

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, November 15, 2022 at 6:30 p.m. The audio recording of this meeting is Lewisboro Planning Board 221115_001.MP3

Present: Janet Andersen, Chair
Charlene Indelicato
Jerome Kerner
Bruce Thompson
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Jan Johannessen, AICP, Kellard Sessions Consulting,
Town Planner/Wetland Consultant
John Wolff, Conservation Advisory Council (CAC)
Ciorsdan Conran, Planning Board Administrator

Absent: Greg La Sorsa

Ms. Andersen opened the meeting at 7:35 p.m. and noted the exits.

I. DECISION

Cal #14-22PB

(2:07 – 5:23)

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.

Mr. Johannessen reviewed the draft resolution stating it was for the installation of four 100 g liquid propane (LP) tanks at the southeast corner of the building surrounded by appropriate crash barriers.

Ms. Andersen and Mr. Thompson noted that the application is for three LP tanks. Mr. Johannessen agreed and the resolution will be revised.

On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the resolution as amended, dated October 18, 2022 granting Site Development Plan Approval and Waiver of Site Development Plan Procedures to Vista Market, 469 Smith Ridge Road, South Salem for the installation of three 100 g liquid propane (LP) tanks was adopted. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: Mr. La Sorsa. A copy of the Resolution is attached and is part of these minutes.

II. EXTENSION OF TIME REQUESTS

Cal #07-21PB

(5:24 – 7:09)

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

Elaine Feldman, Cross River Pharmacy, was present

Ms. Feldman requested a six-month extension noting she now has the required septic records and an engineer to submit the septic permit application into the Department of Health (DOH).

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board granted a six-month extension of time to the Change of Use Permit Approval and Waiver of Site Development Plan Procedures dated October 19, 2021 for the Cross River Pharmacy at 890 Route 35, Cross River; the new expiration date is April 19, 2023. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: Mr. La Sorsa.

Cal #03-22PB

(7:10 – 9:09)

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

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

Mr. Peters requested a six-month extension because there is a 4-6 month wait for comments from the Department of Health. He noted they had made on initial submission to the DOH on November 30, 2021, and a full submission on August 25, 2022.

On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board granted a six-month extension of time to the Site Development Plan Approval and Town Stormwater Permit Approval dated May 17, 2022, for the Arbor Hills Water System at 0 Brundige Drive, Goldens Bridge; the new expiration date is May 17, 2023. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: Mr. La Sorsa.

Cal #09-22PB

(9:10 – 10:24)

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

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

Mr. Peters requested a six-month extension because there is a 4-6 month wait for comments from the Department of Health.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board granted a six-month extension of time to the Site Development Plan Approval, Wetland Permit Approval and Town Stormwater Permit Approval dated June 21, 2022, for the Indian Hills Water System, Apache Circle, Katonah; the new expiration date is June 21, 2023. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: Mr. La Sorsa.

III. PUBLIC HEARING, CONTINUED

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

(10:25 – 12:43)

Waccabuc Country Club Snack Bar, 18 Perch Bay Road, Waccabuc, NY 10597; Sheet 25A, Block 10813, Lot 1 & 0 Tarry-A-Bit Drive, Waccabuc, NY 10597; Sheet 25, Block 11155, Lot 148 (Waccabuc Country Club Co., owner of record for both lots) - Application for beachfront improvements including renovation of the boathouse, construction of a pavilion, replacement of the snack bar, and installation of accessible parking and walkways.

John Assumma, Waccabuc Country Club, was present.

There were no comments from the public.

Ms. Conran is to confirm with the Assessor and Receiver of Taxes that the addresses are 18 Perch Bay Road and 0 Tarry-A-Bit Drive.

The Board reached consensus to continue the public hearing to the December 20, 2022 meeting held at 79 Bouton Road, South Salem.

IV. SITE DEVELOPMENT PLAN REVIEW

Cal #12-22PB, Cal #36-22WP

(12:44 – 42:58)

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.

Mr. Eberts stated the 4 units in Building 9B (formerly the Heights at Brother Vic's) were previously approved by the Planning Board and are to be revised (bedroom count stays the same but units will be a little smaller) and he reviewed the additional proposals:

- 2 additional units in the basement of Building 9B;
- the 10-foot connector between Buildings 9A and 9B is to be removed;
- the vestibule will be removed from the front of Building 9A (formerly a fitness center);
- Building 9A will be extended and have 6 additional units;
- 6 additional two-story town homes with one-car garages will be added, south of Buildings 9A and 9B;
- four parking areas are to be modified;
- there will be 9,000 sf of additional green space;
- land banking of parking spaces will continue; and
- no rezoning is needed.

Ms. Andersen stated the Planning Board will follow the Town Code, conduct a SEQRA review, hold a public hearing at a later date but in the meantime written comments can be emailed to planning@lewisborogov.com or US mailed to the Planning office at 79 Bouton Road, South Salem. She noted that the Planning Board has no legal authority to issue a moratorium on building, only the Town Board has that authority to enact legislation.

Ms. Andersen stated that the Town Board is the operator of the Oakridge Water and Sewer Districts and has authority over those two systems. She noted that the Town Board will have to decide if new connections can be added to the existing water and sewer districts and residents can raise issues such as water quality during the Town Board's public comment periods.

Mr. Johannessen stated a sewer permit from the Dept. of Health would not be required.

Mr. Eberts cited the Kellard Sessions memo dated November 10, 2022 which noted that changing the uses from restaurant and fitness center to residential will reduce the demand for water and sewer.

Mr. Johannessen stated the Planning Board will act as lead agency under SEQRA and during that process there will be additional information gathering which will include asking the applicant or Town Board for reports on water quality. He noted this is not in the DEP's East of Hudson watershed but rather the First District of Norwalk's watershed.

Mr. Siebert stated that the letter to the Town Board can cite that public comment received by the Planning Board has included issues such as water quality and quantity and the connections are a threshold that must be determined prior to further planning review.

The applicant agreed to return to the December 20, 2022 or January 17, 2023 Planning Board meeting and a public hearing will be held further in the process of site plan review. Ms. Andersen noted that public comments are part of the record and included in the Planning Board's agenda packet available online at <https://www.lewisborogov.com/planningboard>

On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the Board authorized the Chair to sign a letter to the Town Board to determine whether (or not) additional water and sewer connections can be added to the Oakridge Water and Sewer Districts. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: Mr. La Sorsa.

V. WETLAND PERMIT REVIEW

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

(42:59 - 44:55)

Maple Tree Farm, 400 Smith Ridge Road, South Salem, NY 10590; Sheet 24, Block 9831, Lot 49B (Maple Tree Farm, LLC, owner of record) - Application for remediation of wetlands.

No one was present on behalf of the owner.

Mr. Johannessen stated he had met with the owners and Joe Riina, their engineer, to review the mitigation plan and they are expected to resubmit for the December 20, 2022 meeting.

Cal #37-22WP

(44:56 – 48:16)

Rose Residence, 15 Truesdale Lake Drive, South Salem, NY 10590; Sheet 36L, Block 10815, Lot 30 (Ellen and Robert B. Rose, owners of record) – Application for a floating dock.

Bob and Ellen Rose, owners, were present.

Mr. Rose stated the proposal is to replace an existing dock with a 16' x 12' floating dock made of Trex and attached to the shore by a 4' x 6' ramp.

Mr. Johannessen asked if it is connected to the lake bottom and requested the applicant supply a narrative describing how the dock is affixed to the shore. Mr. Rose agreed.

On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board determined that the review of the Rose floating dock, 15 Truesdale Lake Drive, South Salem, will be handled administratively by a permit issued by the Wetlands Inspector as the applicants have agreed to supply a narrative with additional information. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: Mr. La Sorsa.

VI. DISCUSSION

2023 Meeting and submission dates

(48:17 – 50:04)

The Board reached consensus to accept the meeting dates and deadlines as resubmitted. A copy of those dates is attached and is part of these minutes.

Mr. Kerner noted that he will not be in attendance for the December 2022 and January 2023 meetings.

VII. MINUTES OF October 18, 2022.

(50:06 – 50:30)

On a motion made by Mr. Kerner, seconded by Mr. Thompson, the Board approved the minutes of October 18, 2022 as submitted. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: Mr. La Sorsa.

VIII. NEXT MEETING DATE: December 20, 2022.

(50:31 - 50:32)

Ms. Andersen stated the next meeting is to be held in the 79 Bouton Road courtroom on Tuesday, December 20, 2022.

IX. ADJOURN MEETING

(50:33 – 54:03)

Mr. Kerner stated he would like the Board to make site visits to completed projects such as Wilder Balter, Laurel Ridge, Le Chateau,.... to see how their approvals look in real life.

On a motion made by Mr. Kerner, seconded by Mr. Thompson, the meeting was adjourned at 8:28 p.m. In favor: Ms. Andersen, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: Mr. La Sorsa.

Respectfully Submitted,



Ciorsdan Conran
Planning Board Administrator

**RESOLUTION
LEWISBORO PLANNING BOARD**

**SITE DEVELOPMENT PLAN APPROVAL
WAIVER OF SITE DEVELOPMENT PLAN PROCEDURES**

**VISTA MARKET- INSTALLATION OF PROPANE TANKS
469 SMITH RIDGE ROAD**

**Sheet 53, Block 9834, Lot 32
Cal. #14-22 PB**

November 15, 2022

WHEREAS, the subject property consists of ±3.13 acres of land, is located on 469 Smith Ridge Road within the Retail Business (RB) and R-1A Zoning Districts, and is identified on the Town Tax Map as Sheet 53, Block 9834, Lot 32 ("the subject property"); and

WHEREAS, the subject property is developed with a one-story retail market, an accessory detached building, paved parking, a private water well, and a septic system; and

WHEREAS, the developed portion of the property is located within the RB Zoning District and the undeveloped portion is located within the R-1A Zone; and

WHEREAS, the subject property is owned by Visnor Property, LLC ("the applicant"); and

WHEREAS, the applicant is proposing to relocate ~~four (4)~~ ^{three (3)} 120-gallon above-ground propane tanks to the rear (east side) of the existing building and will provide vehicle crash protection, as required ("the proposed action"); and

WHEREAS, no change of use or other physical improvements are proposed;

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

BE IT FURTHER RESOLVED THAT, the Planning Board hereby determines that the proposed action qualifies for a waiver of Site Development Plan application procedures under §220-47A(2) of the Zoning Code; and

BE IT FURTHER RESOLVED THAT, given the nature of the application and the scale of the project, the Planning Board hereby waives the requirement for a public hearing in accordance with Section 220-46D of the Zoning Code; and

BE IT FURTHER RESOLVED THAT, in addition to the above, the Planning Board has considered the written and verbal comments from the Board's professional consultants, written documentation and plans submitted by the applicant in support of its application, and the verbal commentary made during Planning Board meetings; and

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

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves the location of ~~four (4)~~ ^{three (3)} above-ground propane tanks to the rear (east) of the existing building, as illustrated on a sketch submitted by the applicant (no title block, title, or date provided) and based upon the materials presented to the Planning Board by the applicant, to date; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby delegates the final location, design, and vehicle protection measures to the Building Inspector as part of the Building Permit review process; and

BE IT FURTHER RESOLVED THAT, approval of a Site Development Plan shall expire unless a Building Permit or Certificate of Occupancy is applied for within two (2) years of the date of this Resolution or if all required improvements are not completed within three (3) years of the date of this Resolution or if the construction or use shall cease for more than one (1) year; and

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

BE IT FURTHER RESOLVED THAT, with the exception of the proposed propane tanks, any previously granted/authorized Planning Board Resolution or Site Development Plan shall remain in full force.

ADOPTION OF RESOLUTION

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

The motion was moved by: Jerome Kerner

The motion was seconded by: Charlene Indelicato

The vote was as follows:

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

Janet E Andersen
Janet Andersen November 15, 2022

**2023 PLANNING BOARD
MEETING DATES/
SUBMISSION DEADLINES**

Town of Lewisboro

Planning Board meetings are typically held on the third Tuesday of the month.

Meeting Date 7:30 p.m.	Initial Submission Deadline by 10:00 a.m. - 5 Tuesdays before meeting -	Re-submission Deadline by 10:00 a.m. - 3 Tuesdays before meeting -
January 17	December 13	December 27
February 28	January 24	February 7
March 21	February 14	February 28
April 18	March 14	March 28
May 16	April 11	April 25
June 20	May 16	May 30
July 18	June 13	June 27
August 15	July 11	July 25
September 19	August 15	August 29
October 17	September 12	September 26
November 21	October 17	October 31
December 19	November 14	November 28

Special meeting(s): TBD

11/16/2022