

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, October 17, 2023 at 7:30 p.m. The audio recording of this meeting is Lewisboro Planning Board 231017\_001.MP3

Present: Janet Andersen, Chair  
Susan Gerry  
Charlene Indelicato  
Bruce Thompson  
Jud Siebert, Esq., Keane & Beane P.C., Planning Board Counsel  
Jan Johannessen, AICP, KSCJ Consulting  
Kevin Kelly, Building Inspector  
John Wolff, Conservation Advisory Council (CAC)

Absent: John Gusmano

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

## I. DECISION

### **Cal #08-02PB**

(2:02 – 5:24)

**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 wetland bond reduction.**

No one was present on behalf of the owners.

Mr. Siebert reviewed the draft resolution.

On a motion made by Ms. Indelicato, seconded by Ms. Gerry, the Board granted a partial release (15%) of the wetland bond for JVG Estates (formerly Popoli Subdivision / 1437 Route 35) Bluestone Lane, South Salem. In favor: Ms. Andersen, Ms. Gerry, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano. A copy of the Resolution is attached to these minutes.

## II. PUBLIC HEARINGS

### **Cal #02-10PB**

(6:29 – 11:04)

**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.

Prior to the start of the meeting, Mr. Cavers submitted the receipt for mailing the public hearing notice, affidavit of mailing, green cards from the certified mailings and affidavit of sign posting to Ms. Conran.

The public hearing was opened at 7:36 p.m.

Mr. Cavers stated this 100-acre not-for-profit private nature preserve focuses on educating the public on birds and the environment and because it is in a residential zoning district its Special Use Permit must be renewed every five years.

There were no public comments on this application renewal.

On a motion made by Ms. Gerry, seconded by Mr. Thompson, the Board closed the public hearing for the Bedford Audubon Society, 35 Todd Road, Katonah at 7:39 p.m. In favor: Ms. Andersen, Ms. Gerry, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano.

Mr. Johannessen reviewed the draft resolution.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson the resolution dated October 17, 2023 granting Special Use Permit Approval for a private nature preserve to the Bedford Audubon Society, 35 Todd Road, Katonah, was adopted. In favor: Ms. Andersen, Ms. Gerry, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano. A copy of the Resolution is attached to these minutes and the new expiration date is October 17, 2028.

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

(11:05 – 1:16:08)

**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 and Antonio Coppola, owners; Joseph Riina, P.E., Site Design Consultants; and Michael Sirignano, Esq. were present.

Prior to the start of the meeting, Mr. Sirignano submitted the receipt for mailing the public hearing notice, affidavit of mailing, green cards from the certified mailings and affidavit of sign posting to Ms. Conran.

The public hearing was opened at 7:42 p.m.

Mr. Sirignano stated that the subject parcel is directly across Mark Mead Road from Bacio's and has an existing two-family house and garage; the garage is to be demolished. He noted that in May 2022, the Town Board rezoned the northerly portion of the lot from R1/2A to RB and the applicant is proposing to use the commercial portion and access it via North Salem Road for the restaurant's overflow / employee parking; 13 and 12 spaces respectively. Mr. Sirignano stated there are four additional parking spaces on the southerly portion of the lot (accessed by Mark Mead Road) for use by the tenants.

Mr. Sirignano stated the restaurant's capacity is 60 seats and the Department of Health determined that the existing septic system could accommodate 94 people.

Mr. Riina reviewed the plans. He noted that the existing driveway is to be widened and the new parking area is to be gravel; an additional accessible parking space is to be added near the restaurant's front door. Mr. Riina stated steps will be installed to the west of the parking lot to access North Salem Road and the new painted crosswalk; on the restaurant side of the road there will be a 5' sidewalk to the parking lot. He noted on the east side of the new lot a 6' solid fence is to be installed plus landscaping. Mr. Riina stated there is to be evergreen screening at the east and west ends of the parking lot. He noted that there will be 42' Night Sky-compliant bollard lights outlining the parking lot. Mr. Riina stated there will be zero footcandles of light at the property lines except for the steps and walkway area which will have 8' high bollard lights.

Mr. Riina stated because of the area of disturbance and the location within the NYC watershed, the stormwater practice (a subsurface infiltrator system) must be designed to 100-year storm events.

The following members of the public addressed the Board:

Andrew Cullen (30 Mark Mead) commented against the additional traffic in their neighborhood center.

Carlo Citro (41 Mark Mead) commented that the additional cars will affect his peace and serenity and requested that signs are posted when changes to zoning districts are proposed.

Tom Beck (34 Mark Mead) commented that Bacio's overflow parking should be at the Boro Café. He noted he had recently counted only six and then nine cars parked in the Boro Café lot. Mr. Beck stated that the Board had permission to stand in his driveway and on his porch during the site walk.

Jerry Pozniak (23 Mark Mead) commented that the additional traffic is dangerous, and the Board should make a site visit. He recommended valet parking instead of a new parking lot and asked about light pollution into his property.

Lisa Miller (23 Mark Mead) commented about the historic neighborhood and questioned the need for so many additional parking spaces. She noted that the 6' trees will be inadequate to screen for the cars' headlights. She is concerned about stormwater runoff, loss of trees and additional noise.

Julio Orellana (27 Mark Mead) commented that Mark Mead is not a commercial area, it is residential and does not need another parking lot.

George Eggleston (54 Mark Mead) commented on the safety of the street crossing. He asked if there could be dedicated spots for the 13 employees and if the applicant has demonstrated the need for this additional parking. He noted an almost 1:1 ratio of parking spaces to patrons if the parking total is 58 spaces.

Abilash Valiamplackal (39 Mark Mead) commented that the additional traffic is dangerous for the kids in the neighborhood. He requested a crosswalk at the intersection.

Louise Moore (28 Mark Mead) commented that the lights, traffic, additional parking, sidewalk and crosswalk will impact the entire neighborhood.

Ms. Andersen asked the applicant if they have done Friday or Saturday night car counts. Mr. Sirignano stated the applicant has seen 30 cars parked at the Boro Café. Ms. Indelicato requested a rationale for the proposed number of parking spaces. Mr. Sirignano agreed to provide nightly parking counts.

The Board wants to review the septic location and lighting plan. Mr. Riina noted that the proposed parking lot is 4' lower than the easterly property line and with a 6' fence screened by trees that could grow to 20' the neighbors will not see the headlights.

Mr. Sirignano stated the most easterly 12 spots would be dedicated for employees.

The Board reached consensus to schedule a site visit for Friday, November 10, 2023 at 5:00 p.m. Mr. Siebert stated that the purpose of the site walk is for the Board to glean information firsthand and no business is conducted during the site visit; it is not a public meeting but letters can still be submitted to the Planning office.

Ms. Andersen stated the public hearing will continue on November 21, 2023.

**Cal #26-23WP**  
(1:16:09 - 1:31:48)

**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.; and John De Lano, GZA; were present.

Prior to the start of the meeting, Ms. Militana submitted the receipt for mailing the public hearing notice, affidavit of mailing, green cards from the certified mailings and affidavit of sign posting to Ms. Conran.

The public hearing was opened at 8:46 p.m.

Ms. Militana stated that proposed work is to address seepage at the dam.

Mr. De Lano stated improvements include – riprap for erosion control, valve replacement, and the addition of a parapet wall to the top of the dam to guard against overtopping during a 100-year flood event. He noted that access will be along the existing right-of-way that is used for maintenance.

The following members of the public addressed the Board:

Amory Houghton (9 Hillcrest Court) commented that he is happy with the proposed work.

Alyce Rose (9 Wakeman Road) commented the reservoir has been empty for 3 ½ years and she would like to see it full again. She noted that the construction access would be at her driveway.

Susan LaMotte (26 Wakeman Road) commented that she supports this project.

Jim Hamren (21 Wakeman Road) commented that he is in support for this project especially since there is a lack of fire hydrants in the area, and this is their source of water for fire suppression. He noted that the view shed would also improve with a full reservoir. Mr. Hamren also noted that he is against the nearby Hidden Point Farm surf pool and said it is a monstrosity, that is heated and lit year-round, the lights are not Night-Sky compliant and he questions why the Town Code allows a giant wave pool while it hinders a project to repair a dam. He will discuss this further with the Supervisor.

Ms. Militana stated work can start after the Board approvals and the DEC receives a Declaration of Lead Agency. Mr. Johannessen stated that this is a Type II action under SEQR and is exempt from a coordinated review, lead agency status, or SEQR determination. Mr. Johannessen is to speak with the DEC for clarification and he recommended the applicant look at the Kellard Sessions memos, address the outstanding items and then the Town wetland permit can be issued.

Mr. Ukers stated that next steps are the building process, and the start of construction is weather dependent.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board closed the public hearing for Scott's Dam Reservoir Rehabilitation, 0 Wakeman Road, South Salem at 8:58 p.m. In favor: Ms. Andersen, Ms. Gerry, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano.

On a motion made by Ms. Gerry, seconded by Ms. Indelicato, the Board determined that the review of the Scott's Dam Reservoir Rehabilitation, 0 Wakeman Road, South Salem, will be handled administratively by a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Gerry, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano.

**Cal #01-13PB**

(1:31:49 - 1:44:49)

**Verizon Wireless, 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 colocator on an existing cell tower.

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

Prior to the start of the meeting, Ms. Poccia submitted the receipt for mailing the public hearing notice, affidavit of mailing, green cards from the certified mailings and affidavit of sign posting to Ms. Conran.

The public hearing was opened at 9:02 p.m.

Ms. Poccia stated that at the September 19, 2023 meeting, the Board discussed a renewal without expiration (following the final inspection and public hearing) of the Special Use Permit for the Verizon Wireless equipment collocating on this cell tower. She noted that the inspection found no issues, there have been no changes to the equipment and the site has been operating in compliance with all applicable laws.

The following member of the public addressed the Board:

Tomor Kendezi (115 Waccabuc Road) commented that the maintenance crews often leave the gate open and there are four generators left running all night outside the compound. Mr. Johannessen stated tonight's applicant has a propane generator. Mr. Kendezi stated the trees planted by the tower owner are not surviving.

On a motion made by Ms. Indelicato, seconded by Ms. Gerry, the Board closed the public hearing for Verizon Wireless, 117 Waccabuc Road, Goldens Bridge at 9:12 p.m. In favor: Ms. Andersen, Ms. Gerry, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano.

Mr. Johannessen reviewed the draft resolution. He 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. and that is the reason this renewal is being proposed without an expiration date. Mr. Johannessen stated the tower owner will continue to return to the Planning Board for renewals every five years.

On a motion made by Ms. Gerry, seconded by Mr. Thompson, the resolution dated September 19, 2023 granting reapproval of the Site Development Plan Approval to Verizon Wireless, 117 Waccabuc Road, Goldens Bridge was adopted. In favor: Ms. Andersen, Ms. Gerry, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano. A copy of the Resolution is attached to these minutes.

The Board requested asked either the Wetland Inspector or Building Inspector visit the site for compliance with site development plan approval.

### **III. EXTENSION OF TIME REQUESTS**

#### **Cal #03-22PB**

(1:44:50 - 1:47:45)

**Arbor Hills Water System, 0 Brundige Drive, Goldens Bridge, NY 10526; Sheet 12, Block 11152, Lot 200 (Arbor Hill Waterworks, Inc, owner of record)** - Request for an extension of time to the Resolution granting Site Development Plan Approval and Town Stormwater Permit Approval dated May 17, 2022, for the construction of a water treatment facility. The current expiration date is November 17, 2023.

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

Mr. Peters stated that while communications between Liberty Water and the Department of Health have improved the applicant is waiting for final health dept. approval.

On a motion made by Ms. Indelicato, seconded by Ms. Gerry, 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 May 17, 2024. In favor: Ms. Andersen, Ms. Gerry, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano.

**Cal #09-22PB**

(1:47:46 - 1:48:53)

**Indian Hills Water System, 0 Apache Circle, Katonah, NY 10536; Sheet 10, Block 11152, Lot 189 (Waccabuc Water Works, Inc, owner of record)** - Request for an extension of time to the Resolution granting Site Development Plan Approval, Town Wetland Permit Approval and Town Stormwater Permit Approval dated June 21, 2022, for construction of a water treatment facility. The current expiration date is December 21, 2023.

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

Mr. Peters stated that they are waiting for final health dept. approval for the water treatment facility.

On a motion made by Ms. Indelicato, seconded by Ms. Gerry, 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 June 21, 2024. In favor: Ms. Andersen, Ms. Gerry, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano.

**Cal #07-21PB**

(1:48:54 - 1:50:32)

**Cross River Pharmacy, 890 Route 35, Cross River, NY 10518; Sheet 20, Block 10801, Lot 30 (Central Ave., White Plains, LLC., owner of record)** - Request for an extension of time to the Resolution granting Change of Use Permit Approval and Waiver of Site Development Plan Procedures dated October 19, 2021, for a change of use from physical training studio to pharmacy use. The current expiration date is October 19, 2023.

Elaine Feldman, Cross River Pharmacy, was present on behalf of the owner.

Ms. Feldman requested a six-month extension noting they are waiting for Department of Health approval. She stated that she has all the contractors selected and a building permit will be submitted in the next two weeks.

On a motion made by Ms. Indelicato, seconded by Ms. Gerry, 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 April 19, 2024. In favor: Ms. Andersen, Ms. Gerry, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano.

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

(1:50:33 - 1:55:50)

**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)** – Request for an extension of time to the Resolution granting Site Development Plan Approval, Town Wetland Permit Approval and Town Stormwater Permit Approval dated May 16, 2023, for beachfront improvements including renovation of the boathouse, construction of a pavilion, replacement of the snack bar, and installation of accessible parking and walkways. Conditions #1-16 of that Resolution are to be completed by November 16, 2023.

John Assumma, Waccabuc Country Club; and Dawn McKenzie, RLA; were present.

Ms. McKenzie stated that the applicant is waiting for Department of Health final approval and noted that the health dept. determined a closed underground stormwater treatment practice (not a surface catch basin) is required because of the proximity to the public water supply well. This change will result in less site disturbance and fewer trees cut. She stated the variances granted by the DEP remain intact and she will supply a copy of same.

Ms. McKenzie stated the floodplain permit is pending and after the check set they will get DEC coverage under the SPDES General Permit.

On a motion made by Mr. Thompson, seconded by Ms. Gerry, the Board granted a six-month extension of time to the Site Development Plan Approval, Town Wetland Permit Approval and Town Stormwater Permit Approval dated May 16, 2023, for the Waccabuc Country Club's beachfront improvements at 18 Perch Bay Road and 0 Tarry-A-Bit Lane, Waccabuc; the new expiration date is May 16, 2024. In favor: Ms. Andersen, Ms. Gerry, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano.

#### IV. SITE DEVELOPMENT PLAN REVIEW

##### **Cal #06-17PB**

(1:55:51 – 2: 03:08)

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

Spencer Wilhelm, Wolf Conservation Center; Janet Giris, DelBello Donnellan Weingarten Wise and Wiederkehr; and Matt Gironda, Bibbo Associates; were present.

Ms. Andersen stated tonight's discussion will related to the lot-line change and that the Board issued a Neg. Dec. at its June 20, 2023.

Ms. Giris stated the preliminary plat has been revised and resubmitted to incorporate the Board's consultants' remaining comments. She requested that a draft resolution be prepared (in order to go to the Department of Health) and that the public hearing for the subdivision be waived.

Mr. Johannessen stated that a public hearing is required for the Special Use, Site Plan and Wetland Permits. He noted that the public hearing for the subdivision can be waived as long as no zoning variances related to that subdivision are required.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board agreed to waive the public hearing for the lot-line change at the Wolf Conservation Center, Buck Run, South Salem. In favor: Ms. Andersen, Ms. Gerry, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano.

The Board reached consensus to have Mr. Johannessen draft a resolution for the November 21, 2023 meeting.

Mr. Siebert stated the public hearing on the Site Plan and Special Use Permit can happen concurrently with appearing at the ZBA for the fence height variance.

Mr. Johannessen stated for the Special Use Permit there could be outstanding conditions such as DEC wetland permit, addressing DEP comments, and Department of Health approval.

The Board reached consensus to schedule the public hearing on the Site Plan, Special Use Permit and Wetland Permit at the Wolf Conservation Center, Buck Run, South Salem for November 21, 2023.

## V. WETLAND PERMIT REVIEWS

### Cal #39-23WP

(2:03:09 – 2:12:30)

**Richeda Residence, 15 Wakeman Road, South Salem, NY 10590; Sheet 47C, Block 10065, Lot 5 (Marilyn Richeda, owner of record)** – Application to rebuild a single-family residence.

John Richeda; and Edwin Elliott, AIA; were present.

Mr. Elliott stated that the previous house burned down ten years ago, sat vacant and was purchased by the current owner a year ago. He described the proposed house, breezeway and two-car garage and noted it will be on the same footprint as the previous house, except for an 100 sf one-story addition.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board determined that the review of the Richeda Residence, 15 Wakeman Road, South Salem, will be handled administratively by a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Ms. Gerry, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano.

### Cal #32-23WP, Cal #10-23SW

(2: 12:31 – 2:33:19)

**Gecaj Residence, 926 Route 35, South Salem, NY 10590; Sheet 20, Block 10801, Lot 156 (Xhafer Gecaj, owner of record)** – Application for a new well, septic and house.

Michael Sirignano, Esq.; and Steve Marino, PWS; were present on behalf of the owners.

Mr. Sirignano stated this is part of a 2014 two-lot subdivision in which the rear lot was never developed; the prior owners renewed the Board approvals for a three-bedroom house until they sold the vacant parcel to the current owner. He requested a preliminary discussion about tree replacement; the applicant received a Stop Work Order in March 2023 for the removal of 58 trees. Mr. Marino stated 24 of the trees that were cut down were in the previously approved area of disturbance and 34 were in the buffer area. Mr. Johannessen stated 34 of those trees were noted for protection as part of the original approvals.

Mr. Marino stated that there is an off-site state- and town-regulated wetland. He noted there are no proposed activities within the state's 100' buffer and the proposed activities within the town's 150' buffer are construction of a four-bedroom house, driveway, and stormwater rain garden. Mr. Marino stated 30 trees and 200 shrubs are proposed. Most of the trees are low canopy trees.

The Board asked if more high canopy trees could be considered since most of the cut trees were high canopy.

The Board reached consensus to schedule a site visit for Friday, November 10, 2023 at 4:15 p.m.

## VI. SITE VISIT REPORTS

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

(2:33:20 – 2:36:26)

**Merchan and Valencia Residence, 1324 Route 35, South Salem, NY 10590; Sheet 39, Block 10543, Lot 22 (Lina Merchan and Fabio Valencia, owners of record)** - Application for remediation of wetlands.

No one was present on behalf of the owners.

Ms. Andersen reported on the site visit held on Saturday, October 14, 2023 at 9 A.M.



## Attendees:

- Applicant: Mr. Valencia; and Tracy Chalifoux, RLA.
- Planning Board: Janet Andersen, Susan Gerry, John Gusmano, and Charlene Indelicato.

The group met on the driveway. The homeowner explained that a portion of the driveway is on his neighbor's property, and that he put fill on the side to support the driveway at the end that is towards Route 35. On the driveway up to the curve, the group could see the property line and the wetland line were both close to the bottom of the embankment supporting the driveway. Behind the curve, the group saw where rock had been piled to reinforce the driveway and below that they could see a flat area that the homeowner said was his only flat area. It appeared that most of the fill was rock, with a little dirt and grass on top.

Mr. Valencia said that he and the neighbor to the west were working on a property exchange and lot-line change that would allow him to keep the driveway in the current location. He said that the driveway had been in that location for 40 years.

Ms. Andersen added that the lot-line change would be a way to avoid using additional fill along the driveway.

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

(2:26:27 – 2:38:32)

**Bernabo Residence, 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.**

No one was present on behalf of the owners.

Ms. Andersen reported on the site visit held on Saturday, October 14, 2023 at 9:30/9:45 A.M.

## Attendees:

- Applicant: Alex and Faus Bernabo; and Peder Scott, AIA.
- Planning Board: Janet Andersen, Susan Gerry, John Gusmano, and Charlene Indelicato.
- CAC: Val Ondes.
- Neighbor: Stewart Fishbein.

The group met on the road and discussed the opening for the driveway next to a large oak tree, which may have to come down for sight lines. They saw the general area of the driveway. The edges of the garage and house were staked, and the group could see the wetland flags just off the house flags. The deck and planter would be in the wetland itself. The group also saw the area for the septic system which was upslope of the house. They saw that the area where the house would be has a lot of barberry, and some barberry extends into the wetland.

Ms. Andersen added that she did not see an easy mitigation location on that site.

**VII. MINUTES OF September 19, 2023.**

(2:38:33 - 2:38:49)

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board approved the minutes of the September 19, 2023 meeting, as submitted. In favor: Ms. Andersen, Ms. Gerry, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano.

**VIII. EXECUTIVE SESSION**

(2:38:50 – 2:39:46)

On a motion made by Ms. Gerry, seconded by Ms. Indelicato, the Board entered executive session at 10:09 p.m. for purposes of attorney-client consultation.

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

On a motion made by Mr. Gusmano, seconded by Ms. Indelicato, the Board adjourned the executive session at 10:30 p.m. and continued the Planning Board meeting in open session.

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

**IX. NEXT MEETING DATE: November 21, 2023.**

(2:39:47 – 2:39:53)

Ms. Andersen stated the next meeting date is November 21, 2023.

**X. ADJOURN MEETING.**

(2:39:54 – 2:40:04)

On a motion made by Mr. Ms. Indelicato, seconded by Ms. Gerry, the meeting was adjourned at 10:31 p.m. In favor: Ms. Andersen, Ms. Gerry, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano.

Respectfully submitted,



Ciorsdan Conran  
Planning Board Administrator

OCT 18 2023

Town Clerk  
Town of Lewisboro

**RESOLUTION  
LEWISBORO PLANNING BOARD**

**AUTHORIZING ADDITIONAL REDUCTION OF  
WETLAND MITIGATION AND STORMWATER PLANTING  
PERFORMANCE SECURITY**

**JVG ESTATES LLC  
BLUESTONE SUBDIVISION  
(Formerly Popoli/Sicuranza)  
1437 Route 35 South Salem, New York**

**Sheet 40, Block 10552, Lots 39, 40, 41, 42, 43 & 46  
Cal. #8-02 PB**

**October 17, 2023**

**WHEREAS**, by Resolution adopted on December 8, 2009, the Planning Board granted Conditional Final Cluster Subdivision Plat Approval and a Conditional Wetland Activity and Stormwater Permit for a 6-lot residential subdivision proposed by Pasquale Popoli and Angelo Sicuranza ("Popoli/Sicuranza"); and

**WHEREAS**, the property subject to this subdivision approval and wetland activity and stormwater permit consists of  $\pm 54.765$  acres of land located on the southerly side of Old Post Road (NYS Route 35) and within the R-4A Zoning District; and

**WHEREAS**, JVG Estates LLC ("JVG") is the successor-in-interest and title to Popoli/Sicuranza; and

**WHEREAS**, the Planning Board's December 8, 2009 Resolution was subsequently amended by Resolutions adopted by the Planning Board on September 28, 2010, February 8, 2011, June 14, 2011 and April 18, 2017; and

**WHEREAS**, Condition #12 of the Planning Board's December 8, 2009 Resolution, as amended on February 8, 2011 and June 14, 2011, was amended on April 18, 2017 to provide:

Wetland mitigation and stormwater basin plantings shall be the subject of performance security to be posted in the amount of \$37,431.90. Said security shall be in the form of a deposit, in the sum of \$37,431.90, submitted to the Planning Board

Secretary and placed into a Town of Lewisboro escrow account. Fifty (50%) percent of the this performance security shall be released after a period of one (1) year, twenty (20%) percent of the original security amount shall be released after a period of two (2) years and fifteen (15%) percent shall be released following years three (3) and four (4). Should an 85% survival rate not be achieved at any time during this maintenance period, dead plants/shrubs/trees shall be removed and replaced in kind to achieve said rate; and

**WHEREAS**, the performance security required under Condition #12, as amended on April 18, 2017, was duly deposited by JVG with the Town of Lewisboro; and

**WHEREAS**, by Resolution adopted on July 20, 2021, the Planning Board, in response to JVG's request, authorized the reduction of this performance security by 50% (in the amount of \$18,715.95), leaving all other requirements of Condition No. 12 of the Planning Board's December 8, 2009 Resolution, as amended on April 18, 2017, in effect; and

**WHEREAS**, by Resolution adopted on August 16, 2022, the Planning Board, in response to JVG's request, authorized the further reduction of this performance security by 20% (in the amount of \$7,486.38), leaving all other requirements of Condition No. 12 of the Planning Board's December 8, 2009 Resolution, as amended on April 18, 2017, in effect; and

**WHEREAS**, JVG has, by correspondence to the Planning Board dated August 24, 2023, requested the additional release of 15% of the original security amount pursuant to Condition #12, as amended on April 18, 2017, on the basis that three years have elapsed since the submission of an as-built plan confirming placement of wetland mitigation and stormwater basin plantings, and 85% of these plantings have survived this three-year period; and

**WHEREAS**, the Town Wetland Inspector and the Planning Board's consultants have confirmed that these wetland mitigation and stormwater basin plantings have been in place for a period of three (3) years and that a survival rate of greater than 85% has been achieved;

**NOW, THEREFORE, BE IT RESOLVED**, that, pursuant to Condition No. 12 of the Planning Board's December 8, 2009 Resolution, as amended on April 18, 2017, the

Planning Board authorizes the reduction of the aforementioned performance security in the amount of \$5,614.79 (constituting 15% of the original \$37,431.90 deposited with the Town) and that all other requirements of Condition No. 12 of the Planning Board's December 8, 2009 Resolution, as amended on April 18, 2017, shall 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: Charlene Indelicato

The motion was seconded by: Sue Gerry

The vote was as follows:

**JANET ANDERSEN**  
**CHARLENE INDELICATO**  
**JOHN GUSMANO**  
**BRUCE THOMPSON**  
**SUSAN GERRY**

aye  
aye  
absent  
aye  
aye

Janet E. Andersen

**Janet Andersen, Chair**

**October 17, 2023**

RECEIVED BY

OCT 18 2023

Town Clerk  
Town of Lewisboro

**RESOLUTION  
LEWISBORO PLANNING BOARD**

**SPECIAL USE PERMIT**

**BEDFORD AUDUBON SOCIETY – PRIVATE NATURE PRESERVE  
35 & 36 TODD ROAD**

**Sheet 5, Block 10776, Lots 7 and 30**

**Sheet 5, Block 10777, Lot 3**

**Cal. #2-10 P.B.**

**October 17, 2023**

**WHEREAS**, on February 9, 2010 and pursuant to Section 220-43.2 of the Town of Lewisboro Zoning Code, the Planning Board granted Special Use Permit Approval to the Bedford Audubon Society ("the applicant") for the establishment of a Private Nature Preserve; and

**WHEREAS**, the applicant is a locally based, not-for-profit Chapter of the 550,000 member National Audubon Society and its mission is to promote environmental education, grass-roots activism, public and private conservation efforts, preservation and protection of open space; and

**WHEREAS**, the subject property, which is the applicant's headquarters, is comprised of three (3) tax parcels totaling  $\pm 103$  acres and is located within the Town's R-4A Zoning District ("the subject property"); and

**WHEREAS**, more specifically, the subject property is comprised of the tax parcels identified as Sheet 5, Block 10776, Lots 7 and 30 and Sheet 5, Block 10777, Lot 3; and

**WHEREAS**, the Special Use Permit was issued for an initial term of two (2) years and must be renewed every five (5) years thereafter; and

**WHEREAS**, the Planning Board granted a 5-year renewal of the Special Use Permit on June 12, 2012 and again on August 14, 2018 and the Special Use Permit expired on August 14, 2023; and

**WHEREAS**, the applicant made application to the Planning Board to renew the Special Use Permit in advance of the August 14, 2023 expiration date; and

**WHEREAS**, reference is made to a letter from William W. Cavers, Executive Director of the Bedford Audubon Society, dated July 10, 2023, along with supporting documentation submitted to the Planning Board; and

**WHEREAS**, the applicant has identified that it would like to utilize certain existing structures on Lot 3 (stone garage, greenhouse and garden area), currently used for maintenance and storage purposes, for educational programs, workshops, and research; and

**WHEREAS**, the applicant has also indicated that it plans to 1) install a wheelchair lift on Lot 7 to allow handicapped persons to access the patio area and living room to attend events, classes and workshops and 2) construct a compacted gravel walking trail through Lots 7, 18, and 30; and

**WHEREAS**, additional information and plans are necessary to fully understand these requested changes and some or all of these modifications may be subject to permitting through the Planning Board; therefore, this Special Permit renewal does not incorporate or authorize any changes to subject property or how the property is used and any such change is subject to a separate application, if deemed required; and

**WHEREAS**, the Planning Board has made inquiries to the Town of Lewisboro Building Department, Police Department and Highway Department and none identified any concerns related to the operation, traffic and/or safety of the private nature preserve on the subject property; and

**WHEREAS**, the application has been referred to the Westchester County Planning Board ("notification only referral") in accordance with Section 239-m of the General Municipal Law; and

**WHEREAS**, the Planning Board is familiar with the subject property and the general surrounding area; and

**WHEREAS**, the Planning Board conducted a duly noticed public hearing, which was opened and closed on October 17, 2023, at which time all interested parties were afforded an opportunity to be heard; and

**WHEREAS**, the Planning Board has considered the submitted Special Use Permit Application, materials submitted by the applicant in support of its application, the written and verbal comments from the Board's professional consultants, the verbal commentary made during Planning Board meetings and the public hearing, and testimony of the applicant.

**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 has determined that the applicant has substantially complied with the terms and conditions of the Special Use Permit, granted on

February 9, 2010, renewed on June 12, 2012 and August 14, 2018, and Section 220-43.2 of the Zoning Code; and

**BE IT FURTHER RESOLVED THAT,** the Planning Board hereby re-approves the following maps:

- Survey of Property, prepared for Bedford Audubon Society, Inc. and dated (last revised), December 21, 2009; and
- Aerial showing approximate property boundaries and existing conditions for Lots 7 and 30; and

**BE IT FURTHER RESOLVED THAT,** the Special Use Permit is hereby reapproved for a term of five (5) years, commencing from the date of this Resolution; and

**BE IT FURTHER RESOLVED THAT,** the Special Use Permit shall expire on October 17, 2028, unless renewed by the applicant; and

**BE IT FURTHER RESOLVED THAT,** this Special Use Permit may be renewed or amended by the Planning Board any time prior to the expiration date of said permit, upon receipt of a written request from the applicant or the owner of the land. Renewals and/or amendments shall be acted upon by the Planning Board in the same manner as would be required for a new Special Use Permit. A renewal shall not be granted if the Planning Board finds that the applicant has not substantially complied with the originally approved Special Use Permit; and

**BE IT FURTHER RESOLVED THAT,** unless specifically amended herein, the terms and conditions of the Planning Board's February 9, 2010 Resolution shall remain in full force.

#### **ADOPTION OF RESOLUTION**

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

The vote was as follows:

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

  
\_\_\_\_\_  
Janet Andersen, Chair

October 17, 2023



RECEIVED BY

OCT 18 2023

**RESOLUTION  
LEWISBORO PLANNING BOARD**

Town Clerk  
Town of Lewisboro

**SPECIAL USE PERMIT RENEWAL  
NEW YORK SMSA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS CO-LOCATED  
TELECOMMUNICATION FACILITY**

**117 WACCABUC ROAD (NYS ROUTE 138)**

**Sheet 11, Block 11137, Lots 35, 39 and 52**

**Cal. #1-13 P.B.**

**October 17, 2023**

**WHEREAS**, New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon") maintains a co-located wireless telecommunication facility on certain real property owned by Ash Tree Development LLC; and

**WHEREAS**, the property on which the tower and Verizon's co-located facility are sited consists of three (3) tax parcels totaling 11.46 acres of land, located at 117 Waccabuc Road (NYS Route 138) and identified on the Tax Maps of the Town of Lewisboro as Sheet 11, Block 11137, Lots 35, 39 and 52 (the "subject property"); and

**WHEREAS**, the subject property is located within the R2-A and R4-A Zoning Districts; and

**WHEREAS**, Verizon maintains its co-located wireless telecommunication facility on the subject property pursuant to a Special Use Permit issued by the Planning Board by Resolution adopted on August 13, 2013 (under Cal. #1-13 P.B.); and

**WHEREAS**, this Special Use Permit was thereafter amended by Resolution adopted by the Planning Board on April 22, 2014; and

**WHEREAS**, the Planning Board granted a 5-year renewal of the Special Use Permit on August 21, 2018; and

**WHEREAS**, Verizon has made application to the Planning Board to further renew its Special Use Permit; and

**WHEREAS**, materials submitted by the applicant in support of its renewal request includes:

- a. Cover letter from Michael P. Sheridan, Esq. of Snyder & Snyder, LLP, Attorney representing the applicant; and
- b. Planning Board application form, dated June 1, 2023; and
- c. Short Environmental Assessment Form (EAF), dated May 31, 2023; and
- d. Radio Frequency-Electromagnetic Energy Jurisdictional Report, prepared by EBI Consulting, dated July 21, 2023; and

- e. Structural certification letter, prepared by Tectonic, dated June 5, 2023; and
- f. As-built drawings prepared by Tectonic, dated June 8, 2023; and

**WHEREAS**, Verizon's request to extend the term of the Special Use Permit is categorized as a Type II action under the SEQRA regulations and thus exempt from SEQRA review; and

**WHEREAS**, the Planning Board conducted a duly noticed public hearing on October 17, 2023 at which time all interested parties were afforded an opportunity to be heard.

**NOW THEREFORE BE RESOLVED THAT**, the Planning Board hereby renews the Special Use Permit indefinitely; and

**BE IT FURTHER RESOLVED THAT**, the facility is to be maintained in accordance with Section 220-41.1 of the Town of Lewisboro Zoning Code, all other applicable laws, the conditions of all applicable past Planning Board resolutions, and the record drawings; and

**BE IT FURTHER RESOLVED THAT**, any future modification to the facility shall be made in accordance with Section 220-41.1 of the Town of Lewisboro Zoning Code.

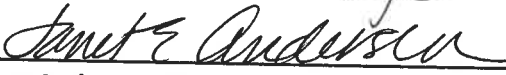
#### **ADOPTION OF RESOLUTION**

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

The vote was as follows:

JANET ANDERSEN  
CHARLENE INDELICATO  
BRUCE THOMPSON  
JOHN GUSMANO  
SUSAN GERRY

*Aye*  
*Aye*  
*Aye*  
*Absent*  
*Aye*

  
\_\_\_\_\_  
Janet Andersen, Chair                      October 17, 2023