

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, January 17, 2023 at 7:30 p.m. The audio recording of this meeting is Lewisboro Planning Board 230117_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
Ciorsdan Conran, Planning Board Administrator

Absent: Jerome Kerner
John Wolff, Conservation Advisory Council (CAC)

Ms. Andersen opened the meeting at 7:31 p.m. and noted the exits.

I. DECISION

Cal #17-22PB

(2:31 - 5:43)

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.

Ms. Andersen stated the Board has received 'no objection,' letters from the neighbors.

Mr. Siebert reviewed the draft resolution noting that our Town Code requires planning review for changes such as solar panels or air conditioning condensers to approved site plans in multi-family zoning districts.

On a motion made by Mr. Thompson, seconded by Ms. Indelicato, the resolution dated January 17, 2023, granting a Waiver from Site Development Plan Procedures and Revised Site Plan Approval for the Tillmon residence, 22 Quincy Court, Goldens Bridge, was adopted. In favor: Ms. Andersen, Ms. Indelicato and Mr. Thompson. Absent: Mr. Kerner. A copy of the Resolution is attached and is part of these minutes.

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

(5:44 – 12:13 and 1:07:21 – 1:26:12)

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) – Amendment of Condition 4(c) in the Resolution granting Amended Site Development Plan Approval and Town Stormwater Permit Approval, dated March 17, 2020.

Michael Ghabrial, Director of Construction; and Rick Bohlander, JMC Consulting; were present on behalf of the owner.

Mr. Bohlander stated the Health Dept. would not approve the grey water system for fear of cross contamination with drinking water and the applicant would like to remove that system from its previous approvals.

Ms. Andersen asked for confirmation that there was a second request to allow for some site work, included in Phase I (stormwater work at north end of parcel) to be done before the final Health Dept. approval. Mr.

Bohlander agreed adding that the applicant wants to start demolition plus installation of stormwater practices.

Mr. Johannessen reviewed the draft resolution noting that it reaffirms the Negative Declaration under SEQR with the absence of the grey water systems (in the car wash and flush toilets) and that those systems were sustainability proposals which were not part of any deductions in septic calculations. He noted the second change to the previous Resolution relates to no work could commence until all outside agency approvals are obtained including:

- DEP - approval has been granted;
- DOT - in Phase 3 of application process; and
- Health Dept. – application is being processed and well yields are good.

Mr. Johannessen stated there is a lot of site work -- grading, drainage -- that can be done absent of the Health Dept. approval but no buildings could be constructed.

Mr. Siebert stated the performance security has been posted and reiterated that the grey water systems were SEQR neutral and were not relied on in the Neg. Dec.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the resolution dated January 17, 2023, granting an amendment to the Site Development Plan Approval dated March 17, 2020, for Mercedes Benz of Goldens Bridge, 321 Main Street, Goldens Bridge was adopted. In favor: Ms. Andersen, Ms. Indelicato and Mr. Thompson. Absent: Mr. Kerner. A copy of the Resolution is attached and is part of these minutes.

Mr. Bohlander asked if the amended Resolution stated that no buildings will be allowed to be constructed until after Health Dept. approval. Mr. Johannessen stated that is correct. Mr. Bohlander stated the Health Dept. is requiring six months of contaminants / PFOS data on the water treatment system and the applicant would like to construct the part of the building housing the water treatment system. Mr. Ghabrial stated that until the water treatment system, located in a closed room in the showroom building, is approved a CO cannot be issued.

Mr. Johannessen stated there is probably six months' worth of site work to complete before stating the buildings and the applicant could return to the Board for additional items such as the generator. He noted this is new information and recommended the applicant return next month with their hydrologist (WSP) and more information to understand the current proposal. Mr. Siebert requested more information from the Health Dept. Ms. Andersen requested Mr. Johannessen contact the applicant's engineers, added this matter to the February 28, 2023 agenda and requested a timeline for when the six months of demonstrating the system falls in the phased construction.

II. EXTENSION OF TIME REQUEST

Cal #03-13PB, Cal #03-16WP, Cal #19-21SW

(12:14 – 18:01)

“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) – Request for two 90-day extensions of time to the Resolution granting Final Subdivision Plat Approval, Wetland Activity and Stormwater Permits, dated August 16, 2022 for the construction of a 13 single-family houses.

Eric Moss, owner, was present.

Mr. Moss requested two 90-day extensions of time to complete the road construction. He noted they are waiting for NYSEG to finish its engineering plans. Mr. Siebert stated that the Board can grant two

extensions for a total of 180 days and that the extension will apply to all three approvals (site plan, wetland and stormwater).

Ms. Andersen stated the Board is in receipt of several comment letters regarding the construction trailer. Mr. Moss stated the green office trailer is there for the road construction crew and agreed to move it to a different and less visible part of the site.

On a motion made by Mr. Thompson, seconded by Ms. Indelicato, two 90-day extensions of time to the Resolution granting Final Subdivision Plat Approval, Wetland Activity and Stormwater Permits; dated August 16, 2022, for "Silvermine Preserve," Silvermine Drive & Lockwood Road, South Salem were granted. In favor: Ms. Andersen, Ms. Indelicato and Mr. Thompson. Absent: Mr. Kerner. The new expiration date is Monday, August 14, 2023.

III. SCHEDULE PUBLIC HEARING

Cal #02-20PB

(18:02 – 19:39)

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.

Ms. Andersen stated the Board had written the Town Board requesting the authority to hold a public hearing to discuss a partial release of the apartments' construction performance bond and the Town Board granted that request.

The Board reached consensus to schedule a public hearing for Tuesday, February 28, 2023, and requested its consultants to draft a resolution.

IV. SUBDIVISION

Cal #15-22PB

(19:40 – 31:14)

Vandervoort/Rising Starr Subdivision, 93 Silver Spring Rd, Wilton, CT 06897; Sheet 48, Block 10057, Lots 14, 19, 84 & 134 (SJK, LLC & PVK, LLC, owners of record) - Application for a subdivision.

Peter Gregory, P.E.; and Kelly Stackpole, Rising Starr Horse Rescue; were present on behalf of the owner.

Mr. Gregory stated Rising Starr Horse Rescue is proposing to subdivide the ± 150-acre lot into two lots; parcel 1 (± 40 acres) would be for equestrian use with no additional construction and parcel 2 (± 111 acres) would remain vacant. He noted the plat is being revised to show wetlands, topography, wells, septic and a buildable area in the southeast corner of the proposed new lot. Mr. Gregory stated the owner has requested that Rising Starr continue using the existing driveway which accesses Silver Spring Road in Wilton, CT.

Ms. Andersen asked about the existing easement. Mr. Gregory stated they were trail easements and will research further. He noted that there has not been a response from the Building Inspector, but he believes that the updated plat will demonstrate zoning compliance for setbacks, lot areas, and buildable areas. Mr. Johannessen recommended waiting for the revised plat and completed zoning analysis before referring this matter to the Building Inspector again.

V. WETLAND PERMIT REVIEWS

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

(31:15 – 36:10)

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

Brian Cooney, owner, was present.

Ms. Andersen stated that the Board did receive a revised submission but there was not a review because the applicant has not established an escrow account.

Mr. Johannessen stated there will be future consultants' claims for plan review plus drafting a memo and permit.

The Board reached consensus that the applicant establish a \$1,000 escrow. Mr. Cooney agreed and reviewed next steps.

Cal #39-22WP, Cal #01-23SW

(36:11 – 1:01:06)

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.

Ms. Andersen reported on the site visit on January 14, 2023.

Attendees:

Applicant: Alan Pilch, Darren Mercer, Susan Morrissey, and Kathy Lyness
Planning Board: Janet Andersen, Charlene Indelicato, and Bruce Thompson
CAC: John Wolff and Joe Tansey.

The walk started on Hoyt Street and the group noticed the encroachments such as a stone wall near the road which may extend to the neighbor to the east. The site has a paved driveway flanked by a water sluice, both the driveway and sluice appeared capable of carrying water rapidly down the hill towards the lake.

Mr. Mercer described the proposed dormer, addition, piers, crawl space, outdoor shower, heat pump, propane tank, patio, steps, stone wall, plantings, and lawn area.

Mr. Pilch described the approximate location of the septic system, showed the cap to the septic tank and the stormwater treatment on the north side of the house.

The group noted the presence of a large Norway spruce to the side where this disturbance would take place but could not find the 8" oak shown on the plans.

Mr. Thompson asked if the patched roadbed is effective at channeling stormwater and is concerned that road runoff will be added to the applicant's driveway run off.

Mr. Pilch described the closed detention system where the roof leaders will send the water into a detention tank that will then slowly discharged into the planting area thereby slowing the peak flow rate. He explained the tank is now planned at a different location than described on the site walk.

Mr. Johannessen asked if a license agreement should be in place for the existing encroachments in the town right-of-way.

Mr. Johannessen reviewed the Kellard Sessions memo.

Mr. Pilch stated he will seek a no objection letter from the Health Dept. and that is done by a referral from the Building Dept.

Ms. Andersen requested the resolution include a notice that there is a five-year septic pumping requirement in town.

The Board reached consensus to refer this to the Building Inspector again and ask for an opinion on the encroachments in the right-of-way and the egress window in the setback.

Cal #41-22WP and Cal #20-22SW

(1:01:07 – 1:07:10)

Nelson Residence, 30 Gideon Reynolds Road, Cross River, NY 10518; Sheet 16, Block 10533, Lot 515 (John & Christina Nelson, owners of record) – Application for a pool, patio and plantings.

Bob Sullivan, Belmont Landscape Design, LLC; was present on behalf of the owner.

Mr. Sullivan stated that the proposal is to construct a pool, and he is working on responses to the Kellard Sessions memo and the DEC requirements. He noted he would gather neighbor letters.

Ms. Andersen asked if the two oak trees can be saved. Mr. Sullivan stated that one tree blocks the sun at the pool site and the other is close to the house and is located where the Cultec units are proposed.

Mr. Johannessen noted that the plans need more zoning data and recommended that a referral to the Building Inspector wait until the plans are revised.

The Board reached consensus to refer this matter to the Building Inspector upon receipt of the revised plans.

VI. MINUTES OF December 20, 2022.

(1:07:15 - 1:07:17 and 1:26:13 – 1:26:22)

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board approved the minutes of December 20, 2022, as submitted.

In favor: Ms. Andersen, Ms. Indelicato and Mr. Thompson. Absent: Mr. Kerner.

VII. POST-CONSTRUCTION SITE VISITS

(1:26:23 – 1:26:03)

Ms. Andersen stated the Board has discussed going back to visit projects after completion to learn how their approvals look in real life. She asked that members keep a list and gave examples: Wilder Balter, Country Children's Center, Laurel Ridge, Mandia apartments and Boro Café. This list will be sent to Mr. Johannessen who can notify the Board when a project has its CO. Mr. Siebert reminded the Board of the Open Meetings Law and that these visits are only for observation and a report can be given as part of a regular meeting.

VIII. NEXT MEETING DATE: February 28, 2023.

(1:26:04 – 1:29:11)

Ms. Andersen stated the next meeting is to be held in the 79 Bouton Road courtroom on Tuesday, February 28, 2023.

IX. ADJOURN MEETING

(1:29:12 – 1:29:20)

On a motion made by Mr. Thompson, seconded by Ms. Indelicato, the meeting was adjourned at 9:01 p.m. In favor: Ms. Andersen, Ms. Indelicato and Mr. Thompson. Absent: Mr. Kerner.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ciorsdan Conran".

Ciorsdan Conran
Planning Board Administrator

**RESOLUTION
LEWISBORO PLANNING BOARD**

**WAIVER FROM SITE DEVELOPMENT PLAN PROCEDURES
AND REVISED SITE PLAN APPROVAL**

**BERNADETTE TILLMON, OWNER
GREGORY KING, CROTON ENERGY GROUP, INC., APPLICANT**

**22 QUINCY COURT, GOLDENS BRIDGE, NEW YORK
SOLAR INSTALLATION**

**Sheet 7I, Block 11127, Lot 22
Cal. # 17-22 P.B.**

January 17, 2023

WHEREAS, Bernadette Tillmon (“Owner”) is the record owner of premises located at 22 Quincy Court, Goldens Bridge, New York, designated as Sheet 7I, Block 11127, Lot 22 on the Tax Map of the Town of Lewisboro (the “Subject Parcel”); and

WHEREAS, the Subject Parcel is improved with a single-family residence situated within and part of “Wild Oaks,” an approved multi-family development existing within the R-MF zoning district; and

WHEREAS, the Wild Oaks development was the subject of a site development plan approval issued by the Planning Board of the Town of Lewisboro (the “Planning Board”) in or about 1975; and

WHEREAS, Owner intends to install a solar photovoltaic system on the roof of the residence situated on the Subject Parcel, and application has been made by Gregory King, Croton Energy Group, Inc., 75 South Riverside Avenue, Croton-on-Hudson, New York, on Owner’s behalf for amended site development plan approval authorizing this installation; and

WHEREAS, because the Subject Parcel is situated in the R-MF zoning district, a revised site development plan approval, pertaining to the Subject Parcel, is necessary for purposes of the proposed roof-mounted solar photovoltaic system; and

WHEREAS, the Owner and Applicant seek a waiver of site development plan procedures pursuant to §220-47 of the Town Code of the Town of Lewisboro, and a

revised site development plan approval authorizing the installation of the proposed solar photovoltaic system on the Subject Parcel; and

WHEREAS, the Applicant and Owner have provided correspondence from Thomas F. Petersen, R.A. bearing his seal describing the roof-mounted installation and attesting to its compliance with design loads and applicable codes; and

WHEREAS, the Applicant and Owner have submitted plans prepared by Thomas F. Petersen, R.A. dated and last revised July 10, 2022, including those labeled Zoning Information, Site Plans Z-000.00, General Notes G-000.00, System Layout A-000.00, Roof Layout/Details S-000.00, Labels L-000.00, Spec Sheets G-001.00, Spec Sheets G-002.00, and Electrical 3-Line & 1-Line E-000.00; and

WHEREAS, the Applicant appeared before the Planning Board on December 20, 2022 and January 17, 2023 in support of the application; and

WHEREAS, the Applicant and Owner submitted a site map depicting neighboring residences and written statements from the owners of these residences stating they have no objection to the proposed installation; and

WHEREAS, the Planning Board obtained guidance from the Town Planning Consultant and the Planning Board Attorney concerning the application on January 17, 2023; and

WHEREAS, the Planning Board has duly considered the standards set forth in §220-47 of the Town Code of the Town of Lewisboro for the waiver of site development plan procedures; and

WHEREAS, the Planning Board has duly considered the standards set forth in §220-48 of the Town Code of the Town of Lewisboro with respect to the issuance of site development plan approval;

NOW, THEREFORE BE IT RESOLVED THAT, the Planning Board waives site development procedures pursuant to §220-47 of the Town Code of the Town of Lewisboro for this application; and

BE IT FURTHER RESOLVED THAT, the Planning Board grants a revised site development plan to authorize the installation of a solar photovoltaic system on the roof of the residence situated on the Subject Parcel, as presented by the Applicant; and

BE IT FURTHER RESOLVED THAT, the Planning Board Secretary is directed to file a copy of this Resolution with the Building Inspector 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: Charlene Indelicato
The vote was as follows:
JANET ANDERSEN aye
JEROME KERNER absent
CHARLENE INDELICATO aye
BRUCE THOMPSON aye

Janet E. Andersen
Janet Andersen, Chair **January 17, 2023**

**AMENDMENT TO RESOLUTION
LEWISBORO PLANNING BOARD**

**AMENDED SITE DEVELOPMENT PLAN APPROVAL
TOWN STORMWATER PERMIT**

**MERCEDES BENZ OF GOLDENS BRIDGE
321 MAIN STREET (NYS ROUTE 22)**

**Sheet 4E, Block 11135, Lot 1,2,3,4,5,6 and 7
Sheet 4E, Block 11137, Lots 9 and 42
Cal. #10-17 P.B.**

January 17, 2023

WHEREAS, the Planning Board conditionally approved an application from Celebrity Motor Cars, LLC (hereafter referred to as “the applicant”) for Amended Site Development Plan Approval and a Town Stormwater Permit in connection with property located at 321 Main Street (NYS Route 22) within the GB Zoning District (hereafter referred to as “the subject property”); and

WHEREAS, the subject property totals ±5.1 acres of land and consists of several Tax Parcels identified on the Town of Lewisboro Tax Maps as Sheet 4E, Blocks 11135 and 11137, Lots 1, 2, 3, 4, 5, 6, 7, 9 and 42; and

WHEREAS, reference is made to a Planning Board Resolution, dated March 17, 2020, for Cal. #10-17 P.B., which was extended on December 20, 2022 to December 19, 2023; and

WHEREAS, the conditions to be fulfilled prior to the signing of the Site Development Plans by the Planning Board Administrator and Chair have not yet been fully satisfied and the Site Development Plans have not been endorsed; and

WHEREAS, Condition #4 of the March 17, 2020 Resolution requires the applicant to obtain all Town, County, City, State and Federal permits/approvals, prior to the signing of the Site Development Plans; and

WHEREAS, while applications have been filed with the Westchester County Department of Health (WCDH), as required, and review of said applications is underway, approval from the WCDH remains pending; and

WHEREAS, through conversations had with the applicant, its representatives, and the WCDH, it's the Planning Board's understanding that the delay in obtaining the WCDH approvals is not due to project design or the ability of the water systems to be approved, but rather with the time required to complete the technical review, and addressing technical comments which will likely

have no significant impact or change to the Site Development Plans or to aspects of the project not under the Planning Board's purview; and

WHEREAS, the applicant has requested that the Planning Board amend its Resolution to allow for the signing of the Site Development Plan and the commencement of site work prior to the issuance of WCDH approvals; and

WHEREAS, the Negative Declaration of Significance for the project, issued by the Planning Board on August 20, 2019, makes reference to gray water reclamation systems for both vehicle washing and to recycle water from sinks to be reused within toilet tanks; and

WHEREAS, the WCDH has opined that it would not permit either system due to the potential for cross contamination with potable water and; therefore, both systems have been removed from the project by the applicant; and

WHEREAS, the applicant has stated that the reclamation systems were not required by any agency and were not used for mitigation, deductions, or credits when evaluating septic design flow. These systems were proposed by the applicant as a "green practice" to further the project's sustainability efforts; and

WHEREAS, while the reclamation systems were viewed as a positive by the Planning Board, they were not a major contributor in the Planning Board's decision-making process under SEQRA and the Town Code.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board hereby reconfirms its Negative Declaration of Significance, dated August 20, 2019, with the absence of the previously proposed gray water reclamation systems described herein; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby amends its March 17, 2020 Resolution to allow for the signing of the Site Development Plans prior to issuance of WCDH approval; and

BE IT FURTHER RESOLVED THAT, Building Permits shall be issued for site work only (demolition, grading, clearing, drainage, pavements, etc.), as determined by the Building Inspector in consultation with the Town Consulting Engineer, and no building construction shall be authorized or commenced prior to the issuance of all WCDH approvals; and

BE IT FURTHER RESOLVED THAT, with the exception allowing for the signing of the Site Development Plans and the commencement of site work prior to obtaining WCDH approval, all other recitals, conditions, plans, and procedures set forth in the March 17, 2020 shall remain in force as originally approved; and

BE IT FURTHER RESOLVED THAT, the sequence of construction and project phasing, as provided on the Site Development Plans, shall remain as originally approved.

ADOPTION OF RESOLUTION

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

The motion was moved by: Charlene Indelicato

The motion was seconded by: Bruce Thompson

The vote was as follows:

JANET ANDERSEN

aye

JEROME KERNER

absent

CHARLENE INDELICATO

aye

BRUCE THOMPSON

aye


Janet Andersen, Chair **January 17, 2023**