

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, May 16, 2023 at 7:30 p.m. The audio recording of this meeting is Lewisboro Planning Board 230516_001.MP3

Present: Janet Andersen, Chair
John Gusmano
Charlene Indelicato
Jerome Kerner
Bruce Thompson
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Jan Johannessen, AICP, Kellard Sessions Consulting
Ciorsdan Conran, Planning Board Administrator
John Wolff, Conservation Advisory Council (CAC)
Sawyer Cummings, TOL / JJHS intern

Ms. Andersen opened the meeting at 7:30 p.m. and noted the exits.

I. WETLAND VIOLATION

Cal #01-23WV

(1:37 – 5:51)

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

Ashley & Michael Malan, owners, were present.

Mr. Siebert stated that the owner entered a plea of ‘no contest,’ on the wetland violation summons.

Mr. Johannessen stated he and the Building Inspector conducted a site visit recently and the artificial turf matting and fences were removed. He noted the next step is for the applicants to submit a wetland permit application for restoration of the wetland buffer.

Ms. Andersen stated she drove by today, and it looked like the area of disturbance had been seeded. She reiterated that a wetland permit application be submitted. Applicant agreed.

Mr. Siebert requested that this matter be first on the June 20, 2023 agenda.

II. EXTENSION OF TIME REQUESTS

Cal #07-21PB

(5:52 - 7:02)

Cross River Pharmacy, 890 Route 35, Cross River, NY 10518; Sheet 20, Block 10801, Lot 30 (Central Ave., White Plains, LLC., owner of record) - Extension of time request for a Change of Use Permit Approval and Waiver of Site Development Plan Procedures granted in the above-referenced application on October 19, 2021; current expiration date was April 19, 2023.

No one was present on behalf of the owner or applicant.

Ms. Andersen cited the applicant’s request for a six-month extension noted they are waiting on Department of Health (DOH) approval.

On a motion made by Mr. Kerner, seconded by Mr. Gusmano, the Board granted a six-month extension of time to the Change of Use Permit Approval and Waiver of Site Development Plan Procedures dated October 19, 2021 for the Cross River Pharmacy at 890 Route 35, Cross River; the new expiration date is October 19, 2023. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

Cal #03-22PB

(7:03 – 8:38)

Arbor Hills Water System, 0 Brundige Drive, Goldens Bridge, NY 10526; Sheet 12, Block 11152, Lot 200 (Arbor Hill Waterworks, Inc, owner of record) - Extension of time request for the Site Development Plan Approval granted in the above-referenced application on May 17, 2022; current expiration was May 17, 2023.

Sean Peters, H2M Architects and Engineers; was present on behalf of the owner.

Mr. Peters requested a six-month extension because it took the Department of Health five months to response to their submission; they made a resubmission May 12, 2023.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board granted a six-month extension of time to the Site Development Plan Approval and Town Stormwater Permit Approval dated May 17, 2022, for the Arbor Hills Water System at 0 Brundige Drive, Goldens Bridge; the new expiration date is November 17, 2023. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

Cal #09-22PB

(8:39 - 9:39)

Indian Hills Water System, 0 Apache Circle, Katonah, NY 10536; Sheet 10, Block 11152, Lot 189 (Waccabuc Water Works, Inc, owner of record) - Extension of time request for the Site Development Plan Approval granted in the above-referenced application on June 21, 2022; current expiration is June 21, 2023.

Sean Peters, H2M Architects and Engineers; was present on behalf of the owner.

Mr. Peters requested a six-month extension because the Department of Health responded to its July 2022 submission in April; they will be resubmitting shortly.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board granted a six-month extension of time to the Site Development Plan Approval, Wetland Permit Approval and Town Stormwater Permit Approval dated June 21, 2022, for the Indian Hills Water System, 0 Apache Circle, Katonah; the new expiration date is December 21, 2023. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

III. PUBLIC HEARINGS

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

(9:40 – 15:37)

Waccabuc Country Club Snack Bar, 18 Perch Bay Road, Waccabuc, NY 10597; Sheet 25A, Block 10813, Lot 1 & 0 Tarry-A-Bit Lane, Waccabuc, NY 10597; Sheet 25, Block 11155, Lot 148 (Waccabuc Country Club Co., owner of record for both lots) - Application for beachfront improvements including renovation of the boathouse, construction of a pavilion, replacement of the snack bar, and installation of accessible parking and walkways.

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

No members of the public commented on the application tonight.

Ms. Andersen stated the DEP variance has been granted and comment letters from the Building Inspector and South Salem Fire District have been received. She noted the outstanding items the Board has been waiting for have been received.

On a motion made by Mr. Kerner, seconded by Mr. Gusmano, the Board closed the public hearing for the Waccabuc Country Club Snack Bar at 18 Perch Bay Road, Waccabuc at 7:42 p.m. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

Mr. Johannessen reviewed the draft resolution.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson the resolution, dated May 16, 2023, granting Site Development Plan Approval, Wetland Permit and Town Stormwater Permit was adopted. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None. A copy of the Resolution is attached and is part of these minutes.

Cal #16-22PB

(15:38 - 21:22)

ATC Tower, 0 Route 35 (Leon Levy Preserve), South Salem, NY 10590; Sheet 40, Block 10263, Lot 62 (American Towers Corp., owner of record) - Application for a special use permit renewal.

Maximilian Mahalek, Esq. was present on behalf of the owner.

Mr. Siebert reviewed the research which dated back to 1967 when AT&T acquired this radio tower on a land-locked parcel in the Leon Levy Preserve. He noted that the deed has a standard right-of-way provision granting access between Route 35 and the tower site but does not obligate the cell tower owner to maintain the shared driveway. Mr. Siebert stated the obligation to maintain the access road falls on the owners of the three-lot subdivision on Route 35 who share a common driveway. He noted that he drove past the site last week and described the access road as passable but in poor condition and added that one of the three houses is in disrepair.

No members of the public commented on the application tonight.

On a motion made by Mr. Gusmano, seconded by Mr. Kerner, the Board closed the public hearing for the ATC Tower, 0 Route 35 (Leon Levy Preserve), South Salem at 7:50 p.m. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

Mr. Siebert reviewed the draft resolution.

On a motion made by Mr. Thompson, seconded by Ms. Indelicato, the resolution, dated May 16, 2023 granting a five-year renewal of the Special Use Permit for American Tower Corp., 0Route 35 (Leon Levy Preserve), was adopted. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None. A copy of the Resolution is attached and is part of these minutes.

IV. DECISION

Cal #08-21PB

(21:23 – 24:15)

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

No one was present on behalf of the owner.

Ms. Andersen stated the plan to convert the space formerly known as the Heights at Brother Vic's into four three-bedroom apartment units had been approved by the Board on December 21, 2021, however the applicant let that approval lapse.

Mr. Johannessen reviewed the draft resolution. He noted that a recreation fee of \$7,500 per multifamily density unit is required for the project.

On a motion made by Mr. Kerner, seconded by Mr. Gusmano, the resolution dated May 16, 2023, granting a change of use from restaurant to residential at Building 9B of the Oakridge Commons, 920 Oakridge Commons, South Salem, was adopted. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None. A copy of the Resolution is attached and is part of these minutes.

V. SITE DEVELOPMENT PLAN REVIEW

Cal #02-23PB

(24:16 – 24:38)

20 Boutonville LLC Horse Farm, 20 Boutonville Road South, Cross River, NY 10518; Sheet 18, Block 10526, Lot 10 (20 Boutonville LLC, owner of record) - Application for a Waiver of Site Development Plan Procedures for an existing horse farm.

Michael Sirignano, Esq.; was present on behalf of the owner.

Ms. Andersen stated this matter is adjourned to the June 20, 2023 meeting at the request of the applicant.

Cal #04-23PB

(24:39 – 31:27)

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

Wendy Green, owner; and Richard Vail, AIA; were present.

Mr. Vail stated the proposal is to install a new 231 sf deck to replace the existing 125 sf deck.

Mr. Johannessen requested that a zoning table be added to the plan and asked about the swale close to the deck. Mr. Vail stated the holes for the Sonotubes will be hand dug and would avoid the swale.

Ms. Green stated that this proposal has received approval from ACARC (May 10, 2023) and the Meadows' homeowners' association.

The Board reached consensus to refer this matter to the Building Inspector and instructed its consultants to draft a resolution for the June 20, 2023 meeting.

Cal #06-17PB

(31:28 – 34:38)

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

Spencer Wilhelm and William Cordiano, Wolf Conservation Center; Janet Giris, DelBello Donnellan Weingarten Wise and Wiederkehr; and Matthew Girona, Bibbo Associates; were present.

Ms. Giris stated the most recent submission addressed many of Kellard Sessions' comments and included an EAF, Part 3 and narrative. She said that the EAF Part 2 and Part 3 would be updated and requested a negative declaration be drafted for the June 20, 2023 meeting. Mr. Johannessen agreed to work with the applicant on finalizing the EAF.

The Board reached consensus to instruct its consultants to draft a negative declaration for review at the June 20, 2023 meeting.

VI. WETLAND PERMIT REVIEW**Cal #41-22WP, Cal #20-22SW**

(34:39 – 37:10)

Nelson Residence, 30 Gideon Reynolds Road, Cross River, NY 10518; Sheet 16, Block 10533, Lot 515 (John & Christina Nelson, owners of record) – Application for a pool, patio and plantings.

Bob Sullivan, Belmont Landscape Design, LLC; was present on behalf of the owner.

Mr. Sullivan stated that Kellard Sessions had witnessed the perc tests and he asked whether gutters are required on a shed. Mr. Johannessen stated that the Board requires runoff on new impervious surfaces to be treated.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board determined that construction of the pool / patio at the Nelson Residence, 30 Gideon Reynolds Road, Cross River, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

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

(37:11 – 41:41)

Maple Tree Farm, 400 Smith Ridge Road, South Salem, NY 10590; Sheet 24, Block 9831, Lot 49B (Maple Tree Farm, LLC, owner of record) - Application for remediation of wetlands.

No one was present on behalf of the owner.

Mr. Siebert stated that the owner has made appearances before this Board and entered a guilty plea. He noted that the submission of a wetland permit application has stalled, and applicant needs to establish escrow. Mr. Siebert stated he will contact the applicant and advise that at its June 20, 2023 meeting the Board will consider issuing a fine. He noted that any fine levied would go into the general fund and is separate from escrow funds which cover the consultants' time reviewing a project.

The CAC stated that the damage continues to exist. Mr. Johannessen stated that the site is stable.

Ms. Andersen stated this matter is adjourned to the June 20, 2023 meeting.

Cal#15-23PB

(41:42 – 49:59)

Rose patio, 15 Truesdale Lake Drive, South Salem, NY 10590; Sheet 36L, Block 10815, Lot 30 (Ellen & Robert Rose, owners of record) – Application for a patio.

Ellen Rose, owner; and Michael Bevivino, AIA, were present.

Mr. Bevivino stated the proposal is to remove the existing wooden decks and replace them with a 920 sf patio. He noted that stormwater management will be addressed by planters in the patio.

Mr. Johannessen reviewed the Kellard Sessions memo and listed outstanding items. He agreed that the stormwater planter built into the perimeter of the patio is a good mechanism to catch the runoff. The Board discussed shoreline plantings, distance from Lake Truesdale, and current versus proposed water capture. Mr. Bevivino stated no trees are to be removed.

On a motion made by Mr. Kerner, seconded by Mr. Gusmano, the Board determined that construction of the patio at the Rose Residence, 15 Truesdale Lake Drive, South Salem, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

Cal#18-23WP, Cal#07-23SW

(50:00 - 1:07)

Altholz driveway, 327 Waccabuc Road, Goldens Bridge, NY 10526; Sheet 7, Block 11137, Lot 30 (Michelle & Michael Altholz, owners of record) – Application for a driveway.

Michelle & Michael Altholz, owners; Jack Korell, P.E.; Christopher Fulton (321 Waccabuc Road); and Ashok & Neetu Nenktraman (319 Waccabuc Road) were present.

Mr. Altholz apologized for relocating the end of the shared driveway without a wetland permit. He noted that the 30-35' sight line combined with the 45 mph speed limit on this section of Rte 138 make this a safety issue. Mr. Altholz stated motorists drive very fast on route to the train station or I-684. It is a safety hazard and his daughter was in an auto accident pulling out of the driveway. He noted that three houses are accessed by this driveway and NYS DOT representatives have made a site visit and agree with the concept plan.

Mr. Fulton stated that it is a blind corner and the three families will have young drivers using it in the next few years.

Mr. Korell stated the sight distance of the proposed driveway will increase to 240' and DOT is on board with the new location and requires two additional catch basins.

On a motion made by Mr. Kerner, seconded by Mr. Gusmano, the Board determined that the review of the shared driveway at the Altholz, Fulton and Nenktraman Residences, 319 / 321 / 327 Waccabuc Road, Goldens Bridge, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

Cal#16-23WP

(1:08 – 1:02:30)

Catalano dock, 30 Twin Lakes Road, South Salem, NY 10590; Sheet 34A, Block 11831, Lot 15 (Agnes Catalano and Teresa Martens, owners of record) – Application for a dock.

Agnes Catalano, owner; and Dominick Catalano were present.

Mr. Catalano stated the existing dock is in disrepair and needs to be replaced.

Mr. Johannessen stated the applicant has received approval from The Two Lake Club, Inc.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board determined that replacement of the dock at the Catalano Residence, 30 Twin Lakes Road, South Salem, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

Cal #19-23WP, Cal#08-23SW

(1: 02:31 – 1:13:03)

Berk and Silvan Residence, 80 Ridgefield Ave, South Salem, NY 10590; Sheet 29, Block 10553, Lot 118 (Marnie Berk & Jon Silvan, owners of record) – Application for a patio and walkway.

Paul Fusco, RLA; was present on behalf of the owner.

Mr. Fusco stated the proposal is for a new stone patio around the pool, the existing patio is to be restored, and a parking turnaround is to be added; two trees will be removed, and 17 new trees / 50-60 shrubs planted. He noted that the area of disturbance within the buffer is 2,450 sf and they are proposing 2,600 sf of mitigation plus 2,000 sf of lawn at the front of the house will be replaced with plantings.

On a motion made by Mr. Kerner, seconded by Mr. Gusmano, the Board determined that construction of the patio and walkway at the Berk and Silvan Residence, 80 Ridgefield Ave, South Salem, will be handled administratively under a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

VII. SITE VISIT REPORT

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

(1:13:04 - 1:19:32)

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

Ms. Andersen reported on the site visit held on Saturday, May 13, 2023.

Attendees:

Applicant: Joe Riina, Michael Sirignano

Planning Board: Janet Andersen, John Gusmano, Charlene Indelicato, and Bruce Thompson

CAC: John Wolff and Eileen Nadelson

The group arrived at the site and noted it sloped downward from road; there was dense underbrush by the road. They followed the general path of driveway to house site which was marked by ribbons. They saw some invasive plants near the house location: barberry and multiflora rose, also vines (Oriental bittersweet) and Norway maples. They noted the wetland area seemed to be vegetated with native wetland plants. The group asked about the house site and required setbacks and discussed the limited area for meaningful mitigation and the possible requirement to do offsite mitigation.

Mr. Johannessen stated offsite mitigation could be achieved through a contribution to

replace the undersized culvert on Elmwood Road. Ms. Andersen noted she had submitted a NYS DEC Water Quality Improvement Project (WQIP) grant in 2019 but was not awarded funds to replace the culvert; she will continue to look for grant money.

VIII. CORRESPONDENCE

(1:19:32 – 1:21:58)

Ridgefield, CT Planning and Zoning Commission to amend its Town Code §2.2 and §7.3.D.4 related to electric vehicles charging stations.

Ms. Andersen stated Ridgefield is considering revising its Town Code to require 10 - 20% of the spaces in 30-spaces parking lots to feature EV charging stations.

The Board reached consensus that this a commendable amendment to Ridgefield's Town Code and should be considered in Lewisboro.

On a motion made by Ms. Indelicato, seconded by Mr. Kerner, the Board authorized the Chair to sign a memo to the Town Board stating that the Planning Board commends the proposed changes to Ridgefield, CT's Town Code with regard to the requirement of electric vehicles charging stations. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

IX. MINUTES OF April 18, 2023.

(1:21:59 - 1:22:29)

On a motion made by Mr. Gusmano, seconded by Mr. Thompson, the Board approved the minutes of April 18, 2023, as submitted. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

X. NEXT MEETING DATE: June 20, 2023.

(1:22:30 - 1:22:39)

Ms. Andersen stated the next meeting date is June 20, 2023.

XI. ADJOURN MEETING.

(1:22:40 – 1:22:54)

On a motion made by Mr. Kerner, seconded by Mr. Thompson, the meeting was adjourned at 8:53 p.m. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, Mr. Kerner and Mr. Thompson. Absent: None.

Respectfully Submitted,



Ciorsdan Conran
Planning Board Administrator

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

WACCABUC COUNTRY CLUB SNACK BAR
18 PERCH BAY ROAD

Sheet 25A, Block 10813, Lot 1
Sheet 25, Block 11155, Lot 148
Cal. # 06-22PB, Cal. # 05-22WP, Cal. # 03-22SW

May 16, 2023

WHEREAS, the subject property consists of ±9.1 acres of land and is located off Perch Bay Road within the R-4A Zoning District ("the subject property"); and

WHEREAS, the subject property is owned by the Waccabuc County Club ("the applicant"), has frontage on Lake Waccabuc, and is developed with various recreational buildings and amenities to support its private membership; and

WHEREAS, the subject property is accessed from Perch Bay Road and contains parking areas, a public water well and a septic system; and

WHEREAS, the applicant is proposing to renovate the existing boathouse, construct a covered pavilion, repair the existing docks, demolish an existing building, install an outdoor seating area, construct a new snack bar and construct driveways, walkways, handicap access, a new septic system, fire suppression, and stormwater management facilities ("the proposed action"); and

WHEREAS, the subject property consists of two (2) parcels which are proposed to be merged as part of the proposed action; and

WHEREAS, the Planning Board, as Lead Agency, conducted a coordinated review and issued a Negative Declaration of Significance under SEQRA on September 20, 2022; and

WHEREAS, the applicant received approval from the Zoning Board of Appeals to expand the existing nonconforming use as well as area variances via Resolution dated January 25, 2023; and

WHEREAS, the proposed action was approved by the Architecture and Community Appearance Review Council (ACARC) on April 13, 2022; and

WHEREAS, the subject property is located within the 100-year FEMA Floodplain and a Floodplain Development Permit is required from the Building Inspector; and

WHEREAS, the proposed action involves the installation of new impervious surfaces within the 100-foot limiting distance of the lake and a variance was granted on April 14, 2023 by the New York City Department of Environmental Protection (NYCDEP); and

WHEREAS, the subject property is located within the NYC East of Hudson Watershed and proposed land disturbance equals one (1) acre. 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 and the applicant has prepared a Stormwater Pollution Prevention Plan (SWPPP); and

WHEREAS, the proposed septic system requires approval from the Westchester County Department of Health (WCHD); and

WHEREAS, the application was referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law, and a comment letter from the County was received on May 20, 2022 and has been considered by the Planning Board; and

WHEREAS, the application has been evaluated by the Building Inspector and by the South Salem Fire Department and access and other fire safety concerns associated with the proposed action have been addressed; and

WHEREAS, the Town of Lewisboro 150-foot wetland buffer extends onto the subject property and the majority of the proposed improvements are located within the regulated wetland buffer; and

WHEREAS, the applicant has developed a wetland mitigation plan which exceeds the required 1:1 mitigation ratio; and

WHEREAS, the Planning Board conducted a duly noticed public hearing which was opened on September 20, 2022, adjourned and reopened on multiple occasions, and ultimately closed on May 16, 2023; and

WHEREAS, the Planning Board has considered the submitted Site Development Plans, 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 made during Planning Board meetings and public hearings, written comment provided by the public, and presentations of the applicant.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board hereby approves the following drawings, which shall constitute the Site Development Plans, prepared by Insite Engineering, dated (last revised), April 25, 2023, subject to the conditions enumerated below:

- Overall Plan (OP-1)
- Existing Conditions & Removals Plan (EX-1)
- Layout & Landscape Plan (SP-1)
- Grading & Utilities Plan (SP-2)
- Erosion & Sediment Control Plan (SP-3)
- Lighting Plan (LP-1)
- Site Details(D-1)
- Site Details (D-2)
- Details (D-3)
- Details (D-4)
- Existing Driveway Profiles (PR-1)

BE IT FURTHER RESOLVED THAT, Site Development Plan Approval, defined as the signing of the approved Site Development Plans by the Planning Board Chair, shall expire unless a Building Permit is applied for within two (2) years 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 ring this period; and

BE IT FURTHER RESOLVED THAT, the Planning Board may extend conditional approval and the Site Development Plan Approval pursuant to §220-50 of the Lewisboro Town Code 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 comparing the magnitude of the proposed action and impacts to the wetland and wetland buffer to the extent and quality of the proposed design mitigation offered by the applicant, the Planning Board has determined that the proposed action will not result in an adverse impact to on or off-site wetlands, waterbodies and/or watercourses; and

BE IT FURTHER RESOLVED THAT, in the granting of this Wetland Activity Permit, the Planning Board has considered and evaluated both 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. In this determination, the Planning Board has taken into account the factors listed under Section 217-8A of the Wetland and Watercourse Law; 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 any impacts to the affected wetland buffer 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 plans approved herein; 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, unless extended by the Planning Board, this Wetland Activity Permit shall expire two (2) years from the date of this Resolution; 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 Lewisboro Town Code 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, unless extended by the Planning Board; and

BE IT FURTHER RESOLVED THAT, the applicant is responsible for obtaining all relevant and necessary permits, approvals and variances from other Boards and agencies and applying for and obtaining any necessary amendments, extensions or reapprovals that may be required; and

BE IT FURTHER RESOLVED THAT, Conditions #1 through #16 must be fulfilled within six (6) months of the date of this Resolution. Should such 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 period and granted by the Planning Board.

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

1. Each and every sheet of the Site Development Plans 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. 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. ACARC Approval – Granted
 - b. Zoning Board of Appeals Variance – Granted
 - c. NYCDEP Variance – Granted
 - d. WCDH – Pending, required prior to the signing of the Site Development Plans
 - e. Floodplain Development Permit – Pending, required prior to the signing of the Site Development Plans
 - f. NYSDEC SPDES General Permit (GP-0-20-001) – Pending, required prior to the commencement of work

3. The applicant shall submit an engineering/inspection fee equal to 5% of the estimated cost of construction (materials and labor for site work 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.
4. 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, plus 10% contingency. The form of the performance bond or other 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 performance security shall provide for project infrastructure to be completed within twenty-four (24) 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 Certificate of Occupancy has been issued.
5. Wetland mitigation and stormwater basin plantings shall be bonded or secured in the amount determined by the Town Wetland Inspector and Consulting Town Engineer based upon a construction cost estimate, plus 10% contingency. Said bond or security shall be released after a period of three (3) years, measured from the submission date of the as-built planting plan and provided that the Town Wetland Inspector verifies that a minimum of 85% of the planted species have survived. Monitoring reports, to be prepared by the Applicant's environmental consultant (unless otherwise approved by the Planning Board) and to the satisfaction of the Town Wetland Inspector, shall be submitted to the Planning Board no later than December 1st of each year. 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 31st.
6. The applicant shall prepare an easement and maintenance agreement associated with the proposed fire storage tank, prepared to the satisfaction of the Planning Board Attorney which shall be filed with the Westchester County Clerk's Office. The Fire Department shall have the perpetual right to access and utilize the tank for firefighting and/or training purposes. The tank shall be initially filled by the applicant; thereafter, the Fire Department shall refill the tank whenever it evacuates water from the tank. All future maintenance, repair, inspections, and replacements shall be the responsibility of the applicant/owner.
7. The applicant shall provide a written statement identifying the professional engineer or engineering firm responsible for oversight and inspection during construction, including required bi-weekly stormwater and erosion and sediment control inspections.

8. The applicant shall prepare and submit a stormwater maintenance easement and agreement, prepared in accordance with Sections 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 Administrator.
9. The tax parcels shall be merged under Block 10813, Lot 1. Upon merger, the Town Assessor shall provide confirmation that the parcels are specified as Sheet 25A, Block 10813, Lot 1.
10. The applicant shall satisfy all outstanding written comments provided by the Town's Professional Consultants.
11. The applicant shall obtain a Wetland Implementation Permit, as issued by the Town Wetland Inspector.
12. The applicant shall obtain a Town Stormwater Permit to be issued by the Town Engineer in compliance with Chapter 189 of the Town of Lewisboro Town Code.
13. 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.
14. 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 Chair and Administrator.
15. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.
16. The applicant shall provide a written statement to the Planning Board Administrator acknowledging that it has read and will abide by all conditions of this Resolution.

Conditions to be Satisfied Prior to the Commencement of Work or Issuance of any Building Permit:

17. Conditions #1 – #16 specified herein shall have been satisfied.
18. Following the endorsement of the final Site Development Plans by the Town Engineer, Planning Board Chair 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.

19. Within ten (10) days after endorsement of the final Site Development Plans by the Town Engineer, Planning Board Chair and Planning Board Administrator, the applicant shall deliver to the Planning Board Administrator nine (9) printed sets of the final plans, collated and folded.
20. Prior to commencement of any site work or construction activity, a site visit shall be conducted with the applicant, construction manager, Building Inspector, and Town Consulting Engineer. Prior to the site visit, all erosion and sedimentation controls shall be properly installed by the applicant and the limits of disturbance shall be staked by a NYS Licensed Land Surveyor and a construction fence installed along said limits.

Conditions to be Satisfied During Construction:

21. All development activities shall be completed in accordance with the approved Site Development Plans. For any reason, should modification to these plans be deemed necessary, the applicant shall immediately contact the Town's Professional Consultants and Building Inspector to review same and to determine if Amended Site Plan Approval is required. Any change to the construction details approved as part of the Site Development Plan shall be reviewed and approved by the Town's Professional Consultants and/or the Building Inspector, as applicable.
22. During construction, the Town's Professional Consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved Site Development Plans.
23. Construction activities shall be supervised by a NYS Licensed Professional Engineer.
24. A copy of this Resolution, the approved Site Development Plans, and the approved SWPPP shall be kept on site at all times.

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

25. No Certificate of Occupancy shall be issued until all proposed improvements, both site and building related, are complete to the satisfaction of the Building Inspector and the Town's Professional Consultants.
26. Prior to the issuance of the first Certificate of Occupancy, the underground water storage tank shall be installed by the applicant and tested by a testing company acceptable to the Town Engineer. A representative from the Fire Department shall be

present for such testing. All connections to the tank shall be to the satisfaction of the Fire Department.

27. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit an As-Built Survey, signed, and sealed by a NYS Licensed Land Surveyor and Professional Engineer, demonstrating compliance with the approved Site Development Plan and including drainage practices and their elevations. This survey shall be prepared to the satisfaction of the Town Engineer and Building Inspector.
28. Prior to the issuance of a Certificate of Occupancy, an as-built planting plan shall be prepared by a Landscape Architect and submitted to the Planning Board.
29. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit written certification by a NYS Professional Engineer that all stormwater management practices and associated improvements have been installed in conformance with the approved Site Development Plans and are functioning properly.
30. The Building Inspector, Town Engineer and Wetland Inspector shall conduct a final site visit to determine conformance with the approved Site Development Plans and this Resolution.
31. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

ADOPTION OF RESOLUTION

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

The motion was moved by: Charlene Indelicato
The motion was seconded by: Bruce Thompson

The vote was as follows:

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

Janet E. Andersen
Janet Andersen, Chair May 16, 2023

**RESOLUTION
LEWISBORO PLANNING BOARD**

RENEWAL OF SPECIAL USE PERMIT APPROVAL

**AMERICAN TOWERS, LLC, OWNER/APPLICANT
NYS ROUTE 35 AND NYS ROUTE 123**

**0 NYS Route 35
Sheet 40, Block 10263, Lot 62
Cal. # 16-22 PB**

May 16, 2023

WHEREAS, by Resolution adopted on November 21, 2017 (Cal. #4-14 PB), the Planning Board issued a Renewal of Special Use Permit authorizing the continued use and operation of a collocated telecommunications facility situated on a +/-4.0 acre landlocked parcel (owned by American Towers, LLC; Sprint Spectrum, L.P., applicant), which is identified as Sheet 40, Block 10263, Lot 62 on the Tax Map of the Town of Lewisboro; and

WHEREAS, this property is surrounded by lands owned by the Town of Lewisboro known as the Leon Levy Preserve, is accessed via a recorded easement/right-of-way from NYS Route 35, and is located in the R-4A Zoning District; and

WHEREAS, the telecommunications facility situated on this property includes a lattice tower approximately 138 feet in height with appurtenant installations and ground-based equipment supporting the services of multiple wireless carriers;

WHEREAS, under the terms of the November 21, 2017 Resolution, the Special Use Permit for this facility was effective for a period of five (5) years, expiring on November 21, 2022, subject to renewal or extension by the Planning Board; and

WHEREAS, American Towers, LLC, as owner, has applied for a renewal of this Special Use Permit for a period of five (5) years; and

WHEREAS, American Towers, LLC, by Maximillian R. Mahalek, Esq. of Cuddy & Feder, LLP, submitted a letter application dated November 15, 2022, with exhibits, requesting this renewal; and

WHEREAS, the renewal or extension of the Special Use Permit is a matter retained by the Planning Board for determination and within its sole jurisdiction, pursuant to prior renewals of the Special Use Permit issued for this facility; and

WHEREAS, under Section 220-41.1H(3) of the Lewisboro Town Code, the Planning Board may waive special permit application submission requirements which, in its judgment of the specific circumstances of a particular application or site, are not required in the interest of the public health, safety and general welfare; and

WHEREAS, the requested five-year renewal does not involve any physical change to, or modification of, the aforementioned telecommunications facility; and

WHEREAS, there are no violations pending against the aforementioned telecommunications facility, and it is in conformity with the Special Use Permit issued by the Planning Board; and

WHEREAS, the requested renewal of the Special Use Permit is a Type II action under the State Environmental Quality Review Act ("SEQRA"), however, the Planning Board notes that a prior renewal was accompanied by the Planning Board's adoption of a Negative Declaration of Significance under SEQRA (see Cal. #7-98 PB) and that site conditions have not materially changed since the time this Negative Declaration was adopted; and

WHEREAS, the Planning Board conducted a duly noticed public hearing that was opened on May 16, 2023, at which time all interested parties were afforded an opportunity to be heard;

WHEREAS, the public hearing was closed on May 16, 2023; and

WHEREAS, the Planning Board has considered materials submitted by American Towers, LLC in support of the requested extension, submissions of its counsel and consultants and comments presented at the public hearing and

NOW, THEREFORE BE RESOLVED THAT, the Planning Board hereby renews the Special Use Permit embodied in its November 21, 2017 Resolution for a period of five (5) years effective from November 21, 2022 and concluding on November 21, 2027.

ADOPTION OF RESOLUTION

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

The motion was moved by:

Bruce Thompson

The motion was seconded by:

Charlene Indelicato

The vote was as follows:

JANET ANDERSEN

aye

JEROME KERNER

aye

CHARLENE INDELICATO

aye

BRUCE THOMPSON

aye

JOHN GUSMANO

aye

Janet E. Andersen

Janet Andersen, Chair

May 16, 2023

**RESOLUTION
LEWISBORO PLANNING BOARD**

**OAKRIDGE COMMONS SHOPPING CENTER
AMENDED SITE DEVELOPMENT PLAN APPROVAL**

OAKRIDGE COMMONS BUILDING 9B – PROPOSED APARTMENTS

Sheet 49D, Block 9829, Lot 10

Cal. # 06-02PB

May 16, 2023

WHEREAS, the subject property contains a shopping center, known as Oakridge Commons Shopping Center, consists of ±10.3 acres of land developed with several mixed-use buildings, located on Smith Ridge Road (NYS Route 123) in the hamlet of Vista, and is within the Retail Business (RB) Zoning District (“the subject property”); and

WHEREAS, Smith Ridge Housing, LLC (“the applicant”), is proposing a change of use to convert the second floor of the westernmost building (referred to as Building 9B) from a former restaurant use to four (4) 3-bedroom apartment units (“the proposed action”); and

WHEREAS, the proposed action was previously approved by the Planning Board via Resolution dated December 21, 2021; however, the conditions of the Resolution were not satisfied and the approval expired; and

WHEREAS, the applicant has reapplied to the Planning Board with no substantive changes proposed to the design when compared to the previous approval; and

WHEREAS, the proposed residential use is permitted within the underlying RB Zoning District, subject to 220-26 of the Lewisboro Zoning Code; and

WHEREAS, the subject building is served by central water and sewer services and the proposed change of use will result in significantly less water demand and sewage flow when compared to the former 250-seat restaurant use (1,320 gpd compared to 8,750 gpd); and

WHEREAS, when comparing the former restaurant to the four (4) apartment units, the proposed change of use requires significantly less required off-street parking spaces; and

WHEREAS, as part of the application approved on December 21, 2021, the Town Board reviewed and the proposed change of use and approved the modifications to water/sewer flow (which will be reduced); and

WHEREAS, the proposed action was previously referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law and the October 25, 2021 comments from the County have been considered. The resubmitted application proposes no substantive changes from that approved on December 21, 2021 and the application was not re-referred to the County; and

WHEREAS, the proposed action does not include, and is not required to include, affordable housing units; however, should any further residential expansion of existing non-residential space on the subject property be proposed in the future, the calculation of required affordable housing units shall include the four (4) units associated with the proposed action being considered herein; and

WHEREAS, the applicant has committed to providing electric vehicle charging stations, eliminating paved parking areas determined not to be required by code or necessity, and undertaking landscaping improvements should any further residential expansion be proposed in the future; and

WHEREAS, the application approved on December 21, 2021 had been referred to the Building Inspector for review, the Building Inspector had determined that the application conforms to zoning and the zoning regulations in place, at the time of the December 21, 2021 approval have not been amended or revised; and

WHEREAS, a duly noticed public hearing was conducted as part of the original application (opened and closed on December 21, 2021). As the resubmitted application proposes no substantive changes, the Planning Board has elected to waive the need for a second public hearing; and

WHEREAS, reference is made to the following drawings prepared by Robert J. Eberts, R.A. of Cross River Architects, dated November 16, 2021:

- Oakridge Commons, Building #9, Floor Plan (A1)
- Oakridge Commons, Building #9 Exterior Elevations (A2)

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

BE IT FURTHER RESOLVED THAT, the Planning Board hereby determines that the proposed change of use qualifies for a waiver of Site Development Plan application procedures under §220-47A(1) of the Zoning Code; and

BE IT FURTHER RESOLVED THAT, as the proposed action consists of a re-approval with no substantive plan changes and given the scale of the improvements and record of prior reviews,

the Planning Board hereby waives the requirement for a public hearing in accordance with Section 220-46D of the Zoning Code; and

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

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

Plans Prepared by Cross River Architects, LLC, dated November 16, 2021:

- Site Plan (SP/1)

BE IT FURTHER RESOLVED THAT, in accordance with Section 220-55B of the Zoning Code, the Planning Board finds that the proposed number of off-street parking spaces is sufficient to serve the existing/proposed uses based upon the joint use of parking spaces and variations in the probable time of maximum use by patrons and employees; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby determines that a suitable recreation area of a sufficient size does not exist on the subject property to support the additional apartments and the applicant is required to pay a fee in lieu of recreation, as determined by the Town Board schedule of fees; and

BE IT FURTHER RESOLVED THAT, conditions #1-#8 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

BE IT FURTHER RESOLVED THAT, Site Development Plan Approval, defined as the signing of the approved plan by the Planning Board Chair, shall expire unless a Building Permit is applied for within two (2) years 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 one (1) year each if, in the Planning Board’s opinion, such extension is warranted by the circumstances; 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

Conditions to be Satisfied Prior to the Signing of the Approved Site Development Plans by the Planning Board Administrator and Chair:

1. The applicant shall satisfy all outstanding written comments provided by the Town's Professional Consultants and staff.
2. The applicant shall pay a fee in lieu of recreation as determined by the Building Inspector.
3. The applicant shall provide a letter from the Westchester County Health Department confirming that they have no objection to the Change of Use from restaurant to apartment use.
4. 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/approval, as determined necessary.
5. 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.
6. 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 plans for final review by the Town's consultants and endorsement by the Town Engineer, Planning Board Chair and Administrator.
7. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.
8. 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:

9. Conditions #1 - #8 specified herein have been satisfied.

10. Following the endorsement of the approved plans by the Town Engineer, Planning Board Chair 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.
11. Within ten (10) days after endorsement of the approved plans by the Town Engineer, Planning Board Chair and Planning Board Administrator, the applicant shall deliver to the Planning Board Administrator nine (9) printed sets of the signed plans, collated and folded.
12. No Building Permit shall be issued absent compliance with Town Code Section 220-75B(3).

Conditions to be Satisfied During Construction:

13. 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.
14. A copy of this Resolution and the approved plans shall be kept on site at all times during construction.
15. Building construction shall be consistent with the floor plans and elevations referenced herein.

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

16. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved plans.
17. 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 Certificate of Occupancy:

18. 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.
19. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved plans.
20. The applicant shall obtain any and all approvals from the ACARC relating to signage or exterior elevation changes.

21. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Other Conditions:

22. All WHEREAS clauses contained within the body of this Resolution shall be deemed incorporated as conditions of approval, as if fully set forth herein.
23. The total number of bedrooms within the four (4) proposed apartments shall not exceed a total of 12 bedrooms.
24. All conditions previously imposed under the Site Development Plan Approval, and amendments thereto, issued for the subject property shall, except as modified by the terms of this Resolution, remain in effect.

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: Jerome Kerner

The motion was seconded by: John Gusmano

The vote was as follows:

JANET ANDERSEN
JEROME KERNER
CHARLENE INDELICATO
BRUCE THOMPSON
JOHN GUSMANO

aye
aye
aye
aye
aye

Janet E. Andersen
Janet Andersen, Chair

May 16, 2023