

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, March 21, 2023 at 7:30 p.m. The audio recording of this meeting is Lewisboro Planning Board 230321_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

Absent: John Wolff, Conservation Advisory Council (CAC)

Ms. Andersen opened the meeting at 7:32 p.m., wished everyone Happy Spring and noted the exits.

I. PUBLIC HEARINGS

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

(1:59 – 4:50)

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 and that the applicant requested an adjournment to the April 18, 2023 meeting.

No comments have been received from the public.

Ms. McKenzie updated the Board and stated that:

- the DEP comments have been received and are being addressed;
- the WCDOH comments have been received and are being addressed; and
- she expects the DEP variance very soon.

Mr. Johannessen requested copies of the correspondence from the DEP and WCDOH. The applicant agreed.

The board agreed to continue the public hearing until the April 18, 2023 meeting.

Cal #15-22PB

(4:51 – 13:29)

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 two-lot subdivision.

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

Ms. Andersen stated this matter has been referred to the Building Inspector for zoning compliance. Mr. Johannessen noted one of the outstanding items from the Kellard Sessions memo is a larger copy of the plat with slope analysis to aid in building area determination of the two lots. Mr. Gregory agreed to submit a large copy along with the slope analysis.

Mr. Siebert stated the plat needs sign off from Wilton, CT. Ms. Conran noted that the Town of Wilton did receive a public hearing notice.

Ms. Stackpole stated that she has spoken to the Building and Planning offices in Wilton and was told that once the plat was filed in Westchester County it will also need to be filed in Wilton.

Three written comments have been received from the public; one noted concern about a well-attended Halloween event which created an increase in traffic and attendees were parking on both sides of the street making the road very narrow for through traffic.

Ms. Stackpole stated the event had 1,200 people in three hours. She noted that parking is usually near the riding arena, but the Halloween event had an unexpectedly large turnout. Ms. Stackpole stated she has been in contact with the neighbors and will continue to work with the Wilton police for future events' traffic control.

Ms. Andersen stated this public hearing will be adjourned to the April 18, 2023 meeting.

The Board reached consensus to have the consultants begin drafting a resolution.

II. SITE DEVELOPMENT PLAN REVIEW

Cal #01-23PB

(13:30 – 34:06)

Waccabuc Country Club (WCC) pickleball courts, 74 Mead Street, Waccabuc, NY 10597; Sheet 22, Block 10802, Lot 23 (Waccabuc Country Club Co., owner of record) - Application for a Waiver of Site Development Plan Procedures for the installation of four pickleball courts on an existing residence's tennis court.

John Assumma, Waccabuc Country Club; Dawn McKenzie, RLA, Insite Engineering; and Michael Sirignano, Esq.; were present.

Mr. Sirignano stated the proposal is to resurface the existing tennis court and convert it into four pickleball courts. He noted WCC purchased 74 Mead Street in 2021, the 6.1-acre parcel abuts the clubhouse property and contains a house, pool and tennis court. Mr. Sirignano stated a pedestrian-only wood chip path would connect the courts to the clubhouse and there will be no lighting, no after dark use, no heavy machinery, and no car traffic.

Ms. McKenzie stated the California corners on the tennis court are to be filled in, the court restriped and the 10' black chain-link fence is to remain, and a green wind screen is to be installed on all four sides. She noted that the proposal received ACARC approval at its March 15, 2023 meeting.

Mr. Assumma stated the courts have been used for pickleball since 2021 and the house is to be rented to members only.

Mr. Johannessen stated this proposal needs a zoning variance for expansion of a non-conforming use and he does not believe it qualifies for a waiver of site plan approval procedures because there is no existing site plan and is a

change of use from residential to private club. He noted that this application will establish a site plan and that site plans cannot be approved administratively because they require Planning Board approval.

Mr. Assumma stated he has reached out to the neighbors about the proposal, and they have discussed additional plantings. Mr. Sirignano noted those plantings will be on the next site plan submission.

The Board reached consensus to refer this matter to the Building Inspector for zoning compliance. Mr. Sirignano noted a denial letter is required to be placed on a ZBA agenda.

Mr. Johannessen stated next steps are: business plan, referral to the Building Inspector and ZBA review.

Mr. Assumma stated the courts are to be green and the sound of a pickleball hitting a racquet is quieter than a tennis ball hitting a racquet.

Ms. McKenzie stated she will email the Board the sample photographs displayed tonight.

Cal #02-23PB

(34:07 – 34:52)

20 Boutonville LLC Horse Farm, 20 Boutonville Road South, Cross River, NY 10518; Sheet 18, Block 10526, Lot 10 (20 Boutonville LLC, owner of record) - Application for a Waiver of Site Development Plan Procedures for an existing horse farm.

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

Ms. Andersen stated that the applicant requested an adjournment to the April 18, 2023 meeting and the application would not be discussed at this meeting.

III. SUBDIVISION

Cal #06-17PB

(34:52 – 1:13:59)

Wolf Conservation Center, 0, 1, 3, 4 & 7 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 and William Cordiano, 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 as well as a special use permit for a private nature preserve, site development plan approval, Town wetland and stormwater permit approval. She noted that next steps include for the Board to declare itself lead agency under NYS SEQR, meet with Mr. Johannessen and review Part 2 of the EAF.

Ms. Giris confirmed that the roadbed is a separate lot and will remain that way and stay a private road.

Mr. Johannessen reviewed his memo and listed the outside agencies that are relying on this Board's SEQR determination: DEC, DEP, DOT and WCDOH. He noted next steps are the EAF, Parts 2 and 3.

On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board declared its intent to be designated as the lead agency for this applicant's SEQRA Review. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

Mr. Johannessen led the line-by-line discussion of the draft EAF, Part 2's 18 questions / topics of concern. He noted that the Part 1 was in good shape and the Part 3 will explain any impacts on the environment.

The Board discussed the NOI, steep slopes, 18-months of construction, deep soil tests, responses that are elaborated in the SWPPP, use of existing septic systems, items needing additional narratives, public water supply, location near the Waccabuc Historic district and in an archeological sensitive area, formalization of lot lines on the site plan / plat, composting toilets, overhead lines and renaming the street to Atka's Way.

The Board reached consensus to have the consultants begin drafting the EAF, Part 3.

Mr. Siebert recommended the applicant schedule a meeting with Mr. Kelly, Mr. Johannessen and the SSFD.

Ms. Giris stated the application needs to be referred to the ZBA for the height of the fences.

Ms. Conran stated she will send the applicant the 2018 ACARC Resolution.

Mr. Wilhelm stated he will research multilingual signage.

IV. WETLAND PERMIT REVIEW

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

(1:13:50 – 1:14:43)

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

The Board reached consensus that this matter be adjourned to the April 18, 2023 meeting.

Mr. Siebert stated that he would contact the property owner.

V. POST-CONSTRUCTION SITE VISIT REPORT

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

(1:14:49 - 1:26:28)

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) - Post construction visit to Lewisboro Commons in Goldens Bridge, NY.

Ms. Andersen reported on the site visit held March 18, 2023.

Attendees: Attendees included John Bainlardi and the on-site project manager, Sal Malfa of Wilder Balter Partners; NYS Senator Pete Harcham and Brian Pugh, a member of his staff; NYS Representative Chris Burdick; County Legislator Erika Pierce; Town Supervisor Tony Gonçalves; Town Board members: Andrea Rendo, Mary Shah, and Dan Welsh; Planning Board members: John Gusmano, Charlene Indelicato, Jerome Kerner, Bruce Thompson, and Janet Andersen; and two members of the public: Mickey DeNicola & Reed Gillen, Trustees of the GBHO.

We heard how the pandemic had slowed supplies and construction. Costs were higher because the site lacked public water and sewer, and the need to implement stormwater treatment because of the location in the DEP watershed. About 1,600 applications were received for the 42 apartments. Most people had cars, and the complex's shuttle bus takes people to and from the Goldens Bridge train station daily on weekdays.

The development had originally been planned to be run on propane, but implemented electric heat pumps, so the units have both heat and air conditioning. Electric and water costs are included in the rental price; the complex is LEED Silver.

Our tour started in the common area on the first floor of building four, which has a computer area, a kitchen area, laundry facilities, two rooms with workout equipment, a mailbox area, and an office area. We saw a basketball area and a future playground area.

We went upstairs and saw a two-bedroom unit. We heard about the number of items that are required in an affordable housing complex and a few items that are not allowed. All of the units have a balcony or patio and have sprinklers.

A few of us also walked to the large turnaround circle which has a mountable curb for fire engine turnaround.

Although still under construction, both living and work areas were very neat and well maintained.

Erika Pierce compared the site to North Salem's Bridleside and said that it was much closer to both shopping and public transit (the train station).

The project manager told a moving story about how much it meant to be able to provide housing.

Mr. Kerner stated residents are joining in community activities and acknowledged the applicant's fortitude for bringing the project to fruition.

Mr. Gusmano stated that he was impressed with the development. He noted that there is such a need for affordable housing that he wished more units could have been built at the site.

Ms. Andersen stated that there are walking trails on the property, and it abuts the Bedford Audubon property.

Ms. Indelicato stated through her involvement with the Comprehensive Plan Steering Committee, the families she has met are all excited to be living there.

Mr. Thompson stated he is very familiar with Wilder Balter's Bridleside development and noted they run a tight ship as the construction and management company.

VI. WETLAND VIOLATION

Cal #01-23WV

(1:26:29 - 2:19:28)

Ference-Malan Residence, 72 Chapel Road, Waccabuc, NY 10597; Sheet 23, Block 10802, Lot 30 & 58 (Ashley Ference & Michael Malan, owners of record)

Ashley Ference Malan & Michael Malan, owners, were present.

Mr. Siebert stated after the Wetland Inspector made an inspection on January 3, 2023 he issued a wetland violation on January 19, 2023 for work within the wetland buffer without a permit.

Mr. Johannessen stated there are wetlands on the property, including a pond, and the alleged violation was for ground disturbance within the 150' buffer associated with the turf and fencing of a dog training facility.

Mr. Malan stated the property had been abandoned for ten years prior to their purchasing the house in 2020. He noted the horse stable was existing and is currently being occupied. Mr. Malan stated they have removed invasives by hand, blown the leaves for the first time in ten years, cut down dead trees, and planted new trees. Mr. Kerner noted that the removal of invasives could count toward the 1:1 wetland mitigation.

Mr. Johannessen requested:

- a wetland scientist perform a wetland delineation;
- a meeting at the site, after the delineation, to discuss the wetlands and horse management plan; and
- applicants are to submit a map locating areas of disturbance keyed to their submitted photographs.

Mr. Siebert read the summons.

Mr. Thompson recommended the applicants review the property's building file. Mr. Malan stated he had reviewed the file and there is a CO for the horse stable which is on a separate lot.

Mr. Malan stated he is a dog trainer but is not running a dog training business out of their home; the dog visits at the house are free.

The Board set a control date for the April 18, 2023 meeting.

VII. MINUTES OF February 28, 2023.

(2:19:29 – 2:19:44)

On a motion made by Mr. Gusmano, seconded by Ms. Indelicato, the Board approved the minutes of February 28, 2023, as submitted.

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

VIII. DISCUSSION

(2:19:45 - 2:20:30)

Referral from Wilton, CT Inland Wetlands Commission – Amadeo Residence, 101 Silver Spring Road, Wilton, CT – Application for invasive plant removal and planting of natives.

Referral from Wilton, CT Inland Wetlands Commission – Amadeo Residence, 103 Silver Spring Road, Wilton, CT – Application for invasive plant removal and planting of natives.

No one was present on behalf of the property owner.

Ms. Andersen stated this matter is a referral from Wilton, Connecticut's Inland Wetlands Commission. She noted that the Amadeos, at 101 and 103 Silver Spring Road, Wilton Connecticut, have submitted an application to remove invasive plants and to plant natives.

On a motion made by Ms. Indelicato, seconded by Mr. Gusmano, 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 removal of invasives and planting of natives at the Amadeo Residence, 101 and 103 Silver Spring Road, Wilton. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

IX. NEXT MEETING DATE: April 18, 2023.

(2:20:31 - 2:20:39)

Ms. Andersen stated the next meeting date is April 18, 2023.

X. ADJOURN MEETING.

(2: 20:41 – 2:20:51)

On a motion made by Mr. Thompson, seconded by Mr. Kerner, the meeting was adjourned at 9:54 p.m. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

Respectfully Submitted,



Ciorsdan Conran
Planning Board Administrator