

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, February 28, 2023 at 7:30 p.m. The audio recording of this meeting is Lewisboro Planning Board 230228_001.MP3

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

Absent: None

Ms. Andersen opened the meeting at 7:33 p.m., noted the exits and welcomed newly appointed member John Gusmano back to the Planning Board and thanked him for volunteering his time.

I. EXTENSION OF TIME REQUESTS

Cal #08-14PB, Cal# 95-14WP, Cal# 20-14SW

(2:19 – 4:57)

Goldens Bridge Village Center, NYS Route 22, Goldens Bridge, NY 10526; Sheet 4, Block 11126, Lot 07 (Stephen Cipes, owner of record) – The Planning Board Resolution for Site Development Plan Approval, Wetland Activity Permit Approval and Town Stormwater Permit granted on January 21, 2020 for modifications to the existing shopping center expired January 21, 2023.

Rocco Triglia was present on behalf of the owner.

Mr. Triglia requested a one-year extension, and he noted that construction drawings should be submitted in the next few months.

On a motion made by Ms. Indelicato, seconded by Mr. Gusmano, a one-year extension of time to the Site Development Plan Approval, Wetland Activity Permit Approval and Town Stormwater Permit issued on January 21, 2020, to Goldens Bridge Village Center, 321 Main Street, Goldens Bridge was granted. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. The new expiration date is January 22, 2024.

Cal #04-19PB, Cal #17-19WP, Cal #06-19SW

(4:58 – 7:17)

Pound Ridge Stone, 2 West Road, South Salem, NY 10590; Sheet 49B, Block 9831, Lot 1 (Two West Road LLC, owner of record) – The Planning Board Resolution for a Negative Declaration of Significance, Site Development Plan Approval, Special Use Permit Approval, Town Wetland Activity Permit Approval and Town Stormwater Permit Approval granted on August 17, 2021 for site upgrades including additional parking and storage areas expired February 17, 2023.

David Moorman, owner, was present.

Mr. Moorman requested a six-month extension of time and noted that he is working on the outstanding items such as the performance bond and highway permit.

On a motion made by Mr. Thompson, seconded by Mr. Kerner, a six-month extension of time to the Site Development Plan Approval, Special Use Permit Approval, Town Wetland Activity Permit Approval and Town Stormwater Permit Approval issued on August 17, 2021 was granted. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. The new expiration date is August 17, 2023.

In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

II. PUBLIC HEARINGS

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

(7:18 - 22:30)

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; Dawn McKenzie, RLA, Insite Engineering; and Michael Sirignano, Esq.; were present.

Ms. Andersen stated this is a continuation of the public hearing which was opened on September 20, 2022.

Ms. McKenzie updated the Board on reviews from outside agencies:

- the ZBA granted the area and use variances sought;
- the DEP is reviewing a complete application; and
- the Dept. of Health is reviewing the septic design.

Ms. McKenzie stated that the proposed septic location was shifted to where a basketball court is located currently, and the stormwater basin is moved slightly up the hill. She noted that no additional trees will be cut and there will not be a basketball court at the site.

Mr. Sirignano stated that the neighbors to the east and west provided positive feedback during the ZBA hearing.

No comments have been received from the public.

Mr. Sirignano requested the public hearing be closed. Ms. Andersen noted DEP and Dept. of Health comments are still outstanding plus the memo from the former Building Inspector noted a few open firemanic items. Mr. Johannessen reiterated that the Board is waiting for further comments from outside agencies, including the South Salem Fire Dept.

Mr. Kelly requested a meeting with the applicant to discuss NYS fire code and fire truck turning radii. Ms. McKenzie noted there is a fire lane, underground water storage tank for firefighting and sprinklers in the building. She stated it is not intended for fire trucks to travel down to the lake, but emergency vehicles can.

Mr. Kerner asked if remarks from the outside agencies will affect the public. Mr. Johannessen noted that there are design issues that could be potentially affected by those reviews and the DEP variance is still outstanding.

The board reached consensus to have the consultants prepare a draft resolution for the March 21, 2023 meeting and keep the public hearing open.

Cal #02-20PB, Cal #04-20SW

(22:31 – 26:21)

Mandia Residences, 65 Old Bedford Road, Goldens Bridge, NY 10526; Sheet 4A, Block 11112, Lot 2 (65 Old Bedford, LLC; owner of record) - The Planning Board Resolution for Site Development Plan Approval, Special Use Permit Approval and Town Stormwater Permit Approval granted on June 19, 2020 included a construction performance bond for the four apartments and a request for a partial bond release has been submitted.

Bruce Mandia, owner, was present.

Prior to the start of the meeting, Mr. Mandia 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.

Mr. Mandia requested a partial release for the performance bond established to guarantee the completion of infrastructure associated with the renovation of an existing building into a multi-family dwelling (four (4), 1-bedroom apartments). He noted that the work is completed and the units are rented.

The public hearing was opened at 7:55 p.m.

There were no public comments on this matter.

On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the Board closed the public hearing for the Mandia Residences, 65 Old Bedford Road, Goldens Bridge at 7:57 p.m. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

Mr. Siebert reviewed the draft resolution.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board granted a partial release (90%) of the performance bond for the Mandia Residences, 65 Old Bedford Road, Goldens Bridge. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Against: None. A copy of the Resolution is attached and is part of these minutes.

III. DECISION

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

(26:22 – 33:33)

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) – Based on the applicant's January 17, 2023 request for an amendment of the Approving Site Development Plan Approval and Town Stormwater Permit Approval Resolution (dated March 17, 2020) and Amended Resolution (dated January 17, 2023) for installation of a water treatment system.

Thomas Maoli and Michael Ghabrial, Mercedes Benz; Stephen Spina, JMC Consulting; and Michael Sirignano, Esq.; were present.

Mr. Siebert reviewed the draft resolution which will allow for a building permit to be issued prior to Dept. of Health approval. He noted that the project sequencing and phasing remain in place and can be amended only by the Building Inspector and Town Engineer.

On a motion made by Mr. Gusmano, seconded by Ms. Indelicato, the resolution dated February 28, 2023, to amend the previous Resolutions (dated March 17, 2020 and January 17, 2023) for Mercedes Benz of Goldens Bridge, 321 Main Street, Goldens Bridge was adopted. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None. A copy of the Resolution is attached and is part of these minutes.

Mr. Sirignano stated that the legal documents have been drafted and reviewed by Mr. Siebert. He noted that the GBFD did request a change to one agreement and will not be responsible for inspections of the dry hydrant and water storage tank.

Mr. Siebert stated that he would contact the Supervisor about signing the licensing agreements.

IV. SUBDIVISION

Cal #15-22PB

(33:34 – 39:38)

Vandervoort / Rising Starr Subdivision, 93 Silver Spring Road, 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.; was present on behalf of the owner.

Mr. Gregory stated the proposal is a two-lot subdivision. He noted that the plans now show buildable areas for parcel 1 and 2 which avoid the wetlands and steep slopes. Mr. Gregory distributed two letters of support for the Rising Starr Horse Rescue.

Mr. Johannessen reviewed the Kellard Sessions memo, and he stated the current submittal needs only a few updates.

The Board reached consensus to refer this matter to the Building Inspector and to schedule the public hearing for March 21, 2023.

V. SITE DEVELOPMENT PLAN REVIEW

Cal #18-22PB

(39:39 - 1:01:47)

Bichon LLC, 876 Route 35, Cross River, NY 10518; Sheet 20, Block 10801, Lot 2 (Bichon LLC – owner of record) – Application for a change of use from residential to commercial (professional office and outdoor storage of containers).

Patrick Croke, AIA, and Michael Sirignano, Esq.; were present on behalf of the owner.

Mr. Sirignano stated the property has a new owner who has cleaned up the site and is proposing a physical therapy office in the building and empty dumpster storage business in the yard.

Mr. Croke stated the existing residence did not require many changes to convert it to a physical therapy office. He noted that five parking spaces are required and the chain-link fence along the eastern property line (Cameron's side) is to be restored and screened with mesh.

Mr. Sirignano stated a variance will be applied for to have uncovered dumpsters. He noted that the dumpsters have been at the site since summer 2022.

Mr. Gusmano asked what industries the dumpsters will be servicing. He noted the proximity to the wetlands.

Mr. Kerner requested business plans and asked who would be tasked with monitoring these dumpsters for residue / runoff. Mr. Sirignano agreed to provide that information.

Mr. Wolff echoed Mr. Kerner's concern about what was stored in the dumpsters.

Ms. Indelicato asked for more information on the dumpster company's lease agreement and if there has been any leeching or soil testing. Mr. Sirignano agreed to research this further.

Mr. Croke stated the dumpsters would vary in size from 20- to 30-cubic yards.

Mr. Thompson stated a use variance would need to be sought.

The Board reached consensus to refer this matter to the Building Inspector for zoning compliance, multiple uses on one property and the storage of uncovered dumpsters.

The Board agreed the plans were too preliminary to refer this matter the Westchester Planning Board or to schedule a site visit at this meeting.

Mr. Johannessen reviewed the Kellard Sessions memo, and asked for more information on how the dumpsters are being delivered / deployed and at what frequency. He noted there is an off-site DEC wetland, and that this property is located within their 'check zone.'

VI. WETLAND PERMIT REVIEW

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

(1:01:48 – 1:12:11)

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.

The applicant requested this matter be adjourned to the March 21, 2023 meeting.

Ms. Andersen noted that the escrow balance is zero and needs to be replenished.

Cal #39-22WP

(1:02:12 – 1:10:27)

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.

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

Mr. Pilch stated the addition is on piers 5 feet from the septic system and the architectural drawings have received a "no objection," stamp from the Dept. of Health. He noted the improvements in the Town right-of-way had been referred to the Building Inspector but his January 18, 2023 memo did not comment on them. Mr. Siebert stated the Town Attorney is reviewing the matter for a possible license agreement.

Mr. Pilch stated most of the consultant's comments have been addressed and asked that a public hearing be scheduled. Ms. Andersen requested comment letters from the neighbors.

Mr. Johannessen stated a Town stormwater permit may be required.

On a motion made by Mr. Kerner, seconded by Mr. Gusmano, the Board determined that construction of the sunroom / porch, terrace and walkway at the Morrissey Residence, 10 Hoyt Street, South Salem, will be handled administratively under a permit issued by the Wetlands Inspector on the condition that the Town determine whether (or not) a license agreement for improvements in the Town right-of-way is required. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

Cal #42-22WP and Cal #21-22SW

(1:10:28 – 1:19:42)

Simpkins Residence, 120 Mill River Road, South Salem, NY 10590; Sheet 45, Block 10299, Lot 86 (Nancy Simpkins, owner of record) – Application for an addition to an existing residence.

Patrick Croke, AIA; was present on behalf of the owner.

Mr. Croke stated the proposed bedroom and en suite bath addition is within the 150' wetland buffer. He noted that Stephen Coleman delineated the wetlands; a mitigation planting plan and stormwater system have been developed.

Mr. Johannessen stated a flood development permit is required and a DEC validation block should be added to the plan.

The Board reached consensus to refer this matter to the Building Inspector.

On a motion made by Mr. Kerner, seconded by Mr. Thompson, the Board determined that construction of the bedroom and en suite bath addition at the Simpkins Residence, 120 Mill River Road, South Salem, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

Cal #01-23WP

(1:19:43 – 1:26:59)

Vitiello Residence, 43 Conant Valley Road, Pound Ridge, NY 10576; Sheet 49, Block 9827, Lot 100 (Linda & Michael Vitiello – owners of record) – Application for driveway improvements.

Peter Gregory, P.E.; was present on behalf of the owner.

Mr. Gregory stated the proposal is to pave a 3,300 sf section of a shared 700' gravel driveway near the Vitiello's garage and shed. He noted a stormwater system has been developed to capture the driveway runoff before it enters the wetlands and stream.

Mr. Johannessen stated the mitigation is appropriate and acknowledges the infiltrator will be beneficial stormwater management.

Mr. Wolff asked about the project's footprint and if any trees are to be removed. Mr. Gregory stated it follows the existing footprint and no trees are to be removed.

Mr. Kerner asked for additional grading / curbing instructions on the plan. Mr. Gregory agreed.

Ms. Indelicato asked if there are comment letters from the neighbors. Mr. Johannessen noted years ago the abutter received a wetland violation for paving their driveway; driveways in this development are to be gravel.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board determined that the driveway improvements at the Vitiello residence, 43 Conant Valley Road, Pound Ridge, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

Cal #02-23WP

(1:27:00 – 1:39:51)

Ritacco Pool, 37 Gideon Reynolds Road, Cross River, NY 10518; Sheet 16, Block 10533, Lot 423 (George & Eileen Ritacco, owners of record) – Application for a pool.

George & Eileen Ritacco, owners; and Peter Gregory, P.E.; were present.

Mr. Gregory stated the proposal is to install a propane-heated 18' x 36' in-ground gunite swimming pool; the pool would replace existing lawn. He noted a drawdown mitigation area will be located near the driveway and boulders will be installed along the wetland line. Mr. Gregory stated community sewer and water service the site and the sanitary line will need to be moved to avoid the pool.

Ms. Andersen asked if this would be a salt or chlorine pool and raised the concern of salt being released during drawdowns. Ms. Ritacco stated she would do either and wants to be environmentally friendly.

The Board and applicant discussed moving the pool away from the wetlands.

Mr. Johannessen reviewed the Kellard Sessions memo.

The Board reached consensus to refer this matter to the Building Inspector.

VII. WETLAND VIOLATION

Cal #01-23WV

(1:39:52 – 1:40:25)

Mr. Siebert stated this matter is adjourned to the March 21, 2023 meeting.

VIII. DISCUSSION

Cal #06-17PB

(1:40:26 – 1:57:31)

Wolf Conservation Center, Buck Run, South Salem, NY 10590; Sheet 21, Block 10803, Lots 3, 65, 67, 81, 82, 83, 86 & 88 (Wolf Conservation Center, owner of record) - Application for a Subdivision and Special Use Permit associated with a private nature preserve.

Spencer Wilhelm, Wolf Conservation Center; Janet Giris, DelBello Donnellan Weingarten Wise and Wiederkehr; and Matthew Girona, Bibbo Associates; were present.

Ms. Giris stated this application is for a subdivision, which will combine six lots into two lots and combine 11 acres from the Old Field Preserve with the other Wolf Center lots. She noted the applicant now owns all the lots on Buck Run except the lot located at the northwest corner of Route 35 and Buck Run.

Ms. Giris stated other approvals related to the project include:

- a special use permit for a private nature preserve;

- site development plan approval;
- wetland permit approval;
- stormwater permit approval;
- ACARC approval;
- Dept. of Health;
- DOT; and
- DEP.

Mr. Gironda stated Buck Run is a private road that will be widened to 24' and repaved. He noted the parking lot would allow for school bus turn around. Mr. Gironda stated the residence at 3 Buck Run is to be demolished and replaced with the 47,000 sf educational pavilion. He noted other improvements- sleeping pods, composting toilets, parking layout, fire lane, stormwater basins, mitigation tree planting plan, and dry hydrant.

Mr. Johannessen stated Bill Canavan (HydroEnvironmental Solutions, Inc.) will review the new wells and 72-hour pump tests.

Ms. Giris stated they had met with the SSFD previously and that Ed Larkin (La Bella Associates) will prepare a denial letter referring the existing wolf enclosures' fences to the ZBA for a height variance.

The Board reached consensus to review the EAF, Part 2 at the March 21, 2023 meeting.

IX. SCHEDULE A POST-CONSTRUCTION SITE VISIT

Cal #10-15 PB, Cal #20-17WP, Cal #5-17SW

(1:57:32 – 1:59:14)

Lewisboro Commons (Wilder Balter), 100 Beekman Lane, Goldens Bridge, NY 10526; Sheet 5, Block 10776, Lots 19, 20 & 21 (Lewisboro Commons Housing Development Fund Co., Inc., owner of record)

Ms. Andersen stated the owners of the Lewisboro Commons and the Supervisor invited the Board to tour the apartment complex. She asked the Board to save these timeslots:

Wednesday, March 15th at 2 p.m.

Saturday, March 18th at 10 a.m.

Mr. Kelly stated the CO was issued today and the site looks terrific.

X. MINUTES OF January 17, 2023.

(1:59:15 -1:59:35)

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board approved the minutes of January 17, 2023, as submitted.

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

XI. NEXT MEETING DATE: March 21, 2023.

(1:59:36 – 1:59:44)

Ms. Andersen stated the next meeting is to be held in the 79 Bouton Road courtroom on Tuesday, March 21, 2023.

XII. ADJOURN MEETING

(1:59:45 – 2:00:44)

On a motion made by Mr. Kerner, seconded by Mr. Gusmano, the meeting was adjourned at 9:33 p.m. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

Respectfully Submitted,

A handwritten signature in black ink, reading "Ciorsdan Conran". The signature is written in a cursive, flowing style.

Ciorsdan Conran
Planning Board Administrator