

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, December 20, 2022 at 7:30 p.m. The audio recording of this meeting is Lewisboro Planning Board 221220_001.MP3

Present: Janet Andersen, Chair
Charlene Indelicato
Greg La Sorsa
Bruce Thompson
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Susan Roth, AICP, Kellard Sessions Consulting
John Wolff, Conservation Advisory Council (CAC)
Ciorsdan Conran, Planning Board Administrator

Absent: Jerome Kerner

Ms. Andersen opened the meeting at 7:30 p.m. and noted the exits.

I. EXTENSION OF TIME REQUESTS

Cal #91-19WP, Cal# 10-19SW

(2:24 – 5:58)

McArthur and Salazar Residence, 40 Old Pond Road, South Salem, NY 10590, Sheet 33C, Block 11155, Lots 16, 17 & 44 (William McArthur, owner of record) - Wetland Permit Approval and Stormwater Permit Approval in connection with the reconstruction of a lakeside residence and cottage; current expiration dates are November 17, 2022.

Alan Pilch, P.E., was present on behalf of the owner.

Mr. Pilch stated the wetland and stormwater permits expired November 17, 2022 and requested a six-month extension. He noted that the project is moving forward and that resubmissions were made in February and April 2022.

Mr. Siebert stated that the Westchester Land Trust has signed the license agreement regarding mitigation work and he requested the stormwater agreement with the Town be sent to the Town Attorney in advance of the Town Board's January 9, 2023 meeting. Mr. Pilch agreed.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, a six-month extension of time to the Wetland and Stormwater Permits dated November 17, 2020 for the McArthur and Salazar Residence, 40 Old Pond Road, South Salem was granted. In favor: Ms. Andersen, Ms. Indelicato, Mr. La Sorsa and Mr. Thompson. Absent: Mr. Kerner. The new expiration dates are May 17, 2023.

Cal #10-17PB, Cal #19-22SW

(5:59 – 6:10 and 51:37 – 53:34)

Mercedes Benz of Goldens Bridge, 321 Main Street, Goldens Bridge, NY 10526, Sheet 4E, Block 11135, Lots 1, 2, 3, 4, 5, 6, 7 & 9 and Sheet 4E, Block 11137, Lot 42 (Celebrity Westchester Realty, LLC., owner of record for the nine lots) – Site Development Plan Approval for additions to existing auto showroom and service buildings, additional parking spaces and construction of a parking garage; current expiration dates are December 19, 2022. Stormwater application was submitted also.

No one was present on behalf of the owner.

Mr. Siebert stated that earlier today there was a Zoom meeting of the applicant, their consultants, the Supervisor, Planning Board consultants and administrator to review outstanding items, including sign offs from the DOT, Dept. of Health, and the Goldens Bridge Fire Dept. He noted that the applicant is close to having those outside agencies' approvals and the Board can grant a six-month extension.

On a motion made by Mr. Thompson, seconded by Ms. Indelicato, a six-month extension of time to the Site Development Plan Approval dated March 17, 2020, for Mercedes Benz of Goldens Bridge, 321 Main Street, Goldens Bridge was granted. In favor: Ms. Andersen, Ms. Indelicato, Mr. La Sorsa and Mr. Thompson. Absent: Mr. Kerner. The new expiration date is June 19, 2023.

Cal #08-18PB, #81-18WP, #10-18SW

(6:12 – 9:33)

Waccabuc Country Club, 90 Mead Street, Waccabuc, NY 10597, Sheet 22, Block 10802, Lots 61 & 37 (Waccabuc Country Club, owner of record) – Waiver of Site Development Plan Procedures Approval for a wash facility and bulk storage that includes an annual wetland monitoring report requirement which was due December 1, 2022.

John Assumma, Waccabuc Country Club, was present.

Mr. Assumma distributed a site plan with non-viable plants circled in red by the Golf Course Superintendent (Patrick Hagen) and stated that Abigail Adams, RLA, will be reexamining the plantings in April and October 2023 and submitting monitoring reports by May 31, 2023 and December 1, 2023 respectively.

On a motion made by Mr. La Sorsa, seconded by Mr. Thompson, the resolution dated December 20, 2022, to amend the previous Resolution (dated June 18, 2019) granting Site Development Plan Approval, Wetland and Stormwater Permits to the Waccabuc Country Club, 90 Mead Street, Waccabuc for the annual wetland monitoring report requirement related to the installation of a wash facility was adopted. In favor: Ms. Andersen, Ms. Indelicato, Mr. La Sorsa and Mr. Thompson. Absent: Mr. Kerner. A copy of the Resolution is attached and is part of these minutes.

II. PUBLIC HEARING, CONTINUED

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

(9:35 – 12:10)

Waccabuc Country Club Snack Bar, 18 Perch Bay Road, Waccabuc, NY 10597; Sheet 25A, Block 10813, Lot 1 & 0 Tarry-A-Bit Lane, 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.

The Board reached consensus to continue the public hearing to the February 28, 2023, meeting to be held at 79 Bouton Road, South Salem; the lack of a Building Inspector review memo and ZBA review prompted the two-month adjournment.

III. SITE DEVELOPMENT PLAN REVIEW

Cal #17-22PB

(12:11 – 19:19)

Tillmon Residence, 22 Quincy Court, Goldens Bridge, NY 10526, Sheet 7I, Block 11127, Lot 22 (Bernadette Tillmon, owner of record) – Application for the installation of solar panels.

Gregory King, Croton Energy Group, was present on behalf of the owner.

Mr. King stated that the homeowner in proposing solar panels and this location needs site plan review. He noted there is not an HOA for this street.

Ms. Andersen asked the applicant to supply neighbor comment letters with a map identifying the neighbors' locations. Mr. King agreed.

Ms. Roth noted that this was a Type II Action under SEQR.

Mr. Siebert stated that because this home is located within the residential multi-family zoning district Planning Board review is required as the development's original site plan is being amended.

The Board reached consensus to waive the site development plan procedures (including a public hearing) and requested their consultants prepare a draft resolution for the January 20, 2023 meeting.

IV. SPECIAL USE PERMIT**Cal #16-22PB**

(19:20 – 24:53)

ATC Tower, 0 Route 35 (Leon Levy Preserve), South Salem, NY 10590; Sheet 40, Block 10263, Lot 62 (American Towers Inc., owner of record) - Application for a special use permit renewal.

Lucia Chiocchio, Esq. was present on behalf of the owner.

Ms. Chiocchio stated this is an application for a special use permit renewal for an existing cell tower facility; there are no improvements proposed at the site.

Ms. Roth noted that this is:

- a Type II Action under SEQR;
- requires a public hearing;
- the gravel access driveway's condition needs to be reviewed for erosion; and
- a Kellard Sessions site visit should be scheduled.

The Board reached consensus to schedule the public hearing for February 28, 2023.

V. WETLAND PERMIT REVIEW**Cal #34-22WP, Cal #01-21WV**

(24:54 – 25:55)

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.

Ms. Andersen stated the applicant needs to establish escrow. Mr. Siebert noted he would contact the applicant.

Cal #39-22WP

(25:56 – 26:53 and 30:53 – 51:36)

Morrissey Residence, 10 Hoyt Street, South Salem, NY 10590; Sheet 36C, Block 11172, Lot 5 (Susan Morrissey, owner of record) - Application for sunroom/porch, terrace, and walkway.

Darren Mercer, AIA; and Alan Pilch, P.E.; were present on behalf of the owner.

Mr. Pilch stated that this proposal is a renovation and addition to an existing L-shaped residence. He noted that all work will be within the wetland buffer and includes:

- removal of a wall and steps;
- a new patio (23' x 15') to replace a gravel walkway;
- a new sunroom (16' x 15') built on piers with access steps; and
- +1:1 mitigation area are located at the southeast and southwest corners of the lot.

Ms. Andersen recommended the mitigation plantings be installed along the lake front instead of at the two side property lines. She asked about existing improvements – stone wall, picket fence and gate – within the Town or HOA's right-of-way and can the Planning Board approve a site plan with items off the applicant's property.

Mr. Pilch stated that the septic tank is 5' away from new sunroom's pier.

Ms. Roth noted that this is:

- a Type II Action under SEQR;
- requires wetland and stormwater permits; and
- a public hearing.

The Board reached consensus to schedule a 9 a.m. site visit on Saturday, January 14, 2023. The applicant agreed to stake out the proposed sunroom and patio and Mr. Mercer will be at the site visit.

The Board reached consensus to refer this matter to the Building Inspector (Ed Larkin, Regional Manager, La Bella Associates) with a focus on zoning compliance and the right-of-way between the road and the property line.

VI. DISCUSSION

Cal #02-20PB

(26:54 – 28:48)

Mandia Residences, 65 Old Bedford Road, Goldens Bridge, NY 10526 Sheet 4A, Block 11112, Lot 2 (Town of Lewisboro, owner of record) - Request for a partial release of the apartments' construction performance bond.

No one was present on behalf of the owner.

Mr. Siebert stated this project had a performance security posted with the Town to guarantee the construction of the apartments. He noted that the Town Board needs to first authorize the Planning Board to conduct a public hearing to discuss the partial release of that construction performance.

On a motion made by Ms. Indelicato, seconded by Mr. La Sorsa, the Board authorized the Chair to sign a memo to the Town Board regarding the partial bond release and public hearing to discuss the same for the Mandia Residences Security Agreement for construction of the four apartments at 65 Old Bedford Road, Goldens Bridge. In favor: Ms. Andersen, Ms. Indelicato, Mr. La Sorsa and Mr. Thompson. Absent: Mr. Kerner.

VII. CORRESPONDENCE

(28:49 – 29:58)

Ridgefield, CT Planning and Zoning Commission - to amend its Town Code §2.2 (inclusionary zoning definitions) and §8.8 (parking regulations in the central business district).

On a motion made by Mr. La Sorsa, seconded by Ms. Indelicato, 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 proposed changes to Ridgefield, CT's Town Code. In favor: Ms. Andersen, Ms. Indelicato, Mr. La Sorsa and Mr. Thompson. Absent: Mr. Kerner.

VIII. MINUTES OF November 15, 2022.

(29:59 – 30:26)

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board approved the minutes of November 15, 2022, as submitted. In favor: Ms. Andersen, Ms. Indelicato and Mr. Thompson. Absent: Mr. Kerner. Abstain: Mr. La Sorsa.

IX. NEXT MEETING DATE: January 17, 2023.

(53:37 – 55:04)

Ms. Andersen thanked Mr. La Sorsa for his ten years on the Planning Board. Mr. La Sorsa stated it was an honor to be on the board and commended the board members, its consultants and administrator and CAC chair for their hard work.

Ms. Andersen stated the next meeting is to be held in the 79 Bouton Road courtroom on Tuesday, January 17, 2023.

X. ADJOURN MEETING

(55:05 - 55:15)

On a motion made by Mr. La Sorsa, seconded by Ms. Indelicato, the meeting was adjourned at 8:25 p.m. In favor: Ms. Andersen, Ms. Indelicato, Mr. La Sorsa and Mr. Thompson. Absent: Mr. Kerner.

Respectfully Submitted,



Ciorsdan Conran
Planning Board Administrator

DEC 22 2022

Town Clerk
Town of Lewisboro

**RESOLUTION
LEWISBORO PLANNING BOARD**

AMENDMENT TO JUNE 18, 2019 RESOLUTION

**WACCABUC COUNTRY CLUB
CHEMICAL MIXING AND WASH FACILITY
90 MEAD STREET**

**SITE DEVELOPMENT PLAN APPROVAL
WETLAND ACTIVITY PERMIT APPROVAL
TOWN STORMWATER PERMIT**

**Sheet 22, Block 10802, Lots 61 & 37
Cal. #8-18 PB, #81-18 WP & #10-18 SW**

December 20, 2022

WHEREAS, by Resolution duly adopted on June 18, 2019, the Planning Board issued Site Development Plan Approval, a Wetland Activity Permit and Stormwater Permit to Waccabuc Country Club ("WCC") authorizing the construction and operation of a 30' x 105' chemical mixing and wash building, together with associated drainage, utility and related improvements upon WCC premises located off of Carriage House Road, a private street which extends off Mead Street; and

WHEREAS, WCC has completed construction of this facility; and

WHEREAS, Condition #32 of the June 18, 2019 Resolution provides, as follows:

Wetland mitigation areas shall be monitored for the first three (3) growing seasons following construction and planting. Monitoring reports shall detail the success of the plantings (survival rate), success of the invasive species removal program, and shall provide recommendations/action items for the next year (if any). Monitoring reports shall be submitted to the Town Wetland Inspector and Planning Board no later than December 1st of each year and shall be based upon site reconnaissance conducted by the qualified wetland scientist prior to October 15th. The first year of monitoring will be the first year that the mitigation areas have completed a full growing season. For

monitoring purposes, a growing season starts no later than May 31st; and

WHEREAS, WCC has requested that the Planning Board revise Condition #32 of the June 18, 2019 Resolution to adjust the schedule for the submission of Monitoring Reports to the Town Wetland Inspector and Planning Board; and

WHEREAS, WCC has presented adequate demonstration for the requested adjustment of this schedule;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby amends Condition #32 of the June 18, 2019 Resolution, to provide as follows:

Wetland mitigation areas shall be monitored for the first three (3) growing seasons following construction and planting. Monitoring reports shall detail the success of the plantings (survival rate), success of the invasive species removal program, and shall provide recommendations/action items for the next year (if any). The initial Monitoring Report shall be submitted to the Town Wetland Inspector and Planning Board on or before May 31, 2023. Thereafter, Monitoring Reports due under this Condition shall be submitted to the Town Wetland Inspector and Planning Board no later than December 1st of each year (beginning with submission of the second Monitoring Report on or before December 1, 2023) and shall be based upon site reconnaissance conducted by the qualified wetland scientist prior to October 15th. For monitoring purposes, a growing season starts no later than May 31st; and

BE IT FURTHER RESOLVED THAT, except as revised herein, all other plans, terms and conditions referenced, approved and contained in the June 18, 2019 Resolution shall remain in full force and 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: Greg La Forza

The motion was seconded by: Bruce Thompson

The vote was as follows:

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

Janet E. Andersen
Janet Andersen, Chair December 20, 2022