Meeting of the Planning Board of the Town of Lewisboro held at the Justice Court at 79 Bouton Road, South Salem, New York on Tuesday, September 20, 2022 at 7:30 p.m. The audio recording of this meeting is Lewisboro Planning Board 220920_001.MP3

Present: Janet Andersen, Chair

Charlene Indelicato Bruce Thompson

Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel

Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland Consultant

Ciorsdan Conran, Planning Board Administrator

Absent:

Jerome Kerner

Greg La Sorsa

John Wolff, Conservation Advisory Council (CAC)

Ms. Andersen opened the meeting at 7:35 p.m., welcomed everyone to the first in-person meeting since summer 2021 and noted the exits.

I. DECISION

Cal #10-22PB

(1:56-6:53)

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

Michael Sirignano, Esq. was present on behalf of the owner.

Ms. Andersen stated the proposed lot-line change had received approval from the Zoning Board of Appeals. Mr. Johannessen noted that a variance was needed because the proposed lot-line change would have created a zoning nonconformity, specifically a ground-mounted solar array located in a front yard.

Mr. Johannessen reviewed the draft resolution to merge three commonly-owned lots in such a way as to result in two lots.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the resolution and Negative Declaration of Significance dated September 20, 2022 for the JJE33 Holdings LLC lot line change at 27 Old Oscaleta Road, South Salem were adopted. A copy of the Resolution is attached to these minutes. In favor: Ms. Andersen, Ms. Indelicato and Mr. Thompson. Absent: Mr. Kerner and Mr. La Sorsa. Against: None.

II. EXTENSION OF TIME REQUEST

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

(6:54 - 9:04)

Gossett Brothers Nursery, 1202 Route 35, South Salem, NY 10590; Sheet 31 Block 10805 Lot 46 (Thomas Gossett for T. Gossett Revocable Trust – owner of record) – Request for an extension of time for the Site Development Plan Approval and Wetland Activity Permit Approval granted March 16, 2021.

Michael Sirignano, Esq. was present on behalf of the owner.

Mr. Sirignano requested a six-month extension of time for the nursery's Site Development Plan Approval and Wetland Permit Approval.

Mr. Johannessen stated Cronin Engineering is finalizing the outstanding items and will be submitting the check set soon.

On a motion made by Mr. Thompson, seconded by Ms. Indelicato, the Board granted one six (6) month extension to the Resolution, dated March 16, 2021, to Gossett Brothers Nursery, 1202 Route 35, South Salem, granting Site Development Plan Approval and Wetland Permit Approval; the new expiration date is Thursday, March 16, 2023. In favor: Ms. Andersen, Ms. Indelicato and Mr. Thompson. Absent: Mr. Kerner and Mr. La Sorsa. Against: None.

III. PUBLIC HEARINGS

Cal #09-21PB

(9:06-16:00)

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

John Clausen, Networks Building + Consulting, was present on behalf of the owner.

Prior to the start of the meeting, Mr. Clausen 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 7:45 p.m.

Mr. Clausen noted that the work on the access road is complete. Mr. Johannessen stated he had visited the site and the access road is in great shape. He noted that there is a gate and if it is to be locked then the applicant must supply the town with keys or the combination. Mr. Clausen agreed to provide the Town with keys or the combination.

Mr. Johannessen stated a few of the trees planted to screen the cell tower compound from the hiking trails have failed and will need to be replaced.

There were no public comments on this application renewal.

On a motion made by Mr. Thompson, seconded by Ms. Indelicato, the Board closed the public hearing for ATC Tower, 1065 NYS Route 35 (Town Park), South Salem at 7:49 p.m. In favor: Ms. Andersen, Ms. Indelicato and Mr. Thompson. Absent: Mr. Kerner and Mr. La Sorsa. Against: None.

The board reached consensus to have the consultants prepare a draft resolution for the October 18, 2022 meeting.

Cal #02-22PB, Cal #03-22WP and Cal #02-22SW

(16:01 - 23:13)

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 and Olivier Audemard, owners; Gregory Caccioppoli, P.E.; and Bill Einhorn, RLA; were present.

Prior to the start of the meeting, Mr. Hollander 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 7:52 p.m.

Mr. Caccioppoli stated the proposal is to have a lot-line change resulting in a net-zero exchange of 782.5 sf of land and relocate the Hollanders' driveway from Post Office Road to Autumn Ridge Road. He noted the Highway Superintendent has no objection to the new curb cut and the DEP is reviewing the project.

There were no public comments on this application.

Mr. Einhorn stated he has been working with the Supervisor regarding the license agreement for mitigation plantings on town property. Mr. Siebert noted he had spoken with the Town Attorney regarding the license agreement. Mr. Johannessen stated there were no other outstanding items.

On a motion made by Mr. Thompson, seconded by Ms. Indelicato, the Board closed the public hearing for the Hollander/Audemard residences, 153 and 151 Post Office Road, South Salem at 7:56 p.m. In favor: Ms. Andersen, Ms. Indelicato and Mr. Thompson. Absent: Mr. Kerner and Mr. La Sorsa. Against: None.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the resolution and Negative Declaration of Significance dated September 20, 2022 for the Hollander/Audemard lot-line change at 153 and 151 Post Office Road, South Salem were adopted. A copy of the Resolution is attached to these minutes. In favor: Ms. Andersen, Ms. Indelicato and Mr. Thompson. Absent: Mr. Kerner and Mr. La Sorsa. Against: None.

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

(23:14 - 46:13)

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, Ashley Murphy and Peter Hall, Waccabuc Country Club; Dawn McKenzie, Insite Engineering; and John Doyle, Doyle Coffin Architecture; were present

Prior to the start of the meeting, Mr. Assumma 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 7:58 p.m.

Ms. McKenzie summarized the existing conditions and proposed changes:

- creating handicap accessibility down to the waterfront;
- installation of handicap ramps and parking;
- stormwater management;
- erosion control;
- sprinklers for the three buildings (boathouse, pavilion and snack bar);
- upgrading the septic; and
- planting more trees.

Mr. Doyle stated that the site's occupancy level will remain at 160 and the proposed changes include:

- construction of a covered pavilion;
- renovation/enlargement of the snack bar building;

- relocation of bathrooms; and
- restoration of the boathouse.

He noted the architectural changes have been reviewed/accepted by the State Historic Preservation Office.

Mr. Johannessen stated the wetland mitigation plan is acceptable. He noted a Negative Declaration has been drafted but a SEQR determination must wait until after the Building Inspector has reviewed the parking study for code compliance. The board's consultants will meet with the Building Inspector to discuss the proposed parking, expansion of an existing non-conforming use and whether or not variances will need to be sought.

There were no public comments on this application.

The board reached consensus to continue this public hearing October 18, 2022.

IV. SITE DEVELOPMENT PLAN REVIEW

Cal #14-22PB

(46:15 - 48:17)

Vista Market LP tanks, 469 Smith Ridge Road, South Salem, NY 10590; Sheet 53, Block 9834, Lot 32 (Visnor Property, LLC, owner of record) - Application for three LP tanks.

No one was present on behalf of the owner.

The board reached consensus to adjourn this matter to its October 18, 2022 meeting.

V. WETLAND PERMIT REVIEWS

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

(48:18 - 54:23)

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.

Garret Schilke, owner, was present.

Mr. Johannessen stated the site has been inspected and a Wetland Certificate of Compliance has been issued.

Mr. Schilke signed the summons dated December 4, 2020 and entered a plea of guilty.

Ms. Indelicato and Mr. Thompson noted that progress has been made in restoring the site.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the resolution dated September 20, 2022 disposing of a wetland violation at the Schilke Residence, 3 Beaver Pond, South Salem was adopted. A copy of the Resolution is attached to these minutes. In favor: Ms. Andersen, Ms. Indelicato and Mr. Thompson. Absent: Mr. Kerner and Mr. La Sorsa. Against: None.

Cal #34-22WP, Cal #01-21WV

(54:24 - 1:00:53)

Maple Tree Farm, 400 Smith Ridge Road, South Salem; Sheet 24, Block 9831, Lot 49B (Maple Tree Farm, LLC, owner of record) - Application for the remediation of wetlands.

Brian Cooney, owner, was present.

Mr. Johannessen stated a wetland violation and stop work order had been issued for work in the wetlands buffer; the wetlands are off-site to the south. He noted that the site includes an existing building which is in poor condition and a gravel parking area. Mr. Johannessen stated the site is clean and the plan submitted includes proposed tree wells, but the wetland mitigation plan is missing. He noted he would meet with the applicant's consultants to discuss the mitigation plan and recommended the application return to the November 15, 2022 meeting.

The board reached consensus to set a control date of November 15, 2022 for this matter.

VI. DISCUSSIONS

Scheduling a special meeting to discuss the comprehensive plan process with Nelson Pope Voorhis. (1:00:52 - 1:10:41)

Ms. Andersen stated the next meeting is to be held in the 79 Bouton Road courtroom on Tuesday, October 18, 2022. The Board reached consensus to begin that meeting at 6:30 p.m. to meet with Nelson Pope Voorhis (NPV), the comprehensive plan consultants, for one hour before the regular meeting. Ms. Conran is to contact NPV for an agenda/list of questions and the board members are to start a list of planning issues and concerns with the Town Code.

North Salem, NY Town Board to amend its Town Code §250-5 and §250-54 – updating the zoning standards regulating landscaping and lighting within the town.

North Salem, NY Town Board to amend its Town Code §250-5 and §250-37 through §250-44 – updating the zoning standards regulating exterior signs within the town. (1:10:42-1:11:43)

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board authorized the Chair to sign a letter to the Town Board stating that the Planning Board has 'no comment,' with regard to North Salem's amending its Town Code sections relating to landscaping, lighting and signage.

In favor: Ms. Andersen, Ms. Indelicato and Mr. Thompson. Absent: Mr. Kerner and Mr. La Sorsa. Against: None.

VII. MINUTES OF August 16, 2022.

(1:11:44 - 1:12:09)

On a motion made by Mr. Thompson, seconded by Ms. Indelicato, the Board approved the minutes of August 16, 2022 as submitted. In favor: Ms. Andersen, Ms. Indelicato and Mr. Thompson. Absent: Mr. Kerner and Mr. La Sorsa. Against: None.

VIII. NEXT MEETING DATE: October 18, 2022.

(1:12:10-1:12:28)

Ms. Andersen stated the next meeting is to be held in the 79 Bouton Road courtroom on Tuesday, October 18, 2022. The Board reached consensus to begin the meeting at 6:30 p.m. to meet with Nelson Pope Voorhis, the comprehensive plan consultants, for one hour prior to the regular meeting which will include one public hearing.

IX. ADJOURN MEETING.

(1:12:29 - 1:12:42)

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the meeting was adjourned at 8:47 p.m. In favor: Ms. Andersen, Ms. Indelicato and Mr. Thompson. Absent: Mr. Kerner and Mr. La Sorsa. Against: None.

Respectfully Submitted,

Ciorsdan Conran

Planning Board Administrator

Curidan Corra

RESOLUTION LEWISBORO PLANNING BOARD FINAL SUBDIVISION PLAT APPROVAL LOT LINE CHANGE

JJE33 HOLDINGS, LLC 27 OLD OSCALETA ROAD

Sheet 35, Block 11826, Lots 3, 11, and 12

Cal. #10-22PB

September 20, 2022

WHEREAS, the Town of Lewisboro Planning Board has received an application from JJE33 Holdings, LLC ("the applicant") for a Lot Line Change involving three (3) parcels under common ownership and totaling ±73.32 acres of land; and

WHEREAS, the three (3) lots are identified on the Town Tax Maps as Sheet 35, Block 11826, Lots 3, 11, and 12 ("the subject property"), hereafter referred to as Lots 3, 11 and 12, respectively; and

WHEREAS, the subject property is located at 27 Old Oscaleta Road within R-4A Zoning District and fronts Lake Oscaleta; and

WHEREAS, Lot 3 consists of ±68.1 acres of land, is accessed off Old Oscaleta Road, and is developed with a single-family residence and numerous accessory dwellings and/or ancillary residential structures; and

WHEREAS, Lot 11 is a vacant land-locked parcel consisting of ±1.5 acres; and

WHEREAS, Lot 12 consists of ±3.7 acres of vacant land fronting on Oscaleta Road; and

WHEREAS, the applicant is proposing a lot line change and is proposing to merge Lots 11 and 12 into a portion of Lot 3, which will result in a total of two (2) parcels. Parcel 1 will consist of ±59.4 acres of land and will contain the main residence, accessory residence, and garage. Parcel 2 will consist of ±8.7 acres, will front on Oscaleta Road and will contain an existing cottage, barn, stables, and solar array. Parcel 2 will be accessed from Old Oscaleta Road through an access easement proposed over a portion of Parcel 1 ("the proposed action"); and

WHEREAS, the applicant has identified its intentions for the further development of Parcel 1 through the development of an Integrated Plot Plan (IPP-1), prepared by Bibbo Associates, LLP, dated July 6, 2022; and

WHEREAS, the proposed action results in a zoning nonconformity because, when portions of Lot 3 and 12 are combined as proposed, the existing ground-mounted solar array will be located in the front yard of Parcel 2; and

WHEREAS, reference is made to a review memorandum prepared by Kellard Sessions Consulting, the Town's Consulting Professionals, dated June 16, 2022; and

WHEREAS, reference is made to a letter prepared by the Building Inspector, dated July 11, 2022; and

WHEREAS, on August 24, 2022, the Zoning Board of Appeals granted an area variance allowing the existing solar panels to remain in the front yard of Parcel 2 (refer to Cal. No. 22-22-BZ); and

WHEREAS, with the issuance of this variance, the proposed action will not result in a zoning nonconformity; and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form (EAF), dated July 7, 2022; and

NOW THEREFORE BE RESOLVED THAT, the Planning Board has considered the submitted application, other materials submitted by the applicant in support of its proposal, the written and verbal comments from the Board's professional consultants, and the verbal commentary made during Planning Board meetings; and

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

BE IT FURTHER RESOLVED THAT, the Planning Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions; and

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

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

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

"Final Lot Line Change Plat, Prepared for JJE33 Holdings, LLC", prepared by H. Stanley Johnson and Company Land Surveyors, P.C., dated (last revised) June 28, 2022

BE IT FURTHER RESOLVED THAT, the information provided on the IPP reference above is for planning purposes only and was provided to identify the intent of the applicant; this Resolution shall not be construed to endorse or approved the improvements shown thereon; and

BE IT FURTHER RESOLVED THAT, Conditions #1 through #5, outlined below, must be completed within 180 days of the date of this Resolution (Monday, March 20, 2023). Should said conditions not be completed within the allotted time frame, this Resolution shall become null and void unless a 90-day extension is requested, in writing, by the applicant within said 180-day period and granted by the Planning Board.

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

- 1. The applicant shall satisfactorily address any outstanding written comments provided by the Planning Board's consultants.
- 2. The applicant shall provide a letter to the Planning Board Administrator acknowledging that they have read and will abide by the Conditions of this Resolution.
- 3. All applicable application fees and escrow shall be submitted by the applicant to the Planning Board Administrator.
- 4. The applicant shall submit a "check set" (two copies) prepared to address any outstanding written comments and the conditions of this resolution for final review by the Planning Board's consultants.
- 5. The applicant shall submit two (2) original mylar copies of the Final Subdivision Plat, complete with all required original signatures, for final review by the Planning Board's consultants and endorsement by the Town Consulting Engineer, Planning Board Administrator and the Planning Board Chair.

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

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

ADOPTION OF RESOLUTION

WHEREUPON,	the	Resolution	herein	was	declared	adopted	by	the	Planning	Board	of	the	Town	of
Lewisboro as fo						•	•		Ū					

The motion was moved by: Charlene Indelicato

The motion was seconded by: Bruce Thompson

The vote was as follows:

JANET ANDERSEN

JEROME KERNER

GREG LASORSA
CHARLENE INDELICATO

BRUCE THOMPSON

aye

absent

aye

Janet Andersen, Chair

September 20, 2022

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

Date: September 20, 2022

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

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

Name of Action: JJE33 Holdings, LLC Lot Line Change							
SEQRA Status:		Type 1					
	=	Unlisted					
Conditioned Negative Declaration:				Yes			
				No			
Coordinated Rev	/iew:			Yes			
				No			

Description of Action: The Town of Lewisboro Planning Board has received an application from JJE33 Holdings, LLC ("the applicant") for a Lot Line Change involving three (3) parcels under common ownership and totaling ±73.32 acres of land. The lots involved are identified on the Town Tax Maps as Sheet 35, Block 11826, Lots 3, 11, and 12 ("the subject property"), hereafter referred to as Lots 3, 11 and 12, respectively. The applicant is proposing a lot line change and is proposing to merge Lots 11 and 12 into a portion of Lot 3, which will result in a total of two (2) parcels. Parcel 1 will consist of ±59.4 acres of land and will contain the main residence, accessory residence, and garage. Parcel 2 will consist of ±8.7 acres, will front on Oscaleta Road and will contain an existing cottage, barn, stables, and solar array. Parcel 2 will be accessed from Old Oscaleta Road through an access easement proposed over a portion of Parcel 1 ("the proposed action").

Location: 27 Old Oscaleta Road, Town of Lewisboro, New York.

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

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

The proposed action involves a lot line changes and no land disturbance or construction will occur as result of this action. The use of the subject property is not changing. Any new construction will require applicable permits, as required. No land clearing or vegetation removal is proposed.

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

See response to Finding No. 1 above.

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

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

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

The property is located within a residential zoning district, no change to the use is proposed. The proposed action will result in a net decrease of (1) residential lot. On August 24, 2022, the Zoning Board of Appeals granted an area variance allowing the existing solar panels to remain in the front yard of Parcel 2 (refer to Cal. No. 22-22-BZ), thus the proposed action will be zoning compliant.

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

See response to Findings No. 1 and 4 above.

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

See response to Finding No. 1 above.

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

See response to Finding No. 1 above.

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

See response to Finding No. 1 above.

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

For further information contact:

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

Fax: (914) 763-3637

This notice is being filed with:

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

Fax: (914) 763-3637