments or questions on this. Okay Thank you so much.

Garrett Schilke: Thank you, bye guys.

## **VI. DISCUSSIONS**

**Cal #12-22PB**

(2:12:10 - 2:31:53)

**Villas at Vista, 920 Oakridge Commons, South Salem, NY 10590 Sheet 49D, Block 9829, Lot 10 (Smith Ridge Associates, owner of record) - Application for construction of 18 additional housing units.**

[Phil Pine, Smith Ridge Associates; and Bob Eberts, AIA; were present.]

Janet Andersen: Okay the next item on our agenda is a discussion item. It is calendar number 12-22PB. This is Villas at Vista and 920 Oakridge Commons in South Salem, NY. And this is not really an application, but a discussion and preliminary application for construction of 18 additional housing units. And we have, I think.

Phil Pine: Phil Pine, Phil Pine is here. Hi everybody again. Hi I'm gonna have Bob Eberts actually go through this. Somewhat quickly, basically same idea is what we were doing over at The Heights, but this time we would be doing site related work and be adding a building to that area, taking what was the fitness center approved for a fitness center and changing it to residential housing, which we believe it's a much better use, less traffic, less water. So. Bob you can go if you're here somewhere.

Bob Eberts: Sure. May I share the screen?

Janet Andersen: Go ahead, please.

Bob Eberts: Come on. Well, I'm trying. It doesn't seem to be going. I'm not getting the second share I apologize. There we go. Okay, I apologize for the delay. The. This is the back of the site, of the west side of the site near the pond or near the condos. But the 9B building that we were in for in before you a few months ago, is this building, right here, except that we included the space between the 9A and the 9B building. And when this was originally built it was built as two warehouse buildings with about 10-foot space in between. Subsequently, the space got filled in that space is now the kitchen and the bathroom area of The Heights. So, what we're proposing now is to actually separate these two buildings, separate the A building from the B building remove that connection. The four units that were previously approved for the for the main floor would still remain four units, although they'd be a little bit smaller. We're now proposing that the fitness center which was in a lower level of this building, we add two new units. Now this this building is exposed on the west side this side only it's on on grade on on the upper side on the eastern side, so the two units would really be just on the exposed side and then mechanical space would be in in the in the back of it. Then we're also proposing to put six units in the A building now it's not quite large enough so we put a little addition on it here as well. Then we're we're proposing six townhouse units in this location. Now the drawing that was submitted to you also showed four units located back in this area. We're now eliminating those four units with the parking lot that was associated with that, we're not proposing that work to be done so it's a total of 18 units were talking about the original four that were approved, then two below, six units and six units here, so a total of 18 units, including four that were previously approved now. The there was a parking lot that was here that are there is a parking lot it's here that we're proposing to be eliminated, there was a second side of this parking lot here that we're proposing also to be eliminated.

Janet Andersen: Okay I'm not seeing your cursor I'm don't know if.

Bob Eberts: You're not seeing that cursor.

Janet Andersen: I think we're seeing the western most part, and I think you might have moved more towards. Where are you dealing with right now.

Bob Eberts: Okay, where the where the four where the six new units are being added. Yes, next to Oakridge Drive. Right there was there is an existing parking lot there that we're now proposing to be removed. Now these units these six units will have garages, so we have driveways leading up to those six



units.

Janet Andersen: Okay.

Bob Eberts: On the opposite side of the of the site, I don't know if you could see my cursor, but it's on that a lot now we're it's a two-sided parking lot currently and we're proposing to eliminate one side of the parking. And and putting green space in, that includes includes this area that is next to the the daycare building, as well as next to the building A. Proposing to eliminate those spaces and instead just put green space in there. Further we're we're proposing to change the entrance to the daycare parking lot from opposite the residential units to coming off of Oakridge Drive and removing again another row of parking spaces and just adding green space there. So, we're in this proposal, we're adding 9,400 square feet of additional green space. So that's a positive for the site, we think. You know, adding adding about three three or 4% of the site back to green space, where we're adding you know very little additional paving than what was there previously.

Janet Andersen: Okay um. I'll just say for me. It would help to have a little more sense, I know this is very preliminary, of of. how this fits in into the whole thing so where the I know there's I think apartments to the I guess that would be north and there's something over towards the pond further west and. You know I don't.

Bob Eberts: I don't have into the South is the is the Laurel Ridge. Right yeah.

Janet Andersen: So, I think I think it would help be helpful to see that. I'd also like I think it's building seven that's currently vacant is there any plans to incorporate anything on that at this point?

Bob Eberts: Phil, you're you're muted.

Phil Pine: My screen changed so I couldn't figure it out. There's there are no plans at this point we do I mean there's somebody that's looking at that space, but I was really always hoping that the daycare would actually take that, but there is nothing at this point, you know as we go further with this, I don't want to have something that close, the the daycare playground behind. You know, some that I wouldn't do anything with with with any units over there, but you know, maybe we can work something in with landscaping and you know, whatever.

Janet Andersen: So, I know this is just preliminary discussion, but I think one of the things that, before we have any kind of real discussion on this, is and and certainly knowing about the problems currently happening with the water and sewer there. I'm sorry it's probably water that's the problem, that there was a shortage of supply during the drought here and.

Phil Pine: That was actually an irrigation problem, that the just the irrigation was being used specifically at the townhomes was just over the top, we are working on that now that they lowered the irrigation significantly and the usage is way down. So, it will show that to you I've been working with the with the people at the water plant to resolve that, but the usage is way down.

Janet Andersen: Good. But then I think I think that would be one of our concerns, at least one of my concerns, so I think, maybe what we should do, is before we really get into this at all see whether or not, you know the Town Board, which is really the authority for both the water and the sewage on this, would be amenable to you know this kind of use.

Phil Pine: I think that makes a lot of sense.

Janet Andersen: So. Okay, maybe, if you could stop screen sharing because I'm only seeing a few of us now.

Phil Pine: Oh.

Charlene Indelicato: I agree.

Janet Andersen: So, I think that would be the first thing, I mean I think we would send a letter saying this doesn't mean we are either in agreement with the concept or with the number or location or anything but we just want to know about, would the Town Board agree to the addition of these units. I guess the question, I don't really have I mean do you have a sense of how many bedrooms you're putting in each one so.

Phil Pine: I would like to do, I would like to do the three bedrooms, I think what we sent in showed that Bob do you have the number for the 14 units?

Bob Eberts: Yes, it's total of 54 bedrooms, it's 16 three-bedroom units and two two-bedroom units. But again, that includes.

Phil Pine: Bob.

Bob Eberts: the 12 previously approved.

Phil Pine: Four four three bedrooms were previously approved.

Bob Eberts: Right, that includes the ones that were previously so um you know when you compare the water use of these 54 bedrooms compared to The Heights and the fitness center that were there we're you know we're using less than half, half the amount of water that was allocated to those two spaces so.

Janet Andersen: Yes.

Bob Eberts: This is again a net positive for the water water district.

Judson Siebert: Well, I think the first stop is the town board and I'd suggest obviously everybody seems to think that's the appropriate course here and I. My suggestion is for the applicant to make the direct approach to the Town Board rather than the planning board right and we don't even have an application in front of us. So, just as they requested an informal dialogue with us, I think it's incumbent on them to make the approach to the town board rather than the planning board soliciting that kind of a response. We we don't have an application.

Bob Eberts: We did submit an application.

Janet Andersen: We have a preliminary.

Phil Pine: I have no problem going directly to the town board if that's the way to do this, I mean we really were coming to you for you to advise us to go to the town board, so we can.

Judson Siebert: I'm saying, rather than, just do so directly.

Phil Pine: Okay. Bob, do you have a problem with it.

Bob Eberts: No, not at all.

Phil Pine: That's that's fine.

Janet Andersen: Yeah, and you know, obviously. I think that's that's a that's a kind of critical first step, I I. I would wonder if you could I mean when I looked at it, if you want some feedback I'm, I would obviously prefer to have things out of the buffer than in, you know if there's a way those look like long driveways if you could pull them a little bit back, but I mean those are details that we would get in and I think the first sort of hurdle to get through before we get into more discussions is you know, is there, water and sewer availability for this. Go ahead Jerome.

Jerome Kerner: Well, aside from that question, which I think is pivotal and the town board has to address that, there is the question of suitability and you know, is this is this appropriate use of that land, what is the density feel like you know, is it green is there an improvement in green space or you know the things that have been brought up to us here today, is it appropriate for us to to comment on that as they go forward with the with the town board, I think the town might. Well, if they're doing just the water they they're not going to bring up the issue of suitability or design suitability, but would it help to for us to comment on it?

Phil Pine: How familiar, are you with this site itself. Well, I know Jer[ome] you are, you play tennis there right. So.

Janet Andersen: Yeah, I'm, not that I mean that's where I was kind of I was trying to place this in what's the you know, we know that this looks like a you know, an L shaped parcel, but I know that sits in the middle of a lot of other stuff and I did you know I looked at it from you know map Google maps, but it doesn't give me quite the same as, how does this layout against what exists there so.

Phil Pine: The way the commercial space was set up to begin with the commercial space should have been in the front that should have been a residential out back if you come out and take a look, I think you would agree with that first I'd love to show you the townhomes the beautiful thing that we put together that took us how many years but. I think it'll give you a good idea of what we're looking at here and then what's back there, I mean there needs to be this would improve the whole, the buffer area from the, between the condos and the shopping center as well and there's a lot that can be done that's really good to improve this property.

Janet Andersen: Yeah, and I think what what you showed us is different than what had been submitted, so I think one of the things to make sure is that if I'm right right.

Phil Pine: That's fair.

Bob Eberts: Because we eliminated those two units.

Janet Andersen: Yes, and get them to Ciorsdan because. I was trying to follow around some of it and yeah I. I pulled up the other, the other maps, but I think. So I think we, I think the first hurdle, I mean, then we can get into a little bit more of this, but again. And, and I obviously people maybe, many of you have spent more time there than I have, but I'm not that familiar with the space. So, I assume because it's sort of all done now, is there any problem with going and driving around and just kind of looking at it?

Phil Pine: No, please. I can, I can, I can, if you'd like I'd be happy to show you that, but no, you can you can go through the property take a look at the townhomes. See where the shopping center is situated, part of the shopping center does go into the pond area over there, it goes down it's all sitting up on a parking lot when you see that green there you'll get a good good feel just by driving around there.

Janet Andersen: Okay, good. So, this was supposed to be, it was listed as a discussion. Do you want more, did you get what you want from us tonight or?

Phil Pine: I think you think I'm, going to the town board is correct, I'd love to please take a look,

suggestions you know we come back to you were willing to try to beautify this area, you know the commercial doesn't work in the back residential will and as of right it's multifamily so.

Janet Andersen: Great.

Jan Johannessen: And Phil, you're going to be working with the town board on demonstrating adequate capacity, right.

Phil Pine: Correct, I mean you just did an engineering report showing 53,000 gallons, that was done for the health department, then they had this hiccup with the irrigation. Which yes, I'm working with them on that and again the numbers have come down, they were in the mid-40s 50s after they realized, it was an irrigation pump.

Janet Andersen: So that was irrigation at at the new townhomes.

Phil Pine: And it was really both, there and at Conant Valley. There's no irrigation at the condos or the shopping center and there would be no irrigation in what I'm proposing here and I just literally got the numbers from them, for I FOILED the numbers for the first two quarters of 2022 just put them on a spreadsheet and some of the numbers just jump out of you out at you. There's a there's a difference between what they what they're billing and what the what's coming out of the wells so that's really what started this whole thing I did it for 2021. And again, you can see the irrigation numbers just how dramatic they are.

Janet Andersen: All right, so when you said irrigation, I was thinking Conant Valley but.

Phil Pine: But it is, its Conant Valley also, it's combination of both things so. A number of the Conant Valley units are on, have a separate meter, others don't, but if you look at the usage for the first quarter and fourth quarter compared to the middle two quarters, you know you know exactly what the numbers are so.

Janet Andersen: Okay well that's really I mean it's getting the town board go ahead on that that would be.

Phil Pine: No, no, I can. We are doing that.

Janet Andersen: Yeah, and I'm sure we will hear from the public if it goes forward on them. Okay anything else on this, that that you want from us right now.

Phil Pine: No. I'm fine. Thank you.

Janet Andersen: Good okay.

Bob Eberts: Thanks for your time.

Phil Pine: Thank you.

**Cal #05-22PB**

(2:31:54 - 2:40:50)

**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 a liquor license.**

[John Swertfager, owner, was present.]

Janet Andersen: Okay, the next item on our agenda is calendar number 05–22 PB, this is the Boro Café at

873 Route 35 in Cross River, New York, and so we, as a board approved a resolution in June on this and we were really silent on alcohol use, and we now understand the cafe has applied for a liquor license. So, I think part of the reason to just bring this up is to inform the community, this was not part of our discussion well actually when we discussed it, we were told that there wasn't going to be any alcohol on site, and I think. We are now seeing that there is an application for a liquor license that has been sent in or submitted so. I think this is more almost to explain to the community that we, that our resolution was really silent on it and that we did not know about it at the time when this went through. I see John you're on do.

John Swertfager: Yeah, how you guys doing. We had talked about it we weren't sure what we were going to do, and we decided we wanted to do it. We're not going for a full liquor license. We're going for a wine and beer. That is not happening we are not serving liquor at all. We, my father-in-law owns Crabtree's Kittle House and they have a big wine cellar and we just got to talking to him, and you know we were interested in doing it, there was a wine cellar in the building already from long, long time ago. So, we didn't you know didn't mean anything by it, you know totally cool to talk to you guys about it, it was just something that came up after the fact, and that's really it. So, if you guys have any questions for me, I'm more than willing to, you know, talk to you guys about it.

Janet Andersen: So, I guess, one of the things that springs to my mind, is do you see this being more for the special events or kind of an offering that you have all the time there.

John Swertfager: Definitely an offering we want to have um you know we don't have a kitchen, we want to keep it very simple. You know, one or two beers on tap and just you know, have a you know, have a lunch, have a beer you know very, very low key. You know not, nothing nothing crazy.

Charlene Indelicato: John, I I guess my my problem or issue was that I was more under the impression that we were approving a like a coffee shop, because that's how it was presented, and I think it was clear that there wasn't going to be any liquor and also your hours are end at five, I believe. How long, how often do you think you're going to have these special events.

John Swertfager: Not very often, maybe a couple of year.

Charlene Indelicato: So, it won't be past the five o'clock time period.

John Swertfager: No, no, no. We're we're we you know Bacio is our neighbor, and we have an agreement with them and we've been talking to them um. I do not want to be open past five, it is not in our business plan um. You know, like I know a bunch of cafés around here that beer and wine, so we've been going to a few of them seeing the crowd and seeing what it's like and it's actually a very lovely and.

Charlene Indelicato: Do they usually have them on tap I mean you're going to have. On tap.

John Swertfager: I've seen them that have, you know just have one or two.

Jerome Kerner: Could you could you cite one that as an example that serves beer and wine? I don't know if any of that serve beer and wine that are a coffee houses.

John Swertfager: um Hayfields does I'm in North Salem um.

Jerome Kerner: Well, they're a restaurant, I mean.

John Swertfager: I'm sure I could come up with a couple others, I don't know off top my head.

Jerome Kerner: They're a restaurant, I mean they're not a coffeehouse per se.

John Swertfager: It's Hayfields Café and market and it's not I wouldn't say there's full-blown restaurant, you know they served breakfast and lunch they closed for, they don't serve dinner it's kind of very similar to us. yeah.

Janet Andersen: And, to be honest, I mean, I think the way we, the way we approved it was under a restaurant category, not under, I don't think that town code has a café category, so yeah I think this was really just to make sure that you know, we we kind of got a better feeling from you about what you plan.

John Swertfager: Yeah, I'm work, with us, and we're trying to keep this very, very classy. um You know not again this wasn't supposed to be anything malicious, this was something we just thought would fit well with us and with our connections and something that I think the community is missing, you know, a place to relax and hang out, you know meet a friend. Um you know something that me and my business partner always wish we had here, you know we've lived our whole lives and um you know that's what we want to bring to the table.

Janet Andersen: Yeah, and and, again, I think, this is sort of our our due diligence to tell the community. All right we've you know we didn't discuss this and here's now it's open to the community, they see what's going on and and I I thank you for for telling us your plans. I don't know does anyone else have any comments or questions, I mean, I think we all want to see you succeed, and I understand that the business what what how exactly you do this might change as it, as you get more experienced, or you see what people want so. Yeah yeah. Bruce, go ahead.

Bruce Thompson: Janet, I do believe that as John explained it, this is something that we're seeing more and more of, as being desirable to have. I'm very familiar with Hayfields and how they kind of morphed into being the establishment, that they are. I think the thing for me that changes it, the the perspective on this more than anything else is the hours of operation so John is saying that you know they're sticking to the hours of operation that they had originally outlined for us. I see that this modification is something that is it's not troublesome to me.

Janet Andersen: Thank you.

Judson Siebert: Hours of operation or a condition of the approval. And another point, although there were discussions regarding alcohol sales during the course of the application, this particular use there's no there's no prohibition from a use perspective under the town code, with regard to just this type of use that would prohibit the sale of alcohol.

Janet Andersen: Okay um yeah I suspect that we might have had some different comments, you know if if we had known this up front, but I think, I don't really as Jud just said it's a it's a it's a permitted use, so I think we're we're set, but again I think part of this is just to let the public know that this is now part of the plan. Thank you, any other questions or comments from anyone here. Okay, thank you John.

John Swertfager: Thank you guys have a great one.

**Comprehensive Plan** – status update and monthly meeting schedule.  
(2:40:51 - 2:55:05)

Janet Andersen: The next discussion item is to talk a little bit about the comprehensive plan. So, the comprehensive plan. And again, we have a great representative in Charlene who's on the Steering Committee. But they have started to call in the chairs of the ZBA, ACARC, and me to attend some sort of regularly scheduled meetings. They were going to be monthly now I think we're skipping September but. So, I've been invited to them, I can report back as you wish. I think right now it's still very much in exploring and setting up plans for community outreach, setting up plans to even figure out how the

members of the town like to get contacted, what's the best vehicle for that. But one of the things that I did hear recently from the consultants who are working on this, which is NPV [Nelson Pope Voorhis], they would like to interview our board. And it's really about zoning laws, about things that we see as issues or things where you might want to change, you know as I even look at tonight's meeting I might say. You know, maybe we need to be a little bit more at ease about things like EV chargers in commercial locations, because you know there's something I think many people are going to want to see. You know, we might ask to not have to ping pong back and forth with performance bonds, we might say, you know, after a swimming pool gets to a certain size or a any kind of pool gets to a certain size, it might have to come before us, or there might be limits, I mean or even that they need covers on them that keep the heat in if you're going to have a heated pool so I'm kind of thinking of things that we might want to talk to the consultants about and say we'd like to see that better, that that happen. and. They would like to interview us about this, I mean we need a little time to think about it, but um. I guess the first question is, do you want to have that at a regularly scheduled meeting, or do you want to set up a separate meeting for this? I'm thinking out a regularly scheduled meeting because I hope it wouldn't go that long, but we have some pretty chockablock meetings coming up, so I mean you could aim for maybe October or September and see how I just I don't know.

Jerome Kerner: I would say a special meeting, maybe more informal meeting. Coffee, cake.

Charlene Indelicato: At your house Jerome?

Janet Andersen: Zoom, coffee and cake and Well, no, I mean this with this if we did a special Jud, I assume we'd have to be.

Judson Siebert: You'd have to comply with the open meetings law either if we're permitted to do it virtually, we do it virtually or we do it in person.

Janet Andersen: But we'd have to notice it and everything it.

Judson Siebert: You'd have to notice it yeah.

Janet Andersen: Yeah, all the other normal stuff. So. Do we want to try to set up a time and date.

Charlene Indelicato: I think it's special meeting, I agree with Jerome, a special meaning probably would be the best. Because then otherwise that if we do it before a regularly scheduled meeting, we're going to have like an hour and a half or an hour and then go into a very, very long meeting and like you know eleven.

Janet Andersen: Right or try to do it after meeting I mean our meeting I mean I'm hoping we'll get done by 10:30 at night, but this is still work.

Charlene Indelicato: And I will not be ready for another meeting at 10:30.

Janet Andersen: So, I'm...

Judson Siebert: Even if it is coffee and cake.

Charlene Indelicato: It has to be coffee, cake and maybe some wine.

Janet Andersen: Yeah right.

Jerome Kerner: So, the question I have these. These issues that you're they're expecting us to bring to the table, or will they develop a questionnaire, or do you have a questionnaire or? .....

Janet Andersen: I don't believe they have a questionnaire I think they're coming to look for that they are starting down there kind of, I'm forgetting the term of art, but it's like it's like existing conditions, so they're starting down that they want to know what we see as as the impediments or opportunities. I mean the other thing, you know, solar panels in the front yard well okay if they can't be seen from the road and they can't be I mean maybe there's some things where we can say yeah you can have solar, so there I think there's a number of things that we could say we might want to have looked at. And they will they will go through the plan, but then at the end, they are actually charged with coming up with a new a new set of zoning codes that that the town would then adapt so this is our time to get in things that we might feel would be helpful.

Charlene Indelicato: You know, having like maybe like having a listing of all our open space and the easements and etc, because you know we, as you said before, we don't have a generalized place for those. Jud, would you be able to help us with, you know issues that have come up like on a regular basis.

Judson Siebert: Sure. Yeah, I'd be happy to.

Janet Andersen: So, and and Jan might have some things to put into I mean that is just had to deal with all along.

Judson Siebert: Nice, perhaps you Jan and I may be Charlene. We could just chat ahead of time and set kind of an agenda or have kind of a checklist.

Janet Andersen: So, do we want to try to set a meeting up tonight. I mean we could do um, September 27 is Rosh Hashana so maybe I don't know September 13, October, what have we got going on, October 11, I'm sticking to Tuesday's just because I'm assuming that those are easier.

Charlene Indelicato: I think yeah.

Jan Johannessen: Janet, if you, for me to be in the meeting. There's not a to another Tuesday that works to make, I'm committed every Tuesday night.

Janet Andersen: Yeah, I am thinking that, that maybe you can I don't know um I don't I hate to drag you out for another night but I'm thinking if if you gave us some things that you know that we've dealt with all the time and I don't know whether I think we did at one point deal with generators in the wetland or, you know I mean there, there are things that, I'm sure you see all the time that we could do a little bit better. I don't know.

Jan Johannessen: Yeah, sure usually you know, recommendations in comprehensive plans are very large scale, not thinking of a recommendation that's finite like that.

Janet Andersen: No.

Jan Johannessen: If they're talking about revising the zoning, absolutely.

Jerome Kerner: Yeah yeah.

Charlene Indelicato: Yeah, they are, they are talking about that too so.

Janet Andersen: Yeah, but I think some well, which is something that you would want to be in do you feel it would be helpful to have you in because will make it.

Jan Johannessen: Whatever I can either provide notes in advance, or I can attend the meeting, but I just



know Tuesdays are very tough for me.

Jerome Kerner: Yeah, I leave the sixth I'm gone for 10 days. So. Wednesday the fifth will be the last opportunity or Monday, the third.

Janet Andersen: And you're gone for 10 days but you'll. So, I don't think we can go to Mondays because that's Court night and if, in case we have to be in in-person session I don't know what other nights I know there's ZBA nights and ACARC nights all and does ACARC meet and court as well Ciorsdan?

Ciorsdan Conran: If we're in person we're also in the court and that's the second Wednesday of the month.

Charlene Indelicato: Jud, we're not making any determinations.

Judson Siebert: No, but. But discussions.

Charlene Indelicato: Can we meet by Zoom? I mean basically that's the question can we meet by Zoom even though we're not making any.

Judson Siebert: I would still I would still prefer to handle this as an open meeting Charlene.

Charlene Indelicato: No, I understand that, but it open meeting by zoom because I don't think anybody I don't think everybody is going to be able to make a person-to-person meeting. And I'm saying.

Judson Siebert: Yeah, it depends on whether it depends on whether we can do it in accordance with the open meetings law, which means the you know the executive order would have to be extended again.

Charlene Indelicato: So, what how long does the executive?

Judson Siebert: They're going, too they're going on 30-day increments.

Janet Andersen: Yes, so right now it goes through September 12 so.

Charlene Indelicato: Because Katie doesn't go out.

Janet Andersen: Yeah, but she's she's not, this is the problem we're just the board.

Charlene Indelicato: Oh yes, just the.

Janet Andersen: ....board.

Jerome Kerner: Can I make a recommendation here, it seems to me that if we had a clear definition from the from the subcommittee. What are you calling it the.

Janet Andersen: Well it's not from the Steering Committee, we really want this from the from the consultant who wants to meet with us.

Jerome Kerner: The consultant. if we have some kind of clear definition as Jan is alluding to the fact that you know it's not really details with our zoning is broad brush concepts up if we had a we could be individually write in and submit our thoughts on it and it's not like anything revelation is going to come out of our meeting together. And there is a It is complicated to get everybody together and pick a night and a place that are open to the public.

Janet Andersen: Yeah, we. Sometimes there's good things that happen out of people saying one thing and

you know so even if you say walkable communities what's that mean to people, you know, do we need sidewalks, does it mean that we have residential and commercial intermixed I mean what are we, what are we saying we would like to see and.

Jerome Kerner: Good list you got going. Keep it up.

Janet Andersen: So so yeah so this, this, I think, is something that. Well, okay what I guess I'm going to say is. I think we all agree that this would be easier to do at a, what we hope would be a relatively short contained separate meeting. I'm going to ask Ciorsdan to almost put together a when assuming we might have to show up in the courthouse, what kind of days are those courthouse open and then maybe at our next meeting, we can.

Judson Siebert: Or you know, like a you know what does it look, just like a doodle survey, just find out available nights and.

Janet Andersen: All right, so. I would love to set it up by email. I just know that sometimes in the past that's been resisted but let's let's try to do it so Ciorsdan, if you set up.

Judson Siebert: Even, even if, even if we at least get some dates, maybe we announce it at the September meeting and move from there. Okay yeah.

Ciorsdan Conran: All right, set of range of dates that we looking at.

Janet Andersen: Think we're looking at between September and November. You know, between our September meeting, because we would make the decision at our September meeting, but I don't think anybody wants to go beyond our November meeting and start getting into Thanksgiving and the holidays and you know. So, it's got to be done sometime, I would think between our September meeting and our November meeting. Okay, thank you for that and that's a good plan.

[The board reached consensus to hold a special meeting to discuss zoning changes with the comprehensive plan committee consultants and Ms. Conran is to circulate a doodle to determine a meeting date.]

## VII. CORRESPONDENCE

(2:55:07 - 2:56:39)

**Ridgefield, CT Planning and Zoning Commission to amend its Town Code §7.13 – prohibition of cannabis establishments.**

Janet Andersen: We have two items of correspondence. Ridgefield, Connecticut let us know that they plan to amend town code regarding the prohibition of cannabis establishments. I think, on this, if everyone agrees, we send the letter to the town board telling them that we have no comment and the same with New Canaan they are actually rezoning one one parcel I think on their you know 51 Main Street from the B residence zone. To. A new zone, one that has housing redevelopment thrown in it. I think again we send it I look Oh, do I have to do this by a motion. Jud.

Judson Siebert: Yeah, you would just go authorizing you to sign a letter to the town board.

Janet Andersen: Okay, so, for the first one for Ridgefield, Connecticut I look for a motion to authorize me, on behalf of the planning board to send a no comment letter to the town board.

Jerome Kerner: So moved.

Janet Andersen: Thank you Jerome. And Bruce seconding. Any discussion on this? I'll poll. Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: Jerome.

Jerome Kerner: Aye.

Janet Andersen: And I'll say I as well, so. Get that letter written.

[On a motion made by Mr. Kerner, seconded by Mr. Thompson, the Board authorized the Chair to sign a letter to the Town Board stating that the Planning Board has 'no comment,' with regard to the prohibition of cannabis establishments in Ridgefield, Connecticut. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: Mr. La Sorsa.]

(2:56:40 - 2:57:23)

**New Canaan, CT Planning and Zoning Commission** - rezoning of 51 Main Street from B Residence Zone to Housing Redevelopment Zone (HRZ).

Janet Andersen: The second second correspondence is New Canaan, Connecticut. They are rezoning one parcel on 51 Main Street again I have, I would look for a motion to authorize me, on behalf of the planning board to send a no comment letter to the town board. Bruce you making a motion and do I have a second it looks like Jerome got his hand up first. Okay, and a discussion, I will poll the board Charlene.

Charlene Indelicato: Aye.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: Jerome.

Jerome Kerner: Aye

Janet Andersen: And I also say I so that's done okay.

[On a motion made by Mr. Thompson, seconded by Mr. Kerner, the Board authorized the Chair to sign a letter to the Town Board stating that the Planning Board has 'no comment,' with regard to the rezoning of 51 Main Street, New Canaan, Connecticut. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: Mr. La Sorsa.]

## **VIII. MINUTES OF July 19, 2022.**

(2:57:25 – 2:58:01)

Janet Andersen: The minutes of July 19, 2022. Again, they're a transcript.

Jerome Kerner: I move, we accept those minutes as issued by.....

Janet Andersen: Thank you Jerome, and Charlene is seconding. Any further discussion. I'll poll the board. Charlene. Charlene?

Charlene Indelicato: Aye.

Janet Andersen: Bruce.

Bruce Thompson: Aye.

Janet Andersen: Jerome.

Jerome Kerner: Aye.

Janet Andersen: And I'll also say aye, so the Minutes are approved.

[On a motion made by Mr. Kerner, seconded by Charlene Indelicato, the Board approved the minutes of July 19, 2022 as submitted. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: Mr. La Sorsa.]

**IX. NEXT MEETING DATE: September 20, 2022.**

(2:58:02- 2:58:22)

Janet Andersen: As previously discussed our next meeting date is September 20, 2022, in person, unless the emergency declaration is extended again, and we should know that a little bit earlier this time. And if it is extended, we will meet virtually by Zoom again.

**X. ADJOURN MEETING.**

(2:58:23 – 2:58:59)

Janet Andersen: I'd look for a motion to adjourn the meeting at 10:28. Bruce.

Bruce Thompson: So moved.

Janet Andersen: Thank you.

Charlene Indelicato: Go ahead Jerome, you second it.

Jerome Kerner: Second.

Janet Andersen: Seconded by Jerome. Okay, any discussion on this tonight guys.

Charlene Indelicato: None at all.

Janet Andersen: Okay, Charlene

Charlene Indelicato: Aye.

Janet Andersen: Bruce.

Bruce Thompson: Night. Aye.

Janet Andersen: Jerome.

Jerome Kerner: Aye.

Janet Andersen: and I'll say aye so we get to adjourn. Thank you, I think a really pretty productive meeting.

[On a motion made by Mr. Thompson, seconded by Mr. Kerner, the meeting was adjourned at 10:28 p.m. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: Mr. La Sorsa.]

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

**RESOLUTION  
LEWISBORO PLANNING BOARD  
AUTHORIZING REDUCTION OF  
WETLAND MITIGATION AND STORMWATER PLANTING  
PERFORMANCE SECURITY**

**JVG ESTATES LLC  
BLUESTONE SUBDIVISION  
(Formerly Popoli/Sicuranza)  
1437 Route 35 South Salem, New York**

**Sheet 40, Block 10552, Lots 39, 40, 41, 42, 43 & 46  
Cal. #8-02 PB**

**August 16, 2022**

**WHEREAS**, by Resolution adopted on December 8, 2009, the Planning Board granted Conditional Final Cluster Subdivision Plat Approval and a Conditional Wetland Activity and Stormwater Permit for a 6-lot residential subdivision proposed by Pasquale Popoli and Angelo Sicuranza ("Popoli/Sicuranza"); and

**WHEREAS**, the property subject to this subdivision approval and wetland activity and stormwater permit consists of  $\pm 54.765$  acres of land located on the southerly side of Old Post Road (NYS Route 35) and within the R-4A Zoning District; and

**WHEREAS**, JVG Estates LLC (JVG") is a successor-in-interest and title to Popoli/Sicuranza; and

**WHEREAS**, the Planning Board's December 8, 2009 Resolution was subsequently amended by Resolutions adopted by the Planning Board on September 28, 2010, February 8, 2011, June 14, 2011 and April 18, 2017; and

**WHEREAS**, Condition #12 of the Planning Board's December 8, 2009 Resolution, as amended on February 8, 2011 and June 14, 2011, was amended on April 18, 2017 to now provide:

Wetland mitigation and stormwater basin plantings shall be the subject of performance security to be posted in the amount of \$37,431.90. Said security shall be in the form of a deposit, in the sum of \$37,431.90, submitted to the Planning Board

Secretary and placed into a Town of Lewisboro escrow account. Fifty (50%) percent of the this performance security shall be released after a period of one (1) year, twenty (20%) percent of the original security amount shall be released after a period of two (2) years and fifteen (15%) percent shall be released following years three (3) and four (4). Should an 85% survival rate not be achieved at any time during this maintenance period, dead plants/shrubs/trees shall be removed and replaced in kind to achieve said rate; and

**WHEREAS**, the performance security required under Condition #12, as amended on April 18, 2017, was duly deposited with the Town of Lewisboro; and

**WHEREAS**, by Resolution adopted on July 20, 2021, the Planning Board, in response to JVG's request, authorized the reduction of this performance security by 50% (in the amount of \$18,715.95), leaving all other requirements of Condition No. 12 of the Planning Board's December 8, 2009 Resolution, as amended on April 18, 2017, in effect; and

**WHEREAS**, JVG has, by email to the Planning Board Administrator dated July 13, 2022, requested the release of 20% of the original security amount pursuant to Condition #12, as amended on April 18, 2017, on the basis that two years have elapsed since the submission of an as-built plan confirming placement of wetland mitigation and stormwater basin plantings, and 85% of these plantings have survived this two-year period; and

**WHEREAS**, the Town Wetland Inspector and the Planning Board's consultants have confirmed that these wetland mitigation and stormwater basin plantings have been in place for a period of two (2) years and that a survival rate of greater than 85% has been achieved;

**NOW, THEREFORE, BE IT RESOLVED**, that, pursuant to Condition No. 12 of the Planning Board's December 8, 2009 Resolution, as amended on April 18, 2017, the Planning Board authorizes the reduction of the aforementioned performance security in the amount of \$7,486.38 (constituting 20% of the original \$37,431.90 deposited with the Town) and that all other requirements of Condition No. 12 of the Planning Board's December 8, 2009 Resolution, as amended on April 18, 2017, shall remain in effect.

**ADOPTION OF RESOLUTION**

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

The motion was moved by: Jerome Kerner

The motion was seconded by: Charlene Indelicato

The vote was as follows:

**JANET ANDERSEN**

aye

**JEROME KERNER**

aye

**GREGORY LASORSA**

aye

**CHARLENE INDELICATO**

aye

**BRUCE THOMPSON**

aye

Janet Andersen cc  
**Janet Andersen, Chair**

**August 16, 2022**



**RESOLUTION  
LEWISBORO PLANNING BOARD**

**RELEASE OF PERFORMANCE SECURITY -  
OAKRIDGE COMMONS SHOPPING CENTER  
AMENDED SITE DEVELOPMENT PLAN APPROVAL-CAR WASH (PHASE 3)**

**Sheet 49D, Block 9829, Lot 10  
Cal. #08-17 P.B. and #16-17 S.W.**

**August 16, 2022**

**WHEREAS**, Smith Ridge Associates, LLC (“SMA”) is the owner of premises known as the Oakridge Commons Shopping Center, which are located on Smith Ridge Road [NYS Route 123] in the Hamlet of Vista, Town of Lewisboro, Westchester County, New York, designated as Sheet 49D, Block 9829, Lot 10 on the Tax Map of the Town of Lewisboro (the “Subject Property”); and

**WHEREAS**, SMA has pursued the development of a series of improvements to the Subject Property in four (4) phases reviewed by the Planning Board, including Phase 3 (consisting of a single-vehicle car wash to adjoin an existing gas station, along with an expansion and accompanying reconfiguration of a parking lot and signage); and

**WHEREAS**, by Resolution adopted on June 16, 2020, the Planning Board granted Amended Site Development Plan Approval and a Stormwater Permit authorizing the construction of Phase 3 on the Subject Property; and

**WHEREAS**, the Planning Board issued an additional Amended Site Development Plan Approval for Phase 3 by Resolution adopted on August 18, 2020; and

**WHEREAS**, pursuant to the June 16, 2020 and August 18, 2020 Resolutions, SMA was required, under §220-46G of the Zoning Code, to supply a performance bond, or other form of security, to guarantee completion of project infrastructure associated with the approved Phase 3 improvements in a sum approved by the Town Engineer (*see* August 18, 2020 Resolution, Condition #6); and

**WHEREAS**, in accordance with this condition, SMA tendered the sum of \$31,365 by check payable to the Town of Lewisboro, constituting an amount deemed acceptable for purposes of project infrastructure security by the Town Engineer; and

**WHEREAS**, these cash proceeds have been maintained by the Town of Lewisboro as performance security in accordance with the aforementioned Resolutions and §220-46G of the Zoning Code; and

**WHEREAS**, by letter dated June 15, 2022, Mr. Philip G. Pine of SMA requested the release of this \$31,365 on account of the completion of the Phase 3 project infrastructure, subject to a 10% retention for a period of one (1) year after a certificate of occupancy has been issued; and

**WHEREAS**, following receipt of the June 15, 2022 request, the Planning Board adopted a motion at its July 19, 2022 meeting to notify the Lewisboro Town Board of this application for the release of the aforementioned performance security; and

**WHEREAS**, upon receipt of notification from the Planning Board, the Lewisboro Town Board, by Resolution adopted on August 8, 2022, authorized the Planning Board to conduct a public hearing so that it could entertain and act upon the requested release of this performance security; and

**WHEREAS**, on August 16, 2022, the Planning Board conducted a duly noticed public hearing concerning the request for release of this performance security; and

**WHEREAS**, said public hearing was opened and closed on August 16, 2022, at which time all interested parties were provided an opportunity to be heard; and

**WHEREAS**, the Planning Board has received confirmation from Kellard Sessions Consulting, the Town Engineering Consultant, that the Phase 3 project infrastructure has been satisfactorily completed; and

**WHEREAS**, the Planning Board received comments from its counsel and consultants concerning the release of this performance security and duly considered same.

**NOW THEREFORE BE IT RESOLVED THAT**, the Planning Board finds that the Phase 3 project infrastructure has been satisfactorily constructed and installed; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board authorizes the release to SMA of \$28,228.50 of the cash proceeds held by the Town of Lewisboro as performance security; and

**BE IT FURTHER RESOLVED THAT**, the remaining \$3,136.50 of this performance security shall be retained by the Town of Lewisboro for a period of one (1) year after a certificate of occupancy has been issued for the Phase 3 improvements; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board Administrator is directed to file this Resolution with the Town Clerk of the Town of Lewisboro.

**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: Jerome Kerner

The vote was as follows:

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

Janet Andersen <sup>cc</sup>  
Janet Andersen, Chair  
August 16, 2022