

Meeting of the Planning Board of the Town of Lewisboro held at the Justice Court at 79 Bouton Road, South Salem, New York on Tuesday, August 15, 2023 at 7:30 p.m. The audio recording of this meeting is Lewisboro Planning Board 230815_001.MP3

Present: Janet Andersen, Chair
Susan Gerry
John Gusmano
Charlene Indelicato
Jud Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Joseph Cermele, P.E., Kellard Sessions Consulting
Ciorsdan Conran, Planning Board Administrator
Kevin Kelly, Building Inspector
Sally Frank, Conservation Advisory Council (CAC)

Absent: Bruce Thompson.

Ms. Andersen opened the meeting at 7:32 p.m., welcomed Susan Gerry to the Board and noted the exits.

I. PUBLIC HEARING

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

(1:56 – 6:29)

Lewisboro Commons (Wilder Balter Partners), 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.

Chris Hahn, Wilder Balter Partners, was present.

No members of the public commented on the application tonight.

Ms. Andersen stated the Board had received a request for a partial release of the apartments' construction performance bond and sent that request on to the Town Board who authorized the Planning Board to conduct the public hearing and make a determination.

On a motion made by Ms. Indelicato, seconded by Mr. Gusmano, the Board closed the public hearing for Lewisboro Commons (Wilder Balter), 100 Beekman Lane, Goldens Bridge, NY at 7:36 p.m. In favor: Ms. Andersen, Ms. Gerry, Mr. Gusmano, and Ms. Indelicato. Absent: Mr. Thompson.

Mr. Siebert reviewed the draft resolution and stated that the infrastructure has been constructed satisfactorily and the final CO has been issued. He noted that a new bond for \$108,163.90 (10% of the initial amount) is to be filed prior to the release of the entire current performance security of \$1,081,639.00.

Mr. Cermele reiterated that the site work has been completed and is satisfactory.

On a motion made by Mr. Gusmano, seconded by Ms. Indelicato, the resolution dated August 15, 2023, granting a partial release (90%) of the performance bond for the Lewisboro Commons (Wilder Balter), 100 Beekman Lane, Goldens Bridge was adopted. In favor: Ms. Andersen, Ms. Gerry, Mr. Gusmano, and Ms. Indelicato. Absent: Mr. Thompson. A copy of the Resolution is attached and is part of these minutes.

II. SITE DEVELOPMENT PLAN REVIEW

Cal #01-23PB, Cal #11-23SW

(6:30 – 10:32)

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

John Assumma, Waccabuc Country Club; and Michael Sirignano, Esq.; were present.

Mr. Cermele reviewed the draft resolution.

On a motion made by Mr. Gusmano, seconded by Ms. Indelicato, the resolution dated August 15, 2023, for the Waccabuc Country Club pickleball courts, 74 Mead Street, Waccabuc, was adopted. In favor: Ms. Andersen, Ms. Gerry, Mr. Gusmano, and Ms. Indelicato. Absent: Mr. Thompson. A copy of the Resolution is attached and is part of these minutes.

III. WETLAND PERMIT REVIEWS**Cal #22-23WP, Cal #02-23WV**

(15:15 - 15:44)

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) - Application for remediation of wetlands.

No one was present on behalf of the owner.

Ms. Andersen stated the homeowners requested an adjournment to next month and the Board set a control date for the September 19, 2023 meeting.

Cal #29-23WP, Cal #09-23SW

(15:45 – 38:50)

Bernabo vacant land, 96 Post Office Road, Waccabuc, NY 10597; Sheet 25, Block 10812, Lot 3; (Alex Bernabo, owner of record) – Application for a new well, septic and house.

Alex Bernabo, owner, and Peder Scott were present.

Mr. Scott stated the proposal is to construct a two-bedroom house on a pre-existing non-conforming lot which contains pristine wetlands. He noted that this matter is a Type II action under SEQRA and has received a DEP variance for slopes exceeding 15%.

Mr. Scott listed the following details:

- the house is within the local 150' wetland buffer;
- there will be 0.5 acres of disturbance;
- there will be 0.19 acres of onsite wetland mitigation;
- the applicant will consider a fee in lieu of 1:1 onsite mitigation or offsite mitigation;
- the septic has DOH approval and is outside the wetland line;
- the driveway is to be either gravel or grasscrete;
- driveway runoff will be captured by a rock outlet sediment trap;
- a split-rail fence is to demarcate the edge of the disturbance;
- the new well will be accessed through a 10' gravel way;
- there will be a 32' x 20' planter to take the roof water and filter it before discharge in the wetlands;

- there will be grass lawn and planting beds;
- 35 trees will be removed where drive is proposed; and
- the maples near the street will remain.

Mr. Cermele reviewed the Kellard Sessions memo and noted that the wetlands need to be verified.

Mr. Scott stated that before a site walk paths will need to be cut through the barberry. He noted he would submit a planting plan and schedule a meeting with Mr. Johannessen.

The Board reached consensus to refer this application to the Building Inspector for site plan compliance and will schedule a site visit after the consultants have reviewed the resubmission.

Cal #30-23WP

(38:51 - 47:26)

Bisset Residence, 65 Lake Shore Drive, South Salem, NY 10590; Sheet 36G, Block 11174, Lot 3 (Patricia & Paul Bisset, owners of record) – Application for a new patio, retaining walls, plantings and walkways.

Paul Fusco was present on behalf of the owners.

Mr. Fusco stated that the proposal is to install a new stone patio section (500 sf to be added), fire pit, stone walkways, stone lawn stairs, stone retaining walls, landscaping, and wetland mitigation planting. He noted that the area of disturbance is 4,000 sf and 1:1 planting mitigation is proposed.

Ms. Andersen requested large species of trees be considered for the two hemlock trees that are to be removed. Mr. Fusco stated the plan includes planting 4 trees, 150 shrubs and 600 perennials.

On a motion made by Ms. Indelicato, seconded by Mr. Gusmano, the Board determined that the patio and walkway / retaining wall improvements at the Bisset Residence, 65 Lake Shore Drive, South Salem, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Gerry, Mr. Gusmano, and Ms. Indelicato. Absent: Mr. Thompson.

Cal #31-23WP

(47:27 – 53:32)

Long Pond Preserve channel, 0 Tarry-A-Bit Drive, Waccabuc, NY 10597; Sheet 22, Block 11155, Lots 143 & 145 and Sheet 25, Block 11155 Lot 139 (Three Lakes Council, owner of record) – Application for an East of Hudson Watershed Corporation stormwater retrofit/channel stabilization project on Long Pond Preserve.

Kevin Fitzpatrick, East of Hudson Watershed Corporation (EOH), was present on behalf of the owners.

Ms. Andersen recused herself at 8:19 p.m. and Ms. Indelicato chaired the meeting.

Mr. Fitzpatrick stated that the EOH addresses DEC stormwater treatment requirements within the DEP watershed. He noted the proposal is to stabilize the channels coming off Tarry-A-Bit Drive and heading to Lake Waccabuc through reshaping the channel a bit, willow stakings to create root systems on the stream banks and the installation of some riprap to slow sediment.

Mr. Fitzpatrick stated this is DEP funded work with the goal of lowering phosphorus levels in the lake. He noted that there will be an easement agreement between the Three Lakes Council and Town for long-term maintenance and he will submit a SWPPP.

On a motion made by Mr. Gusmano, seconded by Ms. Gerry, the Board determined that the stabilization work at the Long Pond Preserve channel, 0 Tarry-A-Bit Drive, Waccabuc, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Gerry, Mr. Gusmano, and Ms. Indelicato. Absent: Mr. Thompson. Abstain: Ms. Andersen.

Ms. Andersen returned to the meeting at 8:25 p.m.

IV. SPECIAL USE PERMIT

Cal #02-10PB

(53:33 – 1:03:57)

Bedford Audubon Society, 35 Todd Road, Katonah, NY 10536; Sheet 5, Block 10776, Lots 7 & 30 and Sheet 5, Block 10777, Lot 3 (Bedford Audubon Society, owner of record) – Application for the renewal of a Special Use Permit or a private nature preserve.

William Cavers, Bedford Audubon Society (BAS), was present.

Mr. Cavers stated this is an application for a special use permit renewal for an existing private nature preserve and he listed proposed improvements proposed at the site:

- repairs to the stable and greenhouse so they could have uses similar to the main building (maintenance, storage, and classrooms);
- a wheelchair lift at the main building;
- a gravel walkway at rear of property to increase access for strollers; and
- dam repair / restoration of the two ponds to create more wetlands and attract more waterfowl.

Mr. Cavers stated that that all events will be capped at 40 people and that BAS has received some grant money from NY State.

Ms. Andersen noted that the improvements should be discussed with the Wetland Inspector.

Ms. Conran stated that Chief Alfano and Highway Superintendent Ripperger had not issued or received any complaints related to the site.

The Board reached consensus to schedule the public hearing for September 19, 2023, refer the matter to the Westchester County Planning Board and instructed the consultants to prepare a draft resolution.

V. SITE VISIT REPORT

Cal #26-23WP

(10:33 – 15:15)

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.

Eleanor Militana, John Setias and Don Ukers, First Taxing District Water Dept., were present.

Ms. Andersen reported on the site visit held on Saturday, August 12, 2023; Scott's Dam was accessed through 9 Wakeman Road, South Salem, NY.

Attendees:

- For the applicant: Rob Corbo, Eleanor Militana, John Setias, and Don Ukers.

- Planning Board: Janet Andersen, Susan Gerry, John Gusmano, and Charlene Indelicato.

The group parked along the road, which they noted still had space to pass, and did not appear that heavily traveled during our visit. The applicants said that workers would be likely to park along the road; the Board's assessment was that such parking would not impact traffic. The edges of the easement were staked, and the access way was wide, unimpeded by vegetation, and generally in good condition. They thought that frequent and heavy truck traffic might require some gravel or rock maintenance, and perhaps one tree might have to be removed. The reservoir body was largely vegetated, with only a small area of water remaining in the area.

The group then walked down the path that would be taken to the dam, which was largely riprap underfoot, vegetated, and had been mowed. We crossed one small stream which would be bridged for construction and up a ramp to the top of the dam. The downstream face of the dam was almost vertical, and the slope facing the reservoir area was also quite steep, which the applicant proposes to make more gradual and extend further into the reservoir area. The Board saw the area of the spillway and also where the parapet would be placed to increase the retention capacity of the dam.

The Chair's assessment, and hopefully that of the Board, was that the site walk was very helpful and allayed much of her concerns. The access way seemed likely to require only minor modifications. While the applicant deferred many of the detailed approaches to the eventual contractor, this did not appear to be the difficult site access that had been feared.

The applicant also reported that they were in frequent communication with the neighbors and kept them abreast of the status, including that a site walk would take place.

The applicant agreed to submit the EAF, Part 2 for the September 19, 2023 meeting.

VI. CORRESPONDENCE

(1:03:58 – 1:06:33)

Delaware County Department of Planning and Watershed Affairs – Lead Agency Notification for land acquisition in the EOH and WOH water sheds.

Ms. Andersen stated this matter is a request from Delaware County Department of Planning and Watershed Affairs to be lead agency for land acquisition in the EOH and WOH water sheds. She noted that three state agencies have said no to Delaware County having lead agency status because the proposed land acquisition impacts eight separate counties.

On a motion made by Mr. Gusmano, seconded by Ms. Gerry, the Board authorized the Chair to sign a letter to the Town Board recommending that the Town Board ask for more information and not agree to Delaware County having lead agency status over the proposed land acquisition. In favor: Ms. Andersen, Ms. Gerry, Mr. Gusmano, and Ms. Indelicato. Absent: Mr. Thompson.

(1:06:34 – 1:07:15)

Ridgefield, CT Planning and Zoning Commission to amend its Town Code § 2.2 - renewable energy systems.

Ms. Andersen stated this matter is a referral from Ridgefield, Connecticut's Planning and Zoning Commission. She noted that Ridgefield is proposing changes to the renewable energy systems sections of its Town Code, specifically sections relating to solar installations.

On a motion made by Ms. Indelicato, seconded by Ms. Gerry, the Board authorized the Chair to sign a letter to the Town Board stating that the Planning Board has 'no comment,' with regard to recent proposed changes to Ridgefield, Connecticut's Town Code. In favor: Ms. Andersen, Ms. Gerry, Mr. Gusmano, and Ms. Indelicato. Absent: Mr. Thompson.

VII. MINUTES OF July 18, 2023.

(1:07:16 - 1:07:45)

On a motion made by Mr. Gusmano, seconded by Ms. Indelicato, the Board approved the minutes of the July 18, 2023 meeting, as submitted by the Planning Board Administrator. In favor: Ms. Andersen, Mr. Gusmano, and Ms. Indelicato. Absent: Mr. Thompson. Abstain: Ms. Gerry.

VIII. NEXT MEETING DATE: September 19, 2023.

(1:07:46 - 1:07:54)

Ms. Andersen stated the next meeting date is September 19, 2023.

IX. EXECUTIVE SESSION

(1:07:55 - 1:08:49)

On a motion made by Ms. Indelicato, seconded by Mr. Gusmano, the Board entered executive session at 8:40 p.m. for purposes of attorney-client consultation.

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

On a motion made by Mr. Gusmano, seconded by Ms. Indelicato, the Board adjourned the executive session at 8:51 p.m. and continued the Planning Board meeting in open session.

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

X. ADJOURN MEETING.

(1:08:50 - 1:09:00)

On a motion made by Mr. Gusmano, seconded by Ms. Gerry, the meeting was adjourned at 8:52 p.m. In favor: Ms. Andersen, Ms. Gerry, Mr. Gusmano, and Ms. Indelicato. Absent: Mr. Thompson.

Respectfully submitted,



Ciorsdan Conran
Planning Board Administrator

AUG 16 2023

Town Clerk
Town of Lewisboro

**RESOLUTION
LEWISBORO PLANNING BOARD**

PARTIAL RELEASE OF PERFORMANCE SECURITY

**WILDER BALTER PARTNERS, INC.
LEWISBORO COMMONS
(LEWISBORO COMMONS HOUSING DEVELOPMENT FUND CO., INC.)**

**Route 22 and Beekman Lane
Sheet 5, Block 10776, Lots 19, 20 & 21
Cal. #10-15 PB, Cal. #20-17 WP & Cal. #5-17 SW**

August 15, 2023

WHEREAS, Lewisboro Commons Housing Fund Development Fund Co., Inc. is the record owner of premises located at Route 22 and Beekman Lane, which are designated as Sheet 5, Block 10776, Lots 19, 20 and 21 on the Tax Map of the Town of Lewisboro (the "Subject Property"); and

WHEREAS, the Subject Property is the site of a 42-unit multifamily residential development comprised of five (5) buildings, together with associated recreational facilities and on-site parking; and

WHEREAS, by Resolution adopted on February 26, 2019, the Planning Board issued Site Development Plan Approval, together with a Wetland Activity Permit and Stormwater Permit, to Wilder Balter Partners, Inc. ("WBP") authorizing the construction and operation of this development upon the Subject Property; and

WHEREAS, pursuant to the February 26, 2019 Resolution, WBP was required (in accordance with §220-46G of the Zoning Code) to supply a performance bond, or other form of security, to guarantee completion of project infrastructure encompassed within the Site Development Plan Approval, Wetland Activity Permit and Stormwater Permit (*see* February, 19, 2019 Resolution, Condition #5); and

WHEREAS, Condition #5 of the February 26, 2019 Resolution directs that the supplied "bond or performance security shall provide for 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"; and

WHEREAS, in accordance with this condition, WBP submitted a Site Improvement Bond (Bond No. LPM9292398) issued by Fidelity and Deposit Company of Maryland, as

surety, in the sum of \$1,081,639.00, to the Town of Lewisboro, constituting an amount deemed acceptable for purposes of project infrastructure security by the Town Engineer; and

WHEREAS, this bond has maintained by the Town of Lewisboro as performance security in accordance with the Planning Board's February 26, 2019 Resolution and §220-46G of the Zoning Code; and

WHEREAS, the final Certificate of Occupancy for the multifamily residential development on the Subject Property (Building No. 5) was issued by the Town of Lewisboro Building Department on May 25, 2023; and

WHEREAS, by letter dated June 26, 2023, Insite Engineering, Surveying & Landscape Architecture, P.C., requested, on WBP's behalf, the release of 90% of this performance security on account of the completion of project infrastructure and the issuance of the Certificate of Occupancy for Building No. 5; and

WHEREAS, following receipt of this request, Kellard Sessions Consulting, the Town Engineering Consultant (by Memorandum dated July 13, 2023) recommended, based upon inspection of the Subject Property, that the bond amount be reduced by ninety (90%) percent to ten (10%) percent (from \$1,081,639.00 to \$108,163.90); and

WHEREAS, the Planning Board adopted a motion at its July 18, 2023 meeting to notify the Lewisboro Town Board of the requested partial release of this performance security; and

WHEREAS, at its July 24, 2023 meeting, the Lewisboro Town Board authorized the Planning Board to conduct a public hearing so that it can entertain and act upon the requested partial release of this performance security; and

WHEREAS, on August 15, 2023, the Planning Board conducted a duly noticed public hearing concerning the request for partial release of this performance security; and

WHEREAS, said public hearing was opened and closed on August 15, 2023, at which time all interested parties were provided an opportunity to be heard; and

WHEREAS, the Planning Board has determined, based upon confirmation from Kellard Sessions Consulting, the Town Engineering Consultant, that the infrastructure for which this security was supplied has been satisfactorily completed; and

WHEREAS, the Planning Board has duly considered the partial release of this performance security;

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board finds that the project infrastructure addressed in its February 26, 2019 Resolution has been satisfactorily constructed and installed; and

BE IT FURTHER RESOLVED THAT, the Planning Board authorizes the partial release of the performance security filed by WBP from \$1,081,639.00 to \$108,163.90; and

BE IT FURTHER RESOLVED THAT, upon the filing of performance bond, or other form of security, in the amount of \$108,163.90 (in accordance with Condition #5 of the February 26, 2019 Resolution), the Site Improvement Bond now held by the Town of Lewisboro shall be released; and

BE IT FURTHER RESOLVED THAT, the Planning Board Administrator is directed to file this Resolution with the Town Clerk of the Town of Lewisboro.

ADOPTION OF RESOLUTION

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

The motion was moved by: John Gusmano

The motion was seconded by: Charlene Indelicato

The vote was as follows:

JANET ANDERSEN	<u>aye</u>
CHARLENE INDELICATO	<u>aye</u>
BRUCE THOMPSON	<u>absent</u>
JOHN GUSMANO	<u>aye</u>
SUSAN GERRY	<u>aye</u>

Janet E. Andersen
Janet Andersen, Chair
August 15, 2023

AUG 16 2023

Town Clerk
Town of Lewisboro

**RESOLUTION
LEWISBORO PLANNING BOARD**

**SITE DEVELOPMENT PLAN APPROVAL
TOWN STORMWATER PERMIT**

WACCABUC COUNTRY CLUB – PICKLEBALL COURTS

**Sheet 22, Block 10802, Lot 23
Cal. #01-23 P.B. and #11-23 S.W.**

August 15, 2023

WHEREAS, 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 subject property”); and

WHEREAS, the subject property is developed with a residence, tennis court, pool, other ancillary residential uses and is located immediately adjacent and to the south of the Waccabuc Country Club; and

WHEREAS, the subject property was recently purchased by the Waccabuc Country Club, Co. (“the applicant”) and the applicant is proposing to convert the existing tennis court to four (4) pickleball courts for use by its membership (“the proposed action”); and

WHEREAS, reference is made to the applicant’s submitted business plan, prepared by the Waccabuc Country Club, dated April 14, 2023; and

WHEREAS, the Waccabuc Country Club is considered a legally existing nonconforming use within the underlying R-4A Zoning District and the expansion on the use, as proposed, requires approval from the Zoning Board of Appeals under Section 220-9E(5) of the Zoning Code, which was obtained on June 28, 2023; and

WHEREAS, on the same date, the Zoning Board of Appeals granted two (2) side yard setback variances; and

WHEREAS, reference is made to a Resolution of the Zoning Board of Appeals (Ca. No. 12-23-BZ), adopted on June 28, 2023, and signed by the Chair on July 6, 2023; said Resolution includes certain operational conditions which are incorporated herein by reference; and

WHEREAS, the proposed action includes the installation of an earthen berm and landscaping to provide noise attenuation and screening, respectively; and

WHEREAS, the proposed action requires Site Development Plan Approval and the applicant has submitted Steps 1 and 2 of the application, as required; and

WHEREAS, the proposed action will result in land disturbance exceeding 5,000 s.f. and a Town Stormwater Permit is required, as is the preparation of a Stormwater Pollution Prevention Plan (SWPPP).

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

BE IT FURTHER RESOLVED THAT, in accordance with Section 220-46D of the Zoning Code, given the scale of the improvements proposed and collaboration between the applicant and the neighbors which has already been conducted, the Planning Board hereby waives the need to conduct a public hearing; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants Site Development Plan Approval and a Town Stormwater Permit and approves the following plans ("the approved plans"), subject to the below conditions; and

The following plans, prepared by Insite Engineering, dated (last revised) July 25, 2023:

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

BE IT FURTHER RESOLVED THAT, approval of a Site Development Plan, defined as the signing of the plan by the Planning Board Chairperson, shall expire unless a Building Permit or Certificate of Occupancy is applied for within two (2) years of the date of the signing or if all required improvements are not completed within three (3) years of approval 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 for periods of one (1) year each conditional approval and approval of a Site Development Plan if, in its opinion, such extension is warranted by the particular circumstance; and

BE IT FURTHER RESOLVED THAT, any future phase or 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, the Town Stormwater Permit shall expire two (2) years from the date of the Resolution, unless an extension is requested by the applicant, in writing, prior to the expiration date and granted by the Planning Board; and

BE IT FURTHER RESOLVED THAT, Conditions #1 - #7 must be fulfilled within six (6) months of the date of this Resolution. Should these conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six (6) month period and granted by the Planning Board; and

Conditions to be Satisfied Prior to the Signing of the Approved Plans by the Administrator and Chairperson:

1. Each and every sheet of the approved plans referenced herein shall contain a common revision date with notation stating "Planning Board Approval", shall contain the Town's standard signature blocks, shall contain an original seal and signature of the Design Professional and shall contain an original signature of the owner.
2. The applicant shall satisfy all outstanding written comments provided by the Town's Professional Consultants and staff.
3. 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 applicants shall be responsible for obtaining amended permits/approval, as determined necessary. The following approvals have been identified:
 - Amended Lewisboro Architecture and Community Appearance Review Council (ACARC)
 - Coverage under New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001)
4. The applicant shall submit a "check set" (2 copies) of the approved plans prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
5. Following review and revision (if necessary) of the approved plans, the applicant shall furnish the Planning Board with two (2) complete mylar sets of the approved plans for final review by the Town's Consultants and endorsement by the Town Engineer, Planning Board Chairperson and Administrator.

6. The applicants shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.
7. The applicant shall provide a written statement to the Planning Board Administrator acknowledging that they have read and will abide by all conditions of this Resolution.

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

8. Conditions #1 - #7 specified herein have been satisfied.
9. Following the endorsement of the approved plans by the Town Engineer, Planning Board Chairperson and Administrator, 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.
10. Within 10 days after endorsement of the approved plans by the Town Engineer, Planning Board Chairperson and Planning Board Administrator, the applicants shall deliver to the Planning Board Administrator nine (9) printed sets of the signed plans, collated and folded.
11. No Building Permit shall be issued absent compliance with Town Code Section 220-75B(3).

Conditions to be Satisfied During Construction:

12. During construction, the Town's consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved plans. Costs for inspections shall be paid for by the applicant through an applicant-funded escrow account.
13. A copy of this Resolution and the approved plans shall be kept on site at all times during construction.

Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy:

14. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved plans.
15. The applicants shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

16. 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.
17. The applicants shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Other Conditions:

18. The applicant shall comply with all conditions contained with the Zoning Board of Appeals Resolution referenced herein.
19. Any change in use, expansion or intensification of use, or change in ownership shall require approval from the Planning Board.

ADOPTION OF RESOLUTION

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

The motion was moved by: John Gusmano

The motion was seconded by: Charlene Indelicato

The vote was as follows:

JANET ANDERSEN	<u>aye</u>
CHARLENE INDELICATO	<u>aye</u>
BRUCE THOMPSON	<u>absent</u>
JOHN GUSMANO	<u>aye</u>
SUSAN GERRY	<u>aye</u>

Janet Andersen
Janet Andersen, Chair

August 15, 2023