

Meeting of the Planning Board of the Town of Lewisboro held at the Commons / Courtroom at 79 Bouton Road, South Salem, New York on Tuesday, September 19, 2023 at 7:30 p.m. The audio recording of this meeting is Lewisboro Planning Board 230919_001.MP3

Present: Janet Andersen, Chair
John Gusmano
Charlene Indelicato
Bruce Thompson
Jud Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Jan Johannessen, AICP, Kellard Sessions Consulting
Ciorsdan Conran, Planning Board Administrator
Kevin Kelly, Building Inspector

Absent: Susan Gerry

Ms. Andersen opened the meeting at 7:32 p.m. and noted the exits.

I. SITE DEVELOPMENT PLAN REVIEW

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

(1:36 – 16:05)

19 Mark Mead Road LLC parking, 19 Mark Mead Road, Cross River, NY 10518; Sheet 20, Block 10800 Lot 1 (19 Mark Mead Road LLC, owner of record) – Application for construction of 25 parking spaces for Bacio restaurant and four residential spaces.

Antonio Abbate, owner; Joseph Riina, P.E., Site Design Consultants; and Michael Sirignano, Esq. were present.

Mr. Riina stated the proposal reduces the number of parking spaces for the restaurant (employees and patron overflow) from 30 to 25 and the four resident parking spaces now front on to Mark Mead Road. He noted that while the landscape buffers have been increased the one on North Salem Road is still deficient. Mr. Johannessen noted that any deficiencies in the landscape buffer setbacks would require a variance from the ZBA and there would also need to be license agreements with the Town for the driveway, stairs, crosswalk, and sidewalk on Town property. Ms. Andersen asked the applicant to consider extending the sidewalk to Route 35. Mr. Riina agreed that link could be drawn onto the plans with a note about connecting to future pedestrian improvements at the Route 35 and 121 North intersection.

Mr. Riina stated that the DEP and Kellard Sessions have witnessed the stormwater testing and a SWPPP has been prepared.

Mr. Riina stated there is a new fence separating the proposed parking lot from the neighboring Boro Café property. Ms. Andersen said the fence alone was not adequate screening and requested an additional arborvitae. Mr. Riina agreed.

Ms. Andersen recommended flipping the four residential spaces, so the car headlights are not pointing at the neighbors' property. Mr. Riina agreed.

The Board reached consensus to refer this matter to the Building Inspector, once the revised plans are submitted, and to schedule a public hearing for October 17, 2023.

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

(16:06 – 20:08)

Kranz Residence, 26 Elmwood Road, South Salem, NY 10590, Sheet 43, Block 10302, Lot 23 (Alexander Kranz, owner of record) – Application for a single-family residence, driveway, septic system and well.

Joseph Riina, P.E., Site Design Consultants; and Michael Sirignano, Esq; were present on behalf of the owner.

Ms. Andersen stated the Board had conducted a site walk on May 13, 2023.

Mr. Riina stated one of the outstanding items was the 1:1 mitigation for disturbances within the wetland buffer. He noted that he had walked the property with Mr. Johannessen and they agreed removal of barberry could achieve the 1:1 mitigation. Mr. Riina stated they have received DOH approval and updated their DEP permit.

Ms. Andersen asked about a tree survey. Mr. Johannessen recommended five deciduous trees be planted in the invasive species removal area.

On a motion made by Mr. Gusmano, seconded by Ms. Indelicato, the Board determined that the review of the Kranz residence, 26 Elmwood Road, South Salem, will be handled administratively by a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, and Mr. Thompson. Absent: Ms. Gerry.

Cal #04-19PB, Cal #17-19WP, Cal #06-19SW

(20:09 – 24:39)

Pound Ridge Stone, 2 West Road, South Salem, NY 10590; Sheet 49B, Block 9831, Lot 1 (Two West Road LLC, owner of record) – The Planning Board Resolution for a Negative Declaration of Significance, Site Development Plan Approval, Special Use Permit Approval, Town Wetland Activity Permit Approval and Town Stormwater Permit Approval granted on August 17, 2021 for site upgrades including additional parking and storage areas expired August 17, 2023.

David Moorman, owner, was present.

Mr. Siebert stated that two of the Board's 2021 approvals had lapsed (Town Wetland Activity Permit and Town Stormwater Permit) but the Site Development Plan Approval and Special Use Permit Approval are still in effect. He noted that that no changes have been made to the plan and with tonight's resolution the expiration dates will be as follows:

- site plan March 6, 2025;
- special use March 6, 2024;
- wetland March 6, 2025; and
- stormwater permit March 6, 2025.

Mr. Siebert stated he has been working with Mr. Moorman on final conditions of the previous Resolution.

On a motion made by Mr. Gusmano, seconded by Ms. Indelicato, the resolution dated September 19, 2023 granting reapproval of a Town Wetland Activity Permit and Town Stormwater Permit to Pound Ridge Stone, 2 West Road, South Salem was adopted. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, and Mr. Thompson. Absent: Ms. Gerry. A copy of the Resolution is attached to these minutes.

II. LOT-LINE CHANGE

Cal #02-22PB, Cal #03-22WP and Cal #02-22SW

(24:30 – 31:47)

Hollander/Audemard residences, 153 Post Office Road, South Salem, NY 10590, Sheet 32A, Block 10804, Lot 19 (Cassie & Seth Hollander, owners of record) and 151 Post Office Road Sheet 32A, Block 10804, Lot 91 (Olivier & Rebecca Audemard, owners of record) – Reapproval for lot-line change and driveway work; Planning Board approval expired March 20, 2023.

Seth Hollander, owner; Gregory Caccioppoli, P.E.; and Bill Einhorn, RLA; were present.

Ms. Andersen stated this matter is a lot-line change that was approved by this Board March 20, 2023 but all the conditions were not met prior to expiration and the applicant submitted a reapproval application.

Mr. Einhorn stated that there was a field change of a cobblestone pad where the old and new pavement meet on the driveway. He asked about Condition #17 (now Condition #14) and Mr. Johannessen advised to keep the new resolution as written and that erosion control must be installed prior to the site visit and building permit issuance but applicant can cut trees that are marked for removal on the approved site plan.

Mr. Johannessen noted that the license agreement with the Town for plantings in the right-of-way has been signed, the highway permit granted, and the Negative Declaration of Significance dated September 20, 2022 remains in effect.

On a motion made by Ms. Indelicato, seconded by Mr. Gusmano, the resolution dated September 19, 2023 for the Hollander/Audemard lot-line change at 153 and 151 Post Office Road, South Salem was granted. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, and Mr. Thompson. Absent: Ms. Gerry. A copy of the Resolution is attached to these minutes and the Hollanders' new address will be 2 Autumn Ridge.

III. WETLAND PERMIT REVIEWS

Cal #22-23WP, Cal #02-23WV

(31:48 – 38:18)

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.

Lina Merchan and Fabio Valencia, owners, were present.

Mr. Valencia listed recent activities:

- he has met with Mr. Johannessen to discuss the violation and remediation;
- hired Mary Jaehnig to perform the wetland delineation;
- hired H. Stanley Johnson & Co for the survey; and
- hired Tracey Chalifoux, RLA, for the remediation plan.

Mr. Johannessen confirmed their meeting, the progress with outside consultants and recommended that the Board conduct a site visit.

Mr. Johannessen stated there are town and state-regulated wetlands on the property and the alleged violation is for work within the 150' buffer without a permit, specifically installation of fill for a driveway and also fill in the backyard.

The Board reached consensus to schedule a site visit for Saturday, October 14, 2023 at 9 A.M.

Cal #26-23WP

(38:19 – 48:29)

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.

The Board discussed a tree survey and the applicants stated that only one tree is to be removed for the access road. Mr. Johannessen recommended the plan note the one tree to be removed.

Mr. Johannessen stated the SEAF, Part 1 looks good and reviewed the SEAF, Part 2. He noted that revised plans should be submitted.

The Board reached consensus to schedule the public hearing for October 17, 2023 and instructed its consultants to draft a resolution.

Cal #22-23WP

(48:30 – 56:48)

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

Alan Pilch, RLA, was present on behalf of the owner.

Mr. Pilch stated the proposal is for better driveway access into the garage, which will have two cars parked on the first floor and storage on the second floor. He listed items submitted recently including the DEC freshwater permit wetland delineation and the planting / erosion control plan.

The Board discussed grading, the lawn, continuation of the existing split-rail fence and the correct location of the stairs on the architectural drawings.

The Board reached consensus to schedule the public hearing for October 17, 2023.

[The applicants withdrew their application on October 2, 2023 because they are selling the property and the buyer does not want to pursue the changes to the garage. No public hearing was held.]

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

(56:49 – 1:16:12)

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.

Peder Scott was present on behalf of the owner.

Mr. Johannessen stated a SWPPP is required per Town Code. Mr. Scott agreed to submit a SWPPP.

Mr. Scott stated the wetlands have been flagged and the surveyor will add that information to the survey. He noted that the latest submission has these revisions:

- the house has been shifted to the south;
- Grasscrete driveway;
- more plantings at the northern property line; and

- a planter plan.

Mr. Johannessen stated this site is a candidate for off-site mitigation and Kellard Sessions will confirm the wetland boundary. He recommended the project be referred to the Building Inspector for zoning compliance (property lines and road center-line setbacks) and contact the Highway Dept. for the driveway permit.

Mr. Scott stated the DEP granted a waiver of the one-year storm event detention reduction and noted that the roof is pitched to the rear (west), and he will submit a roof plan.

The Building Inspector asked if the applicant would consider a smaller footprint with a two-story house. Mr. Scott stated the house is to be low slung and the view from the road would look over the house into the wetlands.

The Board reached consensus to schedule a site visit for Saturday, October 14, 2023 at 9:30/9:45 A.M.

Cal #24-23WP

(1:16:13 – 1:23:38)

Lindberg driveway, 74 Elmwood Road, South Salem, NY 10590; Sheet 55, Block 10302, Lot 11 (Kevin & Naomi Lindberg, owners of record) – Application for paving an existing gravel driveway.

Kevin and Naomi Lindberg, owners, were present.

Ms. Lindberg stated that the proposal is to pave their existing gravel driveway. She noted there are to be four manholes on risers over the pump chamber, overflow tank and septic tank as they will be paving on top of the septic tank. Ms. Lindberg stated her septic contractor will use a plate compactor (special non-vibrating machinery) when working over the septic tank. Mr. Lindberg stated they had their septic pumped this summer.

Ms. Lindberg stated the driveway's pitch is away from the road toward her house and there is a storm drain across the street. She noted the driveway will be outlined in Belgian blocks with weep holes by the two parking spaces. The Board discussed a flush Belgian block curb to allow for unimpeded sheet flow and avoidance of ponding in the driveway.

On a motion made by Mr. Gusmano, seconded by Ms. Indelicato, the Board determined that the review of the Lindberg driveway, 74 Elmwood Road, South Salem, will be handled administratively by a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, and Mr. Thompson. Absent: Ms. Gerry.

Cal #37-23WP

(1: 23:39 – 1:31:30)

Pollinator Garden, 28 Fairmount Road, Goldens Bridge, NY 10526; Sheet 7, Block 11137, Lot 25 (Town of Lewisboro, owner of record) – Application from a Girl Scout Gold Award candidate for the installation of a pollinator garden.

Skye Volpicella, Girl Scout Gold Award candidate, was present on behalf of the Town.

Ms. Volpicella stated that the proposal is to install a pollinator garden at the pocket park at 28 Fairmount Road. She noted she is working with Lucille Munz, RLA; the Lewisboro Garden Club and the Goldens Bridge Hamlet Organization. Ms. Volpicella stated there will be flower boxes and educational signage along the pollinator pathway.

Mr. Johannessen stated this project is separate from other improvements / activities at the site such as: installation of a gazebo, application of herbicides, installing aerators in the pond, clearing of the site, and developing an access road.

On a motion made by Mr. Gusmano, seconded by Ms. Indelicato, the Board determined that the review of the Pollinator Garden, 28 Fairmount Road, Goldens Bridge, will be handled administratively by a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, and Mr. Thompson. Absent: Ms. Gerry.

IV. SPECIAL USE PERMIT

Cal #02-10PB

(1:31:31 – 1:36:14)

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 for a private nature preserve.

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

Mr. Cavers stated that at last month's meeting the Board had scheduled the public hearing on this Special Use Permit renewal for tonight, however he missed an email and did not notify the abutters in the timeframe mandated by the Town Code.

Mr. Johannessen requested more information on proposed changes to the two outbuildings the BAS would like to use for educational programming.

The Board reached consensus to schedule the public hearing for the Special Use Permit renewal on October 17, 2023.

Cal #01-13PB

(1:36:15 – 1:41:21)

Verizon Wireless, LLC cell tower, 117 Waccabuc Road, Goldens Bridge, NY 10526; Sheet 11, Block 11137, Lot 52 (Ash Tree Development, LLC, owner of record) - Application for the renewal of a Special Use Permit for a cell tower.

Angela Poccia, Esq.; Snyder & Snyder, LLP; was present on behalf of the applicant.

Ms. Poccia stated the Special Use Permit for the Verizon Wireless equipment collocating on this cell tower has been renewed every five years – 2013, 2018 – and there have been no changes to equipment and the site has been operating in compliance with all applicable laws. She noted that under the current Town Code if the equipment were to be installed today it would be eligible for a waiver of Planning Board review and go directly to the Building Dept.

Mr. Johannessen stated that prior to 2018's change of the Zoning Chapter, a cell tower and each carrier had its own Special Use Permit but after the law was amended the Building Department determines if the proposed alteration constitutes an eligible facilities request. He noted that the Board has been requiring the towers to return every five years for inspection and Special Use Permit renewal and the collocating carrier return for a final renewal and Board approval that is without an expiration date.

The Board reached consensus to:

- direct Kellard Sessions to conduct a final inspection;
- directed the consultants to prepare a resolution for the October 17, 2023 meeting; and
- schedule a public hearing for the Special Use Permit renewal on October 17, 2023.

V. CORRESPONDENCE**Cal #08-02PB**

(1:41:22 – 1:42:52)

JVG Estates (formerly Popoli Subdivision/ 1437 Route 35) Bluestone Lane, South Salem, NY 10590, Sheet 40, Block 10552, (formerly known as Lots 3, 4 & 5) current owners of record:

- **Monica & Vito Di Matteo, Sheet 40, Block 10552, Lot 3 (was Lot 3 on plat) 5 Bluestone Lane**
- **Adam & Julieann Giardina, Sheet 40, Block 10552, Lot 41 (was Lot 4 on plat) 6 Bluestone Lane**
- **Jennifer Bayley & Gavin Jones, Sheet 40, Block 10552, Lot 42 (was Lot 5 on plat) 4 Bluestone Lane - Request for a wetland bond reduction.**

No one was present on behalf of the owners.

Mr. Siebert stated this is a wetland mitigation bond that can be reduced by the Planning Board and does not require Town Board approval or a public hearing.

The Board reached consensus to:

- direct Kellard Sessions to conduct a site inspection; and
- directed the consultants to prepare a resolution for the October 17, 2023 meeting.

Referral from Wilton, CT Inland Wetlands Commission – Zitterman Residence, 24 Silver Spring Road, Wilton, CT – Application for a flagstone patio on gravel, plantings above a retaining wall plus removal of 3-5 trees and a small shed within a regulated area.

(1:42:53 – 1:43:25)

Ms. Andersen stated this matter is a referral from Wilton, Connecticut's Inland Wetlands Commission.

She noted that the Zittermans, at 24 Silver Spring Road, Wilton Connecticut, have submitted a wetland permit application for a flagstone patio on gravel, plantings above a retaining wall plus removal of 3-5 trees and a small shed located within a regulated area.

On a motion made by Ms. Indelicato, seconded by Mr. Gusmano, the Board authorized the Chair to sign a letter to the Town Board stating that the Planning Board has 'no comment,' with regard to the proposed improvements at the Zitterman Residence, 24 Silver Spring Road, Wilton, CT. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, and Mr. Thompson. Absent: Ms. Gerry.

Resident complaint regarding LED lighting at Wild Oaks Townhouses, Park Road, Goldens Bridge, NY 10526

(1:43:26 – 1:49:02)

Ms. Andersen stated the Board had received two emails from a resident complaining about the LED lights that NYSEG has installed in the streetlamps at the Wild Oaks Townhouses. She noted that this matter had been referred to the Building Inspector and this type of enforcement is not within the scope of the Planning Board.

Mr. Kelly stated that there is a difficulty in reviewing the problem as it occurs at night and there is an LED requirement per the contract between the Town and NYSEG. He noted the Town could ask NYSEG to demonstrate that the foot candles and radius have not changed, and shields could be required.

Mr. Gusmano noted that LEDs could be brighter / different color than the prior lights; he is concerned about the Town / NYSEG agreement and if the replacement lights are comparable to the old lights.

On a motion made by Mr. Gusmano, seconded by Ms. Indelicato, the Board authorized the Chair to sign a letter to the resident stating that the Planning Board has referred this matter to the Building Inspector for Town Code compliance and any appropriate action. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, and Mr. Thompson. Absent: Ms. Gerry.

VI. MINUTES OF August 15, 2023.

(1:49:03 – 1:49:28)

On a motion made by Ms. Indelicato, seconded by Mr. Gusmano, the Board approved the minutes of the August 15, 2023 meeting, as submitted. In favor: Ms. Andersen, Mr. Gusmano, and Ms. Indelicato. Abstain: Mr. Thompson. Absent: Ms. Gerry.

VII. NEXT MEETING DATE: October 17, 2023.

(1:49:29 – 1:49:35)

Ms. Andersen stated the next meeting date is October 17, 2023.

VIII. ADJOURN MEETING.

(1:49:36 – 1:50:04)

On a motion made by Mr. Gusmano, seconded by Mr. Thompson, the meeting was adjourned at 9:21 p.m. In favor: Ms. Andersen, Mr. Gusmano, Ms. Indelicato, and Mr. Thompson. Absent: Ms. Gerry.

Respectfully submitted,



Ciorsdan Conran
Planning Board Administrator

**RESOLUTION
LEWISBORO PLANNING BOARD**

**REAPPROVAL OF WETLAND ACTIVITY PERMIT AND STORMWATER
PERMIT**

POUND RIDGE STONE

**2 West Road
Sheet 49B, Block 9831, Lot 1
Cal. #17-19WP & Cal. #06-19SW**

September 19, 2023

WHEREAS, by Resolution adopted on August 17, 2021 (Cal. #04-19 PB, Cal. #17-19WP and Cal. #06-19SW), the Planning Board issued a Site Development Plan Approval ("SPA"), Special Use Permit Approval ("Special Permit"), Wetland Activity Permit ("Wetland Permit") and Stormwater Permit Approval ("Stormwater Permit"), all accompanied by a SEQRA Negative Declaration, to Pound Ridge Stone ("PRS"); and

WHEREAS, the SPA, Special Permit, Wetland Permit and Stormwater Permit authorized the legalization and expansion of an existing landscaping business, the construction of a 24' x 35' storage building, the continued use of an existing retail/office space to support the landscape business, the installation of twenty-four (24) off-street parking spaces within a gravel parking lot, including the installation of two (2) accessible paved parking spaces and four (4) "land banked" spaces, the installation of a formal paved driveway off of West Road, the removal of the former curb cut onto Smith Ridge Road, the installation of two (2) material storage bins for storage of topsoil and sand, outdoor display areas, signage, fencing, stormwater management facilities, landscaping and wetland mitigation on the PRS premises identified on the Town Tax Maps as Sheet 49B, Block 9831, Lot 1; and

WHEREAS, at its February 15, 2022 meeting, the Planning Board granted an extension of one (1) year to PRS to satisfy conditions specified in the August 17, 2021 Resolution; and

WHEREAS, by Resolution adopted on March 15, 2022 (Cal. #04-19 PB, Cal. #17-19WP and Cal. #06-19SW), the Planning Board amended Condition #3(c) of its August 17, 2021 Resolution, so as to require the issuance of a NYSDOT permit prior to the filing of

a Certificate of Occupancy, rather than prior to the signing of the Site Development Plan; and

WHEREAS, at its March 1, 2023 meeting, the Planning Board granted an additional extension of time within which PRS is to satisfy conditions in the August 17, 2021 Resolution (through August 17, 2023);

WHEREAS, on March 6, 2023, the Planning Board Chair signed the plans associated with the SPA and Special Permit, as set forth in the August 17, 2021 Resolution; and

WHEREAS, pursuant to Town Code §§220-32 and 220-50 and the August 17, 2021 Resolution, with the signing of these plans, the SPA is now valid for a period of two years and the Special Permit for a period of one (1) year from March 6, 2023; and

WHEREAS, although the SPA and Special Permit remain open, the Wetland Permit and Stormwater Permit expired on August 17, 2023; and

WHEREAS, PRS has applied for reapproval of the Wetland Permit and Stormwater Permit; and

WHEREAS, the activities authorized under the Wetland Permit and Stormwater Permit are directly related to those authorized under the SPA and Special Permit, and the Planning Board deems it advisable to reapprove the Wetland Permit and Stormwater Permit subject to all conditions set forth in the August 17, 2021 Resolution, as amended;

NOW, THEREFORE BE RESOLVED THAT, the Planning Board hereby reapproves the Wetland Permit and Stormwater Permit for a period of up to and including March 6, 2025.

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

aye

SUSAN GERRY

absent

CHARLENE INDELICATO

aye

BRUCE THOMPSON

aye

JOHN GUSMANO

aye

Janet E. Andersen

Janet Andersen, Chair

September 19, 2023

**RESOLUTION
LEWISBORO PLANNING BOARD**

**HOLLANDER/AUDEMARD LOT LINE CHANGE
PRELIMINARY AND FINAL SUBDIVISION APPROVAL
WETLAND PERMIT**

**Sheet 32A, Block 10804, Lot 19 (Hollander)
Sheet 32A, Block 10804, Lot 91 (Audemard)**

Cal. #2-22 P.B. and #3-22 W.P.

REAPPROVAL OF SEPTEMBER 20, 2022 RESOLUTION

September 19, 2023

WHEREAS, the Town of Lewisboro Planning Board has received an application from Seth Hollander and Olivier and Rebecca Audemard ("the applicants") for a Lot Line Change involving two (2) parcels of land located at 151 and 153 Post Office Road; and

WHEREAS, the lots in question are identified as Sheet 32A, Block 10804, Lots 19 and 91 on the Town Tax Maps; and

WHEREAS, Lot 19 is owned by Seth Hollander and is located at 153 Post Office Road, while Lot 91 is owned by Rebecca Audemard and is located at 151 Post Office Road ("the subject properties"); and

WHEREAS, the subject properties are located within the R-2A Zoning District; and

WHEREAS, Lot 19 (Hollander) is currently comprised of ± 5.08 acres of land and Lot 91 (Audemard) is comprised of ± 2.07 acres; and

WHEREAS, Lots 19 and 91 are accessed off of Post Office Road via a common driveway; and

WHEREAS, Lot 19 (Hollander) has an access easement over Lot 91 (Audemard); and

WHEREAS, Lot 19 (Hollander) has frontage on Autumn Ridge Road and the proposed action includes a lot line change, elimination of the shared driveway, and a new private driveway off Autumn Ridge Road to serve Lot 19 ("the proposed action"); and

WHEREAS, the Planning Board approved the subject application on September 20, 2022; however, the applicant failed to satisfy the conditions of approval within the specified time period and the application was allowed to expire. The applicant has reapplied to the Planning Board for the same action with no changes being made to the plans; and

WHEREAS, the proposed lot line realignment will not result in the creation of any new lot, will not result in a zoning nonconformity, and will include an equal exchange of land (± 782.5 s.f.) between both parcels; and

WHEREAS, a Town of Lewisboro jurisdictional wetland is located off-site and between Autumn Ridge Road and Lot 19 (Hollander); and

WHEREAS, the Town of Lewisboro 150-foot regulated buffer extends onto the subject properties and the proposed driveway and driveway reconfiguration is proposed within the regulated wetland buffer; and

WHEREAS, reference is made to a wetland report submitted by the applicants and prepared by Evans Associates, dated May 17, 2022; and

WHEREAS, to offset potential impacts to the wetland and wetland buffer, the applicants have developed a wetland mitigation plan which includes wetland buffer restoration, native plantings and invasive species removal; and

WHEREAS, reference is made to review memorandums prepared by Kellard Sessions Consulting, the Town's professional consultants, dated February 11, 2022 and August 11, 2022; and

WHEREAS, reference is made to a letter prepared by the Building Inspector, dated August 24, 2022; and

WHEREAS, the applicants have submitted a Short Environmental Assessment Form (EAF), dated January 10, 2022; and

WHEREAS, a duly noticed public hearing on the wetland permit was opened and closed on September 20, 2022, at which time all interested parties were afforded an opportunity to be heard; and

WHEREAS, the Planning Board has considered the submitted application, other materials submitted by the applicants in support of its proposal, the written and verbal comments from the Board's professional consultants and the Conservation Advisory Council, and the verbal commentary made during Planning Board meetings.

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

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

BE IT FURTHER RESOLVED THAT, the Planning Board hereby reaffirms its Negative Declaration of Significance issued on September 20, 2022; and

BE IT FURTHER RESOLVED THAT, in accordance with Section 195-13 of the Subdivision Regulations, the Planning Board hereby waives submission of the Step II Application and the preparation of a Preliminary Subdivision Plat; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants Preliminary and Final Subdivision Approval, subject to the below conditions; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves the following plans ("the approved plans"), subject to the below listed conditions:

Subdivision Plat, prepared by Eliot Senor, L.S., dated June 8, 2022:

- "Lot Line Re-alignment Lots Nos. 1 and 2 as Shown on Map Titled Final Subdivision Plat Know as Oak Pasture"

Plans, Prepared by Caccio Engineering, PLLC, dated June 1, 2022:

- Title Page (Page 1 of 6)
- Existing Conditions Plan (Page 3 of 6)
- Removals Plan (Page 4 of 6)
- Grading Plan (Page 5 of 6)
- Site Plan/Erosion Control Plan (Sheet 6 of 6)

Plans, Prepared by F. Capparelli Landscape Design, dated May 26, 2022:

- Driveway Realignment-Wetland Buffer Plan (L1)
- Driveway Realignment-Wetland Buffer Blowup (L2) - Rendered
- Driveway Realignment-Wetland Buffer Blowup (L2) – Line Drawing

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 applicants, 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 applicants 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; and

BE IT FURTHER RESOLVED THAT, Conditions #1 through #9, outlined below, must be completed within 180 days of the date of this Resolution (Monday, March 18, 2024). Should said conditions not be completed within the allotted time frame, this Resolution shall become null and void unless a 90-day extension is requested, in writing, by the applicants within said 180-day period and granted by the Planning Board.

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

1. All applicable Town, County, State and Federal permits/approvals shall be obtained by the applicants 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/approvals, as determined necessary. The applicants have identified the following outstanding outside agency approvals, which shall be obtained prior to the signing of the approved plans, unless otherwise noted:
 - The applicant shall obtain a license agreement with the Town Board for planting within the public right of way (Completed - Executed on April 25, 2023).
 - Highway Work Permit from the Town of Lewisboro Highway Superintendent (Completed-issued January 10, 2023).
 - Realty Subdivision Approval from the Westchester County Department of Health.
2. The applicants shall obtain a Wetland Implementation Permit, as issued by the Town Wetland Inspector.
3. The Town's standard signature blocks (Chairperson, Administrator and Town Consulting Engineer) shall appear on all sheets of the approved plans.
4. Each and every sheet of the approved plans shall contain a common revision date with notation stating, "Final Planning Board Approval", shall contain an original seal and signature of the design professional(s), and shall contain an original signature of the applicants/owners.
5. The applicants shall provide a letter to the Planning Board Administrator acknowledging that they have read and will abide by the Conditions of this Resolution.
6. All applicable application fees and escrow shall be submitted by the applicants to the Planning Board Administrator.
7. The applicants shall submit a "check set" (two copies) of the approved plans prepared to address any outstanding written comments and the conditions of this resolution for final review by the Planning Board's consultants.

8. Any revisions required as a result of the consultants' review of the approved plans shall be made. The applicants shall furnish the Planning Board with six (6) complete sets of approved plans (less the plat) for final review by the Town Consulting Engineer and endorsement by the Town Consulting Engineer, Planning Board Administrator and Chairperson.
9. The applicants shall submit two (2) original mylar copies of the Final Subdivision Plat, complete with all required original signatures, for final review and endorsement by the Town Consulting Engineer, Planning Board Administrator, and the Planning Board Chair.

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

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

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

13. Conditions #1 – #12 specified herein shall have been satisfied.
14. Prior to commencement of any site work or construction activity, a site visit shall be conducted with the applicants, their contractor, Highway Superintendent, and Town Engineer. Prior to the site visit, all erosion and sedimentation controls shall be properly installed by the applicants 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:

15. All development activities shall be completed in accordance with the approved plans. For any reason, should modification to these plans be deemed necessary, the applicant

shall immediately contact the Town's Professional Consultants and Building to review same and to determine if amended approvals are required.

16. 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 plans; these inspections shall be paid for by the applicants via the established escrow account which shall remain funded until a Certificate of Compliance is issued.
17. All plant material shall be installed between April 1st and June 15th or between September 1st and October 15th. Plant substitutions, if any, must be previously approved by the Town's consultants.
18. A copy of this Resolution, the approved plans, shall be kept on site at all times.

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: John Gusmano

The vote was as follows:

JANET ANDERSEN

CHARLENE INDELICATO

BRUCE THOMPSON

JOHN GUSMANO

SUSAN GERRY

aye
aye
aye
aye
absent

Janet Andersen
Janet Andersen, Chair September 19, 2023

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

Date: September 20, 2022

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

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

Name of Action: Hollandar/Audemard lot line change & relocation of Driveway Access.

SEQRA Status: ☐ Type 1

☒ Unlisted

Conditioned Negative Declaration: ☐ Yes

☒ No

Coordinated Review: ☐ Yes

☒ No

Description of Action:

The Town of Lewisboro Planning Board has received an application from Seth Hollander and Olivier and Rebecca Audemard ("the applicants") for a Lot Line Change involving two (2) parcels of land located at 151 and 153 Post Office Road. The lots in question are identified as Sheet 32A, Block 10804, Lots 19 and 91 on the Town Tax Maps. Lot 19 is owned by Seth Hollander and is located at 153 Post Office Road, while Lot 91 is owned by Rebecca Audemard and is located at 151 Post Office Road ("the subject properties"). Lots 19 and 91 are accessed off of Post Office Road via a common driveway; Lot 19 (Hollander) has an access easement over Lot 91 (Audemard). Lot 19 (Hollander) has frontage on Autumn Ridge Road and the proposed action includes a lot line change, elimination of the shared driveway, and a new private driveway off Autumn Ridge Road to serve Lot 19 ("the proposed action").

Location: 151 and 153 Post Office, Town of Lewisboro, New York.

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

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

The proposed action involves a lot line changes and only minor disturbances to modify the driveway are proposed. A Town of Lewisboro jurisdictional wetland is located off-site and between Autumn Ridge Road and Lot 19 (Hollander). The Town of Lewisboro 150-foot regulated buffer extends onto the subject properties and the proposed driveway and driveway reconfiguration is within the regulated wetland buffer. Reference is made to a wetland report submitted by the applicants and prepared by Evans Associates, dated May 17, 2022. To offset potential impacts to the wetland and wetland buffer, the applicants have developed a wetland mitigation plan which includes wetland buffer restoration, native plantings and invasive species removal.

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

The proposed action will result in the removal of four (4) trees and the installation of 17 trees, 47 shrubs, and 540 herbaceous plants.

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

The subject properties are not located within a Critical Environmental Area.

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

The subject properties are located within a residential zoning district, no change to the use is proposed. No variances are required for the proposed action.

5. The proposed action will not result in the impairment of the character or quality

of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood.

See response to Finding No. 1 and 4 above. The subject properties are not located within or adjacent to a listed historical or cultural resource.

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

See response to Finding No. 1 and 4 above.

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

See response to Finding No. 1 and 4 above.

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

See response to Finding No. 1 and 4 above.

9. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.

10. The proposed action will not create a material demand for other actions that would result in one of the above consequences.

11. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

12. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).

13. The Planning Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

For further information contact:

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

This notice is being filed with:

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