

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, April 18, 2023 at 7:30 p.m. The audio recording of this meeting is Lewisboro Planning Board 230418_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 7:30 p.m. and noted the exits.

I. EXTENSION OF TIME REQUESTS

Cal #03-20PB, Cal #37-20WP

(1:41 – 3:04)

Gossett Brothers Nursery, 1202 Route 35, South Salem, NY 10590, Sheet 31 Block 10805 Lot 46 (Thomas Gossett for T. Gossett Revocable Trust – owner of record) - Extension of time for a Wetland Activity Permit Approval that expired March 16, 2023.

Tom Gossett, owner, was present.

Mr. Gossett requested a one-year extension of time to complete the site improvements.

On a motion made by Mr. Gusmano, seconded by Ms. Indelicato, a one-year extension of time to the Resolution for Site Development Plan Approval and Wetland Permit Approval issued on March 16, 2021, for Gossett Brothers Nursery, 1202 Route 35, South Salem was granted. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None. The new expiration date for those approvals are Monday, March 18, 2024.

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

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

(3:05 – 4:52 and 59:58 – 1:00:16)

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) - Extension of time for Wetland Permit Approval and Stormwater Permit Approval in connection with the reconstruction of a lakeside residence and cottage; current expiration dates are May 17, 2023.

No one was present for this application, but Mr. Siebert did update Mr. McArthur with the Board's decision later during the meeting.

Mr. Johannessen stated that the outstanding items are finalizing two agreements and the bond.

On a motion made by Mr. Kerner, seconded by Ms. Indelicato, a 6-month extension of time to the Resolution for Final Subdivision Plat Approval, Wetland Activity and Stormwater Permits issued on November 17, 2020, for the McArthur and Salazar Residence, 40 Old Pond Road, South Salem was granted. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None. The new expiration date for those approvals are Friday, November 17, 2023.

II. PUBLIC HEARINGS

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

(4:53 – 32:38)

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 and Ashley Murphy, Waccabuc Country Club; Dawn McKenzie, RLA; John Doyle, AIA; 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 a Neg. Dec. was adopted at the Board's October 18, 2022 meeting.

Ms. McKenzie updated the Board and stated that:

- the DEP has issued the variance of watershed regulations for new construction with new impervious surfaces 100' from a waterbody
- the WCDOH application (including the new test hole) was resubmitted;
- they have met with the Building Inspector / Fire Marshal at the site and in the town offices;
- they have met with the Fire Chief to discuss fire response and fire truck turn around;
- they are proposing a 40,000 g underground water tank to supply the sprinklers in the buildings;
- they are proposing a stair railing-mounted chairlift to provide handicapped accessibility to the beach;
- they are proposing a generator;
- they are proposing widening the driveway to 20'; and
- a flood plain permit application will be submitted.

Mr. Sirignano noted that there will be two test borings near the lake and asked if this could be part of an administrative wetland permit. Mr. Johannessen stated a separate permit is not required and requested the applicant contact Kellard Sessions to witness the borings.

Ms. McKenzie stated the plans will be updated and resubmitted.

Mr. Johannessen requested an annotated response to the Building Inspector's memo. Applicant agreed.

No members of the public commented on the application tonight.

The Board reached consensus to adjourn the public hearing to the May 16, 2023 meeting and instructed its consultants to continue drafting a resolution.

Cal #15-22PB

(32:39 – 38:54)

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 is a continuation of the public hearing, which was opened on March 21, 2023.

No members of the public commented on the application tonight.

Mr. Kelly stated that both parcels in the proposed two-lot subdivision comply with the zoning ordinance.

Mr. Johannessen stated the Kellard Sessions comments have been addressed and the only outstanding items are to incorporate relevant data listed on the survey on the plat; those items are listed under Condition #2 of the resolution.

On a motion made by Mr. Gusmano, seconded by Ms. Indelicato, the Board closed the public hearing for the Vandervoort/Rising Starr Subdivision, 93 Silver Spring Rd, Wilton, CT at 8:06 p.m. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

Mr. Johannessen reviewed the draft resolution and Neg. Dec.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board granted Preliminary and Final subdivision Plat Approval for a two-lot subdivision and a Negative Declaration under NYS SEQRA to SJK, LLC & PVK, LLC at 93 Silver Spring Rd, Wilton, CT. 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.

Cal #16-22PB

(38:55 – 51:35)

ATC Tower, 0 Route 35 (Leon Levy Preserve), South Salem, NY 10590; Sheet 40, Block 10263, Lot 62 (American Towers Corp., 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 125' lattice cell tower; there are no improvements proposed at the site. She noted that it was originally approved in 1999 with renewals every five years and all the major carriers have equipment collocating on the tower. Ms. Chiocchio stated the site is reached by an access road and the tower owner is not required to maintain that road. She noted that the NIER (Nonionizing Electromagnetic Radiation) Report analyzed the ambient radio frequency emissions and determined it was 1% of the applicable federal standard.

Mr. Johannessen requested the site survey and stated that he conducted a site inspection February 8, 2023. He noted that while most of the access road is in good condition the first 100' off Route 35 needs to be repaired / repaved. Mr. Siebert stated that safe ingress / egress needs to be maintained and he will review the plat and easement. The Board requested the applicant is to contact the owner of the common driveway. Applicant agreed.

No members of the public commented on the application tonight.

The Board reached consensus to adjourn the public hearing to the May 16, 2023 meeting and instructed its consultants to draft a resolution.

III. SITE DEVELOPMENT PLAN REVIEWS

Cal #01-23PB

(51:36 - 58:33)

Waccabuc Country Club 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 and Ashley Murphy, Waccabuc Country Club; Dawn McKenzie, RLA; John Doyle, AIA; and Michael Sirignano, Esq.; were present.

Mr. Sirignano stated:

- a business plan has been submitted;
- work has begun per the building permit;
- resurfacing of the court will wait until warmer weather;
- green wind screen has been installed on the fences;
- the Building Inspector determined this matter does qualify for a waiver of site development plan procedures; and
- the application will go before the ZBA on April 26, 2023 for two variances (expansion of a non-conforming use and required double setback between commercial and residential uses).

Ms. McKenzie reviewed the landscape plan, noting nine evergreens have been planted on the south side and she will prepare a resubmission.

The Board reached consensus to adjourn this matter to the May 16, 2023 meeting and instructed its consultants to draft a resolution that would grant the approval and waive the public hearing.

Cal #02-23PB

(58:34 – 59:08)

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 May 16, 2023 meeting and the application would not be discussed at this meeting.

Cal #03-23PB, Cal #05-23SW

(59:09 – 59:50, 1:00:16 - 1:00:33 and 1:17:27 – 1:43:27)

19 Mark Mead Road LLC parking, 19 Mark Mead Road, Cross River, NY 10518; Sheet 20, Block 10800 Lot 1 (19 Mark Mead Road LLC, owner of record) – Application for construction of 30 parking spaces for Bacio restaurant.

Antonio Coppola, owner; Joseph Riina, P.E.; and Michael Sirignano, Esq.; were present.

Mr. Sirignano stated in June 2022, the Town Board granted a zoning change splitting this parcel between R-1/2A and RB. He noted that the garage which is in terrible condition will be demolished and none of the parking spaces are to be rented out.

Mr. Riina listed the following improvements:

- the driveway will be widened;
- the driveway access will be paved;
- a 30-space gravel parking area for of employee / overflow parking will be constructed;
- the house with two apartments remains with four parking spots for tenants;
- a 5' wide public sidewalk (maintained by applicant);
- crosswalk across North Salem Road;
- the pine trees near the outdoor dining will be removed and replaced with new plantings; and
- the existing fence will be replaced with a solid 6' high fence screened with trees.

Mr. Sirignano stated the site is under an acre and the back exit of Bacio is directly across the street from 19 Mark Mead Road. Ms. Andersen noted the intersection of Route 35 and North Salem Road is surrounded by a large number of parking spaces. Applicant agreed to supply a car count.

Mr. Johannessen stated the minimum landscape buffer requirements are 30' for a residential district and 15' for a non-residential district. He noted the Board can waive the planting buffers to the east and north but not the west as that is in the zoning set back. The Board discussed eliminating parking spaces to create a larger planting buffer and the Town Code provision for tree islands. Mr. Sirignano stated they will explore moving the four tenant parking spots so they are accessed from Mark Mead Road instead of the employee / overflow parking lot on North Salem Road.

Mr. Johannessen reviewed the Kellard Sessions memo and noted that the site is within the DEP's Designated Main Street Area and the addition of impervious surfaces requires DEP approval. He requested additional information: seats in the restaurant, number of off-site spaces currently being used and a potential mechanism to tie these parking spaces to the restaurant parcel. Mr. Siebert stated a deed restriction could be placed on the subject parcel. Mr. Sirignano suggested "Bacio Patrons Only," parking signs.

The applicant will meet with Mr. Johannessen prior to making a resubmission.

Cal #09-19WP, Cal #05-19SW

(1:43:28 – 1:54:23)

Kranz vacant land, 0 Elmwood Road, South Salem, NY 10590, Sheet 43, Block 10302, Lot 23 (Alexander Kranz, owner of record) – Application for a single-family residence, driveway, septic system and well.

Joseph Riina, P.E.; and Michael Sirignano, Esq.; was present on behalf of the owner.

Ms. Andersen stated this application was first before the Board in 2019 but no resubmissions have been made since then.

Mr. Riina stated the driveway has been moved to save some trees and the application has been resubmitted to the Dept. of Health. He noted the DEC permit has been renewed and the proposal is for a 3-bedroom house.

Mr. Wolff stated that during the site walk the parcel was wet and steep. Mr. Gusmano noted that the septic would be going down from the road toward the wetlands. Mr. Johannessen stated the wetland is in good shape, the wetland boundary has been verified and that 1:1 on-site mitigation will be hard to achieve. He noted that a conservation easement or contribution to the Elmwood Road culvert project could be deemed as mitigation.

The Board reached consensus to schedule a site walk on May 13, 2023 at 8:30 a.m. and refer this matter to the Building Inspector for zoning compliance.

Cal #08-21PB

(1:00:48 – 1:08:15)

Oakridge Common, 920 Oakridge Common, South Salem, NY 10590, Sheet 49D, Block 9829, Lot 10 (Smith Ridge Housing, LLC, owner of record) – Application for a change of use from restaurant to residential.

Phil Pine, Smith Ridge Associates; and Bob Eberts, AIA; were present.

Mr. Eberts stated the 4 (three-bedroom) apartments in Building 9B (formerly the Heights at Brother Vic's) were previously approved by the Planning Board (December 21, 2021) and that approval has lapsed. He noted that it is a multi-family zone, so the addition of the four apartments is permitted as of right and there are no site changes proposed.

Mr. Eberts stated changing the uses from restaurant (8,500 g/day) to residential (1,320 g/day) will reduce the demand for water. He noted the Town Board, as the water district operator, has agreed verbally that there is plenty of water to construct the abutting Villas at Vista project, but he has not received that confirmation in writing.

Ms. Andersen asked about an uncovered dumpster at Oakridge. Mr. Pine stated the dumpster was on the Oakridge Condominium Association's property and it has been removed. Mr. Kelly stated that the dumpster was not on the approved site plan.

The Board reached consensus to adjourn this matter to the May 16, 2023 meeting, waive the public hearing and instructed its consultants to draft a resolution that would grant the approval to the 2023 submission.

IV. WETLAND PERMIT REVIEWS

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

(1:08:16 – 1:08:56)

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 this matter is adjourned to the May 16, 2023 meeting.

Cal #02-23WP

(1:08:58 - 1:16:22)

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 size of the in-ground chlorine pool has been reduced (18' to 17' wide), moved 8' away from the wetlands and the equipment has been relocated to the rear of the house. He noted the area of disturbance within the wetland buffer is 3,400 sf and the 1:1 mitigation will be achieved through either a rain garden and infiltration system.

Mr. Johannessen reviewed the Kellard Sessions memo and noted the mitigation is acceptable and he will review the landscape plan.

On a motion made by Mr. Kerner, seconded by Mr. Gusmano, the Board determined that construction of the pool

at the Ritacco Residence, 37 Gideon Reynolds Road, Cross River, 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.

V. WETLAND VIOLATION

Cal #01-23WV

(1:16:28 – 1:17:27 and 1:54:24 – 2:01:30)

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

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

Mr. Kerner stated without a site plan / wetland permit application submission the Board should limit the discussion on this alleged violation.

Mr. Malan stated that he left Mr. Johannessen one voicemail on April 10, 2023, but had not heard back. Mr. Johannessen said he had not received the voice mail.

Mr. Kelly stated the number of farm animals in not an issue but grazing locations should be reviewed.

Ms. Andersen stated if the property was returned to its natural condition a wetland permit application might not be required. Mr. Malan noted he has pulled up the turf and removed the fencing and is ready for an inspection. Mr. Johannessen and Mr. Malan agreed that a final inspection would be conducted on April 27, 2023. Mr. Siebert stated that he will discuss the plea with the Malans prior to the next meeting.

The Board reached consensus set a control date for the May 16, 2023 and did not schedule a site visit.

VI. MINUTES OF March 21, 2023.

(2:01:33 – 2:02:38)

Mr. Kerner disagreed with the minutes stating that pickleball was quieter than tennis. Ms. Andersen stated John Assumma made that statement.

On a motion made by Mr. Kerner, seconded by Ms. Indelicato, the Board approved the minutes of March 21, 2023, as submitted.

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

VII. NEXT MEETING DATE: May 16, 2023.

(2:02:39 – 2:05:14)

Ms. Andersen stated the next meeting date is May 16, 2023.

Ms. Andersen noted that the Comprehensive Plan is moving forward and there are drafts of the Vision Statement and Goals & Objectives. and round two of the public outreach meetings will be held in May (13 & 20) and June (10 and 11). She stated there may be a special meeting of the Town Board, Planning, ACARC and ZBA and she

asked that members review those draft materials. Ms. Andersen thanked Ms. Indelicato for also serving on the Comp. Plan Steering Committee.

Ms. Indelicato encouraged residents and town stakeholders to participate in the next round of public outreach meetings and take the survey which goes online May 15, 2023.

Mr. Kerner noted that the Leatherman's Loop is this Sunday at Ward Pound Ridge Reservation; it is an annual 10K trail race and full of lots of community spirit.

VIII. ADJOURN MEETING.

(2:05:15 - 2:05:27)

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the meeting was adjourned at 9:36 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 that reads "Ciorsdan Conran". The signature is written in a cursive, flowing style.

Ciorsdan Conran
Planning Board Administrator

RECEIVED BY

APR 21 2023

Town Clerk
Town of Lewisboro

**RESOLUTION
LEWISBORO PLANNING BOARD
PRELIMINARY AND FINAL SUBDIVISION PLAT APPROVAL
2-LOT SUBDIVISION**

**VANDERVOORT/RISING STARR SUBDIVISION
93 SILVER SPRINGS ROAD**

Sheet 48, Block 10057, Lots 14, 19, 84, AND 134

Cal. #15-22PB

April 18, 2023

WHEREAS, the Town of Lewisboro Planning Board has received an application from SJK, LLC and PVK, LLC, owners of record ("the applicant"), for a 2-lot subdivision of a parcel of land consisting of ± 152.74 acres of land located at 93 Silver Spring Road and within the R-4A Zoning District ("the subject property"); and

WHEREAS, while the majority of the subject property is located within the Town of Lewisboro, ± 2.14 acres is located within the State of Connecticut, Town of Wilton, including physical access from Silver Spring Road; and

WHEREAS, the subject property is identified on the Town Tax Maps as Sheet 48, Block 10057, Lots 14, 19, 84 and 134; and

WHEREAS, the subject property is currently developed with a horse farm known as Rising Starr Horse Rescue, consisting of two (2) residences, barns, indoor riding ring and paddocks; however, the majority of the property consists of undeveloped woodlands and wetlands; and

WHEREAS, the subject property contains wetlands and watercourses that are jurisdictional to the Town of Lewisboro, the approximate boundaries of which are illustrated on the plans referenced herein; and

WHEREAS, the applicant is proposing to subdivide the property into two (2) lots to facilitate the sale of the horse farm to its current operator. Parcel 1 is proposed to consist of ± 40.96 acres (± 38.96 acres of which would be located within Lewisboro) and would contain the existing horse farm. Parcel 2 is proposed to consist of ± 111.78 acres (± 111.63 acres of which would be located within the Town of Lewisboro) and is proposed to remain vacant at this time; and

WHEREAS, no land disturbance or development is proposed on either Parcel 1 or Parcel 2; and

WHEREAS, the applicant has demonstrated that both Parcels 1 and 2 are zoning compliant lots and has provided a theoretical development plan for Parcel 2, including assumed locations of a future residence, driveway, septic system and well; and

WHEREAS, the application was referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law and to the Town of Wilton; and

WHEREAS, the application has been referred to the Building Inspector for zoning review; and

WHEREAS, the proposed subdivision requires review and approval by the Westchester County Department of Health (WCDH); and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form (EAF), dated February 7, 2023; and

WHEREAS, reference is made to the following plans submitted by the applicant in support of its application:

Prepared by DTS Provident, dated (last revised) March 28, 2023:

- Preliminary Plat (C-101)
- Parcel 1 Concept Plan
- Parcel 2 Concept Plan

WHEREAS, the information provided on the plans referenced above were prepared for planning purposes only and should not be construed to endorse or approve the improvements shown thereon; and

WHEREAS, a duly noticed public hearing was opened on March 21, 2023 and was adjourned to and closed on April 18, 2023, at which time all interested parties were afforded an opportunity to be heard.

NOW THEREFORE BE RESOLVED THAT, the Planning Board has considered the submitted application, other materials submitted by the applicant in support of its proposal, the written and verbal comments from the Board's professional consultants, written comment provided by the public, and the verbal commentary made during Planning Board meetings; and

BE IT FURTHER RESOLVED THAT, the proposed action has been determined to be an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617.4; and

BE IT FURTHER RESOLVED THAT, the Planning Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby issues the attached Negative Declaration of Significance; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants Preliminary and Final Subdivision Plat Approval and approved the following subdivision plat, subject to the below listed conditions:

- “Preliminary Subdivision Map prepared for Rising Starr Horse Rescue,” prepared by H. Stanley Johnson and Company Land Surveyors, P.C., dated October 28, 2022

BE IT FURTHER RESOLVED THAT, Conditions #1 through #6, outlined below, must be completed within 180 days of the date of this Resolution. Should said conditions not be completed within the allotted time frame, this Resolution shall become null and void unless a 90-day extension is requested, in writing, by the applicant within said 180-day period and granted by the Planning Board.

Conditions to be Satisfied Prior to the Signing of the Plat by the Planning Board Chair:

1. The applicant shall satisfactorily address any outstanding written comments provided by the Planning Board’s consultants.
2. The plat shall be revised as follows; much of this information is provided on plans prepared by DTS Provident referenced herein:
 - a. Add the contiguous building areas for Parcels 1 and 2.
 - b. A bulk zoning table for the R-4A Zone shall be added.
 - c. Zoning setback lines shall be added.
 - d. The two (2) existing wells (2) on Parcel 1 shall be added.
 - e. The three (3) existing septic areas on Parcel 1 shall be added.
 - f. Locations of on-site wetland and watercourses and associated 150-foot regulated buffers shall be added.
 - g. Add the Planning Board Administrator’s signature block below that of the Chair.
 - h. Revise the title to include the words “Final Subdivision Plat”.
 - i. Complete the Health Department Septic Schedule or remove it if determined unnecessary by the WCDH.
 - j. Add a signature block for the Town of Wilton planning and/or zoning official confirming no objection to filing and recording of the Plat.
3. The applicant shall provide a letter to the Planning Board Administrator acknowledging that they have read and will abide by the Conditions of this Resolution.

4. All applicable application fees and escrow shall be submitted by the applicant to the Planning Board Administrator.
5. The applicant shall submit a "check set" (two copies) prepared to address any outstanding written comments and the conditions of this resolution for final review by the Planning Board's consultants.
6. The applicant shall submit two (2) original mylar copies of the Final Subdivision Plat, complete with all required original signatures, for final review by the Planning Board's consultants and endorsement by the Town Consulting Engineer, Planning Board Administrator and the Planning Board Chair.

Conditions to be Satisfied Subsequent to the Signing of the Plat by the Planning Board Chair:

7. Following the endorsement of the Final Subdivision Plat by the Planning Board Chair and Administrator, one (1) mylar plat will be returned to the applicant for copying and the second mylar plat will be retained by the Planning Board as a record copy.
8. Within ten (10) days after endorsement of the Final Subdivision Plat by the Planning Board Chair and Administrator, the applicant shall deliver, to the Planning Board Administrator, nine (9) printed copies of same, collated and folded.
9. The applicant shall demonstrate proof of filing the Final Subdivision Plat with the Westchester County Clerk's Office. The applicant shall deliver to the Planning Board Administrator three (3) 18" x 14" copies of the Final Subdivision Plat, as filed, showing all signatures and acknowledgements of filing.

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	<u>aye</u>
JEROME KERNER	<u>aye</u>
CHARLENE INDELICATO	<u>aye</u>
BRUCE THOMPSON	<u>aye</u>
JOHN GUSMANO	<u>aye</u>

Janet E. Andersen

Janet Andersen, Chair

April 18, 2023

**State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

Date: April 18, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lewisboro Planning Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Vandervoort/Rising Starr Subdivision

SEQRA Status: ☐ Type 1

☒ Unlisted

Conditioned Negative Declaration: ☐ Yes

☒ No

Coordinated Review: ☐ Yes

☒ No

Description of Action: The subject property consists of ± 152.74 acres of land and is located at 93 Silver Spring Road within the R-4A Zoning District. While the majority of the property is located within the Town of Lewisboro, ± 2.14 acres is located within the State of Connecticut, including physical access from Silver Spring Road. The property is currently developed with a horse farm, consisting of two (2) residences, barns, indoor riding ring and paddocks. The applicant is proposing to subdivide the property into two (2) lots to facilitate the sale of the horse farm to its current operator. Parcel 1 is proposed to consist of ± 40.96 acres (± 39 acres of which would be located within Lewisboro) and would contain the existing horse farm. Parcel 2 is proposed to consist of ± 111.78 acres (± 111.63 acres of which would be located within the Town of Lewisboro) and is proposed to remain vacant.

Location: 93 Silver Spring Road, Town of Lewisboro, New York.

Reasons Supporting This Determination: The Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c). Specifically:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production.

The proposed action involves a 2-lot subdivision of approximately 152.74 acres resulting in the creation of one (1) potential new building lot. Parcel 1 will contain the existing horse farm on ±40.96 acres and Parcel 2 will contain ±111.78 acres and is proposed to remain vacant at this time; however, the applicant has demonstrated a zoning compliant layout on Parcel 2 involving the construction of one (1) single-family residence. No construction, development, land disturbance or land clearing is proposed at this time.

2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources.

See response to Finding No. 1 above.

3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).

The subject property is not located within a Critical Environmental Area.

4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.

The property is located within a residential zoning district, no changes to the use is proposed. The subdivision has been deemed to be zoning compliant.

5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood.

See response to Findings No. 1 and 4 above.

6. The proposed action will not result in a major change in the use of either the quantity or type of energy.

See response to Finding No. 1 above.

7. The proposed action will not create a hazard to human health.

See response to Finding No. 1 above.

8. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

See response to Finding No. 1 above.

9. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
10. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
11. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
12. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
13. The Planning Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

For further information contact:

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This notice is being filed with:

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