



**TOWN OF LEWISBORO
TOWN BOARD MEETING AGENDA
TOWN HOUSE
MONDAY, APRIL 24, 2023
7:30 P.M.**

- I. PUBLIC COMMENT 1**
- II. COMMUNICATIONS**
- III. CONSENT AGENDA**
 - a. Approval of Minutes of April 10, 2023**
- IV. NEW BUSINESS**
 - a. Discussion: Tree Removal Update – John Wolff of Conservation Advisory Council**
 - b. Resolution: National Volunteer Month Recognition**
 - c. Discussion: Request From Building Department Applicant Seth Christian for Fee Adjustment**
 - d. Discussion: Police Department Coverage for SSPC Memorial Day Races**
 - e. Presentation: Pedestrian and Bicycle Committee Bond**
 - f. Resolution: Approving Pam Brokate as Member of Board of Assessment Review**
 - g. Resolution: Hollander Driveway License Agreement**
- V. PUBLIC COMMENT II for New Business Only**
- VI. APPROVAL OF CLAIMS**
- VII. POLLING OF THE BOARD**
- VIII. ANNOUNCEMENTS**

Town Board Meeting – Monday, May 8, 2023, at 7:30 p.m., at the Town House, 11 Main Street, South Salem

MOTION TO GO INTO EXECUTIVE SESSION

Town Board Meetings Accessibility: The Town of Lewisboro is committed to providing equal access to all its facilities, services, and activities to the fullest extent possible. The Town House, Cyrus Russell Community House, Onatru Farmhouse, and the Bouton Road Town Offices are accessible to persons with physical handicaps. If anyone who wishes to attend any meeting of the Town Board has special needs, please contact the Supervisor's Office (763-3151) at least one week before any scheduled in-person meeting, and we will try to accommodate whenever possible.

Join Zoom Meeting

<https://us06web.zoom.us/j/88040564503>

Meeting ID: 880 4056 4503

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 880 4056 4503

203-3

A.

The Town Board will designate an approving authority to administer and enforce this chapter. The approving authority may be any individual duly appointed by resolution of the Town Board, including a licensed/certified arborist and/or the Town Building Inspector. Any approving authority shall seek the advice and recommendation of the Wetlands Inspector or any licensed/certified arborist engaged by the Town Board (as may be applicable) for purposes of reviewing any application seeking issuance of a permit pursuant to the chapter.

A property owner who has a valid tree removal permit, is removing a tree due to the allowed exceptions or is removing one or more of the allowed three trees per year, is required by Westchester County to employ a tree removal company licensed by Westchester County. A property owner can check if a company is licensed by going to westchester.gov. To verify if a contractor is licensed by Westchester County, the name can be inserted in the search box on the Home Improvement Contractors page. This page is under Consumer Protections which is under Departments. Also:

Steps to check for licensed tree removal

Go to:

<https://consumer.westchestergov.com/trades/find-a-licensed-contractor>

Type Tree Removal in the Look For: search box

203-4

B. Exceptions

(3)

Tree removal in connection with the construction, reconstruction, enlargement, moving or structural alteration of a building or other structure, including construction and installation of site improvements related thereto, for which an application for a building permit shall have been approved by the Building Inspector.

The application should include a listing of trees to be removed and should demonstrate that their removal is essential to the construction. Only trees that can be demonstrated to be essential to the construction should be removed and the building permit should list the trees, similar to what is done for wetlands. A construction permit is not an authorization to clear cut property.

Section 203-4

Section B, #9 remove “Any tree removal in a Special Character Overlay District as defined in § **220-31**.”

Add section E

Any tree removal in a Special Character Overlay District as defined in § **220-31** in addition to meeting all the requirements of the Tree Preservation Ordinance, prior to the initiation of any action or the granting of any approval, a determination must be made by the Architecture and Community Appearance Review Council (ACARC).

In Section 220-31(B) SC Special Character Overlay District, change #9 to read:

“Tree removal in a Special Character Overlay District must conform to the Tree Removal Ordinance. The building department will be responsible for permits and enforcements.

Update to the Special Character Overlay District § 220-31 **B. (9) add:**

Removal or clearing of any live tree with a trunk diameter of 10 inches or more at a height of four feet. A review is not required before ACARC in the following circumstance:

Tree removal from any residential property within the Town of Lewisboro which involves, or concerns, a tree (or trees) located within sufficient proximity of a dwelling (up to a maximum of 100 feet) that it would reach the dwelling if it were to fall due to natural causes.

§ 203-8. Penalties for offenses. A. The owner of record of any property on which trees subject to this chapter are removed without the granting of a tree removal permit, or are removed in violation of conditions attached to a tree removal permit, or any person removing or in the process of removing such trees, shall be guilty of a violation of this chapter, which shall be punishable by a fine of no less than \$250.00 or in excess of \$500.00 Each tree removed without a tree removal permit or in violation of the conditions attached to a tree removal permit shall constitute a separate offense.

Tree and Site Restoration

- A. **Violators of the tree ordinance shall be responsible for restoring unlawfully damaged areas. The restoration, to the greatest extent practical, should re-create the site condition that would have existed in the absence of the violation.**
- a. **The restoration plan shall depict repairs of any environmental and property damage and the restoration of the site.**
 - b. **Restoration plans on private property must be submitted to the building inspector for consideration and possible approval.**
- B. **Restoration plan standards. The restoration plans shall be in accordance with the following standards:**
- a. **the number of trees required to be planted in their size shall be in accordance with the schedule in section C.**
 - b. **The restoration plan shall include a maintenance plan and an agreement of security to ensure survival and maintenance of restoration trees for a minimum of three years.**
- C. **The replacement of trees shall occur as prescribed in the following table.**

Tree Replacement Schedule

DBH of Existing Tree Removed	Number of Replacement Trees
Less than 6 inches	1
Between 6 and 12 inches	3
Between 12 and 18 inches	4
Between 18 and 24 inches	5
Between 24 and 30 inches	6
Between 30 and 36 inches	10
36 inches or greater	The equivalent of 3 inch caliper trees or greater needed to equal the DBH of the cut or removed tree

Proper tree replacement may reduce the fine imposed at the discretion of the convening authority.

Building Permit

Seth Christian

99 Chapel Rd. Waccabuc NY 10597

Issue:

In 2020, we were granted a permit for a >400K renovation and paid the required \$7,932. The building department is now asking us to pay \$3400 for a new building permit to get our Certificate of Occupancy based on the existing permit having expired in February. We do not believe this is reasonable as the delay was 1) not due to any actions on our part 2) due to the town not having a permanent building inspector for two months from 11/30/2022 to 2/1/2023 and 3) from inaccurate information from the prior inspector (Jeff Farrell). If not for numbers #2 & #3, which are the clearly the fault of the building department, we would have certainly met the deadline / expiration. We should not have to bear the financial burden due to the their internal issues. We are therefore contesting the building department's demand for a new permit payment.

Background:

August 17 2022 – Final Inspector by Jeff Farrell (as stated above, no work done since August 2022)

Everything passes without issue with one exception, the room in the basement that is used as a media room. Jeff stated that even with two doors allowing exit from the room we would need to cut a hole in the wall and install a casement egress window. Both the owner of the architectural firm, Carol Kurth as well senior architect John Rapetti, pushed back as they were confident this did not need to be done citing years of work in the field and numerous other projects, but Jeff was adamant. In the end we conceded and agreed to modify the plans in an attempt to close out the permit and move forward.

August 18 2022 – We were granted a six month extension to complete the work Jeff requested.

September 16 2022 – Submitted revised plans (Carol Kurth Architecture) to the building department.
Cost of revised plans = \$2,169.25

September 25 2022 – Seth Christian (homeowner) received proposals to do the work of cutting hole and installing casement window ranging from \$15,500 – \$18,500. Due to the high price and extremely invasive nature of this work, Seth reached out to the building department to discuss other potential solutions.

November 2, 2002 – Seth speaks with Jeff Farrell and he pivots and informs him that rather than cutting through the wall and installing a window, he could replace his existing garage door with a “walk through” garage door and if that occurs he will provide the Certificate of Occupancy.

November 7 2022 – Whitaker Doors (based in Brewster) comes to the home and takes measurements for a “walk through” garage door

November 11 2022 – Whitaker provides proposal of \$7,875 to replace garage door with “walk through”.

September to November – Both Seth Christian and John Rapetti (architect with Carol Kurth Architecture) make multiple calls to building department to check on progress. Both men were told that Jeff was reviewing and to be patient. Seth does not order the walk through door because he is unable to speak to Jeff and review specifications. At this point, we are at a standstill because we cannot get in touch with anyone and do not want to proceed without discussion / confirmation.

November 30 2002 – Jeff Farrell’s last day as building inspector.

December 2022 – February 2023 – no permanent building inspector

-Ed Larkin, a consultant based in Albany, is named temporary inspector

-Multiple calls to Ed from Seth Christian and John Rapetti (architect) to check on progress produces no response or return phone calls. John makes multiple attempts to contact Ed via phone and email, specifically from 1/9 – 2/23 and documented with time stamps, and gets zero reply nor call back.

-John also sends an email to Kara at the building department asking for a phone call from Ed. Kara forwards an email from the department to John on December 13 using the wrong email address for John preventing him from seeing the communication.

-During this two month time period we do not make any progress as we are unable to get in touch with Ed despite numerous attempts.

January 20 2023 – John Rapetti sends another email to Ed asking for a phone conversation. Ed replied to John’s email January 24, 2023 saying he will call. He does not.

February 1 2023 – Kevin Kelly is hired as the new inspector.

February 23 2023 – Ed emails John saying new inspector hired and he can no longer opine about plans

February – March 15, 2023 – Continued calls from Seth and John are made to try and speak to someone.

March 16 2023 – John Rapetti finally connects with Kevin Kelly.

-After discussion and plan review. Kevin states that Jeff Farrell was wrong and an additional exit from the media room is not required and he and John agree that an egress window is not required for this space. Had Jeff Farrell not made this mistake, the CO would've been issued well within the permit's timing.

--Kevin and John discuss slight revisions to the plans that are required and Kevin says that after a new (2nd) final inspection, he will be in a position to issue the CO; however at this point, the building permit expired in February and we are informed that in order to give the certificate, we need to get a new permit for \$3,400.

-(reminder – NO work has been done since August 2022)

Finally...

As the timeline shows, the delays that led to our permit expiring were 100% due to the building department's communication and information failure; we are in NO WAY at fault for the expiration and it is not our responsibility to pay for their missteps. We therefore refute the new fee and seek our CO ASAP.