

**AGENDA PACKET**

**JULY 18, 2023 MEETING**

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**TOWN OF LEWISBORO**  
Westchester County, New York



**Planning Board**  
**79 Bouton Road**  
**South Salem, New York 10590**

**Tel: (914) 763-5592**  
**Fax: (914) 875-9148**  
**Email: [planning@lewisborogov.com](mailto:planning@lewisborogov.com)**

**AGENDA**

**Tuesday, July 18, 2023**

**Courtroom at 79 Bouton Road**

Meeting will start at 7:30 p.m. and end at or before 11:00 p.m.

**I. DECISIONS**

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

**Ference and Malan Residence, 72 Chapel Road, Waccabuc, NY 10597; Sheet 30, Block 10802, Lot 30 (Ashley Ference & Michael Malan, owners of record) - Application for remediation of wetlands.**

**Cal #05-23PB**

**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.**

**II. EXTENSION OF TIME REQUEST**

**Cal #03-13PB, Cal #03-16WP, Cal #19-21SW**

**“Silvermine Preserve,” Silvermine Drive & Lockwood Road, South Salem, NY, 10590 Sheet 48, Block 10057, Lot 15 and Sheet 51, Block 10057, Lot 104 (Ridgeview Designer Builders, Inc. & Daniel Higgins, owners of record) – Request for two 90-day extensions of time to the Resolution granting Final Subdivision Plat Approval, Wetland Activity and Stormwater Permits, dated August 16, 2022 for the construction of a 13 single-family houses; the current expiration date is August 14, 2023.**

**III. SITE DEVELOPMENT PLAN REVIEWS**

**Cal #06-17PB**

**Wolf Conservation Center, Buck Run, South Salem, NY 10590; Sheet 21, Block 10803, Lots 3, 65, 67, 77, 81, 82 & 83 plus roadbeds (Sheet 21, Block 10803, Lots 81(po), 84, 86 & 88) (Wolf Conservation Center, owner of record) - Application for a Subdivision, Site Plan and Special Use Permit associated with a private nature preserve.**

**Cal #01-23PB**

**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.**

**IV. WETLAND PERMIT REVIEWS**

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

**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.**

**Cal #22-23WP**

**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.**

**Cal #26-23WP**

**Scott's Dam Reservoir Rehabilitation, 0 Wakeman Road, South Salem, NY 10590; Sheet 47, Block 10057, Lot 11 (Norwalk City First Taxing District, owner of record) - Application for dam improvements and a temporary accessway.**

**V. WETLAND VIOLATION**

**Cal #02-23WV**

**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)**

**VI. CORRESPONDENCE**

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

**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) - Request for a partial release of the apartments' construction performance bond.**

**Ridgefield, CT Planning and Zoning Commission to amend its Town Code §2.2; 7.3.C; 7.3.E; 7.3.G (related to digital signage) and §2.2;8.8 (related to outdoor eating).**

**VII. MINUTES OF June 12, 2023 and June 20, 2023.**

**VIII. NEXT MEETING DATE: August 15, 2023.**

**IX. ADJOURN MEETING.**

**ARCHITECTURE AND COMMUNITY APPEARANCE REVIEW COUNCIL**  
**TOWN OF LEWISBORO**

**CAL. NO. 08-23-ACARC/PB**

Applicant(s):	Kristie Moran
Owner(s) of Record:	Kristie Moran
Reason for Referral:	Multi-Family Zoning District
Address:	119 Willow Court, Cross River
Tax Map I.D. and Zone:	Sheet 17B, Block 10533, Lot 319; Zone R-MF
Decision Date:	June 14, 2023
The Vote: To Approve:	Rose Bonanno, Chair Darren Mercer Steven O'Hara Ed Ozols Chris Winter
Absent:	None
To Deny:	None
Presentation by:	None
Nature of Application:	Installation of a deck
Evidence Presented:	Architectural plans (Richard Torres, AIA) dated 02/03/23, HOA approval dates 12/21/22 and photos of existing lawn

Based on the foregoing, the members of ACARC resolved to approve the applicant's proposal to install a new 210 sf Timbertech deck with 4' railing/balusters and two steps.

Mr. Ozols made a motion to accept the proposal, as submitted, with the condition that site plan approval be granted by the Planning Board and a building permit be issued; seconded by Mr. Mercer; In favor: Rose Bonanno, Darren Mercer, Steven O'Hara, Ed Ozols and Chris Winter. Absent: None. To deny: None.



Rose Bonanno, Chair

Dated in South Salem, New York  
This 30<sup>th</sup> of June 2023



HOCHERMAN  
TORTORELLA  
& WEKSTEIN LLP

Attorneys at Law  
Geraldine N. Tortorella (NY, CT)  
Adam L. Wekstein (NY)  
Noelle C. Wolfson (NY, CT)

Henry M. Hocherman, Retired

June 16, 2023

*Via Electronic Mail ([Planning@lewisborogov.com](mailto:Planning@lewisborogov.com)) and First Class Mail*

Hon. Janet Andersen, Chairwoman  
and Members of the Planning Board  
Town of Lewisboro  
79 Bouton Road  
South Salem, New York 10590

*Re: Conditional Final Subdivision Approval and Wetland Permit for the Silvermine Preserve Subdivision  
Silvermine Drive and Lockwood Road, Town of Lewisboro  
Tax Identification Nos.: Sheet 48, Block 10057, Lot 15 and  
Sheet 51, Block 10057, Lot 104  
Second Request for Extension*

Dear Chairwoman Andersen and Members of the Planning Board:

At its January 17, 2023 meeting, the Board granted two ninety-day extensions of time to Planning Board Resolution Cal #3-13PB which granted Final Subdivision Plat, Wetland Permit and Stormwater Permit Approvals for the Silvermine Preserve Subdivision (the "Approval"), to and including August 14, 2023. Various plans and documents relating to conditions of the Approval were submitted to Kellard Sessions Consulting, P.C. by Bibbo Associates, L.L.P. in late May for Kellard's review and approval and to enable our client to start construction of the infrastructure in the near future. Construction of the road and drainage facilities is expected to take six (6) months from commencement, assuming good weather and no labor or materials supply issues. In light of our client's plan to install the infrastructure before filing the Subdivision Plat, we are writing to request two additional ninety-day extensions of the Approval, to and including February 12, 2024, which is the first business day after February 10, 2024, the 180<sup>th</sup> day of the extension. (We are not certain when construction will be allowed to commence and it is unlikely that the work will be completed by the expiration of only one ninety-day (90) extension.) This is our second request for two ninety-day extensions.

Kindly schedule this request for an extension for consideration and, hopefully, action at the Board's July 18 or August 15, 2023 meeting and let us know if an appearance is requested or required.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

By:   
Geraldine N. Tortorella

Hon. Janet Andersen, Chairwoman  
and Members of the Planning Board  
June 16, 2023  
Page 2

GNT:hc



cc: *(via electronic mail)*  
Jan Johannessen, AICP  
Joseph Cermele, P.E.  
Judson Siebert, Esq.  
Timothy Allen, P.E.  
Beth Evans, PWS  
Mr. Eric Moss  
Ms. Sue Haft

S:\# MATTERS\Moss 0056\Lewisboro (Silvermine) 002\Letters\Planning Board Second Ext Rqst Final App & Filing Site Plans 6-16-2023.docx

**MEMORANDUM**

TO: Chairperson Janet Andersen and  
Members of Lewisboro Planning Board

CC: Ciorsdan Conran  
Judson Siebert, Esq.  
Kevin Kelly, Building Inspector

FROM: Jan K. Johannessen, AICP   
Joseph M. Cermele, P.E., CFM   
Town Consulting Professionals

DATE: July 13, 2023

RE: Wolf Conservation Center  
Mead Street and Buck Run  
Sheet 21, Block 10803, Lots 3, 77, 65, 81, 82, 83, 86, and 88

**PROJECT DESCRIPTION**

The subject property consists of ±32.3 acres of land and is located off Buck Run, a private road, within the R-2A and R-4A Zoning Districts. The applicant has submitted an application for a Special Use Permit, under Section 220-43.2, Private Nature Preserves, of the Zoning Code, and is proposing several improvements in the furtherance of its goals and objectives. A lot line change is also proposed.

**SEQRA**

The Planning Board, as Lead Agency, issued a Negative Declaration of Significance on June 20, 2023.

**REQUIRED APPROVALS/REFERRALS**

1. Subdivision, a Special Use Permit, a Wetland Activity Permit and a Town Stormwater Permit are required from the Planning Board; a public hearing is required to be held.
2. Area variance(s) may be required from the Zoning Board of Appeals.
3. The application must be referred to the Architecture and Community Appearance Review Council (ACARC) for review and recommendations.

Chairperson Janet Andersen

July 13, 2023

Page 2 of 3

4. Westchester County Department of Health (WCDH) Approval is required for the lot line change, reconstruction of an existing sanitary sewage disposal systems and new potable water well(s). A public water system will likely be required by the WCDH.
5. The proposed action requires Stormwater Pollution Prevention Plan (SWPPP) Approval from the New York City Department of Environmental Protection (NYCDEP).
6. Land disturbance will exceed one (1) acre located within the NYCDEP East of Hudson Watershed; coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-20-001) is required.
7. An Article 24 Freshwater Wetland Permit may be required from the NYSDEC.
8. Improvements and modifications within the State right-of-way will require approval from the New York State Department of Transportation (NYSDOT).
9. The proposed action must be referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law; the Planning Board administrator will coordinate this referral.

**THE FOLLOWING COMMENTS PERTAIN TO THE LOT LINE CHANGE PLAT:**

1. The Planning Board should determine if a public hearing is required on the lot line change; per Section 195-13 of the Subdivision Regulations, the Planning Board may waive the public hearing if no new lots are being created and the lot line change does not result in a zoning nonconformity. We note that a public hearing will be mandatory before acting on the Special Use Permit.
2. All existing potable water wells and septic systems should be illustrated on the Plat.
3. The off-site NYSDEC/Town wetland located adjacent to Route 35 and Buck Run, along with the Town's 150-foot Town wetland buffer, should be added to the Plat. A note shall be added to the Plat stating that all on- and off-site wetlands are regulated by the Town of Lewisboro and certain wetlands are co-regulated by the NYSDEC; NYSDEC wetland identification numbers should be provided.
4. A note should be added to the Plat referring to the use of Parcel 2 as a Private Nature Preserve under Section 220-43.2 of the Town of Lewisboro Zoning Code and indicating the necessity for a Special Use Permit, as issued by the Planning Board.

Chairperson Janet Andersen

July 13, 2023

Page 3 of 3

5. While the Planning Board can entertain and act on a Preliminary Subdivision Plat, it is our understanding that the Final Subdivision Plat cannot be filed in advance of the Special Use Permit and that these two (2) applications should be acted on simultaneously.
6. A note should be added to the Plat referring to the required area variance for the existing fence height.
7. The proposed new road name should be added to the Plat; the new name must be approved by the Town.
8. Easement "A" refers to Note #1 on the Plat which appears to be incorrect; please review all easement note references.
9. Provide ownership information for both parcels. A determination should be made as to whether the owners of Parcel 1 will need to sign the Plat.
10. The Planning Board signature block shall include the name of the chair and administrator below the signature line. Change the terminology to "Chairperson" and "Administrator".

In order to expedite the review of subsequent submissions, the applicant should provide annotated responses to each of the comments outlined herein.

**PLANS REVIEWED, PREPARED BY INSITE ENGINEERING:**

- Lot Line Change Map, dated September 9, 2021
- Topographic Map, dated November 21, 2018

**DOCUMENTS REVIEWED:**

- Letter, prepared by Janet J. Giris, dated June 26, 2023

JKJ/dc



**DELBELLO DONNELLAN WEINGARTEN  
WISE & WIEDERKEHR, LLP**

**Janet J. Giris**  
**Partner**  
jjg@ddw-law.com

COUNSELLORS AT LAW  
THE GATEWAY BUILDING  
ONE NORTH LEXINGTON AVENUE  
WHITE PLAINS, NEW YORK 10601  
(914) 681-0200  
FACSIMILE (914) 684-0288

Connecticut Office  
1111 SUMMER STREET  
STAMFORD, CT 06905  
(203) 298-0000

June 26, 2023

**By Hand Delivery**

Honorable Janet Anderson, Chair  
and Members of the Planning Board  
Town of Lewisboro  
79 Bouton Road  
South Salem, New York 10590

**Re: Application of The Wolf Conservation Center, Inc., for Subdivision, Site Plan, Special Permit Approval, Wetland Permit and Stormwater Permit in Connection with a Private Nature Preserve on Property Located on Buck Run, South Salem.**

Dear Chairwoman Anderson and Members of the Board:

As you know, this firm represents the Wolf Conservation Center, Inc. (the “Applicant”) in connection with the above-referenced applications. On behalf of the Applicant, and in support of our applications, we respectfully submit the following drawings:

<b>Drawing No.</b>	<b>Title</b>	<b>Prepared By</b>	<b>Dated or Last Revised</b>
Sheet 1 of 2	Topographic Map Prepared for the Wolf Conservation Center, Inc.	Insite Engineering, Surveying & Landscape Architecture, P.C. (“Insite”)	11/21/2018
Sheet 2 of 2	Topographic Map Prepared for the Wolf Conservation Center, Inc.	Insite	11/21/2018
---	Lot Line Change Map Prepared for Town of Lewisboro / County of Westchester and the Wolf Conservation Center (the “Plat”)	Insite	09/09/2021

To refresh the Board’s recollection, and as shown on the enclosed Plat, the subdivision reflects the combination of nine (9) lots into two (2) lots and the Buck Run right-of-way parcel.

Honorable Janet Andersen, Chair  
and Members of the Planning Board

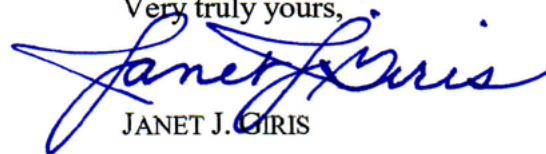
June 26, 2023  
Page 2

Lot 1 consists of 85.903 acres and is the site of the “Old Field Preserve”; Lot 2 consists of 32.37 acres and is the site of the Wolf Conservation Center. The Buck Run right-of-way, which is intended to be renamed “Atka’s Way,” consists of approximately 0.63 acres.

As we discussed with the Board at your last meeting in June, given that the SEQRA process has now concluded, the Applicant is seeking preliminary subdivision approval from the Planning Board which would allow the Applicant to advance its pending applications with other agencies including the Westchester County Department of Health, the New York City Department of Environmental Protection (NYDEP) and the New York State Department of Environmental Conservation (NYSDEC).

We respectfully request that this matter be placed on the Board’s July 18, 2023 agenda for continued review and further discussion of the applications. In the interim, please feel free to contact me if you have any questions or if you would like additional information.

Thank you for your consideration. We look forward to meeting with the Board again on July 18

Very truly yours,  
  
JANET J. GIRIS

Enclosures

cc: Judson Siebert, Esq.  
Jan Johannessen, AICP, Kellard Sessions  
Spencer Wilhelm, The Wolf Conservation Center  
Matthew Girona, P.E. Bibbo Associates  
Erik Kaeyer, AIA, KD+G Architects



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According to NYSAPLS policy adopted January 23, 1993, the alteration of survey maps by anyone other than the original preparer is misleading, confusing and not in the general welfare and benefit of the public. Licensed Land Surveyors shall not alter survey maps, survey plans, or survey plots prepared by others.

Underground structures, if any exist, are not shown hereon, except as noted. The location of underground improvements or encroachments are not always known and often must be estimated. If underground improvements, easements, or encroachments exist and are neither visible during normal field survey operations nor described in instruments provided to this surveyor, they may not be shown on this map and are not certified.

This property may be affected by instruments which have not been provided to this surveyor. Users of this map should verify title with their attorney or a qualified title examiner.

Only copies from the original of this survey marked with the surveyor's embossed seal are genuine, true and correct copies of the surveyor's original work and opinion. A copy of this document without a proper application of the surveyor's embossed seal should be assumed to be an unauthorized copy.

FILED MAP REFERENCE:

"Subdivision of Property Belonging to Rose Niessen" filed July 24, 1969 as Map No. 16799

NOTES:

- Easement "A" against erection of any structures as per L 7116 P 638, Description "A"
- Easement "B" against erection of metallic fences as per L 7116 P 638, Description "B"
- Easement "C" right to cut and remove all trees as per L 7116 P 639, Description "C"

NOTE: Detail shown hereon derived from aerial photography dated April 9, 2017 by Geomaps International.

Legend- Aerial Topography

	BUSH-DECIDUOUS		BRUSH LINE
	BUSH-EVERGREEN		FENCE LINE
	CATCH BASIN		LIGHT POLE
	MANHOLE		PAINTED LINES
	POLE		RETAINING WALL
	SIGN		STONE WALL
	STUMP		SWAMP
	TREE-DECIDUOUS		TRAIL OR PATH
	TREE-EVERGREEN		TREE LINE
	CONTOUR-INDEX		CONTOUR-INDEX
	CONTOUR-INTER		CONTOUR INDEX-OBSCURED
	CONTOUR INDEX-OBSCURED		CONTOUR INTER-OBSCURED
	SPOT ELEVATION		SPOT ELEVATION

PHOTOGRAMMETRY BY:



395 Central Avenue, Bathpage, NY 11714  
TEL (516) 827-9100 FAX (516) 827-9101

Map Scale: 1 inch = 40 feet

Contour Interval: 2'

Photo Date: April 9, 2017

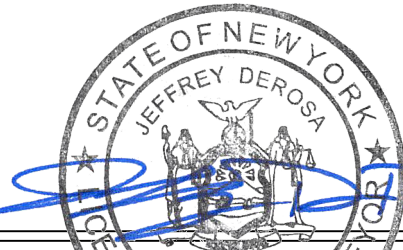
Geomaps Job: 18-324

WOLF CONSERVATION CENTER

Vertical Datum - NAVD 29

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Phone (845) 225-9690 • Fax (845) 225-9717  
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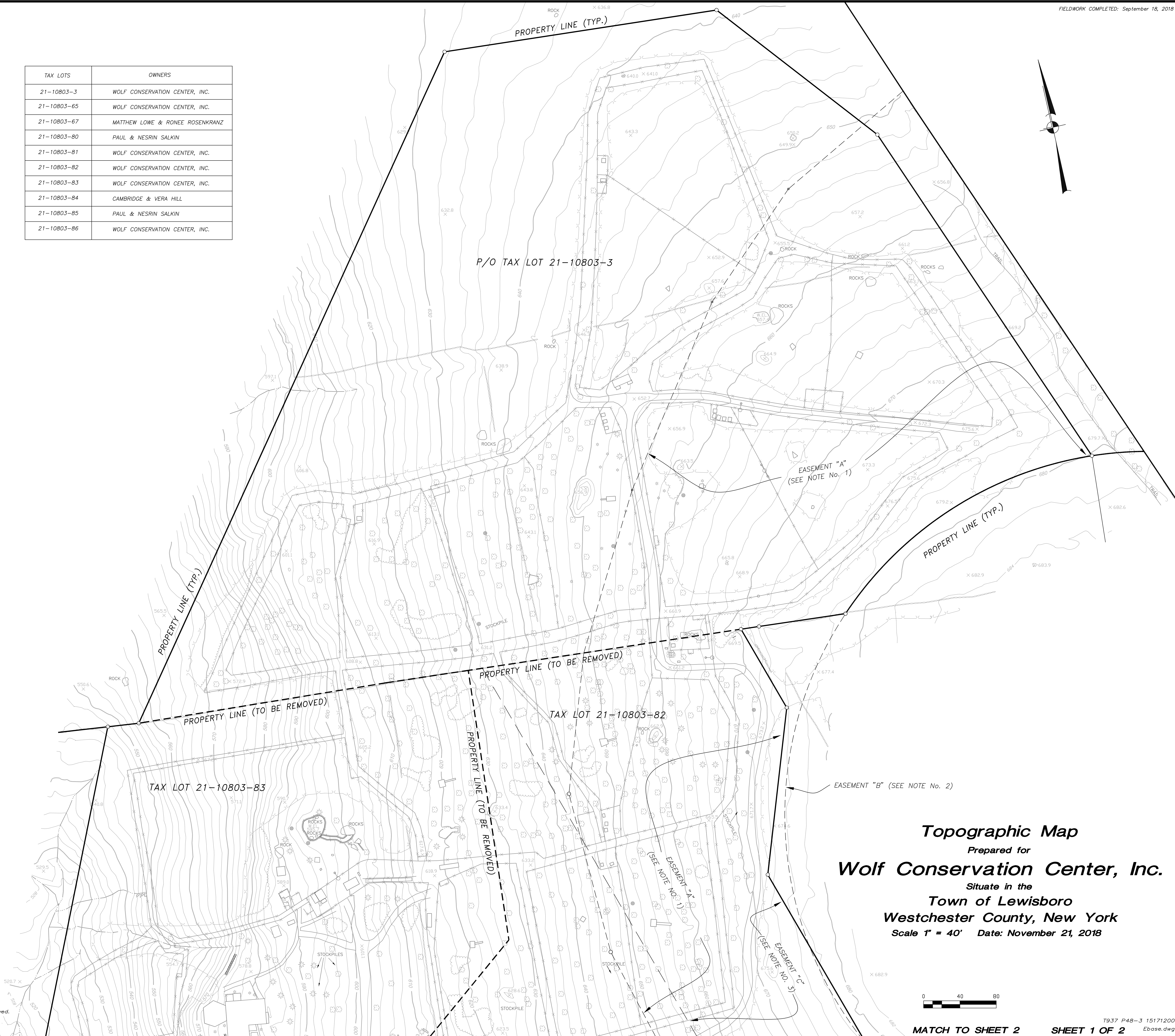


JEFFREY B. DEGISI  
New York State License No. 5050749

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MATCH TO SHEET 2

TAX LOTS	OWNERS
21-10803-3	WOLF CONSERVATION CENTER, INC.
21-10803-65	WOLF CONSERVATION CENTER, INC.
21-10803-67	MATTHEW LOWE & RONEE ROSENKRANZ
21-10803-80	PAUL & NESRIN SALKIN
21-10803-81	WOLF CONSERVATION CENTER, INC.
21-10803-82	WOLF CONSERVATION CENTER, INC.
21-10803-83	WOLF CONSERVATION CENTER, INC.
21-10803-84	CAMBRIDGE & VERA HILL
21-10803-85	PAUL & NESRIN SALKIN
21-10803-86	WOLF CONSERVATION CENTER, INC.



Topographic Map

Prepared for

**Wolf Conservation Center, Inc.**

Situate in the

**Town of Lewisboro**

**Westchester County, New York**

Scale 1" = 40' Date: November 21, 2018



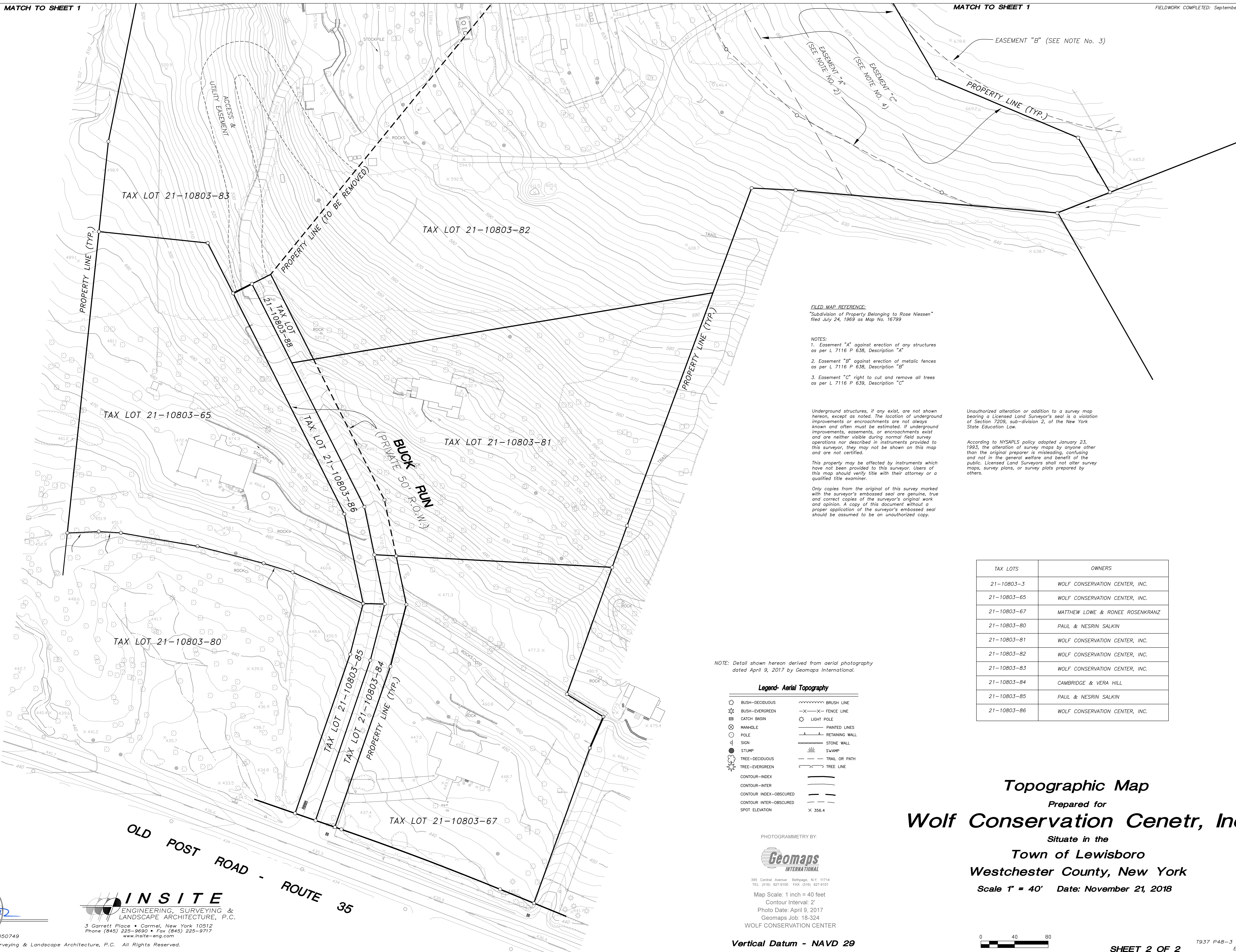
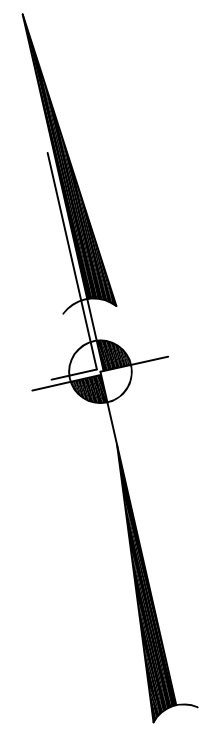
MATCH TO SHEET 2

SHEET 1 OF 2

T937 P48-3 15171200

Ebase.dwg





FILED MAP REFERENCE:  
"Subdivision of Property Belonging to Rose Niessen"  
filed July 24, 1969 as Map No. 16799

- NOTES:
1. Easement "A" against erection of any structures as per L 7116 P 638, Description "A"
  2. Easement "B" against erection of metallic fences as per L 7116 P 638, Description "B"
  3. Easement "C" right to cut and remove all trees as per L 7116 P 639, Description "C"

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This property may be affected by instruments which have not been provided to this surveyor. Users of this map should verify title with their attorney or a qualified title examiner.

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NOTE: Detail shown hereon derived from aerial photography dated April 9, 2017 by Geomaps International.

Legend- Aerial Topography

- |                          |                  |
|--------------------------|------------------|
| ⊗ BUSH-DECIDUOUS         | —X—X— FENCE LINE |
| ⊗ BUSH-EVERGREEN         | ⊗ LIGHT POLE     |
| ⊞ CATCH BASIN            | — PAINTED LINES  |
| ⊗ MANHOLE                | — RETAINING WALL |
| ⊗ POLE                   | — STONE WALL     |
| ⊗ SIGN                   | — SWAMP          |
| ● STUMP                  | — TRAIL OR PATH  |
| ⊗ TREE-DECIDUOUS         | — TREE LINE      |
| ⊗ TREE-EVERGREEN         |                  |
| — CONTOUR-INDEX          |                  |
| — CONTOUR-INTER          |                  |
| — CONTOUR INDEX-OBSCURED |                  |
| — CONTOUR INTER-OBSCURED |                  |
| — SPOT ELEVATION         | X 356.4          |

PHOTOGRAMMETRY BY:



395 Central Avenue Bethpage, N.Y. 11714  
TEL (516) 827-9100 FAX (516) 827-0101  
Map Scale: 1 inch = 40 feet  
Contour Interval: 2'  
Photo Date: April 9, 2017  
Geomaps Job: 18-324  
WOLF CONSERVATION CENTER

Vertical Datum - NAVD 29

TAX LOTS	OWNERS
21-10803-3	WOLF CONSERVATION CENTER, INC.
21-10803-65	WOLF CONSERVATION CENTER, INC.
21-10803-67	MATTHEW LOWE & RONEE ROSENKRANZ
21-10803-80	PAUL & NESRIN SALKIN
21-10803-81	WOLF CONSERVATION CENTER, INC.
21-10803-82	WOLF CONSERVATION CENTER, INC.
21-10803-83	WOLF CONSERVATION CENTER, INC.
21-10803-84	CAMBRIDGE & VERA HILL
21-10803-85	PAUL & NESRIN SALKIN
21-10803-86	WOLF CONSERVATION CENTER, INC.

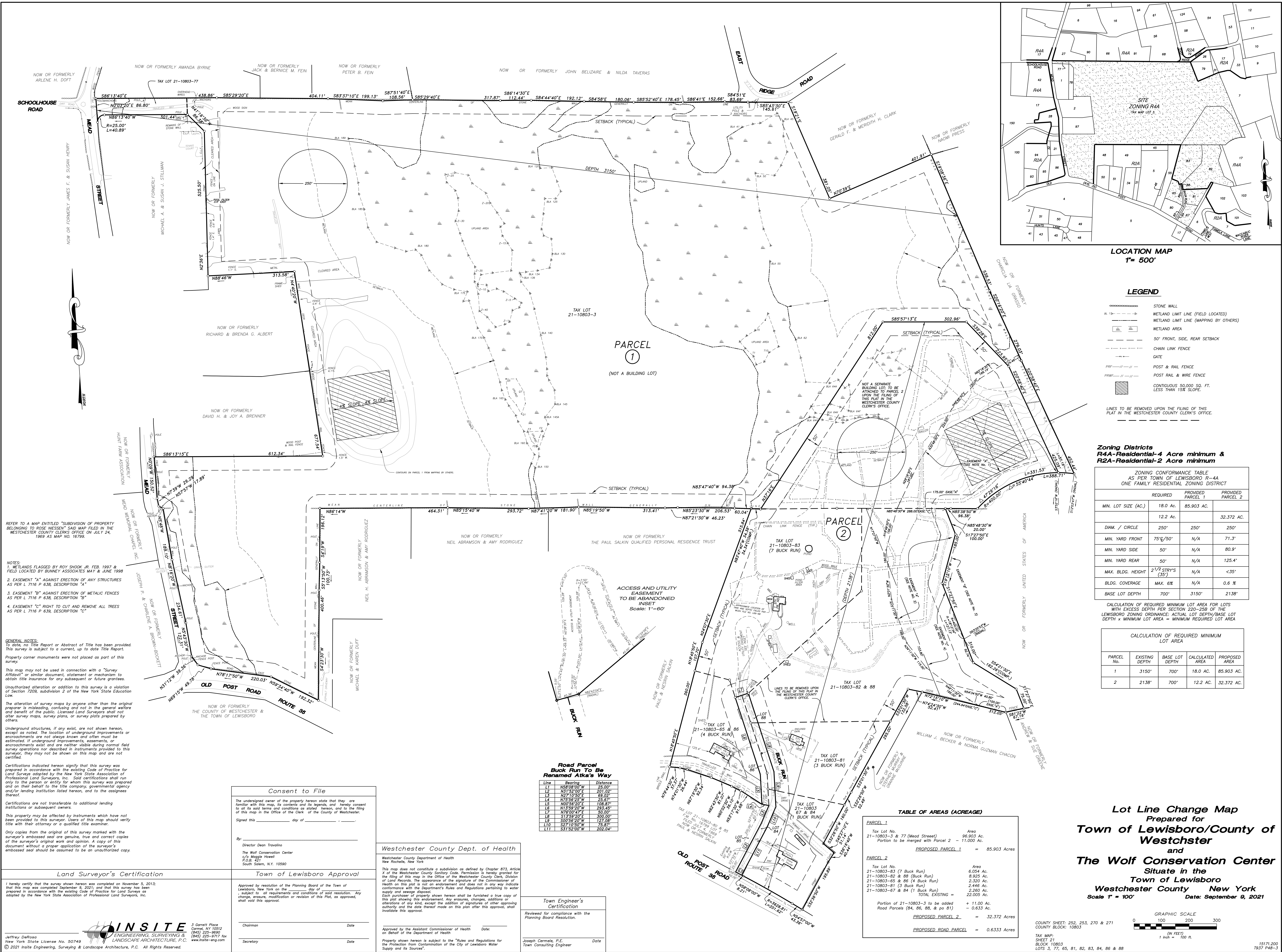
Topographic Map  
Prepared for  
**Wolf Conservation Cenetr, Inc.**

Situate in the  
**Town of Lewisboro**  
**Westchester County, New York**

Scale 1" = 40' Date: November 21, 2018









## MEMORANDUM

TO: Chairperson Janet Andersen and  
Members of Lewisboro Planning Board

CC: Ciorsdan Conran  
Judson Siebert, Esq.  
Kevin Kelly, Building Inspector

FROM: Jan K. Johannessen, AICP *JKJ*  
Joseph M. Cermele, P.E., CFM *JMC*  
Town Consulting Professionals

DATE: July 13, 2023

RE: Site Development Plan Approval  
Waccabuc Country Club Pickleball  
74 Mead Street  
Sheet 42.2, Block 1, Lot 10

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### PROJECT DESCRIPTION

The subject property is located at 74 Mead Street, consists of ±6.1 acres of land and is located with the R-4A Zoning District. The property is developed with a residence, tennis court, pool and other ancillary residential uses and is located immediately adjacent and to the south of the Waccabuc Country Club. The property was recently purchased by the Club and the applicant is proposing to convert the existing tennis court to a pickleball court for use by its membership.

### SEQRA

The proposed action has been preliminarily identified as a Type II Action and is therefore categorically exempt from the State Environmental Quality Review Act (SEQRA).

### REQUIRED APPROVALS AND REFERRALS

1. Site Development Plan Approval is required from the Planning Board; unless waived by the Planning Board, a public hearing is required to be held on the Site Development Plan.

Chairperson Janet Andersen

July 13, 2023

Page 2 of 3

2. A Town Stormwater Permit is required from the Planning Board.
3. The proposed action has been referred to the Architectural and Community Appearance Review Council (ACARC); it is understood that ACARC has approved the project.
4. The Zoning Board of Appeals has approved the expansion of a nonconforming use and two (2) area variances.
5. The subject property is located within the NYC East of Hudson Watershed and proposed land disturbance exceeds 5,000 s.f. Coverage under New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) will be required.

#### **COMMENTS**

1. Land disturbance is proposed to exceed  $\geq 5,000$  s.f. and will therefore require conformance with NYSDEC SPDES General Permit (GP-0-20-001) and filing of a Notice of Intent (NOI) and MS4 Acceptance Form with the NYSDEC. Submit a Town Stormwater Permit application and draft copies of the NOI and SWPPP Acceptance Form to this office for review.
2. The court pitches to the west, toward the proposed berm. Identify how water will drain against the berm; provide spot elevations between the toe of the berm and the edge of the court.
3. All proposed silt fencing shall be incorporated within the limits of land disturbance; the soil stockpile shall also be located within the limits of disturbance.
4. The stabilized construction entrance, as shown on the Enlarged Site Plan, does not match the dimensions as provided in the detail.
5. A note shall be added to the plan stating that all soil imported to the site shall constitute unrestricted clean fill, free of non-soil constituent. A signed soil manifest for any imported soil shall be provided to the Town.
6. The proposed privacy fence is noted to "match neighbor's fence"; provide a picture of the neighbor's fence or additional detail regarding material and color; specify which neighbor the note is referring to.

Chairperson Janet Andersen

July 13, 2023

Page 3 of 3

7. The ACARC approval was granted on March 15, 2023, prior to the incorporation of the proposed berm and fence. A determination should be made as to whether the revised plan should be reviewed by the ACARC.
8. The Building Inspector had determined that the application qualified for a Waiver of Site Development Plan Procedures. With the needed variances and incorporation of a landscaping berm, this determination should be reconfirmed. To be conservative, it is suggested that the applicant submit Steps 1 and 2 of the site plan application. This should not change the process or extent of review and the Planning Board may still elect to waive a public hearing.

In order to expedite the review of subsequent submissions, the applicant should provide annotated responses to each of the comments outlined herein.

**PLANS REVIEWED, PREPARED BY INSITE ENGINEERING, DATED JUNE 23, 2023:**

- Site Plan (1/2)
- Erosion & Sediment Control Plan and Details (2/2)

JKJ/dc

[https://kellardsessionsconsulti.sharepoint.com/sites/Kellard/Municipal/Lewisboro/Correspondence/2023-07-13\\_LWPB\\_Waccabuc CC Pickleball - 74 Mead Str\\_Review Memo.docx](https://kellardsessionsconsulti.sharepoint.com/sites/Kellard/Municipal/Lewisboro/Correspondence/2023-07-13_LWPB_Waccabuc%20CC%20Pickleball%20-%2074%20Mead%20Str_Review%20Memo.docx)



**RESOLUTION  
TOWN OF LEWISBORO  
ZONING BOARD OF APPEALS  
IN THE MATTER OF THE APPLICATION OF  
WACCABUC COUNTRY CLUB**

RECEIVED BY

JUL 07 2023

Town Clerk  
Town of Lewisboro

**ARTICLE III §220-9.E(5)  
ARTICLE V §220-36C  
CAL. NO. 12-23-BZ**

INTRODUCED BY: Board Member Ms. Infield  
SECONDED BY: Board Member Ms. Mandelker  
DATE OF CONSIDERATION/ADOPTION: June 28, 2023

**WHEREAS**, Michael Fuller Sirignano, Esq., as the applicant (Waccabuc Country Club Co., owner of record) has made application to the Lewisboro Zoning Board of Appeals (the "ZBA"), for the subject premises located at 74 Mead Street, Waccabuc, NY, Tax Map Sheet 0022, Block 10802, Lot 023, ("the property"), for review and approval by the ZBA, *Per Article III §220-9.E(5), of the Lewisboro Zoning Code* (the "Zoning Code"), to convert an existing accessory tennis court into four (4) pickleball courts for use by the membership of the Waccabuc Country Club ("pickleball facility"), which is a non-conforming use, and thereby proposes expansion of the existing non-conforming Club use to permit membership use of the pickleball facility; and

**WHEREAS**, the proposed pickleball facility also requires (i) approval of the pickleball facility by the ACARC since the 74 Mead Street property is situated in the Special Character Overlay District, and such approval was granted at the March 15, 2023 meeting of the ACARC; and (ii) an increase in the applicable setbacks for private club "active recreational facilities, such as tennis courts and swimming pools" since such recreational facilities should be "set back from adjacent residential property boundaries at least twice the minimum distance required for residential buildings in said district as per Article V, §220-36C of the Zoning Code since the proposed pickleball facility will have a side yard setback of 51' from the northerly property line and 98' from the southerly property line, where 100' (doubled) side yard setbacks are required under Section 220-36C of the Zoning Code. Side yard setback variances of 49' and 2', respectively, are requested; and

**WHEREAS**, under the State Environmental Quality Review Act (SEQRA), the Lewisboro Planning Board determined that the proposed conversion of the existing tennis court into four (4) pickleball courts and the grant of the sideyard setback variances constitute a Type II Action under 6 NYCRR Part 617.5; and

**WHEREAS**, a public hearing at the Town Offices, 79 Bouton Road, South Salem, New York was opened in this matter on April 26, 2023 and said hearing was continued on May 24, 2023 and June 28, 2023, and a site walk was conducted by members of the ZBA on April 22, 2023 to consider

the application, after which a vote was taken with regard to the relief and variances as set forth above; and

**WHEREAS,** The ZBA has given careful consideration to the facts presented in the application at the public hearings based upon the criteria set forth in Section 220-9E(5), the extensive comments of two neighboring property owners, namely Duncan Dayton and Renea Topp Dayton (62 Mead Street) and Jeanne Donovan Fisher (68 Mead Street) via written submission by their attorney and oral statements by Mr. Dayton at the hearings, and finds as follows:

1. The property contains 6.1 acres in a R-4A District and is owned by the Waccabuc Country Club which is an existing non-conforming use on premises known as Tax Map Sheet 0022, Block 10802 Lot 023 (the "Club"). The property is improved by a single-family residence and 1-story garage, an inground pool and an asphalt tennis court measuring 60' x 100'. The tennis court was built in or about 1989 by the prior owners Ronald and Leslie Yoo. A Certificate of Occupancy was issued for the tennis court on August 14, 1992. The Yoo family and their friends used this court, as an accessory use to their residence, during their ownership of the property.

The abutting Club-owned lands to the north and west are also zoned R-4A. The Club has been in existence since 1912. The Building Inspector determined that Club's conversion of the existing tennis court into a pickleball facility constitutes an expansion of the legally non-conforming country club use in a R-4A District which requires approval from the ZBA pursuant to Article III, Section 220-9E(5) of the Zoning Code. Under Section 220-9E(5), an increase in a nonconforming aspect of a use or structure is permitted if the ZBA finds that the increase is the minimum possible so as to achieve overall site development.

2. The Club presented this project to the Planning Board and its consultants as part of its application for a Waiver of Site Development Plan Approval. By Memorandum dated April 17, 2023, the Building Inspector advised the Planning Board that because this project involves little site disturbance, the proposed pickleball facility qualifies for a waiver of site development plan procedures. The Planning Board's consultants, Kellard Sessions identified this project as a Type II Action which is categorically exempt from SEQRA review and procedures. The ZBA finds that this application involves the minimum increase in nonconformity possible for the Club to achieve overall site development in a manner consistent with Section 220-9E(5) of the Zoning Code.

3. The conversion of the 34-year-old tennis court, in and of itself, to a pickleball facility required little or no site disturbance. The four "California" or angled corners of the old tennis court were squared off for the safety of members. A "pedestrian only" path was installed using organic mulch to provide access to the pickleball facility from the immediately adjacent tennis facilities and Pro Shop on the existing Club property. No wetlands or wetland buffers were disturbed except for the planting of trees in a controlled area. No trees were removed. Little or no site disturbance was required because the old tennis court was repurposed for pickleball. While alternative locations are feasible on the existing Club property, the Club has proposed that this location is consistent with the overall Club development since it is in close proximity to the adjacent tennis facilities and Pro Shop. The pickleball facility is located at an elevation more than

13 feet lower than the Donovan house. The court is at an elevation of 568.9±, while the Donovan house sits at 582.5±. The pickleball facility is no closer to the Donovan house than the distance separating the Donovan house from the Club's first two tennis courts. These two easternmost tennis courts are 391 feet from the Donovan house while the pickleball facility will be 390'± away. The Dayton house is even further away, as 470'± separate the facility from that home. The property is directly across Mead Street from the Club's golf driving range.

**WHEREAS**, with regard to granting the two side yard setback variances, the ZBA has given careful consideration to the criteria set forth in Section 267-b(3)(b) of the Town Law of the State of New York as applied to the facts presented in the application, and the extensive comments of the Daytons and Ms. Donovan Fisher, both via written submission by their attorney and oral statements by Mr. Dayton at the public hearings, and finds as follows:

1. That, subject to continuing compliance by the Club with all of the various conditions hereinafter set forth, which have been stipulated and agreed to by the Daytons and Ms. Donovan Fisher, no undesirable change in the character of the neighborhood and no detriment to the Dayton and Donovan Fisher parcels are anticipated. Club members will not be permitted to drive into or park on this property. Members will access the pickleball facility only on foot from the Pro Shop. The facility will not be illuminated, there will be no public address systems, and it will only be used during the hours listed below. Three-quarters of the pickleball facility is currently enclosed by a 10' high fence, and the entire fence, including the existing 4' high section, will be covered with a heavy closed cloth mesh. Seven (7) Norway Spruces and three (3) giant Arborvitae have already been planted to provide an evergreen screening around the southerly side of the courts, and the Club will prepare a landscape plan which will include a installation of a 3' high earthen berm, a 6' stockade fence erected atop the berm and additional evergreen screening around the easterly, southerly and westerly sides of the berm.

2. While alternative sites for the pickleball facility exist on the Club property, the proposed site is preferred since the 4 pickleball courts will effectively integrate with the abutting tennis facilities and Pro Shop and thereby achieve coordinated overall site development.

3. The 2' south side yard variance is not substantial. The 49' north side yard variance may be numerically substantial, but the Club owns the abutting parcel to the north so that the impact of the north side variance will not impact the aforementioned residential neighbors.

4. There will be no wetlands or steep slopes disturbance, and only minimal site disturbance except for the plantings and berm installation which, collectively, will improve views from, and mitigate potential noise impact on, neighboring properties. Subject to continuing compliance by the Club with all of the various conditions hereinafter set forth, the potential for any possible adverse impact to the physical or environmental conditions of the neighborhood has been minimized.

5. The difficulty was self-created. However, the Club has proposed substantial mitigation measures to reduce and/or eliminate the potential for adverse impacts and has offered to extend the ZBA's jurisdiction of this matter in order to evaluate possible adverse impacts.

**WHEREAS**, pursuant to Section 267-b(3)(c), the ZBA hereby determines that the minimum area variances necessary in this application are 2' and 49', respectively, from the doubled side yard setbacks under Section 220-36C of the Town of Lewisboro Zoning Code.

**NOW, THEREFORE BE IT RESOLVED**, that the Lewisboro Zoning Board of Appeals hereby approves the expansion of the existing non-conforming country club use, as Per Article III §220-9.E(5) Extension of Non-Conforming Use of the Zoning Code, to permit the conversion of the existing tennis court into 4 pickleball courts, subject to the conditions hereinafter stated.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Lewisboro Zoning Board of Appeals hereby grants the requested area variances of 2' and 49', respectively, from the doubled setbacks under Section 220-36C of the Zoning Code for said pickleball facility, subject to the conditions hereinafter stated.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Lewisboro Zoning Board of Appeals hereby imposes the following conditions of approval pursuant to its authority under Town Law §267-b(4) and as conditions to the relief granted hereunder pursuant to Zoning Code Section 220-9(E)(5):

1. The existing fence enclosure around the pickleball facility shall be entirely lined with the heavy closed cloth mesh shown to the ZBA.

2. The applicant has submitted to the ZBA, to the Planning Board and to the Daytons and Ms. Donovan Fisher a revised "Overall Site Plan" for the pickleball facility prepared by InSite Engineering, Surveying & Landscape Architecture, P.C. and last revised 6-23-23 and is hereby incorporated in this Resolution. The pickleball facility shall be constructed in strict conformity to the revised Overall Site Plan. No certificate of compliance, completion or occupancy shall be issued by the Building Department until all work to be performed by the applicant as shown on the Overall Site Plan, and such additional work as may be required by the Planning Board, has been completed to the satisfaction of the Building Department. Thereafter, the berm and fencing shall, in perpetuity, be kept in good order and repair, and all trees shall be properly maintained in accordance with customary landscape practices and any dead or diseased trees shall be replaced "in kind".

3. Club members shall only access the pickleball facility from the Club's abutting tennis facilities and Pro Shop, and only on foot, via the mulched connecting pathway. No Club members or guests shall drive onto or park vehicles on 74 Mead Street to access the pickleball facility.

4. Club members' play on the pickleball courts shall be limited to the hours of 8:00 am 6:00 pm. Public address systems are prohibited. No artificial lighting shall be temporarily or

permanently installed at or around the pickleball facility. There shall be no spectator seating. No more than four (4) park benches shall be placed at the facility.


5. No more than five (5) interclub matches shall be permitted between the hours of 2pm to 5pm on Saturdays, and no more than five (5) annual "Club Championship" events shall be permitted, to be held between the hours of 9am to 5pm on Saturdays and Sundays.

6. The relief granted hereby is limited to use of the pickleball facility only and shall not permit any additional Club-related use of the 74 Mead Street property which is not permitted "as of right" under the Zoning Code.

VOTE:

Chair Price	- Abstained
Board Member Mandelker	- In Favor
Board Member Infield	- In Favor
Board Member Rendo	- In Favor
Board Member Fischetti	- Abstained

VOTE: Resolution carried by a vote of 3 to 0 with 2 abstentions

  
Robin Price, Jr. Chair  
Dated in South Salem, New York  
This 6 day of July, 2023

STATE OF NEW YORK )

)ss.:

COUNTY OF WESTCHESTER)

I, Donna Orban, Secretary of the Zoning Board of Appeals, do hereby certify that the above is an excerpt/summary/fair representation of the Resolution adopted by the Zoning Board of Appeals of the Town of Lewisboro at a meeting of said Board on June 28, 2023.

Dated: July 6, 2023

  
Donna Orban  
Secretary Zoning Board of Appeals

(914) 763-3060  
FAX (914) 875-9148  
TTY 800-662-1220  
Email: [kkelly@lewisborogov.com](mailto:kkelly@lewisborogov.com)



TOWN OF LEWISBORO  
Building Department  
79 Bouton Road  
South Salem, NY 10590  
[www.lewisborogov.com](http://www.lewisborogov.com)

April 17, 2023

Ms. Janet Andersen, Chair  
Town of Lewisboro Planning Board

Re: Waccabuc Country Club Pickleball Courts  
74 Mead Street  
Sheet 0022, Block 10802, Lot 023

Dear Ms. Andersen and Members of the Board,

On or about February 23, 2023 Waccabuc Country Club filed an application with the Building Department seeking a building permit to convert the existing tennis court into four (4) pickleball courts for use by the Club membership. This proposal was reviewed by me for compliance with the Town's Zoning Code.

By Memorandum dated 3/27/23, I denied the building permit application and referred the applicant to the Zoning Board of Appeals for the following variances: the proposed Club use of the pickleball courts constitutes an increase in the existing non-conforming private recreation club use pursuant to Article III, Section 220-9E[5] ; and side yard setback variances are required from the doubled setback distances under Article V, Section 220-36C. The Applicant filed an appeal to the Zoning Board of Appeals and a public hearing on said appeal is scheduled for April 26, 2023.

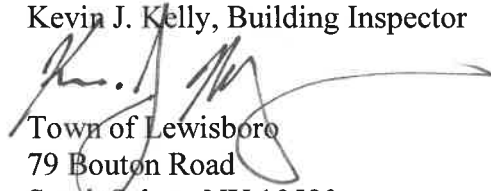
In the interim, the Applicant applied for a building permit to install four pickleball courts atop the existing tennis court for non-Club use. Said permit was issued because the Applicant, as the owner of a single-family home on a 6.1-acre parcel in the R-4A zoning district, is entitled to install such an accessory structure as of right. Said permit, however, expressly states that no CO will be issued until and unless the Planning Board and Zoning Board complete their separate reviews and grant all necessary approvals and/or waivers, thereby prohibiting use of the pickleball courts by the Club membership until the review process is completed.

Due to (1) the minimal site disturbance required for the conversion of the tennis court into four (4) pickleball courts; (2) the Club's Business Plan which makes clear that only the pickleball courts (not the house, pool or other areas of the parcel) will be used by the Club membership; and (3) the fact that the proposed addition of a gravel pedestrian walkway to connect the pickleball courts with the existing Club tennis facilities to the north will be the only new site

improvement, I have determined that this application does qualify for Waiver of Site Development Plan Procedures and Steps 1 and 2 of the Site Development Plan application need not be filed. However, this Department has made clear to the Applicant that any change of use of the single-family residence, swimming pool and/or other areas of this parcel to Club membership use shall require new applications to the Building Department and the Planning Board.

Please do not hesitate to contact me with questions.

Kevin J. Kelly, Building Inspector



Town of Lewisboro  
79 Bouton Road  
South Salem, NY 10590  
P: (914) 763-3060  
F: (914) 875-9148



April 25, 2023

Town of Lewisboro Planning Board  
79 Bouton Road  
South Salem, NY 10590

RE: Waccabuc Country Club Pickleball  
74 Mead Street  
Waccabuc, NY  
TM# Block 42.2, Lot 1, Sheet 10

Dear Chair Anderson and Members of the Board:

Please find enclosed four (4) copies of the following plans and documents in support of an application for the above referenced project:

- OP-1 Overall Site Plan, last revised April 25, 2023.
- "74 Mead Street Pickleball Court Business Plan", prepared by Waccabuc Country Club, dated April 14, 2023.
- Pro-Screen Closed Mesh Specification Sheet, from 10-S Tennis Supply.

Since we last met with the Board at their April 18, 2023 meeting, we have met with the Zoning Board of Appeals for a site walk on April 22, 2023. In addition, the evergreen trees planted at the site for screening have been added to the enclosed site plan.

**Based on comments from the Jan Johannessen, AICP from Kellard Sessions memorandum dated April 13, 2023, we offer the following:**

**Required Approvals and Referrals**

1. It is acknowledged that this application may require site plan approval by the Planning Board. Unless waived by the Planning Board, a public hearing is required to be held on the Site Development Plan.
2. The applicant reviewed the project with the ACARC on March 15, 2023 and received their approval for the project plan.
3. It is acknowledged that this application requires approval by the Zoning Board of Appeals (ZBA) for an expansion of a nonconforming use. In addition, the project will need a setback variance for the pickleball court. The project has been referred to the ZBA and will be on their April 26, 2023 agenda.

**Comments**

1. It is acknowledged that this application requires approval by the Zoning Board of Appeals for an expansion of a nonconforming use.
2. The business plan has been updated with Country Club letterhead and is included in this submission.



3. Specifications for the proposed wind screen has been included with this submission. Additionally, the location, plant species and sizes of plantings which screen the pickleball courts have been added to Sheet OP-1.
4. The Building Inspector has noted that the proposed action qualifies for a Waiver of Site Development Plan Procedures and noted that Steps 1 and 2 of the Site Development Plan application need not be filed. It is acknowledged that any change of use of the single-family residence, swimming pool and/or other areas of this parcel open to Club membership use shall require new applications to the Building Department and the Planning Board.

**Based on comments from Kevin J. Kelly, Town of Lewisboro Building Inspector, dated April 17, 2023, we offer the following:**

- We acknowledge that no CO will be issued until and unless the Planning Board and Zoning Board complete their separate reviews and grant all necessary approvals and/or waivers. It is acknowledged that use of the pickleball courts by Club membership will be prohibited until the review process is completed.
- We acknowledge that the Building Inspector has determined that the application qualifies for Waiver of Site Development Plan Procedures and Steps 1 and 2 of the Site Development Plan application do not need to be filed.
- It is acknowledged that any change of use of the single-family residence, swimming pool and/or other areas of the subject parcel by Club membership shall require new applications to the Building Department and Planning Board.

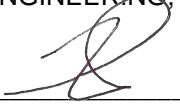
We look forward to meeting with the Board at the May 16, 2023 Planning Board meeting for continued discussion of the project and request a waiver of site plan approval as noted by the Building Inspector.

Should you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:

  
\_\_\_\_\_  
Zachary M. Pearson, PE  
Principal Engineer

ZMP/dlm/sr

Enclosures

cc: Michael Sirignano, Esq., via email  
John Assumma, via email  
Insite File No. 23105.100

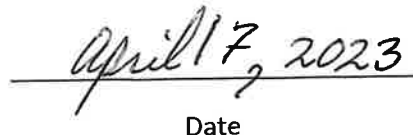


April 14, 2023

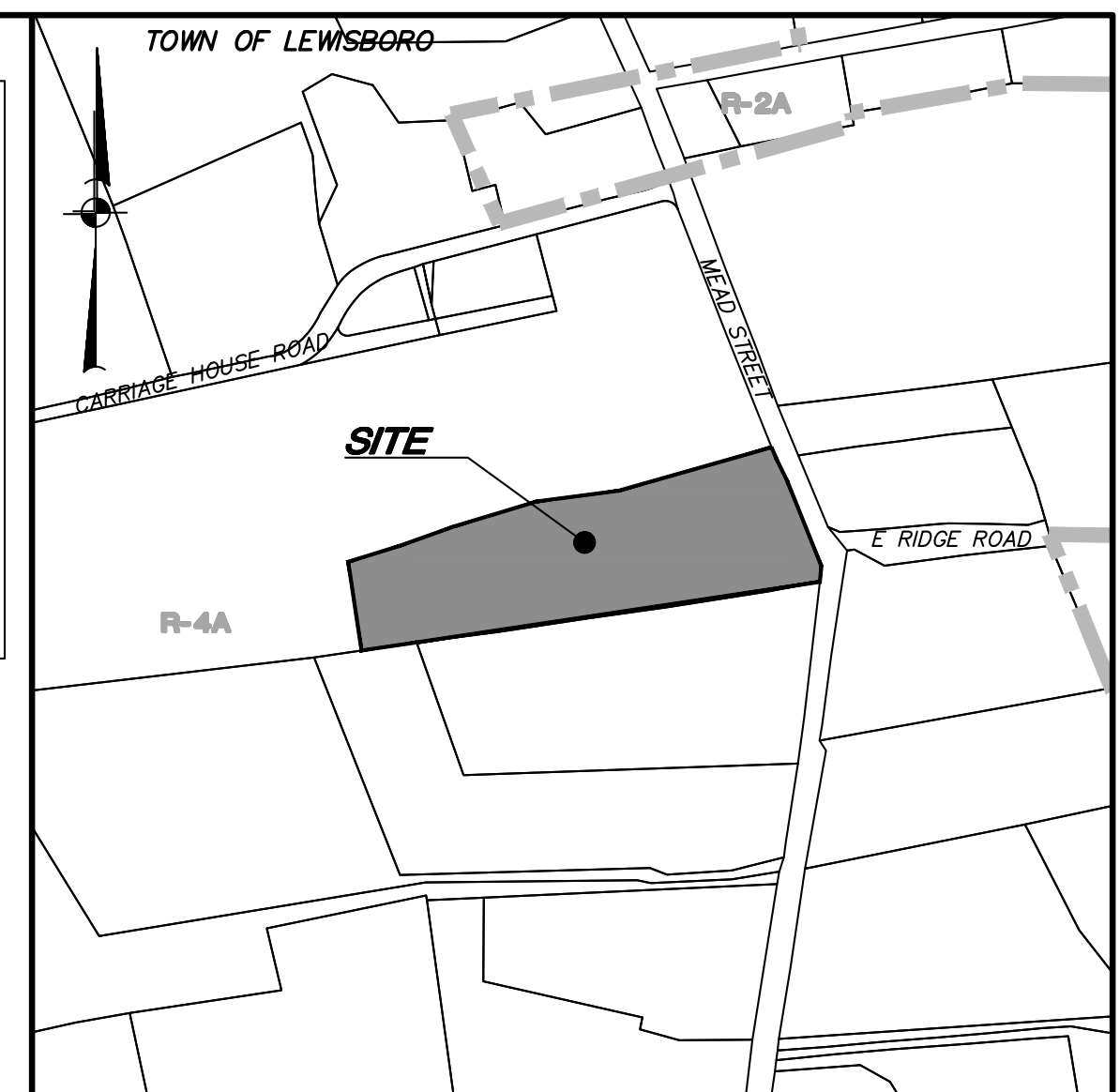
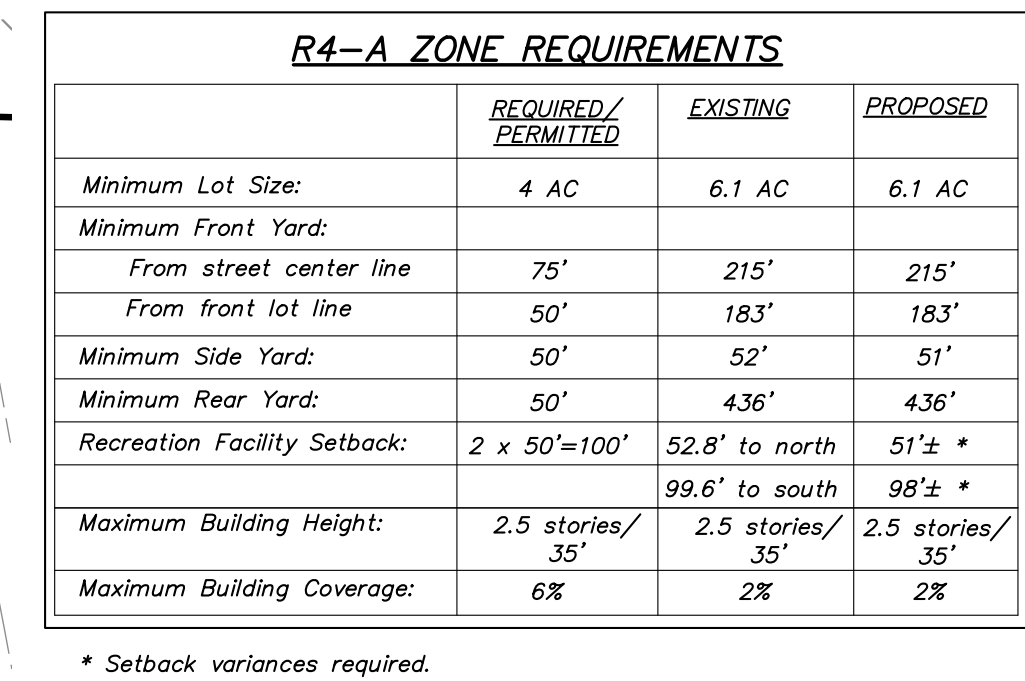
74 Mead Street Pickleball Court Business Plan

The Club's business plan for 74 Mead Street (the "Property") includes: This 6.1 acre Property is improved by a 2-story single-family residence and 1-story garage, in-ground swimming pool with concrete patio and asphalt tennis court. The court has mitered or 90 degree "California" corners and is surrounded by a 10' high chain link fence enclosure. This proposed site for pickleball courts is located immediately to the south of the Club's tennis courts and Pro Shop. Club members will access the four (4) pickleball courts on foot via a woodchip path from the Club's adjacent tennis facilities. The residence and in-ground pool on the Property will not made be available for general membership use but are rented to Club members and their sponsored guests, seasonally or annually. Club members will not be driving motor vehicles or parking on the Property for any purpose. The pickleball courts will be used by Club members during daytime hours only, consistent with the historic use of the 6 adjacent tennis courts. The courts will not be illuminated by exterior lighting. Sound absorbing wind clothes will be attached to the fence enclosure. No future tree removal is anticipated in connection with the membership use of the pickleball courts.

  
Signature

  
Date



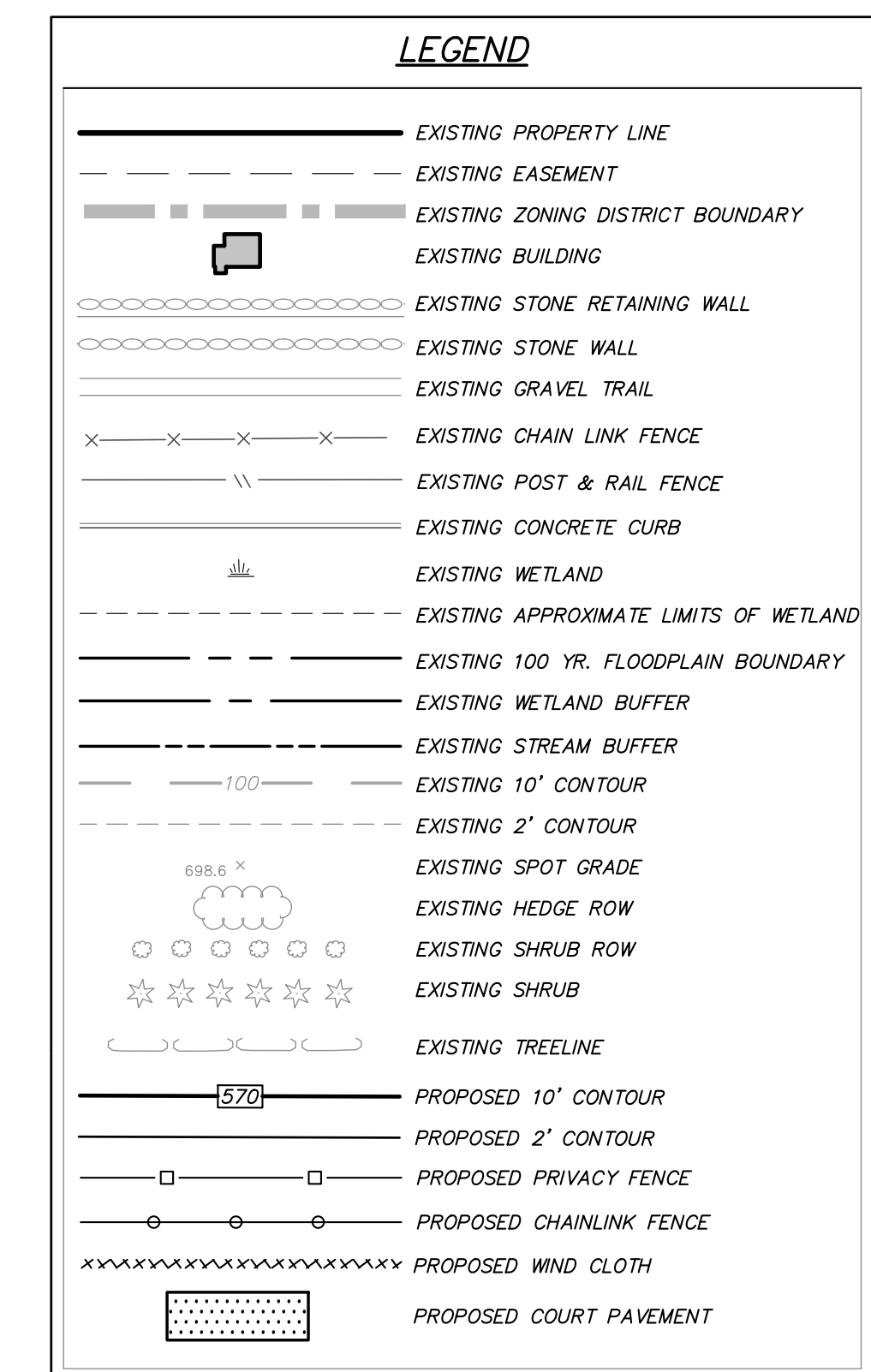
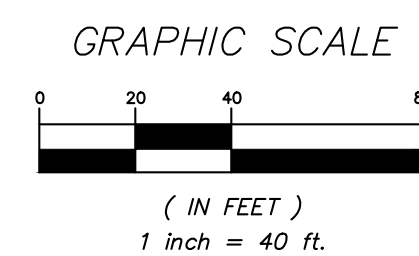



LOCATION MAP SCALE: 1" = 400'±

<u>OWNER/APPLICANT:</u>	<u>SITE DATA:</u>
WACCABUC COUNTRY CLUB	Zone: R-4A (4 Acre Residential)
90 MEAD STREET	Total Acreage 6.1± AC
WACCABUC, NY 10597	Tax Map No.: 42.2-1-10

## GENERAL NOTES:

1. Property lines, existing conditions and topography as shown hereon based off of aerial mapping prepared by Insite Engineering, Surveying & Landscape Architecture P.C.
2. Topography shown hereon taken from both the Westchester County Z' contour, 1" = 100 scale GIS dataset dated April 2004 (elevations refer to the North American Vertical Datum of 1988, NAVD 88.
3. Wetland flagging as shown hereon was delineated by James A. Bates of Ecological Analysis on February 1, 2023 and survey located by Insite Engineering, Surveying & Landscape Architecture PC on February 9, 2023.
4. Proposed features are labeled as such. All other features are existing.
5. No tree removal is proposed or authorized.
6. No exterior lighting is proposed or authorized.
7. Proposed color of shade cloth to be attached to fence is green.



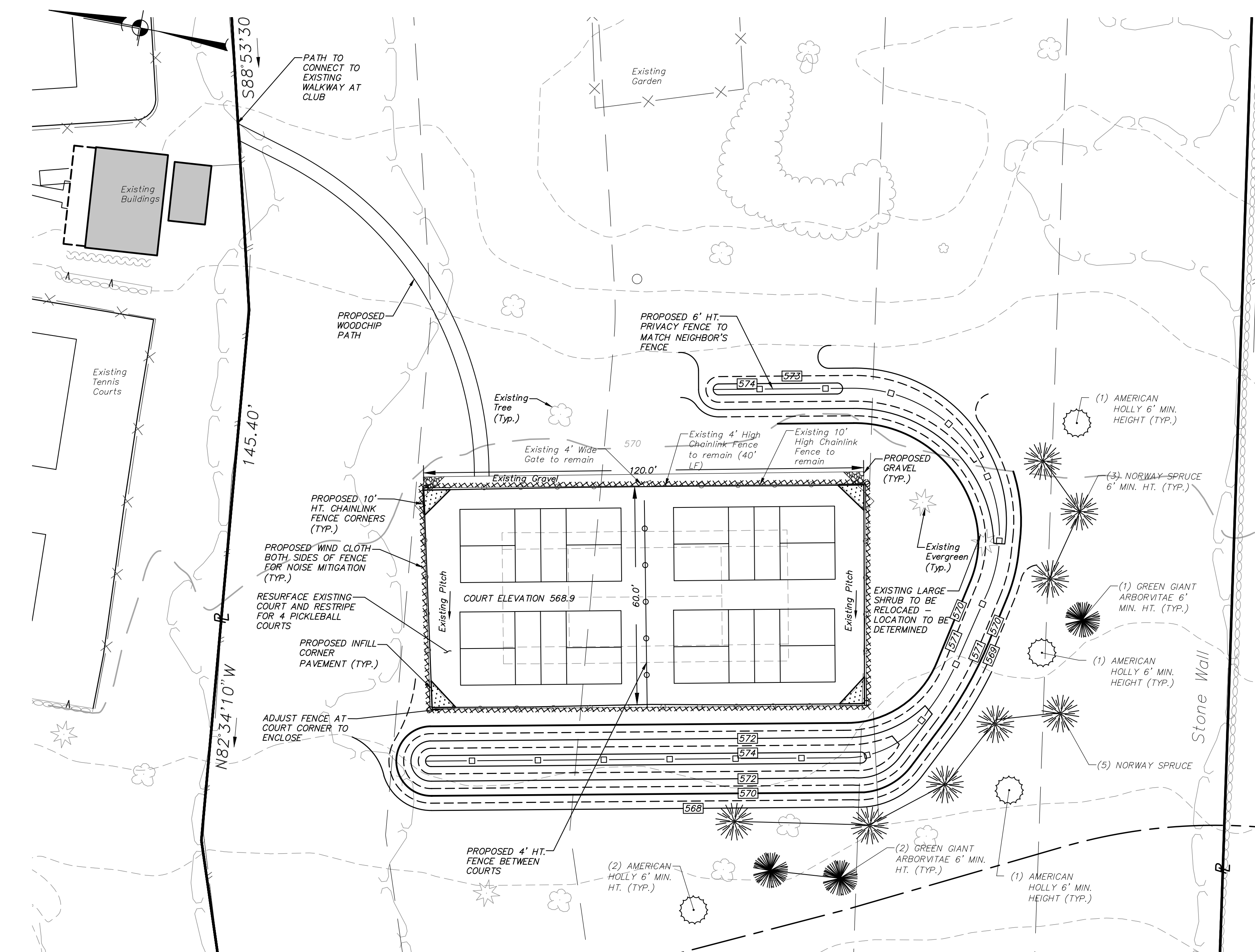
SITE PLANT LIST					
SYMBOL	QTY.	BOTANICAL/COMMON NAME	SIZE	ROOT/SPACING	
	<b><u>EVERGREEN TREES</u></b>				
	4	<i>Ilex opaca</i> / American Holly	6' HT. (MIN.)	B & B	
	9	<i>Picea abies</i> / Norway Spruce	6' HT. (MIN.)	B & B	
	3	<i>Thuja 'Green Giant'</i> / Green Giant Arborvitae	6' HT. (MIN.)	B & B	

PLANTING NOTES:

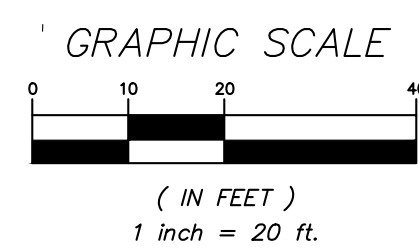
1. Topsoil proposed for planting beds to receive a 12" min. depth of topsoil. No fertilizer is to be used. Nutrient requirements shall be met by incorporation of suitable organic material. Soil amendments based on specific testing of topsoil material.
2. Any new soils added will be amended as required by results of soil testing and placed using a method that will not cause compaction.
3. All plant material to be nursery grown.
4. Plants shall conform with ANSI Z60.1, American Standard for Nursery Stock in all ways including dimensions.
5. Plant material shall be taken from healthy nursery stock.
6. All plants shall be grown under climate conditions similar to those in the locality of the project.
7. Plants shall be planted in all locations designed on the plan or as staked in the field by the Landscape Architect.
8. The location and layout of landscape plants shown on the site plan shall take precedence in any discrepancies between the quantities of plants shown on the plans and the quantity of plants in the Plant List.
9. Provide a 3" layer of shredded bark mulch (or as specified) over entire watering سعد at all tree pits and over entire planting beds. Do not place mulch within 3" of tree or shrub trunk.
10. All landscape plantings shall be maintained in a healthy condition at all times. Any dead or diseased plants shall immediately be replaced "in kind" by the contractor (during warranty period) or project owner.

SEEDING NOTES:

1. **Topsoil** ~~shall~~ **must** be placed to receive a 4" min. depth of topsoil. Soil amendments shall be determined based on specific testing of topsoil material. Topsoil shall be placed using a method that will not cause compaction.
2. Upon final grading and placement of topsoil and any required soil amendments, areas to receive permanent vegetation cover in combination with suitable mulch as follows:
  - select seed mixture per drawings and seedling
  - no fertilizer is to be for seeded areas. Nutrient requirements shall be met by incorporation of acceptable organic matter based on results of soil testing.
  - seed mix soil or mulch shall be applied at a rate of 90 lbs./1,000 s.f. or 2 tons/acre, to be applied and anchored according to New York State Standards and Specifications for Erosion and Sediment Control, August 2005.
  - If the season prevents the establishment of a permanent vegetation cover, the disturbed areas will be mulched with straw or equivalent.
3. Seeding should begin immediately upon completion of finish grading and seed bed preparation while soil is still friable and before weeds can emerge. If seedling area is crusted or compacted, it should be loosened by discing or tilling. Seedling should be mowed and removed before seedling is applied.
4. Seed mixtures shall be planted between March 21 and May 20, or, between August 15, and October 15 or as directed by project representative. The seed mixes as specified on these drawings are as follows:
  - Seed Mix for disturbed areas shall be (ERWMA-114) 5331 Conservation Mix at a rate of 3-5 lbs / 1,000 square feet



ENLARGED PICKLEBALL SITE PLAN  
SCALE: 1"=20'



4	6-23-23	REVISED FOR ZBA AND PLANNING BOARD SUBMISSION	SMR
3	4-25-23	REVISED FOR PLANNING BOARD SUBMISSION	SMR
2	3-28-23	REVISED PER TOWN COMMENTS	MEU
1	3-15-23	UPDATE BULK ZONING	MEU

**INSITE**  
ENGINEERING, SURVEYING &  
LANDSCAPE ARCHITECTURE, P.C.


3 Garrett Place  
Carmel, NY 10512  
(845) 225-9690  
(845) 225-9717 fax  
[www.insite-eng.com](http://www.insite-eng.com)

PROJECT: WACCABUC COUNTRY CLUB  
PICKLEBALL

74 MEAD STREET, TOWN OF LEWISBORO, WESTCHESTER CTY, NEW YORK

DRAWING:

SITE PLAN



PROJECT	23105 100	PROJECT	ZMP	DRAWING NO.	SHEET /
---------	-----------	---------	-----	-------------	---------

NUMBER	207000100	MANAGER	207000100
DATE	2 14 23	DRAWN	115

CD 1 1

DATE	2-14-25	BY	J.O.S.	SP-1 / 2
TIME	10:00 AM	CHECKED	J.O.S.	

SCALE	AS NOTED	BY	D.L.M.	/
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2:1E123105100 WacoBus CC, 74 Moss 51'01 50-3 dwg, 6/22/2023 2:44:03 PM, richardson, 1:1



REQUIRED EROSION CONTROL SWPPP CONTENTS:

Pursuant to the NYSDEC "SPDES General Permit for Stormwater Discharges from Construction Activity" (GP-0-20-001), all Stormwater Pollution Prevention Plan (SWPPP) shall include erosion and sediment control practices designed in conformance with the most current version of the technical standard, "New York Standards and Specifications for Erosion and Sediment Control." Where erosion and sediment control practices are not designed in conformance with this technical standard, the owner or sponsor must demonstrate equivalence to the technical standard. The following list of required SWPPP components is provided in accordance with Part III.B.1a-1 of General Permit GP-0-20-001.

- Background information: The subject project consists of the installation of a berm and privacy fence surrounding a pickleball court.
- Site map / construction drawing: These plans serve to satisfy this SWPPP requirement.
- Description of the soils present at the site: Onsite soils located within the proposed limits of disturbance consist of Paxton Fine Sandy Loam (PnB), as identified on the Soil Conservation Service Web Soil Survey. This soil type belongs to the Hydrologic Soil Group "C".
- Construction phasing plan / sequence of operations: The Construction Sequence and phasing found on these plans provide the required phasing. A Construction Sequence and Erosion and Sediment Control Maintenance Schedule has been provided. The Erosion and Sediment Control Notes contained herein outline a general sequence of operations for the proposed project. In general all erosion and sediment control facilities shall be installed prior to commencement with land disturbing activities, and areas of disturbance shall be limited to the shortest period of time as practicable.
- Description of erosion and sediment control practices: This plan, and details / notes shown herein serve to satisfy this SWPPP requirement.
- Temporary and permanent soil stabilization plan: The Sedimentation and Erosion Control Notes and Details provided herein identify temporary and permanent stabilization measures to be employed with respect to specific elements of the project, and at the various stages of development.
- Site map / construction drawing: This plan serves to satisfy this SWPPP requirement.
- The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices: The details, Erosion and Sediment Control Notes, and Erosion and Sediment Control Maintenance Schedule serve to satisfy this SWPPP requirement.
- An inspection schedule: Inspections are to be performed twice weekly and by a qualified professional as required by the General Permit GP-0-20-001. In addition the NYSDEC Trained Contractor shall perform additional inspections as cited in the Sedimentation and Erosion Control Notes.
- A description of pollution prevention measures that will be used to control litter, construction chemicals and construction debris: In general, all construction litter / debris shall be collected and removed from the site. The general contractor shall supply either waste barrels or dumpster for proper waste disposal. Any construction chemicals utilized during construction shall either be removed from site daily by the contractor or stored in a structurally sound and weatherproof building. No hazardous waste shall be disposed of onsite, and shall ultimately be disposed of in accordance with all federal, state and local regulations. Material Safety Data Sheets (MSDS), material inventory, and emergency contact numbers shall be maintained by the general contractor for all construction chemicals utilized onsite. Finally, temporary sanitary facilities (portable toilets) shall be provided onsite during the entire length of construction, and inspected weekly for evidence of leaking holding tanks.
- A description and location of any stormwater discharges associated with industrial activity other than construction at the site: There are no known industrial stormwater discharges present or proposed at the site.
- Identification of any elements of the design that are not in conformance with the technical standard, "New York Standards and Specifications for Erosion and Sediment Control." All proposed elements of this SWPPP have been designed in accordance with the "New York Standards and Specifications for Erosion and Sediment Control."

EROSION & SEDIMENT CONTROL NOTES:

- The owner's field representative (O.F.R.) will be responsible for the implementation and maintenance of erosion and sediment control measures on this site prior to and during construction.
- All construction activities involving the removal or disposition of soil are to be provided with appropriate protective measures to minimize erosion and contain sediment disposition within. Minimum soil erosion and sediment control measures shall be implemented as shown on the plans and shall be installed in accordance with "New York Standards and Specifications For Erosion and Sediment Control," latest edition.
- Wherever feasible, natural vegetation should be retained and protected. Disturbance shall be minimized in the areas required to perform construction. No more than 3 acres of unprotected soil shall be exposed at any one time.
- When land is exposed during development, the exposure shall be kept to the shortest practical period of time. In the areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. Disturbance shall be minimized to the areas required to perform construction.
- Silt fence shall be installed as shown on the plans prior to beginning any clearing, grubbing or earthwork.
- All topsoil to be stripped from the area being developed shall be stockpiled and immediately seeded for temporary stabilization. Ryegrass (annual or perennial) at a rate of 30 lbs. per acre shall be used for temporary seeding in spring, summer or early fall. "Aristocrat" Winter Rye (cereal rye) shall be used for temporary seeding in late fall and winter.
- Any disturbed areas not subject to further disturbance or construction traffic, permanent or temporary, shall have soil stabilization measures initiated for permanent vegetation cover in combination with a suitable mulch within 1 business day of final grading. All seeded areas to receive a minimum 4" topsoil (from stockpile area) and be seeded and mulched as follows:
  - Seed mixture to be planted between March 21 and May 20, or between August 15 and October 15 or as directed by project representative at a rate of 100 pounds per acre in the following proportions:
    - Kentucky Bluegrass 20%
    - Creeping Red Fescue 40%
    - Perennial Ryegrass 20%
    - Annual Ryegrass 20%
  - Mulch: Soft hay or small grain straw applied at a rate of 90 lbs./1000 S.F. or 2 tons/acre, to be applied and anchored according to "New York Standards and Specification For Erosion and Sediment Control," latest edition.
- Grass seed mix may be applied by either mechanical or hydroseeding methods. Seeding shall be performed in accordance with the current edition of the NYSDOT Standard Specification, Construction and Materials, Section 610-3.02, Method No. 1". Hydroseeding shall be performed using materials and methods as approved by the site engineer.
- Out or fill slopes steeper than 3:1 shall be stabilized immediately after grading with Curlex I Single Net Erosion Control Blanket, or approved equal.
- Paved roadways shall be kept clean at all times.
- The site shall at all times be graded and maintained such that all stormwater runoff is diverted to soil erosion and sediment control facilities.
- All storm drainage outlets shall be stabilized, as required, before the discharge points become operational.
- Stormwater from disturbed areas must be passed through erosion control barriers before discharge beyond disturbed areas or discharged into other drainage systems.
- Erosion and sediment control measures shall be inspected and maintained on a daily basis by the O.F.R. to insure that channels, temporary and permanent ditches and pipes are clear of debris, that embankments and berms have not been breached and that all straw bales and silt fences are intact. Any failure of erosion and sediment control measures shall be immediately repaired by the contractor and inspected for approval by the O.F.R. and/or site engineer.
- Dust shall be controlled by sprinkling or other approved methods as necessary, or as directed by the O.F.R.
- Out and fills shall not endanger adjoining property, nor divert water onto the property of others.
- All fills shall be placed and compacted in 6" lifts to provide stability of material and to prevent settlement.
- The O.F.R. shall inspect downstream conditions for evidence of sedimentation on a weekly basis and after rainstorms.
- As warranted by field conditions, special additional erosion and sediment control measures, as specified by the site engineer and/or the Town Engineer shall be installed by the contractor.
- Erosion and sediment control measures shall remain in place until all disturbed areas are suitably stabilized.

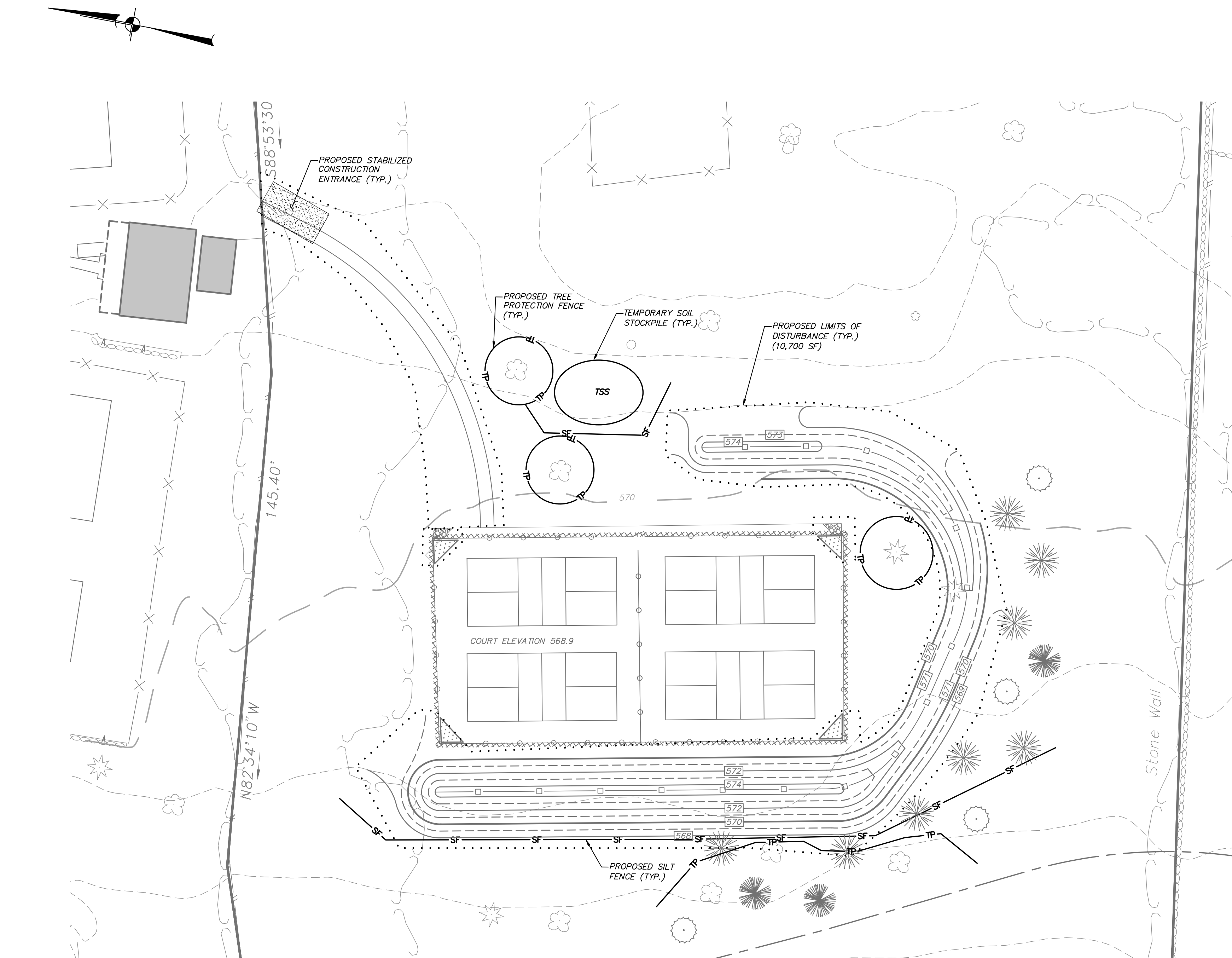
CONSTRUCTION SEQUENCE:

- Install stabilized construction entrance/anti-tracking pad at driveway entrance.
- Install silt fence in general locations indicated on the plan.
- Begin shrub reclamation.
- Strip and stockpile topsoil on site for later use in lawn and landscape areas.
- Begin grading of berm.
- Install fence on top of berm.
- Upon completion of grading operations, install evergreen trees.
- Topsoil, seed, and mulch all disturbed areas as soon as practical in accordance with the Erosion and Sediment Control Notes contained on this page.

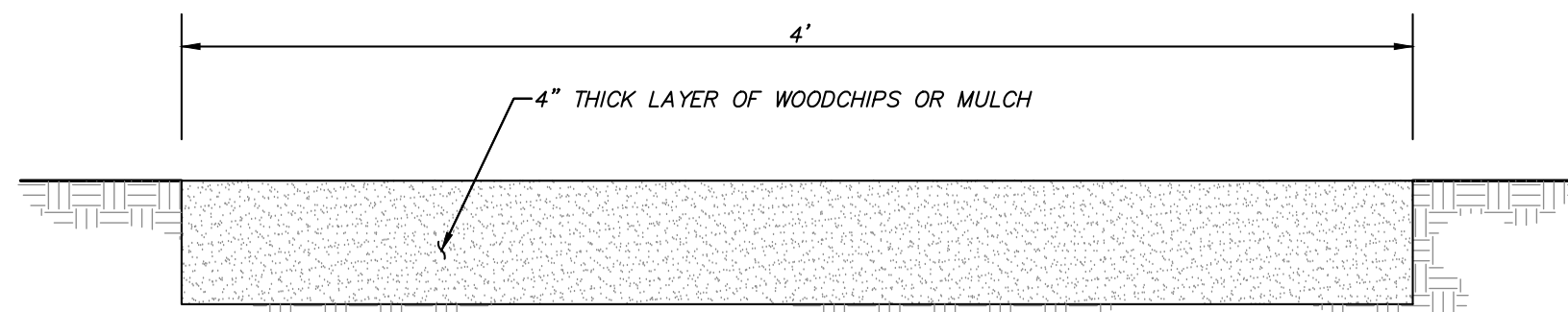
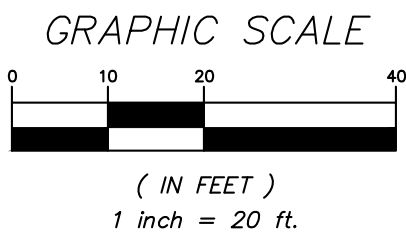
EROSION AND SEDIMENT CONTROL MAINTENANCE SCHEDULE

PRACTICE	MONITORING REQUIREMENTS			MAINTENANCE REQUIREMENTS	
	DAILY	WEEKLY	AFTER RAINFALL	DURING CONSTRUCTION	AFTER CONSTRUCTION
SILT FENCE BARRIER	-	Inspect	Inspect	Clean/Replace	Remove
STABILIZED CONSTRUCTION ENTRANCE	Inspect	-	Inspect	Clean/Replace Stone and Fabric	Remove
*VEGETATIVE ESTABLISHMENT	-	Inspect	Inspect	Water/Reseed/Remulch	Reseed to 80% Coverage
SOIL STOCKPILES	-	Inspect	Inspect	Mulching Silt Fence Repair	Remove

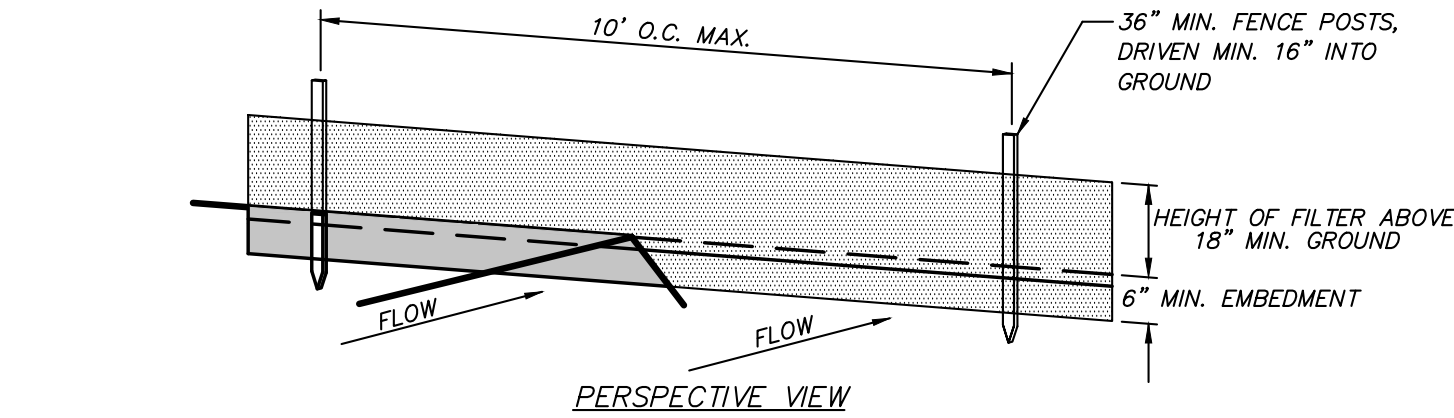
\* Permanent vegetation is considered stabilized when 80% of the plant density is established. Erosion control measures shall remain in place until all disturbed areas are permanently stabilized. Note: The party responsible for implementation of the maintenance schedule during and after construction is: Waccabuc Country Club 30 Mead Street Waccabuc, NY 10997 and/or the current owner(s) of the subject property.



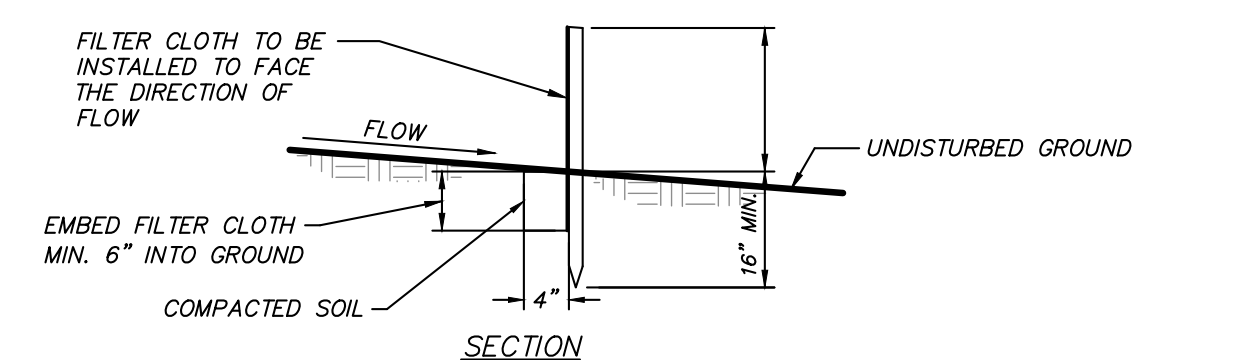
ENLARGED PICKLEBALL SITE PLAN  
SCALE: 1"=20'



WOOD CHIP PATH DETAIL  
(N.T.S.)



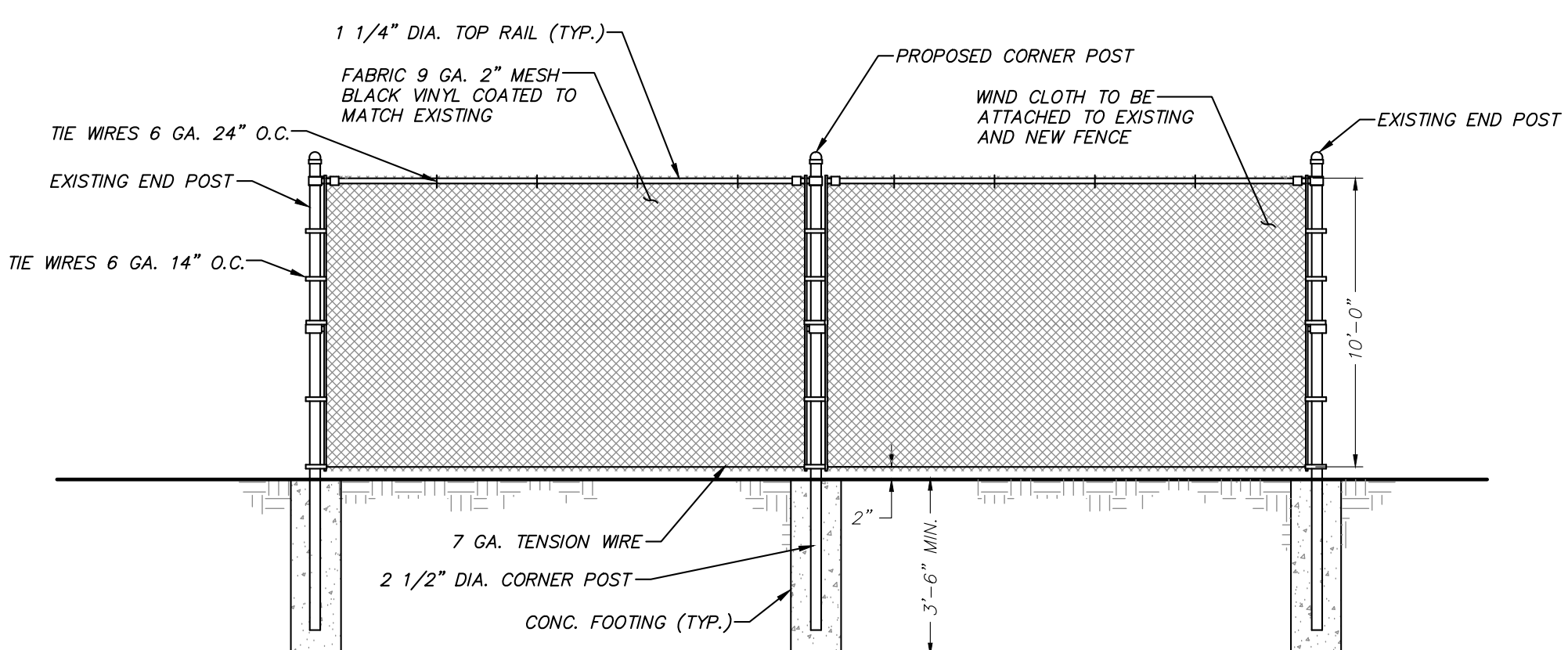
PERSPECTIVE VIEW



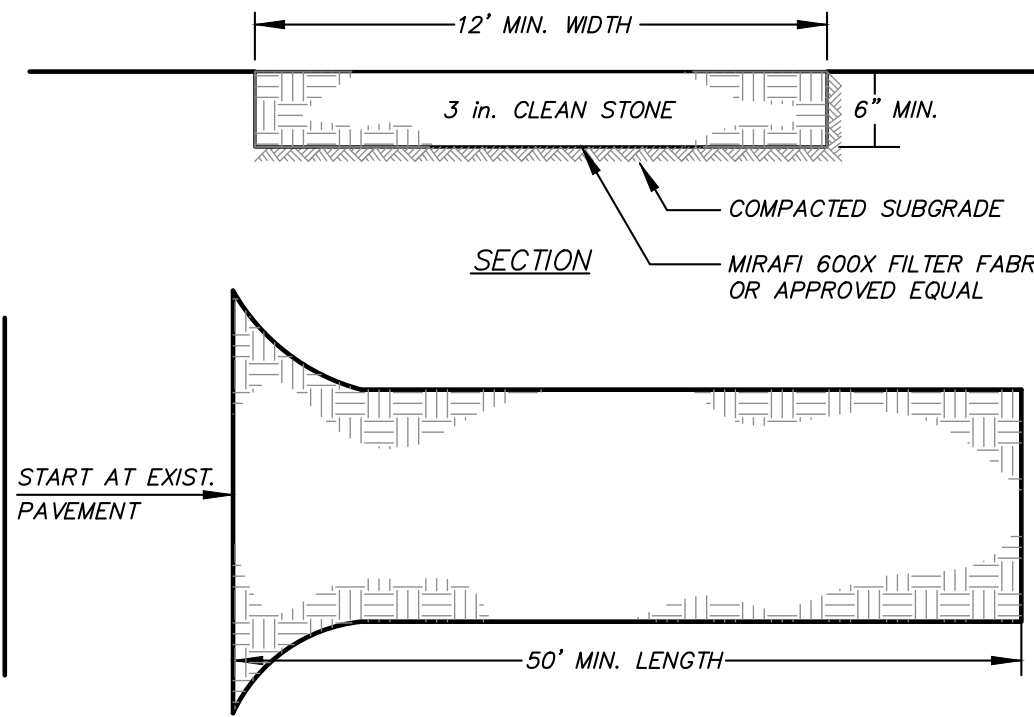
SECTION

- CONSTRUCTION NOTES FOR FABRICATED SILT FENCE
- FILTER CLOTH TO BE FASTENED SECURELY TO POSTS AT TOP AND MID SECTION.
  - WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED.
  - MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

SILT FENCE DETAIL  
(N.T.S.)



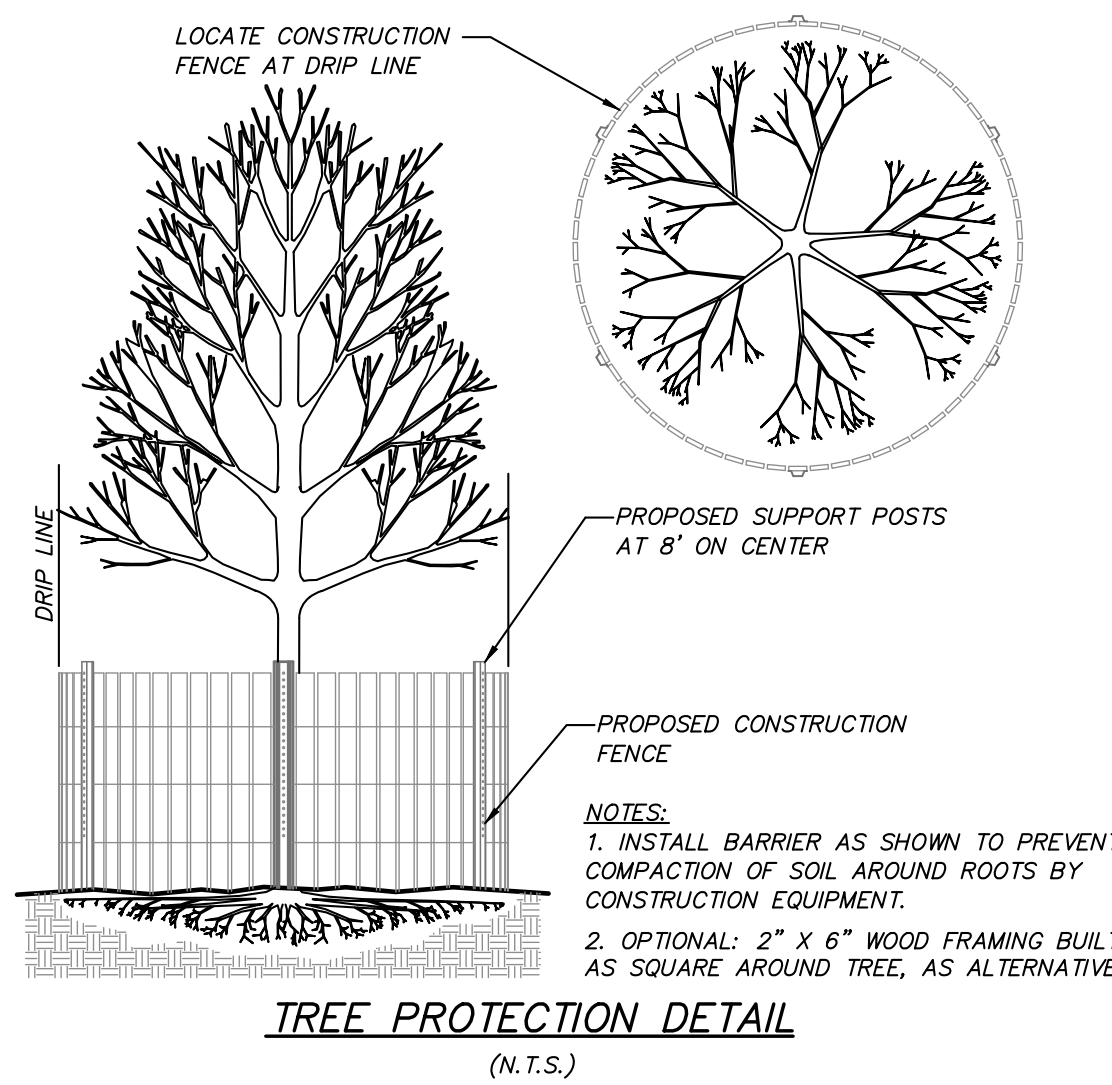
CHAIN LINK FENCE DETAIL  
(N.T.S.)



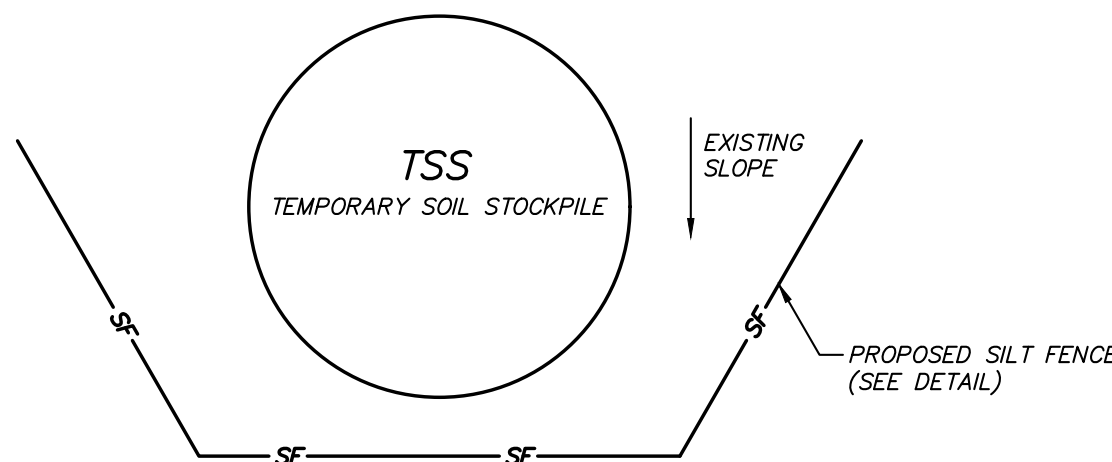
INSTALLATION NOTES

- STONE SIZE - USE 3" STONE
- LENGTH - AS REQUIRED, BUT NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY)
- THICKNESS - NOT LESS THAN SIX (6) INCHES.
- WIDTH - 12 FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCUR. TWENTY FOUR (24) FOOT IF SINGLE ACCESS TO SITE.
- FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE. FILTER CLOTH WILL NOT BE REQUIRED ON A SINGLE FAMILY RESIDENCE LOT.
- SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
- MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT OF WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHT OF WAY MUST BE REMOVED IMMEDIATELY.
- WASHING - WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHT OF WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
- PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

STABILIZED CONSTRUCTION ACCESS DETAIL  
(N.T.S.)



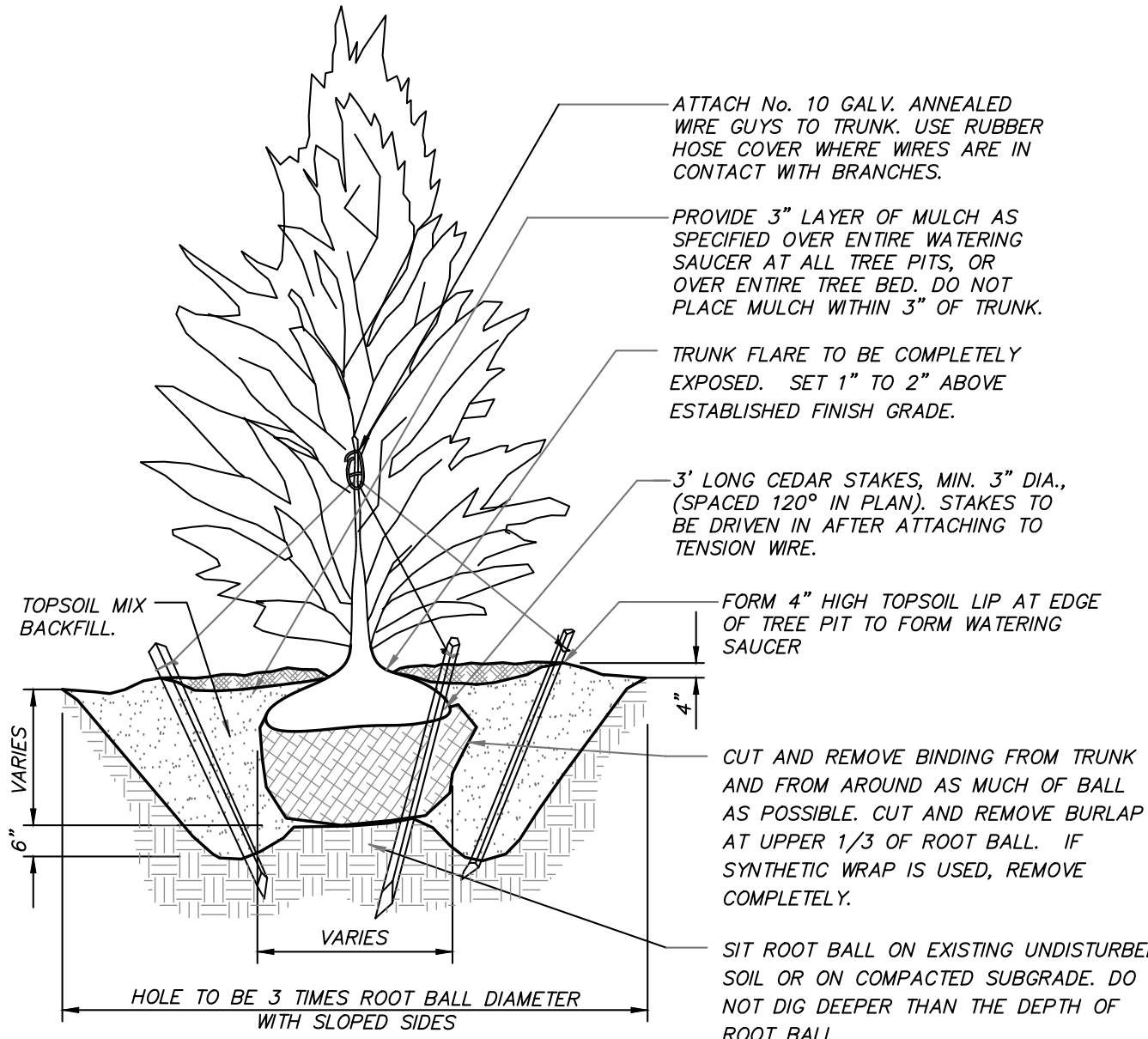
TREE PROTECTION DETAIL  
(N.T.S.)



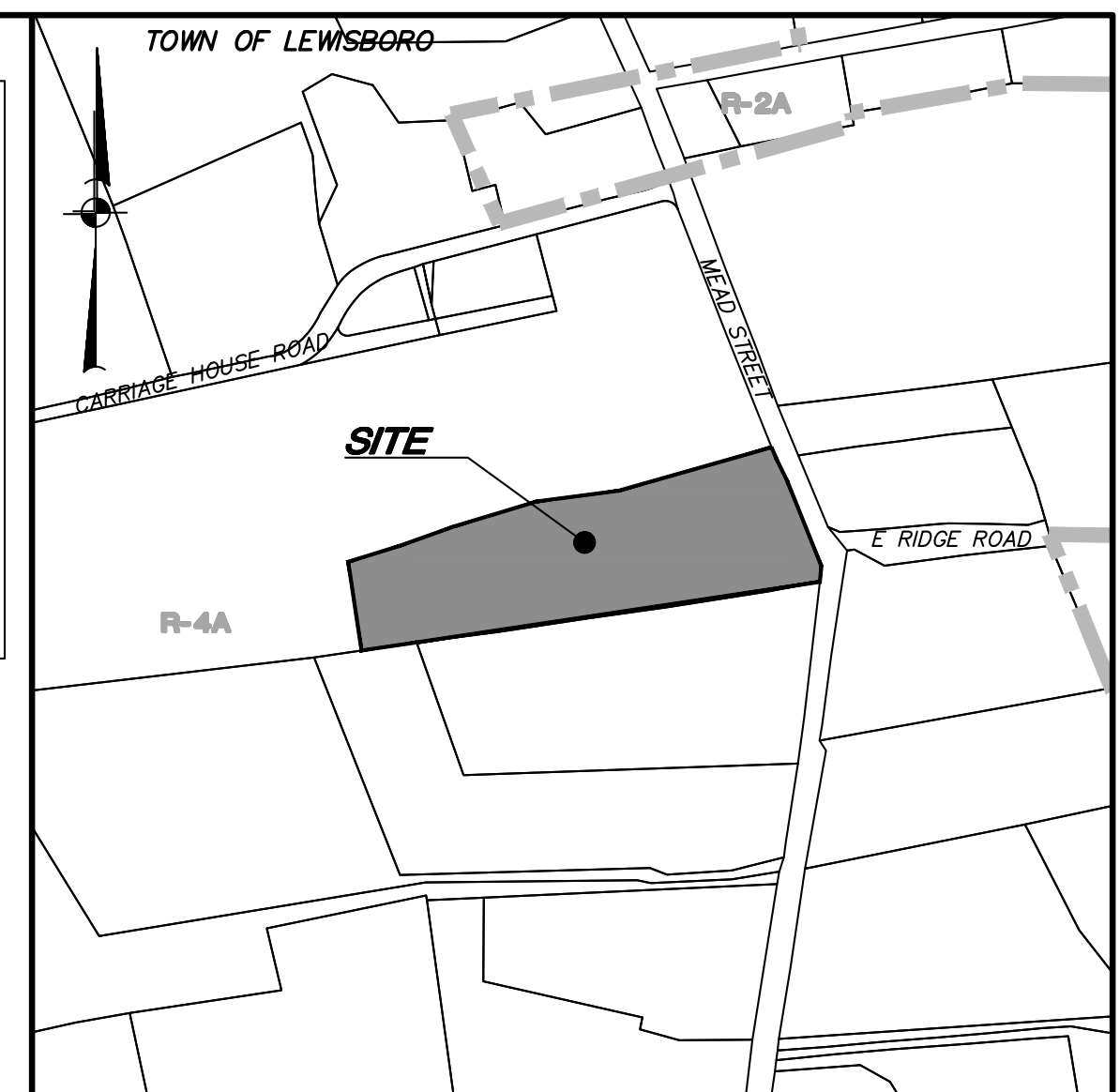
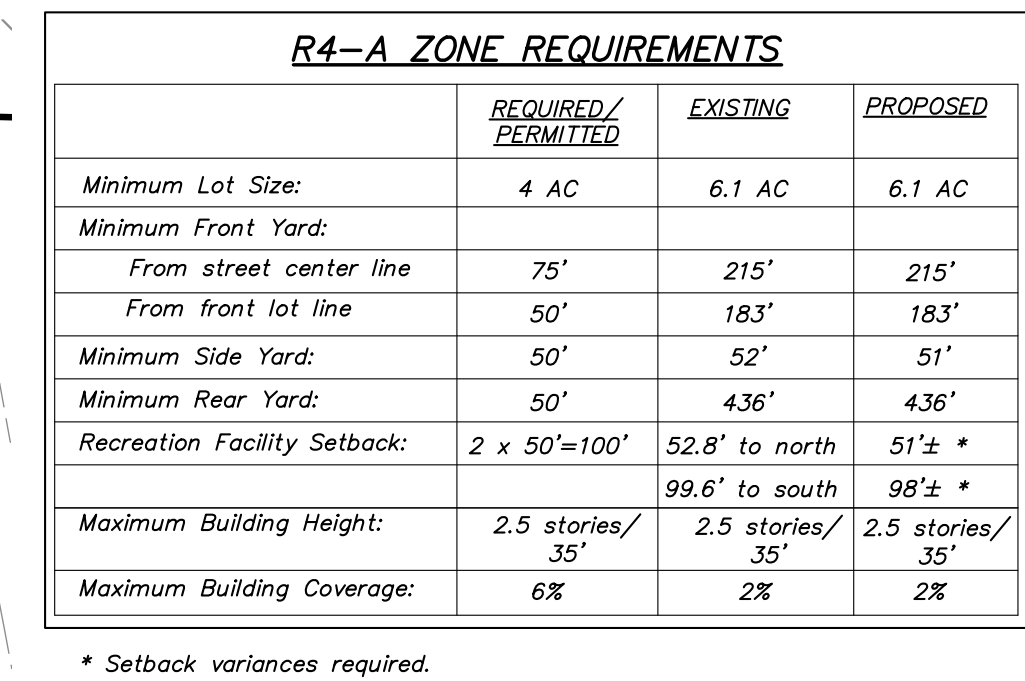
NOTES:

- AREA CHOSEN FOR STOCKPILE LOCATION SHALL BE DRY AND STABLE.
- MAXIMUM SLOPE OF STOCKPILE SHALL BE 2:1.
- UPON COMPLETION OF SOIL STOCKPILING, EACH PILE SHALL BE IMMEDIATELY SEEDING WITH K31 PERENNIAL TALL FESCUE.
- ALL STOCKPILES SHALL BE PROTECTED WITH SILT FENCING INSTALLED ON THE DOWNGRADIENT SIDE.

TEMPORARY SOIL STOCKPILE DETAIL  
(N.T.S.)





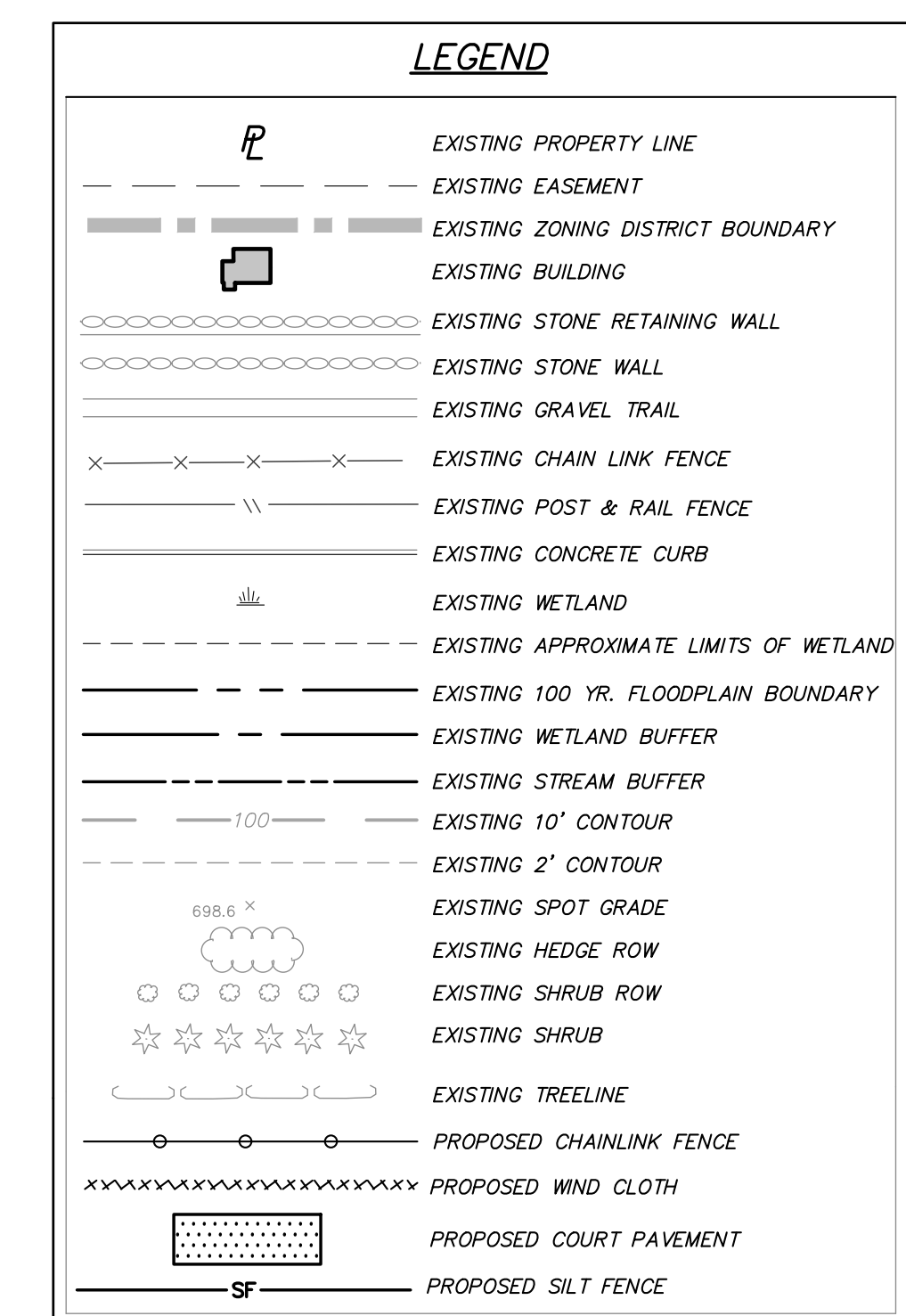


LOCATION MAP SCALE: 1" = 400'±

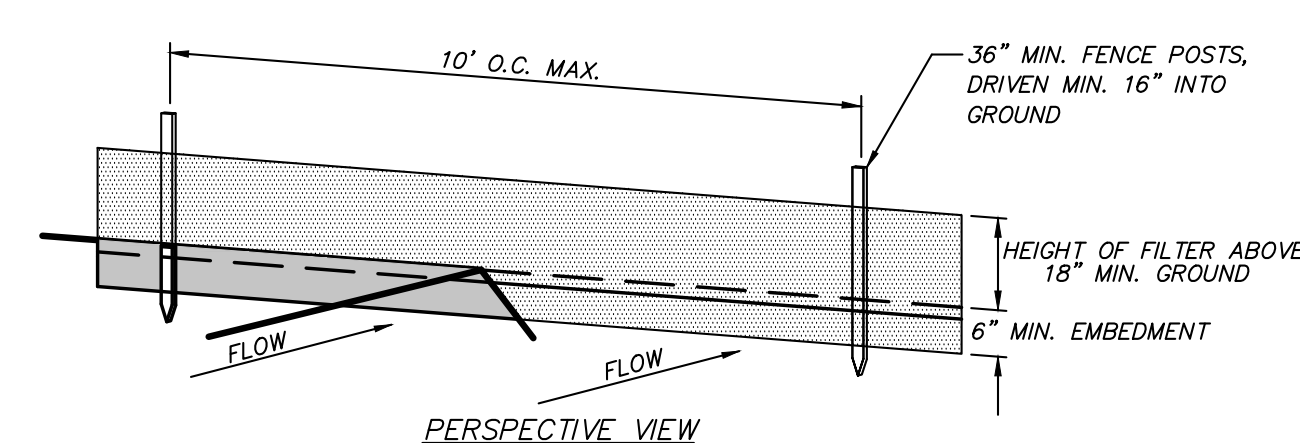
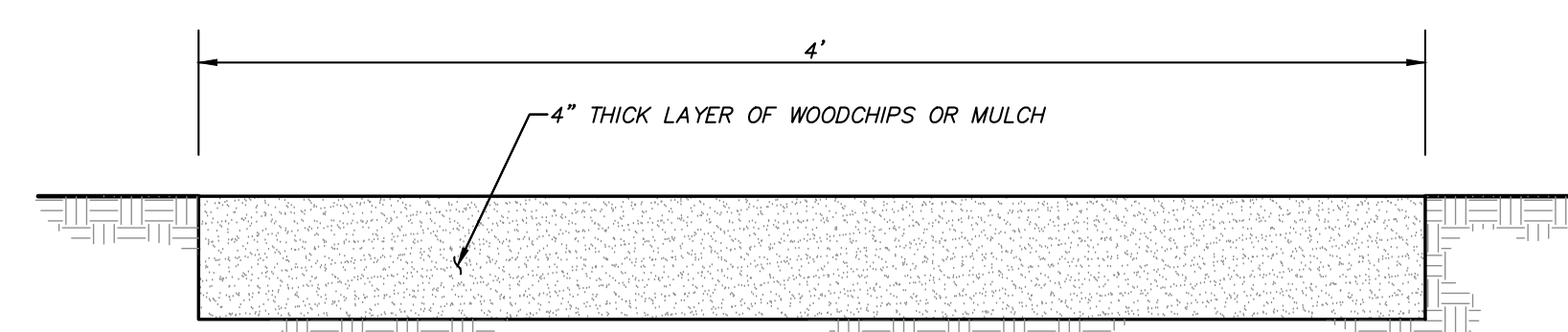
<u>OWNER/APPLICANT:</u>	<u>SITE DATA:</u>
WACCABUC COUNTRY CLUB	Zone: R-4A (4 Acre Residential)
90 MEAD STREET	Total Acreage 6.1± AC
WACCABUC, NY 10597	Tax Map No.: 42.2-1-10

## GENERAL NOTES:

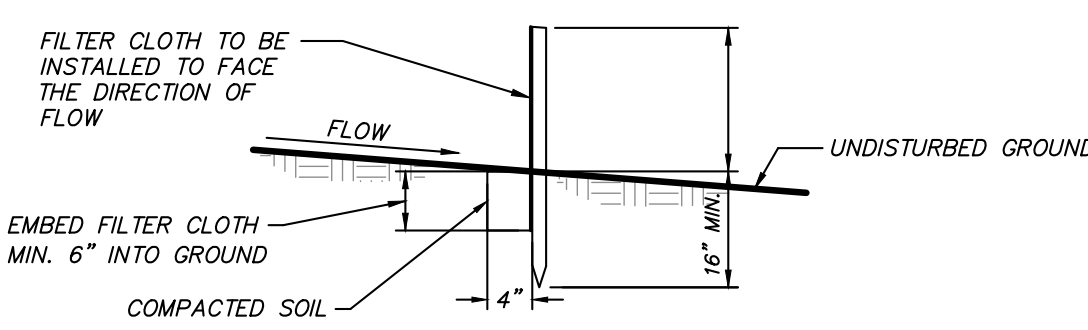
1. Property lines, existing conditions and topography as shown hereon based off of aerial mapping prepared by Insite Engineering, Surveying & Landscape Architecture P.C.
2. Topography shown hereon taken from both the Westchester County Z' contour, 1" = 100 scale GIS dataset dated April 2004 (elevations refer to the North American Vertical Datum of 1988, NAVD 88.
3. Wetland flagging as shown hereon was delineated by James A. Bates of Ecological Analysis on February 1, 2023 and survey located by Insite Engineering, Surveying & Landscape Architecture PC on February 9, 2023.
4. Proposed features are labeled as such. All other features are existing.
5. No tree removal is proposed or authorized.
6. No exterior lighting is proposed or authorized.
7. Proposed color of shade cloth to be attached to fence is green.



WOOD CHIP PATH DETAIL  
(N.T.S.)

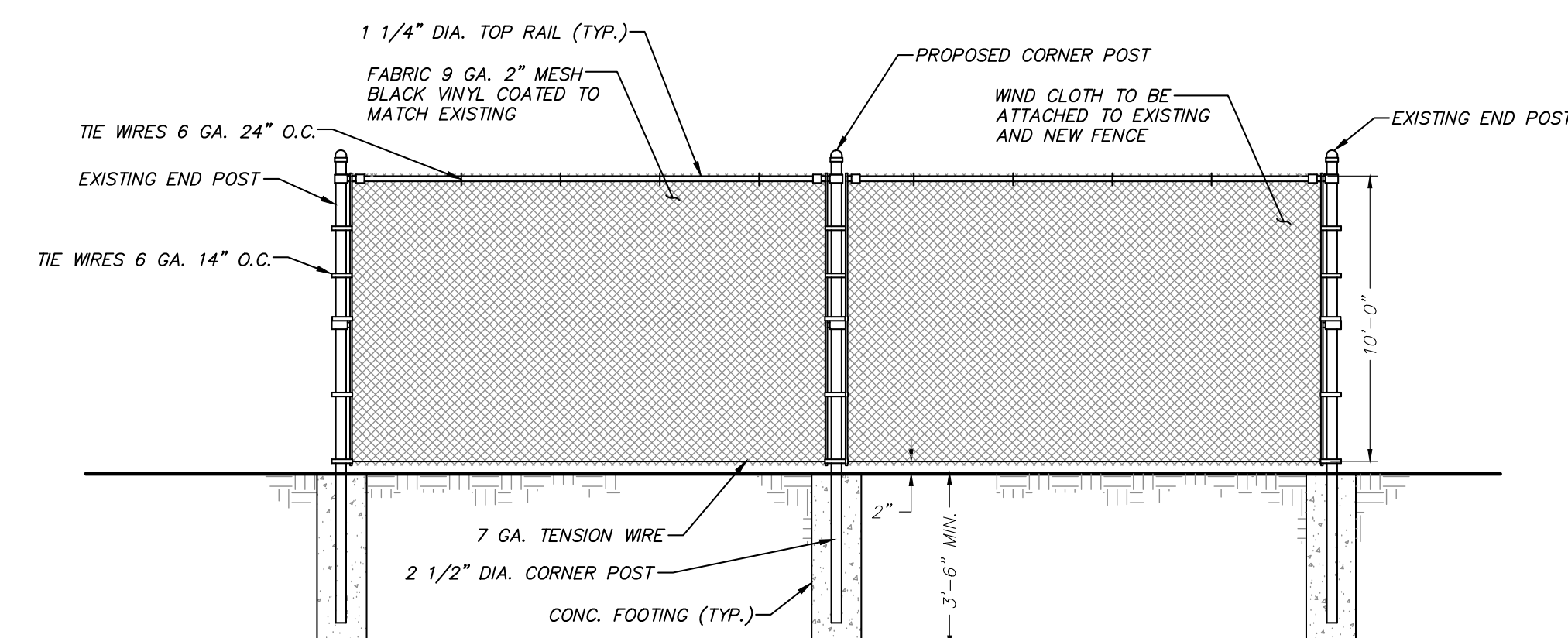


PERSPECTIVE VI

SECTION

CONSTRUCTION NOTES FOR FABRICATED SILT FENCE	
1. FILTER CLOTH IS TO FASTENED SECURELY TO POSTS AT TOP AND MID SECTION.	POSTS: STEEL EITHER T OR U TYPE OR 2" HARDWOOD
2. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED.	FILTER CLOTH: FILTER X, MIRAFIX 1000, STABILINKA T140N, OR APPROVED EQUAL
3. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.	PREFABRICATED UNIT: GEOFAB, ENVIRONMENT, OR APPROVED EQUAL.

SILT FENCE DETAIL  
(N.T.S.)



CHAIN LINK FENCE DETAIL  
(N.T.S.)

3	4-25-23	REVISED FOR PLANNING BOARD SUBMISSION	SMR
2	3-28-23	REVISED PER TOWN COMMENTS	MEU
1	3-15-23	UPDATE BULK ZONING	MEU



PROJECT: <u>WACCABUC COUNTRY CLUB</u> <u>PICKLEBALL</u>	
74 MEAD STREET, TOWN OF LEWISBORO, WESTCHESTER CTY, NEW YORK	

DRAWING: OVERALL SITE PLAN

PROJECT NUMBER	23105.100	PROJECT MANAGER	Z.M.P.	DRAWING NO.	SHEET  1 1
DATE	2-14-23	DRAWN BY	J.J.S.		
SCALE	AS NOTED	CHECKED BY	D.L.M.		



## **Pro-Screen Closed Mesh Specification Sheet**

### **Description:**

10-S Pro-Screen are mesh fabrics comprised of 22% high tenacity polyester yarn and 78% flexible foamed PVC. The yarns are intimately bonded at the crssover points and the degree of openness I dependent on the fabric construction. They are sutiable for many decorative and industrial applicatons. Provides a 90-93% shade factor

**Model#:** EL9013 (6' high) - EL4063 (9' high)

**Name:** 10-S Pro-Screen - Closed Mesh

### **Details:**

Coating - Flexible Foamed PVC  
Core Yarn - 1000 denier Polyester

Fabric Weight - 12 oz. / square yard

Tensile Strenght -  
(ASTM D-1682) Warp: 230lbs./inch minimum  
Grab Fill: 240lbs./inch minimum

Tear Strength:  
(ASTM D-2261) 65 lbs. minimum warp  
Tongue-single rip 65 lbs. minimum fill

Mullen Burst Strength:  
(ASTM D-3786) 370 lbs./sq. in minimum

Fabric Stretch: Warp 4% maximum  
(ASTM D 1682, 27 lbs./inch Fill 4% maximum

UV Resistance: 1000 hours QUV exposure-slight color  
(ASTM G53) deterioration

Shade Factor: 80% (80%-85%)

Fabrication: 3 ply reinforced hemlines

Gromets: Every 12" top, sides, (middle for 7' and above heights)

Warranty: 4-Year Limited





**10-S Tennis Supply, Pompano Beach FL PH: (800) 247-3907 FAX: (954) 969-5451**

**MEMORANDUM**

TO: Chairperson Janet Andersen and  
Members of Lewisboro Planning Board

CC: Ciorsdan Conran  
Judson Siebert, Esq.  
Kevin Kelly, Building Inspector

FROM: Jan K. Johannessen, AICP   
Joseph M. Cermele, P.E., CFM   
Town Consulting Professionals

DATE: April 13, 2023

RE: Wetland Permit  
Gina and Brian Cooney (Maple Tree Farm)  
400 Smith Ridge Road  
Sheet 49B, Block 9831, Lot 24

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The following comments pertain to the submitted Wetland Mitigation Plan:

1. In general, the proposed mitigation plan is satisfactory. The wetland buffer plantings are appropriate, and the proposed fence will provide a physical demarcation of the area to be preserved.
2. The plan should be revised to identify the height of the proposed fence [minimum four (4) feet].
3. Provide a note on the west side of the fence, between the fence and West Road, indicating that this area is to be left in a natural state and not used in conjunction with any business activity.
4. The height of the proposed Honey Locust (*Gleditsia triacanthos*) should be corrected (likely 1.5" cal.).
5. The existing building is noted as a kennel, which is its former use. Identify the current use of the building.

Chairperson Janet Andersen

July 13, 2023

Page 2 of 2

In order to expedite the review of subsequent submissions, the applicant should provide annotated responses to each of the comments outlined herein.

**PLAN REVIEWED, PREPARED BY SITE DESIGN CONSULTANTS, DATED NOVEMBER 28, 2022:**

- Mitigation Plan (1/1)

JKJ/dc

[https://kellardsessionsconsulti.sharepoint.com/sites/Kellard/Municipal/Lewisboro/Correspondence/2023-07-13\\_LWPB\\_Maple Tree Farm \(Cooney\) - 400 Smith Ridge Rd\\_Review Memo.docx](https://kellardsessionsconsulti.sharepoint.com/sites/Kellard/Municipal/Lewisboro/Correspondence/2023-07-13_LWPB_Maple Tree Farm (Cooney) - 400 Smith Ridge Rd_Review Memo.docx)



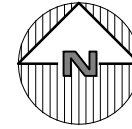
TO: The Town of Lewisboro Planning Board  
FROM: Lewisboro Conservation Advisory Council  
SUBJECT: Maple Tree Farm, 400 Smith Ridge Road, South Salem, NY 10590  
DATE: July 12, 2023

The Conservation Advisory Council (CAC) has reviewed the materials submitted by the applicant for mitigation of a wetland violation for burying wood chips and covering them with dirt.

The submitted mitigation plan consists of planting of some grass and bushes and trees. However, this plan does not address the fundamental problem of the buried wood chips which can continue to do harm to the wetland. The CAC would like to see an updated plan that addresses this issue.



**LOCATION MAP**  
NOT TO SCALE

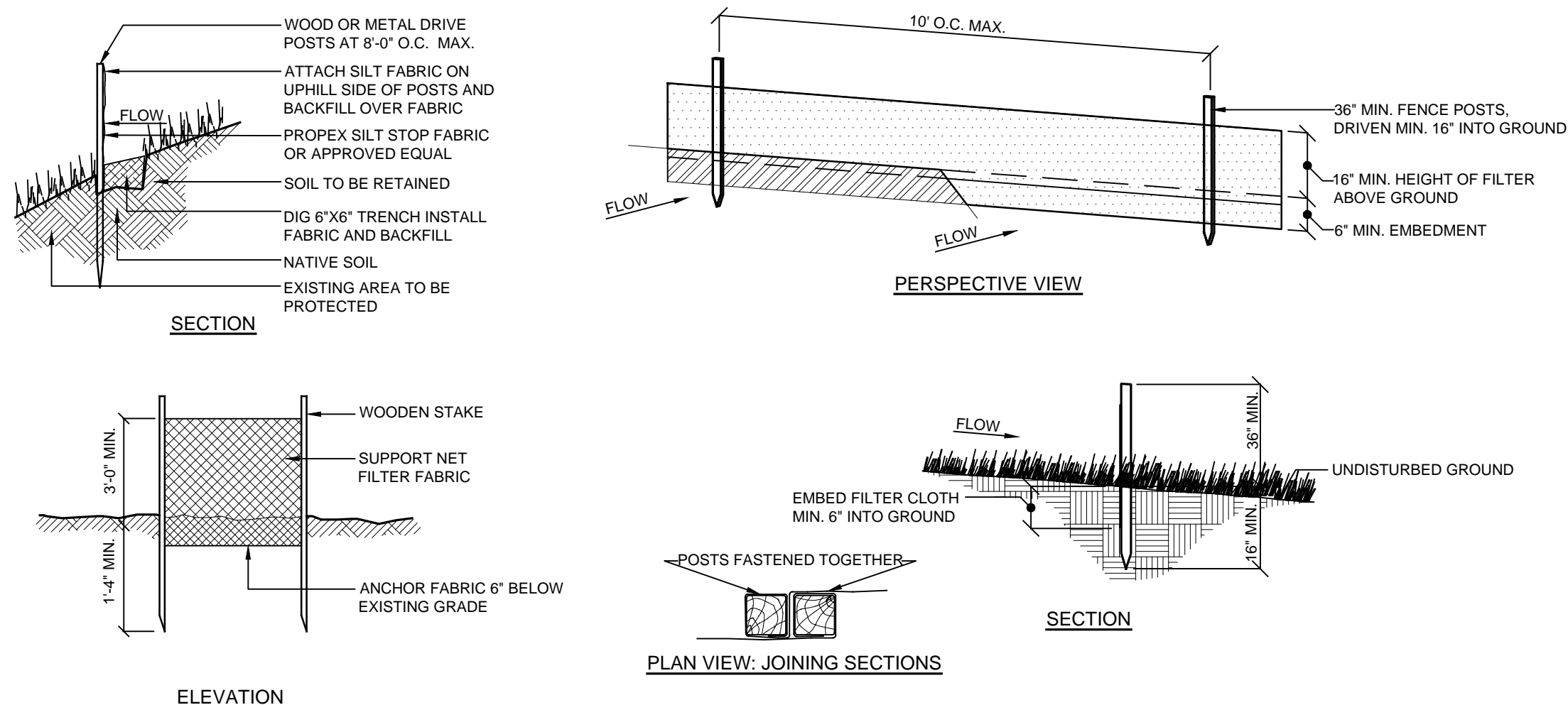
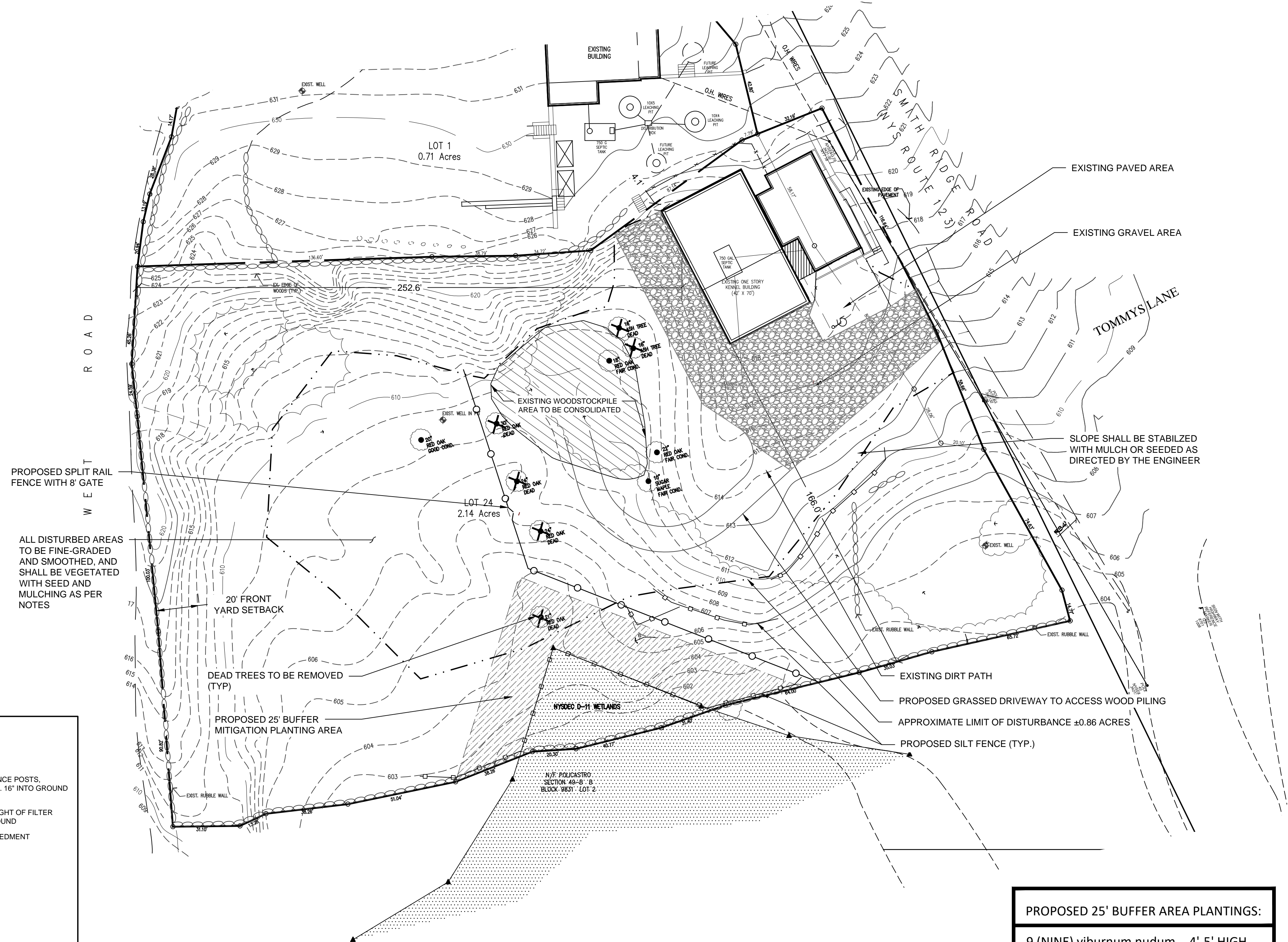


PERMANENT VEGETATIVE COVER:

1. Site preparation:
  - 1.1. Install erosion control measures.
  - 1.2. Scarify compacted soil areas.
  - 1.3. Lime as required to pH 6.5.
  - 1.4. Fertilize with 10-6-4 4 lbs/1,000 S.F.
  - 1.5. Incorporate amendments into soil with disc harrow.

<u>MIXTURE</u>	<u>LBS./ACRE</u>
ALT. A	
KENTUCKY BLUE GRASS	20
CREeping RED FESCUE	28
RYE GRASS OR REDTOP	5
ALT. B	
CREeping RED FESCUE	20
REDTOP	2
TALL FESCUE/SMOOTH BLOOMGRASS	20

- 3.1. Prepare seed bed by raking to remove stones, twigs, roots and other foreign material.
- 3.2. Apply soil amendments and integrate into soil.
- 3.3. Apply seed uniformly by cyclone seeder culti-packer or hydro-seeder at rate indicated.
- 3.4. Stabilize seeded areas in drainage swales.
- 3.5. Irrigate to fully saturate soil layer, but not to dislodge planting soil.
- 3.6. Seed between April 1st and May 15th or August 15th and October 15th.
- 3.7. Seeding may occur May 15th and August 15th if adequate irrigation is provided.



NOTES:

1. Filter cloth to be fastened securely to upgrade side of post: steel posts (either T or U type) or 2" hardwood posts at top and mid section.
2. When two sections of filter cloth adjoin each other they shall be overlapped by 6 inches and folded. Filter cloth shall be Mirafi 1000, Stablinks T140n or approved equal.
3. Maintenance shall be performed as needed and material removed when "bubbles" develop in the silt fence or the capacity reaches 50%.
4. Excavate 6 inch trench along the silt fence line and bury the filter cloth.
5. Unroll a section at a time and position the post along the back (downstream) wall of the trench.
6. Drive the post into the ground until the netting is approximately 2 inches from the trench bottom.
7. Lay the top edge of fabric onto the undisturbed bottom of the trench, backfill the trench and tamp the soil. Steeper slopes require an intercept trench.
8. Join sections as shown above.

SYMBOL

E-2

### SILT FENCE DETAIL

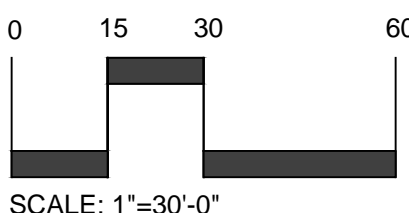
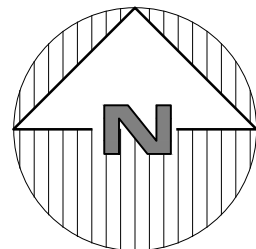
NOT TO SCALE

NOTE:

1. THIS IS NOT A SURVEY. ALL SURVEY INFORMATION SHOWN ON THIS PLAN HAS BEEN TAKEN FROM SURVEY MAP PREPARED BY KULHANKE & PLAN, LAND SURVEYORS, P.C. DATED 10/11/2001, LAST REVISED 12/20/2001. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.


PROPOSED 25' BUFFER AREA PLANTINGS:

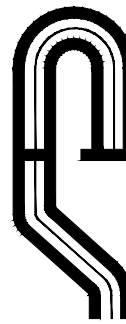
9 (NINE) viburnum nudum - 4'-5' HIGH  
2 (TWO) Amelanchier clump - 6'-7' HIGH  
3 (THREE) Ilex verticillata - 3'-4' HIGH  
2 (TWO) Quercus Bicolor - 1½"-2" CALIPER  
2 (TWO) Cornus florida - 2"-2½" CALIPER  
1 (ONE) Gleditsia triacanthos - 11.5" HIGH  
3 (THREE) Acer rubrum - 1.5" CALIPER



## SAFE DIG

**Before You Dig, Drill or Blast!**

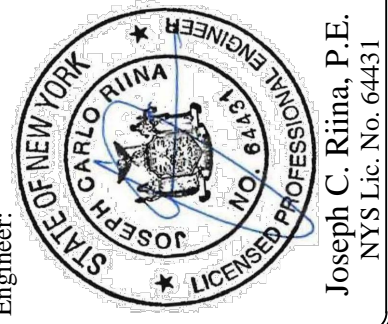
 CALL US TOLL FREE 811 or 1-800-862-7862  
NY Industrial Code Rule 753 requires no less  
than two working days notice, but not more  
than ten days notice.  
[www.digsafelynewyork.com](http://www.digsafelynewyork.com)



PROJECT # 22-47

# Site Design Consultants

**Civil Engineers • Land Planners**  
251-F Underhill Avenue, Yorktown Heights, NY 10598  
(914) 962-4488 - Fax: (914) 962-7386  
[www.sitedesignconsultants.com](http://www.sitedesignconsultants.com)

[illegible]

SCALE:  
1" = 30'

 $1'' = 30'$ 

CS

DATE: \_\_\_\_\_

# MITIGATION PLAN

**SITE PLAN**  
**PREPARED FOR**

GINA AND BRIAN COONEY

400 SMITH RIDGE ROAD

Town of Lewisboro  
Westchester, NY

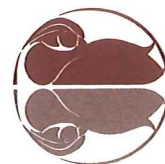
Sheet

of

1

NOTE: UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.





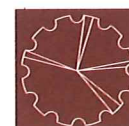
**Evans** Associates  
Environmental Consulting, Incorporated

## WETLAND DELINEATION REPORT

**DATE:** June 6, 2005 (updated September 20, 2022)

**PROPERTY:** Samberg Property at 6 Cove Road  
Town of Lewisboro (Hamlet of South Salem)  
Westchester County, New York

**REPORT BY:** Evans Associates Environmental Consulting, Inc.



### INTRODUCTION

Wetlands on the above-captioned property were field delineated in accordance with Chapter 217, Wetlands and Watercourses, of the Code of the Town of Lewisboro, the criteria in Article 24 of the New York State Department of Environmental Conservation (DEC) Environmental Conservation Law, and the technical criteria in the 1987 Army Corps of Engineers (ACOE) Wetland Delineation Manual (TR-Y-87-1). The field delineation was conducted on April 7, 2005, by a field biologist and a soil scientist of Evans Associates Environmental Consulting, Inc. (Evans Associates). The wetland/upland boundary of the onsite portion of the wetland was flagged with sequentially numbered orange pin and ribbon flagging displaying the words "Wetland Boundary." Flags were numbered A-1 through A-16 and are depicted on site plans. A site visit was conducted on August 25, 2022, by Evans Associates personnel to review the current conditions.

The subject property is a 1.5-acre residential parcel located on and adjacent to Waccabuc Lake (Freshwater Wetland L-13). The site is developed with a house located on the lake (accessed by boardwalk). Additional existing development includes a garage, gravel driveway and parking area, flagstone walkway, and stonewall, with areas of lawn located nearest Cove Road. Much of the site comprises wetlands, including a portion of the lake. The wetlands contain wooded, shrub, and herbaceous vegetation. The remaining areas of the parcel are located within the DEC-regulated 100' Adjacent Area (as well as within the Town of Lewisboro 150' Wetland Buffer). The entire parcel is also located within the FEMA floodplain (Zone A).

The existing conditions of the wetlands and uplands on the property are discussed below, followed by a discussion of the regulatory jurisdictions of the wetlands. Photos are also provided at the end of the report.

## EXISTING CONDITIONS

### Vegetation

Vegetation in the wetland includes red maple (*Acer rubrum*), American elm (*Ulmus Americana*), black willow (*Salix nigra*), and speckled alder (*Alnus rugosa*) trees and saplings, sweet pepper-bush (*Clethra alnifolia*), spicebush (*Lindera benzoin*), high-bush blueberry (*Vaccinium corymbosum*), and silky dogwood (*Cornus amomum*) shrubs, poison ivy (*Toxicodendron radicans*) vines, along with sensitive fern (*Onoclea sensibilis*), tussock sedge (*Carex stricta*), jewelweed (*Impatiens capensis*), clear weed (*Pilea pumila*), skunk cabbage (*Symplocarpus foetidus*), sphagnum hummocks (*Sphagnum sp.*), with some common reed (*Phragmites australis*) and cattail (*Typha sp.*).

A diverse and densely vegetated wet meadow wetland area has developed between the garage and the wooded edge of the lake. This area comprised mainly hydric lawn in 2005 and habitat improvements are due at least in part to a mitigation planting plan provided by former owners. In addition, a substantial portion of the uplands contains longer grasses that provide a more natural habitat than the maintained lawn that had previously dominated the uplands.

### Soils

The wetlands are mapped as Natchaug muck and open water.<sup>1</sup> Ridgebury and Woodbridge loams may also be present on the property. Natchaug muck is a very deep to bedrock, very poorly drained soil that is formed in woody and herbaceous organic materials overlying loamy deposits. This organic soil is formed in depressions on plains and moraines and is found in association with the lake. Ridgebury loam is a poorly drained and somewhat poorly drained mineral soil that is shallow to a dense layer. Ridgebury loam is associated with the upland soil Woodbridge loam, which is moderately well drained and moderately deep to a dense layer. Both Ridgebury and Woodbridge loams are very deep to bedrock, and are formed in lodgment glacial till.

### Wetland Hydrology

The wetlands are sustained mainly by the interception of the groundwater table. Evidence of wetland hydrology includes saturated soil and standing water.

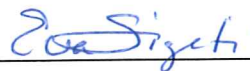
## REGULATORY JURISDICTIONS

The wetland is locally regulated by the Town of Lewisboro and federally regulated by the ACOE. The wetland is also regulated by the DEC as part of Freshwater Wetland L-13. In addition to regulating the wetland itself, the Town also regulates a 150-foot wetland buffer, and the DEC regulates a 100-foot Adjacent Area. There is no buffer or Adjacent Area regulated by the ACOE. The wetland on the property is within the New York City watershed as part of the Waccabuc River watershed basin.

### Report Prepared by Evans Associates Environmental Consulting, Inc.



Beth Evans, PWS



Eva Szigeti, CPSS

<sup>1</sup> Soils information taken from: Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/>.



## PHOTOGRAPHS



Hydric lawn, shed, and oil tank located behind old garage (above) on 04/2005, facing approximately south, is now a wet meadow (below) on 08/2022, facing east.





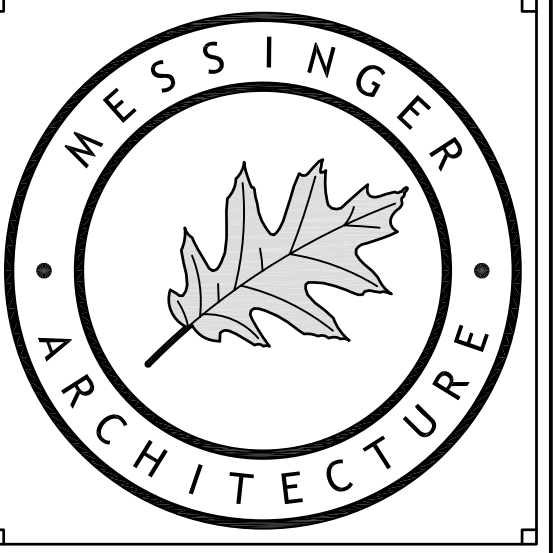
## PHOTOGRAPHS (CONT.)



**Uplands west of garage: area for proposed driveway and flagstone walkway (above, facing approximately south); south and east sides of garage: areas proposed for flagstone walkway and stairs (below).**







Garage  
Alterations  
Samberg Residence  
6 Cove Road  
South Salem, New York

Section 33.13,  
Block 2, Lot 51  
Town of Lewisboro,  
New York

Messinger  
Architecture LLC  
Michael C. Messinger  
RA, NCARB

16 Washington Avenue  
Bedford Village  
New York 10506

(914) 908-0225  
info@greatoakstudio.com

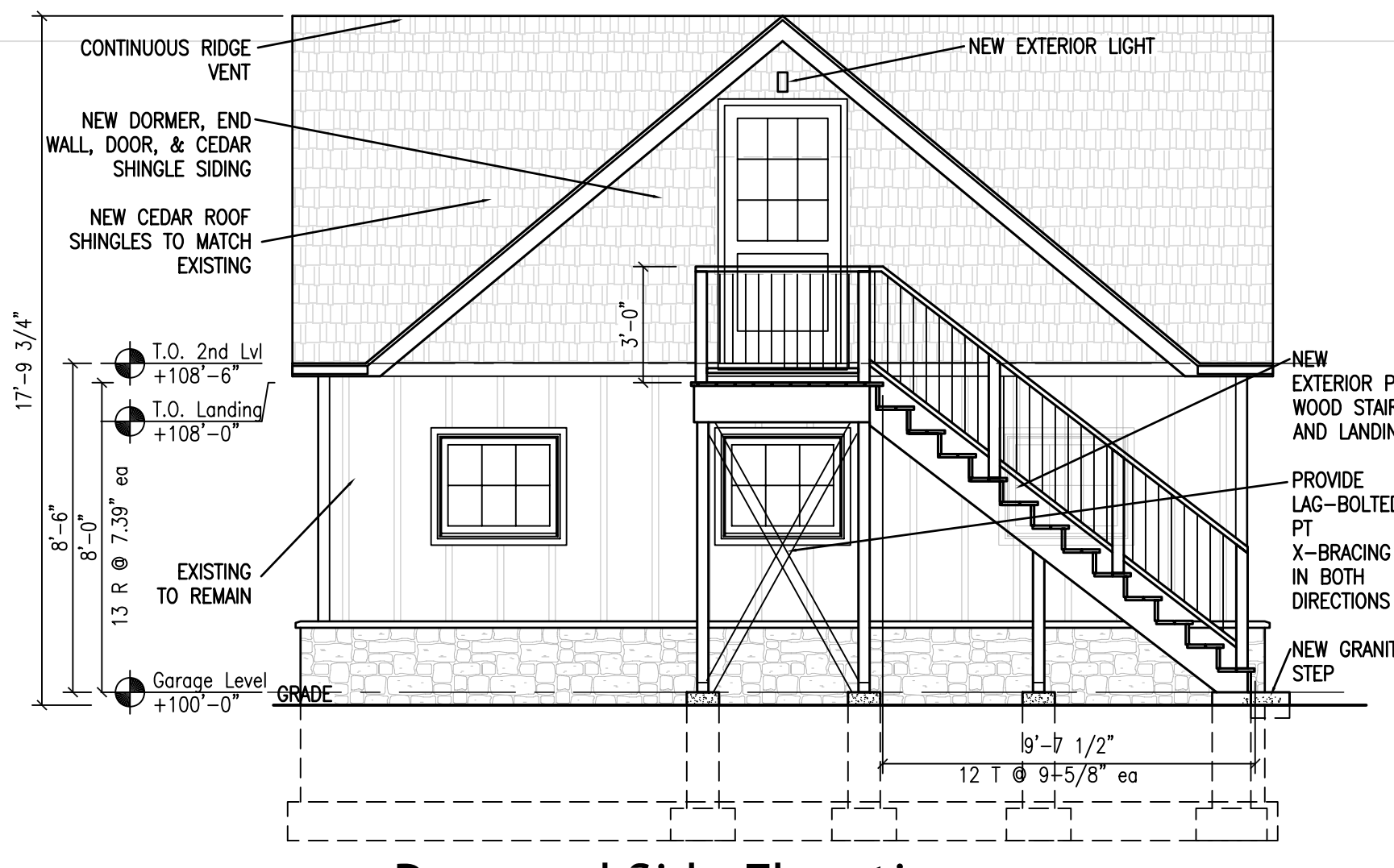
09 MAR 2023 Site Approval  
08 JUL 2021 Issued for Review  
28 JUN 2021 Issued for Review

NOTE: ARCHITECT HAS MADE ALL ATTEMPTS TO ACCURATELY PORTRAY EXISTING CONDITIONS IN THESE CONSTRUCTION DOCUMENTS. HOWEVER, G.C. IS ULTIMATELY RESPONSIBLE FOR FIELD VERIFICATION OF ALL EXISTING CONDITIONS. CONTRACTOR SHALL NOTIFY ARCHITECT AT ONCE OF ALL INCONSISTENCIES AND INCOMPATIBILITIES BETWEEN EXISTING CONDITIONS AND NEW CONSTRUCTION.

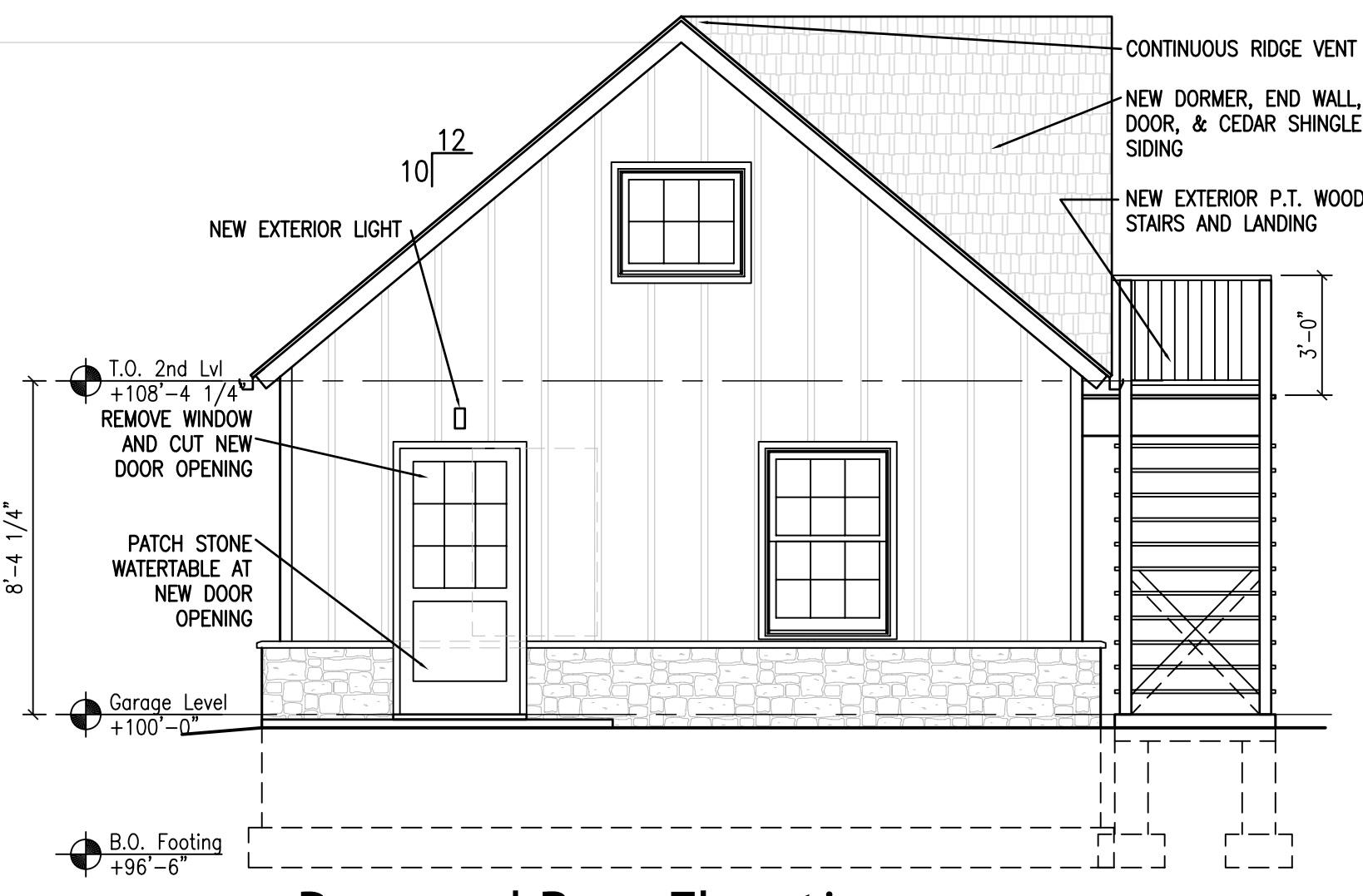
Garage Plans &  
Elevations  
A1



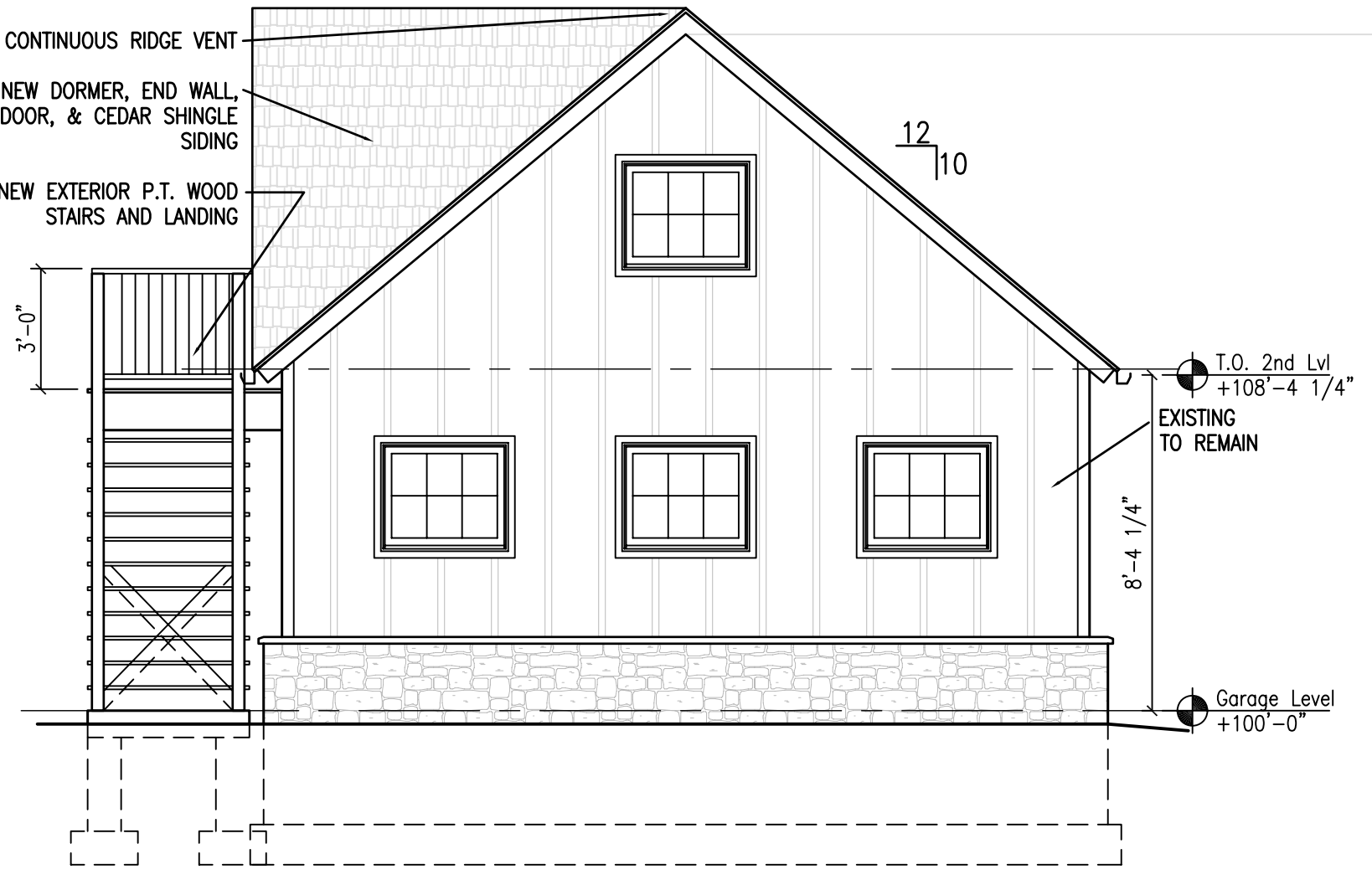
7 Existing Side Elevation  
1/4" = 1'-0"



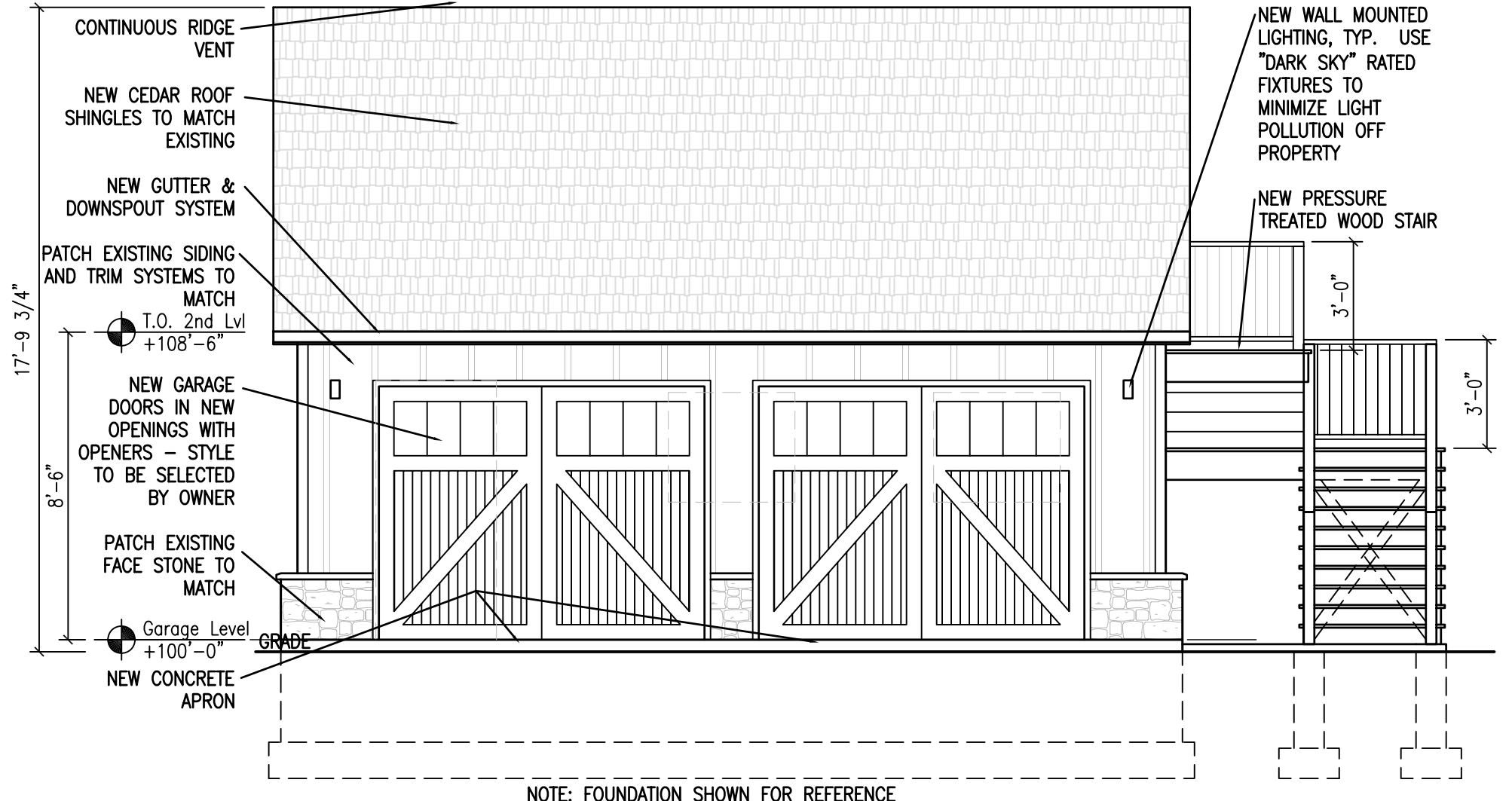
8 Proposed Side Elevation  
1/4" = 1'-0"



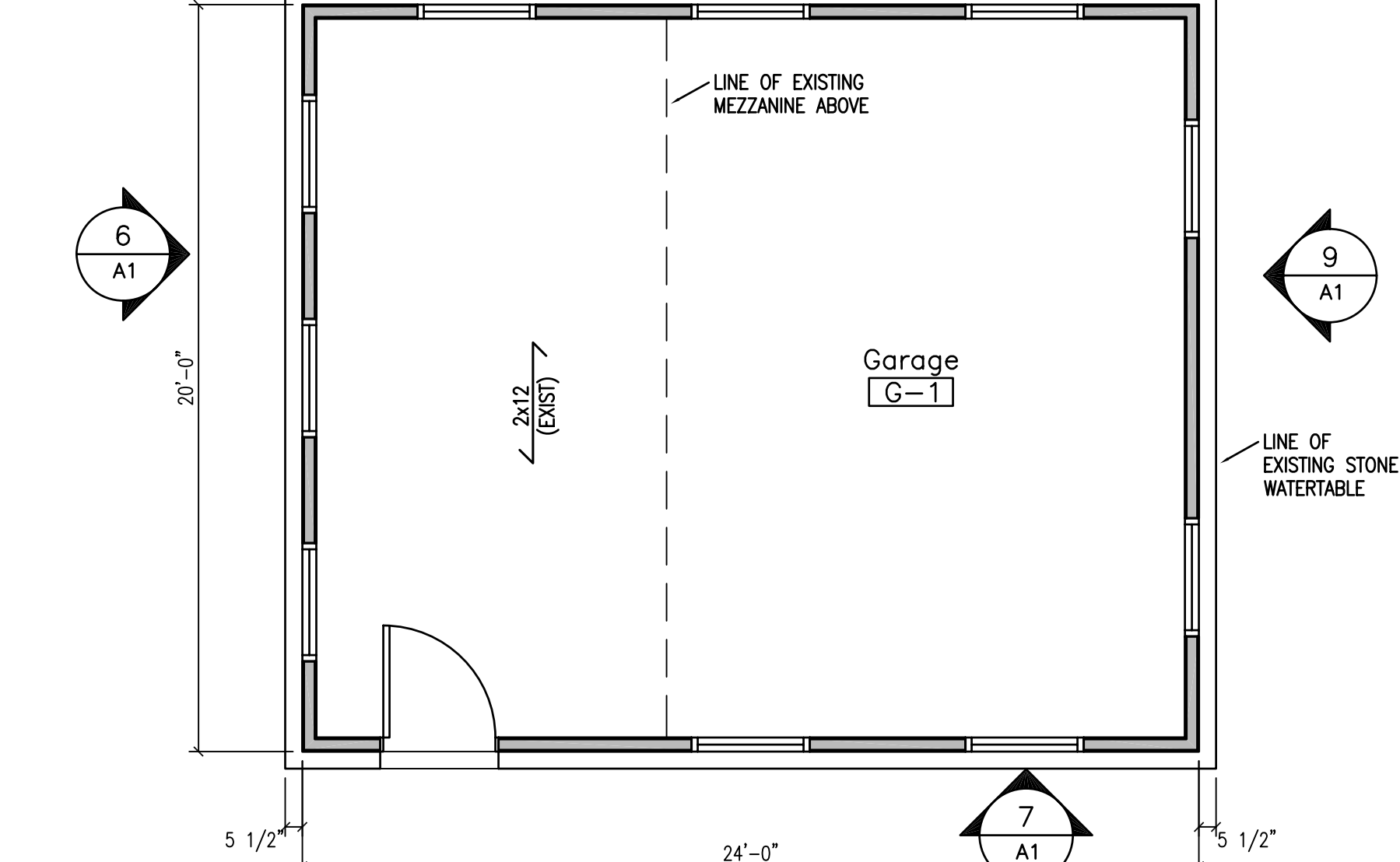
9 Proposed Rear Elevation  
1/4" = 1'-0"



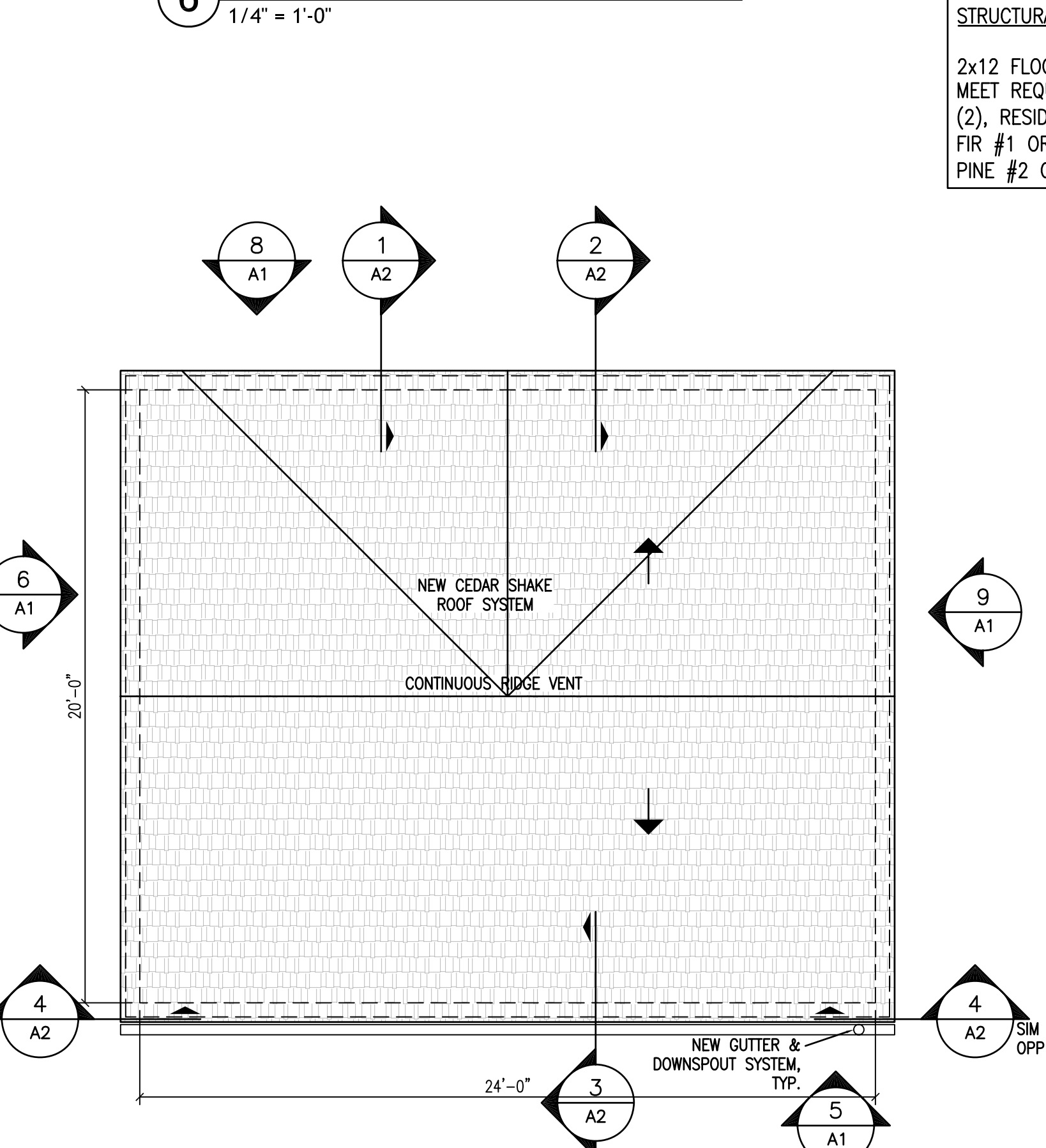
6 Proposed Front Elevation  
1/4" = 1'-0"



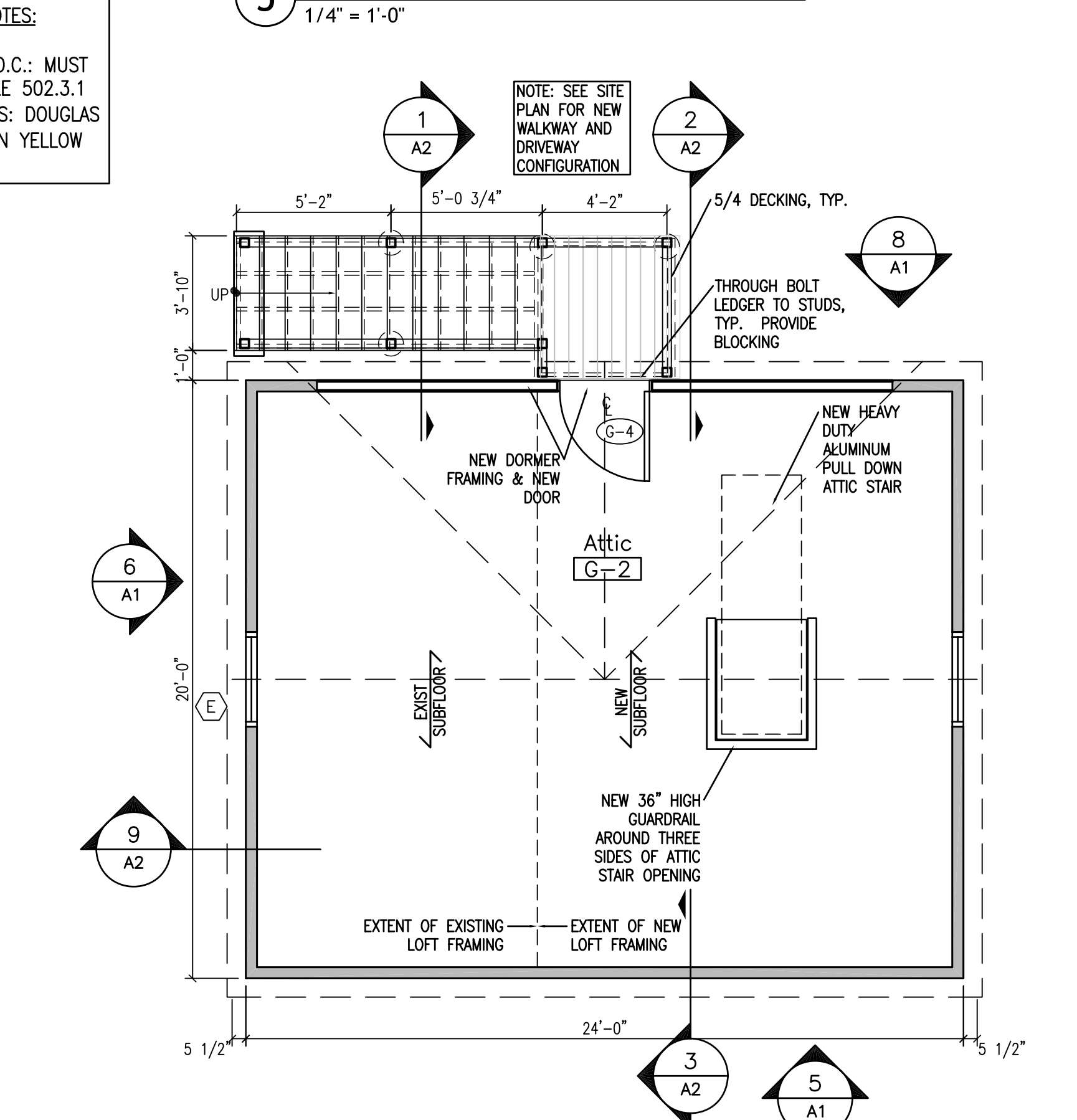
5 Proposed Side Elevation  
1/4" = 1'-0"



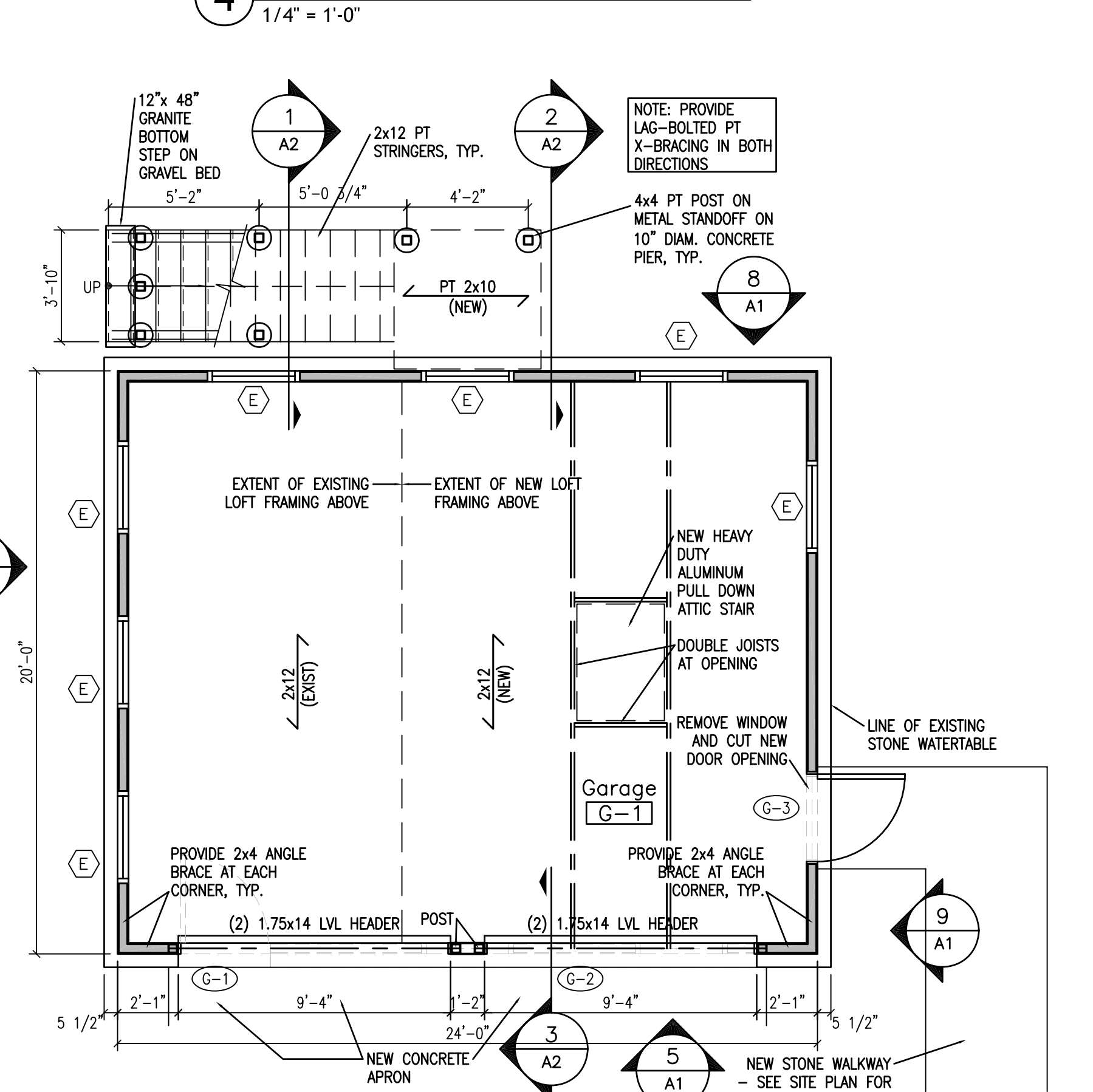
4 Garage Plan - Existing  
1/4" = 1'-0"



3 Garage Plan - Roof  
1/4" = 1'-0"



2 Garage Attic Plan - Proposed  
1/4" = 1'-0"



1 Garage Plan - Proposed  
1/4" = 1'-0"

STRUCTURAL SPAN RATING NOTES:  
2x12 FLOOR JOISTS AT 12" O.C.: MUST MEET REQUIREMENTS OF TABLE 502.3.1 (2), RESIDENTIAL LIVING AREAS: DOUGLAS FIR #1 OR BETTER, SOUTHERN YELLOW PINE #2 OR BETTER

NOTE: SEE SITE PLAN FOR NEW WALKWAY AND DRIVEWAY CONFIGURATION



NOTE: PROVIDE LAG-BOLTED PT X-BRACING IN BOTH DIRECTIONS



## MEMORANDUM

TO: Chairperson Janet Andersen and  
Members of Lewisboro Planning Board

CC: Ciorsdan Conran  
Judson Siebert, Esq.  
Kevin Kelly, Building Inspector

FROM: Jan K. Johannessen, AICP   
Joseph M. Cermele, P.E., CFM   
Town Consulting Professionals

DATE: July 13, 2023

RE: Scotts Dam Rehabilitation  
Scotts Reservoir & Wakeman Road  
Sheet 47, Block 10057, Lot 11

---

### PROJECT DESCRIPTION

The subject property consists of ±15.6 acres of land owned by the First Taxing District of the City of Norwalk, Water Department and is the location of the Scotts Reservoir and Dam. The property is located within the R-4A Residential Zoning District. The applicant is proposing to improve safety and stability of the dam by constructing a parapet wall, reworking the upstream dam slope, rehabilitating the existing low-level outlet and intake and address leakage that is seeping through the dam.

### SEQRA

The proposed action has been preliminarily identified as a Type II Action and is therefore categorically exempt from the State Environmental Quality Review Act (SEQRA).

### REQUIRED APPROVALS AND REFERRALS

1. Site Development Plan Approval is required from the Planning Board; unless waived by the Planning Board, a public hearing is required to be held on the Site Development Plan.
2. A Wetland Activity Permit is required from the Planning Board; a public hearing is required to be held on the Wetland Permit.



Chairperson Janet Andersen

July 13, 2023

Page 2 of 4

3. A Town Stormwater Permit is required from the Planning Board.
4. A Floodplain Development Permit is required from the Town Building Inspector in accordance with Chapter 126, Flood Damage Prevention, of the Town Code.
5. Proposed land disturbance exceeds one (1) acre and coverage under New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) is required.
6. An Article 15 Protection of Waters Permit may be required from the New York State Department of Environmental Conservation (NYSDEC).

#### **COMMENTS**

1. Please provide a list of all outside agency approvals/permits and status of same. Please coordinate with the NYSDEC and Army Corps of Engineers (ACOE) regarding the extent of wetland permitting, if any. Provide a written determination.
2. The truck route for importing/exporting fill should be explained and detailed/illustrated on the plan. The Board may wish to consider requesting the applicant to prepare a map of potential truck routes for review. Ideally, the routing should be kept to as many main roads as possible. Any deterioration of the roadways due to the construction should be repaired by the applicant. The condition of the roads to be used should be documented prior to construction.
3. The applicant should provide the size of the trucks that will be transporting fill, as well as the hours of operation, estimated number of trips required, and the overall duration of time required for the import/export of materials.
4. The Site Plan shall include additional detail, as needed, to clarify the construction entrance, required access route and the existing driveway serving 9 Wakeman Road. It appears that the applicant has shared access with the owners of 9 Wakeman Road. Please provide our office with any easement agreements that may be in place.
5. The plan shall illustrate the entire limits of the temporary construction access route and perennial stream crossing (a NYSDEC Class AA-S watercourse). Based on a site visit, it appears that improvements will need to be made to the existing access road to safely transport the construction equipment and materials to the area of work. The applicant should show any tree clearing and grading that will be required to provide the necessary access.

6. Provide a tree survey within the areas of construction access and in proximity to the dam. Trees with a diameter at breast height (DBH) of 8" or greater should be survey located; identify trees to be removed and preserved.
7. Provide construction details for the construction access driveway and temporary perennial stream crossing.
8. The Site Plan shall show the location, equipment and method that will be used to lower the water level of the reservoir while working on the dam, as well as any outlet protection measures that will be required. Provide details of same.
9. The plan shall note that the construction of all walls greater than or equal to four (4) feet in height shall be certified by the Design Professional prior to issuance of a Certificate of Occupancy/Completion.
10. The plan shall quantify the limits of disturbance (s.f.). The plan shall note that disturbance limits shall be staked in the field prior to construction; disturbance limits within the reservoir proper need not be staked.
11. Please explain what work will be performed, other than the assumed construction access noted above, along the western side of the Scotts Reservoir. This area is within the limits of disturbance, but no proposed work is being shown.
12. Permanent protection and stabilization should be shown at the location of the stop log bay spillway. As shown, it appears that when the stop logs are removed, if required, the flows would erode the dam and slopes in this location as well as potentially flow over the existing stone dam face and erode the base of the dam. A defined spillway channel should be illustrated and detailed on the plan.
13. Specify on the Site Plan where the filter sock will be utilized vs. the silt fence. The line type shown is the same for each method. The filter socks and silt fence must be shown to be installed parallel to the existing contours.
14. The Site Plan shall illustrate the location you intend to install the dirt bag.
15. Stockpile locations should be shown on the Site Plan.
16. Land disturbance is proposed to exceed one (1) acre and will therefore require conformance with NYSDEC SPDES General Permit (GP-0-20-001) and filing of a Notice of Intent (NOI) and MS4 Acceptance Form with the NYSDEC. Submit draft copies to this office for review.

Chairperson Janet Andersen

July 13, 2023

Page 4 of 4

17. The Erosion Control Notes found on Sheet G-4 should be updated to reference the NYSDEC SPDES General Permit (GP-0-20-001), as well as to describe the requirements of the Trained Contractor, Qualified Inspector, inspection frequencies, etc.
18. The subject parcel is located within the 100-year FEMA Floodplain (Zone A). The floodplain boundary shall be depicted on the plan as should the base flood elevation. A Floodplain Development Permit will be required in accordance with Chapter 126 of the Town Code.
19. A cut and fill analysis should be added to the Site Plan set.
20. The plans shall be signed/sealed by the Design Professional.
21. The names of the adjacent property owners shall appear on the plan.

In order to expedite the review of subsequent submissions, the applicant should provide annotated responses to each of the comments outlined herein.

**PLANS REVIEWED, PREPARED BY GZA GEOENVIRONMENTAL, INC., DATED APRIL, 2022:**

- Cover, Project Locus and Index Sheet (G-1)
- General Notes (G-2)
- Existing Conditions/Access Plan (G-3)
- Sedimentation and Erosion Control Notes and Details (G-4)
- Proposed Conditions Plan (C-1)
- Proposed Conditions Section (C-2)
- Details (C-3)

**DOCUMENTS REVIEWED:**

- Letter, prepared by First District Water Department, dated June 6, 2023
- Wetland Permit Application
- Short EAF, dated June 6, 2023

JKJ/dc

TOWN OF LEWISBORO  
WETLAND PERMIT APPLICATION

79 Bouton Road, South Salem, NY 10590  
Phone: (914) 763-5592  
Fax: (914) 875-9148

Application No.: 26-23WP  
Fee: \$255 Date: 6/9/23

(PD)

escrow est'd.

Project Address: Scotts Reservoir located off Wakeman Road

Sheet: 066.04 Block: 10057 Lot(s): 11

Project Description (Identify the improvements proposed within the wetland/wetland buffer and the approximate amount of wetland/wetland buffer disturbance): Scott's Dam Rehabilitation - Various improvements to the dam and construct a temporary accessway to the dam to complete this work.

Owner's Name: The First Taxing District City of Norwalk Water Department Phone: 203-847-7264

Owner's Address: 12 New Canaan Ave. PO Box 27 Norwalk, CT 06852 Email: emilitana@firstdistrictwater.org

Applicant's Name (if different): Eleanor Militana Phone: 203-847-7264

Applicant's Address: 12 New Canaan Ave. PO Box 27 Norwalk, CT 06852 Email: emilitana@firstdistrictwater.org

Agent's Name (if applicable): \_\_\_\_\_ Phone: \_\_\_\_\_

Agent's Address: \_\_\_\_\_ Email: \_\_\_\_\_

**TO BE COMPLETED BY OWNER/APPLICANT**

What type of Wetland Permit is required? (see §217-5C and §217-5D of the Town Code)

☐ Administrative ☐ Planning Board

Is the project located within the NYCDEP Watershed? ☐ Yes ☐ No

Total area of proposed disturbance: ☐ < 5,000 s.f. ☐ 5,000 s.f. - < 1 acre ☐ ≥ 1 acre

Does the proposed action require any other permits/approvals from other agencies/departments? (Planning Board, Town Board, Zoning Board of Appeals, Building Department, Town Highway, ACARC, NYSDEC, NYCDEP, WCDOH, NYSDOT, etc): Identify all other permits/approvals required: \_\_\_\_\_

Note: Initially, all applications shall be submitted with a plan that illustrates the existing conditions and proposed improvements. Said plan must include a line which encircles the total area of proposed land disturbance and the approximate area of disturbance must be calculated (square feet). The Planning Board and/or Town Wetland Inspector may require additional materials, information, reports and plans, as determined necessary, to review and evaluate the proposed action. If the proposed action requires a Planning Board Wetland Permit, the application materials outlined under §217-7 of the Town Code must be submitted, unless waived by the Planning Board. The Planning Board may establish an initial escrow deposit to cover the cost of application/plan review and inspections conducted by the Town's consultants.

**For administrative wetland permits, see attached Administrative Wetland Permit Fee Schedule.**

Owner Signature: Eleanor M. Militana

Date: 6/6/2023



## FIRST DISTRICT WATER DEPARTMENT

---

12 New Canaan Avenue  
Post Office Box 27  
Norwalk, Connecticut 06852

Office: 203-847-7387  
Fax: 203-846-3482  
Email: [info@firstdistrictwater.org](mailto:info@firstdistrictwater.org)

COMMISSIONERS  
Thomas J. Cullen, Esq.  
Elsa Peterson Obuchowski  
Jalin T. Sead, Chair

DISTRICT TREASURER  
Rosa M. Murray

GENERAL MANAGER  
Eleanor M. Militana

DISTRICT ENGINEER  
Donald Ukers, P.E.

OPERATIONS DIRECTOR  
Anthony Franceschini

June 6, 2023

Ciorsdan Conran  
Planning Board Administrator  
Town of Lewisboro Building Department  
79 Bouton Road  
South Salem, NY 10590

Dear Ciorsdan,

Enclosed please the attached for the First District's application for an Administrative Wetland Permit for work at the District's Scotts Reservoir located in Lewisboro, NY:

- Wetland Permit Application
- Short Environmental Assessment Form (EAF)
- Four (4) full-size Plan Sets
- Check # 38394 in the amount of \$255 for the Wetland Permit fee
- Check # 38393 in the amount of \$2,000 for the escrow

Please contact me at the number/email listed below if you have any questions or need additional information.

Thank you,

Eleanor M. Militana  
General Manager  
(203) 847-7387 Ext. 7264  
[emilitana@firstdistrictwater.org](mailto:emilitana@firstdistrictwater.org)

cc: Jan Johannessen

# TOWN OF LEWISBORO PLANNING BOARD

79 Bouton Road, South Salem, NY 10590

Email: [planning@lewisborogov.com](mailto:planning@lewisborogov.com)

Tel: (914) 763-5592

Fax: (914) 875-9148

## Affidavit of Ownership

State of: New York

County of: Westchester

Eleanor M. Militana

\_\_\_\_\_, being duly sworn, deposes and says that he/she  
resides at 6 Sylvan Road, Rye Brook

in the County of Westchester, State of New York

and that he/she is (check one) \_\_\_\_\_ the owner, or ☒ the District Clerk

of First Taxing District, City of Norwalk Department Title

*Name of corporation, partnership, or other legal entity*

which is the owner, in fee of all that certain log, piece or parcel of land situated, lying and being in the  
Town of Lewisboro, New York, aforesaid and know and designated on the Tax Map in the Town of  
Lewisboro as:

Block 10057, Lot 11, on Sheet 0.66.04

Eleanor M. Militana  
Owner's Signature Eleanor M. Militana

Sworn to before me this

22<sup>nd</sup> day of JANUARY, 2021

Andrea Byrge  
Notary Public - affix stamp ANDREA BYRGE

My Commission Expires  
July 31, 2025

Revised 2-2019

## TOWN OF LEWISBORO PLANNING BOARD

79 Bouton Road, South Salem, NY 10590  
Email: [planning@lewisboronyc.gov](mailto:planning@lewisboronyc.gov)  
Tel: (914) 763-5592 Fax: (914) 875-9148

### Tax Payment Affidavit Requirement

*This form must accompany all applications to the Planning Board.*

*Under regulations adopted by the Town of Lewisboro, the Planning Board may not accept any application unless an affidavit from the Town of Lewisboro Receiver of Taxes is on file in the Planning Board office. The affidavit must show that all amounts due to the Town of Lewisboro as real estate taxes and special assessments on the total area encompassed by the application, together with all penalties and interest thereon, have been paid.*

*Under New York State law, the Westchester County Clerk may not accept any subdivision map for filing unless the same type of affidavit from the Town of Lewisboro Receiver of Taxes is submitted by the applicant at the time of filing.*

This form must be completed by the applicant and must accompany all applications to the Planning Board. Upon receipt, the Planning Board Secretary will send the form to the Receiver of Taxes for signature and notarization. If preferred, the applicant may directly obtain the signature of the Receiver of Taxes and notarization prior to submission.

#### To Be Completed by Applicant (Please type or print)

Eleanor M. Militana

Name of Applicant

Scott's Reservoir

Project Name

#### Property Description

Tax Block(s): ~~865.14~~ 11

Tax Lot(s): 10057

Tax Sheet(s): ~~4~~ 47

#### Property Assessed to:

First Taxing District ~~City of Norwalk Water Department~~ City

Name

12 New Canaan Avenue P.O. Box 27

Address

Norwalk

CT

06852

City

State

Zip

The undersigned, being duly sworn deposes and says that a search of the tax records in the office of the Receiver of Taxes, Town of Lewisboro, reveals that all amounts due to the Town of Lewisboro as real estate taxes and special assessments, together with all penalties and interest thereon, affecting the premises described below, have been paid.

Signature - Receiver of Taxes:



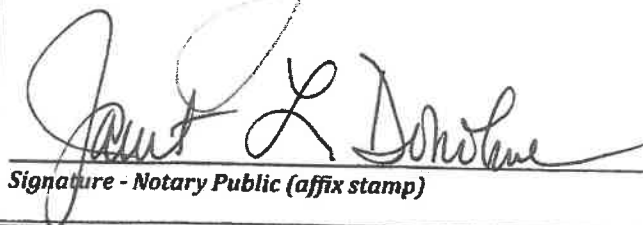
Date

6/6/23

Sworn to before me this

6<sup>th</sup> day of June

2023



Signature - Notary Public (affix stamp)

JANET L. DONOHUE  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 01D06259627  
Qualified in Westchester County  
Commission Expires April 16, 2024

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Repairs and Improvements to Scotts Reservoir Dam			
Name of Action or Project:			
Seepage control and stability improvements			
Project Location (describe, and attach a location map):			
Scotts Reservoir Dam, Lewisboro, NY 10590			
Brief Description of Proposed Action:			
Safety and stability repairs and improvements via the: 1. Construction of a parapet wall along the upstream side of the dam crest to increase the spillway capacity; 2. Rework and add rip rap to the upstream slope to increase the factors of safety against slope instability; 3. Rehabilitate the existing low level outlet and intake; and 4. Address the existing leakage through the stone masonry wall near the low level outlet and left abutment.			
Name of Applicant or Sponsor:		Telephone: 203-847-7387	
First Taxing District of the City of Norwalk, Water Department		E-Mail: emilitana@firstdistrictwater.org	
Address:			
12 New Canaan Ave			
City/PO:		State:	Zip Code:
Norwalk		CT	06852
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval: NYSDEC - Joint Application Form; Dams and Impoundment Structures			YES
3. a. Total acreage of the site of the proposed action?			15.6 acres
b. Total acreage to be physically disturbed?			1.8 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			15.8 acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Water Supply <input type="checkbox"/> Parkland			



5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: not applicable; stability and safety repairs (see narrative) _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ not applicable; stability and safety repairs (see narrative) _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ not applicable; stability and safety repairs (see narrative) _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Wetland delineation did not identify contiguous wetlands. Work will occur below ordinary high water mark of reservoir. _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input checked="" type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: The proposed project is the repair of an existing dam.	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Eleanor Militana - First Taxing District of the City of Norwalk</u> Date: <u>6/6/2023</u>		
Signature: <u><i>Eleanor M. Militana</i></u> Title: <u>General Manager</u>		



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No



# PROPOSED REPAIRS AND IMPROVEMENTS TO SCOTTS RESERVOIR DAM NID ID# NY00789   NYDEC ID# 232-4364 LEWISBORO, NEW YORK FIRST TAXING DISTRICT OF THE CITY OF NORWALK WATER DEPARTMENT

OWNER/OPERATOR:

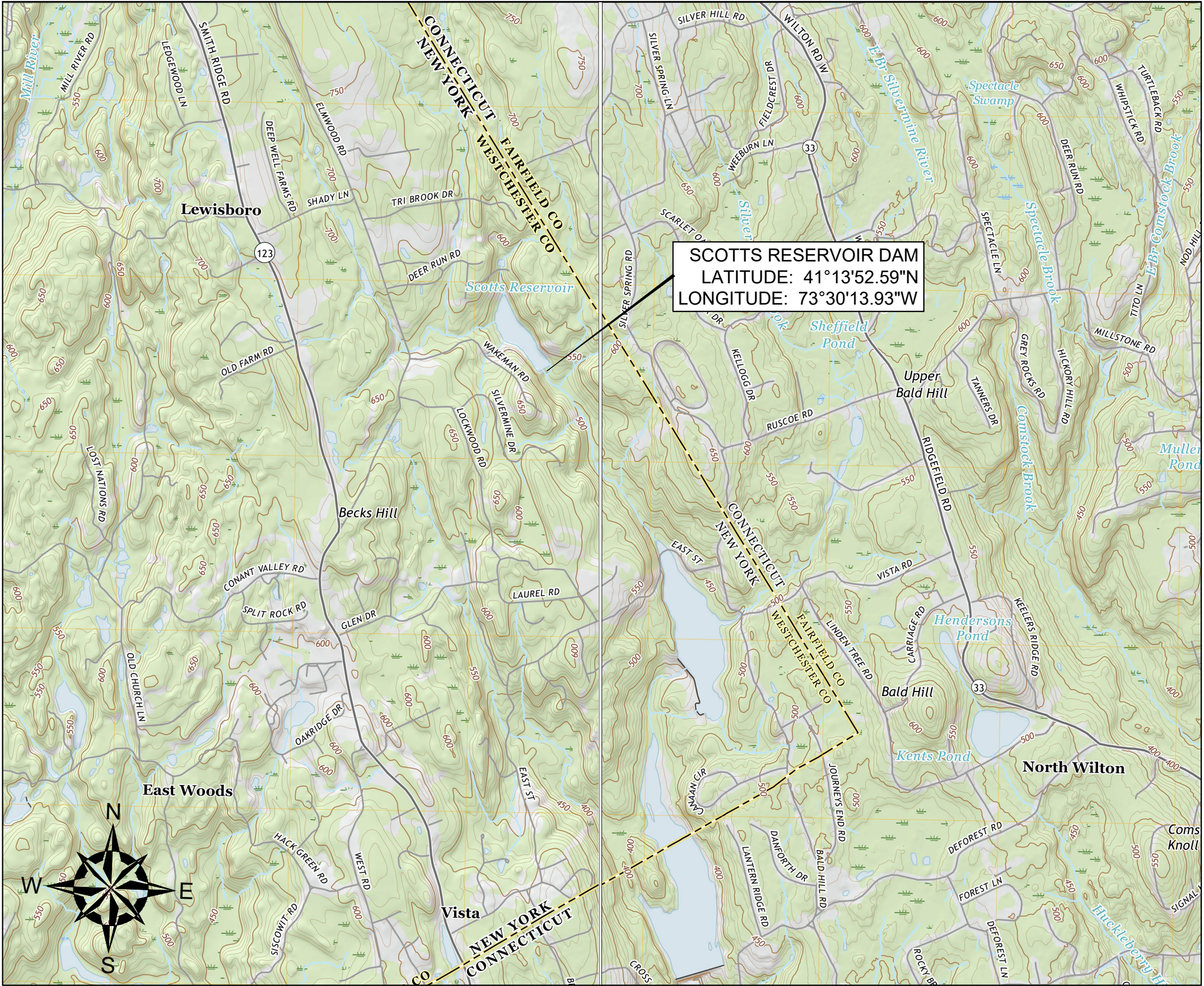


FIRST TAXING DISTRICT  
OF THE CITY OF NORWALK,  
WATER DEPARTMENT  
12 NEW CANAAN AVENUE  
NORWALK, CONNECTICUT 06851  
(203) 847-7387

PROJECT ENGINEER:



GZA GEOENVIRONMENTAL, INC.  
249 VANDERBILT AVENUE  
NORWOOD, MA 02062



## PROJECT SITE LOCUS PLAN



SOURCE: DIGITAL TOPOGRAPHIC MAPS PROVIDED BY USGS  
NORTH AMERICAN VERTICAL DATUM OF 1988  
CONTOUR INTERVAL 10 FEET



## INDEX OF DRAWINGS

NO.	SHEET	TITLE
1	G-1	COVER, PROJECT LOCUS AND INDEX SHEET
2	G-2	GENERAL NOTES
3	G-3	EXISTING CONDITIONS / ACCESS PLAN
4	G-4	SEDIMENT AND EROSION CONTROL NOTES AND DETAILS
5	C-1	PROPOSED CONDITIONS PLAN
6	C-2	PROPOSED CONDITONS SECTION
7	C-3	DETAILS

DRAFT 90% DESIGN PLANS  
NOT FOR CONSTRUCTION

NO.	ISSUE/DESCRIPTION		BY	DATE
UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.				
SCOTTS RESERVOIR DAM LEWISBORO, NEW YORK				
COVER, PROJECT LOCUS AND INDEX SHEET				
PREPARED BY:  <b>GZA</b> GeoEnvironmental, Inc. Engineers and Scientists www.gza.com		PREPARED FOR:  FIRST TAXING DISTRICT OF THE CITY OF NORWALK, WATER DEPARTMENT 12 NEW CANAAN AVENUE NORWALK, CONNECTICUT 06852 (203) 847-7387		
PROJ MGR: JGD	REVIEWED BY: MAT	CHECKED BY: JDA	DRAWING <b>G-1</b> SHEET NO. 1 OF 7	
DESIGNED BY: DKR	DRAWN BY: MEA/TTF	SCALE: AS NOTED		
DATE: APRIL 2022	PROJECT NO. 01.173150.20	REVISION NO. 0		



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GENERAL CONDITIONS:

1.

THE CONTRACTOR SHALL VERIFY EXISTING DIMENSIONS, ELEVATIONS, AND BATHYMETRY (TO THE EXTENT NECESSARY) PRIOR TO THE START OF WORK.
2.

LOCATIONS OF UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE ONLY, AND ARE NOT WARRANTED TO BE CORRECT. ALL EXISTING UTILITIES SHALL BE VERIFIED FOR SERVICE, SIZE, INVERT ELEVATION, LOCATIONS, ETC. PRIOR TO START OF ANY WORK IN THE GENERAL AREA. NOTIFY ENGINEER IN WRITING OF ANY AND ALL DISCREPANCIES PRIOR TO COMMENCING ANY WORK. CONTRACTOR MUST NOTIFY THE OWNER (DISTRICT) AND "DIG SAFELY NEW YORK" (DIAL 811, 1-800-962-7962, OR AT WWW.DIGSAFELYNEWYORK.COM) AT LEAST 72 HOURS PRIOR TO ANY CONSTRUCTION.
3.

THE CONTRACTOR'S ATTENTION IS CALLED TO THE PRESENCE OF OVERHEAD WIRES NEAR THE ENTRANCE OF THE SITE AT WAKEMAN ROAD. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS TO AVOID THE OVERHEAD WIRES AND UTILITIES WHILE PERFORMING THE WORK.
4.

TEMPORARY BENCH MARKS AND STATION PK NAILS AND/OR STAKE/TACKS WILL BE SET BY THE CONTRACTOR'S SURVEYOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FINDING, VERIFYING, AND RE-SETTING (IF NECESSARY) CONTROL BENCHMARKS NECESSARY FOR THE WORK OF THE CONTRACT.
5.

THE RESPONSIBILITY FOR SAFETY IN, ON, OR ABOUT THE JOBSITE SHALL BE THAT OF THE CONSTRUCTION CONTRACTOR. THESE DRAWINGS DO NOT INCLUDE COMPONENTS WHICH MAY BE NECESSARY FOR CONSTRUCTION SAFETY.
6.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR TEMPORARY SEDIMENT AND EROSION CONTROL DURING THE WORK OF THE CONTRACT. TEMPORARY SEDIMENT AND EROSION CONTROL MEASURES SHALL BE, AT MINIMUM, AS REQUIRED BY THE PROJECT PLANS, SPECIFICATIONS, AND PERMIT CONDITIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADDITIONAL MEASURES NECESSARY FOR THE PREVENTION OF SEDIMENT DISCHARGE OR EROSION AT THE SITE. SEE DWG. G-3 FOR TEMPORARY SEDIMENT AND EROSION CONTROL NOTES.
7.

THE CONTRACTOR SHALL SUBMIT A DETAILED STAGING AREA PLAN TO THE DISTRICT FOR APPROVAL. THE PLAN SHALL ACCOUNT FOR ALL SITE PARKING, TRAILERS, EQUIPMENT, MATERIAL HANDLING STORAGE AND SANITARY PROVISIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY NECESSARY SIGNAGE, FENCING, SAFETY, SEDIMENT/EROSION CONTROL, IMPROVEMENTS, RESTORATIONS ETC. IN THESE AREAS, AREA WITHIN THE LIMITS OF THE WORK MAY BE USED FOR TEMPORARY STORAGE, HAUL ROADS, PARKING, ETC.; HOWEVER, NO ADDITIONAL CONSIDERATION OR PAYMENT WILL BE MADE FOR WORK NECESSARY TO RE-GRADE SUCH AREAS OR RELOCATE ANY MATERIALS OR EQUIPMENT TEMPORARILY STORED WITHIN THE LIMITS OF THE WORK.
8.

IF THE CONTRACTOR REQUIRES AND IDENTIFIES ADDITIONAL STAGING AREAS ON THE DISTRICT'S PROPERTY, THE CONTRACTOR SHALL MAKE A WRITTEN REQUEST TO THE DISTRICT AND ENGINEER DESCRIBING THE NEED AND LOCATION OF THE PROPOSED AREA. NO GUARANTEE IS MADE THAT ADDITIONAL LAY-DOWN AREAS WILL BE MADE AVAILABLE.
9.

NO CONCRETE, MORTAR, FUELS, OILS, OR SOLVENTS ARE TO BE DISCHARGED INTO STREAM OR RESERVOIR. ALL EQUIPMENT AND TOOLS SHALL BE CLEANED AND/OR RE-FUELED WITHIN A BERMED AREA AS FAR AWAY FROM THE RESERVOIR OR TRIBUTARY STREAM AS PRACTICABLE.
10.

THE CONTRACTOR AND HIS SUBCONTRACTORS SHALL BE RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION, EXCEPT WHERE SPECIFICALLY DETAILED IN THE PLANS AND SPECIFICATIONS. LIKEWISE, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SEQUENCE OF THE WORK, EXCEPT WHERE SPECIFICALLY DETAILED IN THE PLANS AND SPECIFICATIONS.
11.

THE CONTRACTOR IS SPECIFICALLY INFORMED THAT THE RESTORATION REQUIREMENT APPLIES TO ALL AREAS DISTURBED AS A RESULT OF THE PROJECT. THE CONTRACTOR SHALL RESTORE AREAS DISTURBED BY CONSTRUCTION AS PER THE PLANS AND SPECIFICATIONS. WHERE NO SPECIFIC INSTRUCTION IS GIVEN, RESTORATION SHALL BE TO THE ORIGINAL CONDITION AND AT NO ADDITIONAL COST TO THE DISTRICT.
12.

IN THE EVENT OF THE DISCOVERY OF THE PRESENCE OF AN ENDANGERED PLANT OR ANIMAL IN THE WORK AREA OR STAGING AREAS, ALL WORK IN THE IMMEDIATE AREA OF THE FIND SHALL STOP AND THE DISTRICT AND ENGINEER SHALL BE NOTIFIED IMMEDIATELY. WORK IN THE IMMEDIATE AREA SHALL BE DISCONTINUED UNTIL CLEARANCE IS GRANTED BY THE DISTRICT.
13.

IN THE EVENT OF THE DISCOVERY OF A PREVIOUSLY UNKNOWN ARCHEOLOGICAL SITE, POTENTIAL CULTURAL ARTIFACTS OR RESOURCES, OR ANY OTHER UNUSUAL ITEMS OR CONDITIONS, ALL WORK IN THE IMMEDIATE AREA OF THE FIND SHALL STOP AND THE DISTRICT AND ENGINEER SHALL BE NOTIFIED IMMEDIATELY. WORK IN THE IMMEDIATE AREA SHALL BE DISCONTINUED UNTIL CLEARANCE IS GRANTED BY THE DISTRICT.

WATER CONTROL NOTES:

1.

TEMPORARY WATER CONTROL (BOTH SURFACE AND GROUNDWATER) BY THE CONTRACTOR SHALL BE PERFORMED IN ACCORDANCE WITH THE SPECIFICATIONS.
2.

THE RESERVOIR LEVEL IS NORMALLY REGULATED VIA THE OUTLET WORKS. THE RESERVOIR WATER LEVELS AND STREAM FLOWS TYPICALLY FLUCTUATE IN RESPONSE TO BASEFLOW AND/OR RAINFALL EVENTS. THE CONTRACTOR WILL BE RESPONSIBLE FOR REGULATING WATER LEVELS WITH A BYPASS PUMPING SYSTEM TO THE EXTENT POSSIBLE, IN ORDER TO MAINTAIN ACCESS TO THE SITE AND WORK AREA. HOWEVER, THE DISTRICT MAKES NO GUARANTEE REGARDING THE RESERVOIR WATER SURFACE ELEVATIONS OR INFLOWS FLOWS AT THE START OF OR AT ANY TIME DURING THE PROJECT.
3.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TEMPORARY WATER CONTROL, SURFACE WATER AND GROUNDWATER NECESSARY TO EXECUTE AND COMPLETE THE WORK OF THE CONTRACT SUBJECT TO THE RESTRICTIONS CONTAINED IN THE CONTRACT AND PROJECT PERMITS. ANY CONTROLS SHOWN IN THE CONTRACT DRAWINGS AND/OR MENTIONED IN THE TECHNICAL SPECIFICATIONS SHALL BE CONSIDERED MINIMUM REQUIREMENTS. THE CONTRACTOR SHALL EMPLOY WHATEVER SUPPLEMENTARY MEASURES NECESSARY TO PROTECT THE SITE AND THE WORKS.
4.

ALL TEMPORARY WATER CONTROL MEASURES SHALL BE IMPLEMENTED IN CONJUNCTION WITH APPROPRIATE SEDIMENT AND EROSION CONTROL MEASURES SO AS TO MITIGATE TO THE GREATEST EXTENT POSSIBLE RELEASE OF SEDIMENT INTO WATER BODIES AND POTENTIAL EROSION OF SOIL.
5.

ANY TEMPORARY PUMPS UTILIZED AT THE SITE MUST BE PROPERLY BAFFLED AGAINST EXCESSIVE NOISE. PUMPS OR GENERATORS WHICH UTILIZE LIQUID FUEL MUST BE PLACED WITHIN AN IMPERMEABLE SECONDARY CONTAINMENT AREA WITH SUFFICIENT CAPACITY TO CONTAIN THE FULL VOLUME OF THE FUEL TANK.
6.

PUMP OR SIPHON INTAKES, IF USED, SHALL BE PLACED SUCH THAT SEDIMENT AND DEBRIS ENTRAINMENT IS MINIMIZED. THE DISCHARGE AREA FOR THE PUMP OR SIPHON OUTLET MUST BE PROPERLY PROTECTED TO PREVENT EROSION BY HIGH VELOCITY FLOW.
7.

WATER PUMPED FROM EXCAVATIONS MUST BE PASSED THROUGH A FILTER BAG OR OTHER SUCH BEST MANAGEMENT PRACTICE (BMP) FEATURE PRIOR TO BEING DISCHARGED BACK TO A SURFACE WATER BODY.
8.

FOLLOWING TREATMENT IN AN APPROPRIATE BMP, WATER PUMPED FROM EXCAVATIONS SHOULD GENERALLY BE DISCHARGED SUCH THAT IT ENTERS THE BROOK, RATHER THAN BACK INTO THE WORK AREA.
9.

DISCHARGE FLOW VELOCITY FROM PUMPS OR SIPHONS OVER UNPROTECTED, VEGETATED GROUND

- MUST NOT EXCEED A MAXIMUM OF 1 FOOT PER SECOND. DISCHARGE FLOW VELOCITY FROM PUMPS OR SIPHONS WITHIN UNPROTECTED PORTIONS OF THE OUTLET DISCHARGE CHANNEL SHALL NOT EXCEED A MAXIMUM 3 FEET PER SECOND. IN THE EVENT EROSION RESULTS FROM VELOCITIES OF THESE MAGNITUDES, THE CONTRACTOR SHALL TAKE STEPS TO MITIGATE THE EROSION OR SHALL REDUCE DISCHARGE FLOW VELOCITY.
10.

THOUGH NOT REQUIRED TO PERFORM THE REHABILITATION WORK, THE CONTRACTOR MAY ELECT TO INSTALL A TEMPORARY COFFERDAM DURING CONSTRUCTION OF THE PROPOSED IMPROVEMENTS ON THE UPSTREAM SLOPE AND INTAKE STRUCTURE. PER SECTION 01565, THE CONTRACTOR IS SOLELY RESPONSIBLE FOR THE DESIGN, INSTALLATION, MAINTENANCE, AND REMOVAL OF ANY WATER CONTROL SYSTEM USED. THE CONTRACTOR'S WATER CONTROL METHODS SHALL INCLUDED PROVISIONS FOR EMERGENCY EVACUATION OF THE WORK AREA IN THE EVENT OF SIGNIFICANT FLOODING. THE TEMPORARY COFFERDAM MAY BE CONSTRUCTED OF SAND BAGS, EITHER STANDARD SIZE OR LARGE SIZE "SUPER SACKS", A STEEL FRAME, CONCRETE BLOCKS, CONCRETE JERSEY BARRIERS, OR OTHER SIMILAR STRUCTURAL ELEMENTS COMBINED WITH AN IMPERMEABLE MEMBRANE OR FACING. THE ALIGNMENT OF THE COFFERDAM SHALL BE DETERMINED BY THE CONTRACTOR; HOWEVER, THE COFFERDAM SHALL NOT EXTEND BEYOND THE LIMIT OF WORK AS SHOWN ON THE PLANS. THE ACTUAL ALIGNMENT OF THE COFFERDAM MAY BE VARIED TO ACCOMMODATE ACTUAL CONDITIONS. THE CONTRACTOR IS RESPONSIBLE FOR INVESTIGATING AND VERIFYING RESERVOIR BOTTOM CONDITIONS PRIOR TO SELECTION OF COFFERDAM TYPE AND INSTALLATION.
11.

REFER TO THE SPECIFICATIONS FOR INFORMATION PERTAINING TO EMERGENCY MOBILIZATION AND DEMOBILIZATION DUE TO WEATHER CONDITIONS WHICH MAY RESULT IN FLOWS INTO THE RESERVOIR.

ANTICIPATED CONSTRUCTION SEQUENCE:

THE INTENT OF THIS ANTICIPATED CONSTRUCTION SEQUENCE IS TO PROVIDE GUIDANCE TO THE CONTRACTOR TOWARDS MEETING THE TERMS AND CONDITIONS OF ENVIRONMENTAL PROTECTION PERMITS AND BEST MANAGEMENT PRACTICES AND THEREFORE IS NOT CONSIDERED COMPLETE. CERTAIN ASPECTS OF THIS ANTICIPATED CONSTRUCTION SEQUENCE MAY BE ALTERED BY THE CONTRACTOR WITH APPROVAL FROM THE DISTRICT OR ENGINEER, EXCEPT AS REQUIRED BY PERMIT CONDITIONS AND SPECIFIC INSTRUCTIONS CONTAINED IN THE SPECIFICATIONS.

1.

DEVELOP PROJECT SCHEDULE, APPLY FOR NECESSARY PERMITS, AND BEGIN PREPARATION OF SUBMITTALS PRIOR TO START OF WORK AT SITE.
2.

IN CONJUNCTION WITH THE DISTRICT, LOWER THE LEVEL OF SCOTTS RESERVOIR IN ORDER TO PERFORM REPAIRS TO THE DAM AND ANCILLARY STRUCTURES IN-THE-DRY.
3.

MOBILIZE ALL NECESSARY EQUIPMENT, PERSONNEL, AND MATERIAL TO THE SITE AND DEPLOY TEMPORARY SEDIMENT AND EROSION CONTROL MEASURES, INCLUDING PERIMETER COMPOST SOCKS, TURBIDITY CURTAINS, AND OTHER BMPS. NOTIFY THE DISTRICT, ENGINEER, AND PERMITTING/REGULATORY AGENCIES. SCHEDULE AND CONDUCT SITE WALK TO INSPECT SEDIMENT AND EROSION CONTROL MEASURES.
4.

MODIFY SEDIMENT AND EROSION CONTROL MEASURES AS REQUIRED. WORK MAY PROCEED ONCE APPROVAL HAS BEEN PROVIDED BY DISTRICT, ENGINEER, AND PERMITTING/REGULATORY AGENCIES.
5.

CLEAR AND GRUB STAGING AREAS, AND PROVIDE CONSTRUCTION ACCESS TO THE SITE. PROVIDE TEMPORARY FACILITIES AS DESCRIBED IN THE CONTRACT DOCUMENTS.
6.

INSTALL TEMPORARY CROSSING OF INTERMITTENT STREAM THAT INTERSECTS WITH PROPOSED ACCESS PATH.
7.

CLEAR AND GRUB WORK AREAS ON SCOTTS RESERVOIR DAM.
8.

ESTABLISH PUMPING BYPASS SYSTEM.
9.

INSTALL EXCAVATION SUPPORT (IF NEEDED); DEMOLISH EXISTING INTAKE STRUCTURE AND DISPOSE OF DEMOLISHED INTAKE STRUCTURE OFFSITE.
10.

INSTALL NEW SECTION OF LOW-LEVEL OUTLET PIPE TO PROPOSED UPSTREAM INTAKE STRUCTURE.
11.

CLEAN LOW-LEVEL OUTLET PIPE AND SLIPLINE ENTIRE LENGTH OF PIPE, INCLUDING THROUGH THE EXISTING GATE VALVE AND NEWLY INSTALLED PIPE SECTION.
12.

CONSTRUCT NEW UPSTREAM INTAKE STRUCTURE AND ANGLED SLIDE GATE.
13.

CONSTRUCT RIPRAP SECTION ON UPSTREAM SLOPE.
14.

DRILL AND GROUT SEEPAGE CUTOFF WITHIN THE UPSTREAM EMBANKMENT.
15.

CONSTRUCT NEW PARAPET WALL AND STOPLOG BAY ON TOP OF DAM.
16.



LOAM AND SEED REWORKED AREAS AS NOTED ON THE CONTRACT DOCUMENTS. RESTORE ALL DISTURBED AREAS; COVER OR MULCH NEWLY SEEDED AREAS.
17.

MAKE ALL MISCELLANEOUS SITE RESTORATIONS TO STAGING AREAS, FENCING, UTILITIES, PAVEMENT, OR OTHER FACILITIES CAUSED AS A RESULT OF THE WORK AND/OR MOBILIZATION/DEMOBILIZATION.
18.

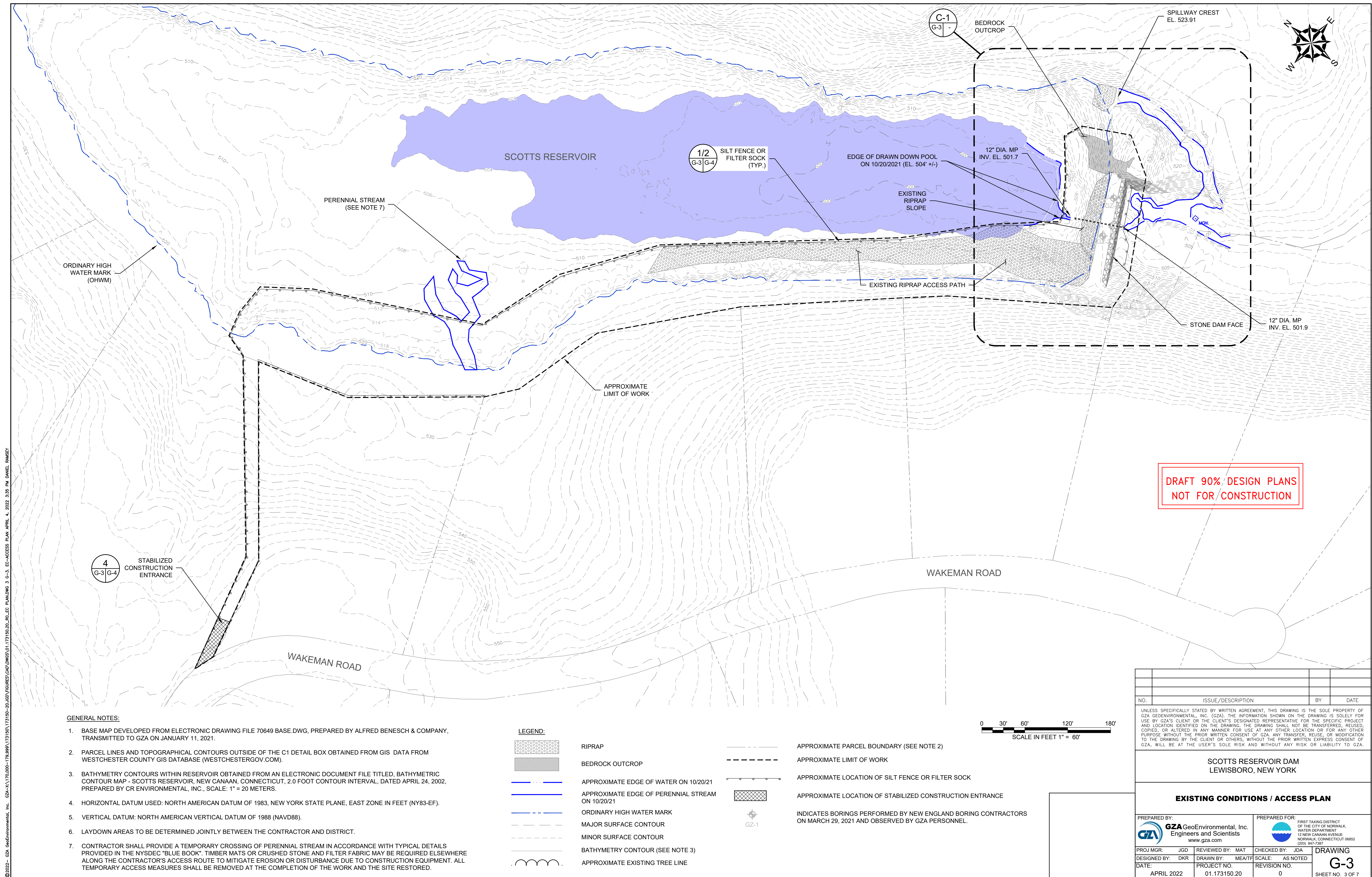
DEMOBILIZE FROM THE JOB SITE. REMOVE ALL TEMPORARY STRUCTURES, TRASH, DEBRIS, AND OTHER MATERIAL FROM THE SITE. REMOVE TEMPORARY CONTROLS AND SIGNAGE. REMOVE TEMPORARY SEDIMENT AND EROSION CONTROLS WHERE APPROPRIATE. NOTIFY DISTRICT, ENGINEER, AND TOWN OF LEWISBORO OF FINAL STABILIZATION. SCHEDULE AND CONDUCT SITE WALK TO INSPECT SITE.
19.

PROVIDE ON-GOING MAINTENANCE AND MONITORING OF NEWLY VEGETATED AND RESTORED AREAS AS PER THE CONTRACT DOCUMENTS.

DRAFT 90% DESIGN PLANS  
NOT FOR CONSTRUCTION

NO.	ISSUE/DESCRIPTION		BY DATE
UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.			
SCOTTS RESERVOIR DAM LEWISBORO, NEW YORK			
GENERAL NOTES			
PREPARED BY:  <b>GZA</b> GeoEnvironmental, Inc. Engineers and Scientists www.gza.com		PREPARED FOR:  FIRST TAXING DISTRICT OF THE CITY OF NORWALK, WATER DEPARTMENT 12 NEW CANAAN AVENUE NORWALK, CONNECTICUT 06852 (203) 847-7397	
PROJ MGR: JSD	REVIEWED BY: MAT	CHECKED BY: JDA	DRAWING <b>G-2</b> SHEET NO. 2 OF 7
DESIGNED BY: DKR	DRAWN BY: MEA/TF	SCALE: AS NOTED	
DATE: APRIL 2022	PROJECT NO. 01.173150.20	REVISION NO. 0	

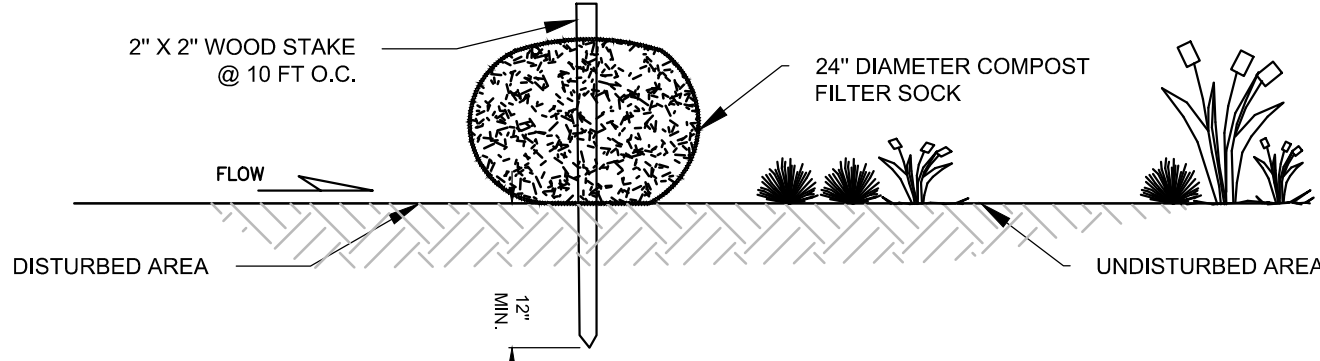






TEMPORARY SEDIMENT AND EROSION CONTROL BARRIER NOTES:

1. FILTER SOCK SHALL BE MADE OF 100% ORGANIC HESSIAN FABRIC (BURLAP) OR BIO-DEGRADABLE 5 MIL HDPE (NO LONGER THAN 6 MONTHS), REPLACEMENT NEEDED AFTER 6 MONTHS.
2. ORGANIC MATTER CONTENT SHALL BE BETWEEN 20 -100% (DRY WEIGHT BASIS) AS DETERMINED BY ASTM D2974 (METHOD A) STANDARD TEST METHODS FOR MOISTURE, ASH, AND ORGANIC MATTER OF PEAT AND OTHER ORGANIC SOILS.
3. MOISTURE CONTENT SHALL BE <150% BY DRY WEIGHT (<60% BY WET WEIGHT) AS MEASURED BY ASTM D2216 STANDARD TEST METHOD FOR LABORATORY DETERMINATION OF WATER CONTENT OF SOIL AND ROCK AND ASTM D2974 (CITED ABOVE).

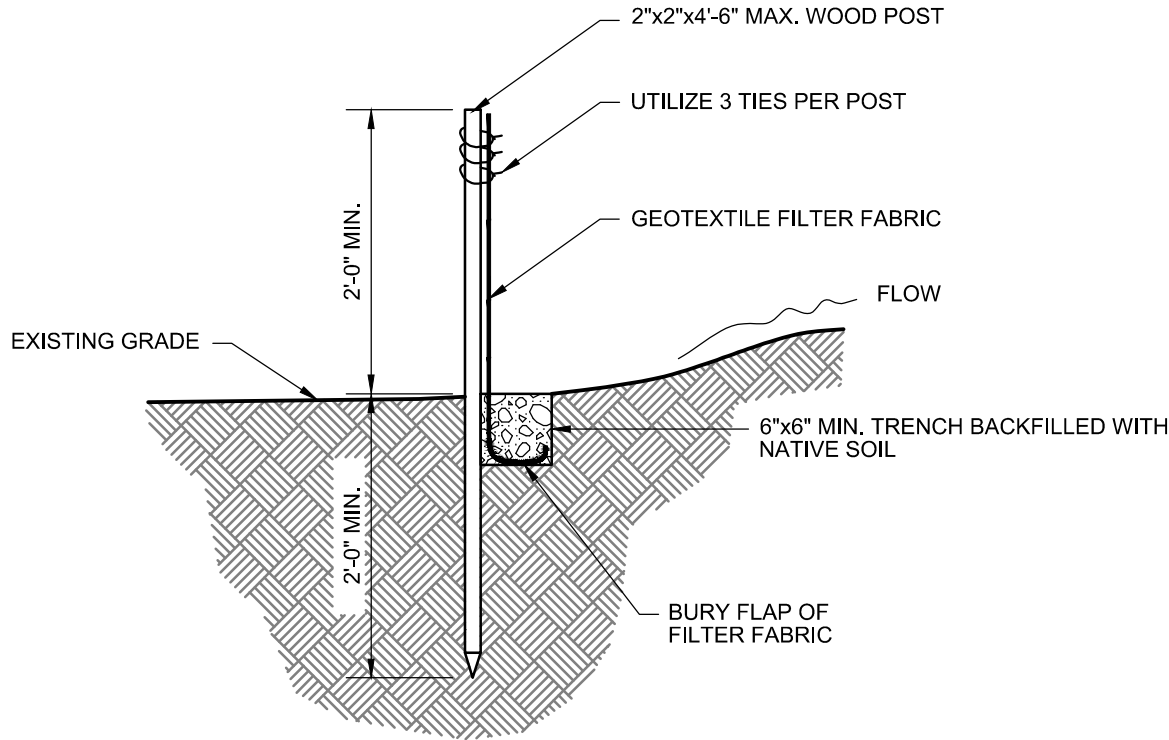


4. PARTICLE SIZE OF THE COMPOST SOCK FILLER MATERIAL, AS MEASURED BY SIEVING, SHALL BE AS FOLLOWS:

SIEVE SIZE	% PASSING
75MM	100%
19MM	70-100%
#4	30- 75%
#20	20-40%

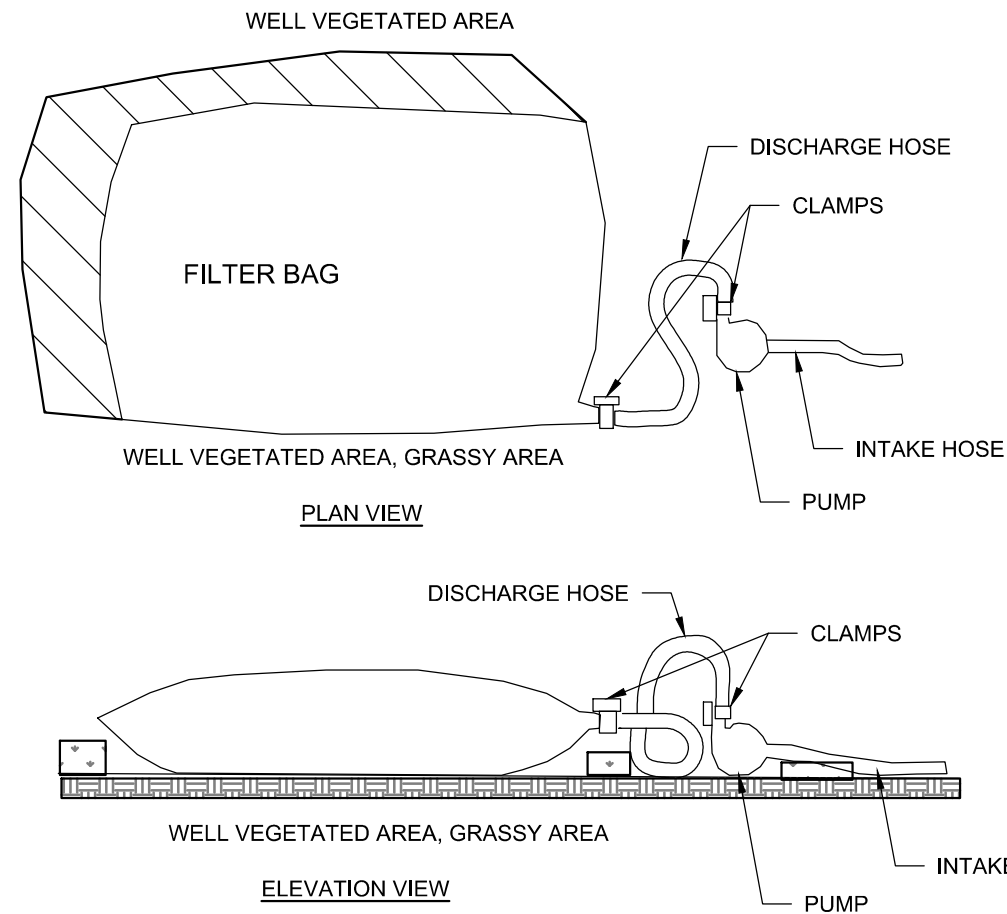
NO PARTICLE MAY BE LONGER THAN 150MM
5. SOLUBLE SALTS SHALL BE <5.0 MMHOS/CM (DS/M).
6. THE PH SHALL BE BETWEEN 5.5 AND 8.0.
7. FILTER SOCKS MUST BE PLACED PARALLEL TO CONTOUR WITH BOTH ENDS OF THE SOCK EXTENDED UPSLOPE AT A 45 DEGREE ANGLE TO THE REST OF THE SOCK TO PREVENT END-AROUNDS.
8. THE CONTRACTOR SHALL MAINTAIN THE FILTER TUBES IN A FUNCTIONAL CONDITION AT ALL TIMES, INCLUDING INSPECTIONS AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL.
9. FOR REMOVAL, THE CONTRACTOR SHALL RAKE OUT SO THAT FILTER MATERIAL IS NO GREATER THAN 3" IN DEPTH ON SOIL SUBSTRATE.

1  
G-4 G-3  
**COMPOST FILTER SOCK  
EROSION CONTROL BARRIER**  
NOT TO SCALE



- NOTES:
1. SPACING OF WOOD FENCE POST NOT TO EXCEED 6'-0".
  2. THE FILTER FABRIC SHOULD BE SECURELY ATTACHED TO THE WOOD POST.

2  
G-4 G-3  
**SILT FENCE INSTALLATION  
DETAIL**  
NOT TO SCALE



3  
G-4 -  
**PUMPED WATER FILTER BAG DETAIL**  
NOT TO SCALE

- PUMPED WATER FILTER BAG NOTES:
1. CONTRACTOR SHALL LOCATE FILTER BAG TO COMPLY WITH REQUIREMENTS BELOW. LOCATION IS SUBJECT TO APPROVAL BY THE ENGINEER.
  2. FILTER BAGS SHALL BE USED TO FILTER WATER PUMPED FROM DEWATERING OPERATIONS AND EXCAVATIONS PRIOR TO DISCHARGING.
  3. FILTER BAGS SHALL BE MADE FROM NON-WOVEN GEOTEXTILE MATERIAL SEWN WITH HIGH STRENGTH, DOUBLE STITCHED "J" TYPE SEAMS. FILTER BAGS SHALL BE CAPABLE OF TRAPPING PARTICLES LARGER THAN 150 MICRONS. CONTRACTOR SHALL PROVIDE A SUITABLE MEANS OF ACCESSING THE BAG WITH MACHINERY (FOR DISPOSAL PURPOSES).
  4. FILTER BAGS SHALL BE REPLACED WHEN THEY BECOME ½ FULL.
  5. SPARE BAGS SHALL BE KEPT AVAILABLE FOR REPLACEMENT OF THOSE THAT HAVE FAILED OR ARE FILLED.
  6. BAGS SHALL BE LOCATED IN WELL-VEGETATED (GRASSY) AREA, AND DISCHARGE ONTO STABLE, EROSION RESISTANT AREAS. WHERE THIS IS NOT POSSIBLE, A GEOTEXTILE FLOW PATH SHALL BE PROVIDED. BAGS SHALL NOT BE PLACED ON SLOPES GREATER THAN 5%.
  7. FILTER BAGS SHALL BE SURROUNDED BY EITHER COMPOST FILTER SOCK OR STRAW BALE CONTAINMENT. (SEE TYPICAL DETAILS, THIS SHEET)
  8. THE PUMP DISCHARGE HOSE SHALL BE INSERTED INTO THE BAGS IN THE MANNER SPECIFIED BY THE MANUFACTURER AND SECURELY CLAMPED.
  9. THE PUMPING RATE SHALL BE NO GREATER THAN 100 GPM OR ½ THE MAXIMUM SPECIFIED BY THE MANUFACTURER, WHICHEVER IS LESS. PUMP INTAKES SHOULD BE FLOATING AND SCREENED.
  10. FILTER BAGS SHALL BE INSPECTED DAILY, IF ANY PROBLEM IS DETECTED, PUMPING SHALL CEASE IMMEDIATELY AND NOT RESUME UNTIL THE PROBLEM IS CORRECTED.

GENERAL SEDIMENT AND EROSION CONTROL NOTES:

1. ALL SEDIMENTATION AND EROSION CONTROL MEASURES SHALL BE CONSTRUCTED WITHIN ACCORDANCE WITH ITEM 210 OF THE FOWD STANDARD SPECIFICATIONS AND THE GUIDELINES CONTAINED IN THE NYSDEC "STANDARDS AND SPECIFICATION FOR SEDIMENT AND EROSION CONTROL" (BLUE BOOK), LATEST REVISION.
2. LAND DISTURBANCE SHALL BE KEPT TO THE MINIMUM NECESSARY FOR CONSTRUCTION OPERATIONS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTING ALL TEMPORARY SEDIMENT AND EROSION CONTROL MEASURES NECESSARY TO EXECUTE AND COMPLETE THE WORK OF THE CONTRACT, IN COMPLIANCE WITH THE TERMS AND CONDITIONS CONTAINED IN THE CONTRACT AND PROJECT PERMITS. CONTROLS SHOWN ON THE CONTRACT DRAWINGS AND MENTIONED IN THE TECHNICAL SPECIFICATIONS SHALL BE CONSIDERED MINIMUM REQUIREMENTS. THE CONTRACTOR SHALL EMPLOY WHATEVER SUPPLEMENTARY MEASURES NECESSARY TO PROTECT WETLANDS, WATERS, AND ADJACENT AREAS FROM DISTURBANCE OR DISCHARGE OF SEDIMENTS.
4. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AS SHOWN ON THE PLAN OR ELSEWHERE AS ORDERED BY THE DISTRICT, ENGINEER AND/OR THE TOWN.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING SEDIMENT AND EROSION CONTROLS TO MEET THE CONDITIONS OF ALL APPLICABLE PERMITS AND REGULATIONS. SUCH CONTROLS SHALL BE INSTALLED WHEREVER THE POTENTIAL EXISTS FOR THE DISTURBANCE OF LAND OR THE TRANSPORT OF SEDIMENT.
6. THE CONTRACTOR SHALL NOT DISTURB AREAS OUTSIDE OF THE WORK ZONE, EXCEPT TO THE MINIMUM EXTENT NECESSARY FOR ACCESS AND ACCOMPLISHMENT OF THE WORK SHOWN.
7. THE CONTRACTOR ALONE SHALL BE RESPONSIBLE FOR THE CONTROL OF EROSION AND SEDIMENT DISCHARGE THROUGHOUT THE DURATION OF THE PROJECT AND UNTIL FINAL STABILIZATION. IT SHALL BE HIS RESPONSIBILITY TO PROTECT THE RESERVOIR, DISCHARGE CHANNEL, AND ADJACENT WETLANDS FROM SEDIMENT AND/OR POLLUTANTS ORIGINATING FROM ANY WORK DONE ON OR IN SUPPORT OF THE PROJECT, INCLUDING SEDIMENT DUE TO EROSION FROM STORMWATER RUNOFF.
8. ALL NECESSARY PRECAUTIONS AND MEASURES SHALL BE TAKEN TO PREVENT MIGRATION INTO WATER BY SILT, SEDIMENT, FUELS, SOLVENTS, LUBRICANTS, CONCRETE, GROUT, OR ANY OTHER POLLUTANTS ASSOCIATED WITH CONSTRUCTION PROCEDURES.
9. ACTUAL LOCATIONS OF EROSION CONTROLS AND BMPS MAY VARY DUE TO FIELD CHANGES, ONGOING CONSTRUCTION, ACCESS NEEDS, WEATHER, ETC. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IDENTIFYING THESE CHANGES AND ADJUSTING EROSION CONTROLS AND BMP LOCATIONS ACCORDINGLY. IN PARTICULAR, THE CONTRACTOR SHALL COORDINATE THE INSTALLATION AND RELOCATION OF BMPS WITH PROJECT PHASING, AS NECESSARY.
10. ALL EROSION CONTROLS AND BMPS SHALL REMAIN IN PLACE, EXCEPT AS OTHERWISE NECESSARY, UNTIL CONSTRUCTION IS COMPLETED AND FINAL STABILIZATION IS ACHIEVED AND THE NOT HAS BEEN FILED. ALL FILTER SOCKS AND SILT FENCE SHALL BE REMOVED UPON FINAL STABILIZATION OF THE PROJECT SITE.
11. THE CONTRACTOR SHALL MAINTAIN A SUPPLY OF SILT FENCE/FILTER SOCKS AND ANTI-TRACKING CRUSHED STONE ON SITE FOR UNEXPECTED EROSION CONTROL NEEDS.
12. THE CONTRACTOR SHALL PROVIDE A TEMPORARY CROSSING OF PERENNIAL STREAM IN ACCORDANCE WITH TYPICAL DETAILS PROVIDED IN THE NYSDEC "BLUE BOOK".

BEST MANAGEMENT PRACTICES:

INSPECTION AND MAINTENANCE

- SEDIMENT AND EROSION CONTROLS AND BEST MANAGEMENT PRACTICES (BMPS) SHALL BE INSTALLED PRIOR TO COMMENCING CONSTRUCTION AT THE SITE. NO WORK WHICH SHALL DISTURB THE SITE OR CREATE THE POTENTIAL FOR SEDIMENT RELEASE SHALL COMMENCE UNTIL THE SEDIMENT AND EROSION CONTROLS HAVE BEEN INSPECTED AND APPROVED BY THE DISTRICT, ENGINEER, AND REGULATORY AGENCIES INCLUDING THE TOWN OF LEWISBORO. ALL CONTROLS AND BMPS SHALL BE SUBJECT TO INSPECTION BY THE DISTRICT, THEIR REPRESENTATIVE, AND REGULATORY AGENCIES INCLUDING NYSDEC AND THE TOWN OF LEWISBORO AT ANYTIME THEREAFTER.
- PERIODIC INSPECTION, MAINTENANCE, AND CLEANING OF TEMPORARY EROSION OF SEDIMENT CONTROL MEASURES AND BMPS SHALL BE REQUIRED. ALL CONTROLS AND BMPS SHALL BE INSPECTED EVERY 7 DAYS AND WITHIN 24 HOURS OF RAINFALL EVENTS OF 0.5 INCHES OR GREATER. ROUTINE INSPECTION AND MAINTENANCE WILL REDUCE THE CHANCE OF POLLUTING STORMWATER BY FINDING AND CORRECTING PROBLEMS BEFORE THE NEXT RAIN EVENT.
- THE FOCUS OF THE INSPECTION WILL BE TO DETERMINE: 1) WHETHER OR NOT THE MEASURE WAS INSTALLED / PERFORMED CORRECTLY; 2) WHETHER OR NOT THERE HAS BEEN ANY DAMAGE TO THE MEASURE SINCE IT WAS INSTALLED OR PERFORMED; AND 3) WHAT SHOULD BE DONE TO CORRECT ANY PROBLEMS WITH THE MEASURE. EACH MEASURE IS TO BE OBSERVED TO DETERMINE IF IT IS STILL EFFECTIVE. IN SOME CASES, SPECIFIC MEASUREMENTS MAY BE TAKEN TO DETERMINE IF MAINTENANCE OF THE MEASURES IS REQUIRED.

CONSTRUCTION SITE ENTRANCE

- TO REDUCE THE TRACKING OF SEDIMENT FROM THE CONSTRUCTION SITE ONTO OTHER AREAS OF THE PROPERTY AND/OR PUBLIC ROADS, AS WELL AS THE PRODUCTION OF AIRBORNE DUST, A STABILIZED CONSTRUCTION ENTRANCE IS TO BE ESTABLISHED AS SHOWN AND AT ANY ADDITIONAL AUTHORIZED PERMANENT CONSTRUCTION STAGING AREA. THE ENTRANCE IS TO CONSIST OF A 6-INCH THICK PAD OF CRUSHED STONE UNDERLAIN WITH FILTER FABRIC OR A BITUMINOUS CONCRETE APRON AND SHALL BE CONSTRUCTED ON LEVEL GROUND.

- ADDITIONAL TEMPORARY CONSTRUCTION SITE ENTRANCES MAY BE ADDED AROUND THE SITE PER THE CONTRACTOR'S APPROVED WORK PLAN.

- KEEP ALL ADJACENT PAVED ROADWAYS CLEAN. SWEEP AT THE END OF THE DAY AND PRIOR TO FORECASTED STORMS.

SITE CLEARING

- PRIOR TO ANY SITE CLEARING ACTIVITIES, SEDIMENT CONTROL BARRIERS (COMPOST FILTER SOCKS SHALL BE PLACED DOWNSLOPE) ALONG THE OUTER LIMIT OF DISTURBANCE. CLEARING IS TO BE LIMITED TO THOSE AREAS OF PROPOSED WORK. DISTURBED AREAS ARE TO BE KEPT TO A MINIMUM. NO TREE WITH A BREAST HEIGHT DIAMETER OF GREATER THAN 6 INCHES SHALL BE CLEARED FROM STAGING AREAS WITHOUT PRIOR APPROVAL FROM THE DISTRICT.

- BRUSH SHALL BE CHIPPED AND REMOVED FROM SITE. STUMPS TO BE TRANSPORTED OFF-SITE, DO NOT BURY. TOPSOIL FROM DISTURBED AREAS SHALL BE STRIPPED AND STOCKPILED FOR USE IN FINAL LANDSCAPING.

DUST CONTROL

- STANDARD DUST CONTROL MEASURES, INCLUDING THE USE OF WATER TRUCKS AND MISTING SHALL BE USED AS NECESSARY. CALCIUM CHLORIDE SHALL NOT BE USED.

STAGING AREAS

- THE CONTRACTOR MAY ESTABLISH LAYDOWN AND STAGING AREAS IN WHICH TO STORE EQUIPMENT AND MATERIALS IN AREAS AGREED TO BY THE DISTRICT AND CONTRACTOR. LOCATION OF ADDITIONAL AREAS, IF NEEDED, SHALL BE COORDINATED WITH AND SHALL BE SUBJECT TO APPROVAL BY THE DISTRICT.
- STAGING AREAS SHALL BE ENCIRCLED WITH APPROPRIATE EROSION CONTROL MEASURES AND ORANGE TEMPORARY BARRIER FENCING MESH. AT THE CONTRACTOR'S OPTION, OR AS DIRECTED BY THE DISTRICT, TEMPORARY CHAIN LINK FENCING MAY BE REQUIRED TO LIMIT PUBLIC ACCESS OR VANDALISM.

STOCKPILED MATERIALS

- STOCKPILES OF SOIL CREATED DURING CONSTRUCTION ACTIVITIES ARE TO BE SURROUNDED WITH COMPOST SOCKS, STRAW BALES, AND/OR SILT FENCE WHERE POSSIBLE. OTHER ALTERNATIVES UTILIZED MAY INCLUDE GRAVEL FILTER BERMS OR SIMILAR MEASURES LAID AROUND THE PERIMETER OF THE STOCKPILE. STOCKPILES OF ERODIBLE MATERIAL ARE TO BE COVERED PRIOR TO INCLEMENT WEATHER WITH A MINIMUM OF 20 MIL POLYETHYLENE SHEETING. STOCKPILES LEFT IN PLACE LONGER THAN TWO WEEKS SHALL BE TEMPORARILY STABILIZED AS DESCRIBED HEREIN.

EQUIPMENT FUELING

- EQUIPMENT FUELING AND OTHER ACTIVITIES INVOLVING PETROLEUM, OIL, OR OTHER POTENTIALLY HAZARDOUS SUBSTANCES ARE TO BE PERFORMED AT PRE-APPROVED, DESIGNATED AREAS WITH APPROPRIATE SPILL PREVENTION AND CONTROL MEASURES. THIS AREA IS TO BE LOCATED BEHIND A DIKED OR BERMED AREA, AWAY FROM CATCH BASINS AND OTHER DRAINAGE STRUCTURES. PORTABLE SECONDARY CONTAINMENT IS TO BE USED, AND SORBENT MATERIALS ARE TO BE PLACED AROUND THE PERIMETER OF THE FUELING AREA. FUELING SHALL TAKE PLACE AS FAR AWAY FROM THE RESERVOIR, STREAM, OR OTHER RESOURCE AREAS AS PRACTICABLE.

CONSTRUCTION DEWATERING

- CONSTRUCTION DEWATERING MAY BE REQUIRED DURING PORTIONS OF CONSTRUCTION WHICH REQUIRE EXCAVATION OR OTHER ACTIVITIES WHERE GROUNDWATER MAY INTERFERE WITH THE WORK. CONSTRUCTION DEWATERING DISCHARGE TO A SURFACE WATER BODY SHALL BE PRE-TREATED FOR SEDIMENT REMOVAL BY PASSING THROUGH AN APPROPRIATELY SIZED FILTER BAG OR OTHER BEST MANAGEMENT PRACTICE (BMP) FEATURE PRIOR TO DISCHARGE.
- APPROPRIATE OUTLET PROTECTION, CONSISTING OF RIPRAP CHANNEL LINING, A LEVEL SPREADER, OR OTHER SUCH MEASURE SHALL BE PROVIDED AT THE DISCHARGE POINT OF ANY DEWATERING FEATURE TO REDUCE VELOCITIES AND ENHANCE SEDIMENTATION PRIOR TO DISCHARGE.

TEMPORARY STABILIZATION

- WHEN NECESSARY, TEMPORARY SLOPE PROTECTION SHALL BE PROVIDED BY INSTALLING COMPOST FILTER SOCKS AT THE TOE OF FILLS OR CUT SLOPES. IF ADDITIONAL STABILIZATION IS NEEDED, THEN THE CONTRACTOR SHALL INSTALL MATTING, SUCH AS STRAW, JUTE, WOOD FIBER, OR BIO OR PHOTO-DEGRADABLE MESH AT NO ADDITIONAL COST TO THE DISTRICT.
- IN THE EVENT THAT DISTURBED AREAS OR STOCKPILES AT THE SITE ARE TO BE LEFT UN-WORKED FOR MORE THAN TWO WEEKS, THE AREAS SHALL BE MULCHED WITH STRAW AT A RATE OF 100 LBS. PER 1,000 S.F. TO HELP CONTROL EROSION. TWO INCHES OF WOOD CHIP MULCH MAY ALSO BE USED AS TEMPORARY COVER.
- IN THE EVENT THAT DISTURBED AREAS OR STOCKPILES AT THE SITE ARE TO BE LEFT UN-WORKED FOR MORE THAN ONE MONTH, THE AREAS SHALL BE TOPSOILED AND SEEDDED AS PER THE SPECIFICATIONS AND AT NO ADDITIONAL COST TO THE DISTRICT.
- LEAVE THE SURFACE OF ALL EXCAVATIONS AND FILLS IN A FIRM AND STABLE CONDITION AT THE END OF EACH DAY. ROLL OR OTHERWISE TREAT THE SURFACE AS NEEDED.

SITE RESTORATION

- STABILIZATION OF DISTURBED AREAS OR NEW SOIL FILLS SHALL BE IMPLEMENTED WITHIN 14 DAYS AFTER GRADING OR CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED. APPROPRIATE VEGETATIVE SOIL STABILIZATION IS TO BE USED TO MINIMIZE EROSION. TEMPORARY AND PERMANENT VEGETATIVE COVER IS TO BE ESTABLISHED IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATIONS, USING HYDRO-SEEDING, BROADCASTING, OR OTHER APPROVED TECHNIQUES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORATION OF PREVIOUSLY VEGETATED UPLAND AREAS DISTURBED BY CONSTRUCTION ACTIVITIES. RESTORATION OF UPLAND AREAS SHALL CONSIST OF REPLACEMENT OF TOPSOIL OR PLACEMENT OF IMPORTED LOAM AS NEEDED SUCH THAT A MINIMUM OF 6 INCHES OF SUITABLE MATERIAL IS PRESENT AND APPROPRIATELY, LIMED, FERTILIZED, GRADED, AND SCARIFIED.
- WHERE NOT OTHERWISE SPECIFIED, DISTURBED UPLAND AREAS BEYOND THE 100' WETLAND BUFFER ZONE SHALL THEN BE SEEDDED WITH AN APPROVED SEED MIX AT A RATE OF 2 POUNDS OF LIVE SEED PER 1,000 S.F. SEEDING RATE SHALL BE DOUBLED FOR DORMANT SEEDING. SEED MIX FOR AREAS BEYOND THE 100' UPLAND REVIEW AREA SHALL BE AS FOLLOWS OR AS APPROVED BY THE ENGINEER.

CREeping RED FESCUE	50%
KENTUCKY 31	25%
DOMESTIC RYE	10%
RED TOP	5%
LADINO CLOVER	5%

- WHERE NOT OTHERWISE SPECIFIED, DISTURBED UPLAND AREAS WITHIN THE 100' UPLAND REVIEW AREA SHALL THEN BE SEEDDED WITH AN APPROVED SEED MIX AT A RATE OF 1 POUND OF LIVE SEED PER 1,000 S.F. SEEDING RATE SHALL BE DOUBLED FOR DORMANT SEEDING. SEED MIX FOR AREAS WITHIN THE 100' WETLAND BUFFER ZONE SHALL BE AS FOLLOWS OR AS APPROVED BY THE ENGINEER.

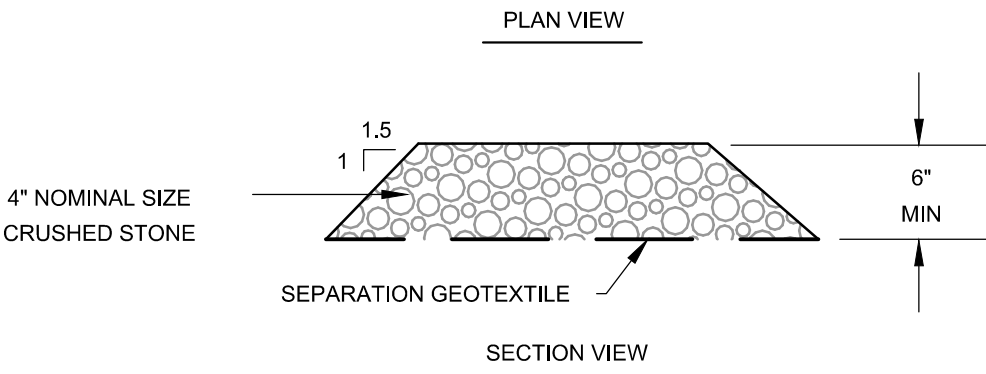
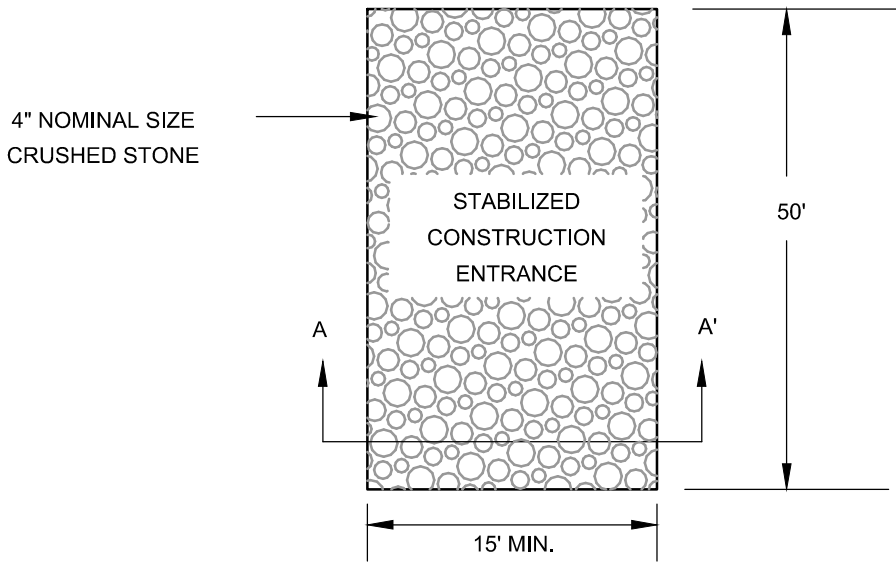
THE NEW ENGLAND EROSION CONTROL/RESTORATION MIX (MOIST SITES) TYPICALLY CONTAINS THE FOLLOWING:

SWITCHGRASS (PANICUM VIRGATUM),  
VIRGINIA WILD RYE (ELYMUS VIRGINICUS),  
CREEPING RED FESCUE (FESTUCA RUBRA),  
FOX SEDGE (CAREX VULPINOIDEA),  
CREEPING BENTGRASS (AGROSTIS STOLONIFERA),  
SOFT RUSH (JUNCUS EFFRUSUS),  
NEW ENGLAND ASTER (ASTER NOVAE-ANGLIAE),  
GRASS-LEAVED GOLDENROD (EUTHAMIA GRAMINIFOLIA),  
NODDING BUR MARIGOLD (BIDENS CERNUA),  
GREEN BULRUSH (SCIRPUS ATROVIRENS),  
JOE-PYE WEED (EUPATORIUM MACULATUM),  
BONESET (EUPATORIUM PERFOLIATUM),  
BLUE VERVAIN (VERBENA HASTATA).

- RESTORED AREAS SHALL BE ROLLED AND THEN APPROPRIATELY MULCHED WITH STRAW, STRAW, WOOD CHIPS OR OTHER APPROVED WEED-FREE MATERIAL. BIO OR PHOTO-DEGRADABLE EROSION CONTROL FABRIC IS ALSO ACCEPTABLE FOR POST-RESTORATION STABILIZATION. ON FLAT SURFACES AND ON SLOPES OF 3:1 OR FLATTER, MULCH OR EROSION CONTROL MATTING SHALL TO BE USED AFTER PERMANENT SEEDING TO PROTECT SOIL FROM THE IMPACT OF FALLING RAIN AND TO INCREASE THE CAPACITY OF THE SOIL TO ABSORB WATER. FOR STEEPER SLOPES, EROSION CONTROL MATTING SHALL BE USED.

- FINAL STABILIZATION SHALL BE CONSIDERED COMPLETE WHEN ALL SOIL-DISTURBING ACTIVITIES HAVE BEEN COMPLETED AND A UNIFORM, PERENNIAL VEGETATIVE COVER WITH A DENSITY OF EIGHTY PERCENT HAS BEEN ESTABLISHED OR EQUIVALENT STABILIZATION MEASURES (SUCH AS THE USE OF MULCHES OR EROSION CONTROL MATTING) HAVE BEEN EMPLOYED ON ALL UNPAVED AREAS AND AREAS NOT COVERED BY PERMANENT STRUCTURES. ACHIEVEMENT OF FINAL STABILIZATION SHALL BE DETERMINED BY THE DISTRICT.

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL VEGETATED SURFACES, INCLUDING WATERING, FERTILIZING, AND RE-SEEDING UNTIL ESTABLISHMENT CONDITIONS ARE MET AND UNTIL THE END OF THE CONTRACTUAL MAINTENANCE PERIOD.



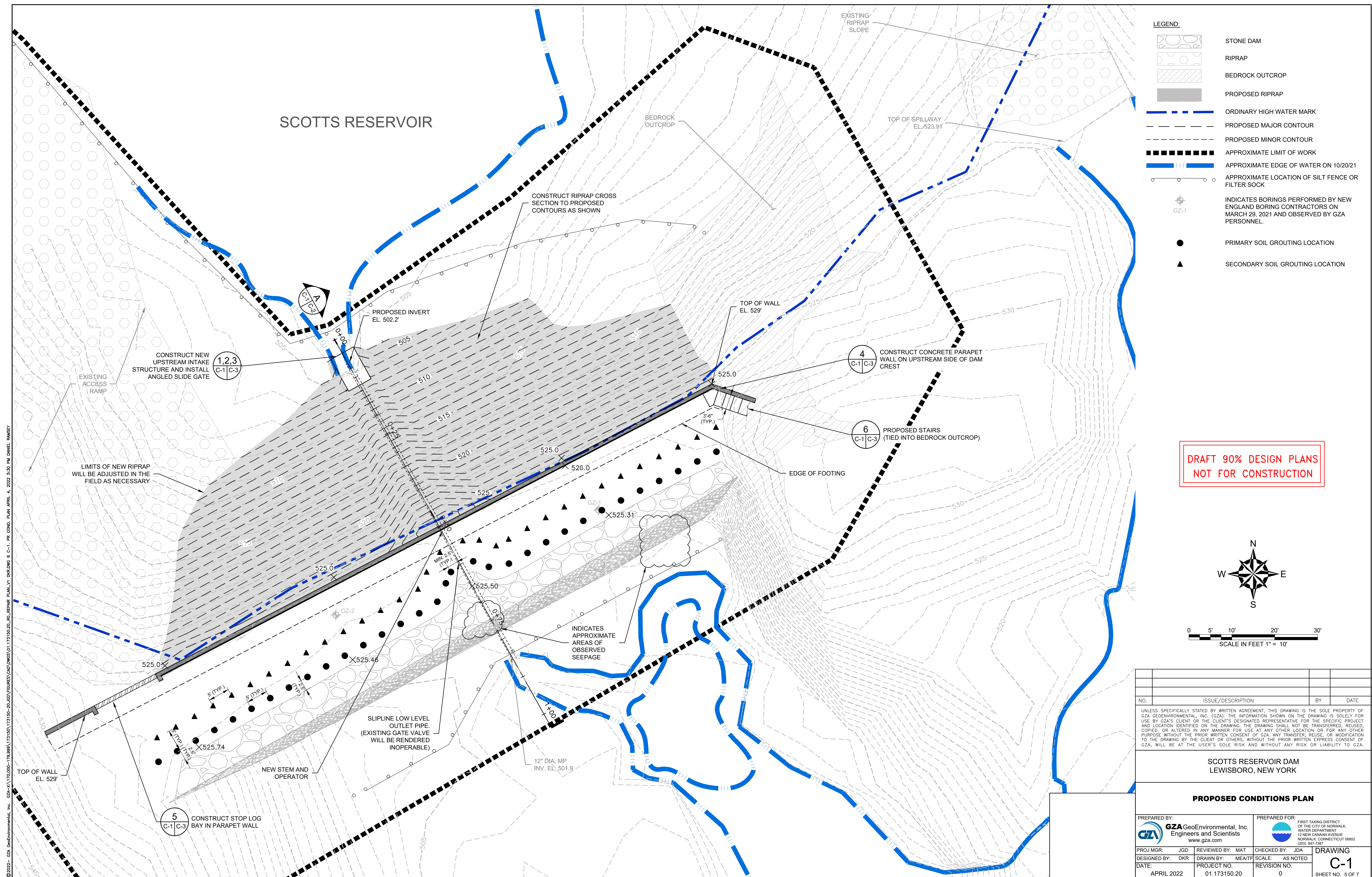
NOTE: REFER TO NYSDEC "BLUE BOOK" FOR ADDITIONAL CONSTRUCTION ENTRANCE REQUIREMENTS..

4  
G-4 G-3  
**STABILIZED CONSTRUCTION ENTRANCE**  
NOT TO SCALE

DRAFT 90% DESIGN PLANS  
NOT FOR CONSTRUCTION

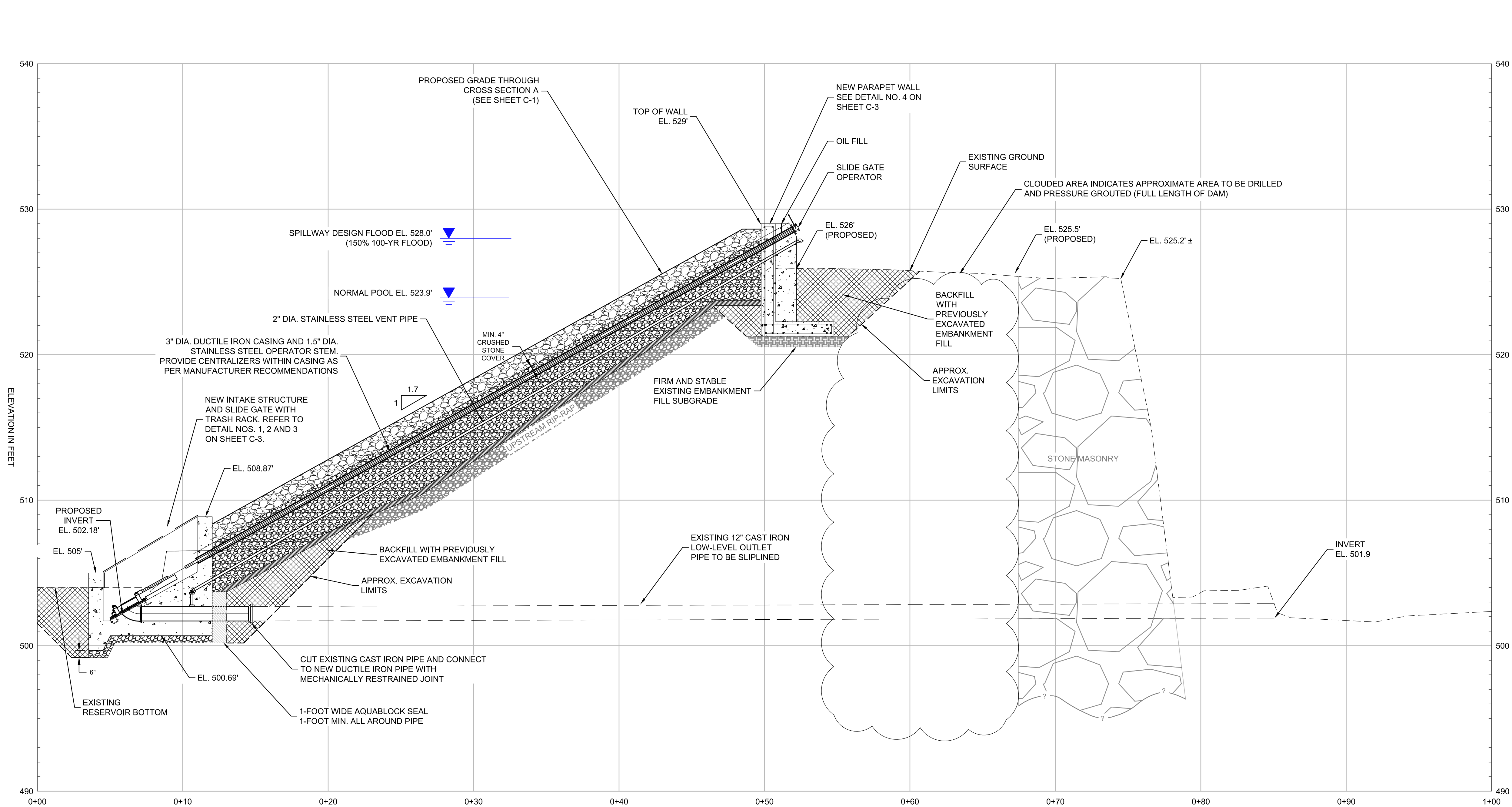
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SCOTTS RESERVOIR DAM LEWISBORO, NEW YORK				
SEDIMENTATION AND EROSION CONTROL NOTES AND DETAILS				
PREPARED BY: <b>GZA</b> GeoEnvironmental, Inc. Engineers and Scientists www.gza.com		PREPARED FOR: FIRST TAXING DISTRICT OF THE CITY OF NORWALK, WATER DEPARTMENT 12 NEW CANAAN AVENUE NORWALK, CONNECTICUT 06852 (938) 847-7381		
PROJ MGR: JGD	DESIGNED BY: DKR	REVIEWED BY: MAT	CHECKED BY: JDA	DRAWING <b>G-4</b> SHEET NO. 4 OF 7
DATE: APRIL 2022	DRAWN BY: TF/DKR	SCALE: AS NOTED	REVISION NO. 0	
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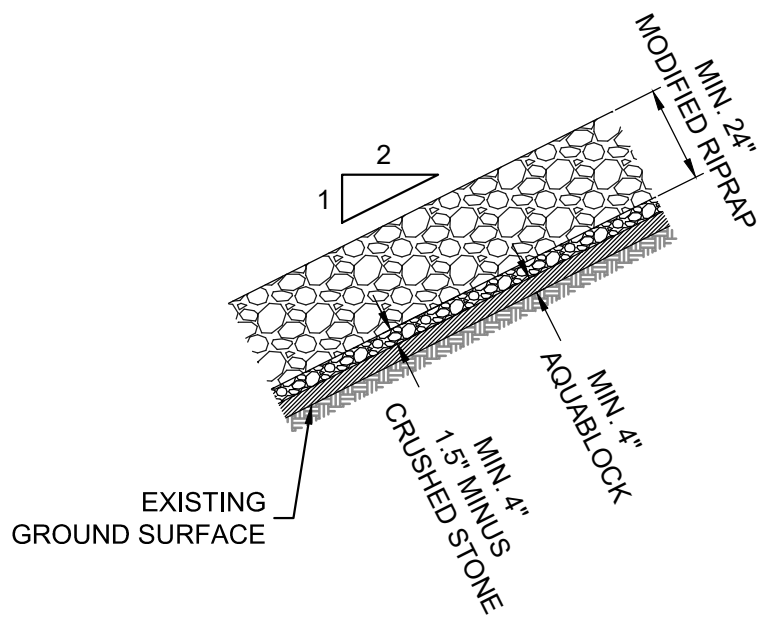


- STRATIGRAPHY LEGEND:
- EXISTING UPSTREAM RIPRAP
  - STONE MASONRY
  - AQUABLOCK
  - 1.5" MINUS CRUSHED STONE
  - NEW RIPRAP

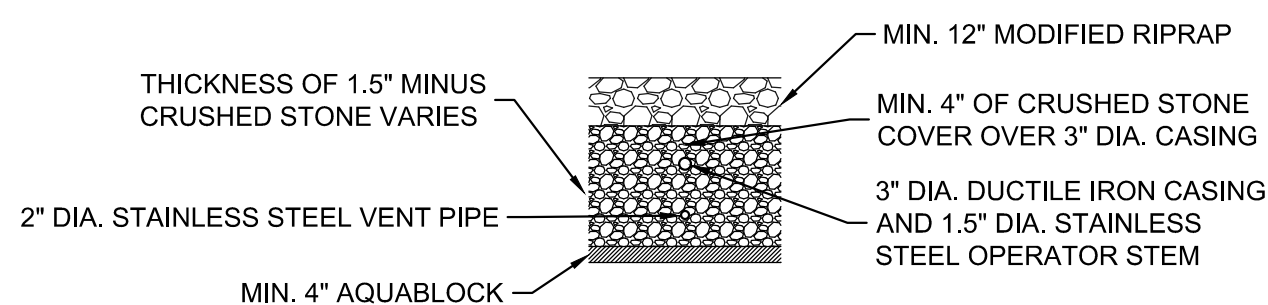
DRAFT 90% DESIGN PLANS  
NOT FOR CONSTRUCTION



A CROSS SECTION A  
SCALE: 1" = 4'



1 TYPICAL RIPRAP SECTION OUTSIDE OF CROSS SECTION A  
SCALE: 1/4" = 1'-0"

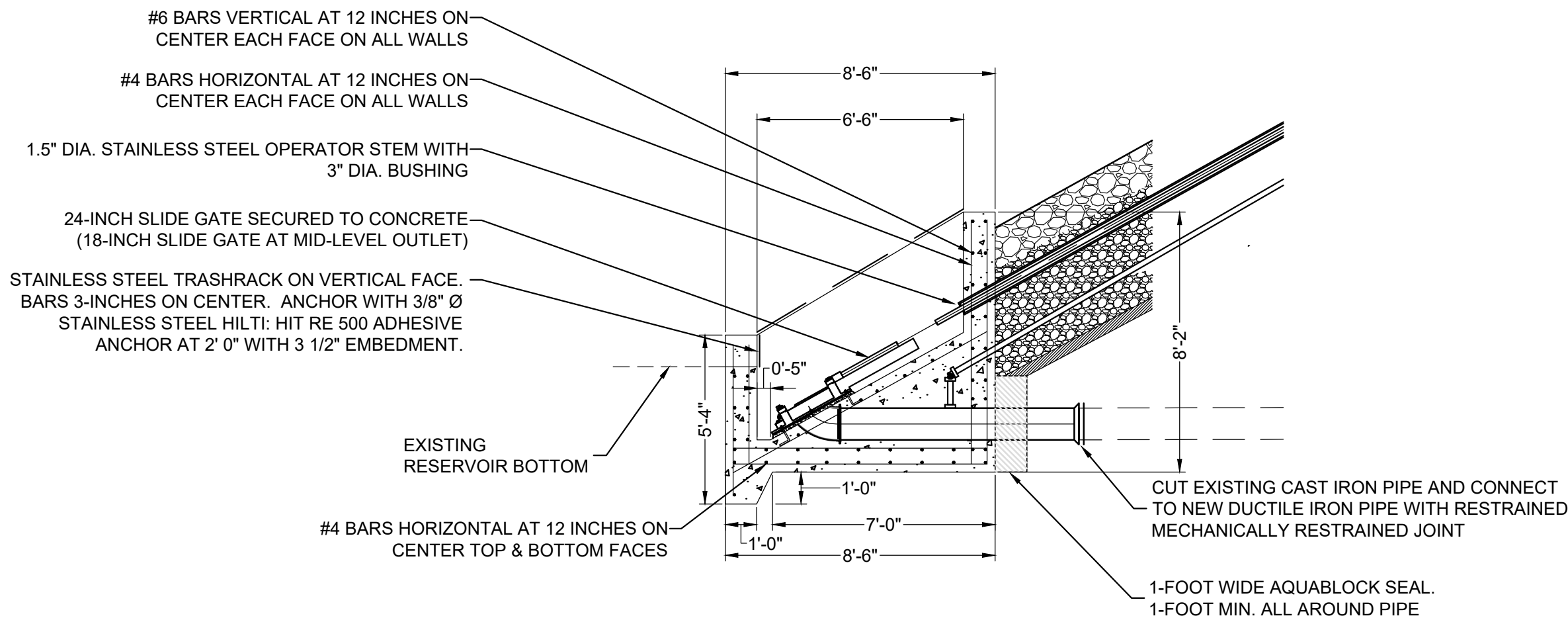


2 OUTLET OPERATOR SECTION  
SCALE: 1/4" = 1'-0"

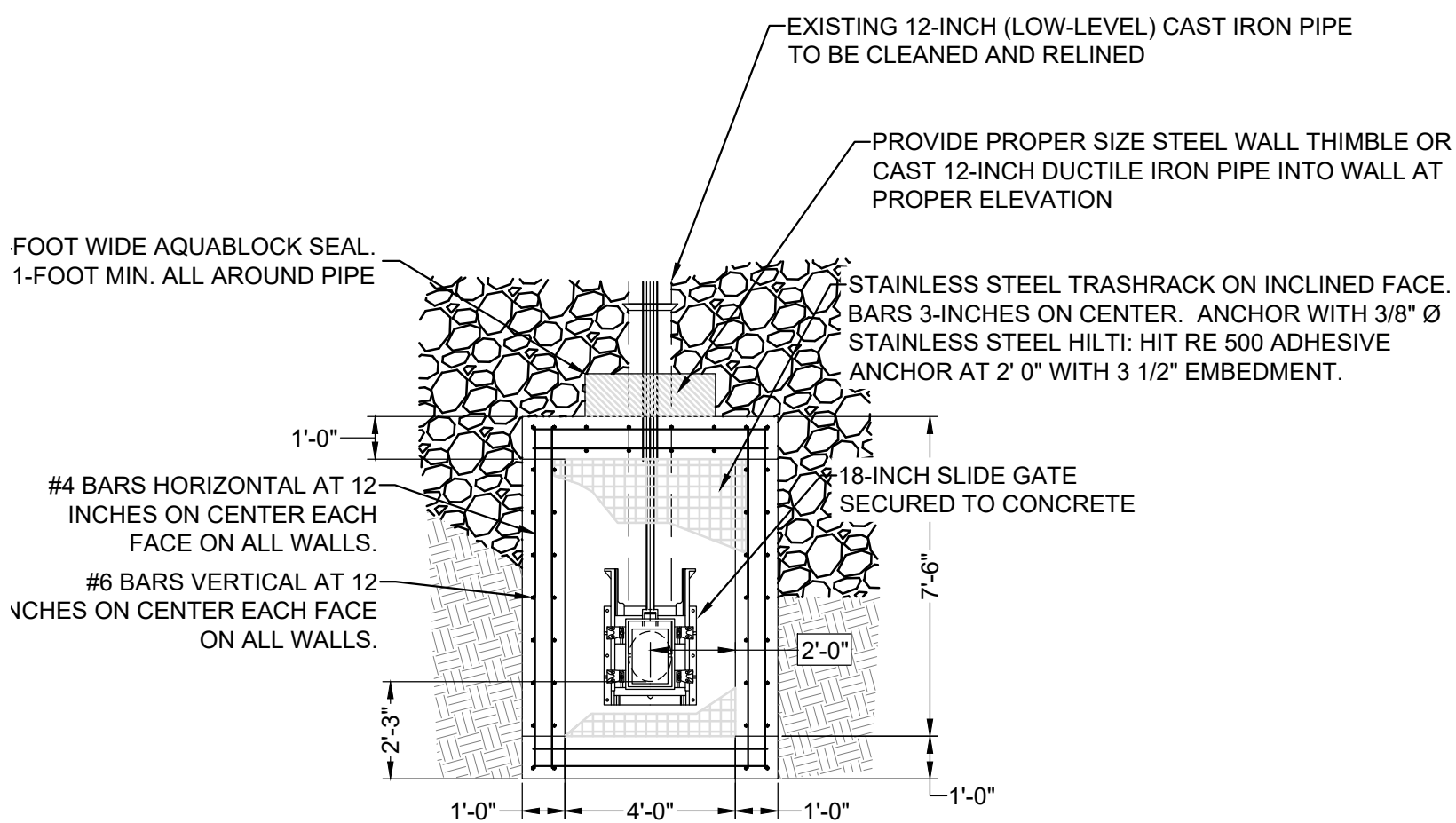
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SCOTT'S RESERVOIR DAM LEWISBORO, NEW YORK			
PROPOSED CONDITIONS SECTION			
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DATE: APRIL 2022	PROJECT NO. 01.173150.20	REVISION NO. 0	



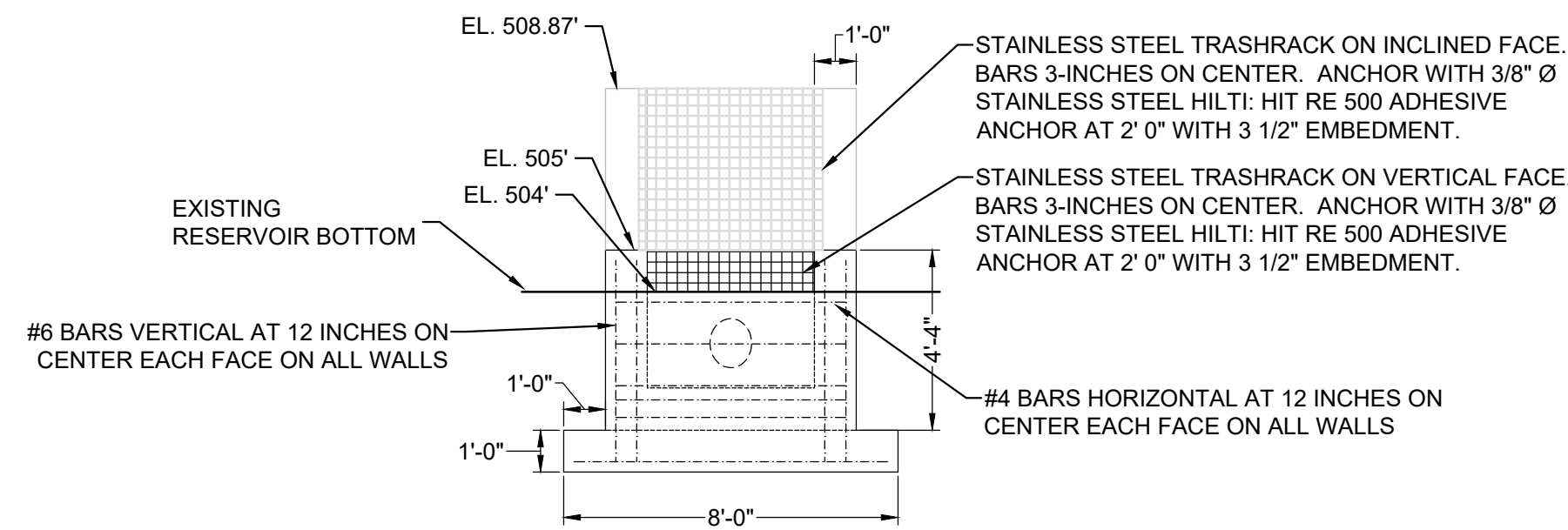
©2022 - GZA GeoEnvironmental, Inc. GZA-X\170200-173150-173150-20-ADD\FIGURES\CAU\DWG\01\_173150\_20\_RD\_CONCEPT\_DWG.DWG 8 C-6 DWS (1) APRIL 4, 2022 7:18 PM DANIEL RABET



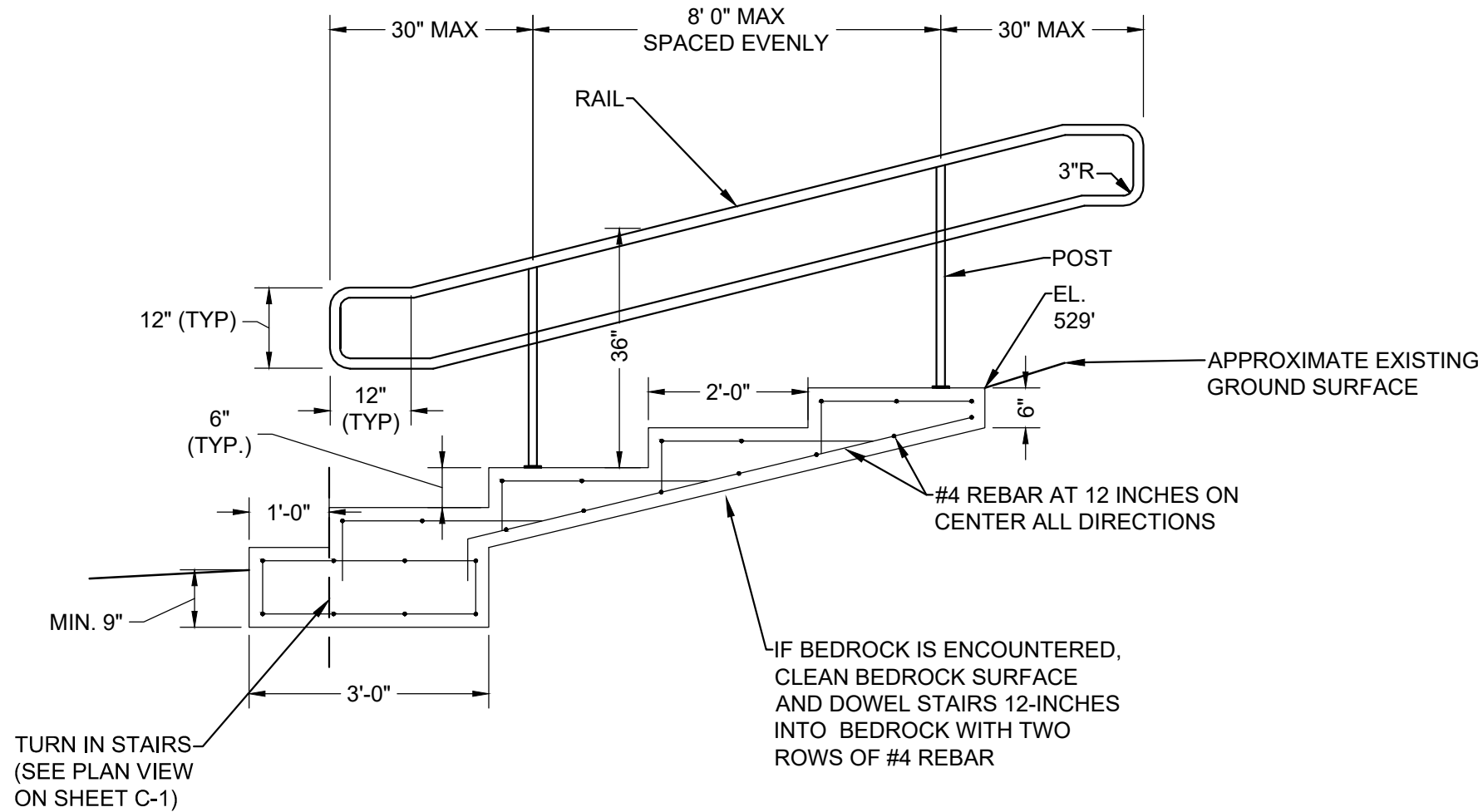
1 UPSTREAM OUTLET STRUCTURE SECTION  
SCALE: 1/4" = 1'-0"



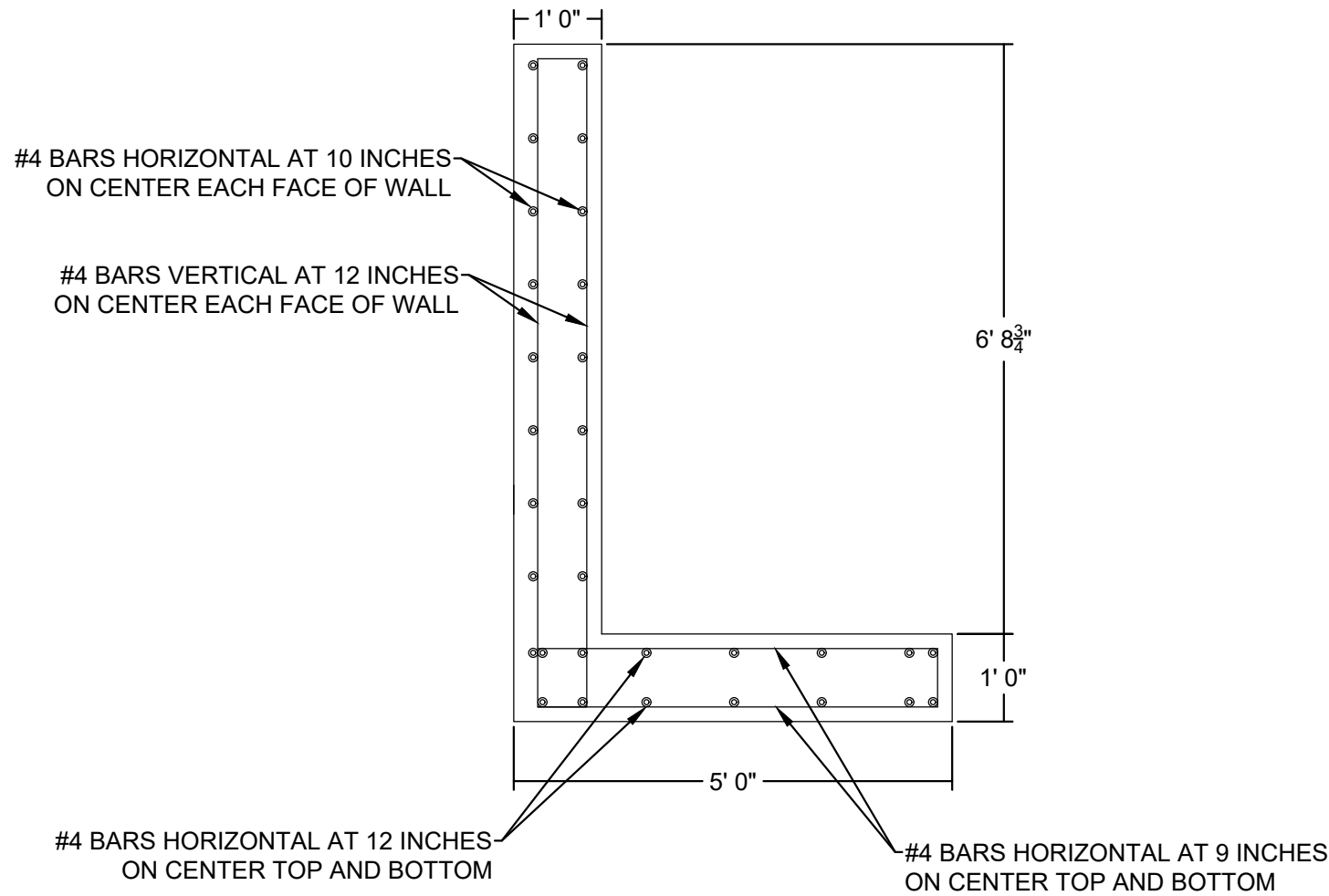
2 UPSTREAM OUTLET STRUCTURE PLAN VIEW  
SCALE: 1/4" = 1'-0"



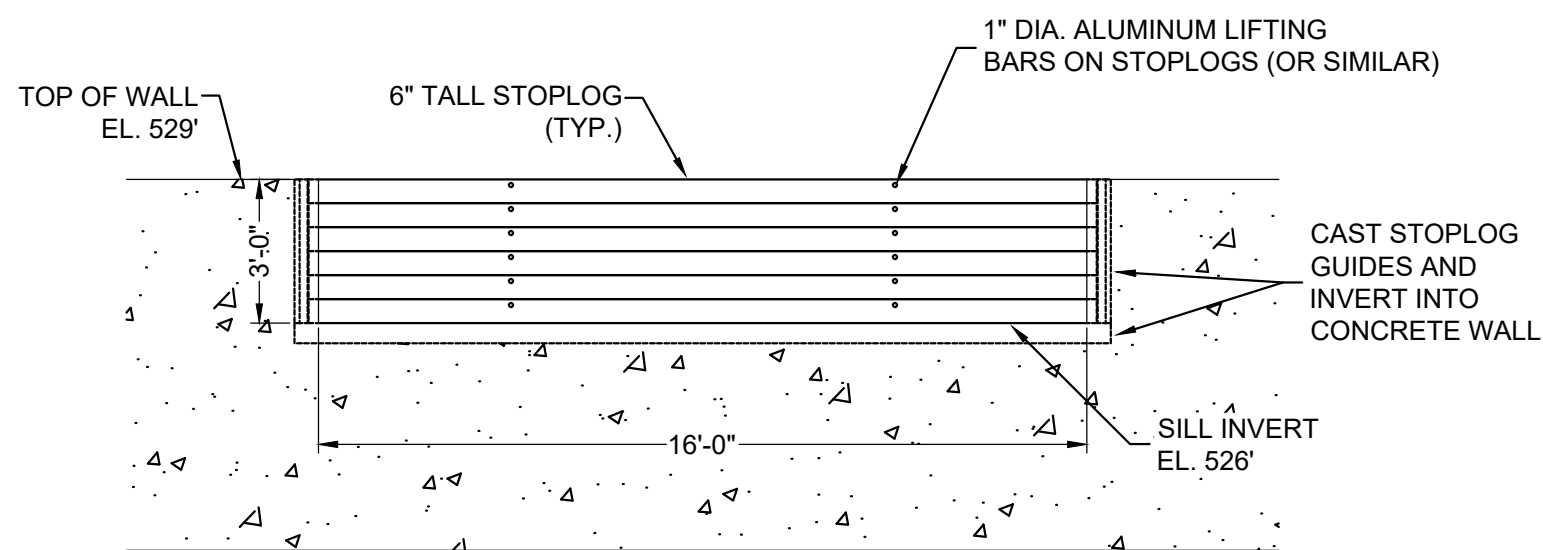
3 UPSTREAM OUTLET STRUCTURE PLAN VIEW  
SCALE: 1/4" = 1'-0"



6 PARAPET WALL STAIRS  
SCALE: 1/2" = 1'-0"



4 PARAPET WALL  
SCALE: 1/2" = 1'-0"



5 STOP LOG ELEVATION VIEW  
SCALE: 1/4" = 1'-0"

NOTES:

1. RAIL AND POSTS SHALL BE GALVANIZED STEEL OR ALUMINUM.
2. RAIL SHALL BE 1-1/4" TO 1-1/2" O.D.
3. POST SHALL BE 1-1/4" NOMINAL
4. CENTER OF POSTS SHALL BE PLACED 8 INCHES FROM INBOARD (NON-WALL) EDGE OF STAIRS.
5. FASTEN POSTS TO STAIRS WITH BASE PLATE PER MANUFACTURER'S RECOMMENDATION.
6. IF BEDROCK IS ENCOUNTERED, CLEAN BEDROCK SURFACE AND DOWEL STAIRS A MINIMUM OF 12-INCHES INTO BEDROCK WITH TWO ROWS OF #4 REBAR PER STEP. DOWELS SHALL HAVE A 3" LONG, 90-DEGREE HOOK.
7. ALL REBAR IN STAIRS SHALL HAVE A MINIMUM 2" CLEARANCE FROM NEAREST OUTSIDE EDGE.
8. CONCRETE SHALL BE 4,000 PSI.

NOTE:

1. COMPACT PARAPET WALL SUBGRADE TO FIRM AND STABLE SURFACE.

NOTES:

1. FINAL DESIGN OF STOPLOGS SHALL BE BY MANUFACTURER BASED ON PERFORMANCE STANDARDS STATED IN TECHNICAL SPECIFICATION AND AS APPROVED BY OWNER'S CONSULTANT.
2. ALL GROUT USE IN STOPLOG INSTALLATION SHALL BE APPROVED NON-SHRINK GROUT.
3. PRIOR TO INSTALLATION, COAT OUTSIDE FACE OF CHANNEL GUIDES AS PER MANUFACTURER'S RECOMMENDATIONS.



DRAFT 90% DESIGN PLANS  
NOT FOR CONSTRUCTION

NO.	ISSUE/DESCRIPTION	BY	DATE
UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.			
SCOTT'S RESERVOIR DAM LEWISBORO, NEW YORK			
DETAILS			
PREPARED BY: GZA GeoEnvironmental, Inc. Engineers and Scientists www.gza.com		PREPARED FOR: FIRST TAXING DISTRICT OF THE CITY OF NORWALK, WATER DEPARTMENT 12 NEW GANAN AVENUE NORWALK, CONNECTICUT 06852 (203) 847-7887	
PROJ MGR: JGD	REVIEWED BY: MAT	CHECKED BY: JDA	DRAWING C-3 SHEET NO. 7 OF 7
DESIGNED BY: DKR	DRAWN BY: TFD/KR	SCALE: AS NOTED	
DATE: APRIL 2022	PROJECT NO: 01.173150.20	REVISION NO: 0	

## MEMORANDUM

TO: Chairperson Janet Andersen and  
Members of Lewisboro Planning Board

CC: Ciorsdan Conran  
Judson Siebert, Esq.  
Kevin Kelly, Building Inspector

FROM: Jan K. Johannessen, AICP   
Joseph M. Cermele, P.E., CFM   
Town Consulting Professionals

DATE: July 13, 2023

RE: Partial Performance Bond Release Request  
Wilder Balter Partners, Inc. – Lewisboro Commons  
NYS Route 22

On June 26, 2023, our office received a Partial Performance Bond Release Request letter, prepared by Insite Engineering. The Performance Bond was required as a condition of the Site Development Plan Approval, Wetland Activity Permit Approval, Town Stormwater Permit Approvals Resolution, dated February 26, 2019, for the proposed 42-unit, multi-family residential development comprised of five (5) buildings. More specifically, a Performance Bond was required to ensure completion of the project infrastructure to be completed within eighteen (18) months of commencement of work and for the retention by the Town of 10% of the originally fixed amount for a period of one (1) year after the last Certificate of Occupancy has been issued.

Our office conducted a site visit for final inspection on July 12, 2023 and upon review of the completed project, we have no objection to a Partial Performance Bond Release. There appears, however, to be a discrepancy in the Performance Bond Release amount requested in the letter. The correct original Bond amount is \$1,081,639.00; therefore, a ninety (90) percent Bond release would be \$973,475.10. The ten (10) percent to be held would be \$108,163.90.

Therefore, if the Town is amenable, it would be our recommendation that the Performance Bond be reduced by ninety (90) percent (\$973,475.10) and ten (10) percent (\$108,163.90) be held in retainage for the period of one (1) year.

Should you find any information contrary to this recommendation, or if there are any questions, please do not hesitate to contact this office.

JKJ/dc

[https://kellardsessionsconsulti.sharepoint.com/sites/Kellard/Municipal/Lewisboro/Correspondence/2023-07-13\\_LWPB\\_Wilder\\_Balter\\_Partial\\_Bond\\_Release\\_Memo.docx](https://kellardsessionsconsulti.sharepoint.com/sites/Kellard/Municipal/Lewisboro/Correspondence/2023-07-13_LWPB_Wilder_Balter_Partial_Bond_Release_Memo.docx)



June 26, 2023

Town of Lewisboro Planning Board  
79 Bouton Road  
South Salem, NY 10590

RE: Wilder Balter Partners, Inc.  
Lewisboro Commons  
NYS Route 22  
Tax Map No. 5-10766-19, 20, 21

Dear Chair Anderson and Members of the Board:

Site work and landscaping has been completed for the project and the final Certificate of Occupancy (for Building 5) was issued on May 25, 2023.

In accordance with Condition #5 of the Approval Resolution (Cal. #10-15 PB, Cal. #20-17 WP & Cal. #5-17 SW) for the project, the applicant had provided the Town with a performance bond for \$1,018,639.00 prior to the start of construction. At this time, the applicant, Wilder Balter Partners, Inc., respectfully requests the release of 90% (\$937,475.10) of the performance bond that was provided for the project. Also per Condition #5, the Town would hold 10% (101,863.90) for 1 year from the date of the last issued CO for Building 5 on 5/25/23.

Enclosed please find one (1) copy of the following Drawing prepared for the above referenced project, provided as required by Condition 43. A digital copy will be forwarded to your office as well.

- WB Lewisboro Red-line As-Built Planting Plan, dated June 23rd, 2023.

Please place the project on the Planning Board's July 18, 2023 agenda for discussion.

Should you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:   
Jeffrey J. Contelmo, P.E.  
Senior Principal Engineer

JJC/dlm

Enclosures

cc: John Bainlardi, via email  
Town of Lewisboro Building Department  
Jan Johannessen, via email  
Joe Cermele, via email  
Sal Malfa, via email

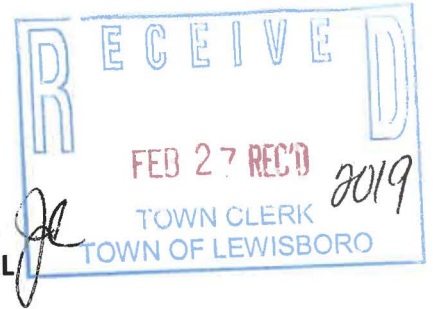
Insite File No. 15246.100







**RESOLUTION  
LEWISBORO PLANNING BOARD  
  
SITE DEVELOPMENT PLAN APPROVAL  
WETLAND ACTIVITY PERMIT APPROVAL  
TOWN STORMWATER PERMIT**



**WILDER BALTER PARTNERS, INC.  
NYS ROUTE 22**

**Sheet 5, Block 10776, Lots 019, 20 & 21  
Cal. #10-15 PB, Cal. #20-17 WP & Cal. #5-17 SW**

**February 26, 2019**

**WHEREAS**, the Planning Board has received an application submitted by Wilder Balter Partners, Inc. ("the applicant") for approval of a Site Development Plan, and the issuance of a Wetland Activity Permit and Town Stormwater Permit, authorizing the development of property located on the east side of New York State Route 22, at a point north of the I-684 northbound exit (Exit 6A)/Route 22 intersection; and

**WHEREAS**, the property involved in this application consists of three (3) tax parcels identified on the Tax Map of the Town of Lewisboro as Sheet 5, Block 10776, Lots 19, 20 & 21 ("the subject property"); and

**WHEREAS**, the subject property is currently owned by Louis Dreyfus Properties, LLC and the applicant is a contract vendee; and

**WHEREAS**, the subject property totals ±35.4 acres of land, is currently vacant, undeveloped and is not serviced by utilities; and

**WHEREAS**, the subject property is predominantly wooded and contains wetlands that are jurisdictional to the Town of Lewisboro and the New York State Department of Environmental Conservation (NYSDEC) and the Army Corps of Engineers (ACOE). The subject property is located within the New York City Department of Environmental Protection (NYCDEP) East of Hudson Watershed; and

**WHEREAS**, the applicant is proposing a 42-unit multifamily residential development comprised of five (5) buildings; the buildings will house the residential units and a clubhouse. The development also includes recreational facilities, an access road off of New York State Route 22, on-site parking for 116 vehicles and stormwater management facilities. The project will be served by on-site potable wells and a septic system ("the proposed action"); and

**WHEREAS**, the subject property is located within the Campus Commercial (CC-20) and the One-Family Residence (R-4A) Zoning Districts, with the proposed multifamily buildings being located entirely within the CC-20 Zoning District; and

**WHEREAS**, the Step 1 Site Development Plan application was submitted to the Planning Board on October 20, 2015 and the Step 2 Site Development Plan, Wetland Permit and the Town Stormwater Permit applications were submitted on March 30, 2017; and

**WHEREAS**, the proposed development will comply with Westchester County's fair and affordable housing programs and policies and 41 of the units are proposed to be Affordable Affirmatively Furthering Fair Housing (AFFH) Units; one (1) unit will be occupied by an on-site manager/superintendent; and

**WHEREAS**, in accordance with Section 220-26B(1) of the Zoning Code, the average gross density shall not exceed two (2) density units per acre of net lot area. Based on the number of units and bedrooms proposed, the maximum number of density units permitted is 31.1 density units, while 21.7 density units are proposed; no units are proposed within the Density Transition Area; and

**WHEREAS**, Buildings 1 – 3 are proposed to be two (2) story multifamily buildings containing eight (8) units each, with each unit being individually accessed and with no common entries or hallways; and

**WHEREAS**, Building 4 is proposed to be a 2 ½-story multifamily building, which will contain eight (8) units and a ±2,496 s.f. clubhouse on the first floor. The second and third residential floors will be accessed via a common residential staircase and common hallways; and

**WHEREAS**, Building 5 is proposed to be a 2 ½-story multifamily building, which will contain 10 units with each unit be accessed via a common staircase and hallway; Building 5 is proposed to include an elevator; and

**WHEREAS**, the proposed development will consist of the following number of bedrooms for a total of 84 bedrooms:

- 10 – One (1) bedroom dwelling units; and
- 22 – Two (2) bedroom dwelling units; and
- 10 – Three (3) bedroom dwelling units; and

**WHEREAS**, in accordance with Section 220-26D(3) of the Zoning Code, multi-family developments shall be improved with common recreational facilities for use by its residents; the minimum size of the recreation area shall be 300 s.f. per density unit. With a total of 21.7 density units, the proposed action requires 6,510 s.f. of recreation area. The proposed action includes the installation of a 3,000 s.f. sport court and

perimeter area, a 1,400 s.f. play area, and 5,280 s.f. of walking trails (9,680 s.f. of recreation area in total). In addition to these recreational amenities, the proposed clubhouse (Building 4) will include a gym and yoga studio; and

**WHEREAS**, in accordance with Section 220-26E and 220-56C of the Zoning Code, multi-family dwellings require two (2) parking spaces for each dwelling unit, plus one (1) additional space for each dwelling unit with two (2) or more bedrooms. Based on the number of units and bedrooms proposed, the proposed action requires and is providing 116 off-street parking spaces; and

**WHEREAS**, pursuant to Section 220-24A (1)(B) of the Zoning Code, the proposed use is a principally permitted use within the underlying CC-20 Zoning District and the proposed action complies with the requirements of Section 220-26, R-MF Multi-family Residence District, of the Zoning Code; and

**WHEREAS**, the proposed action is zoning compliant and no variances are being sought by the applicant from the Zoning Board of Appeals; and

**WHEREAS**, reference is made to memorandums from the Building Inspector dated April 28, 2016, June 7, 2017 and November 13, 2018. In addition, reference is made to a plan review letter provided by the International Code Council, dated July 17, 2017; and

**WHEREAS**, the project has been reviewed by the Town's Professional Engineering, Planning and Wetland Consultants, Kellard Sessions Consulting (KSC), and reference is made to review memorandums by KSC dated December 9, 2015; January 20, 2016; March 9, 2016; April 14, 2016; May 11, 2016; June 15, 2016; November 30, 2016; May 10, 2017; June 14, 2017; July 12, 2017; February 22, 2018, March 16, 2018; July 11, 2018; August 16, 2018; September 6, 2018 and October 11, 2018; and

**WHEREAS**, the subject property is located within the Goldens Bridge Fire District (GBFD) and the GBFD has reviewed and provided comments on the proposed action during the planning process. Further, the applicant has met with GBFD officials to discuss the project plans and representatives of the GBFD attended the November 20, 2018 Planning Board meeting to discuss the project with the Board. Reference is made to comment letters provided by the GBFD dated September 8, 2016; June 19, 2017; August 9, 2018 and October 25, 2018; and

**WHEREAS**, the Planning Board has acted as Lead Agency with respect to the proposed action under the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the Planning Board, as Lead Agency, reviewed the proposed action and SEQRA materials, including the draft and final Full Environmental Assessment Form (EAF), at meetings held on November 17, 2015, December 15, 2015, January 26, 2016, February 23, 2016, March 18, 2016, April 19, 2016, May 17, 2016, June 21, 2016, July 19,



2016, August 16, 2016, September 13, 2016, September 20, 2016, October 18, 2016, October 28, 2016, November 15, 2016 and December 20, 2016; and

**WHEREAS**, following review of the applicant's Full Environmental Assessment Form (EAF), dated (last revised) September 29, 2016, the Planning Board (as Lead Agency) adopted a Negative Declaration of Significance on December 20, 2016 pursuant to SEQRA; and

**WHEREAS**, throughout the Site Development Plan review process, the applicant has provided a matrix comparing the potential impacts of the project analyzed at the time of the adoption of the SEQRA Negative Declaration (plans dated March 31, 2016) to that of a later submitted Alternative Plan (dated April 27, 2017) and the currently proposed Site Development Plan; and

**WHEREAS**, the Planning Board referred the application to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law and the County Planning Board was identified as an Interested Agency during the SEQRA process. Reference is made to comment letters provided by the Westchester County Planning Board, dated February 12, 2016 and March 11, 2016; and

**WHEREAS**, the applicant proposes to permanently preserve  $\pm 20.06$  acres of undeveloped land as open space on the easternmost part of the property located within the R-4A Zoning District. The open space area to be preserved will be subject to a conservation easement to be held by the Lewisboro Land Trust. The area to be preserved is immediately adjacent to other open spaces, including lands owned by the Bedford Audubon Society and the NYCDEP; and

**WHEREAS**, the subject property contains wetlands and watercourses that are jurisdictional to the Town of Lewisboro, the NYSDEC, the NYCDEP and the ACOE; and

**WHEREAS**, on-site wetlands and watercourses were delineated by Tim Miller Associates, Inc. and adjusted and confirmed by Kellard Sessions Consulting, the Town's Wetland Consultant; and

**WHEREAS**, on-site wetlands and watercourses were also verified by the NYSDEC and the NYCDEP, as applicable; and

**WHEREAS**, reference is made to a Wetland/Watercourse Delineation Report and Assessment, prepared by Tim Miller Associates, Inc; and

**WHEREAS**, the project will not result in a direct impact to the wetland proper. The project will create disturbances to wetland buffers on the subject property (14,500 s.f. of Town of Lewisboro wetland buffer; 7,000 s.f. of NYSDEC adjacent area) and these are necessitated by project design and site conditions, and will be mitigated pursuant to a

wetland mitigation plan prepared by Tim Miller Associates, Inc., entitled “Wetland Buffer Restoration and Enhancement Plan”, dated (last revised) August 2, 2018; and

**WHEREAS**, mitigation efforts focus on the portion of the buffer located to the north of the wetland boundary, between the portion of the property to be developed and the wetland corridor. Invasive plant species will be removed during stormwater basin construction and the buffer will be planted with native plant material that will regenerate and compete with the more aggressive invasive species that currently exist; and

**WHEREAS**, the wetland buffer restoration and enhancement plan to be employed by the applicant provides for the planting of trees, shrubs and herbaceous plants to enhance the existing vegetation. The proposed enhancement of the wetland buffer is intended to minimize any erosion from the developed site and maintain water quality; and

**WHEREAS**, while the Town’s wetland mitigation protocol establishes a 1:1 mitigation ratio, the applicant is proposing to restore 54,000 s.f. of the buffer which equates to a 7.7:1 mitigation ratio within the NYSDEC 100-foot wetland adjacent area and a 3.7:1 mitigation ratio within the Town’s 150-foot wetland buffer; and

**WHEREAS**, reference is made to the NYSDEC Article 24 Freshwater Wetland Permit, dated October 24, 2017, which authorizes proposed work within the NYSDEC 100-foot Wetland Adjacent Area; and

**WHEREAS**, approximately nine (9) of the 35.4 acres are proposed to be disturbed for the construction of the new residences, parking facilities and stormwater management basins. The development will retain approximately 75 percent of the existing vegetation and wildlife habitat. The construction activities will occur primarily within the wooded upland areas of the site, in both the successional hardwood forest and the oak-tulip dominated forest. Based upon the anticipated clearing of nine (9) acres of woodland, approximately 650 trees will be removed during construction. Tree protection notes and details are provided on the plans to guide the contractors with appropriate measures to protect the root zones of trees outside of the limits of disturbance; and

**WHEREAS**, a list of observed plant and animal species is contained within the Ecology section of the Environmental Assessment Form (EAF) and impacts to plant and animal species were evaluated as part of the SEQRA process and are documented within the EAF and the Planning Board’s Negative Declaration of Significance; and

**WHEREAS**, an Integrated Pest Management Plan (IPM) has been prepared and provides specific procedures and criteria for the limited future use of pesticides and herbicides at the development. Pesticides and herbicides will be used in the minimum quantities needed and only after other, non-chemical means of pest control are found to be

ineffective. Reference is made to the IPM, prepared by Tim Miller Associates, Inc., dated August 30, 2016; and

**WHEREAS**, reference is made to the Stormwater Pollution Prevention Plan (SWPPP) prepared by Insite Engineering, dated December 28, 2017, which has been reviewed and approved by the NYCDEP. Mitigation for the proposed impervious surfaces resulting from the development will be provided by the proposed Stormwater Management Practices (SMP's) described within the SWPPP. The proposed SMP's have been designed to capture and treat runoff from the impervious surfaces associated with the proposed buildings, parking areas and access drive; and

**WHEREAS**, the proposed stormwater management system for the development has been designed to meet the requirements of Local, City and State stormwater ordinances and guidelines, including, but not limited to, those of the Town of Lewisboro, the NYSDEC and the NYCDEP. Reference is made to NYCDEP SWPPP approval, dated January 29, 2018; and

**WHEREAS**, the proposed action requires coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). In order to meet the requirements set forth by this permit, the latest edition of the NYSDEC New York State Stormwater Management Design Manual (NYS SMDM), including Chapter 10: *Enhanced Phosphorus Removal Standards* (Chapter 10), was referenced for the design of the proposed stormwater management system; and

**WHEREAS**, a Sediment and Erosion Control Plan has been developed in accordance with the latest New York State Standards and Specifications for Erosion and Sediment Control Manual. A Sediment and Erosion Control Management Program will be established for the project, beginning at the start of construction and continuing throughout its course. A continuing maintenance program will be implemented for the control of sediment transport and erosion control after construction and throughout the useful life of the project; and

**WHEREAS**, the sediment and erosion controls that will be used during the development of the site include silt fence, stabilized construction entrance, seeding, mulching and inlet protection. Until the site is stabilized, all sediment and erosion controls will be maintained in accordance with the notes and procedures depicted on the Site Development Plans. Maintenance will include inspections of all sediment and erosion controls at the end of each construction day and immediately following each runoff event; and

**WHEREAS**, construction of the development will require the grading of approximately nine (9) acres of the 35.4 acre property or 25 percent, with approximately 4.6 acres of grading on slopes of 15% or greater. Grading on such slopes is unavoidable, but has been minimized to the extent practical through the proposed layout of the buildings,



parking areas, driveways and septic fields. Stabilization and erosion control techniques will be implemented by means of a Sediment and Erosion Control Plan to minimize the potential for resulting soil erosion; and

**WHEREAS**, the proposed action will require an estimated water demand of approximately 9,240 gallons per day (gpd), or 6.4 gallons per minute (gpm) based upon the total number of bedrooms and engineering estimates; and

**WHEREAS**, as required by the Westchester County Department of Health (WCDH), the applicant conducted a 72-hour pumping test on three (3) of its on-site wells (Wells 2, 3 and 4); the test was conducted between July 23, 2018 and July 26, 2018 and from July 31, 2018 through August 3, 2018. The purpose of the test was to confirm that the water supply could provide twice the average daily water demand of the development, with the best well out of service, as required. The pump test was conducted in accordance with New York State Department of Health Regulations and a Pumping Test Plan, prepared by LBG Hydrogeologic & Engineering Services, P.C. (now WSP), dated December 20, 2017, which was reviewed on behalf of the Town by HydroEnvironmental Solutions, Inc. (HES). Reference is made to a Memorandum from HES, dated January 11, 2017; and

**WHEREAS**, reference is made to a report entitled "Wilder Balter Partners 72-Hour Pumping Test Program", prepared by WSP, dated September, 2018; and

**WHEREAS**, the WSP 72-Hour Pump Test Report dated September, 2018 demonstrates that Well 3 is the best yielding well and that Wells 2 and 4 have a combined yield of 13.6 gpm or 19,584 gpd, which is more than sufficient to meet twice the average water demand to support the proposed 84 bedrooms and 18,480 gpd. Water level measurements were collected from onsite monitoring wells, the on-site wetland, and off-site residential wells during the pump test period; water level monitoring measurements and results are included in the WSP Report dated September, 2018; and

**WHEREAS**, water samples were collected from Wells 2, 3 and 4 during the pumping test and samples were analyzed by a laboratory for all parameters listed in the New York State Department of Health (NYSDOH) Sanitary Code; and

**WHEREAS**, the Pump Test Report was reviewed by HES on behalf of the Town and their comments and conclusions are contained in a memorandum, dated September 27, 2018; and

**WHEREAS**, the applicant conducted an additional 72-hour pumping test on two (2) on-site wells (Wells 1 and 2) between January 28 and January 31, 2019. WCDH recommended this additional test to demonstrate that both wells could be pumped concurrently to meet the project's maximum daily water demand of 12.8 gpm; and

**WHEREAS**, reference is made to a report entitled “Wilder Balter Partners 72-Hour Pumping Test Program on Wells 1 and 2”, prepared by WSP, dated February, 2019; and

**WHEREAS**, the WSP 72-Hour Pump Test Report dated February, 2019 further demonstrates the sufficiency of on-site wells to meet twice the average water demand to support the proposed 84 bedrooms and 18,480 gpd. Water level measurements were collected from onsite monitoring wells, results are included in the WSP Report dated February, 2019; and

**WHEREAS**, the Site Development Plan incorporates the use of a subsurface wastewater disposal system. The subsurface wastewater disposal system has been designed to meet NYSDOH and WCDH Requirements; and

**WHEREAS**, reference is made to the “Wastewater System Report”, prepared by Insite Engineering and dated (last revised) September 14, 2018; and

**WHEREAS**, reference is made to the NYSDEC SPDES General Permit (GP-0-15-001), required for discharging 1,000 gpd of treated sanitary sewage to groundwater, dated December 19, 2018; and

**WHEREAS**, reference is made to the following traffic related impact studies prepared by the applicant’s traffic engineer, Maser Consulting:

- a. Response to comments letter, dated March 30, 2016; and
- b. Traffic Impact Study, dated (last revised) April 22, 2016; and
- c. Executive Summary-Traffic and Access Evaluation, dated September 28, 2016; and
- d. Letter regarding parking demand and requirements, dated April 25, 2017; and
- e. Updated Traffic Volume Data, dated May 11, 2017; and
- f. Highway Improvement Plans, last revised January 3, 2018; and

**WHEREAS**, the Planning Board retained its own traffic engineer, Adler Consulting (“Adler”), to review transportation related impacts on behalf of the Planning Board. Adler presented comments to the Planning Board on December 21, 2016 and then presented comments in a review letter, dated December 27, 2016; and

**WHEREAS**, proposed improvements within the NYS Route 22 right-of-way have been approved by the New York State Department of Transportation (NYSDOT). Reference is made to a “Notice to Permittee”, issued by the NYSDOT on October 1, 2018; and

**WHEREAS**, the introduction of the proposed access driveway onto NYS Route 22 will result in additional turning movements and potential traffic conflict; however, the sight distance for vehicles approaching the proposed access location is in excess of 1,000 feet with a required stopping distance of 500 feet. NYS Route 22 has paved shoulders of 8



to 10 feet in the area surrounding the access location and the applicant, as part of its NYSDOT Highway Work Permit, will upgrade the shoulder and provide a separate right hand turn lane for entering traffic to remove vehicles making this turn from Route 22; and

**WHEREAS**, during construction, as required as part of the NYSDOT Highway Work Permit, a Maintenance and Protection of Traffic Plan will be implemented to ensure that any impacts to the adjacent state highway are minimized during construction. These plans include appropriate signage, limits of hours of work within the State right-of-way associated with the project and maintenance of the construction entrance to the site, all in accordance with state standards and requirements; and

**WHEREAS**, the applicant has coordinated with the Katonah-Lewisboro Union Free School District (KLUFSD) regarding the pickup and drop-off of school children. KLUFSD has expressed its preference not to enter the site but to stop on the roadway and restrict buses to use of the proposed northbound NYS Route 22 right turn lane for pickup and drop-off of students; and

**WHEREAS**, to enhance safety and improve operation of the off-ramp during peak hours, the proposed action includes the following improvements, which have been approved by the NYSDOT:

- a. Install a luminaire in the vicinity of the I-684 off ramp; and
- b. Install traffic calming signage ("Intersection Ahead") along Route 22 in the vicinity of the entrance warning motorist of the project's entrance/I-684 ramp; and
- c. Install "School Bus Stop Ahead" on the approach to the project access drive; and
- d. Use of passenger shuttle bus on the site, so as to further reduce traffic generation; and

**WHEREAS**, while not a requirement or request by the Planning Board or the Town of Lewisboro, the applicant has committed to donate \$50,000.00 to the Town of Lewisboro for use in recreational or pedestrian improvements within the Goldens Bridge community; and

**WHEREAS**, development of the site for residential building pads, parking lots and the access drive is likely to encounter bedrock where bedrock is exposed or within five (5) feet of the surface. The applicant has developed a grading plan, as well as a cut and fill map and analysis. According to the applicant, the earthwork calculation identifies a total cut and fill of 32,000 c.y., resulting in a balanced site; and

**WHEREAS**, reference is made to a Blasting Mitigation Plan, prepared by Tim Miller Associates, Inc., dated March 30, 2016. Blasting is anticipated and the applicant will be required to obtain a Blasting Permit from the Building Inspector and demonstrate

compliance with Section 91-17 of the Town Code; and

**WHEREAS**, reference is made to a Geotechnical Evaluation report prepared by Tectonic Engineering and dated September 5, 2018; and

**WHEREAS**, reference is made to the noise assessment report, prepared by Tim Miller Associates, Inc., dated (last revised) December 12, 2016; and

**WHEREAS**, the project site is located in close proximity to a major transportation corridor that has greater influence on ambient noise at the site than project-generated noise. Noise will be generated during construction by construction related equipment and during excavation, rock removal, grading, and construction activities. Construction is expected to take eighteen (18) months to complete and all work will be conducted during time periods authorized under the Town Code; and

**WHEREAS**, no historic or archeological resources have been identified on or near the subject property and impacts to cultural resources was evaluated during the SEQRA process. Reference is made to the Phase 1A Literature Review and Sensitivity Assessment and Phase 1B Archeological Fieldwork, prepared by STRATA Cultural Resource Management, LLC, dated March 2016; and

**WHEREAS**, the Planning Board referred the proposed action to the Architecture and Community Appearance Review Council (ACARC); reference is made to ACARC's approval, dated September 27, 2017 and to ACARC's amended approval, dated February 13, 2019; and

**WHEREAS**, based upon demographic multipliers published by the Rutgers University Center for Urban Policy Research, it is projected that the proposed action will result in an additional seventeen (17) resident students, which would increase school enrollment within the KLUFSB by less than half of 1%; and

**WHEREAS**, the proposed action has been referred to a reviewed by the Conservation Advisory Council (CAC); reference is made to comment Memorandums from the CAC dated November 9, 2015; April 11, 2016; and September 16, 2016; and

**WHEREAS**, the Planning Board conducted a duly noticed public hearing which was opened on October 24, 2017, at which time all interested parties were afforded an opportunity to be heard; and

**WHEREAS**, the public hearing continued at meetings conducted on November 21, 2017, December 14, 2017, December 19, 2017, January 16, 2018, February 27, 2018, March 20, 2018, March 27, 2018, April 17, 2018 and June 19, 2018; and



**WHEREAS**, the Planning Board is familiar with the subject property and has considered the submitted Site Development Plan Application; Wetland Activity Permit Application; Town Stormwater Permit Application; correspondence from outside agencies; other materials submitted by the applicant in support of its proposal; the written and verbal comments from the Board's professional consultants; the verbal commentary and written submissions made during Planning Board meetings and the public hearing; observations made at Planning Board site visits; and the decisions, comments and recommendations of the other permitting agencies.

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

**BE IT FURTHER RESOLVED THAT**, the Planning Board hereby approves the following drawings, hereafter collectively referred to as "the approved Site Development Plans", subject to the below conditions:

**Plans, prepared by Insite Engineering and dated (last revised) November 29, 2018:**

- Overall Site Plan (Sheet OP-1)
- Layout & Landscape Plan (Sheet SP-1)
- Grading & Utility Plan – West End (Sheet SP-2.1)
- Grading & Utility Plan – East End (Sheet SP-2.2)
- Erosion & Sediment Control Plan – West End (SP-3.1)
- Erosion & Sediment Control Plan – East End (SP-3.2)
- Tree Plan (TR-1)
- Lighting Plan (LP-1)
- Entry Drive & Parking Profiles (PR-1)
- Drainage Profiles (PR-2)
- Sewer & Water Profiles (PR-3)
- Site Details (D-1, D-2, D-3, D-4, D-5, D-6)

**Plan Reviewed, prepared by Tim Miller Associates, Inc., Dated (Last Revised) August 2, 2018:**

- Wetland Buffer Restoration and Enhancement Plan

**BE IT FURTHER RESOLVED THAT**, Site Development Plan Approval, defined as the signing of the approved Site Development Plans by the Planning Board Chairman, shall expire unless a Building Permit is applied for within one (1) year of the date of the signing of the plans or if all required improvements are not completed within three (3) years of the signing of the plans or if the construction or use shall cease for more than one (1) year; and

**BE IT FURTHER RESOLVED THAT,** the Planning Board may extend conditional approval and approval of the Site Development Plans by not more than two (2) additional periods of ninety (90) days each if, in the Planning Board's opinion, such extension is warranted by the particular circumstances then presented; and

**BE IT FURTHER RESOLVED THAT,** any subsequent alterations, modifications, additions or changes to the approved and/or constructed improvements shall require the prior review and written approval by the Planning Board as a new, modified and/or amended application for Site Development Plan Approval; and

**BE IT FURTHER RESOLVED THAT,** failure to comply with the approved Site Development Plans or any of the conditions set forth herein shall be deemed a violation of Site Development Plan Approval, which may lead to the revocation of said approval or the revocation by the Building Inspector of any issued Building Permit or Certificate of Occupancy; and

**BE IT FURTHER RESOLVED THAT,** in the review of this Wetland Activity Permit application, the Planning Board has taken into account the factors listed under Section 217-8A of the Wetland and Watercourse Law and, in so doing, has considered and evaluated wetland and wetland buffer functions and the role of the wetland and wetland buffer areas in the hydrologic and ecological system and has determined that the impact of the proposed action upon the public health and safety; special concern, rare, threatened and endangered species; water quality and wetland and wetland buffer functions has been avoided or minimized to the maximum extent practicable; and

**BE IT FURTHER RESOLVED THAT,** the Planning Board has reviewed the criteria listed under Section 217-8B of the Wetland and Watercourse Law and has determined that impacts to the affected wetland and wetland buffer areas are necessary and unavoidable and have been minimized to the maximum extent practicable; and

**BE IT FURTHER RESOLVED THAT,** the Planning Board hereby finds that the Wetland Activity Permit Application pertaining to the proposed action is consistent with the provisions and policies of Chapter 217 of the Code of the Town of Lewisboro and said permit is hereby approved, subject to the conditions set forth below; and

**BE IT FURTHER RESOLVED THAT,** all work associated with this Wetland Activity Permit shall be conducted in strict compliance with the approved Site Development Plans; and

**BE IT FURTHER RESOLVED THAT,** no work shall commence until a Wetland Activity Implementation Permit is issued by the Town Wetland Inspector; and

**BE IT FURTHER RESOLVED THAT,** this Wetland Activity Permit shall expire without further written notice if the requirements of this Resolution are not completed, as set forth herein. As provided pursuant to the Town Wetlands and Watercourses Law, this



Wetland Activity Permit is subject to revocation should the applicant not comply with the terms and conditions of this Resolution; and

**BE IT FURTHER RESOLVED THAT,** this Wetland Activity Permit shall expire two (2) years from the date of this Resolution (February 26, 2021), unless a Wetland Certificate of Compliance has been obtained prior thereto; and

**BE IT FURTHER RESOLVED THAT,** a Town Stormwater Permit is required from the Planning Board in accordance with Section 189-5A of the Town of Lewisboro Town Code; and

**BE IT FURTHER RESOLVED THAT,** the submitted SWPPP has been prepared to comply with the requirements of the NYSDEC, NYCDEP and the Town of Lewisboro; and

**BE IT FURTHER RESOLVED THAT,** the Planning Board finds that the applicant has complied with Chapter 189, Stormwater Management and Erosion and Sediment Control, of the Town Code of the Town of Lewisboro and a Town Stormwater Permit is hereby issued, subject to the conditions set forth below; and

**BE IT FURTHER RESOLVED THAT,** this Town Stormwater Permit shall expire upon completion of work and shall be valid for a period of two (2) years from the date of this Resolution (February 26, 2021); and

**BE IT FURTHER RESOLVED THAT,** Conditions #1 - #16 must be fulfilled within six (6) months of the date of this Resolution (on or before August 26, 2019). Should these conditions not be satisfied within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) with said 6-month period and granted by the Planning Board.

**Conditions to be Satisfied Prior to the Signing of the Approved Site Development Plans by the Secretary and Chairman:**

1. All applicable Town, County, City, State and Federal permits/approvals shall be obtained by the owner/applicant and copies of same submitted to the Planning Board and Building Department. Should the plans approved herein differ from those previously approved by an agency having jurisdiction, the applicant shall be responsible for obtaining amended permits/approvals, as determined necessary. The applicant has identified the following outstanding outside agency approvals, which shall be obtained prior to the signing of the approved plans, unless otherwise noted:
  - a. WCHD approval of the water and sewage systems.

- b. NYSDEC SPDES General Permit for Stormwater Discharges to Construction Activity (GP-0-15-002). This Permit shall be issued prior to commencement of construction.
- 2. The proposed walking trail shall be illustrated and noted on the plan; the surface material of the trail shall be specified as being "earthen."
- 3. The name of the proposed road and the name of the proposed development (as it will appear on any project related signage) shall be identified on the Site Development Plans.
- 4. The applicant shall submit to the Planning Board Secretary an engineering/inspection fee equal to 5% of the estimated cost of construction (site work only as determined by the Town Engineer). Said estimate shall be prepared by a Licensed Professional Engineer and shall include unit costs, total costs and quantities for proposed site improvements; said estimate shall be provided by the applicant, in writing, and approved by the Town Engineer.
- 5. In accordance with Section 220-46G of the Zoning Code, the applicant shall supply a performance bond, or other form of security, to guarantee completion of project infrastructure in a sum approved by the Town Engineer based on a cost estimate to be prepared by the applicant's design engineer. The form of the bond or performance security shall be acceptable to the Planning Board Attorney. The delivery and acceptance of this security does not relieve the applicant of the obligation to complete the project infrastructure. Said bond or performance security shall provide for project infrastructure to be completed within eight (18) months of commencement of work and for the retention by the Town of 10% of the originally fixed amount for a period of one (1) year after the last Certificate of Occupancy has been issued.
- 6. The wetland mitigation plantings shall be bonded in the amount approved by the Town Wetland Consultant based on a wetland planting cost estimate to be provided by the applicant. Said bond shall be released after a period of three (3) years, measured from the date of the Wetland Certificate of Completion, provided that the Town Wetland Inspector verifies that a minimum of 85% of the planted species have survived.
- 7. The center of the cul-de-sac shall be identified as being surfaced with pavers, stamped concrete, or other acceptable finish; a detail shall be provided.
- 8. The plans shall be revised to include a proposed bike rack in the vicinity of the clubhouse (Building 4).



9. Each and every sheet of the approved Site Development Plans shall contain a common revision date; shall contain an original seal and signature of the Design Professional; shall contain the Town's standard signature blocks; and shall contain an original signature of the applicant(s) and owner(s).
10. The applicant shall submit a "check set" (2 copies) of the approved Site Development Plans, prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
11. Following review and revision (if necessary) of the final plans, the applicant shall furnish the Planning Board with two (2) complete mylar sets of the approved Site Development Plans for final review by the Town's consultants and endorsement by the Town Engineer, Planning Board Chairman and Secretary.
12. The applicant shall obtain a Wetland Implementation Permit, as issued by the Town Wetland Inspector.
13. The applicant shall provide a written statement identifying the professional engineer or engineer firm responsible for oversight and inspection during construction.
14. The applicant shall provide a written statement identifying the person or firm responsible for mandatory SWPPP inspections required under the NYSDEC SPDES General Permit (GP-0-15-002). A copy of all inspection reports shall be submitted on a weekly basis to the Planning Board, Town Engineer and Building Inspector during construction.
15. The applicant shall provide a written statement to the Planning Board Secretary acknowledging that they have read and will abide by all conditions of this Resolution.
16. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

**Conditions to be Satisfied Prior to the Issuance of a Building Permit:**

17. Following the endorsement of the approved Site Development Plans by the Town Engineer, Planning Board Chairman and Secretary, one (1) mylar set will be returned to the applicant for copying and the second mylar set will be retained by the Planning Board as a record copy.
18. Within ten (10) days after endorsement of the approved Site Development Plans by the Town Engineer, Planning Board Chairman and Planning Board Secretary,

the applicant shall deliver to the Planning Board Secretary nine (9) printed sets of the signed plans, collated and folded.

19. A conservation easement agreement shall be submitted, in form and content satisfactory to the Town Planner and Planning Board Attorney, and shall then be filed in the Office of the Westchester County Clerk. The applicant shall pay all recording charges and shall provide proof of filing to the Planning Board Secretary.
20. The applicant shall prepare and submit a stormwater maintenance easement and agreement, prepared in accordance with Section 189-13A and B of the Town Code, for review and approval by the Town Engineer and Planning Board Attorney. Said easement and maintenance agreement shall be filed in the office of the Westchester County Clerk. The applicant shall pay all recording charges and shall provide proof of filing to the Planning Board Secretary.
21. All proposed retaining walls more than four (4) feet in height shall be fully designed by a New York State Licensed Professional Engineer and to the satisfaction of the Building Inspector.
22. The applicant shall demonstrate that coverage has been obtained under the NYSDEC SPDES General Permits GP-0-15-001 and GP-0-15-002, as referenced above.

**Conditions to be Satisfied Prior to Commencement of Work:**

23. Prior to commencement of any site work or construction activity, a site visit shall be conducted with the applicant, contractor, design engineer, Building Inspector, and the Town's consultants. Prior to the site visit, all erosion and sedimentation controls shall be properly installed and the limits of disturbance shall be staked in the field by a licensed land surveyor as specified on the approved Site Development Plans. All trees to be preserved in proximity to the limit of disturbance line shall be marked in the field and protected in accordance with the Site Development Plans.

**Conditions to be Satisfied During Construction:**

24. During construction, the Town's consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved Site Development Plans.
25. A copy of this Resolution, approved Site Development Plans, Wetland Implementation Permit, and SWPPP shall be kept on site at all times during construction.



26. In the event blasting is required, the applicant shall comply with the Blasting Mitigation Plan, prepared by Tim Miller Associates, Inc., dated March 30, 2016, shall obtain a Blasting Permit from the Building Inspector and shall demonstrate compliance with Section 91-17 of the Town Code.
27. Unless otherwise authorized by the Town Planner, all plant material shall be installed between April 1<sup>st</sup> and October 15<sup>th</sup>. Plant substitutions, if any, must be previously approved by the Town Planner.
28. The applicant shall employ the services of a NYS Licensed Professional Engineer to supervise and inspect site work during construction.
29. The applicant shall employ the services of a Qualified Inspector, as defined by the NYSDEC SPDES General Permit, who shall conduct bi-weekly site inspections and shall deliver reports of each inspection to the Building Inspector and Town Engineer, all in compliance with the aforementioned Permit.

**Conditions to be Satisfied Prior to the Issuance of the first Certificate of Occupancy:**

30. Substantial completion of the road, driveways, and parking areas (including curbing and binder course of asphalt), to the satisfaction of the Town Engineer and Building Inspector.
31. Completion of the water and sewer systems, to the satisfaction of the WCDH, Building Inspector and Town Engineer.
32. The applicant shall provide certificates of completion from the WCDH.
33. Substantial completion of the drainage systems to the satisfaction of the Town Engineer and Building Inspector.
34. Submission of an as-built survey of the building within which the unit(s) for which a Certificate of Occupancy is to be issued, prepared by a New York State Licensed Land Surveyor and to the satisfaction of the Town Engineer, demonstrating compliance with the approved Site Development Plans.
35. The applicant shall demonstrate that the three (3) existing tax lots that comprise the subject property have been merged into one (1) parcel, to the satisfaction of the Town Assessor and Planning Board Attorney.
36. The underground water storage tank shall be filled with water and a flow test shall be conducted by either the Goldens Bridge Fire District or an outside vendor approved by the Town Engineer; written verification shall be provided.

37. Development and approval of an off-site well and on-site surface water monitoring protocol and plan, as required in Condition # 53 below.

**Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy within the Last Building to be Constructed:**

38. No Certificate of Occupancy shall issue until all proposed improvements, both site and building related, are complete to the satisfaction of the Building Inspector and the Town's consultants.
39. Completion of the road, driveways and parking areas, including the final course of asphalt, to the satisfaction of the Town Engineer and Building Inspector.
40. An as-built plan of the stormwater management practices and associated improvements shall be submitted and shall be certified by a New York State Professional Engineer.
41. Certification by a New York State Professional Engineer that all stormwater management practices and associated improvements have been installed in conformance with the approved Site Development Plans shall be submitted to the Building Inspector and Planning Board.
42. Submission of an as-built survey of the entire site, prepared by a New York State Licensed Land Surveyor and to the satisfaction of the Town Engineer, demonstrating compliance with the approved Site Development Plans shall be submitted to the Building Inspector and Planning Board.
43. Completion of all on-site landscaping and wetland mitigation. In the event that the request for a certificate(s) of occupancy within the last building to be constructed is made outside of the growing season and this condition cannot be satisfied due to weather conditions, the applicant may elect to establish a landscaping bond (8-month maximum expiration date), or other form of security found acceptable to the Planning Board Attorney, for the full plant and installation costs (plus 10% contingency), all to the satisfaction of the Town Engineer and Planning Board Attorney. Prior to the issuance of a certificate of occupancy or the release of the bond, an as-built planting plan shall be prepared to the satisfaction of the Town's consultants and submitted to the Planning Board.
44. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved Site Development Plans and this Resolution. A final inspection report shall be prepared by the Town Consulting Engineer.



45. The applicant shall obtain a Wetland Certificate of Compliance from the Town of Lewisboro Wetland Inspector.
46. The applicant shall obtain and submit all applicable certificates of compliance from the NYSDOT, NYSDEC, WCHD, NYCDEP or any other regulatory agency having jurisdiction (to the extent said agencies require issuance of same).
47. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review and inspection fees.

**Other Conditions:**

48. The applicant is responsible for the implementation of all plans and documents referenced herein.
49. Following completion and stabilization of all land construction activities, the owner/operator shall submit a completed Notice of Termination (NOT) to the NYSDEC, Division of Water and the Planning Board Secretary.
50. All on-site infrastructure, utilities, facilities and systems shall be privately owned and maintained by the applicant.
51. One (1) of the units shall be occupied by an on-site (full time) site manager/superintendent who shall be employed by the applicant. The name(s) and contact number(s) for on-site personnel shall be provided to the Building Inspector and the GBFD by the applicant.
52. There shall be no change in unit or bedroom count or change of use without the prior approval of the Planning Board through an amended Site Development Plan application.
53. The applicant shall monitor the off-site wells and on-site surface water body for a period of two (2) years following full occupancy, subject to a written monitoring protocol and plan to be approved by the Town Engineer and Town Hydrogeologist prior to the issuance of the first certificate of occupancy. The off-site monitoring program shall include the four (4) existing supply wells monitored during the 72-hour test and the on-site nested piezometers set in the wetland. Pressure transducer dataloggers shall be set in these wells to monitor water levels at a minimum interval of hourly. The collected water level readings from the data loggers shall be downloaded on a quarterly basis and the datalogger function should be checked during each quarterly visit by collecting manual measurements using an electronic water level indicator (M-Scope). The water level data shall be compiled and plotted on hydrographs and an annual summary report shall be submitted to the Town Engineer for review.

54. The underground water storage tank, to be used as a water source for fire suppression, shall be maintained by the applicant, including ensuring that the tank is filled with water and conducting annual flow tests. The Goldens Bridge Fire District shall have the right, but not the obligation, to utilize the tank for training purposes with a minimum of 48 hours' notice given to the applicant.
55. Wetland mitigation areas shall be monitored for the next three (3) growing seasons, in accordance with the NYSDEC's Freshwater Wetlands Enforcement Guidance Memorandum. Monitoring reports shall detail the success of the plantings (survival rate), success of the invasive species removal program, and shall provide recommendations/action items for the next year (if any). Monitoring reports shall be submitted to the Town Wetland Inspector and Planning Board no later than December 1<sup>st</sup> of each year and shall be based upon site reconnaissance conducted by the qualified professional prior to October 15<sup>th</sup>. The first year of monitoring will be the first year that the mitigation areas have completed a full growing season. For monitoring purposes, a growing season starts no later than May 31<sup>st</sup>.
56. Landscaping shall be maintained for the life of the facility and in accordance with the approved landscaping plan. The applicant shall be responsible for any re-grading, replanting, or irrigation necessary to ensure that the landscaping is installed and maintained in accordance with the approved plan.
57. The applicant shall be responsible for proper irrigation of trees, shrubs and herbaceous plantings shown on the landscaping and mitigations plans. The applicant shall initiate an irrigation program immediately following plant installation through the month of November and shall resume watering throughout an additional full growing season.
58. The applicant shall comply with Section 220-60 of the Zoning Code which regulates noise levels as taken from the property line.
59. All signage, if any, shall be fully compliant with Chapter 185, Signs, of the Town Code of the Town of Lewisboro. No signs, lights or other materials or devices, except as approved and detailed on the approved plans, shall be permitted to be supported, hung, flown, or otherwise attached to site buildings, structures or the site grounds. The applicant shall obtain any and all approvals from the ACARC relating to signage.
60. The applicant shall implement the IPM, prepared by Tim Miller Associates, Inc., dated August 30, 2016. The applicant shall manage the site in accordance with this IPM for the life of the project, unless an amended IPM is approved by the Planning Board.



61. The applicant shall maintain an on-site shuttle bus service for its residents which shall provide daily service to the Goldens Bridge/Metro-North Railroad Train Station, local shopping opportunities and medical service providers.
62. The applicant shall be responsible for keeping the driveways, parking areas, sidewalks, and walkways clear of snow and ice in a reasonable amount of time following a storm event.
63. An Automated External Defibrillator (AED) shall be located within the clubhouse.
64. Each building shall be served by an automatic emergency back-up generator. At a minimum, the generators shall provide emergency lighting to each building and shall power the fire suppression (sprinkler) system and the central alarm systems. The generator to serve Building 4 shall also provide lighting, heating, air conditioning, and hot water to the clubhouse. The generator to serve Building 5 shall also power the elevator.
65. Mailboxes shall be located within Building 4 (the clubhouse) or, if located outside, in proximity to Building 4.
66. The proposed buildings shall include fire sprinkler systems meeting all applicable building and fire code requirements and regulations.
67. Each building shall be equipped with an additional fire connection and dry line to service sprinkler heads in the building attics.
68. The proposed buildings shall include central station monitored fire alarm systems with smoke and carbon monoxide detectors, including heat detectors in unfinished, non-habitable attic spaces.
69. All proposed buildings shall include a Knox Box Rapid Entry System and truss construction placards.
70. All proposed buildings shall be outfitted with fire connections at locations to be coordinated with the Goldens Bridge Fire District.
71. Oversized vehicles (length greater than 18 feet) shall not be permitted to be parked on the site other than in those parking spaces specifically labeled as "Oversized Vehicle Parking Permitted".
72. The applicant, through its on-site manager/superintendent, shall be responsible for ensuring that parking spaces are utilized in a manner consistent with the approved site development plan and the requirements of this resolution.

73. The designated open space area, to be preserved by conservation easement, shall be open to the general public.
74. The septic areas, once established, shall be designated as "limited mow areas" and shall not be mowed more than twice per year. Once established, the meadow areas and "Buffer Enhancement Areas", as denoted on the Site Development Plans, are not intended to be mowed. Stormwater basins are intended to be maintained in accordance with the project SWPPP and the Permanent Stormwater Facilities Maintenance Schedule provided on the Site Development Plans.
75. The continued validity of a Certificate of Occupancy shall be subject to continued conformance with the approved Site Development Plans and the conditions of this Resolution.
76. All commitments, conditions and requirements set forth in this Resolution shall be binding upon the applicant, its agents, affiliates, transferees, successors and assigns.

#### ADOPTION OF RESOLUTION

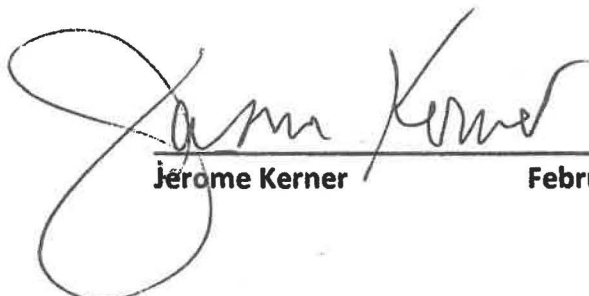
WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: Janet Andersen

The motion was seconded by: Jerome Kerner

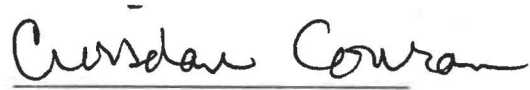
The vote was as follows:

JEROME KERNER	<u>aye</u>
GREG LASORSA	<u>against</u>
RICHARD SKLARIN	<u>aye</u>
JANET ANDERSEN	<u>aye</u>
MAUREEN MAGUIRE	<u>abstain</u>

  
Jerome Kerner February 26, 2019

#### STATE OF NEW YORK COUNTY OF WESTCHESTER TOWN OF LEWISBORO

I, Ciorsdan Conran, Administrator to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 26<sup>th</sup> day of February, 2019 and that the same is a true and correct copy of said original and of the whole thereof.

  
Ciorsdan Conran  
Planning Board Administrator

Dated at South Salem, New York  
This 27<sup>th</sup> day of February, 2019



## SITE IMPROVEMENT BOND

Bond Number: LPM9292398

KNOW ALL MEN BY THESE PRESENTS, that we Wilder Balter Partners, Inc.

480 Bedford Road, Chappaqua, NY 10514, as principal (the "Principal"), and Fidelity and Deposit Company of Maryland; 600 Red Brook Blvd, 4<sup>th</sup> Floor, Owings Mills, MD 21117 as surety (the "Surety"), are held and firmly bound unto Town of Lewisboro, State of New York, as Obligee (the "Obligee"), in the penal sum of One Million Eighty One Thousand Six Hundred Thirty Nine and 00/100--- Dollars (\$1,081,639.00--), for the payment of which sum well and truly to be made, the Principal and Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Whereas, Principal has been granted Site Development Plan Approval by the Town of Lewisboro Planning Board pursuant to Resolution dated February 26, 2019, for a 42 unit affordable rental project to be constructed on +/- 35.4 acres of vacant land located on the easterly side of Route 22 in the Town of Lewisboro, Westchester County, which land is designated on the tax map of the Town of Lewisboro as Sheet 5, Block 10776, Lots 19, 20 & 21. The Resolution is conditioned upon the Principal supplying a performance bond to guarantee completion of project infrastructure in the sum approved by the Town Engineer, which sum has been set at \$1,081,639 as per the attached cost estimate prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated March 7, 2019. The project infrastructure shall be completed within 18 months of commencement of work. 10% of the originally fixed amount of this bond shall be retained for a period of one (1) year after issuance of the last certificate of occupancy for the project to insure the soundness and integrity of such project infrastructure.

WHEREAS, the Obligee has approved said Improvements upon the execution and delivery of this bond NOW, THEREFORE, THE CONDITION OF THE OBLIGATION IS SUCH, if the Principal shall promptly and faithfully complete said improvements in accordance with the present standard specification of the Town of Lewisboro Site Development Plan, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

### PROVIDED AND SUBJECT TO THE CONDITION PRECEDENT:

No right of action shall accrue upon or by reason hereof, to or for the use or benefit of any person other than the Obligee named herein; furthermore, this Bond cannot be assigned absent the express written consent of the Surety.

Notwithstanding any other provision of this bond or otherwise, the Surety is not responsible for and shall not be held liable to the Obligee for any hazardous waste removal and the Surety shall not be held liable to, or in any other respect to be responsible to, the Obligee by way of indemnity, claims or otherwise, or to any public authority or to any other person, firm or corporation, for or on account of any fines or claims by any public authority or for bodily injury or property damage to any person or thing, including, but not limited to, Injury or damage due to the release or threat of release of hazardous substances of any kind or damage to real estate or to the environment or clean-up costs to other damages of whatever kind or nature arising out of any act of commission or omission by the Principal, the Principal's agents, servants,

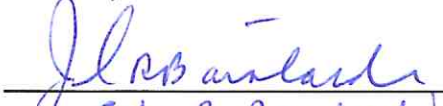
employees, subcontractors or suppliers or any other person in connection with the performance of the Contract. This limitation applies regardless of when any such fine is assessed, claim is made, or injury, damage, release or threat of release occurs and without regard to any term or condition of the Contract.

The Surety hereby waives notice of any alteration or extension of time made by the Obligee.

Any claims must be presented in writing to Fidelity and Deposit Company of Maryland to the attention of The Surety Law Department at the address indicated above.

DATED as of this 18th day of March, 2019.

WITNESS/ATTEST:

  
John R. Barnard

Wilder Balter Partners, Inc.

(Principal)

By:  (Seal)

Name:


Title:

Gary Friedland  
COO

Fidelity and Deposit Company of Maryland

(Surety)

By:

 (Seal)  
Benedict J. Tockarshewsky, Attorney-In-Fact





## SITE WORK BOND ESTIMATE

3 Garrett Place, Carmel, New York 10512  
(845) 225-9690 Fax: (845) 225-9717

Page 1 of 2

Wilder Balter Partners, Inc.

Route 22, Town of Lewisboro

Estimate based on plans last revised 11-29-18.

BY: AT DATE: 3-7-19

PROJECT: 15246.100

Category	Description	Unit	Quantity	Price (\$)	Amount (\$)
<b>EROSION CONTROL</b>	CONSTRUCTION ENTRANCE	LS	1	\$7,500.00	\$7,500.00
	SILT FENCE	LF	2,570	\$4.00	\$10,280.00
	INLET PROTECTION	EA	29	\$300.00	\$8,700.00
	EROSION CONTROL MATTING	SY	4,000	\$2.00	\$8,000.00
	TEMP CHECK DAMS	EA	9	\$200.00	\$1,800.00
	TEMPORARY SEDIMENT TRAPS	LS	1	\$7,500.00	\$7,500.00
	<b>SUBTOTAL</b>	----	----	----	<b>\$43,780.00</b>

<b>DRAINAGE</b>	15" HDPE PIPE	LF	1389	\$35.00	\$48,615.00
	18" HDPE PIPE	LF	264	\$38.00	\$10,032.00
	24" HDPE PIPE	LF	624	\$42.00	\$26,208.00
	30" HDPE PIPE	LF	190	\$57.00	\$10,830.00
	36" HDPE PIPE	LF	87	\$62.00	\$5,394.00
	ROOF DRAINS (TO STRUCTURE)	LF	150	\$20.00	\$3,000.00
	END SECTIONS	EA	4	\$400.00	\$1,600.00
	DRAINAGE STRUCTURES (CB's, DMH's, DI's, FS's)	EA	42	\$3,500.00	\$147,000.00
	YARD DRAINS	EA	1	\$1,000.00	\$1,000.00
	GRASS SWALE	LF	755	\$10.00	\$7,550.00
	ROCK OUTLET PROTECTION	EA	2	\$500.00	\$1,000.00
	<b>SUBTOTAL</b>	----	----	----	<b>\$262,229.00</b>

<b>SITE PAVEMENT</b>	SUBBASE 8"	CY	3,170	\$50.00	\$158,500.00
	CONCRETE CURB	LF	3,375	\$21.00	\$70,875.00
	MOUNTABLE CURB	LF	160	\$21.00	\$3,360.00
	ASPHALT BINDER COURSE 3"	SY	7,140	\$26.00	\$185,640.00

Category	Description	Unit	Quantity	Price (\$)	Amount (\$)
<b>SITE PAVEMENT</b>	ASPHALT TOP COURSE 2"	SY	7,140	\$17.00	\$121,380.00
(Continued)	CONCRETE SIDEWALKS	SF	8,440	\$10.00	\$84,400.00
	GRAVEL ACCESS DRIVE	SY	2430	\$10.00	\$24,300.00
	<b>SUBTOTAL</b>	-----	-----	-----	<b>\$648,455.00</b>
<b>MISC.</b>	LANDSCAPING	LS	1	\$75,000.00	\$75,000.00
	SEED & MULCH - LAWN	AC	2	\$1,000.00	\$2,000.00
	SEED & MULCH - STEEP SLOPES MIX	AC	2	\$1,000.00	\$2,000.00
	TRAFFIC SIGNS	EA	31	\$200.00	\$6,200.00
	FENCING	LF	940	\$20.00	\$18,800.00
	GUIDERAIL	LF	927	\$25.00	\$23,175.00
	<b>SUBTOTAL</b>	-----	-----	-----	<b>\$127,175.00</b>
	<b>TOTAL</b>		<b>TOTAL</b>		<b>\$1,081,639.00</b>

NOTE: This site work estimate does not include improvements in NYSDOT right of way.

This site work estimate does not include improvements in water supply improvements or sanitary system improvements.



## Individual Acknowledgment

State of \_\_\_\_\_

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came \_\_\_\_\_ to me known, and known to me to be the individual in and who executed the foregoing instrument, and acknowledged to me that he/she executed the same.

My commission expires \_\_\_\_\_

Notary Public

## Corporation Acknowledgment

State of New York  
County of Westchester

On the 19th day of March, 2019 before me personally came Gary Friedland to me known; who being by me duly sworn, did depose and say that he/she/they reside(s) in Connecticut that he/she/they is (are) the COO of the Wilder Balter Partners, Inc., the corporation described in and which executed the above instrument; that he/she/they know(s) the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by authority of the board of directors of said corporation, and that he/she/they signed his/her/their name(s) thereto by like authority.

Elizabeth D George  
Notary Public, State of New York  
LIC # 01GE6365190  
Qualified in Putnam County  
Commission Exp. Oct 2, 2021

My commission expires 10/2/2021

Elizabeth D George  
Notary Public

## Surety Acknowledgment

State of New York

County of Westchester

On the 18th day of March, 2019 personally came Benedict J. Tockarshewsky to me known, who being by me duly sworn did depose and say that he/she is an Attorney-in-Fact of Fidelity and Deposit Company of Maryland in and which executed the above Instrument know(s) the corporate seal of said corporation; that the seal affixed to the within instrument is such corporate seal, and that he/she/they signed the said instrument and affixed the said seal as Attorney-in-fact by authority of the Board of Directors of said corporation and by authority of this office under the standing resolution thereof.

TINA CASTIELLO  
NOTARY PUBLIC - STATE OF NEW YORK  
No. 01CA6191205  
Qualified in Westchester County  
My Commission Expires August 04, 2020

My commission expires \_\_\_\_\_

Tina Castillo  
Notary Public

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **William D. HAAS, Denese THOMPSON, Marnie GINSBURG and Benedict J. TOCKARSHEWSKY, all of White Plains, New York, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 6th day of February, A.D. 2019.



**ATTEST:**  
**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

By: *Robert D. Murray*  
Vice President

By: *Dawn E. Brown*  
Secretary

**State of Maryland  
County of Baltimore**

On this 6th day of February, A.D. 2019, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn, Notary Public  
My Commission Expires: July 9, 2019



# THE FIDELITY AND DEPOSIT COMPANY

OF MARYLAND

600 Red Brook Blvd., Suite 600, Owings Mills, MD 21117

## Statement of Financial Condition

As Of December 31, 2017

### ASSETS

Bonds .....	\$ 131,463,323
Stocks .....	23,365,385
Cash and Short Term Investments.....	15,943,690
Reinsurance Recoverable .....	7,520,824
Federal Income Tax Recoverable.....	62,266
Other Accounts Receivable .....	35,672,323
TOTAL ADMITTED ASSETS .....	<u>\$ 214,027,811</u>

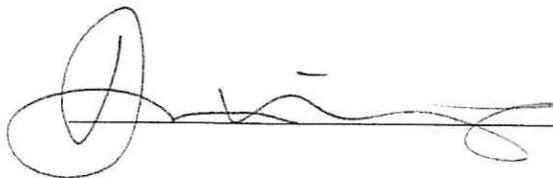
### LIABILITIES, SURPLUS AND OTHER FUNDS

Reserve for Taxes and Expenses .....	\$ 580,990
Ceded Reinsurance Premiums Payable .....	42,235,595
Securities Lending Collateral Liability .....	0
TOTAL LIABILITIES .....	<u>\$ 42,816,584</u>
Capital Stock, Paid Up .....	\$ 5,000,000
Surplus .....	<u>166,211,227</u>
Surplus as regards Policyholders.....	171,211,226
TOTAL .....	<u>\$ 214,027,811</u>

Securities carried at \$62,198,396 in the above statement are deposited with various states as required by law.

Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of market quotations for all bonds and stocks owned, the Company's total admitted assets at December 31, 2017 would be \$213,515,173 and surplus as regards policyholders \$170,698,588.

I, DENNIS F. KERRIGAN, Corporate Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2017.

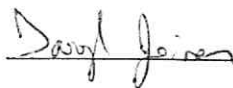


Corporate Secretary

State of Illinois

City of Schaumburg } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 9<sup>th</sup> day of March, 2018.



Notary Public





# TOWN OF LEWISBORO

## BUILDING DEPARTMENT

79 Bouton Road  
South Salem, NY 10590  
(914)763-3060

# CERTIFICATE OF OCCUPANCY

Certificate No: 0200-2023

Date: 05/25/2023

Permit No: 2021-0404

Location: 100 BEEKMAN LN

S/B/L: 10776-019-0005

THIS CERTIFIES that the building located at the premises indicated above conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated pursuant to which Building Permit was issued, and conforms to all of the requirements of the applicable provisions of law. The occupancy for which this certificate is issued is:

NEW MULTI-FAMILY RESIDENCE - BUILDING #5 OF 5 OF THE 42-RMF UNITS PURSUANT TO CAL #10-15PB, #20-17WP, #5-17SW #10-17ACARC/PB & AS PER THE 2020 BUILDING CODE OF NYS

This certificate is issued to: LEWISBORO COMMONS HOUSING  
WB LEWISBORO LLC  
CHAPPAQUA, NY 10514

Building Inspector: \_\_\_\_\_

Kevin Kelly





**TOWN OF RIDGEFIELD**  
Planning and Zoning Commission

Rec'd on  
6/20/2023

June 07, 2023

Janet Donahue, Town Clerk  
Town House, 11 Main Street  
P.O. Box 500  
South Salem, NY 10590

**Re: Referral under Section 8-7d of the Connecticut General Statutes: Application for Amendment to Section 2.2-Definitions: Outdoor Dining and Digital Signage; Section 8.8 Special Provisions-Outdoor Dining; Section 7.2.C, Section 7.2.E and Section 7.2.G for Digital Signage.**

Dear Ms. Donahue:

Per Section 8-7d of the Connecticut General Statutes, "the zoning commission, planning commission, zoning and planning commission...shall notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which... any portion of the property affected by a decision of such commission, board or agency is within five hundred feet of the boundary of the adjoining municipality". Per Section 8-7d, "such notice shall be made by certified mail, return receipt requested, and shall be mailed *within seven days* of the date of receipt of the application, petition, request or plan."

This letter is to inform you, that on June 06, 2023, the Town of Ridgefield Planning and Zoning Commission (Commission) statutorily received the following Commission initiated amendments A-23-2 to amend Sections 2.2; 7.3.C; 7.3.E; 7.3.G and A-23-3 to amend Section 2.2; 8.8.

Please reference the attached material and access to our online permitting system for Amendment Application A-23-Digital Signage:

<https://ridgefieldct.viewpointcloud.com/records/91961>

Amendment Application A-23-3-Outdoor Dining:

<https://ridgefieldct.viewpointcloud.com/records/91962>

**Public hearings on the proposed amendment will be held on Tuesday, June 20, 2023, at 7:00 p.m. via hybrid model at the Ridgefield, Town Hall Annex, 66 Prospect St., Ridgefield CT 06877 or registering in advance for the webinar at below link.**

[https://us02web.zoom.us/webinar/register/WN\\_7TLf\\_DBrTzeurOAmNI99A](https://us02web.zoom.us/webinar/register/WN_7TLf_DBrTzeurOAmNI99A)

If you need additional information, please contact me at 203-431-2767.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Alice Dew', with a stylized, cursive script.

Alice Dew  
Director, Planning and Zoning

CERTIFIED MAIL: 7022 2410 0001 5974 5850

cc: Janet Donahue, Town Clerk  
Subject File



**F. SIGN LOCATION AND CONSTRUCTION**

1. No sign, other than official street or highway signs, shall be erected or maintained within street or highway rights-of-way.
2. No sign shall project over any private property line without the express written permission of the affected property owner
3. No sign shall be placed so as to:
  - a. interfere in any way with the vision of pedestrian or vehicular traffic, traffic signals or signs, or
  - b. endanger traffic on a street or public way by obscuring a clear view of, or by confusion with, official street signs, highway signs, or signals.
4. No sign shall be affixed to the roof of any building; nor shall any sign affixed to any wall of any building project above the top of said wall.
5. All signs shall be designed, constructed, erected and maintained in accordance with the standards specified in the state building code.
6. No sign shall consist of, contain, or appear to contain rotating, vibrating or moving materials such as paper, cloth or metal, whether attached to a fixed sign or used independently thereof.
7. No sign shall be constructed, illuminated, or function in a way so as to appear to rotate, vibrate, move, or otherwise be animated.

**G. SIGN ILLUMINATION**

1. The illumination of permitted signs shall be non-animated and non-flashing, **unless specifically approved by the Commission via Special Permit.**
2. No sign shall be **externally** illuminated by other than white incandescent or white fluorescent lights, unless specifically approved by the Commission. **The color temperature of lights should be 3000 kelvin or less whenever possible; no light shall exceed 4000 kelvin unless specifically approved by the Commission.**
3. Any internally illuminated sign shall consist of a dark or opaque background with lighter-colored lettering unless specifically approved by the Commission. **Digital or electronic signage, or any other self-luminous sign, when approved by Special Permit, shall be designed and/or controlled with a luminosity limit of 150 nits during nighttime/dark conditions, and 5,000 nits during daytime/sunlight conditions. Automatic control of luminance based on ambient lighting conditions, within the range defined above, is encouraged.**
4. Light sources shall be so located to preclude light trespass into the street or any adjoining property.
5. Spotlights or floodlights for signs shall be shielded so that:
  - a. the source of light shall not be visible from any point off the premises on which the sign, building or structure being illuminated is erected, and
  - b. only one (1) sign is directly illuminated thereby.

RECEIVED AT  
PUBLIC HEARING

MAR 21 2023

PLANNING & ZONING  
COMMISSION

## **Special Provisions for Outdoor Eating Areas (Updated 05/11/2023)**

### **2.2 Defined Terms**

#### **Outdoor Eating Area:**

An outdoor area serving as an Accessory Use to a Restaurant, Cafe, Tavern or Retail Food Establishment for the service of food and beverages, including alcoholic liquor that allows for tables and chairs for outdoor table service or self-service dining,

### **8 Special Provisions**

#### **8.8 Special Provisions for Outdoor eating areas.**

Each of the following uses is permitted in each district to the extent indicated for that use and district, subject to all provisions of the applicable district, except as specifically provided for in this section. Every application for the use of property subject to conditions set forth herein shall be filed in accordance with the provisions of these regulations, and shall be subject to approval by any commission, board or agency stipulated in this section.

For use of Town-owned property including sidewalks, parking spaces, roads, or road right-of-way, or for Mobile Food Trucks, contact the Selectman's Office for their approval process.

Outdoor Eating Areas as defined in §2.2 shall be permitted in all Non Residential Zones on privately-owned property subject to the following requirements:

**1. Required Planning and Zoning Approvals.** A Zoning Permit application shall initially be submitted to the Planning and Zoning Office and is eligible for approval by the Planning and Zoning Director or ZEO and will be subject to obtaining a Zoning Permit. After the initial Zoning Permit is granted, the use shall be subject to an annual Zoning Permit from the Planning and Zoning Office renewed by May 1st each year thereafter provided there are no changes, or a new Zoning Permit application must be obtained.

**2. Required Other Department Approvals.** Prior to submission of a Zoning Permit application, an Outdoor Patio approval must be obtained directly from:

- a. The Ridgefield Health Department.
- b. Approval by WPCA if on sewer.
- c. The Fire Marshal's Office.
- d. The Building Department when utilizing tents, membrane structures, other temporary or permanent structures utilized for occupancy.
- e. The Police Department for any Outdoor Eating Areas that abut driveways, parking lots and streets or are located within parking areas.



- f. Parking Authority if parking spaces are being used.
- f. Highway Dept. for any right of way encroachments.

3. **Location.** Outdoor Eating Areas may be located on privately-owned property as follows: On-site, or on an abutting property with the approval of the property owner, in either case subject to providing a pathway constructed in compliance with Federal ADA requirements that is at least four-feet wide.

- a. Outdoor Eating Areas may be located on a privately-owned sidewalk in front of the Principal use, provided a four-foot-wide clear path shall be maintained consistent with the federal ADA requirements.
- b. Outdoor Eating Areas may be located within parking areas to support the Principal use provided a Barrier Protection Plan is submitted that is subject to approval by the Ridgefield Police Department.
- c. Fire Department Appurtenances. No Outdoor Eating Area or related Structure shall impede access to fire hydrants, fire lanes, or fire department connections

4. **Size.** The Outdoor Eating Area shall not exceed 30% of the total Floor Area of the Principal use.

5. **Parking Requirements.** There are no minimum parking requirements for Outdoor Eating Areas.

6. **Setbacks/Coverage.** Outdoor Eating Areas shall not be permitted within 50-feet of a residential zoning district boundary line unless separated from the Residential Zone by a public street or a waterbody. No Front Landscape Area may be removed to accommodate an Outdoor Eating Area. Structures used for an Accessory Outdoor Eating Area are exempt from Coverage requirements.

7. **Lighting.** Any lighting shall be down directed and not shed light beyond the property line.

8. **Covers.** Enclosures and structures consisting of the use of, tents, awnings, igloos, pergolas and covers with rigid supports, fabric or non-rigid sides is permitted per the Connecticut State Building Code and the Connecticut State Fire Safety Code provided they meet the requirements under such sub-sections.

Following the granting of a Zoning Permit, a Building Permit and permit from the Office of the fire Marshal shall be obtained for the following:

- a. Installing temporary or permanent electrical service to any outdoor structure.
- b. Installing temporary or permanent heating or air conditioning.
- c. Any tent in excess of 400 SF.
- d. Any tent in excess of 700 SF with open sides.
- e. Or multiple tents set side by side without a 12-foot fire break whose aggregate area is in excess of 700 SF.

9. **Hours of Operation.** The hours of operation shall be limited to 6:30 a.m. to 11:00 pm Sundays through Thursdays and 6:30am to 12:00 midnight on Fridays and Saturdays. There shall be no music in any Outdoor Eating Area after 9:00 p.m.

10. **Signage.** No additional signage shall be permitted