

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, June 20, 2023 at 7:30 p.m. The audio recording of this meeting is Lewisboro Planning Board 230620_001.MP3

Present: Janet Andersen, Chair
John Gusmano
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: Charlene Indelicato

Ms. Andersen opened the meeting at 7:35 p.m. and noted the exits.

I. WETLAND VIOLATIONS

Cal #01-23WV, Cal #27-23WP

(1:53 – 6:25)

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

Michael Malan, owner, was present.

Ms. Andersen stated the homeowner has submitted a wetland permit application and the remediation work has been completed. Mr. Johannessen concurred and stated that a final inspection has taken place and the Wetland Permit and Wetland Certificate of Compliance will be issued simultaneously.

Mr. Siebert stated that the homeowner has entered a 'no contest,' plea and a resolution can be drafted for the next meeting.

The Board reached consensus that no fine is to be levied, directed its consultants to draft a resolution for the July 18, 2023 meeting and noted that the homeowner need not attend that meeting.

Cal #02-23WV

(6:26 – 15:28)

Merchan and Valencia Residence, 1324 Route 35, South Salem, NY 10590; Sheet 39, Block 10543, Lot 22 (Lina Merchan and Fabio Valencia, owners of record)

Lina Merchan and Fabio Valencia, 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 done within the wetland buffer without a permit.

Mr. Johannessen stated there are town and state-regulated wetlands on the property and the alleged violation is for work within the 150' buffer, specifically installation of fill for a driveway.

Mr. Valencia stated he was fixing a dangerous driveway and used rocks from his neighbor's property. He noted that he was not aware of the buffer and part of his driveway is on his neighbor's property.

Mr. Siebert requested the homeowners:

- Consider their plea;
- Submit a wetland permit application; and
- Schedule a conference call for the homeowners and planning consultants.

Mr. Johannessen stated existing conditions will need to be documented and a site visit scheduled.

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

II. DECISION

Cal#04-23PB

(15:30 – 18:30)

Green deck, 114 Willow Court, Cross River, NY 10518; Sheet 17B, Block 10533, Lot 314 (Wendy & Josh Green, owners of record) – Application for enlarging an existing deck in a multi-family zone.

Wendy Green, owner, was present.

Mr. Johannessen reviewed the draft resolution to demolish an existing deck and replace it with a larger deck. He noted that the Building Inspector recommended additional landscape screening to maintain privacy and that has become a condition of this resolution. Ms. Green agreed to the additional plantings and will notify the Meadows condo. board.

On a motion made by Mr. Gusmano, seconded by Mr. Kerner, the resolution dated June 20, 2023, for the Green deck, 114 Willow Court, Cross River, was adopted. In favor: Ms. Andersen, Mr. Gusmano, Mr. Kerner and Mr. Thompson. Absent: Ms. Indelicato. A copy of the Resolution is attached and is part of these minutes.

III. EXTENSION OF TIME REQUEST

Cal #66-17WP, Cal #12-17SW

(18:31 – 22:01)

Dedvukaj vacant land, 170 Elmwood Road, South Salem, NY 10590, Sheet 47, Block 10056, Lot 38 (Yuliya and Zef Dedvukaj, owners of record) – Application for a single-family residence, driveway, septic system and well; the Wetland and Stormwater Permits expire on Monday, June 19, 2023.

Michael Sirignano was present on behalf of the owners.

Mr. Sirignano stated the project has been delayed by the pandemic and now with the high interest rates and the homeowner's travel schedule they are requesting a two-year extension. He noted that the:

- access driveway and bridge have received COs;
- silt fence is still up;
- DOH approvals have been extended to May 21, 2024; but
- construction of the septic, well and house has not begun.

On a motion made by Mr. Kerner, seconded by Mr. Gusmano, the Board granted two (2) one-year extensions of time for both the Town Wetland and Stormwater Permits included in the Resolution dated June 18, 2019 for the

Dedvukaj residence; the new expiration date for both permits is Monday, June 19, 2025. In favor: Ms. Andersen, Mr. Gusmano, Mr. Kerner and Mr. Thompson. Absent: Ms. Indelicato.

IV. SITE DEVELOPMENT PLAN REVIEW

Cal #02-23PB

(22:02 – 23:10)

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 was present on behalf of the owners.

Mr. Sirignano requested that this matter be adjourned to the July 18, 2023 meeting. He noted that there is an interested buyer who would use the site for their own horses and not as a boarding stable and there may be another adjournment request or the application may be withdrawn.

Cal #06-17PB

(23:11 – 37:04)

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, Site Plan 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 Gironda, Bibbo Associates; were present.

Ms. Andersen stated that revised EAF Part 2 and Part 3 have been submitted and reflect comments from the Board. Mr. Johannessen concurred and noted that Kellard Sessions has reviewed the EAF Part 2 and Part 3 and the project will not have an adverse impact on the environment.

Mr. Johannessen reviewed the draft resolution granting a Negative Declaration under SEQR.

On a motion made by Mr. Thompson, seconded by Mr. Kerner, the resolution dated June 20, 2023 granting a Negative Declaration under SEQR to the Wolf Conservation Center, Buck Run, South Salem was adopted. In favor: Ms. Andersen, Mr. Gusmano, Mr. Kerner and Mr. Thompson. Absent: Ms. Indelicato. A copy of the Resolution is attached and is part of these minutes.

The Board and its consultants discussed outstanding items:

- DEC permit;
- DEP permit;
- DOT permit;
- Denial letter from the Building Inspector and variance for fence height from the ZBA;
- Pump test; and
- DOH approval.

Mr. Johannessen stated the updated subdivision plat should be reviewed one more time.

Ms. Giris stated she will supply use descriptions of the various houses and resubmit the draft plat for the July 18, 2023 meeting.

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

(37:05 – 48:11)

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 parking spaces for Bacio restaurant.

Antonio Coppola, owner, and Michael Sirignano were present.

Mr. Sirignano stated the proposal reduces the number of parking spaces for the restaurant (employees and patron overflow) from 30 to 25 and the four resident parking spaces now front on to Mark Mead Road. Ms. Andersen recommended flipping those four spaces, so the car headlights are not pointing at the neighbors' property. Mr. Sirignano stated Joe Riina will revise the SWPPP to reflect the new parking count. He noted that the landscape buffers are achieved on the south and east sides and the dilapidated fence on the north side will be replaced.

Mr. Sirignano stated there are 60 seats in the restaurant; currently eight employees and 22 patrons are using off-site parking spaces at the Boro Café. He recapped the WCPB comments including the first sidewalk in Cross River. Mr. Sirignano stated the DEP determined that no treatment on detention is required because of the reduction in impervious area; there will be some stormwater treatment for water coming off the proposed sidewalk. He noted that he will make a written submission for the August 15, 2023 meeting.

Ms. Andersen asked the applicant to consider extending the sidewalk to Route 35. Mr. Sirignano agreed that link could be drawn onto the plans.

Cal #05-23PB

(48:12 – 49:22)

Moran Deck, 119 Willow Court, Cross River, NY 10518; Sheet 17B, Block 10533, Lot 319 (Kristie Moran, owner of record) - Application for a deck in a multi-family zone.

Kristie Moran, owner, was present.

Ms. Moran stated that her unit never had a deck. She noted that the Meadows HOA has approved this proposal.

The Board reached consensus to refer this matter to the Building Inspector and instructed its consultants to draft a resolution for the July 18, 2023 meeting.

V. WETLAND PERMIT REVIEW**Cal #34-22WP, Cal #01-21WV**

(49:23 – 50:07)

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 that escrow has been received and this matter will be adjourned to the July 18, 2023 meeting at which time the consultants should have a review memo prepared.

Cal#17-23WP

(50:08 – 53:50)

Catalano dock and shed, 34 Twin Lakes Road, South Salem, NY 10590; Sheet 34A, Block 11831, Lot 17 (Dominick & Josephine Catalano, owners of record) – Application for a dock and shed.

Dominick Catalano, owner, was present.

Mr. Catalano stated the easement across his property allows a neighbor who does not have a driveway to cross for grass mowing and snow clearing.

The Board reached consensus to refer the shed to the Building Inspector.

On a motion made by Mr. Gusmano, seconded by Mr. Kerner, the Board determined that construction of the dock and shed at 34 Twin Lakes Road, South Salem, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Mr. Gusmano, Mr. Kerner and Mr. Thompson. Absent: Ms. Indelicato.

Mr. Johannessen stated the application can be bifurcated so the wetland permit for the dock could be issued prior to the permit for the shed.

Cal #22-23WP

(53:51 - 1:10:34)

Samberg Residence, 6 Cove Road, South Salem, NY 10590; Sheet 33B, Block 11157, Lot 29 (Mitchell & Lynn Samberg, owners of record) – Application for a garage renovation and installation of a driveway, walkway and steps.

Alan Pilch was present on behalf of the owner.

Mr. Pilch stated the property is a 1.5-acre parcel on Lake Waccabuc located entirely within the wetland buffer. He noted a joint application to the DEC (for freshwater wetland L-13) and the Army Corps of Engineers is under review. Mr. Pilch stated the proposal is to:

- keep the same garage footprint;
- renovate the garage by adding two new garage doors and a second story dormer;
- use the first floor for cars;
- use the second floor for storage (it is not a living space);
- remove the existing gravel driveway on the north;
- install a new gravel driveway with two parking spaces;
- construct an exterior stair on piers on the east side of the garage; and
- restore the garden on the west side.

Mr. Johannessen stated he had walked the property with Beth Evans a few years ago.

Ms. Andersen stated there is a June 12, 2007 Planning Board approval for a garage with a loft (#96-05WP) which would face Cove Road and asked if the applicant had considered utilizing those prior approvals and implement the previous mitigation measures. She noted in the Building Dept. file there were approvals for a microwave and dishwasher.

Mr. Pilch stated he will submit architectural drawings and planting plans.

The Board reached consensus to schedule a site visit for Saturday, July 15, 2023 at 9 A.M.

VI. CORRESPONDENCE

(1:10:35 - 1:13:35)

Referral from Town Board - Notice of Intent to be Lead Agency in a coordinated SEQR Review - For a feasibility study to develop a sewer and wastewater treatment plant for parts of these lakes: Waccabuc, Rippowam, Oscaleta and Truesdale.

Ms. Andersen stated the Town Board has circulated a Notice of Intent to be Lead Agency in a coordinated SEQR Review for a feasibility study to develop a sewer and wastewater treatment plant for some of the parcels around these lakes: Oscaleta, Rippowam, Truesdale and Waccabuc.

Ms. Andersen stated she is a volunteer working on this grant and while she resides near one of these lakes her house would not be part of the proposed sewer connection. She noted she would not be recusing herself on this matter.

On a motion made by Mr. Gusmano, seconded by Mr. Thompson, the Board authorized the Chair to sign the Lead Agency Agreement so that the Town Board can act as lead agency on the feasibility study to develop a sewer and wastewater treatment plant for parts of these lakes: Waccabuc, Rippowam, Oscaleta and Truesdale. In favor: Ms. Andersen, Mr. Gusmano, Mr. Kerner and Mr. Thompson. Absent: Ms. Indelicato.

(1: 13:36 – 1:14:17)

Referral from Wilton, CT Inland Wetlands Commission – Zitterman Residence, 24 Silver Spring Road, Wilton, CT – Application for an “after-the-fact,” underground propane tank within a regulated area.

Ms. Andersen stated this matter is a referral from Wilton, Connecticut’s Inland Wetlands Commission. She noted that the Zittermans at 24 Silver Spring Road, Wilton Connecticut, have submitted a wetland permit application for an existing underground propane tank located within a regulated area.

On a motion made by Mr. Kerner, 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 wetland permit for the underground propane tank at the Zitterman Residence, 24 Silver Spring Road, Wilton. In favor: Ms. Andersen, Mr. Gusmano, Mr. Kerner and Mr. Thompson. Absent: Ms. Indelicato.

VII. MINUTES OF May 16, 2023.

(1:14:18 – 1:14:50)

On a motion made by Mr. Gusmano, seconded by Mr. Thompson, the Board approved the minutes of May 16, 2023 meeting, as submitted. In favor: Ms. Andersen, Mr. Gusmano, Mr. Kerner and Mr. Thompson. Absent: Ms. Indelicato.

VIII. NEXT MEETING DATE: July 18, 2023.

(1:14:51 – 1:17:09)

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

Mr. Kerner noted that the July meeting will be his last; he has submitted a letter of resignation as he is moving out of town.

IX. ADJOURN MEETING.

(1:17:10 – 1:17:29)

On a motion made by Mr. Kerner, seconded by Mr. Gusmano, the meeting was adjourned at 8:52 p.m.

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

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

JUN 21 2023

Town Clerk
Town of Lewisboro

**RESOLUTION
LEWISBORO PLANNING BOARD**

**GREEN RESIDENCE
SITE DEVELOPMENT PLAN APPROVAL**

114 WILLOW COURT – MEADOWS AT CROSS RIVER

Sheet 17B, Block 10533, Lot 314

Cal. #04-23 PB

June 20, 2023

WHEREAS, Wendy and Josh Green ("the applicants") are proposing to expand an existing at-grade deck ("the proposed action") attached to their residence located at 114 Willow Court within the Meadows at Cross River Condominium Development ("the subject property"); and

WHEREAS, more specifically, the proposed action will result in the demolition of the existing ± 125 s.f. deck and the construction of a new ± 231 s.f. deck in the same general vicinity; and

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

WHEREAS, the proposed action was approved by the Architecture and Community Appearance Review Council (ACARC) and was reviewed by the Conservation Advisory Council (CAC); and

WHEREAS, by letter dated December 21, 2022, the proposed action was approved by the Meadows at Cross River Condominium II Board of Directors, subject to stipulations enumerated within the referenced letter; and

WHEREAS, the application was referred to and reviewed by the Town Building Inspector and reference is made to his review Memorandum, dated June 1, 2023; and

WHEREAS, reference is made to a review Memorandum prepared by the Town Engineer and Planning Consultant, Kellard Sessions Consulting, dated May 12, 2023; and

WHEREAS, given the site's location within a Multifamily Zoning District (R-MF), Site Development Plan Approval is required from the Planning Board prior to the issuance of a Building Permit.

NOW THEREFORE BE IT RESOLVED THAT, the proposed action is a Type II Action under the State Environmental Quality Review Act (SEQRA); and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby determines that the proposed action qualifies for a waiver of Site Development Plan application procedures under §220-47A of the Zoning Code and that a public hearing is not required; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants Site Development Plan Approval subject to the below conditions; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves the following drawings, hereafter referred to as “the approved plans”, subject to the conditions listed below:

Plans, Prepared by Richard Vail, Architect, PLLC:

- Site Plan, dated (last revised) May 15, 2023 (this plan illustrates the proposed deck over the originally approved Meadows at Cross River construction plan)
- Title Sheet & Plans (A1), dated December 8, 2023
- Elevations (A2), dated December 8, 2023
- Sections (A3), dated December 8, 2023

Conditions

1. Prior to the issuance of a Certificate of Occupancy, the applicant shall install three (3) evergreen shrubs; the size, specie type and locations shall be to the satisfaction of the Town Building Inspector.
2. Subject to all expiration dates as specified under the Town of Lewisboro Zoning Code.
3. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

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: John Gusmano

The motion was seconded by: Jerome Kerner

The vote was as follows:

JANET ANDERSEN

JEROME KERNER

CHARLENE INDELICATO

BRUCE THOMPSON

JOHN GUSMANO

aye
aye
absent
aye
aye

Janet Andersen
Janet Andersen, Chair

June 20, 2023

RECEIVED BY

JUN 23 2023

Town Clerk
Town of Lewisboro

**RESOLUTION
LEWISBORO PLANNING BOARD
NEGATIVE DECLARATION OF SIGNIFICANCE**

WOLF CONSERVATION CENTER

**Mead Street/Buck Run
Sheet 21, Block 10803, Lots 3, 65, 67, 81, 82, 83, 86 & 88
Cal. # 06-17PB**

June 20, 2023

WHEREAS, Wolf Conservation Center ("the applicant") seeks Site Development Plan, Special Permit Approvals, Subdivision Approval and Wetland and Stormwater Permits to authorize a "Private Nature Preserve" upon its premises located on Mead Street and Buck Run, to be accompanied by a new Educational Center and other related improvements ("the proposed action");

WHEREAS, the proposed action is an Unlisted Action under the State Environmental Review Act ("SEQRA"); and

WHEREAS, a coordinated review of the proposed action is underway and the Planning Board is serving as SEQRA Lead Agency for purposes of this review; and

WHEREAS, the Planning Board has received and reviewed application plans and materials, submissions, reports and verbal commentary from the applicant and its consultants, submissions, comment letters and verbal commentary from the Planning Board's consultants and SEQRA documentation developed as part of the SEQRA review process, and has a completed Full Environmental Assessment Form (Parts 1, 2 and 3) pertaining to the proposed action, which it has thoroughly considered;

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7(c) and determined that the proposed action will not have a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby adopts and issues the attached Negative Declaration and Notice of Determination of Non-Significance, which is to be distributed as required under SEQRA and its implementing regulations.

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: Jerome Kerner

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


Janet Andersen, Chair

June 21, 2023

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

Date: June 20, 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: Wolf Conservation Center

SEQRA Status: ☐ Type 1

☒ Unlisted

Conditioned Negative Declaration: ☐ Yes

☒ No

Coordinated Review: ☒ Yes

☐ No

Description of Action:

The Wolf Conservation Center, Inc. (the "WCC" or the "Applicant") is seeking Site Development Plan and Special Permit Approvals, Subdivision Approval¹, and Wetland and Stormwater Permits from the Planning Board to permit the establishment of a "Private Nature Preserve" and the construction of a new Educational Center and other related site improvements to support its wolf conservation operations at its property located at Mead

¹The proposed action also includes the subdivision of the 96.9 acre property located on Mead Street, Waccabuc which property is designated on the tax assessment map of the Town of Lewisboro as Sheet 21, Block 10802, Lot 3. In 2003, this property was acquired by the Westchester Land Trust ("WLT"). Immediately thereafter, on July 23, 2003, WLT conveyed approximately 85.9 acres of this parcel to the County of Westchester and the Town of Lewisboro (now known as the "Old Field Preserve"), and the remaining 11 acres were conveyed to the WCC. The subdivision will formally separate the Old Field Preserve from the 11 acres owned by the WCC, and the 11 acres will then be combined with the other parcels owned by the WCC, resulting in two (2) lots; one consisting of approximately 85.9 acres (the "Old Field Preserve") and the Property.

Street and 1, 3, 4, and 7 Buck Run, South Salem (the "Proposed Action" or the "Project"). The proposed action encompasses property known and designated on the tax assessment map of the Town of Lewisboro (the "Town") as Sheet 21, Block 10802, Lots 3, 65, 67, 81, 82, 83, 84, 86, and 88 (collectively referred to as the "Property")². The Property is partially located in the R-4A One-Family Residence District of the Town (Lots 3, 82, 83, 84, 86 and 88) and partially located in the R-2A One-family Residence District (Lots 65, 67 and 81). The Property consists of approximately 33.1 acres. It is currently developed with four (4) single family residences that are utilized for the WCC's current operations, several small out-buildings and fenced wolf enclosures housing several endangered species of wolves.

To accomplish its mission to provide a natural habitat sanctuary for wolves, the WCC shelters and breeds both red wolves (*Canis rufus*) and Mexican grey wolves (*Canis lupis baileyi*) as part of the national "Species Survival Plan" programs administered by the United States Fish and Wildlife Service and the American Zoo and Aquarium Association. The Property is currently home to thirty-two (32) wolves, two of which are the "Ambassador" wolves (Alawa and Nikai)³. The Ambassador wolves assist the WCC in accomplishing its education mission.

In furtherance of its objective to promote wolf conservation through education, the WCC offers a number of educational programs to the public, with the assistance of the Ambassador wolves, both at the Property and off-site. The conservation and educational activities of the WCC are licensed by the United States Department of Agriculture, the United States Fish and Wildlife Service and the New York State Department of Environmental Conservation (NYSDEC).

The Applicant is seeking a Special Permit from the Planning Board to formally permit the establishment of a "Private Nature Preserve" on the Property pursuant to Section 220-43.2 of the Zoning Code of the Town of Lewisboro (the "Zoning Code"). Further, to enhance the site and the programs offered by the WCC, the Applicant is also seeking Site Development Plan Approval to permit a number of improvements to the property, including: 1) demolition of the existing single-family residence at 3 Buck Run, and the construction of a new Educational Center consisting of approximately 4,680 s.f., together with the construction of a new off-street parking area containing a total of 26 parking spaces, including two (2) handicap accessible spaces; 2) construction of an amphitheater; 3) the addition of twelve (12) camping pods; 4) construction of composting toilets; 5) conversion of the existing classroom to a freezer facility for animal food preparation and storage; 6) improvements to and widening of Buck Run; and 7) additional site and infrastructure improvements including the construction of a number of retaining walls,

² The portion of the Property owned by the Town and County (a portion of current Lot 3) referred to in footnote "1" above is referred to herein as the "Old Field Preserve." There is no disturbance, development or physical change proposed to the Old Field Preserve as a result of the Proposed Action.

³ This number varies depending on births, deaths and relocation of wolves. The WCC awaits the arrival of a new ambassador wolf this spring.

swales and stormwater management measures. The design of the Educational Center incorporates a number of green features, including photovoltaic panels on the roof.

Location: Buck Run, Town of Lewisboro, Westchester County, 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:

Reference is made the Full Environmental Assessment Form (Parts 1, 2 and 3), dated (last revised) August 4, 2022 and the Site Development Plan, prepared by Insite Engineering, dated (last revised) July 26, 2022 ("FEAF"), which is adopted by the Planning Board in its entirety. The FEAF is incorporated herein by reference.

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, or a substantial increase in solid waste production.

Land Disturbance

Construction of the Project is anticipated to occur over an approximately 18-month period. Construction sequencing for the Project is shown on Drawing EC-2, entitled "Erosion Control Notes & Detail", prepared by Bibbo Associates, LLP. Approximately 4.5 acres of the Property will be physically disturbed and approximately 0.71 acres of impervious surface will be added as a result of the Proposed Action to accommodate the off-street parking area and the widening of Buck Run. The Proposed Action will require approximately 7,015 cubic yards (CY) of excavation; approximately 2,940 CY of excavated material will be utilized as fill, resulting in a net export of approximately 4,075 CY from the Property. The Applicant anticipates approximately 12 to 15 truck trips per day over a 20- to 25-day period for removal of fill during the approximately eighteen (18) month construction period. According to the "Slopes Exhibit", prepared by Bibbo Associates, LLP, dated May 17, 2023 and submitted by the Applicant, the Proposed Action requires the disturbance of approximately 3.1 acres of slopes greater than 15% as part of the Project. Best management practices for slope disturbance will be implemented by the Applicant and include stabilization of disturbed area with vegetation immediately upon completion of grading in accordance with the "New York Standards and Specifications for Erosion and Sediment Control" and as specified in the erosion and sediment control notes provided on Drawing No. EC-2.

Stormwater Management

In connection with the construction of the parking area and other site improvements, the Applicant proposes the construction of drainage and water quality improvements on the Property to avoid minor increases in peak runoff rate and volume. Stormwater runoff generated by the proposed impervious surfaces will be captured and treated in two (2) subsurface infiltration systems and one (1)

infiltration basin sized to provide storage volume for 100% of the contributing water quality volume to each practice in accordance with NYSDEC Water Quality Volume and Runoff Reduction Volume requirements. In addition to the proposed infiltration practices, additional green infrastructure will be provided for impervious area reduction purposes in the form of tree planting along the entrance to the Property.

Stormwater peak runoff rates following construction of the Project will not exceed those in the existing condition. As proposed, stormwater runoff rates following implementation of the Proposed Action will have no adverse impacts on downstream properties or stormwater conveying systems. Similarly, considering the nature of the existing conditions on the Property and the level of stormwater treatment proposed as part of the Project, the Proposed Action will not result in any adverse impacts to downstream reservoirs, streams, wetlands or watercourses. A SWPPP which demonstrates compliance with the Town, NYSDEC and NYCDEP regulations and requirements has been prepared and submitted by the Applicant.

Wetlands

The Proposed Action will not result in any direct incursion into the off-site NYSDEC regulated wetland located to the southwest of the Property. However, the Applicant proposes approximately 7,700 s.f. of disturbance to the regulated buffer area which is associated with the widening and improvement of Buck Run, which disturbance will require wetland permits from both the NYSDEC and the Town of Lewisboro. All disturbance to the wetland buffer is proposed on the opposite side of road from the wetland area and is the farthest from the wetland as possible. Disturbance to the buffer is unavoidable as the existing road is entirely within the buffer area, and the widening is necessary to comply with requirements imposed by the Town for access to the Property. The Applicant has prepared a Wetland Mitigation Plan (Drawing No. M-1, prepared by Bibbo Associates, LLP), which proposes approximately 9,700 s.f. of wetland mitigation plantings (exceeding the amount of disturbance) and demonstrates compliance with the Town's 1:1 mitigation requirement.

Groundwater

It is anticipated that the Proposed Action will result in reduced impacts to ground water over current conditions. The Property is currently improved with four (4) single family residences, each of which has its own well for potable water and associated septic system. Each of those homes utilized more water daily (500-600 gpd each) which when combined is in excess of that anticipated of the Proposed Action. As part of the Proposed Action, two (2) of the wells will be abandoned. The remaining two (2) wells will be used only for autofill of the proposed fire protection storage tanks proposed on the Property.

As part of the Proposed Action, the existing residence at 3 Buck Run will be demolished and the new Education Center constructed in the same general area. Two (2) new wells will be drilled to be utilized as a new, non-community public water supply to serve the new Education Center; only one of the wells will be utilized and the second will be a "backup."

The new public water supply will require approval from the Westchester County Department of Health (the "WCDH"); as part of the permitting process the Applicant will be required to conduct a 72-hour pump test. The pump test will be conducted during the Site Development Plan review process with the Planning Board. The Applicant will be required to prepare a pump test "work plan" which will be subject to review and approval by the WCDH and Town Engineer prior to performing the test.

It is anticipated that the Proposed Action will result in a daily reduction in the number of gallons of water used per day, and there will be a corresponding reduction in the amount of wastewater discharged. All programs and visits to the WCC are by appointment only. Based on the average anticipated visits to the WCC, water usage (and corresponding wastewater flows) has been calculated utilizing the NYSDEC Flow Regulations to be approximately 420 gallons per day (gpd) for the new Education Center – which is a reduction in the current usage of approximately 900 gpd (for the existing three-bedroom single family residence).

Wastewater

Wastewater will be discharged to an existing septic system which is sized appropriately to accommodate wastewater generated by the Project. An existing septic system will be used to serve the proposed Educational Center; however, this system is proposed to be rebuilt. Impacts will be further reduced through the use of composting toilets. The adequacy of the existing septic system(s) to serve the proposed action, as well as modification to any existing septic system will be evaluated and approved by the WCDH.

Traffic and Noise

Construction-related traffic is expected but will be temporary. Traffic associated from the facility is not expected to increase significantly; however, the proposed action includes several traffic and transportation improvements including the widening and resurfacing of the private access road, new code compliant parking facilities, sidewalks, handicap access to the Education Center, and the ability for a bus to circulate the site. The project will result in significant traffic and public safety improvements.

During construction, there may be a temporary increase in construction related traffic and noise levels, however, once the project is completed, noise levels are

expected to be similar to levels prior to construction. Construction related noise is regulated under Section 220-60 Noise, of the Town of Lewisboro Town Code.

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.

The Proposed Action has been designed to preserve as many trees on the Property as practicable and in accordance with the purposes of Chapter 203 of the Town Code, but nevertheless will require the removal of approximately 143 trees. The Application includes Drawing No. EX-1, entitled "Existing Conditions Plan", which identifies all regulated trees on the Property and includes those trees to be removed. If required by the NYSDEC, tree removal on the Property will occur between October 1st through March 31st to ensure no adverse impacts to all potential bat populations on the Property.

The Applicant has submitted a landscaping plan (Drawing No. L-100, entitled "Landscape Plan") and a mitigation planting plan (Drawing No. M-1, entitled "Mitigation Plan") which propose extensive planting of shrubs and trees, including more than 165 shrubs and 100 new evergreen, deciduous and flowering trees on the Property. The Landscape Plan has been prepared in accordance with Section 220-15 of the Zoning Code. The Mitigation Plan has been prepared in accordance with the requirements of Chapter 217, Appendix B of the Town Code and has been designed to enhance the wetland buffer in the area of disturbance as described above. The landscape design takes into consideration limiting water consumption on the Property by utilizing indigenous landscape materials that will require no or minimal irrigation once established over the first year.

In connection with the preparation of the FEA submitted as part of the Application, the Applicant utilized the NYSDEC Environmental Resources Mapper which indicates that there are no significant natural communities or rare plants or animals on, or in the vicinity of the Property. The Applicant currently occupies the Property which is currently home to thirty-two (32) wolves. Other animals that were documented on or expected to be on the Property include deer, turkeys, squirrels and raccoons. Given that the Property will remain largely in its natural state, no discernable impact to wildlife or its habitat is anticipated as a result of the Proposed Action.

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 proposed action is consistent with the Special Use Permit standards associated with Private Nature Preserves, provided under Section 220-43.2 of the Zoning Code.

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.

The Property does not contain structures of archeological or historical significance, however, a portion of the Property is located within the Waccabuc Historic District which was established in 2014 and is an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The Proposed Action is not anticipated to result in any impacts to any historic or archeological resources.

The Proposed Action will not result in significant light impacts. The proposed lighting is shown on Drawing No. LP-1, entitled "Lighting Plan", and accompanying cut sheets for the lighting fixtures. The proposed lighting plan is dark sky compliant and also complies with Section 220-14 of the Zoning Code in that all lighting will be directed away from nearby streets and properties, and will not cause objectionable glare observable from such street and properties. In addition, all exterior lighting will be placed or shielded so that no direct light source is visible at any property line at a height of more than four feet above grade. As stated above, the Applicant will also utilize long lasting energy efficient LED light fixtures.

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

The Proposed Action is not anticipated to result in any significant negative impact on energy resources, and in fact will result in positive impacts on our climate and will preserve natural resources through the use of "green" features. The Applicant's "green" approach will feature water efficiency through the use of low flow fixtures, the utilization of efficient mechanical and electrical systems, and will utilize natural light and ventilation to minimize the use of fossil fuels. The Applicant has committed to the installation of a 38kw photovoltaic (solar panel) system, ground source heat pumps (geothermal), direct on demand hot water, touchless and low flow sinks and toilets, touchless air hand dryers, long lasting LED light fixtures, bird friendly "no strike" glass, a green vegetative roof, a super

insulated exterior wall envelope, and extensive use of materials with high recycled content and no VOCs (volatile organic compounds).

The Education Center has been positioned to face north on the southern sloped hill to limit the sun's impact on thermal gain which minimizes the demand of the mechanical cooling system. Facing north also provides for a use of soft natural daylight throughout the day.

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

Ciorsdan Conran, Planning Board Administrator
Town of Lewisboro
79 Bouton Road, South Salem, NY 10590
Phone: (914) 763-5592
Fax: (914) 763-3637

This notice is being filed with:

INVOLVED AGENCIES

- Town of Lewisboro Planning Board
- Town of Lewisboro Zoning Board of Appeals
- Town of Lewisboro Building Department
- Westchester County Department of Health
- New York City Department of Environmental Protection (NYCDEP)
- New York State Department of Environmental Conservation (NYSDEC)
- New York State Department of Transportation
- New York State Historic Preservation Office

INTERESTED AGENCIES

- Town of Lewisboro Architecture and Community Appearance Board
- Town of Lewisboro Conservation Advisory Council
- Westchester County Planning Board
- South Salem Fire Department