

<u>AGENDA PACKET</u>		
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TOWN OF LEWISBORO
Westchester County, New York



Planning Board
PO Box 725
Cross River, New York 10518

Tel: (914) 763-5592
Fax: (914) 763-3637
Email: planning@lewisborogov.com

AGENDA

Tuesday, October 18, 2016

Cross River Plaza, Cross River

Note: Meeting will start at 7:30 p.m. and end at or before 11:30 P.M.

I. PUBLIC HEARING, CONTINUED

Cal #1-16 SW, Cal#1-16 WP

Lichtman Residence, 192 Kitchawan Road, South Salem, NY 10590, Sheet 45, Block 10300, Lot 012 (Aaron Lichtman, owners of record) - Application for demolition and removal of existing five-bedroom house and cottage. Application for Wetland Activity Permit and Stormwater Permit for the construction of a new five-bedroom house, garage, courtyard and modified driveway.

II. PROJECT REVIEW

Cal# 3-13PB, 03-16WP

“Silvermine Preserve,” Silvermine Drive & Lockwood Road, South Salem, NY, 10590 Sheet 48, Block 10057, Lot 15 (Ridgeview Designer Builders, Inc. & Daniel Higgins, owners of record)- Applications for Subdivision, Wetland Activity and Stormwater Permits for the construction of a 12-lot subdivision.

Cal# 32-16WP

Martini Residence, 152 Elmwood Road, South Salem NY 10590, Sheet 47, Block 10056, Lot 44 (Anthony and Mari Martini, owners of record) – Application to install an in ground pool

Cal #43-16 WP

Wallach Residence, 49 Lake Shore Drive, South Salem, NY 10590, Sheet 36G, Block 11174, Lot 10 (Clifford Wallach, owner of record) - Application for Wetland Activity Permit for installation of lake wall.

III. SKETCH PLAN REVIEW

Cal #10-15 PB

Wilder Balter Partners, NY State Route 22, Goldens Bridge, NY 10526, Sheet 5, Block 10776, Lots 19, 20 & 21 (Property Group Partners, LLC, owner of record) – Application for a 46 unit MF development on a ±35.4 acre parcel

IV. WETLAND VIOLATIONS

Cal #4-14 WV, Cal #04-16 WP (demolition) and Cal#25-16WP (construction), Cal #12-16SW

Sandler Residence, 28 Lake Street, Goldens Bridge, NY 10526, Sheet 7F, Block 12663, Lot 5 (James Sandler – owner of record) - Application for Wetland Activity Permit and Stormwater Permit for the construction of a new residence.

Cal# 5-14WV, Cal# 6-16WP

Caban Residence, 31 South Shore Road, South Salem, NY 10590, Sheet 33D, Block CAMP, Lot 13, (Ryan and Patricia Caban, owners of record)

Cal #1-15WV

Woodstead Residence, 18 Birch Spring Road, South Salem, NY 10590, Sheet 42A, Block 10545, Lot 22 (Steven and Kim Woodstead, owners of record)

Cal#1-16WV

Mogil Residence, 92 Waccabuc Road, Goldens Bridge, NY 10526, Sheet 10, Block 11152, Lot 6 (Arthur Mogil and Mary McCarty Mogil, owners of record)

Cal#2-16WV

Palomino Residence, 292 Waccabuc Road, Goldens Bridge, NY 10526, Sheet 7C, Block 12668, Lot 20 (Gustavo Palomino, owner of record)

V. EXTENSION OF TIME REQUEST

Cal# 8-14PB, Cal# 95-14WP, Cal# 20-14SW

Goldens Bridge Village Center, NYS Route 22, Goldens Bridge, NY 10526, Sheet 4, Block 11126, Lot 07

(Stephen Cipes, owner of record) Application for Site Plan, Wetland Activity and Stormwater Permits in connection with the construction of new building, parking lot and modifications to the existing shopping center.

Cal# 8-12PB

Rudolph Petruccelli, Oscaleta Road, South Salem, Sheet 33B, Block 11157, Lot 46 (Rudolph Petruccelli, owner of record) - Request for a 90-day Extension of Time to resolution granting Preliminary/Final Subdivision Plat, Negative Declaration Under SEQRA, dated October 21, 2014.

VI. CORRESPONDENCE AND GENERAL BUSINESS

Cal #6-02PB

Oakridge Gardens (aka Laurel Ridge), 450 Oakridge Common, South Salem, NY 10590, Sheet 49L, Block 9830, Lots 279 - 314 (Smith Ridge Housing, LLC, owner of record) – Request for bond reduction

Cal #pending

T Mobile, 377 Smith Ridge Road, South Salem, NY, Sheet 50A, Block 9834, Lots 84, 88, and 94 (Vista Fire District, owner of record) – proposed collocation of nine antennas on existing monopole and installations of three equipment cabinets within existing fenced compound

Cal #N/A

Town of New Canaan, CT - Zoning Regulation Changes Related To Telecommunication Facilities

Cal #N/A

Town of North Salem, NY - Preliminary Subdivision Plat Approval and Lead Agency SEQR Negative Declaration for Hawley Woods Subdivision

Cal# 12-10PB

Hayes/Stein Subdivision, 124 North Salem Road, South Salem, NY, Sheet 15, Block 10533, Lots 7, 8 & 9 (Jocelyn Hayes and Janet Stein, owners of record) – Application for Preliminary and Final Subdivision Plat in connection with a three-lot subdivision.

Cal #N/A

US Dept. Of Justice Request for Information on Town Of Lewisboro's Zoning Code and Affordable Housing Opportunities


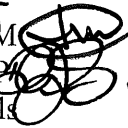
Wetland Violations Update

VII. MINUTES OF March 15, 2016; MINUTES OF April 19, 2016; MINUTES OF May 4, 2016; MINUTES OF May 17, 2016; MINUTES OF June 21, 2016; MINUTES OF August 16, 2016; MINUTES OF September 13, 2016 and MINUTES OF September 20, 2016

MEMORANDUM

TO: Chairman Jerome Kerner, AIA and
Members of Lewisboro Planning Board

CC: Ciorsdan Conran
Judson Siebert, Esq.

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

DATE: October 12, 2016

RE: Silvermine Preserve Subdivision
Lockwood Road
Sheet 48, Block 10057, Lot 15

Project Description

The applicant, Silvermine Group, is proposing a 13-lot subdivision on ± 57.9 acres of land located between Silvermine and Lockwood Roads and within the R-2A Zoning District.

The Planning Board has concluded its review of the conventional subdivision plan and has determined that the proposed subdivision could yield a maximum of 13 lots. The applicant has submitted a 13-lot cluster subdivision plan, which includes a 1,200 l.f. cul-de-sac extending off of Lockwood Road and over 40 acres of open space.

The applicant had previously proposed a 12-lot subdivision on ± 55.9 acres; however, the applicant recently purchased an adjoining developed lot located at 105 Lockwood Road and has incorporated this lot into the proposed action for purposes of realigning the road, providing better sight distance, reducing disturbance within the Town regulated wetland buffer, eliminating disturbance within the New York State Department of Environmental Conservation (NYSDEC) wetland adjacent area, and demolishing the existing and constructing a new residence.

SEQRA

The proposed action has been preliminarily identified as an Unlisted Action under the State Environmental Quality Review Act (SEQRA). The Planning Board is conducting a coordinated review and declared itself Lead Agency on June 11, 2013.

Required Approvals

1. Preliminary and Final Subdivision Plat Approval, a Wetland Activity Permit and a Town Stormwater Permit is required from the Planning Board.
2. A public hearing is required to be held on the Preliminary Plat and Wetland Activity Permit.
3. Open Development Area Approval is required from the Town Board.
4. Town Board approval is required for those lots that do not meet the dimensional zoning requirements of the R-1A Zoning District.
5. Construction within the right-of-way of Lockwood Road will require approval from the Town Highway Superintendent.
6. Realty subdivision approval is required from the Westchester County Department of Health (WCDH).
7. Coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002) will be required.

Comments:

1. It is our opinion that the incorporation of 105 Lockwood Road provides the ability for a safer intersection between the proposed road and Lockwood Road and, when compared to earlier proposals, provides environmental benefits associated with reducing wetland buffer disturbance. Adjustments made to the horizontal alignment of the proposed road will affect the proposed lot area associated with Lots 6 and 7; however, the difference is not of consequence.
2. Since receipt of the revised construction plans incorporating 105 Lockwood Road into the proposed action, this office has been in contact with the applicant's design professionals and has recommended that the road alignment be further modified so that it intersects with Lockwood Road at an approximate 90-degree angle, which is ideal. The applicant has

confirmed and demonstrated that the horizontal curvature of the proposed road could be modified to accomplish this, as well as providing a 50-foot tangent perpendicular to Lockwood Road into a 200-foot radius (the proposed road will be straight for 50-feet before curving slightly to the west). This modified realignment is acceptable to this office and should be incorporated into future plan submissions.

3. Future plan submissions should include all previously reviewed and accepted plan sheets, which shall include the latest proposal and plan revisions, including the incorporation of 105 Lockwood Road.
4. We note that the applicant is currently conducting soil testing associated with stormwater improvements proposed on 105 Lockwood Road. Deep tests have already been performed with good results and percolation tests are scheduled for October 14, 2016, to be witnessed by this office.
5. The applicant has satisfactorily addressed our SEQRA-related comments and this office has no objections to the scheduling of a public hearing and the subsequent issuance of a Negative Declaration of Significance and Conditional Preliminary Subdivision Plat Approval. In our opinion, any of our outstanding technical comments could be made conditions of Preliminary Subdivision Plat approval.

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

Plans Reviewed, prepared by Evans Associates & Bibbo Associates, dated (last revised) February 10, 2016:

- Construction Plan I
- Construction Plan II

Documents Reviewed:

- Letter, prepared by Evans Associates, dated August 30, 2016

JKJ/JMC/DJS/dc

TO: Town of Lewisboro Planning Board

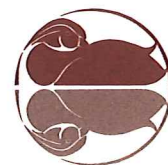
FROM: Lewisboro Conservation Advisory Council

SUBJECT: Silvermine Preserve Subdivision
Silvermine Drive & Lockwood Road, South Salem, NY
Sheet 48, Block 10057, Lot 15
Cal # 3-13PB, #3-16 WP

DATE: October 7, 2016

The Conservation Advisory Council (CAC) reviewed the applicant's updated plans for the subdivision, wetland, and stormwater permits at our October meeting. We agreed to reiterate our previously stated concerns about maintenance of the stormwater features.

As previously expressed, the CAC remains concerned about the requirement for maintenance of the stormwater practices that will be installed on the open space parcel. These facilities require ongoing management and continuing expenses. We understand that these expenses will be the responsibility of the homeowners' association, but we have not yet seen a draft HOA agreement. We are also concerned with permanent access for this maintenance, in particular, whether this would take the form of an easement across the WLT properties or across the homeowners' lots. In particular, because large equipment may be necessary to perform maintenance tasks over time, we would like to see the access routes defined and documented. In accord with the requirements of the Town's MS4 and the requirements of the permit GP-0-15-003, we understand that the various stormwater facilities must become part of the Lewisboro MS4 inventory of stormwater practices, and that the responsible party must provide the Town with an annual report of the inspections in accord with the NYS Stormwater Design Manual. We encourage the applicant to commit that the party responsible for maintenance will provide the maintenance inspection checklists from Appendix G of the design manual to the Town each year.



Evans Associates
Environmental Consulting, Incorporated

August 30, 2016

Honorable Jerome Kerner and Members of the Planning Board
P.O. Box 725
20 North Salem Road
Cross River, NY 10518

Re: Silvermine Subdivision
Lockwood Road
South Salem, N.Y.

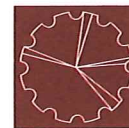
Dear Chairman Kerner and Members of the Planning Board:

Enclosed please find nine copies of the following plans which depict the addition of the property located at #105 Lockwood Road to the subdivision following its purchase by the applicant, Ridgeview Designer Builders:

<u>Dwg No.</u>	<u>Dwg. Name</u>	<u>Date</u>
CP-1	Construction Plan I	08/30/2016
CP-2	Construction Plan II	08/30/2016

During our walk with members of the Planning Board on July 16, 2016, the Board requested that the plan of the subdivision be amended to show the lot located at #105 Lockwood Road included into the site plans. As requested, we are submitting for your review drawings CP-1 and CP-2 which depicts the following:

- A 20-foot wide subdivision road that intersects with Lockwood Road at the location of the existing driveway to the existing #105 Lockwood Road. The subdivision road meets the prior subdivision road submitted to the Planning Board at Station 7+50. From that station to the end of the cul-de-sac, the subdivision road follows the same horizontal and vertical alignment of the road previously submitted.
- Under the amended plan, there are *no* impacts within the 100-foot buffer of the wetland. Therefore, the project would not need an Article 24 permit from the New York State Department of Environmental Conservation.
- Inclusion of Lot #13 (i.e. the property at #105 Lockwood Road) into the subdivision plans. Lot #13 is 1.543 acres in size.



205 Amity Road
Bethany, CT 06524
Tel: 203.393.0690
Fax: 203.393.0196

Honorable Jerome Kerner and Members of the Planning Board

August 30, 2016

Page 2

- Amendment to the size of Lot 7 due to the horizontal alignment of the new subdivision road. The amended Lot #7 is to be 1.046 acres in size. In the prior plan, the size of the lot was 1.35 acres. Likewise, due to the subdivision road horizontal alignment, Lot 6 has increased in size from 0.98 acres to 0.99 acres.
- Three gravel surfaced parking spaces are depicted on the plans on the east side of the subdivision road adjacent to the proposed future walking trail through the property. The new location of these parking spaces will provide ease of access for users of the trail.

We trust that these amended plans respond to the comments of the Planning Board from our site walk. We also request that the Planning Board schedule a Public Hearing at its next available meeting.

Sincerely,

Evans Associates Environmental Consulting, Inc.



Beth Evans
Principal

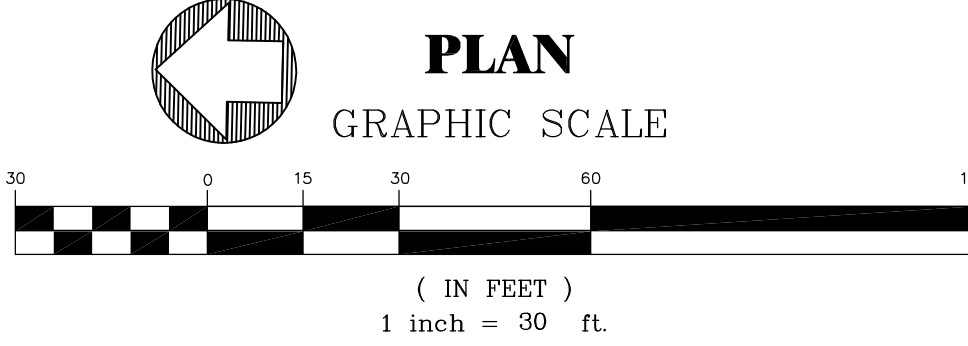
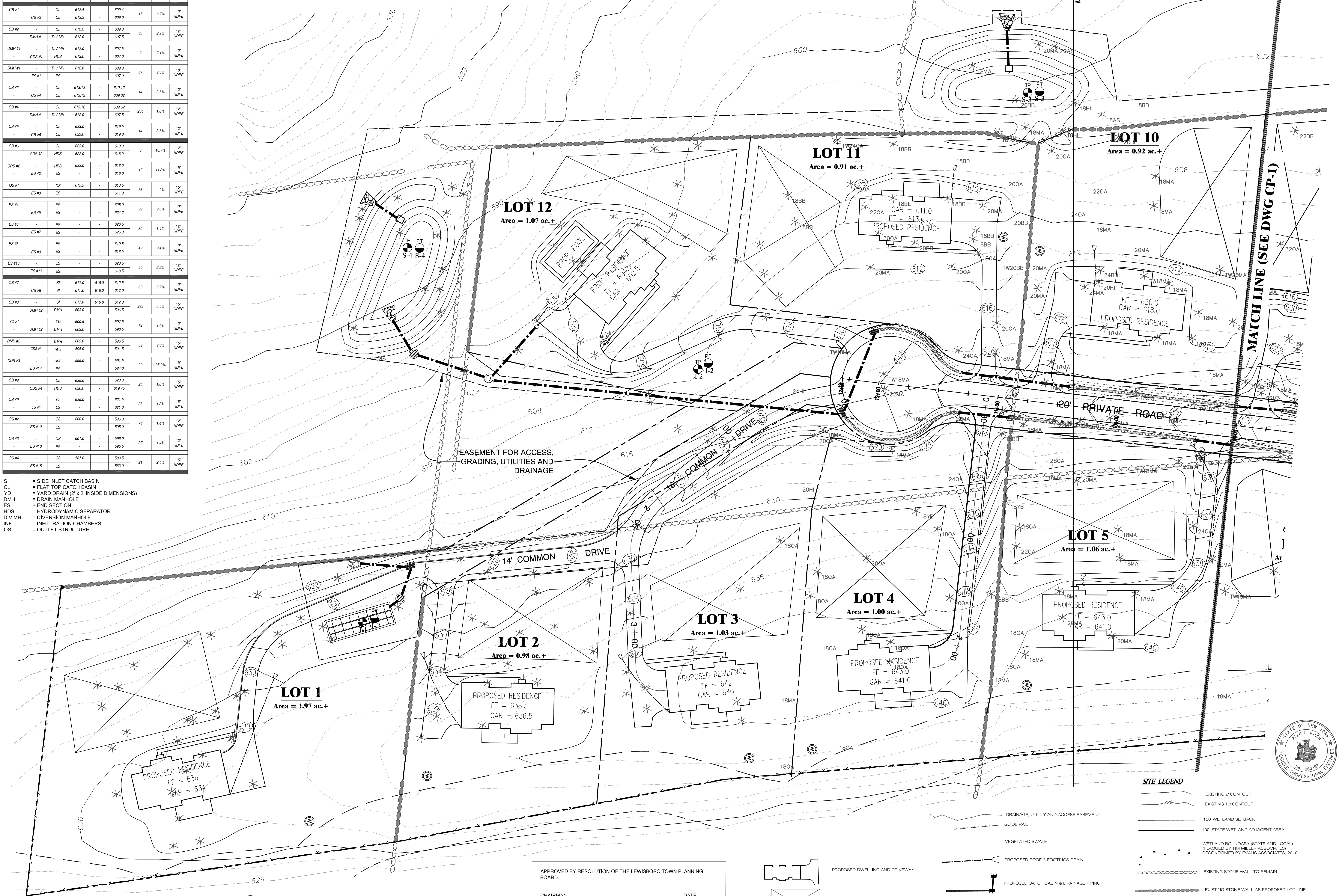
cc: Mr. Eric Moss (w/encl)
Mr. Tim Allen (via email)
Mr. David Emerson (via email)



DRAINAGE STRUCTURE & PIPE SCHEDULE

STRUCTURE										PIPE		
FROM	TO	TYPE	RIM EL.	SIDE INLET	INV. OUT. R/W	LENGTH	SLOPE	DIA				
CB #1	-	CL	612.4	-	609.4	15'	2.7%	12"				
CB #2	-	CL	612.2	-	609.0			12"				
CB #2	-	CL	612.2	-	609.0			12"				
DMH #1	-	DIV MH	612.0	-	607.5	66'	2.3%	12"				
DMH #1	-	CDS	612.0	-	607.0			12"				
DMH #1	-	DIV MH	612.0	-	609.0	67'	7.1%	12"				
DMH #1	-	ES	612.0	-	607.0			18"				
CB #3	-	CL	613.12	-	610.12	14'	3.6%	12"				
CB #4	-	CL	613.12	-	609.62			12"				
DMH #1	-	DIV MH	612.0	-	607.5	204'	1.0%	12"				
CB #5	-	CL	623.0	-	619.5	14'	3.6%	12"				
CB #6	-	CL	623.0	-	619.0			12"				
CDS #2	-	HDS	622.0	-	618.0			15"				
ES #2	-	ES	622.0	-	616.0	17'	11.8%	15"				
OS #1	-	OS	615.5	-	613.5	63'	4.0%	15"				
ES #4	-	ES	625.0	-	625.0	29'	2.8%	12"				
ES #5	-	ES	624.2	-	624.2			12"				
ES #6	-	ES	626.5	-	626.5	35'	1.4%	12"				
ES #7	-	ES	626.0	-	626.0			12"				
ES #8	-	ES	619.5	-	618.5	42'	2.4%	12"				
ES #9	-	ES	620.5	-	618.5			12"				
ES #10	-	ES	620.5	-	618.5	90'	2.2%	12"				
CB #7	-	SI	617.0	616.0	612.5	69'	0.7%	12"				
CB #8	-	SI	617.0	616.0	612.0			12"				
DMH #2	-	DMH	603.0	-	596.5	289'	5.4%	15"				
YD #1	-	YD	600.5	-	597.5	54'	1.9%	12"				
DMH #2	-	DMH	603.0	-	596.5			12"				
DMH #2	-	DMH	603.0	-	596.5	58'	8.6%	12"				
CDS #3	-	HDS	595.0	-	591.5	29'	25.9%	15"				
ES #14	-	ES	584.0	-	584.0			15"				
CB #9	-	CL	625.0	-	620.0	24'	1.0%	15"				
CDS #4	-	HDS	626.0	-	619.75			15"				
CB #9	-	CL	625.0	-	621.5	38'	1.3%	18"				
LS #1	-	LS	621.0	-	621.0			12"				
OS #2	-	OS	600.0	-	596.0	74'	1.4%	12"				
ES #12	-	ES	595.0	-	595.0			12"				
OS #3	-	OS	601.0	-	596.0	37'	1.4%	12"				
ES #13	-	ES	595.5	-	595.5			15"				
OS #4	-	OS	587.0	-	583.5	21'	2.4%	15"				
ES #15	-	ES	583.0	-	583.0			15"				

SI = SIDE INLET CATCH BASIN
CL = FLAT TOP CATCH BASIN
YD = YARD DRAIN (2' x 2' INSIDE DIMENSIONS)
DMH = DRAIN MANHOLE
ES = END SECTION
HDS = HYDRODYNAMIC SEPARATOR
DIV MH = DIVERSION MANHOLE
INF = INFILTRATION CHAMBERS
OS = OUTLET STRUCTURE



Plan Prepared by:
ALP Engineering & Landscape
Architecture, PLLC
Date: 08/30/2016

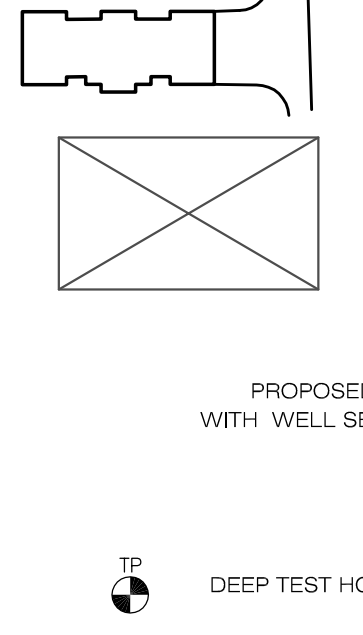
APPROVED FOR FILING IN THE WESTCHESTER COUNTY CLERK'S OFFICE,
DIVISION OF LAND RECORDS

APPROVED BY RESOLUTION OF THE LEWISBORO TOWN PLANNING BOARD.

CHAIRMAN	DATE
SECRETARY	DATE
TOWN ENGINEER	DATE

APPROVED FOR FILING IN THE WESTCHESTER COUNTY CLERK'S OFFICE,
DIVISION OF LAND RECORDS

DANIEL HIGGINS, OWNER
RIDGEVIEW DESIGNER BUILDERS, INC.



- PROPOSED ROOF & FOOTINGS DRAIN
- PROPOSED CATCH BASIN & DRAINAGE PIPING
- PROPOSED STORMWATER BASIN (SEE PLAN)
- PROPOSED 2' CONTOUR
- PROPOSED 10' CONTOUR
- PROP. PROPERTY LINE
- PROPOSED UNDERGROUND UTILITY LINES

SITE LEGEND

- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- 150' WETLAND SETBACK
- 100' STATE WETLAND ADJACENT AREA
- WETLAND BOUNDARY (STATE AND LOCAL) FLAGGED BY TPA/ILLER ASSOCIATES RECONFORMED BY EVANS ASSOCIATES, 2010
- EXISTING STONE WALL TO REMAIN
- EXISTING STONE WALL AS PROPOSED LOT LINE
- EXISTING STONE WALL TO BE REMOVED (WHERE FEASIBLE, RELOCATE WALL TO A NEW LOT LINE)
- PROPOSED WALL
- ANY WALLS GREATER THAN FOUR FEET IN HEIGHT SHALL BE DESIGNED BY A NEW YORK STATE PROFESSIONAL ENGINEER PRIOR TO ISSUANCE OF BUILDING PERMIT.
- EXISTING TREE TO BE PROTECTED
- EXISTING TREE TO BE REMOVED
- LIMIT OF DISTURBANCE
TOTAL ESTIMATED DISTURBANCE = 13.9 AC ±

DATE: 05-09-05

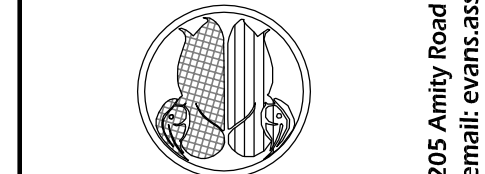
REVISIONS:

06-16-11	Conservation Plan
09-15-11	Review / Response
10-31-11	DEC Review
09-01-12	Review / Response
11-10-14	Review / Response
2-17-15	Review / Response
7-20-15	Review / Response
12-10-15	Review / Response
2-10-16	Review / Response

BIBBO ASSOCIATES, L.L.P.
CONSULTING ENGINEERS AND PLANNERS
MILL POND OFFICES
293 ROUTE 100, SUITE 203
LEWISBORO, NEW YORK
TEL: (814) 277-8805



ENGINEER & LANDSCAPE ARCHITECT:
ALP ENGINEERING
& LANDSCAPE ARCHITECTURE, PLLC
DESIGNED BY A NEW YORK STATE PROFESSIONAL
ENGINEER PRIOR TO ISSUANCE OF BUILDING PERMIT.
ENVIRONMENTAL CONSULTANT:
EVANS ASSOCIATES
ENVIRONMENTAL CONSULTING, INC.
205 Army Road, Bethany, Connecticut 06524 Tel: (203) 393-6696 Fax: (203) 393-0196
Email: evansassociates@earthlink.net



DWG. TITLE:
CONSTRUCTION PLAN II
PROJECT NAME:
SILVERMINE PRESERVE
SILVERMINE DRIVE & LOCKWOOD ROAD
TOWN OF LEWISBORO, NEW YORK

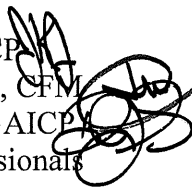
Dwn. by:
Checked by:
Doc. ID:
EAEC Proj. No.: 809
DWG. NO.:

CP-2
SHEET 5 OF 12

MEMORANDUM

TO: Chairman Jerome Kerner, AIA and
Members of Lewisboro Planning Board

CC: Ciorsdan Conran
Judson Siebert, Esq.

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

DATE: October 12, 2016

RE: Wetland Activity Permit
Anthony Martini
152 Elmwood Road
Sheet 47, Block 10056, Lot 44

Project Description

The subject property is comprised of ± 7.8 acres of land and is located at 152 Elmwood Road and within the R-2A Zoning District. The subject property is developed within a single-family residence, paved driveway, septic system and potable water well. The applicant is proposing the construction of an in-ground pool and associated patio, retaining wall, fence, drainage, and grading. The subject property contains wetlands that are jurisdictional to the Town of Lewisboro. The proposed pool patio is located ± 40 feet from the wetland boundary and the proposed underground stormwater infiltration units are proposed ± 20 feet from the wetland boundary.

SEQRA

The proposed action is a Type II Action and is categorically exempt from the State Environmental Quality Review Act (SEQRA).

Required Approvals

1. A Wetland Activity Permit is required from the Planning Board.
2. A public hearing is required to be held on the Wetland Activity Permit.
3. It is our understanding that the proposed action requires a setback variance from the Zoning Board of Appeals and, as the subject property is located within the Special Character Overlay District, approval from the ACARC.
4. If the area of land disturbance exceeds 5,000 s.f., the applicant will be required to obtain a Town Stormwater Permit (limits of disturbance currently proposed to be 3,600 s.f.).

Plan Comments

1. The patio is proposed ± 40 feet from the wetland boundary and the proposed infiltration units ± 20 feet. In an effort to distance these proposed features from the wetland and reduce the amount of wetland buffer disturbance, it is recommended that alternative locations for the pool and stormwater facilities be considered.
2. A wetland mitigation plan prepared in conformance with Appendix B-Part II of the Wetland Ordinance must be submitted for review. We note that the Wetland Ordinance strives for a 1:1 mitigation ratio and a no-net-loss of wetlands and buffers.
3. The wetland report must be revised to include the items required per Section 217-7A(6) of the Wetland Ordinance.
4. The wetland boundary line must be confirmed by this office. The plan shall note the date in which the wetlands were delineated.
5. According to the New York State Department of Environmental Conservation (NYSDEC) wetland map, the site contains wetlands that are jurisdictional to the NYSDEC; the proposed pool is located within the NYSDEC "check zone". The applicant shall coordinate with the NYSDEC and provide a written determination from the State as to whether the proposed action will require an Article 24 Freshwater Wetland Permit.
6. Per the Town's wetland ordinance, the location, diameter and specie type of all trees ≥ 6 " dbh shall be illustrated/identified on the plan. This survey can be limited to the portion of the property located to the east of the wetland line.

7. The Town's 150-foot wetland buffer does not appear to be accurately reflected on the plan.
8. A zoning table comparing the requirements of the underlying zoning district to the existing and proposed condition must be provided on the plan as should all applicable zoning setback lines.
9. The applicant is proposing underground stormwater infiltration units to mitigate the net increase in impervious surface designed to handle the 25-year storm event. The calculations provided on the plan shall clarify that the system will also accept the winter drawdown of pool water (6 inches).
10. Once the pool and stormwater management locations have been solidified, deep and percolation soil testing must be performed and witnessed by this office; test results shall be included on the plan.
11. Rim and invert elevations for all proposed inlets shall be provided. The plan shall be revised to detail and/or specify, as applicable, all proposed inlets, pipe sizes, etc.
12. The applicant shall provide written correspondence from the Westchester County Department of Health (WCDH) that the proposed plan meets all applicable WCDH setback restrictions.
13. The existing well shall be illustrated or clarified on the plan.
14. The fence detail must include the method of post installation.
15. The plan must illustrate all proposed utility connections and the location of all proposed pool equipment.
16. An existing conditions survey shall be submitted for review; the most current property deed must also be submitted.
17. It is recommended that the Planning Board conduct a site visit. Prior to the site visit, the applicant should stake the corners of the proposed pool/patio.

Chairman Jerome Kerner, AIA
October 12, 2016
Page 4 of 4

Plans & Documents Reviewed:

- Wetland Permit Application
- Wetland Delineation Report, prepared by Evans Associates, dated May 26, 2016
- Topographic Survey of Property, prepared by Link Land Surveyors, P.C., dated May 23, 2016
- Pool Site Plan (Sheet 1 of 1), prepared by Roy Fredericksen, P.E., dated September 16, 2016

JKJ/JMC/DJS/dc

T:\Lewisboro\Correspondence\LW4103JJ-LWPB-Martini-Review-Memo-10-12-16.docx

TO: Town of Lewisboro Planning Board

FROM: Lewisboro Conservation Advisory Council

SUBJECT: Martini Wetland Permit
152 Elmwood Road, South Salem NY 10590
Sheet 47, Block 10056, Lot 44

DATE: October 7, 2016

The Conservation Advisory Council (CAC) reviewed the applicant's documentation and application for an inground pool at our October meeting.

The CAC recognizes that the area where the pool would be installed is currently lawn area, but we would prefer to see consideration given to moving the pool further from the wetland if possible, perhaps by being incorporated into the existing deck. If other pool locations options have been considered and are not considered feasible, we remain concerned that the infiltrator appears to be very close to the wetland, and suggest that the infiltrator should be pulled back further from the wetland. We are also concerned that, in the proposed location, portions of the infiltrator appear to be below the level of the wetland, and rely on the opinion of the Town's consultants regarding the functionality of the infiltrator as proposed.

Application No.: 37-16 WP
Fee: \$255 Date: 8/25/16

rec'd 11
receipt #426368

TOWN OF LEWISBORO
WETLAND PERMIT APPLICATION

Town Offices @ Orchard Square, Suite L (Lower Level), 20 North Salem Road, Cross River, NY 10518
Phone: (914) 763-3060
Fax: (914) 533-0097

Project Information

Project Address: 152 ELWOOD RD SOUTH SALEM N.Y. 10590
Sheet: 47 Block: 10056 Lot(s): 44

Project Description (identify the improvements proposed within the wetland/wetland buffer and the approximate amount of wetland/wetland buffer disturbance): LESS THEN 150 FT

Owner's Information

Owner's Name: ANTHONY MARTINI Phone: 914-512-7972
Owner's Address: 152 ELWOOD RD S.S. N.Y. 10590 Email: MARTINIRealtyLLC@gmail

Applicant's Information (if different)

Applicant's Name: _____ Phone: _____
Applicant's Address: _____ Email: _____

Authorized Agent's Information (if applicable)

Agent's Name: _____ Phone: _____
Agent's Address: _____ Email: _____

To Be Completed By Owner/Applicant

- What type of Wetland Permit is required? (see §217-5C and §217-5D of the Town Code)
☐ Administrative ☒ Planning Board
- Is the project located within the NYCDEP Watershed? ☐ Yes ☒ No
- Total area of proposed disturbance: ☒ < 5,000 s.f. ☐ 5,000 s.f. - < 1 acre ☐ ≥ 1 acre
- Does the proposed action require any other permits/approvals from other agencies/departments? (Planning Board, Town Board, Zoning Board of Appeals, Building Department, Town Highway, ACARC, NYSDEC, NYCDEP, WCDOH, NYSDOT, etc): Identify all other permits/approvals required: _____

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

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

Owner/Applicant Signature: [Signature]

Date: 8-27-16

AFFIDAVIT OF OWNERSHIP

STATE OF New York)
COUNTY OF) ss: Westchester

Anthony Martini, being duly sworn, deposes and says that
she/he resides at 152 ELmwood Rd
in the County of: Westchester

State
of: New York

And that she/he is (check one) (1) the owners, or (2) the owner
Title
of ANTHONY MARTINI
name of corporation, partnership or other legal entity

which is the owner, in fee of all that certain lot, piece or parcel of land situated, lying
and being in the Town of Lewisboro, New York, aforesaid and known and designated
on the Tax Map in the Town of Lewisboro as Lot Number 7
Block 1 on sheet _____

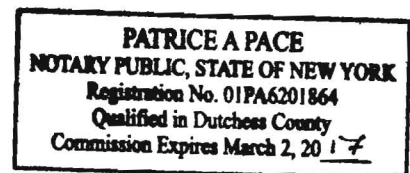
For (check one):

- ☐ SKETCH PLAN REVIEW ☐ PRELIMINARY SUBDIVISION PLAT ☐ FINAL SUBDIVISION PLAT
☐ SITE DEVELOPMENT PLAN ☐ SPECIAL USE PERMIT ☐ WAIVER OF SITE PLAN PROCEDURES
☐ WETLAND PERMIT ☐ STORMWATER PERMIT ☐ FILING WITH WESTCHESTER COUNTY CLERK

[Signature]
Signed

Sworn to before me this

4th day of August, 2016
[Signature]
Notary public (affix stamp)



9/7/16
✓ JSC 9/7/16
taxes pa

(914) 763-3060
FAX (914) 533-0097
TTY 800-662-1220
Email: building@lewisborogov.com
www.lcwisborogov.com



TOWN OF LEWISBORO
Building Department
P.O. BOX 725
CROSS RIVER, NY 10518

**TOWN OF LEWISBORO, WESTCHESTER COUNTY
BUILDING DEPARTMENT**

TAX PAYMENT AFFIDAVIT REQUIREMENT

Under regulations adopted by the Town of Lewisboro, Section 220-75(B)(3) of the Zoning Ordinance, the Building Department may not accept any applications unless an affidavit from the Town of Lewisboro Receiver of Taxes is on file in the Building Department.

If any taxes are found to be due on the property included in the application, the application for a building permit will not be accepted.

OWNER OF RECORD: Martini

PROPERTY DESIGNATION: SH 47 BLK 10056 LOT(S) 44

WORK COVERED UNDER THIS PERMIT:

Addition: _____

Alteration/Renovation: _____

New Building: POOL

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

Signature - Receiver of Taxes: [Signature] Date: 9/7/16

Sworn to before me this 7th day of Sept, 2016

[Signature]
Signature - Notary Public (affix stamp)

JANET L. DONOHUE
NOTARY PUBLIC, STATE OF NEW YORK
No. 01DO6259627
Qualified in Westchester County
Commission Expires April 16, 2020

WETLAND DELINEATION REPORT

DATE: May 26, 2016
PROPERTY: Martini Property: 152 Elmwood Road
Town of Lewisboro, Westchester County, New York
REPORT BY: Evans Associates Environmental Consulting, Inc.

INTRODUCTION

Wetlands immediately to the west of the residence on the above-captioned property were delineated in accordance with Chapter 217, Wetlands and Watercourses, of the Code of the Town of Lewisboro, and the technical criteria in the 1987 Army Corps of Engineers (ACOE) Wetland Delineation Manual (TR-Y-87-1) as updated. The site visit was conducted on May 12, 2016 by a Professional Wetland Scientist of Evans Associates Environmental Consulting, Inc. (Evans Associates). Wetland flags numbered A-1 through A-9 were hung along the wetland boundary closest to the residence.

The property is located on the west side of Elmwood Road, just south of Shady Road and west of the intersection with Deer Run Road. The property is residential, with a house and drive. A man-made pond is located to the north of the property, and the stream leaving the pond flows to the south through the subject property. The property continues on the westerly side of the stream, but only the easterly side of the stream-side wetlands was delineated. The remainder of the undeveloped portion of the site is wooded, with mapped wetlands and watercourse on the undeveloped portion of the property. The existing conditions of the wetlands and uplands on the property are discussed below, followed by a discussion of the wetlands regulatory jurisdictions (including photos).

EXISTING CONDITIONS

Wetlands

The wetlands closest to the residence on the property are associated with a perennial stream which drains from a small pond to the north of the site. The stream flows from north to south through the property, and is a Class AA Special waterbody (see jurisdictional status below).

Vegetation

Vegetation in the stream-side wetlands includes red maple (*Acer rubrum*), American elm (*Ulmus americana*), green ash (*Fraxinus pennsylvanica*), yellow birch (*Betula alleghaniensis*), and pin oak (*Quercus palustris*) trees and saplings, winterberry (*Ilex verticillata*), spicebush (*Lindera benzoin*), and high-bush blueberry (*Vaccinium corymbosum*) shrubs, along with skunk cabbage (*Symplocarpus foetidus*), cinnamon fern (*Osmunda cinnamomea*), nettle (*Urtica sp.*), and some tussock sedge (*Carex stricta*).

Soils

Soil in the wetlands is mapped as Leicester loam. This soil is poorly drained, very deep to bedrock, and is found in low areas and depressions. Leicester loam has an aquic moisture regime and is listed on hydric soils lists. Leicester loam is formed in glacial till.

Hydrology

The wetlands are sustained by the interception of the groundwater table, along with runoff from up gradient areas, including the pond to the north of the property. Evidence of wetland hydrology includes flowing and ponded water, saturated soils, drainage patterns, and the presence of seeps.



Stream-side wetland corridor, looking south. Picture taken May 12, 2016.

Uplands

The uplands immediately to the east of the wetland are developed as lawn and play areas for the residence. To the west of the wetland the property is undeveloped and remains wooded with mixed hardwoods.

Vegetation

Vegetation in the forested uplands includes tulip-tree (*Liriodendron tulipifera*), American beech (*Fagus grandifolia*), red oak (*Quercus rubra*), white oak (*Quercus alba*), sugar maple (*Acer saccharum*), black birch (*Betula lenta*), and shag-bark hickory (*Carya ovata*) trees and saplings, winged euonymus (*Euonymus alatus*), and Japanese barberry (*Berberis thunbergii*) shrubs, grape (*Vitis sp.*) vines, along with Christmas fern (*Polystichum acrostichoides*).

Soils

Soils in the uplands are mainly Charlton-Chatfield complex. Charlton and Chatfield loams are well drained to somewhat excessively drained and are found on hilltops and hillsides. Charlton is very deep, while Chatfield is moderately deep to bedrock. These soils are often found complexed with each other and with rock outcrops, which were evident on the western side of the wetland corridor.



Uplands surrounding the stream corridor are rocky and well drained. Photo looking north towards pond. Taken May 12, 2016

REGULATORY JURISDICTIONS

Town of Lewisboro Wetland Regulations

The Town of Lewisboro regulates wetlands and watercourses, along with their surrounding 150-foot upland areas, as defined in Chapter 217 of the Town Code. The stream and wetland delineated on the site, along with the 150-foot buffer, are regulated by the Town.

New York State DEC Article 24 Wetland Regulations and Article 15 Protection of Waters

The DEC regulates wetlands in accordance with the New York State Freshwater Wetlands Act (Article 24 of the New York State Environmental Conservation Law). The DEC regulates wetlands that are 12.4 acres in size or greater, primarily based on vegetation, that are shown on, or are connected to wetlands shown on, the DEC Freshwater Wetland maps. In addition to regulating wetlands, the DEC also regulates 100-foot adjacent areas around the wetlands. The on-site stream-side wetland that was flagged is not mapped as part of DEC Freshwater Wetland O-30, but portions of the DEC wetland may lie on the western portions of the property. The stream which traverses the property is mapped as a Class AA-Special stream, and is therefore subject to regulation as a protected water in accordance with Article 15, Protection of Waters.

Federal Army Corps of Engineers Wetland Regulations

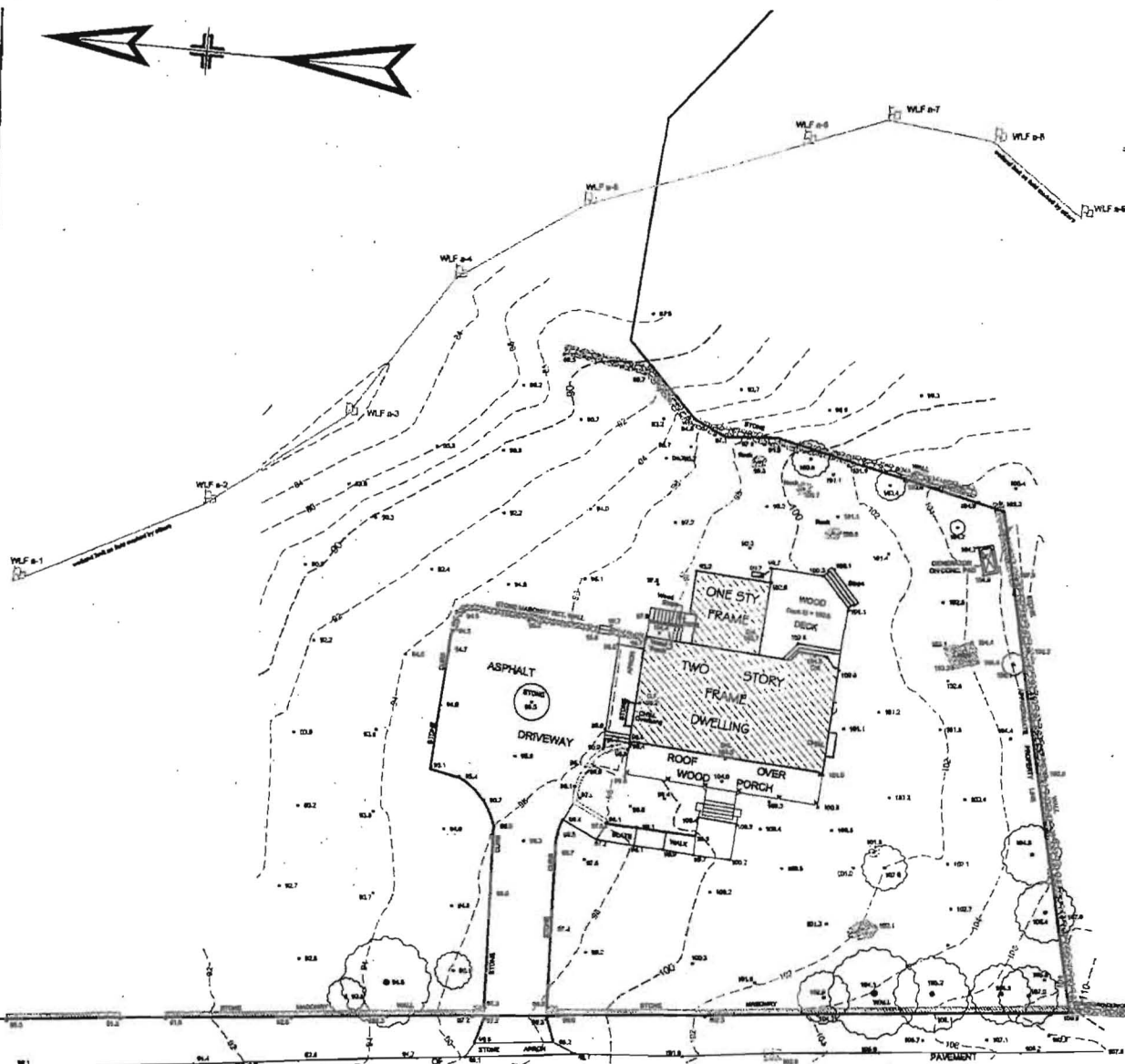
The United States ACOE is the federal agency that regulates wetlands under the Clean Water Act. The ACOE regulates wetlands based on the presence of hydrophytic vegetation, hydric soils, and wetland hydrology as defined in the 1987 ACOE Wetland Delineation Manual (TR-Y-87-1) as modified by the 2012 Regional Supplement for the Northcentral and Northeast Region (TR-12-1). The ACOE regulates watercourses that connect to navigable waters, along with the wetlands that are associated with these watercourses. There is no wetland buffer regulated under federal jurisdiction. The outflow from the pond is mapped as a perennial stream which flows off site to a larger stream (The Silvermine River) which is considered navigable waters. Therefore, the wetland on this site is regulated by the ACOE.

New York City Watershed Regulations (NYC Department of Environmental Protection)

The property (including the wetlands) is located within the Silvermine River Drainage Basin, which is tributary to Scotts Reservoir in Connecticut. Therefore, the property is not within the New York City Watershed, and is not subject to regulation by the NYC DEP.

TOPOGRAPHIC
SURVEY OF PROPERTY
SITUATE IN THE
TOWN OF LEWISBORO
WESTCHESTER COUNTY
NEW YORK

SCALE: 1"= 20'
SURVEYED: MAY 23, 2016



● PREMISES ARE DESIGNATED ON THE TAX MAPS FOR THE
TOWN OF LEWISBORO
SECTION; BLOCK; LOT;
STREET ADDRESS: 152 ELMWOOD ROAD

● PROPERTY AREA: 7.8074 Acres / 340,092 Sq. Ft.

● ENCROACHMENTS BELOW GRADE AND/OR SUBSURFACE
FEATURES, IF ANY, NOT LOCATED OR SHOWN HEREON.

● UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP
BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF
SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE
EDUCATION LAWS.

● ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH
AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE
CONSIDERED TO BE TRUE VALID COPIES.

● THIS MAP WAS PREPARED FROM AN ACTUAL FIELD SURVEY
CONDUCTED ON THE DATE SHOWN AND THAT SAID SURVEY WAS
PERFORMED IN ACCORDANCE WITH THE EXISTING "CODE OF
PRACTICE FOR LAND SURVEYS" ADOPTED BY THE NEW YORK STATE
ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

PREPARED FOR:

MARTINI REALTY LLC

 **Link**
Land Surveyors P.C.
21 Clark Place, Suite 1-41 Phone 845-628-0857
Mahopess N.Y. 10541 Fax 845-621-0013

ELMWOOD

ROAD

JOSEPH R. LINK
NEW YORK STATE LICENSED
LAND SURVEYOR NO. 850498

NEW YORK STATE LICENSED
LAND SURVEYOR SEAL

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REPRODUCTION AND OR DISTRIBUTION OF THIS DOCUMENT IS ILLEGAL,
AND IS A VIOLATION UNDER UNITED STATES COPYRIGHT LAWS.

MEMORANDUM

TO: Chairman Jerome Kerner, AIA and
Members of Lewisboro Planning Board

CC: Ciorsdan Conran
Judson Siebert, Esq.

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

DATE: October 12, 2016

RE: Wetland Permit Approval
Clifford Wallach
49 Lake Shore Drive
Sheet 36G, Block 11174, Lot 10

Project Description

The subject property is located at 49 Lake Shore Drive and is developed with a single-family residence, driveway, and septic system. The subject property contains an intermittent channel and has approximately 170 feet of frontage on Truesdale Lake. Approximately 100 feet of lake frontage contains an existing seawall and the applicant is proposing to extend the wall an additional ± 70 feet.

SEQRA

The proposed action is a Type II Action and is categorically exempt from the State Environmental Quality Review Act (SEQRA).

Required Approvals

1. A Wetland Activity Permit is required from the Planning Board.
2. A public hearing is required to be held on the Wetland Activity Permit.
3. Additional approvals may be required from the New York State Department of Environmental Conservation (NYSDEC), Army Corps of Engineers (ACOE) and New York City Department of Environmental Protection (NYCDEP).

Plan Comments

1. An existing conditions boundary and partial topography survey shall be provided; the most current deed shall also be submitted for review.
2. A wetland delineation shall be conducted and the wetland boundary line reflected on the survey.
3. The applicant shall coordinate with the NYSDEC, ACOE and NYCDEP to determine the extent of their jurisdiction (if any); written communication from each agency shall be provided in this regard.
4. The wall shall be designed by a qualified professional (licensed engineer or architect). The plan shall include construction details, sequence of construction, and method of dewatering.
5. It is recommended that the Planning Board conduct a site visit.

Plans & Documents Reviewed:

- Wetland Permit Application
- 2016 Image Showing Existing Shoreline & Wall
- Proposed Wall Construction Along Waterfront to Match Existing Wall
- Proposed Stone Wall Map
- Stone Wall to Complete Waterfront Sketch

JKJ/JMC/DJS/dc

TO: Town of Lewisboro Planning Board

FROM: Lewisboro Conservation Advisory Council

SUBJECT: Wallach wetland application
49 Lake Shore Drive, South Salem, NY
Sheet 0366, Block 11174, Lot 010

DATE: October 7, 2016

The CAC reviewed the application at our October meeting and has the following concerns with the proposal for an extension of the lake wall. A natural shoreline with shrubs and bushes helps filter pollutants and keeps them from entering the water system. In viewing this property it appears that a great percentage of the shoreline is already stone wall and the proposed additional wall will make it almost 100% stone wall and that is certainly a concern. Natural shorelines also improve the habitat for the various animals that may live in and around the lake because they enable access to and from the lake for these animals. We also understand that a lake study of Lake Truesdale was recently completed and resulted in a lake management plan. We would like to know whether this proposal that will result in increased hardscaping of the lake shore is in accord with this new Lake Truesdale Management plan.

Application No.: 43-16 WP
Fee: _____ Date: 9/20/16

**TOWN OF LEWISBORO
WETLAND PERMIT APPLICATION**

Town Offices @ Orchard Square, Suite L (Lower Level), 20 North Salem Road, Cross River, NY 10518
Phone: (914) 763-5592
Fax: (914) 763-3637
planning@lewisborogov.com

Project Information

Project Address: 49 LAKE SHORE DRIVE

Sheet: 0364 Block: 11174 Lot(s): 010

Project Description (identify the improvements proposed within the wetland/wetland buffer and the approximate amount of wetland/wetland buffer disturbance): FINISHING EXISTING
STONE WALL ON LAKE SIDE OF PROPERTY.

Owner's Information

Owner's Name: CLIFF WALLACE Phone: (917) 903-2743

Owner's Address: 49 LAKE SHORE DR. Email: CLIFFORD@HALLCRAFT.COM

Applicant's Information (if different)

Applicant's Name: _____ Phone: _____

Applicant's Address: _____ Email: _____

Authorized Agent's Information (if applicable)

Agent's Name: _____ Phone: _____

Agent's Address: _____ Email: _____

To Be Completed By Owner/Applicant

1. What type of Wetland Permit is required? (see §217-5C and §217-5D of the Town Code)
☐ Administrative ☒ Planning Board
2. Is the project located within the NYCDEP Watershed? ☒ Yes ☐ No
3. Total area of proposed disturbance: ☒ < 5,000 s.f. ☐ 5,000 s.f. - < 1 acre ☐ ≥ 1 acre
4. Does the proposed action require any other permits/approvals from other agencies/departments? (Planning Board, Town Board, Zoning Board of Appeals, Building Department, Town Highway, ACARC, NYSDEC, NYCDEP, WCDOH, NYSDOT, etc): Identify all other permits/approvals required: PLANNING BOARD

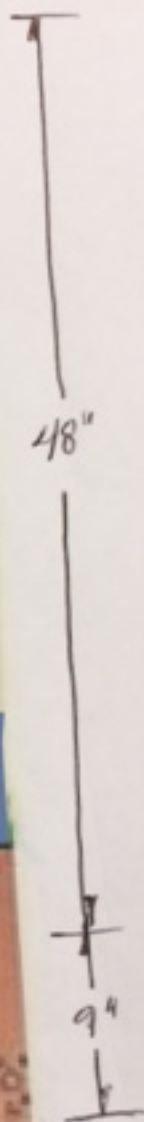
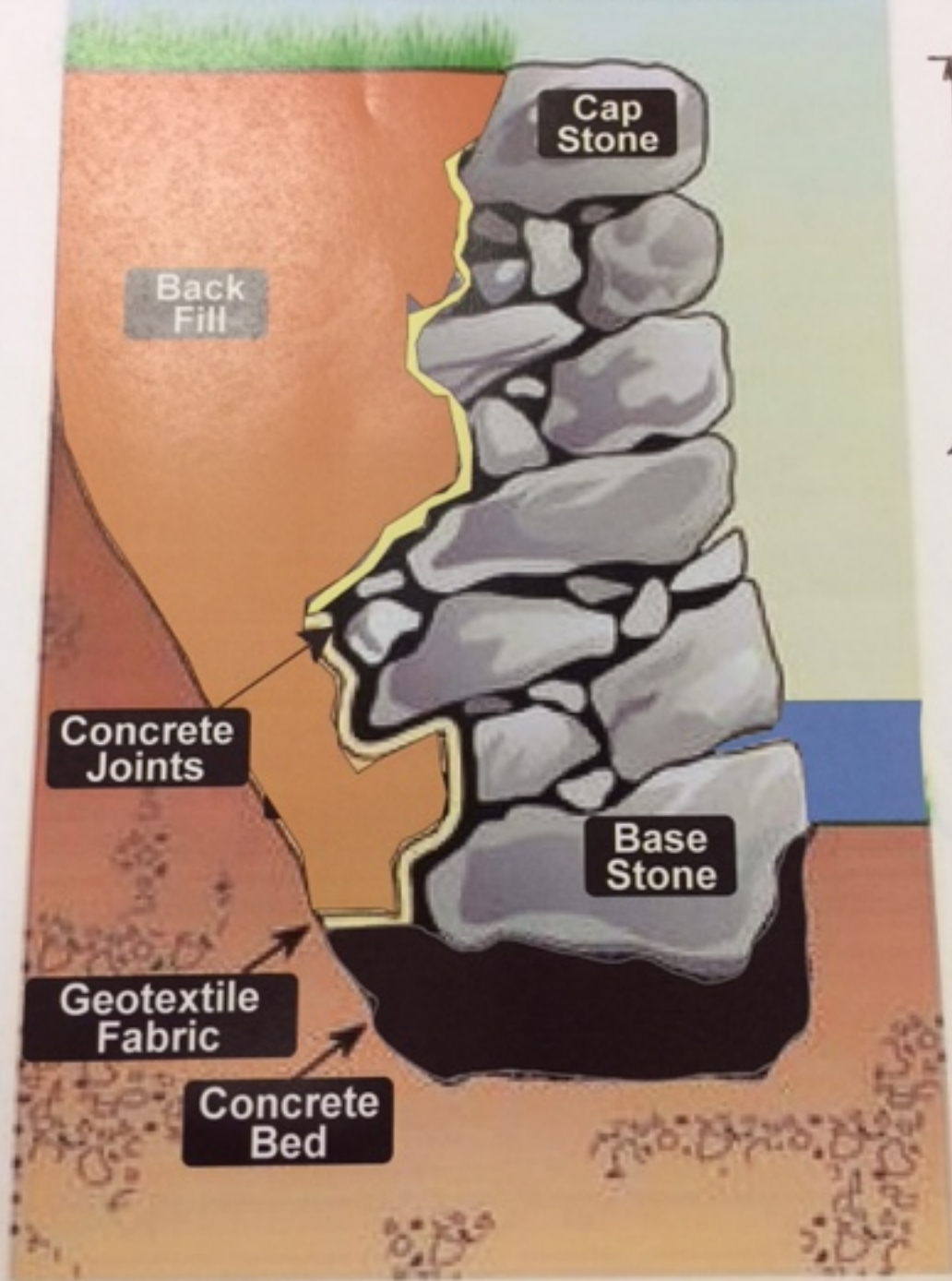
Note: Initially, all applications shall be submitted with a plan that illustrates the existing conditions and proposed improvements. Said plan must include a line which encircles the total area of proposed land disturbance and the approximate area of disturbance must be calculated (square feet). The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

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

Owner/Applicant Signature: Cliff Wallace

Date: 8/30/2016

**49 Lake Shore Drive Proposed
Stone Wall to complete waterfront.**



TOWN OF LEWISBORO PLANNING BOARD

PO Box 725, 20 North Salem Road, Cross River, NY 10518

Email: planning@lewisborogov.com

Tel: (914) 763-5592

Fax: (914) 763-3637

Affidavit of Ownership

State of: New York

County of: WESTCHESTER

CLIFF WALNICH, being duly sworn, deposes and says that he/she

resides at 49 LAKE SHORE DRIVE, SOUTH SALEM

in the County of WESTCHESTER, State of New York

and that he/she is (check one) ☒ the owner, or ☐ the Home

of 49 LAKE SHORE DRIVE
Name of corporation, partnership, or other legal entity

which is the owner, in fee of all that certain log, piece or parcel of land situated, lying and being in the

Town of Lewisboro, New York, aforesaid and know and designated on the Tax Map in the Town of

Lewisboro as:

Block 11174, Lot 010, on Sheet 0366

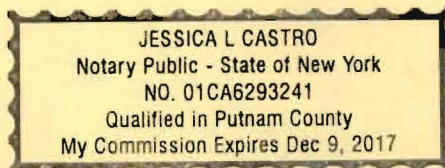
Cliff Walnich
Owner's Signature

Sworn to before me this

17th day of September, 2016

Jessica L Castro

Notary Public - affix stamp



Revised 6-2015

TOWN OF LEWISBORO PLANNING BOARD

PO Box 725, 20 North Salem Road, Cross River, NY 10518

Email: planning@lewisborogov.com

Tel: (914) 763-5592 Fax: (914) 763-3637

Tax Payment Affidavit Requirement

This form must accompany all applications to the Planning Board.

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

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

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

To Be Completed by Applicant (Please type or print)

CLIFF WALLACH
Name of Applicant

STONE WALL ON WATER COMPLETION
Project Name

Property Description

Tax Block(s): 11174

Tax Lot(s): 010

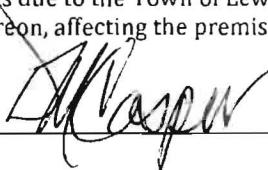
Tax Sheet(s): 036 G

Property Assessed to:

CLIFFORD WALLACH
Name
49 LAKE SHORE DR.
Address
SOUTH SALOM, NY 10590
City State Zip

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

Signature - Receiver of Taxes:



9/16/2016
Date

Sworn to before me this

16th day of Sept., 2016


Signature - Notary Public (affix stamp)

JANET L. DONOHUE
NOTARY PUBLIC, STATE OF NEW YORK
No. 01DO6259627
Qualified in Westchester County
Commission Expires April 16, 2020

PROPOSED WALL CONSTRUCTION
ALONG WATERFRONT TO MATCH
EXISTING WALL.



49 Lake Shore Drive
South Salem, NY 10590

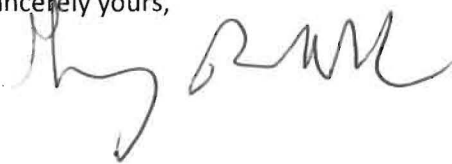
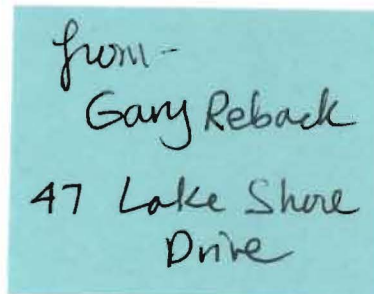
September 22, 2016

Ms. Ciorsdan Conran, Planning Board Secretary
TOWN OF LEWISBORO
P.O. Box 725
Cross River, NY 10518

Dear Ms. Conran,

We have reviewed the plans for the proposed additional stone wall at the Wallach/Goble residence, 49 Lake Shore Drive, and we have no objection to the project.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Gary Reback".A light blue rectangular sticky note with handwritten text in black ink. The text reads: "from - Gary Reback 47 Lake Shore Drive".

from -
Gary Reback
47 Lake Shore
Drive

Ciorsdan Conran

From: Clifford Wallach <clifford@halcraft.com>
Sent: Wednesday, September 28, 2016 11:40 AM
To: Ciorsdan Conran
Subject: RE: Wallach neighbor ltr 092816.pdf - Adobe Acrobat Standard

Dear Ciorsdan,

Yes, confirmed.

Thank you very much and best regards,

Cliff Wallach



60 South MacQuesten Pkwy
Mt. Vernon, NY 10550
Tel: (914) 840-0505
www.Halcraft.com

From: Ciorsdan Conran [<mailto:Planning@lewisborogov.com>]
Sent: Wednesday, September 28, 2016 11:12 AM
To: Clifford Wallach
Subject: Wallach neighbor ltr 092816.pdf - Adobe Acrobat Standard

Hi Cliff-

Could you please confirm that the attached letter is from Gary Reback at 47 Lake Shore Dr?

Thanks,

Ciorsdan

Ciorsdan Conran

email: Planning@lewisborogov.com

tel # 914-763-5592, fax # 914-763-3637

mailing address: Planning Board, PO Box 725, Cross River, NY 10518

physical address: 20 North Salem Road, Cross River, NY (next to the Police Dept.)

Hours: Tuesday, Wednesday and Thursday: 9-3pm

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, New York 10516

(845) 265-4400

www.timmillerassociates.com

September 29, 2016

Town of Lewisboro Planning Board
Attn: Chairman Jerome Kerner
20 North Salem Road, Suite L/Lower Level
PO Box 725
Cross River, New York 10518

Re: **Application for Site Development Plan
Proposed AFFH Multifamily Development
NYS Route 22, Tax map: Sheet 5, Block 10776, Lots 19, 20 & 21
Town of Lewisboro, New York**

Dear Chairman Kerner and Members of the Planning Board:

Enclosed, please find nine (9) copies of the revised text portion of the Expanded Environmental Assessment Form (EAF) with edits shown and a new Executive Summary for the Traffic Impact Study. The Appendices are not included, as they were not updated.

The updated text responds to comments on the Expanded EAF document received from the Planning Board at the August 13, 2016 special meeting of the Planning Board. The updates include edits made by the Town's Planning Board Attorney, Mr. Judson Siebert.

Specific updates to the EAF document and responses to Planning Board comments include:

1. The document has been updated to refer to the site plan as "preliminary site plan", throughout.
2. A discussion of traffic highway noise and its potential impact on future development residents is provided on page 3.1-6. In order to fully address the issue, noise measurements were collected at three (3) locations on the property during the morning commuting period. The results of the noise monitoring and comparison to relevant noise standards are described.
3. Maser Consulting, P.A. has prepared an Executive Summary to summarize the Traffic Impact Study results and conclusions. Also, a conceptual traffic improvements plan has been prepared and is attached. The summary addresses the issue of school bus routing and student pick-up and drop-off. Relevant text has been added to the EAF on pages 3.8-3 Transportation and 3.9-12 Community Services.
4. The discussion of speed limits in the vicinity of the development site has been clarified (see pages 3.8-2 and 3.8-3). The Executive Summary of the Traffic Impact Study provides an explanation of "horizontal and vertical road alignment controls" (see Item 5).

5. A question was raised regarding the Conservation Advisory Council (CAC) comments on updates to the EAF document since April, 2016, specifically the issue of loss of trees and proposed mitigation. The Applicant solicited comment from the CAC and comments to the Planning Board were received on September 16, 2016 (see attached).
6. A comment was made regarding whether the Danbury Airport weather data was more relevant for precipitation and groundwater recharge calculations. The following is a response from Leggette, Brashears & Graham, Inc.:

There are 2 stations in Danbury. The older station Danbury 061762 has the longer data record starting in 1936. This station is located slightly farther from Lewisboro than the Danbury Airport station. However, since 2010 the precipitation reported from this station has been spotty, with some months missing several days worth of records. In order to conduct a drought assessment, a relatively long (30+ year) data record is appropriate in order to conduct a statistical analysis. The analysis could be completed based on the historical record from this station. Based on my quick review of the station data, the annual average precipitation for this Danbury station is about 51.77 inches, which is similar to the 50.45 reported at the Westchester County Airport. I haven't completed the drought analysis for this station, but it would likely also be similar to Westchester Airport.

The Danbury Airport station KDXR has been reporting data since 1998. I believe that this is the station that the Planning Bd. is referencing since it is on the southwest side of Danbury and slightly closer to Lewisboro. The current data record for this station is up to date, but the historical record is much shorter. We typically would not conduct a drought probability analysis with this small a data set if other options are available. The average for this station from the data available is 49.87 inches (based on the approx. 18 year data record) compared to the 30 year average from Westchester AP of 50.45 inches.

We used Westchester County AP station in the report because it has both a sufficiently long term data record to conduct probability analysis and still reports consistent and current precipitation information.

Based upon the above, no change was made to the EAF regarding precipitation data.

7. The Community Facilities and Services section has been updated with references to the new Police Chief (see Page 3.9-4).

We will be pleased to discuss any outstanding concerns of the Board at the October 18th meeting in anticipation that the Board will adopt the Part 3 EAF and a Negative Declaration for the proposed action.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon P. Dahlgren', with a stylized, cursive script.

Jon P. Dahlgren
Vice President
TIM MILLER ASSOCIATES, INC.

Cc: J. Bainlardi, Wilder Balter Partners, Inc.
J. Contelmo, Insite Engineering
Enclosure

EXPANDED ENVIRONMENTAL ASSESSMENT

SEQR Full Environmental Assessment Form (EAF) and Supplemental Studies

Application of Wilder Balter Partners, Inc.
for Site Plan, Wetlands Permit and Stormwater Permit

WB Lewisboro Affordable Housing
Route 22
Town of Lewisboro, New York

Applicant:

WILDER BALTER PARTNERS, INC.
570 Taxter Road, Elmsford, New York, 10523
Contact: John Bainlardi
(914) 347-3333

Project Engineer:

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.
3 Garrett Place, Carmel, New York 10512
Contact: Jeff Contelmo, PE
(845) 225-9690

Environmental Planner:

TIM MILLER ASSOCIATES, INC.
10 North Street, Cold Spring, New York 10516
Contact: Frederick P. Wells, RLA
(845) 265-4400

Revised September 29, 2016

Application of Wilder Balter Partners, Inc.
for Site Plan Approval, Wetlands Permit, Stormwater Permit
to Town of Lewisboro Planning Board

EXPANDED ENVIRONMENTAL ASSESSMENT

SEQR Full Environmental Assessment Form (EAF) and Supplemental Studies

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1.0 INTRODUCTION

Wilder Balter Partners, Inc. (the “Project Sponsor” or “Applicant”), proposes to develop a ~~46 unit~~^{46-unit} affordable residential community on a 35.4 acre site located on NYS Route 22 in the western portion of the Town of Lewisboro, Westchester County, New York. The development site is located approximately three-quarters of a mile south of Route 138 and one mile south of the Goldens Bridge train station. The location of the site is shown on Figures 2-1 and 2-2. The site is currently vacant wooded land and is not served by public water or sewer service.

This Expanded Environmental Assessment Form (EAF) evaluates a focused scope of potential environmental impacts for the Proposed Action, based upon the evaluation process and questions found in the Full Environmental Assessment Form, and “EAF Workbooks” prepared by the NYSDEC.

This Expanded EAF is prepared in accordance with Section 8-0101 of the New York State Environmental Conservation Law and the regulations promulgated by the New York State Department of Environmental Conservation (NYSDEC) thereunder, which appear at 6NYCRR Part 617 (known as the New York State Environmental Quality Review Act, SEQRA, or SEQR).

This document includes the EAF form Parts 1, 2 and supplemental information as Part 3. Part 1 of the EAF Form provides project details and its environmental setting. Part 2 of the EAF Form identifies potential project impacts by category, such as surface water, aesthetic resources and transportation. The EAF Part 2 was initially prepared by the Project Sponsor and was then reviewed and modified by the lead agency, the Town of Lewisboro Planning Board. The Part 2 contained in this document was approved by the lead agency on May 17, 2016.

The Part 3 evaluations provided in this Expanded EAF provide background information, technical studies and analyses of the potential impact categories as may result from the development. The evaluations are based upon materials provided by the Project Sponsor, its professional consultants and submissions from the lead agency’s consultants. Part 3 also identifies proposed measures that are integral to the project design which will mitigate, minimize or avoid the identified impacts as relates to the magnitude and importance of potential impacts. The Part 3 evaluations have been modified based upon the lead agency approved Part 2 and comments received from the lead agency. The Part 3 sections and evaluations are further described below.

Development Purpose, Needs, and Benefits

The proposed development will provide AFFH affordable rental apartments in a portion of the Town where multi-family residential is permitted. The proposed affordable rental units will add to the Town’s housing inventory and expand affordable housing opportunities within the community.

The development will comply with Westchester County’s fair and affordable housing programs and policies, including the Westchester County Fair and Affordable Implementation Plan. The proposed development will assist the County in meeting its court mandated obligation to complete 750 affordable AFFH units ~~and with financing and building permits in place by December 31, 2016. The proposed AFFH apartments~~ will also count towards the Town of Lewisboro’s ~~substantially unmet~~ “fair share obligation” to create 239 units of affordable housing as ~~identified in established~~ by the County’s Affordable Housing Allocation Plan (2000-2015).

~~September 29, August 30, 2016~~

Funding for the development will include programs provided by Westchester County and NYSHCR.

The proposed buildings will be set back from NYS Route 22. The size, scale and architecture for the proposed residential buildings will be similar to a recently completed multi-family affordable development in North Salem, New York named Bridleside, which community serves as the Applicant's vision for the proposed action.

Objectives of the Applicant

The Applicant's proposal intends to accomplish the following:

- To provide affordable rental housing opportunities in an area of the Town zoned for and suited to support such land use, especially its location in relation to mass transportation and shopping opportunities within the I-684, Route 22 and Route 138 interchange area in Goldens Bridge.
- To create a residential development in accordance with the recent changes in the Town Code to allow multi-family housing in the CC-20 zoning district, and a development that is compatible with surrounding land uses and those permitted by the Town Code in the CC-20 district.
- To minimize the environmental impacts of the development by locating the development on the western portion of the property on the most level and suitable areas of the property. The eastern portion of the site (Parcel 40.2-2-5), is proposed to be permanently preserved through the use of restrictive covenants and/or conservation easements.

The Applicant, Wilder Balter Partners, Inc. ("WBP") is a developer of residential developments in the New York metropolitan area. WBP companies have built market rate and affordable communities throughout the Hudson Valley, in Connecticut and in Nassau and Suffolk counties in Long Island for 25 years. WB Residential Communities, Inc. (WBRES) is the property management affiliate of WBP. This group successfully manages and oversees 32 WBP developed properties with more than 3,200 apartments located in New York, Connecticut and the US Virgin Islands.

Site Location and Environmental Setting

Property Location

The development site is located on the east side of NYS Route 22, immediately east of Interstate 684 and approximately three-quarters of a mile south of Route 138. The subject property is bounded on the north and east by vacant land, to the south by low density residential properties and on the west by NYS Route 22. Interstate 684 lies directly west of NYS Route 22 and the highway parallel the Metro North rail line. The Croton Reservoir, part of the New York City water supply system, lies approximately 550 feet west of the site.

The development site is located approximately one mile from the Goldens Bridge Metro North train station (5,540 feet walking distance as measured from proposed Building 2). The Goldens Bridge Post Office is located approximately 0.8 miles north of the development site. The closest taxi service to the site is based in Mount Kisco, New York approximately 6.7 miles from the

project site.¹ A telecommunications facility and tower is located directly across Route 22 from the development site (520 feet from proposed Building 2).

Route 22 provides the only road frontage to the subject property. The site is comprised of three tax lots.

Environmental Setting

The development site is located within an area of low density residential development, undeveloped land and transportation uses, as shown in Figure 2-2 Aerial Photo. The land uses in the area are predominantly low density residential, although the western portion of the property is located in the CC-20 Campus Commercial zoning district. This district is located along the Route 22 corridor, approximately one-quarter mile south of the Route 22 – Route 138 intersection.

The topographic setting of the property includes an east-west trending rocky hill which slopes towards lower elevations to the north, west, south and east. Elevations on the property range from 208 feet in the wetlands in the southwest portion of the site to 450 feet at the hilltop in the north central portion of the site. Steep slopes, consisting of slopes greater than 15 % are located on the slopes of the hill and many upland portions of the property. Steep slopes comprise approximately 67 percent of the subject site (23.8 acres).

The property is currently undeveloped with the exception of two water supply wells that were installed in the 1980's as part of an earlier proposed development that was never completed. The site is primarily wooded with second growth successional forest on upland portions of the site and mapped wetlands are located in the southeastern portion of the property. A small intermittent stream runs through the middle of the wetland. The wetlands are regulated by the Town of Lewisboro, the NYSDEC (Wetland F-29) and by the U.S. Army Corps of Engineers. Based upon mapping by the NYSDEC the property is not part of or adjacent to any designated significant natural community or state listed Critical Environmental Area.

The site is serviced by electric, telephone and cable service from private utilities on Route 22. However, the subject property contains no utilities and these utility services will need to be brought onto the site as part of the proposed development. No municipal water or sewer services are available to the site.

Development Description, Proposed Uses, and Layout

Building Layout and Design

The proposed residential development will include five (5) multi-family buildings serviced by a single 24-foot wide access driveway. Development is concentrated in upland areas in the western portion of the property. Each of the five buildings will contain between 8 and 10 residential units and one building (Building 2) will also contain a community meeting and recreation space (clubhouse for project residents' use). The size of the clubhouse space is proposed to be \pm 2,500 sf and will include a social meeting room, computer room, exercise rooms, kitchenette and restroom. The layout plan is provided as Figure 2-3 and full sized drawings are attached. The building locations were selected to minimize s—were located to

¹ Katonah Taxi & Car Service, 37 West Main Street, Mount Kisco, NY, 10549. The taxi fare from the site to Goldens Bridge train station is approximately \$8.00 according to Katonah Taxi & Car Service.

~~minimize~~ grading and site disturbance to the extent necessary on a property that has varied topography and areas of exposed bedrock. The buildings, driveways and parking areas were situated to make use of more level portions of the site and minimize disturbance to slopes.

Parking and driveway access for emergency vehicles is provided at the front of all buildings and additional parking is provided at the west side of Buildings 2 and 3, to take advantage of the difference in elevations from the front to the back of the Buildings. A traffic circle with a full radius of 65 feet is provided between Buildings 4 and 5 to allow for emergency vehicles to circulate through the development. In addition to the community space in Building 2, a children's play area is proposed between Buildings 2 and 3 and a multi-purpose sports court is provided next to Building 5. These recreation facilities will be available for the project residents' use and not for the general public. Sidewalks will link all of the buildings, parking and play areas. The locations of trash and recyclables receptacle enclosures are shown on the Layout Plan. Arrangements for collection of recyclables will occur along with the trash disposal by private carting at the project sponsor's expense.

Given the natural slopes on the property, the building designs will facilitate a grade change from front to back, with retaining walls between Buildings 2 through 5. The location and elevation of the retaining walls have been designed to minimize their visibility, while preserving their functional integrity. Portions of the buildings and retaining walls, as well as light poles and lighting in the development will be partially visible to drivers on Route 22 and from Exit 6A, with new landscaping ~~proposed to mitigate providing mitigation~~ of direct views of the development (see further description in Section 3.6 Aesthetic Impacts). Two stormwater management basins are located south of the residential development, at lower elevations where stormwater naturally flows. A graded driveway will be provided for maintenance access to the stormwater management basins. Due to the topography, the stormwater basins will not be visible to drivers on Route 22 or from Exit 6A.

The residential development will be ~~fully~~ landscaped with vegetation that is common to the northeast.

Compliance with Zoning Code

The development site lies in two Town zoning districts: the two westerly lots are located in the CC-20 zoning district and the easterly lot is located in the R-4A zoning district. The proposed residential development is proposed for the two westerly lots in the CC-20 district, while the eastern lot is proposed to be permanently preserved through the use of restrictive covenants and/or conservation easements. A portion of the community septic system will be placed on the easterly lot (R-4A district), but no structures or impervious surface will be constructed or sited on this portion of the property. The proposed action will include a lot consolidation to result in a single tax lot for the entire property, replacing the three existing lots.

The ~~preliminary~~ site plans developed for this affordable housing application show and tabulate the various zoning requirements of the CC-20 and R-4A districts applicable to the property, including the new reference to the provisions for multi-family dwellings which are found in the R-MF requirements.

Multi-family dwellings are a permitted use in the CC-20 district, subject to the requirements of Section 220-26, Multifamily Residence District (R-MF), of the Zoning Code. The dimension and bulk zoning requirements of the R-MF district replace those of the underlying CC-20 district. The

proposed plan meets all of the dimension and bulk requirements of the R-MF district, with the exception of parking.

The Applicant is proposing a total of 92 parking spaces for this facility, whereas 124 spaces are required by zoning based on the proposed bedroom count. The Applicant is requesting a parking variance from the Zoning Board of Appeals, based upon the actual parking usage at similar projects developed and managed by the Applicant.

The Applicant proposes to permanently preserve at least 17 acres of the site through the use of restrictive covenants and/or conservation easements. This preserved area will be located substantially on the R-4A zoned parcel and provide a permanent buffer and open space resource for the benefit and use of the development's residents. The maintenance of open space will further benefit the surrounding properties. The Applicant is open to discussions with the Planning Board to accommodate public access to the 17 acres for passive recreation, provided that the access is from adjoining lands owned by the NYCDEP and/or the Bedford Audubon Society and not from the proposed residential development. Hunting or motorized vehicles would not be permitted.

Compliance with the Master Plan

The Town Master Plan outlines policies and goals formally adopted by the Town of Lewisboro in 1985² as a guide for land use and future development in the Town. In its Plan, the Town identified considerations for preservation of open space resources as well as for development that are generally applicable to the subject proposal today. The Plan does not identify site-specific consistency criteria, but it was intended to provide overall guidance on the local scale for land planning decisions.

The 1985 Town Master Plan speaks of a vision for land use in the I-684/Route 22 corridor that would provide for development of campus commercial land use incorporating the preservation of open space. [According to the Master Plan c](#)ampus commercial development was envisioned and planned for in lands bordering Route 22 (lands totaling approximately 113 acres) including the 35.4-acre development site, which explains its rezoning to CC-20. As stated in the Master Plan relative to campus commercial facilities, adequate buffering between such use and adjacent residential areas would allow the two different types of land use to coexist, and reduce impacts to the natural environment resulting from development.

The development site is not designated as an "open space resource" by the Town Master Plan and the property is privately owned. The Town Master Plan identifies the Route 22 road frontage as an "Open Space Corridor Buffer Area or Key Natural Area." The frontage of the development site is in the Area, and [the Applicant maintains that](#) implementation of buffering requirements associated with development in the CC-20 zoning district is consistent with the designation.

According to a member of the Lewisboro Planning Board, the property may have been used, from time to time, by one or more members of the community for hunting purposes. The property is privately owned and its informal use for this purpose is solely at the owner's discretion, regardless of whether it is developed. The proposed residential development would eliminate future informal hunting opportunities since the Project Sponsor intends to post the

² Accessed on the Town's website 1/21/16.

September 29, ~~August 30,~~ 2016

property to enforce a prohibition of public trespass and hunting. (See discussion above regarding the potential for public access for passive recreation).

The Town's Master Plan cites general design principles to guide future public and private development in the Town to support the goals and objectives of the Town. These recommendations refer to landscape buffering of buildings and parking areas, minimization of disturbance on steep slopes where potential for erosion needs to be addressed, and provisions to minimize adverse visual impact on Town character and neighboring uses.

The proposed plan will comply with the requirements of the Town zoning regulations, with the exception of a parking variance. The [preliminary](#) site plan will incorporate various conventional slope protection and wetland protection measures that will minimize the potential for soil erosion and surface water impacts. The plan also will incorporate tree preservation measures (particularly by minimizing the overall area of site disturbance) and proposed landscape plantings that will minimize visual intrusion and create an asset to the community. Moreover, the [preliminary](#) site plan will preserve approximately 17 acres of land outside of the limits of disturbance in permanent open space.

The [Applicant maintains the](#) proposed development plan addresses the Town's design principles relative to environmental protection and visual consistency, [which is subject to Planning Board review. in the Applicant's opinion.](#) The proposed site plan has been laid out [in an effort to minimize the development's visual prominence; such that](#) the buildings and other site features will be substantially surrounded by wooded open space. ~~and will not be visually prominent at any time of year.~~ In addition to the proposed landscape plan, natural topographic conditions [shield portions of](#) render the development area ~~of the site largely obscured~~ from view from most offsite locations. ~~thereby avoiding potential impact on community character.~~

[Future residents of the proposed development will be subject to the existing noise environment at the site, which includes vehicle traffic noise from Interstate 684 and to a lesser extent from vehicles on Route 22. The traffic noise is an existing condition and would be most pronounced during peak commuting periods in the morning and afternoon. Traffic noise would be mitigated somewhat by the layout of the residential buildings and site topography. The proposed residential buildings are set-back some distance from Route 22. Buildings 1 and 2 are approximately 260 to 270 feet from the north-bound travel lane of Route 22 and these buildings are approximately 420 to 460 feet from Interstate 684 \(Building 1 and 2 respectively\). The other three residential buildings are further distant from Route 22 and Interstate 684. The rock outcrop that parallels Route 22 and the western property line may provide some noise mitigation given its elevations and the lower elevations of Route 22 and Interstate 684.](#)

[In order to assess existing noise conditions, noise measurements were collected by TMA on September 27, 2016 at three locations: 1\) near the southwestern corner of proposed Building 1, 2\) at the crest of the bedrock outcrop above Route 22 in the northwest portion of the site and 3\) in the location of the proposed play area between Buildings 2 and 3. A noise monitoring location map is provided in Appendix L. Measurements were collected over an approximate four to six hour period between 7:20 AM and 1:00 PM. The averaged noise levels as measured over time \(reported as Leq\) were as follows:](#)

- [• Location 1: 58.8 dBA](#)
- [• Location 2: 66.8 dBA](#)

September 29, ~~August 30~~, 2016

- Location 3: 58.1 dBA

The Federal Highway Administration (FHWA) has Noise Abatement Criteria (NAC), which are absolute noise levels for varying land use categories that are used to determine if and where traffic noise impacts occur³. For residential land uses the exterior noise abatement criteria is 67 dBA. The U.S. Department of Housing and Urban Development (HUD) has noise criteria and standards that apply to HUD programs (24 CFR Part 51 – Environmental Criteria and Standards). The HUD “site acceptability standards” are not to exceed 65 dB, as a day-night average sound level external to buildings or other facilities containing noise sensitive uses.

The average noise levels measured near the proposed residential building locations during a typical morning period (Location 1: 58.8 dBA and Location 3: 58.1 dBA) were below the published FHWA and HUD standards. The average noise levels measured near the northwest property line, above Route 22 were near the FHWA noise abatement criterion (Location 3: 66.8). Although FHWA and HUD noise standards do not apply to the proposed WB Lewisboro AFFH residential development, the criteria can be used for comparative purposes.

In the Applicant’s opinion, future residents will make decisions whether to live at the development based, in part, upon its location near Interstate 684 and existing noise conditions, among many other considerations. Other existing residential properties adjoin Route 22 and Interstate 684 in the Town.

Residential Use and Management

The proposed development will be exclusively used for residential purposes. The Applicant proposes an affordable AFFH development with 45 rental units and a single ~~caretakers~~caretaker’s unit (46 units total). The rental apartments will meet the requirements of the Westchester County Fair and Affordable Housing Implementation Plan (2000). While the development will be funded utilizing programs provided by Westchester County and NYSHCR, the development will be developed, built, marketed, owned and operated by WBP.

The development will include a mix of one, two and three bedroom units as follows:

- 1 BR – 14 Units
- 2 BR – 28 Units (including ~~caretakers~~caretaker’s units)
- 3 BR – 4 Units

The units will range in size from approximately 842 square feet (1-BR unit), 1,025 square feet (2-BR unit) and 1,285 square feet (3-BR unit).

The development is proposed as a fair and affordable community subject to maximum income requirements. The units will be available to residents whose household incomes do not exceed 60% of the Area Median Income (AMI), based on family size, as established by the Department of Housing and Urban Development (HUD) on an annual basis. Nine of the units (20 percent) will be set aside for households at or below 50% of the AMI. In 2015, the area median income in

³ Federal Highway Administration Highway Traffic Noise Frequently Asked Questions, May 2015; http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/faq_nois.pdf

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Westchester County was established at \$105,700 for a ~~4-person~~4-person household. Therefore, for a family of 4, 60% of the AMI would be \$63,420 and 50% would be \$52,850. The applicant has further advised that preferences for up to five (5) of the units may be extended to a class of "first responders" (i.e. fire fighters, police, EMS workers). Further information on income eligibility, marketing and building occupancy is provided in Section 3.9 Community Facilities and Services and in the January 6, 2016 letter from Wilder Balter Partners, Inc. to the Planning Board (see Appendix A – Correspondence).

The apartments will be marketed by WBP together with a non-profit partner (expected to be the Housing Action Council) to households meeting the income eligibility requirements. Marketing will comply with the Westchester County Affirmative Fair Housing Marketing Plan. A typical application is provided in Appendix A (see January 6, 2016 WBP letter). Applicants will be selected for an interview by public lottery. Interviews will be conducted by management staff. In addition to income and asset information, all applicants will be required to pass established credit and criminal screening processes.

Further information regarding anticipated community demographics is provided in Section 3.9 – Community Facilities and Services. Information provided in the demographics and community services discussion is based, in part, on a recently completed and fully occupied affordable rental community in North Salem managed by WBP named Bridleside at North Salem.

Drainage / Stormwater Management Plan

A preliminary stormwater management plan for the proposed development has been prepared by the project engineer, Insite Engineering, Surveying, & Landscape Architecture, P.C. The preliminary plan includes a stormwater pollution prevention plan report, or SWPPP and relevant engineering drawings. A copy of the preliminary SWPPP is provided in Appendix B.

The SWPPP is required to meet the regulatory requirements of the Town of Lewisboro, the NYSDEC and the New York City Department of Environmental Conservation (NYCDEP). Once the SWPPP is approved in final form (as part of the final site plan approval after the conclusion of the SEQR process), the document will govern all activities associated with site disturbance for construction and all permanent drainage features required to comply with applicable stormwater management regulations. Section 3.2 provides further description of the proposed stormwater management system.

The preliminary site plans call for a stormwater collection system to collect and direct stormwater from developed impervious surface to a single stormwater management practice, given the use of an infiltration practice for treatment. Therefore, the stormwater design consists of a dry pretreatment extended detention basin followed by discharge to an infiltration area (see Drawing SP-2 Conceptual Grading Plan).

The SWPPP also provides for erosion and sediment control during construction and on-going maintenance for stormwater management facilities.

Utilities (Water and Sewer)

The development site is not located in an area served by municipal water and sewer service. Water service will be provided by a new community water system supplied by on-site wells and wastewater will be treated by a new community on-site septic system. These systems are being designed by the project engineer, Insite Engineering, Surveying & Landscape Architecture, P.C.

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The Applicant's engineer has developed preliminary water and sewer reports for the residential development and they are attached in Appendix C and D. The community water and sewer systems will be designed and constructed in accordance with the standards and subject to the approval of the Westchester County Department of Health (WCDOH) and New York State Department of Environmental Conservation (NYSDEC). The design will also be reviewed by the Town's engineer and hydrogeologist.

Water demand for the development has been estimated in the Water Facilities Report to be 9,020 gallons per day (gpd) based upon bedroom count. The Applicant reports that a–Average daily flow is estimated to be 6 gpm, with peak hourly flow estimated at 60 gpm. Each building will be equipped with sprinklers and the combined peak flow from domestic and fire sprinkler demand will be used to design the water system.

Water will be supplied from two existing wells, but an additional 1 to 2 wells will be required (3 to 4 wells total) to meet the NYSDEC requirements for maximum day demand with the best well out of service. Water supply for the development was evaluated by Leggette Brashears & Graham (see Water Supply Report – Appendix E). Further discussion of groundwater supply is provided in Section 3.4 Groundwater.

The community water system will include on-site water treatment facilities and an estimated 15,000-gallon storage tank. The location of the water control/treatment building will be based on the locations of the project wells after all wells are drilled. Preliminary discussions with the Goldens Bridge Fire Department have included the developer's proposal to install a water storage tank on-site for use by the Fire Department. The location and design details of the system are currently being discussed with the Department.

Wastewater design flow for the residential development is based upon bedroom count and is estimated at 9,020 gallons per day (gpd). Preliminary soil testing for the Subsurface Treatment System (SSTS) areas have been completed by the project engineer. Suitable soils for the SSTS areas have been identified in the southwestern, northern and eastern portion of the site. No portion of the proposed septic system will impact wetlands or wetland buffer. Based on the site constraints, preliminary testing and initial assessment indicate that the on-site soils can accommodate a SSTS to support a wastewater design flow of up to 9,020 gpd (see Appendix D). The final SSTS capacity will be based on witnessed soil testing with the WCDOH and NYCDEP and the final bedroom count for the development. There will be a backup generator only for the wastewater pumps and the water control/treatment system.

Construction

Construction Period Anticipated

The duration of the construction is anticipated to be approximately 16 months, beginning in Spring 2017. The residential development will be constructed as one continuous project. Construction activity will occur weekdays from 8:00 AM and Sunset, in conformance with the Town of Lewisboro regulations. No construction activity will occur between Sunset and 8:00 AM or on weekends or holidays.

Erosion and Sediment Controls During Construction

The [preliminary](#) site plan documents for permitting and construction will include detailed erosion and sedimentation control plans, details and notes designed in accordance with Town, NYSDEC and NYCDEP requirements for stormwater management. Erosion and sediment controls will include implementation and maintenance of temporary measures throughout the duration of the construction activities and installation of structural measures for the permanent stabilization of the site. Details of the proposed erosion and sediment controls are specified in the preliminary Stormwater Pollution Prevention Plan (SWPPP) (see Appendix B).

Site excavation will entail excavation and earth removal. Based upon observation and preliminary soil testing, it is anticipated that grading for construction will require rock hammering and blasting. Earthwork calculations prepared by the project engineer indicate a total cut of 24,000 cubic yards and a total fill of 33,000 cubic yards. This results in a net deficiency of 9,000 cubic yards. These calculations are based upon total volumes and do not account for the expected swell of excavated material. Accordingly, this deficiency is likely to be substantially reduced by the swell of processed/crushed material excavated and used onsite. As the project design progresses, opportunities to better balance earthwork will be considered as the goal is to balance the onsite earthwork. A discussion of truck traffic is provided below, should the import of any material be required. Re-using the on-site rock as construction fill will require on-site rock processing by a rock crusher. Any required blasting and/or rock crushing will be done in compliance with all Town of Lewisboro and New York State regulations and requirements. A Blasting Permit from the Town of Lewisboro is required for the work. Blasting procedures, including a Blasting Plan, are further described in Section 3.1 Soils, Topography and Geology.

A stabilized gravel construction access pad will be installed at the construction entrance point identified on the erosion control plans to limit soil transport onto the local roadways from trucks leaving the site. The SWPPP will specify measures to stabilize the steep slopes during and after construction and to divert clean runoff water away from the construction area.

Construction Staging

Construction material and staging areas will be maintained on the site. Areas for equipment staging and soil stockpiling within the site will need to be designated prior to commencement of construction activities. Erosion controls will be utilized around all areas selected for material storage and equipment staging. The construction equipment entrance will be stabilized with broken stone and perimeter silt fencing will be installed around all construction areas.

Truck Traffic

Construction traffic will arrive at the beginning of the construction period, primarily consisting of trucks delivering equipment and building materials, and daily trips of construction workers. Large construction equipment will include bulldozers, graders, excavators and dump trucks. This equipment is typically brought to the site on tractor trailers and generally is kept at the site for the duration of site preparation activities.

As indicated, the project engineer will endeavor to balance cut and fill through the re-use of excavated material on-site and minimize the transport of material to and from the site. Based upon conservative preliminary estimates which do not take into account the expected swell of excavated materials to be reused on-site, up to 9,000 cubic yards may need to be imported to

the subject property. The 9,000 cubic yards equates to approximately 500 truckloads, assuming 18 cubic yards per truck.

The conservative estimate of needed fill material would result in approximately 500 truckloads of soil being imported to the site. Assuming approximately 290 working days per year (excluding Sundays and holidays), the soil transport would result in approximately 2 truckloads per day over a ~~one-year~~one-year construction period (for site grading activity). The number of truck trips per day is likely to vary depending upon the specific construction activity. The installation of the access road and grading for the building pads will require the most soil to be imported to the site. ~~This activity will entail the~~ The addition of approximately 2 truckloads (4 truck trips to and from the site) per day. ~~is not expected to significantly impact local traffic.~~ Truck trips will occur throughout the day and therefore only a limited number of trips will occur during the morning peak traffic periods. Construction traffic will be coordinated with the NYSDOT and the Katonah-Lewisboro School District. To the extent practical, deliveries will be scheduled to avoid peak morning and afternoon traffic periods.

Construction staff flaggers will assist all large trucks to safely exit the site onto Route 22. It is likely that delivery trucks will travel to the site via Exit 6A from Interstate 684 and leave the site using Route 22 to Exit 6 at NYS Route 35, south of the site. Exit 6 has both northbound and southbound ramps. Some construction traffic may travel north to Route 138 and use the southbound ramp from Route 138 to travel south on Interstate 684.

While the construction activity is ongoing, construction materials will be brought in throughout the ~~16-month~~16-month construction period.

EAF Part 3 Evaluation

As described, the EAF Part 3 Evaluation provides information and analyses for those potential impact categories that are relevant to the proposed development. The Part 3 sections provide a description of existing conditions, potential impacts and proposed mitigation to avoid and/or minimize potential impacts.

3.1 Impact on Land (Soils, Topography, Geology)

The development will require grading and excavation for project construction. The project has been designed to minimize the limits and extent of grading. Mitigation measures including a Soil Erosion Control Plan are described in the section.

3.2 Impact on Surface Water

Site development, grading and soil erosion have the potential to impact on-site and off-site water quality. Mitigation measures including a Stormwater Pollution Prevention Plan (SWPPP) are described in the section.

3.3 Impact on Wetlands

The subject property contains a wetland regulated by the NYSDEC, the Town of Lewisboro and the US Army Corps of Engineers. The proposed preliminary Site Plan requires encroachment into the Town of Lewisboro and NYSDEC designated wetland buffer area (designated wetlands are avoided). Approximately 7,000 sf of DEC adjacent area and 14,500 sf of Town of Lewisboro buffer will be disturbed. Mitigation measures including a wetlands mitigation plan are described (see Section 3.3 for further analysis, including alternatives and mitigation).

3.4 Impact on Groundwater

The development site is not located in an area served by municipal water and therefore water service will be provided by a new community water system supplied by on-site wells. A hydrogeologic assessment for the property has been prepared and it is anticipated that on-site wells can meet the estimated water demand of 9,020 gallons per day (gpd). An estimated one to two new wells will necessary, subject to regulatory approval. ~~with no significant impact to the nearby private wells.~~

3.5 Impact on Ecology

The site is primarily wooded with second growth successional forest on upland portions of the site and a mapped wetland is located in the southeastern portion of the property. Grading for site development will alter approximately 10 acres of existing vegetation and habitat. An evaluation of existing vegetation and mitigation measures are provided.

3.6 Impact on Aesthetic Resources

The development will alter the view for drivers on the I-684 exit ramp 6A and on a limited section of NYS Route 22. A visual analysis has been completed and mitigation measures are described. Mitigation will include building design elements such as building materials and colors.

3.7 Impact on Historic and Archeological Resources

On-site grading has the potential to impact archeological resources. Phase 1A and 1B Cultural Resources Surveys have been completed for the project area. The Phase 1B investigation involved soil test pits. Based upon the surveys, the development will have no impacts upon Historic and Archeological resources.

3.8 Impact on Transportation

The proposed development will result in approximately 43 new vehicle trips during the p.m. peak traffic hour. A traffic study has been completed with respect to transportation impacts and is described in the section. ~~The development will not result in significant impacts to local traffic.~~

3.9 Impact on Community Facilities and Services

The new development will result in new demand for municipal services, including the addition of an estimated 17 school children to the Katonah-Lewisboro School District. The potential impacts to the Town of Lewisboro and the School District are evaluated.

3.10 Consistency with Community Character

The subject property lies in two Town zoning districts: the two westerly lots are located in the CC-20 zoning district and the easterly lot is located in the R-4A zoning district. The proposed residential development is proposed for the two westerly lots in the CC-20 district, while the eastern lot is proposed to be permanently preserved through the use of restrictive covenants and/or conservation easements. A discussion is provided regarding the development's consistency with nearby existing land uses, the Town Zoning Code and the Master Plan.

Approvals, Reviews and Permits

Approvals, reviews and/or permits required for the implementation of this development are listed below by issuing agency. These agencies are called Involved Agencies under SEQRA, and have approval authority over one or more aspects of this application.

Site Plan, Wetlands Permit and Stormwater Permit

Town of Lewisboro Planning Board
20 North Salem Road
Cross River, NY 10518

Variances from Zoning Code

Town of Lewisboro Zoning Board of Appeals
20 North Salem Road
Cross River, NY 10518

Building Permit, Blasting Permit

Town of Lewisboro Building Department
20 North Salem Road
Cross River, NY 10518

Community Septic System, Community Water Supply

Westchester County Department of Health
145 Huguenot Street
New Rochelle, NY 10801

Community Septic System, SWPPP

NYC Department of Environmental Preservation
465 Columbus Avenue
Valhalla, NY 10595

SPDES General Permit for Stormwater, Wetland Permit

NYS Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, NY 12561

Highway Permit

NYS Department of Transportation
4 Burnett, Boulevard
Poughkeepsie, New York 12603

Development Funding

Westchester County Board of Legislators
148 Maritime Avenue
White Plains, New York 10601

Development Funding

New York State Homes & Community Renewal
641 Lexington Avenue
New York, New York 10022

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? _____

b. What police or other public protection forces serve the project site?

c. Which fire protection and emergency medical services serve the project site?

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned
or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

- Anticipated completion date of final phase _____ month _____ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____ _____ _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____</p>		
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____ _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade to, an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n.. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site			
a. Existing land uses. i. Check all uses that occur on, adjoining and near the project site. <input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ ii. If mix of uses, generally describe: _____ _____			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

<p>c. Is the project site presently used by members of the community for public recreation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>i. If Yes: explain: _____</p>	
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes,</p> <p>i. Identify Facilities: _____</p> <p>_____</p>	
<p>e. Does the project site contain an existing dam? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection: _____</p> <p>_____</p>	
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Has the facility been formally closed? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> • If yes, cite sources/documentation: _____ <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____</p> <p>_____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p> <p>_____</p>	
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p> <p>_____</p>	
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><input type="checkbox"/> Yes – Spills Incidents database</p> <p><input type="checkbox"/> Yes – Environmental Site Remediation database</p> <p><input type="checkbox"/> Neither database</p> </div> <div style="width: 50%;"> <p>Provide DEC ID number(s): _____</p> <p>Provide DEC ID number(s): _____</p> </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>_____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, provide DEC ID number(s): _____</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p> <p>_____</p>	

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, describe: _____ _____	
h. Surface water features. i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input type="checkbox"/> No ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input type="checkbox"/> No iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <ul style="list-style-type: none"> • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • Wetland No. (if regulated by DEC) _____ 	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No	
j. Is the project site in the 100 year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
k. Is the project site in the 500 year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <ul style="list-style-type: none"> i. Name of aquifer: _____ 	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">_____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? <input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

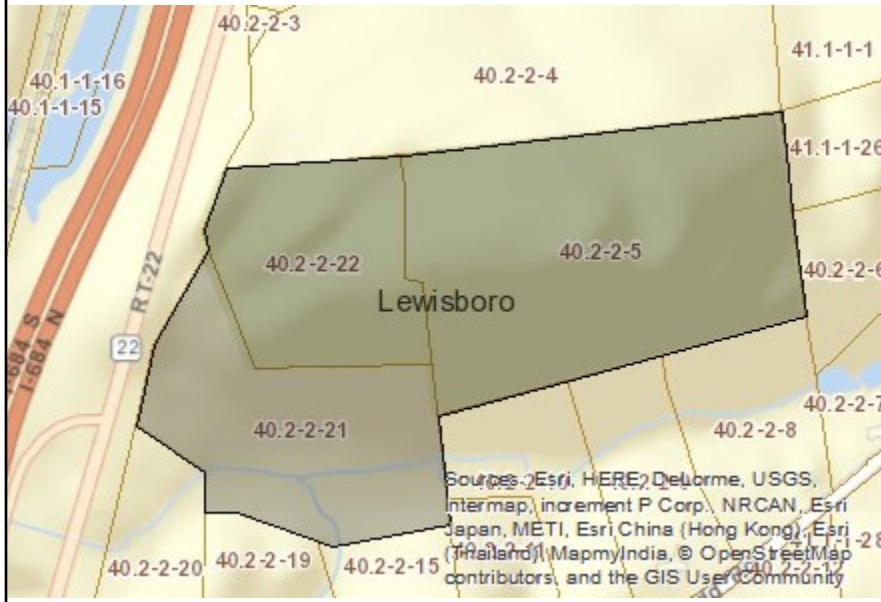
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____



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



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYC Watershed Boundary
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):14.4
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	F-29
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No

E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

3.1 SOILS, TOPOGRAPHY and GEOLOGY

Existing Conditions

The soils on the development site have been mapped by the United States Department of Agriculture (USDA) Soil Conservation Service (SCS) of Putnam and Westchester County, New York. Soils on the property are varied and are partly controlled by the varied topography and bedrock that is shallow or exposed in portions of the site.

The eight (8) soil types mapped on-site include: Chatfield-Hollis-Rock outcrop complex (CtC and CuD), Hollis-Rock outcrop (HrF), Palms muck (Pa), Riverhead loam (RhB), Leicester loam (LcB), Chatfield-Charlton Complex (CsD), Charlton Loam (ChD), and Charlton-Chatfield Complex (CrC). The location of these soils groups on the site is shown in Figure 3.1-1, Soils Map. A summary of on-site soils, soil characteristics, depth to groundwater and depth to bedrock is provided in Table 3.1-1.

The Chatfield-Hollis-Rock outcrop complex soils (CtC and CuD) are either hilly (CuD) or rolling (CtC) and are moderately to very deep and well drained to excessively drained. Slopes range from 3 to 15 percent (CtC) and 15 to 35 percent (CuD). Depth to water is more than 6 feet throughout the year, permeability is moderate to moderately rapid, and available water capacity is very low to moderate. The depth to bedrock is typically between 10 inches and 40 inches.

The Hollis-Rock outcrop complex soils (HrF) are shallow, very steep and well drained soils with areas of rock outcrop. Slopes will range from 35 to 60 percent. Depth to water is more than 6 feet throughout the year, permeability is moderate or moderately rapid, and the available water capacity is very low. The depth to bedrock is generally between 10 to 20 inches.

The Palms muck soils (Pa) are nearly level, very deep and very poorly drained soils and consists of 16 to 51 inches of organic material. Depth to water is typically 6 inches above to 12 inches below the surface from September through June, and up to 24 inches during dry periods. Permeability is moderately slow to moderately rapid with a high water capacity. Depth to bedrock is typically more than 60 inches.

The Riverhead loam (RhB) soils are gently sloping, very deep and well drained. Slopes range from 3 to 8 percent. Depth to water is more than 6 feet throughout the year. Permeability is moderately rapid with a moderate water capacity. The depth to bedrock is typically more than 60 inches.

The Leicester loam (LcB) soils are gently sloping, very deep and somewhat poorly drained. Slopes range from 3 to 8 percent. Depth to water is typically 1.5 feet in depth from November to May. Permeability is moderate or moderately rapid with a moderate water capacity. Depth the bedrock is greater than 60 inches.

The Chatfield-Charlton complex (CsD) is a soils unit that is very deep and well drained. Slopes range from 15 to 35 percent. Depth to water is generally more than 6 feet throughout the year. Permeability is moderate to moderately rapid with a low water capacity. Depth to bedrock is typically 20 to 40 inches.

The Charlton loam (ChD) soils are moderately steep, very deep and well drained. Slopes range from 15 to 25 percent. Depth to water is 6 feet below the ground surface throughout the year.

Permeability is moderate to moderately rapid with a moderate water capacity. Depth to bedrock is more than 60 inches.

The Charlton-Chatfield complex (CrC) consists of very deep and well drained soils. Slopes range from 2 to 15 percent. Depth to water is typically 6 feet throughout the year. Permeability is moderate to moderately rapid with a low to moderate water capacity. Depth to bedrock is greater than 60 inches.

Table 3-1-1 Soil Characteristics and Limitations					
Soil Series	Hydrologic Group ¹	Permeability (in./hr.)	Erosion Factor	Depth to Bedrock (inches below the ground surface)	Depth to Water (feet below the ground surface)
			K ²		
Chatfield-Hollis-Rock outcrop (CtC & CuD)	B/C/D	0.6-6.0 (0-24" deep)	0.20-0.32	10-40 inches	>6 feet
Hollis-Rock outcrop (HrF)	C/D	0.6-6.0 (0-16" deep)	0.24-0.32	10-20 inches	>6 feet
Palms muck (Pa)	A/D	0.2-6.0 (0-48" deep) 0.2-2.0 (48-60" deep)	0.37	>60 inches	+1-1.0 feet (November thru May)
Riverhead loam (RhB)	B	2.0-6.0 (0-30" deep) >20 (30-60" deep)	0.17-.28	>60 inches	>6 feet
Leicester loam (LcB)	C	0.6-6.0 (0-26" deep) 0.6-20.0 (26-60" deep)	0.24-0.28	>60 inches	0-1.5 feet (November thru May)
Chatfield-Charlton complex (CsD)	B	0.6-6.0 (0-60" deep)	0.20-0.24	20-40 inches	>6 feet
Charlton loam (ChD)	B	0.6-6.0 (0-60" deep)	0.24	>60 inches	>6 feet
Charlton-Chatfield complex (CrC)	B	0.6-6.0 (0-60" deep)	0.20-0.24	>60 inches	>6 feet
¹ Hydrologic groups are used to estimate runoff from precipitation; they range from high infiltration (A) to low infiltration (D). ² Erosion Factor K indicates susceptibility to sheet and rill erosion by water measured in tons/acre/year. K values range from 0.05 to 0.69. Higher values indicate greater susceptibility. Source: Soil Survey of Westchester and Putnam Counties, New York, USDA SCS.					

The site generally slopes from the north to the south towards the wetland in the southwestern portion of the property. Bedrock underlying the development site consists of Fordham Gneiss and Inwood Marble.

The project engineer has analyzed the existing slopes on the property. As shown in Drawing CM-1 Constraints and Net Lot Area Map, development is proposed on the more level, western

portions of the property. Existing slopes based upon slope categories are shown in Table 3.1-2 Existing Slopes.

Table 3.1-2 Existing Slopes	
0-15 %	11.6 acres
15-20%	4.1 acres
>20%	19.7 acres
Total	35.4 acres
Source: insite Engineering, Surveying, & Landscape Architecture, P.C. March 2016	

Potential Impacts

Grading is required to build the internal road network, install utilities, prepare areas for the proposed residential buildings and parking, and to create the stormwater management facilities located in the southern portion of the site. The conceptual grading is shown in Figure 3.1-2 - Conceptual Grading Plan. The *preliminary* site plan layout is designed to utilize the existing topography thereby minimizing the amount of earthwork necessary. Based on preliminary engineering estimates approximately 10 acres is proposed to be disturbed for the development. Exposed soils, especially in areas of steep slopes has the potential to result in soil erosion and sedimentation into areas of lower topography including wetland buffers and wetlands located in the southwest portion of the site.

Attached is Figure 3-3 showing the mass earthwork for the site improvements depicting the changes between finished grades and existing grades in the developed portion of the site. The earthwork calculations indicate a total cut of 24,000 cubic yards and a total fill of 33,000 cubic yards. This results in a net deficiency of 9,000 cubic yards. This deficiency is likely to be made up by the swell of material excavated and used onsite. As the project design progresses, opportunities to better balance earthwork will be considered as the goal is to balance the onsite earthwork.

Based upon analysis by the project engineer, the development will require some disturbance to slopes greater than 15 percent. Disturbance to slopes by category is provided in Table 3.1-3. Grading on steeper grades increases the potential for soil erosion, if stabilization and erosion control techniques are not properly implemented. An erosion and sediment control plan has been prepared to assure proper management of exposed soils and to minimize erosion, as further described below.

Table 3.1-3 Slope Disturbance	
0-15%	3.9 acres
15-20%	1.4 acres
>20%	3.6 acres
Total	8.9 acres*
Source: Insite Engineering, Surveying, & Landscape Architecture, P.C. March 2016.	
* Based on an estimate by Kellard Sessions, 10 acres of disturbance is cited in the text.	

Bedrock outcrops are more prevalent in the eastern portion of the property and include a topographic ridge. Development on the eastern portion of the property is not proposed, with the possible exception of septic fields. The septic fields, as shown in the *preliminary* plans, would only occur on level portions of the site with sufficient soil cover above the bedrock. All major development is located on the western portion of the property. If bedrock is encountered during construction, mechanical means (i.e. ripping, chipping) would be employed first to avoid any unnecessary blasting. Development of the site for residential building pads, parking lots and the access drive is likely to encounter bedrock where bedrock is exposed or within 5 feet of the surface. The proposed grading is shown in Figure 3.1-2 and the depth of cut and fill is shown in Figure 3.1-3 Cut and Fill Map. Based upon observation and preliminary soil testing, it is anticipated that grading for construction will require rock hammering and blasting. In limited circumstances such as improper design or implementation, blasting has the potential to damage off-site foundations. The nearest existing off-site residences are located on Todd Road south of the property and approximately 850 feet from the proposed area of potential blasting development. Blasting mitigation measures are described below, *and the Applicant would require a Blasting Permit from the Town of Lewisboro Building Department.*

Avoidance or Minimization of Potential Impacts and Mitigation

Soils

As indicated, construction of the development will require the grading of approximately 10 acres of the 35.4 acre property or 28 percent. The project engineer has provided an estimate of the amount of grading required in each slope category, as shown in Table 3.1-3. As shown in the grading plan (Figure 3.1-2), grading on slopes greater than 15 percent is unavoidable, but has been minimized to the extent practical through the layout of the buildings, parking areas, driveways and septic fields.

Engineering measures such as proper design of foundations, subsurface drainage as needed, and proper designs of pavement subbase and excavated slopes can be utilized to overcome any construction limitations of the onsite soils.

A Soil Erosion and Sediment Control Plan (Drawing SP-3) has been prepared for the subject development, as part of the Stormwater Pollution Prevention Plan (SWPPP) to assure proper management of soils to minimize erosion, as further described below.

Blasting

A Blasting Permit will be obtained from the Town of Lewisboro for any required blasting, which will commit the developer to compliance with Town Code requirements of §92-18 Blasting Operations.

Any necessary blasting would only be carried out in conformance with an approved Blasting Plan, specific to this project, developed between the Blasting Contractor and the Town. The Blasting Plan would include, but not be limited to the following:

- Determination of a radius of sensitive receptors to the blasting site.
- Notification of property owners within the radius of sensitive receptors. This notification would provide warning that blasting will occur and the dates it is planned to start and finish.

- Conducting pre-blasting inspections for buildings within the radius of sensitive receptors. This will be completed by the Blasting Contractor.
- Conducting post-blasting inspections of the buildings within the specified radius.
- Blasting would only be conducted during specified hours in conformance with the Town of Lewisboro Building Code (7:00 AM to 7:00 PM).

The Blasting Plan would be developed in full conformance with the Town of Lewisboro's Building Code and in accordance with New York State blasting law. A preliminary Blasting Plan is attached as Appendix H. The contractor's Blasting Contract would be based on site specific blasting requirements, and would be submitted to the Town for approval in advance of any site work activity. In accordance with the Town Building Code, the Building Inspector shall not issue a permit for blasting unless the applicant has filed with the Building Inspector a certificate of insurance evidencing comprehensive general liability insurance.

Potential Erosion

The anticipated development includes the grading and disturbance of 10 forested acres. The area proposed to be disturbed is in the western portion of the site with more level topography minimizing disturbance to steep slopes to the extent practical. During construction, erosion control measures will be implemented to mitigate any steep slope disturbance that may occur. It is anticipated that the potential for soil erosion would be limited to the construction period, since following construction, all disturbed ground will be stabilized with either impervious surface or with landscaping such as lawn, groundcover plantings or native grasses and vegetation. No exposed ground will be left unstabilized and any limited future treatment by herbicides would not result in increased erosion (see discussion on herbicides on page 3.2-2).

A Soil Erosion and Sediment Control Plan (Drawing SP-3) has been prepared for the subject development, as part of the Stormwater Pollution Prevention Plan (SWPPP). The SWPPP is provided in Appendix B. The Erosion and Sediment Control Plan shows the limits of disturbance and the placement of silt fencing in locations down-slope from areas of grading. The proposed stabilized construction entrance is also shown in the *preliminary* Plan. Drainage inlets with inlet protection will be installed in conjunction with the stormwater collection drain system.

Construction phasing for the project will be limited to 5 acre maximum disturbance area. The construction is envisioned to initiate with the construction of the entry road, stormwater basins, and western buildings. The second phase would include the eastern buildings and related improvements. The final phase of work will include the installation of the subsurface sewage treatment system (SSTS). As the details in the project Stormwater Pollution Prevention Plan (SWPPP) progress, the sequencing plan will be further detailed, and keyed to the site stormwater and erosion control improvements.

The SWPPP has been designed to conform to applicable requirements of the New York State Department of Environmental Conservation (NYSDEC), SPDES General Permit GP-0-15-002. The *preliminary Site* Plan will be completed in accordance with New York State Department of Environmental Conservation best management practices ("BMPs") as further described below.

Best Management Practices (BMPs)

The principle objectives of the Soil Erosion and Sediment Control Plan include the following:

- divert clean surface water before it reaches the construction area;
- control erosion at its source with temporary and permanent soil protection measures;
- capture sediment-laden runoff from areas of disturbance and filter the runoff prior to discharge; and,
- decelerate and distribute storm water runoff through use of natural vegetative buffers or structural means before discharge to off-site areas.

These objectives will be achieved by utilizing a collective approach to managing runoff, i.e. Best Management Practices (BMPs). Prior to any disturbance, erosion and sediment control measures will be installed in accordance with the specifications of the Erosion Control Plan. The construction contractor will be required to install all sediment and erosion control measures and maintain them throughout the entire construction process.

Based upon the proposed erosion control measures being implemented, construction impacts will be minimized.

3.2 IMPACT ON WATER RESOURCES

Existing Conditions

The development site is mostly wooded with second growth forest and an area of wetland located in the southwestern portion of the site. Topography on the property is varied and elevations range from about 210 feet to 450 feet. An east-west trending ridge is located in the northern portion of the property, and run-off generally drains from north to south towards the wetland. Surface water drainage flows by sheet flow from higher elevations to lower elevations on the site. Pre-development drainage is shown in Figure 3.2-1 Pre-Development Drainage Map.

The wetland in the southwest portion of the property is mapped as a NYSDEC regulated wetland (F-29). This wetland is also regulated by the Town of Lewisboro and the US Army Corps of Engineers. According to the NYSDEC on-line database Wetland F-29 is 14.4 acres in size. Approximately 2.3 acres of this wetland is located on the subject property.

An unnamed intermittent watercourse is located in the mapped wetland and this watercourse flows towards the west under Route 22 and the eventually drains to the Muscoot Reservoir located west of the property. ~~A~~*The Applicant has reported that a* site walk with the New York City Department of Environmental Protection (NYCDEP) on March 9, 2016 confirmed ~~that~~ the on-site watercourse is not a reservoir stem. This intermittent watercourse is not designated on NYSDEC maps (NYSDEC Environmental Resource Mapper) and is not connected to Brady Stream/ Brook which is located further to the north. The property contains no other streams, ponds or lakes.

The development site is in the Muscoot Watershed Basin. This Reservoir is located in the New York City East-of-Hudson Croton Watershed, where the Environmental Protection Agency (EPA) has established a Total Maximum Daily Load (TMDLs) for phosphorus. The burden for reducing current phosphorous loading to achieve the TMDL presently lies with the Applicant, Town of Lewisboro and its regional partners. The program for phosphorous reduction has been established in the NYSDEC document entitled *Croton Watershed Phase II Phosphorous TMDL Nonpoint Source Implementation Plan* (TMDL Implementation Plan) dated January 14, 2009.

The NYSDEC TMDL Implementation Plan clearly states that for simplicity and ease of local government administration, the Plan is largely structured to use existing programs to achieve phosphorus reductions. These programs include:

- Potential additional point source reductions.
- NYSDEC SPDES General Permit for Stormwater Discharges for Municipal Separate Stormwater Sewer Systems (MS4s) Permit No. GP-0-10-002.
- State and regional source control and agricultural programs.
- US EPA Filtration Avoidance Determination Program.
- Westchester County "Croton Plan"
- NYSDEC "Croton Strategy"
- NYCDEP EOH Water Quality Investment Funds.
- New York State non-point source programs.

- NYSDEC - NYCDEP Coordinated Stormwater Enforcement Protocol.

The proposed Stormwater Pollution Prevention Plan (SWPPP) for the project is consistent with the TMDL Implementation Plan and applicable portions of the above-cited programs. Through compliance with the General Permit for Construction Activity, which requires enhanced stormwater design in the NYC East of Hudson Watershed targeted at removing phosphorus, the project SWPPP is consistent with the TMDL Implementation Plan and other strategies for removing phosphorus from the watershed.

Potential Impacts

Stormwater run-off during construction or post-development, has the potential to affect water quality for wetlands and water courses identified on-site and may potentially affect off-site water courses. During construction, stormwater run-off has the potential to transport sediment into wetlands and water courses and may result in turbidity, siltation or other degradation of receiving water bodies. The development will result in the introduction of 2.4 acres of new impervious surface to the site. As described in Section 3.3 Wetlands, the proposed development will involve the construction of a stormwater management facility within the NYSDEC 100 foot buffer and within the Town 150 foot Control Area. No direct impacts to Town or NYSDEC wetlands or watercourses are proposed.

The current *preliminary* stormwater plan involves a pretreatment / attenuation stormwater basin and an infiltration stormwater basin located at the lower elevations of the site adjacent to and encroaching upon the Town/ NYSDEC wetland buffer. From a stormwater perspective this arrangement will provide the maximum benefit for water quality and quantity. An alternative to this design would be to provide subsurface storage of stormwater for quantitative purposes and install a pretreatment hydrodynamic separator and eliminate the attenuation / pretreatment basin. This would allow the infiltration practice to be moved uphill to reduce the wetland buffer disturbance. This alternative design *requires additional maintenance and* would not include certain biological benefits of the open attenuation / pretreatment basin (open basins are vegetated providing for filtration and uptake of pollutants that buried systems do not provide). ~~and would substantially increase the cost of stormwater management, including maintenance.~~

Site grading and the introduction of impervious surface and stormwater management facilities will require the modifications of existing drainage patterns. Post-development drainage on the property is shown in Figure 3.2-2 Post Development Drainage Map. As shown in the *preliminary* plan, stormwater on the site will continue to flow from north to south towards lower elevations and will be directed to proposed stormwater basins located at the base of the slope. Treated stormwater will flow and infiltrate to the wetland in the southern portion of the site, similar to existing conditions.

The site development includes earthwork in areas where there is shallow rock. Unfortunately this condition does not support the use of permeable pavement as a green infrastructure practice. Although this practice has clear benefits, its application in this instance is not feasible.

The proposed development will incorporate other green infrastructure practices that are suitable for this site, including sheet flow to filter strips, vegetated swales, reduction in impervious surface, conservation of natural areas, and tree planting. Opportunities for including rain gardens and stormwater planters can be considered as the detailed site plan is further developed.

The proposed development will require the construction of a new community on-site septic system. The system will be subsurface and rely on infiltration and will not involve discharge to any surface water resources. The proposed development septic system is subject to review and approval by Westchester County Department of Health and NYCDEP and the discharge is permitted by the NYSDEC.

The proposed development may involve the limited application of pesticides and herbicides in the maintained landscaped portion of the development. Pesticides and herbicides would not be used in or around any water body, with the exception of limited use of Rodeo-Type glyphosate to eliminate invasive plants in the wetland buffer as part of the Wetland Buffer Restoration and Enhancement Plan (see discussion below). An Integrated Pest Management Plan (IPM Plan) has been prepared for the future maintenance of property landscaping (see discussion below).

Post-development, stormwater may transport sediment, sand from winter deicing and oil and grease from parking lots and driveways. Effective stormwater management, both during and following the development, will minimize these potential stormwater impacts.

Avoidance or Minimization of Potential Impacts and Mitigation

In connection to the [preliminary](#) project plans, the project engineer has prepared a preliminary Stormwater Pollution Prevention Plan (SWPPP) for the proposed development. The development will require grading, excavation and the construction of driveways, parking areas and buildings. Approximately 2.4 acres will be converted to impervious surface for the development. Mitigation for the proposed impervious surfaces resulting from the development will be provided by the proposed stormwater management practices (SMP's) described in the SWPPP. The proposed SMP's will be designed to capture and treat runoff from the impervious surfaces associated with the proposed buildings, parking areas and access drive. A copy of the preliminary SWPPP is attached in Appendix B.

Pesticides and herbicides may be used on a limited basis to maintain proposed landscaping or in the event of a serious infestation of pests in the future residential development. Pesticides and herbicides on the exterior grounds would only be used by professional landscaping staff, supervised by the development owner. An Integrated Pest Management Plan (IPM) has been prepared for the WB Lewisboro Affordable Housing development and is attached in Appendix K. The IPM provides specific procedures and criteria for the limited future use of pesticides and herbicides at the development. Pesticides and herbicides will be used in the minimum quantities needed and only after other, non-chemical means of pest control are found to be ineffective.

The existing drainage patterns on the site will be maintained to the maximum extent practical in the proposed condition. As shown in the Post-Development Drainage Map, stormwater on the site will continue to flow from north to south towards lower elevations and will be directed to proposed stormwater basins located at the base of the slope. Treated stormwater will flow and infiltrate to the wetland in the southern portion of the site, similar to existing conditions. The existing wetland buffer provides additional water quality treatment and further minimizes the potential for erosion and sedimentation from the development.

Stormwater treatment for the subject project will be accomplished with several practices including an extended detention dry stormwater basin, used as pretreatment practice prior to an infiltration basin. The infiltration basin and extended detention pretreatment dry stormwater

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basin will both be sized to capture and treat the Water Quality Volume from the contributing area of the proposed development. The stormwater runoff from the proposed development will be captured in a collection system and conveyed to the extended detention dry stormwater basin for pretreatment of the stormwater runoff, prior to discharging to the infiltration basin for final treatment.

~~Given the~~ topography and natural constraints on the subject property, ~~limited practical limits~~ the area was available for stormwater management practices. As shown in Figure 3.1-2 Conceptual Grading Plan, the infiltration basin and extended detention pretreatment dry stormwater basin are ~~currently located~~ located partially within the Town of Lewisboro 150 foot wetland buffer and the NYSDEC 100 foot adjacent area. ~~Under this scenario, approximately~~ Approximately 7,000 sf of NYSDEC adjacent area and 14,500 sf of Town of Lewisboro buffer ~~would will~~ be disturbed.

As mitigation for this disturbance, a wetland mitigation plan has been prepared and is attached in Appendix I. These transition areas will receive manual removal of invasive species during basin construction that will allow the native species to regenerate and compete with the more aggressive invasive species that currently occupy this part of the site. The Wetland Buffer Restoration and Enhancement Plan also includes the planting of trees, shrubs and herbaceous plants to enhance the existing vegetation. The proposed enhancement of the wetland buffer is intended to minimize any erosion from the developed site and maintain water quality. The removal of invasive species vegetation would include the limited application of "Rodeo" type glyphosate. This compound would only be used on the re-growth of Phragmites after the first cut. In addition the stormwater management facilities will be planted with wetland vegetation, as further described in Section 3.5 - Impact on Ecology.

The proposed stormwater management system for the development has been designed to meet the requirements of local, city, and state stormwater ordinances and guidelines, including but not limited to those of the Town of Lewisboro, the NYSDEC, and the New York City Department of Environmental Protection (NYCDEP). Since the subject development proposes the disturbance of more than one (1) acre, coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit No. GP-0-15-002 is required. In order to meet the requirements set forth by this permit, the latest edition of the NYSDEC *New York State Stormwater Management Design Manual* (NYSSMDM), including Chapter 10: *Enhanced Phosphorus Removal Standards* (Chapter 10), was referenced for the design of the proposed stormwater management system. Based upon NYCDEP rules and regulations in the watershed, NYCDEP review and approval of a SWPPP Approval is required for this for this project. The proposed stormwater management facilities are intended to minimize the potential for siltation, turbidity and degradation of water quality both during construction and long-term, following construction. ~~In the opinion of~~ the Applicant maintains that, adherence to the NYSDEC, NYCDEP and Town of Lewisboro stormwater regulations and requirements will ensure that stormwater quality from the development will be maintained.

~~Given the above mitigation measures, it is the Applicant's opinion that the proposed action will have no significant impact to on-site or off-site water resources.~~

3.3 IMPACT ON WETLANDS

Existing Conditions

The 35.4 acre subject site is a mix of wooded upland slopes and wetland/stream corridor, located between undeveloped lands to the north and east, undeveloped lands and large lot residential development along Todd Road to the south, and Route 22 and I-684 to the west. The site wetland corridor is located along the southern property line, and drains to New York City owned property to the south. The 27 acre undeveloped parcel to the north is also owned by the DEP.

Site observations were conducted by Steve Marino, PWS, of Tim Miller Associates in October and November of 2015 and January of 2016. The following description complies with Section 271-7A(5) and (6) of the Town of Lewisboro Code. A Wetland / Watercourse Delineation Report and Assessment consistent with the Town wetland ordinance is provided in Appendix J.

The site wetlands have been subject to disturbance over the years. Hydrology for the wetland is derived from the steep rocky slopes both north and south of the wetland, with runoff collecting at the bottom of the slopes within a relatively broad flat area. This wetland is identified as DEC Wetland F-29, and is listed as 14.4 acres total (Figure 3.3-1). It is shown as a palustrine scrub-shrub wetland on NWI mapping (Figure 3.3-2)

Soils in the wetland are best described as Palms Muck for the majority of the flatter areas (Figure 3.3-3). As noted above, the soils in the western part of the wetland have been disturbed by previous activities, and exhibit some characteristics of udorthents (i.e., previously disturbed soils). Along the northwestern part of the wetland, the soils transition into Leicester loam as the slope rises, before changing over to the Chatfield Hollis soil group on the rocky steep upland slopes.

In the relatively undisturbed portions of the wetland, the most common species are red maple (FAC), slippery elm (FAC), green ash (FACW) and occasionally pin oak (FACW). A well-developed shrub layer was not observed. Skunk cabbage (OBL), cinnamon fern (FACW), sensitive fern (FACW), Canada goldenrod (FACU) and occasional tussock sedge (OBL) were the most common native herbaceous species. Representative photos of the wetland are provided with this EAF.

However, the majority of the wetland area on site is previously disturbed, resulting in a mix of non-native and invasive species throughout the wetland and the surrounding buffers. Several impenetrable areas of *Phragmites australis* (FACW) were observed. Fox grape (FACU), multiflora rose (FACU), climbing bittersweet (UPL), garlic mustard (FACU), and Japanese barberry (FACU) were observed throughout the wetland and adjacent areas. Occasional Morrow honeysuckle (FACU), tartarian honeysuckle (FACU) and brambles (FACU) were also observed. The majority of these introduced species are FACU and UPL, and are an indication of the wetland drying out over time, most likely due to the channelizing of the watercourse through the area.

A watercourse has been created (or channelized) by past site activities, which flows from east to west, then turning south at the southwest property line and onto DEP property. This watercourse derives its hydrology from the rocky, steep slopes to the north, south and east, and becomes channelized on the parcel to the east of the subject property. After leaving the site,

the watercourse flows south, and presumably eventually reaches a culvert under Route 684 and to the Muscote Reservoir. This could not be verified in the field. The watercourse is not mapped by the DEC.

Wetland/Watercourse and buffer area functions

Due to its location in the watershed, this wetland functions primarily to capture and treat stormwater runoff from the adjacent rocky hillsides before it makes its way into the stream channel and offsite. Nutrient attenuation by the wetland is high due to its dense vegetation and flat slope, which provides for a long residence time in the wetland. However, the “vegetative diversity” function is relatively low due to the high percentage of non-native species within the wetland corridor. While no wetland dependent wildlife were observed during the site inspections, it is likely that common salamanders (red-backed, slimy and two-lined) live within the wetland and its adjacent areas, and a number of bird species feed on the fruit and seeds of the various herbaceous plants. It is also possible that box turtles may utilize this corridor if they are present in the surrounding woods. The adjacent areas are less densely vegetated, due to the rocky substrate, but do function somewhat as a filter before runoff enters the wetland. Runoff is rapid, due to the rocky soils, but is also aerated as it flows over the rocks down the slope.

Proposed Impacts

No direct impacts to Town or DEC regulated wetlands is proposed. One of the two stormwater management areas is proposed to be constructed partially within the 100 DEC adjacent area and entirely within the Town 150 foot control area. *As currently proposed and as addressed in Section 3.2 Impact on Water Resources*, ~~Of necessity~~ these basins will be located within DEC and Town of Lewisboro buffer areas. Approximately 7,000 sf of DEC adjacent area and 14,500 sf of Town of Lewisboro buffer will be disturbed. No buildings, parking or other impervious surfaces will be placed within the adjacent area.

In order to minimize site grading and take advantage of site topography, the basins *have been must be* located in the flattest portion of the site that is downgradient of the development areas. ~~There is such an area available on the northern side of the flagged wetland, and T~~he project engineer has developed *preliminary* plans that *locate the basins within the wetland buffer use this area* while minimizing disturbance to the adjacent area. The chosen location is part of the previously disturbed buffer area, which is dominated by opportunistic volunteer species (primarily Canada goldenrod and multiflora rose), so that vegetative impacts will be minimized as well.

No grading or other activities will occur within the wetland, but will of necessity be near the wetland. The New York City DEP's interpretation of the Watershed Rules and Regulations results in a redundant stormwater treatment program, requiring two basins on the current design and sufficient capacity to capture the regulated runoff volumes.

The current *preliminary* stormwater plan involves a pretreatment / attenuation stormwater basin and an infiltration stormwater basin located at the lower elevations of the site adjacent to and encroaching upon the Town/ NYSDEC wetland buffer. ~~From a stormwater perspective this~~ *This* arrangement *is intended to will* provide the maximum benefit for water quality and quantity, *but will be further reviewed during the site plan review process.* - An alternative to this design would be to provide subsurface storage of stormwater for quantitative purposes and install a

pretreatment hydrodynamic separator and eliminate the surface basin. This would allow the infiltration practice to be moved uphill to reduce the wetland buffer disturbance. This alternative design would not include certain biological benefits of the open attenuation / pretreatment basin *and would require additional maintenance* (open basins are vegetated providing for filtration and uptake of pollutants that buried systems do not provide). ~~and would substantially increase the cost of stormwater management, including maintenance.~~

Mitigation

The stormwater management basins will be planted with wetland vegetation (both woody and herbaceous) and overseeded with seed mixes appropriate for the transitional nature of the hydrology associated with storm basins. Additionally, a program of wetland and buffer restoration is proposed for transition areas immediately bordering the stormwater basin construction disturbance area (See Appendix I). As mitigation for this disturbance, these transition areas will receive manual removal of invasive species during basin construction that will allow the native species to regenerate and compete with the more aggressive invasive species that currently occupy this part of the site. The Wetland Buffer Restoration and Enhancement Plan also includes the planting of trees, shrubs and herbaceous plants to enhance the existing vegetation. The proposed enhancement of the wetland buffer is intended to minimize any erosion from the developed site and maintain water quality. The removal of invasive species vegetation would include the limited application of "Rodeo" type glyphosate. This compound would only be used on the re-growth of Phragmites after the first cut. A detailed plan, showing the areas to be treated, details of the methodology and plants to be installed is included with this EAF (See Appendix I).

3.4 IMPACT ON GROUNDWATER RESOURCES

Existing Conditions

The development site is located in a rural suburban setting with surrounding properties a mix of undeveloped wooded land and low density residential properties. The property is approximately 35.4 acres in size and located on the east side of NYS Route 22 and Interstate 684 which lie directly west of the site.

Topography on the property is varied and elevations range from about 210 feet to 450 feet. A east-west trending ridge is located in the northern portion of the property, and an area of wetland is located in the southwest corner of the site adjacent to Route 22. Approximately 67 percent of the property (23.8 acres) contain steep slopes (15 percent or greater) and bedrock is exposed or near surface in much of the northern portion of the property.

Since no municipal water supply is available to the property, the proposed residential development will require the installation and testing of new water supply wells and the development of a new community water system. The development of such a system will result in residential uses in areas of Lewisboro without water and sewer services. As noted herein, residential uses are a permitted use in the CC-20 zoning district and any new residential development on this property would require a new water supply system. A hydrogeologic assessment has been completed for the property by Leggette Brashears & Graham, Inc. (LBG) and is provided in Appendix E. The technical information provided below summarizes the LBG hydrogeologic assessment.

Surficial Geology

The subject property is underlain by glacial till with areas of bedrock at or near the surface. Glacial till is composed of unsorted and non-stratified sediments deposited by glacial activity. These sediments contain variable proportions of clay, silt, sand, gravel and boulders. Till is usually not suitable for wells and water supply since the unsorted material does not readily transmit water. No sand and gravel deposits are mapped in the vicinity of the property. A map of the surficial material for the study area is provided in Appendix E, Figure 2.

Bedrock Geology

Bedrock underlying the development site is mapped as Inwood Marble on the northern portion and Fordam Gneiss on the central and southern portions. A map showing the distribution of bedrock types is shown in Appendix E - Figure 3. Inwood marble consists of white to whitish grey calcite and dolomite marble. In general, marble formations exhibit similar characteristics to other carbonate rocks, but have fewer solution cavities. Marble bedrock is susceptible to weathering and under deformational stress forms numerous open fractures. Groundwater is contained in the interconnected fractures, joints and secondary openings.

Fordam Gneiss consists of undifferentiated gneiss bedrock units. Gneiss is a metamorphic rock that typically appears layered with light and dark minerals. Gneiss bedrock is highly resistant to weathering and erosion and therefore forms the varied topography and ridges where it is found. Groundwater is found in secondary fractures, joint systems and weathered zones in gneiss bedrock.

A fracture trace analysis was conducted for the study area to identify potential areas that have the potential to develop bedrock wells with higher than average yields. A fracture trace map includes the delineation of faults, fracture trace joint systems, old or buried stream courses and major unconformities. These features often identify areas of subsurface fractures and weathering that provided favorable well locations for productive well yields. ~~A~~The fracture trace map *completed as part of this analysis* is provided in Appendix E, Figure 3. *It delineates projected areas in which production wells may be sited.*

Precipitation Recharge

A recharge analysis provides a comparison of the natural precipitation recharge for a given property compared to the estimated water demand for a proposed development. This analysis can determine if a property is self sufficient with regard to precipitation available to supply groundwater, or whether proposed water demand exceeds the available recharge. If on-site recharge meets or exceeds the proposed demand, the water supply should be reliable and not adversely affect the aquifer in off-site areas. Although recharge analysis or water-budget analysis, is useful in estimating available groundwater, drilling and pump-testing wells is the only definitive indicator of groundwater availability and method to identify potential off-site impacts. Bedrock fractures and the nature of the bedrock underlying a given property greatly affects groundwater availability and potential off-site impacts.

Groundwater recharge is generally related to precipitation, but the amount of rain-fall that reaches the aquifer and becomes groundwater is difficult to measure. Groundwater recharge occurs as a portion of overall precipitation that infiltrates soil and bedrock fractures to reach the bedrock aquifer. Records for nearby Westchester County airport, in White Plains, NY report an annual rainfall of 50.45 inches. Approximately one-half of this amount is lost to run-off and the evaporation and transpiration processes. Recharge to till-covered metamorphic bedrock is estimated to be approximately 7 inches annually (Mazzaferro et.al., 1979)¹ or about 520 gpd/acre (gallons per day per acre). This estimate provides approximately 18,400 gpd for the 35.4 acre site, which greatly exceeds the estimated water demand for the development of 9,020 gpd (See discussion of Development Water Demand, below and Appendix E.). This recharge estimate of 18,300 gpd also exceeds the consumptive water demand of 1,350 gpd which is the project water demand minus the water returned to the aquifer by the subsurface wastewater system (see discussion of Development Water Demand, below).

Existing Wells

Two wells were drilled on the subject property in March 1987 by P.F. Beal and Sons. Inc. The wells were installed for a previously proposed site plan application for the property that was never developed beyond well installation. Based upon preliminary estimates those wells yield approximately 5 gpm each. The existing wells will require testing to confirm actual sustainable yields and any potential impacts to off-site water supplies. As further described below, the two existing wells *are not sufficient to support the proposed action and* will need to be supplemented with an additional one to two new wells (three to four wells total) to produce the development's water supply.

The estimated yields reported on the well driller's logs were obtained by the driller conducting air-lift tests on the wells. The driller inserts the drilling rods into the well down to the bottom and

¹ Mazzaferro, D., E. Handman, and M. Thomas. 1979. Water Resource Inventory of Connecticut, Part 8, Quinnipiac River Basin, CT Water Resource Bulletin, 27.

injects air. The continuous overflow from the well is measured as the well yield. This method of measuring a well's yield does not allow for the direct measurement of a pumping water level. Therefore, the driller reports the depth at which the drill rods are set as the pumping water level.

A yield test conducted in accordance with Westchester County Department of Health (WCDOH) and New York State Department of Health (NYSDOH) will need to be conducted on any well that is proposed for use to supply potable water to the proposed development. These well tests will assess the stabilized pumping rate and water-level drawdown in the wells, and will determine whether the wells are suitable for use as public water-supply sources. A 72-hour pumping test is further described below.

Potential Impacts

Development Water Demand

The proposed development will require an estimated water demand of approximately 9,020 gallons per day (gpd), or 6.25 gallons per minute (gpm) based upon bedroom counts and engineering estimates (see Appendix C - Engineers Water Report). NYSDOH standards require new water supply systems to provide twice the average daily water demand with the best well out of service. To meet this requirement, on-site wells ~~must would need to~~ provide a combined rate of 12.5 gpm (18,040 gpd), with the best well out of service.

The table below contains a summary of the water demand calculation for the project along with a breakdown of the unit type and number. The New York State Department of Environmental Conservation's (NYSDEC) March 2014 "Design Standards for Intermediate Sized Wastewater Treatment Systems" water usage values were used to calculate the water demand.

Type Unit	Number of Units	Water Usage Multiplier (gpd)	Total Water Usage (gpd)
1 Bedroom	14	110	1,540
2 Bedroom	28	220	6,160
3 Bedroom	4	330	1,320
Total Water Demand			9,020
gpd = gallons per day			

The use of subsurface wastewater disposal would return approximately 85 percent of the withdrawn water back to the groundwater. This would reduce the consumptive water use by the development to approximately 1,350 gpd (see Appendix E). The subsurface wastewater system is designed per NYSDOH and WCDOH standards to circulate the development's wastewater and return it to the ground. The system engineering design must be reviewed and approved by WCDOH.

The details of the water supply system are discussed in the Preliminary Engineer's Report for Water Facilities (see Appendix C). Generally this system is comprised of drilled wells, buried storage tanks, appropriate treatment based on water quality results, and a piped distribution system. The details of this system will be developed through the preliminary site plan design and WCDOH permitting process.

The proposed water supply system will be similar in design to the system designed and constructed for the Applicant's 65-unit affordable multifamily rental development located in North Salem known as "Bridleside" consisting of three (3) on-site wells, a 25,000 gallon buried storage tank, piped distribution and a water treatment/booster pump. *As reported by the Applicant,* ~~the~~ The Bridleside water system was designed to meet a minimum production capacity of 35,200 gpd and an average daily demand of 17,600 gpd to serve an anticipated population of 230 residents. The Bridleside water system has been in service at full occupancy (actual population of 137 residents) for more than two years, consistently and comfortably operating within design parameters. As required by law, the water system is operated by an independent, licensed third party operator in accordance with all applicable codes and regulations, at the sole cost of the project owner. The water system is also inspected by the WCDOH semi annually. Additionally, four (4) offsite wells were monitored both prior to and post construction (for a period of two (2) years after full occupancy), which monitoring revealed no adverse impact on the off-site well water levels.

The bedrock groundwater recharge estimate for the 35.4 acre property is 18,400 gallons per day (gpd) under normal precipitation conditions and 13,070 gpd under one-year-in-thirty drought conditions. *Based on these figures,* ~~the~~ the estimated recharge under both normal and drought conditions *appears is more than* sufficient to support the estimated consumptive demand of 1,350 gpd for the proposed development.

The desktop evaluation of the contributing recharge from the 35.4 acre subject property 18,400 gpd (gallons per day) under average precipitation conditions and 13,070 gpd under extreme drought conditions with a 3.3 percent probability of recurrence. The recharge under both of these scenarios exceeds the calculated water demand of the project of 9,020 gpd. Therefore, the evaluation indicates that the site's water usage does not exceed its recharge contribution to the groundwater system. These calculations are based on the site acreage's contribution to recharge within the whole watershed. Groundwater recharge and groundwater flow will cross the project site boundaries under natural conditions.

Additionally, the project will be utilizing onsite subsurface wastewater discharge. Therefore, approximately 85 percent of the groundwater withdrawal from onsite wells would be returned to the groundwater system through percolation of the wastewater discharge. This results in a consumptive water use of about 1,350 gpd for the project. The calculated recharge under both normal (18,330 gpd) and drought (13,000 gpd) precipitation conditions *appears to significantly* exceed the project's consumptive water use. Based upon the development demand and contributing recharge estimates, the water supply demand from the development is not expected to exceed safe and sustainable withdrawal capacity rate of the local aquifer.

As indicated above, the two existing on-site wells yield 5 gpm apiece. An additional one to two new wells (three to four wells total) will be necessary to produce the developments water demand of 12.5 gpm with the best well out of service. For the development of a new water supply, the NYSDOH requires the demonstration of a stabilized yield of 5 gpm or greater, regardless of the development's water demand.

In addition, public water supplies must also comply with minimum separation distances from potential contamination sources identified in Appendix 5-D of the NYSDOH sanitary code. The proposed development will require the construction of a community on-site septic system. The required minimum separation distance to protect public water supply wells from contamination is 200 feet for absorption fields and for stormwater infiltration basins (treating stormwater from

driveways and parking lots). The proposed development ~~must will~~ meet or exceed all NYSDOH required minimum separation distances. ~~and therefore is not expected to affect water quality.~~ The proposed development septic system is subject to review and approval by WCDOH and NYCDEP and the discharge is permitted by the NYSDEC.

The proposed residential development will be heated with propane and therefore no petroleum such as fuel oil will be stored at the property. Two emergency generators will be installed to supply the water supply treatment and pumping equipment and a sewer pump station and those generators will also be supplied with propane. *Proposed project design does not entail emergency generators for the* ~~The residential units (although the Planning Board has suggested that this be considered).~~ ~~will not be provided with emergency generators.~~ Only the critical water supply treatment and sewer pump facilities *are to have generator back-up*. The location of the septic pumping equipment is envisioned to be at the low end of the site adjacent to the driveway. Access to the pump will be shared with a proposed driveway to the stormwater treatment area.

Limited quantities of chlorine (less than 50 gallons stored in 5 gallon containers will be stored on-site for water treatment. This material will be stored inside the water pumping / treatment building on pallets. No other petroleum or chemical storage will occur on the residential property.

As discussed in Section 3.2 Surface Water, the development may require the future use of pesticides and herbicides in limited quantities for the maintenance of the development landscaping. Pesticides and herbicides will only be applied by professional licensed commercial applicators, in compliance with all NYSDEC and federal regulations (see Appendix K - Integrated Pest Management Plan). No pesticides or herbicides will be applied within 200 feet of potable water supply wells and none will be stored on-site.

*According to the Applicant and b*Based upon LBG's hydrogeologic assessment of the development site and environs, future wells drilled at geologically favorable locations (i.e. fracture trace lineations) will likely yield water in the range of 5 to 10 gpm.

The ~~relatively low~~ average water withdrawal for the proposed development of 9,020 gpd (6.25 gpm) indicates a low likelihood of significant mutual interference between the on-site wells and existing nearby off-site wells. The closest nearby wells are approximately 600 feet from the on-site wells. These include existing homes on Todd Road south and southeast of the subject site. However, the drilling and pump testing of the proposed wells is the only definitive indicator of groundwater availability and any potential impacts to neighboring water supplies.

Avoidance and Minimization of Potential Impacts or Mitigation

As described above, the ~~relatively low~~ average water withdrawal for the development indicates a low likelihood of significant mutual interference between on-site wells and existing nearby off-site wells. The drilling and pump testing of the proposed supply wells will provide definitive information regarding groundwater availability and potential impacts to neighboring wells.

As indicated in the Hydrogeologic Report, a 72-hour pump test will be required by the Applicant to be completed *to the satisfaction of the Planning Board and* prior to approval of the project.

Existing on-site and off-site wells located a minimum of 2000 l.f. ("subject area") from the proposed on-site wells will be monitored during the 72-hour pump test to determine if the

pumping of the new wells will result in drawdown of the static water on any of the existing wells within the subject area.

Westchester County Department of Health reviews and approves new public water systems, and the system will not be approved without demonstrating adequate yield and water quality from on-site wells during the 72-hour pump test.

Once the proposed wells are drilled, the applicant shall submit a pumping test plan to the Town for review *by the Town engineer, Town Consulting Hydrogeologist and Planning Board.* Additionally, after the pumping tests are completed, the applicant will submit the results of the test to the Town. It is anticipated the additional one to two wells will be drilled and all onsite wells pump tested during the site plan review process.

In order to address the unlikely event that neighboring well(s) are affected to a consequential extent necessitating mitigation, a draft Complaint Response and Mitigation Plan has been prepared (see Appendix E Hydrogeologic Assessment and Mitigation Plan). The Plan provides a process for off-site well owners to file a complaint to the Applicant and for the complaint to be promptly investigated. If the complaint is found to be valid, remedies will be provided to the private well owner, fully paid for by the Applicant. Remedies may include lowering a well pump, replacing a well pump, deepening a well, redeveloping a well or replacing a well. The protocol is consistent with that routinely employed for rectifying off-site well impacts upon the implementation of a central well field or system. The draft Complaint Response and Mitigation Plan will be finalized in consultation with the Planning Board *during the site plan review process.*

3.5 IMPACT ON ECOLOGY

Existing Conditions

The 35.4 acre subject site is a mix of wooded upland slopes and wetland/stream corridor, located between undeveloped lands to the north and east, undeveloped lands and large lot residential development along Todd Road to the south, and Route 22 and I-684 to the west. The site wetland corridor is located along the southern property line, and drains to New York City owned property to the south. The 27 acre undeveloped parcel to the north is also owned by the DEP. According to the NYSDEC database (EAF Mapper) no portion of the property is a designated significant natural community.

Vegetation

Site observations were conducted by Steve Marino, PWS of Tim Miller Associates in October and November of 2015 and January of 2016. Dedicated wildlife and vegetation inventories were conducted on April, 15, April 20 and April 28, 2016. Each inventory date included four hours of time in the field. The investigation employed a series of random/zig-zag transects with observation, listening, and/or ground searches being conducted as site specific features changed along the walking transect route. The random nature of these transects allowed the investigator to observe and actively investigate features of interest along the way. This tactic also allowed data to be collected from a greater variety of micro-habitats. The following conditions were noted.

The site slopes downward from east to west, with steep slopes downward toward the wetland corridor along the southern border of the site. leveling off at the central stream corridor. The upland areas of the project site are predominately wooded with tree and shrub species typical of a mix of oak-tulip forest and successional northern hardwood forest community in a rocky substrate, as described by NYNHP "Ecological Communities of New York State, second edition (Edinger and Reschke, 2002) (Figure 3.5-1). Vegetation on the site is characterized as second growth woodlands including sugar maple, red oak, white oak, white ash, and various birches. Beech, tulip poplar and black cherry were occasionally observed. The shrub and herbaceous layer are sparse due to heavy deer grazing. Where there are groundcovers Christmas fern and Pennsylvania sedge are the most common.

Historically, the majority of the site has remained wooded since the 1940's, probably due to the rocky topography. Those areas closest to Route 22 are shown as open pasture in the 1947 aerial, and it is likely that some logging occurred through the 1960's. See Figures 3.5-2 and 3.5-3.

The site wetlands have been subject to disturbance over the years, as indicated in the aerial photograph from 1947. That photograph shows hedgerows and rock walls through the wetland area and the wetland cleared of trees. Hydrology for the wetland is derived from the steep slopes both north and south of the wetland, with runoff collecting at the bottom of the slopes within a relatively broad flat area. This wetland is identified as DEC Wetland F-29, and is listed as 14.4 acres total. A watercourse has been created by past site activities, which flows from east to west, then turning south at the southwest property line and onto DEP property.

In the relatively undisturbed portions of the wetland, the most common species are red maple, slippery elm, green ash and occasionally pin oak, and best described as a "red maple hardwood

swamp". A well-developed shrub layer was not observed. Skunk cabbage, cinnamon fern, sensitive fern, Canada goldenrod and occasional tussock sedge were the most common native herbaceous species.

However, the majority of the wetland area on site is previously disturbed, resulting in a mix of non-native and invasive species throughout the wetland and the surrounding buffers. Several impenetrable areas of *Phragmites australis* were observed. Fox grape, multiflora rose, climbing bittersweet, garlic mustard, and Japanese barberry were observed throughout the wetland and adjacent areas. Occasional morrow honeysuckle, tartarian honeysuckle and brambles were also observed.

A table of those plant species that were observed on the site is provided below.

Project Site Vegetation	
Common Name (Scientific name)	
TREES	SHRUBS
Red oak (<i>Quercus rubra</i>)	Flowering dogwood (<i>Cornus florida</i>)
White oak (<i>Quercus alba</i>)	Witch hazel (<i>Hamamelis virginiana</i>)
Chestnut oak (<i>Quercus prinus</i>)	Tartarian honeysuckle (<i>Lonicera tartarica</i>)
Pin oak (<i>Quercus palustris</i>)	Morrow honeysuckle (<i>Lonicera morrowii</i>)
American beech (<i>Fagus grandifolia</i>)	Japanese barberry (<i>Berberis thunbergii</i>)
Red maple (<i>Acer rubrum</i>)	Multiflora rose (<i>Rosa multiflora</i>)
Sugar maple (<i>Acer saccharum</i>)	Winged euonymus (<i>Euonymus alata</i>)
Pignut hickory (<i>Carya glabra</i>)	Privet (<i>Ligustrum vulgaris</i>)
Shagbark hickory (<i>Carya ovata</i>)	FORBS AND VINES
Black birch (<i>Betula nigra</i>)	Grape (<i>Vitis spp.</i>)
Black locust (<i>Robinia pseudoacacia</i>)	Aster species (<i>Aster spp.</i>)
Eastern hop-hornbeam (<i>Ostrya virginiana</i>)	Common yarrow (<i>Achillea millefolium</i>)
Black cherry (<i>Prunus serotina</i>)	Mugwort (<i>Artemisia vulgaris</i>)
Sassafras (<i>Sassafras albidum</i>)	Garlic mustard (<i>Alliaria petiolata</i>)
Slippery elm (<i>Ulmus rubra</i>)	Bittersweet (<i>Celastrus orbiculatus</i>)
American elm (<i>Ulmus americana</i>)	Skunk cabbage (<i>Symplocarpus foetidus</i>)
Eastern red cedar (<i>Juniperus virginiana</i>)	Dandelion (<i>Taraxacum officinale</i>)
Eastern cottonwood (<i>Populus deltoides</i>)	Trout lily (<i>Erythronium americanum</i>)
Crabapple (<i>Malus</i>)	Violet (<i>Viola spp.</i>)
Larch (<i>Larix americana</i>)	Yarrow (<i>Achillea millefolium</i>)
	Goldenrod species (<i>Solidago spp.</i>)
	Bedstraw species (<i>Galium spp.</i>)
FERNS AND CLUBMOSES	Aster species (<i>Aster spp.</i>)
New York fern (<i>Dryopteris noveboracensis</i>)	
Sensitive fern (<i>Onoclea sensibilis</i>)	
Peat moss (<i>Sphagnum</i>)	GRASSES AND SEDGES
	Onion grass (<i>Romulea rosea</i>)
	Common reed (<i>Phragmites australis</i>)
	Cattail (<i>Typha</i>)
	Tussock sedge (<i>Carex stricta</i>)
Note: Species observed during site visits - 10/16/2015, 04/15/2016, and 04/20/2016	
Note: This list includes many species that could potentially inhabit this site. It is not, however, an exhaustive list.	
Source: Tim Miller Associates, Inc. 2016	

Wildlife

The site is part of a large open space corridor located to the east of the Route 22/684 corridor. Several hundred acres of undeveloped properties extend from Route 138 to the north to Todd Road to the south, with additional open space areas located south of Todd Road. In general

this corridor is wooded with ridge and valley topography, including steep slopes and rocky substrates. It is likely that the connecting lowlands, with stream corridors running through the center of the valley features, could act as a wildlife corridor for larger animal species in the area. The sloped upland forests, with little understory or groundcovers for cover, are less likely to support movement of wildlife due to the open exposure to predation.

During the course of the fieldwork for this assessment several species of wildlife and signs were observed. The following is a list of wildlife species that were either observed on site or sign, including tracks or scat, was observed. The wooded slopes on the north part of the site provides habitat for some of the more common species in the area, including white-tailed deer, raccoon, eastern gray squirrel, striped skunk, red fox and opossum. These species are likely to move back and forth through the wetland and upland areas. The overall quality of the wildlife habitat for less common species is compromised by the absence of understory and herbaceous layers and diversity of habitat available. However, undeveloped lands to the north and south do present opportunities for wildlife movement, and it is likely that coyote, rodents, some snake species and a variety of birds move through the area. Significant noise from Route 684 was observed during each of the site visits. *This noise is experienced on the site*, and it is likely that the proximity to the highway impacts wildlife use of the site somewhat. The lack of larger numbers of bird species, particularly during the earlier hours of the April site visits, was surprising, and perhaps is attributed to the proximity to Route 684 and *its the-noise* associated *noise impact. with that*. More birds were found and more *bird* song heard further east into the site.

The level of past site disturbance in the wetland is reflected in the habitat potential and number of species that are expected to be observed on these parcels. Green frogs, spring peepers, wood frogs, American toads and other small mobile species may utilize the wetland system. Some of the smaller bird species (wrens, sparrows, bluebirds) likely feed on the seeds of the grasses and wildflowers that are found on the site.

There are no known listed rare or threatened plant species on the site. The NYSDEC Environmental Resource Mapper did not identify the possible existence of a sensitive species in the immediate site vicinity (see attached Figure 3.5-4). However, NYSDEC Natural Heritage did notify the Applicant about a record of a bog turtle (*Glyptemys muhlenbergii*) being seen south of the site near Todd Road in 1978. Bog turtles are considered to be extirpated from Westchester County, and as Natural Heritage puts it, “there is uncertainty regarding their continued presence” (see attached letter from Natural Heritage Program). However, the bog turtle was unlikely to come from the site wetland, which is generally a wooded wetland and does not meet the typical habitat criteria for this species.

Potential habitat for other species of conservation concern was also evaluated based on the site investigations. Ambystomid salamander species are not likely to be present due to the absence of vernal pools on or near the site. Timber rattlesnakes prefer rocky hilltops with southern sun exposure for over-wintering, which is not available on this site since the entire property is essentially a closed canopy. Winter hibernaculum for the Indiana bat and northern long-eared bat are not available or known on or near the site. The site is a significant distance from known maternity and roosting trees for these species.

Habitat does exist for several listed species of special concern, including box turtle, hog-nosed snake and worm snake. Extensive areas of undisturbed woodlands and adjacent wetlands will

remain after site development, and the long term potential for impacts to these species, if they exist on the site, is unlikely.

A table of those animal species that were observed during the spring inventories is provided below.

Project Site Wildlife	
Common Name (<i>Scientific name</i>)	
REPTILES	AMPHIBIANS
Garter snake (<i>Thamnophis sirtalis</i>)	Green frog (<i>Rana palustris</i>)
BIRDS	MAMMALS
chickadee (<i>Parus spp.</i>)	Eastern gray squirrel (<i>Sciurus carolinensis</i>)
crow (<i>Corvus brachyrhynchos</i>)	Eastern chipmunk (<i>Tamias striatus</i>)
blue jay (<i>Cyanocitta cristata</i>)	Woodchuck (<i>Marmota monax</i>)
white-throated sparrow (<i>Zonotrichia albicollis</i>)	Raccoon (<i>Procyon lotor</i>)
wood thrush (<i>Hylocichla mustelina</i>)	White-tailed deer (<i>Odocoileus virginiana</i>)
ovenbird (<i>Seiurus aurocapilla</i>)	
downy woodpecker (<i>Dryobates pubescens</i>)	
turkey vulture (<i>Cathartes aura</i>)	
Note: Species observed during site visits - 10/16/2015, 04/15/2016, and 04/20/2016	
Note: This list includes many species that could potentially inhabit this site. It is not, however, an exhaustive list.	
Source: Tim Miller Associates, Inc. 2016	

Potential Impacts

Vegetation

The current *preliminary* plans call for the disturbance of approximately 10 acres of the 35.4 acre site for the construction of the new residences, parking facilities and stormwater management basins. These activities will occur primarily within the wooded upland areas of the site, in both the successional hardwood forest and the oak-tulip dominated forest (Figure 3.5-5). Most of these structures will be located within the higher elevations of the site, with the exception of the stormwater basins.

The upland areas of the site are predominantly wooded with a mix of oak-tulip forest and successional northern hardwood forest. Based on a review of existing site conditions, it is estimated that the site contains approximately 80 hardwood trees per acre in excess of 10" dbh. Based upon the anticipated clearing of 9 acres of woodland (out of the 10 acres total construction area), approximately 720 trees would be removed for construction. The *preliminary* project plan *includes measures to address* ~~proposes to minimize~~ disturbance, maintain perimeter buffer trees, and protect perimeter buffer trees during construction. It is also proposed to implement a landscaping plan for the project consisting of trees, shrubs and groundcover. At present, the *preliminary* site plan proposes to install 80 trees strategically located throughout the development.

The stormwater basins *are proposed* ~~will be located out of necessity~~ *as set forth in Section 3.2*, at the lower elevations closer to the wetland. The location of the stormwater facilities have been laid out at *the* flattest available parts of the hillside slopes ~~and~~ parallel to the topography to the

extent practicable *and at elevations designed to optimize stormwater treatment and capture.* ~~Of necessity (due to site topography) These basins are proposed will be located~~ within DEC and Town of Lewisboro buffer areas. Approximately 7,000 sf of DEC adjacent area and 14,500 sf of Town of Lewisboro buffer *are proposed to be* ~~will be~~ disturbed. The *Applicant maintains that the* proposed conversion of 10 acres of existing forest and wetland buffer to residential development, including landscaped area, will not *adversely* affect any designated regional or locally important habitat.

Construction activity near existing trees can disturb their root systems and affect the trees. Tree protection notes and details will be provided in the plans to guide the contractors with appropriate measures to protect the root zones of trees outside of the limits of disturbance. Tree loss can occur after development is completed and if this does happen then appropriate measures will be undertaken to remove the tree or address its condition. There is no proposal to establish a bond for tree replacement.

Wildlife

The site does not contain areas of significant or unusual wildlife habitat that would be impacted by the development project, and the project itself affects *only* ten of the 35.4 acres available. Approximately ten acres of wooded habitat will be lost as a result of this development, with most of this loss occurring on the western part of the site closest to the Route 684 corridor. Some large trees, primarily oaks, will be cut for this development. Bird and mammal species that depend on these particular trees for habitat and food will be somewhat impacted by this action. A large number of trees of a variety of species, some of a significant size, will be preserved. ~~mitigating this loss.~~

Figure 3.5-6 shows the extent of the site disturbance in the context of the adjacent open spaces that are available for wildlife habitat. In the context of this larger corridor, the development of the site as proposed, owing largely to its proximity to the western side of the site and the Route 22/684 corridor, is unlikely to impact any existing wildlife corridors that may exist. Further, no noise study was undertaken or deemed to be necessary to evaluate the influence of the project on the surrounding landscape since the area of proposed development is closest to the major transportation corridor which will have greater influence on ambient noise at the site than project-generated noise.

The *proposed* loss of ten acres of upland and wetland buffer habitat is an unavoidable impact to develop the affordable residential community. The development will retain approximately 75 percent of the existing vegetation and wildlife habitat. As noted above, no species of conservation concern were identified on the property or are likely to utilize it, and therefore no impacts to such species is expected. Given the adjacent open space available for wildlife habitat and the retention of approximately 75 percent of the existing habitat, the proposed development is not expected to substantially interfere with nesting/breeding, foraging, or overwintering habitat for the predominant species that use the site.

Avoidance or Minimization of Potential Impacts and Mitigation

~~With the~~ preservation of the 17 acre eastern parcel as conservation land, and the undisturbed portions of the two western parcels (another approximately eight acres), *will alleviate in the* ~~opinion of the Applicant the development will not result in adverse~~ environmental impacts to ecologically significant or unusual vegetation.

The proposed plan incorporates a landscape program for all areas disturbed by construction around the perimeter of the buildings and parking lots. Any disturbed side slopes below the development on the south side will be seeded with a restoration mix of quick germinating grass cover crop and herbaceous perennials to establish vegetative stabilization of the soil. Additionally, the mix used for the slopes will include seed for native grass and woody species that produce berries and seeds that will provide a food source for a greater diversity of animal species.

The stormwater management basins, which will serve to capture and treat stormwater runoff before it is discharged to receiving waters downstream of the site, will be planted with wetland vegetation (both woody and herbaceous) and overseeded with seed mixes appropriate for the transitional nature of the hydrology associated with storm basins. Additionally, a program of wetland and buffer restoration is proposed for transition areas immediately bordering the stormwater basin construction disturbance area. As mitigation for this disturbance, these transition areas will receive manual removal of invasive species during basin construction that will allow the native species to regenerate and compete with the more aggressive invasive species that currently occupy this part of the site. The wetland mitigation plan is provided in Appendix I, *and will be subject to continued evaluation in the site plan review process.*

~~In the opinion of the Applicant, enhancement of~~ *The proposed measures to enhance* the existing wetland and adjacent areas *are intended to will* provide an opportunity for the restoration of a more diverse and native vegetation community to that portion of the site, which will benefit a wider diversity of animal species, particularly birds.

3.6 IMPACT ON AESTHETIC RESOURCES

Existing Conditions

Development Site Location - Visual Context

The setting in which the development site is situated consists of a mix of land uses -- commercial development to the north (including North County Shopping Center, aka Goldens Bridge Village Center), a major regional transportation corridor immediately to the west (NY State Route 22, Interstate Route 684 and the Metro-North railroad), single family residences on relatively large lots to the south, and wooded, undeveloped land and open water of the Croton reservoir system in much of the surrounding area. Figure 1-2 shows the site vicinity in a recent aerial photograph; Figure 3.6-1 shows the site on a topographic map.

The visual character of the immediate site vicinity is dominated by the Route 22 / I-684 transportation corridor including Exit 6A for Goldens Bridge, which meets Route 22 opposite the site. *This corridor serves as an entranceway into the Town of Lewisboro.* Route 22 and I-684 follow a winding north/south route in very undulating and irregular topography that has many small hills and narrow valleys and dense woodland cover that characterizes the rural feel of Lewisboro.

The site is a topographic knoll, rising some 200 feet above the road elevation, similar to numerous other knolls in the area. The site is almost entirely wooded with the exception of a rock outcrop exposed by the construction of Route 22. The trees are up to 55+ feet tall, predominantly deciduous, with moderately dense understory vegetation. The sizable rock outcrop provides a visual feature along the property frontage. While not prominent in the landscape of the street corridor, it provides a reminder of the nature of the Lewisboro landscape.

Views of the site would be experienced predominantly by occupants in vehicles using the nearby roadways in routine daily travel, such as to and from work. Viewers on I-684 would be traveling at highway speeds, except those who use Exit 6A where they would be stationary ~~for a short interval~~¹ while making the turn onto Route 22²; viewers on Route 22 would also be traveling at moderate speed.

The visual experience for someone traveling in the road corridor in the site vicinity is a mix of single family residential lots, commercial development of varying sizes, and wooded open space. Buildings are visible, in many instances partially obscured, amongst the extensive woodland cover (evident in Figure 1-2), particularly for users of Route 22. In the immediate site area, the corridor is visually dominated by I-684. There are no provisions for pedestrian traffic in the corridor and incidental use by bicyclists was observed on Route 22.

The potential for views of the subject site were reviewed during a site area visit in January 2016. Key study views were identified within approximately one-half mile of the site. Views toward the site from publicly accessible locations are depicted in photographs presented in Figures 3.6-2 through 3.6-6. The limits of the possible view of the site are indicated in the figures. A key to the locations of the view points is shown in Figure 3.6-1. A ± 125 foot high cell

¹ Delays at the Stop sign were calculated to be between 62 and 242 seconds at peak periods (Maser Traffic Study, Table 2). Delays during off peak times were observed to be approximately 5 to 15 seconds.

² Delays at the Stop sign were calculated to be between 62 and 242 seconds at peak periods (Maser Traffic Study, Table 2). Delays during off peak times were observed to be approximately 5 to 15 seconds.

tower located on the opposite side of Route 22 from the subject property provides a landmark in the photographs. The study area views are:

- The street corridor within about one-half mile, which is primarily experienced by motorists passing the site on I-684 at highway speed or on Route 22 at varying speeds. Views 1A and 1B from southbound and northbound I-684, respectively, were investigated. These views are partially obscured by intervening vegetation and diminished by the speed of travel. These views are further obstructed during the warmer months when leaves are on the trees. Figure 3.6-2 shows existing views 1A and 1B looking toward the subject site from I-684 southbound and northbound. View 1A is interrupted as the driver passes under the bridge and quickly disappears behind intervening vegetation as one travels south. Likewise, the mid-distance view toward the site (View 1B) for drivers approaching the Goldens Bridge exit quickly disappears behind intervening roadside vegetation.³
- Views 2A and 2B from northbound and southbound Route 22, respectively, were found to reveal visibility of the development site for motorists approaching the site. Figure 3.6-3 shows these existing views from Route 22 northbound and southbound. There is roadside vegetation that interrupts or obscures portions of the view as a driver approaches the site from either vantage point.

Additional photographic images are shown in Figures 3.6-9A, B and C, taken approximately 300 feet apart starting at View point 2A and traveling north on Route 22, toward and passing the subject site. These images, which include brackets indicating the site development area, show the extent of the intervening trees that exist along the roadway that largely obscure views to the development area.

- The Exit 6A ramp from I-684 northbound meets Route 22 opposite the site at a Stop sign. Thus, there is a stationary view (View 3) near the site frontage and looking into the western portion of the site, as experienced by drivers while they negotiate a right or left turn onto Route 22. Figure 3.6-4 shows a wide-angle view from this location in winter. The site rises above the road and, being a topographic knoll, much of the site is hidden from view due to the topography and intervening vegetation. During the winter months ~~it a view exists is possible to see~~ into the site several hundred feet amongst the tree trunks; when leaves are on the trees views into the site are largely obscured. *View 3 will provide the greatest visual exposure of the site from any of the identified vantage points.*
- Figure 3.6-5 shows Views 4A and 4B from the ramp from Route 138 to Route 22, looking south, and from the top of the Route 138 ramp onto I-684 southbound, respectively. View 4A may be briefly experienced by drivers while they negotiate the turn onto southbound Route 22. View 4B may be experienced by drivers after they negotiate the turn from Route 138 onto the southbound ramp. The view from this viewpoint quickly vanishes as the driver descends the ramp and enters I-684.
- Views toward the site from Todd Road (south of the site) were investigated. Due to the intervening topography of Todd Road properties, view of the subject site from publicly accessible vantage points on the road is limited to a partial view beyond the intervening trees from one location in the vicinity of #35 Todd Road, the Bedford Audubon Society property. This is identified as View 5. Figure 3.6-6 shows a wide-angle view from this location, looking westward through the intervening trees.

There are no formally designated aesthetic resources or designated scenic views sensitive to visual change in the viewshed of the subject site. It is noted that the Town's Master Plan map of

³ Estate Motors and the North County Shopping Center are prominent commercial uses visible from I-684 within a mile of the site.

1985 depicts an "Open Space Corridor, Buffer Area or Key Natural Area" along the property's Route 22 frontage and over the rear portion of the property.⁴ Although the Town's zoning code imposes no such restrictions on these areas of the property, the proposed development's design nevertheless respects ~~this frontage area~~~~these areas~~ by ~~preserving~~ ~~maintaining~~, to the greatest extent practicable, the natural landscape buffer that is being preserved along the public road (including the visually prominent rock outcrop) and through the permanent preservation of more than 17 acres of open space at the interior and rear portions of the property.

Given the topography and dense tree cover of the site area, there is limited view of the development site from surrounding roads and there is no location in the study area that would afford a view of the entire site, based on site area reconnaissance undertaken in January 2016 along I-684, Route 22, Route 138, and Todd Road and at Goldens Bridge train station.

The Code of the Town of Lewisboro includes mention of aesthetics, most pointedly in §220-1 Zoning, Statement of Purpose: "To preserve the natural beauty of the physiography of the Town; to protect the Town against unsightly, obtrusive and obnoxious land uses and operations; to enhance the aesthetic aspect of the natural and man-made elements of the Town; and to ensure appropriate development with regard to those elements."

Potential Impacts⁵

To utilize the site in accordance with current zoning and a site-sensitive affordable housing plan, the proposed development will remove trees from the western portion of the site and small pockets in the interior of the site, create an opening in the tree canopy on the middle elevations of the site, and create an opening on Route 22 for a driveway, while preserving the existing tree cover on most of the property. The proposed action ~~will~~ ~~may~~ be ~~partially~~ visible from publicly accessible vantage points, to the limited extent from the various study vantage points as explained below. *In the Applicant's opinion, given its topographic position and density of woodland cover around it, this clearing will not be startling, visually prominent, nor out of character from the surrounding landscape.* ~~Given its topographic position and the density of woodland cover around it, this clearing is not expected to be startling, visually prominent, nor out of character from the surrounding landscape.~~

The proposed buildings will be placed along the contour on the southwest-facing slopes of the knoll on the site. *According to the Applicant* ~~The~~ 2-story buildings will be lower in elevation than the existing tree tops that will remain, thereby ~~limiting~~ ~~avoiding prominent~~ visual exposure of the development. ~~and minimizing direct visibility from offsite.~~ There will also be four SSTs areas cleared ~~on in~~ the ~~eastern portion~~ ~~rear~~ of the property (located where suitable soils are found), covering small areas of one-quarter to one-half acre in size. These areas are proposed to be replanted with a low growing conservation mix.

Site Profile Figure 3.6-7 shows a profile of the post-development ground line and tree line taken through the site generally in a southwest/northeast orientation. This profile is taken through the center of the proposed development area and one of the SSTs clearings. The profile is drawn

⁴ The Master Plan specifically distinguishes a difference between "open space" and "undeveloped" land. "To be termed open space, a decision has been made to dedicate or reserve the land for recreational purposes or for conservation, aesthetic or passive use. There is no such commitment on "undeveloped" land and, absent that, it can be assumed that the land, or portions of it, will eventually be developed for some other use." (Master Plan, page 97.)

⁵ This visual assessment utilizes methods recommended in the NYSDEC standards entitled "Assessing and Mitigating Visual Impacts," 7/2000.

to scale, with the height of the existing trees being approximately 50 feet. An enlarged version of this profile is depicted in Figure 3.6-7E. (See Figure 3.6-1 showing the location of the profile line.) The Site Profile figure shows the line of sight for a person in a vehicle stopped on the Exit 6A Stop sign at Route 22, facing the subject property. This is View 3 depicted in the existing condition photograph in Figure 3.6-4. Figure 3.6-14 depicts a rendering of the anticipated view toward the proposed development from the Exit 6A Stop sign at Route 22. As identified above, this vantage point would provide the most visual exposure of the proposed development from any of the identified vantage points. The graphics show how portions of the site development and buildings, limited to partial sections of the entrance drive and buildings 2, 3 and 4, will be visible through the intervening trees and landscaping, while the parking areas and other buildings will be largely hidden from view.

Views On the Street Corridor and From Study Vantage Points

The development will open a view into the subject property via the new entrance driveway on Route 22. (See the Conceptual Grading Plan, Figure 3.1-2.) Tree clearing will occur where the proposed driveway will access the site and climb the west side of the knoll, leaving a strip of existing trees along the driveway and atop the rock outcrop that faces Route 22. The lower portion of the driveway and buildings 2, 3 and 4 (as described above) will be seen from the Exit 6A Stop sign and from vehicles traveling north past the site on Route 22. Vehicles traveling south past the site will see the driveway intersection on Route 22, and the entrance area landscaping. South of the driveway, an SSTS area is proposed in an area that already has low growing vegetation, and further into the site stormwater management basins are proposed. These areas will be situated some 15 to over 20 feet below the elevation of the road. ~~-, virtually out of sight from the public.~~

Site Profile Figure 3.6-8 shows a north/south profile of the post-development ground line and tree line taken through the proposed development area of the site -- is drawn to scale, with the height of the existing trees being approximately 50 feet. An enlarged version of this profile is depicted in Figure 3.6-8E. (See Figure 3.6-1 showing the location of the profile line.) The Site Profile figure shows the line of sight for a person in a vehicle traveling south on Route 22, facing the subject property and approximately one-quarter mile away. In this case the potential line of sight is obscured by trees located on the intervening properties north of the site. This is View 2B depicted in the existing condition photograph in Figure 3.6-3.⁶

Mitigation Measures

The Applicant ~~has proposed and its consultants have worked with the Planning Board, its consultants and the CAC~~ to locate the buildings and site improvements on the site so as, to the maximum extent practicable, work with the topography of the site to minimize disturbance on steep slopes ~~and~~ ; provide landscape buffering surrounding the development area, ~~and thereby in an effort to~~ minimize adverse visual impact on the character of Lewisboro and neighboring uses.

The ~~changes to the~~ streetscape character of the property frontage along Route 22 will ~~consist of not be significantly changed by the development~~; the proposed driveway entrance ~~which~~ will be the only disturbance of existing vegetation on the frontage ~~-, which and the project entrance -~~

⁶ The relative position of the existing cell tower located on the opposite side of Route 22 from the subject property can be seen in the site profile. The figure demonstrates the potential visibility of the tower from some of the proposed units in the project. This is not an impact of the project, but the monopole structure will be part of the overall landscape into which the future project will be situated.

will receive appropriate landscape treatment. The existing rock outcrop and vegetation immediately above it will be preserved, thereby screening or buffering direct views into the site so that the new development will be compatible with the characteristics of the neighborhood (that is, having glimpses of buildings in the largely wooded landscape). ~~In the Applicant's opinion, this minor change in the streetscape will not create an adverse visual impact.~~

The Route 22 frontage and the rear (*eastern*) portion of the property (indicated on the Town's Master Plan map for buffers) are proposed to remain natural landscape buffers that preserve opportunities for visual appreciation by the public of the Lewisboro landscape and the Route 22 corridor. The property frontage including the visually prominent rock outcrop is being preserved (with the mere addition of the access driveway which will be landscaped) and permanent open space will be preserved on the rear of the property in the proposed development plan.

The visibility of the project driveway as seen from a stationary vehicle stopped at the Exit 6A ramp will be *affected mitigated* by the following factors: the section of driveway entering from Route 22 will create a narrow cut of between 50 and 80 feet wide (over the property frontage of some 785 feet) thereby retaining existing vegetation in the right-of-way on both sides of the driveway; the driveway will proceed into the property some 100 feet from the traveled way before turning uphill to the building area, thereby maintaining a 100 foot depth of existing vegetation both in the right-of-way and on-site; and the driveway construction will have between 15 feet (at the least) and over 40 feet on the site (outside the right-of-way) to plant trees and shrubs between the driveway and Route 22.

The view from the Exit ramp to the proposed driveway will be at a considerable angle from the straight-ahead view of a vehicle occupant at the Stop sign, and will not become a prominent focal point of the view. To further screen the view, the Applicant will pursue approval of landscaping within the Route 22 right-of-way with the NYSDOT during the highway work permit application process.

The Applicant conducted a balloon flight at the property on January 21, 2016, to provide two points of reference for investigating possible views to the proposed development from local area vantage points. Two 3-foot red balloons were raised to the proposed height of the roof peak of buildings 1 and 3.⁷ In both locations the balloons were situated well below the tops of the trees.

The eight vantage points shown in the accompanying graphics were visited, however only from the Exit 6A Stop sign location could one of the balloons be seen, largely obscured by the trees. (Balloons are not visible in any of the accompanying photos.) Observations while driving the area roads found that the balloons were visible from Route 22 and I-684 in very close proximity to the site (within approximately 800 feet of the proposed development area), demonstrating that the density of the existing tree cover on and off the property can be expected to provide significant buffering of views (mitigation) of the proposed buildings in winter. In summer months, it is likely that there will be little or no visibility of the buildings from offsite other than from Route 22 between Exit 6A and the site driveway.

According to the Applicant, ~~T~~There will be no new direct views created from any nearby residence. Regarding site lighting for the development, the proposal includes street lighting designed with respect to pole height and light intensity as specified in §220-14 of the Lewisboro Code: All lighting in connection with all structures and uses shall be directed away from nearby

⁷ The proposed buildings will be slightly under 35 feet in height, measured in accordance with the Code.

streets and properties and shall not cause any objectionable glare observable from such street and properties. Exterior lights shall be placed or shielded so that no direct light source (i.e., bulb, lamp, tube) shall be visible at any property line at a height of more than four feet above grade. Exterior lights shall be mounted not more than 14 feet above adjacent finished grade or floor level. "Mounting height" is defined as the distance between the adjacent finished grade or floor level and the bottom of the luminaire (the light unit). The vertical dimension of a luminaire shall not exceed 36 inches.

Light levels at the lot line will generally not exceed 0.2 foot-candle at ground level. Energy efficient LED lighting is proposed. The specification of site lighting will take into account potential nighttime visibility from Route 22 and I-684 to avoid any glare or excessive intensity, and will be Dark Sky compliant.

All of the proposed buildings will be below the height of the tree line, ~~and,~~ while portions of buildings will likely be visible through the trees from vehicles passing the site, more so in winter than in summer. *The Applicant maintains that* ~~,~~ their presence will be compatible with the *character of the* ~~characteristics of the neighborhood and the~~ Route 22 corridor, which includes glimpses of buildings in the largely wooded landscape. From no location will the entire development be visible; the "worst case" view studied in Figure 3.5-7E demonstrates the limited exposure of the development to outside views, and mitigation of partial views will be incorporated into the design plans. ~~such that no significant adverse visual impact will result. The documentation provided demonstrates that such visibility would not be considered a significant adverse or unmitigated impact, nor an avoidable significant alteration of the views experienced by drivers on Route 22, I-684, or Exit 6A that connects these corridors.~~

In summary, the proposed affordable housing development will create new openings in the tree canopy on portions of the existing wooded knoll, and to the greatest extent practicable will place new buildings below the tree line and behind a dense buffer of existing trees, resulting in very limited visibility from off-site due to the extent of existing trees and understory vegetation proposed to remain on the site and the surrounding predominance of woodland cover.

Overall, *the project design is intended to minimize effects on* ~~in the applicant's opinion, the development will have a minimal effect on~~ the wooded, open space character of this area of the Town of Lewisboro, and *thereby limit* ~~will not have a significant adverse impact on any visual or aesthetic resources. The visual changes which will result from the development, in the applicant's opinion, will not result in significant adverse~~ impacts to identified aesthetic resources or vantage points with views to the subject site.

Photographs of representative building architecture planned for the WB Lewisboro development are depicted in Figures 3.6-10 and 3.6-11. These images show the Bridleside project recently built by the Applicant in North Salem. Figures 3.6-12 and 3.6-13 show architectural elevations of the style of building proposed at WB Lewisboro. The Applicant anticipates working directly with the Town during development of the design plans with the intent of purposefully creating a project appearance that will complement the community. Such design elements would include building facade materials and color, roof pitch, materials of the landscape features such as light fixtures, signage and retaining walls, and selection of plant materials. The Applicant is committed to designing a housing development that will be an asset to the Town.

3.7 IMPACT ON HISTORICAL AND ARCHEOLOGICAL RESOURCES

Existing Conditions

As described herein, the 35.4 acre subject site is undeveloped and mostly wooded land. No structures or foundations have been observed on the property. Based upon historical photographs, the majority of the site has remained wooded since the 1940's, probably due to the rocky topography. Those areas closest to Route 22 are shown as open pasture in the 1947 aerial photograph, and it is likely that some logging occurred through the 1960's.

A Phase 1A and Phase 1B Cultural Resource Investigation has recently been conducted on the property. The Phase 1A / 1B investigation is provided in Appendix F. A file search at the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) identified no New York State Museum (NYSM), OPRHP sites or National Register Listed or Eligible properties on or within 500 feet of the subject property. There have been no prior archeological investigations conducted within 500 feet of the subject property.

Potential Impacts

According to the Phase 1A investigation, the subject site is considered to have moderate sensitivity for the presence of prehistoric cultural remains. The location exhibits several characteristics that are known to have been conducive to Native American occupation including the elevated hilltop adjacent to water sources that are themselves tributaries to a larger nearby river system. No rockshelters or usable lithic resources were identified within the proposed area of disturbance indicating that pre-contact sites would likely be limited to small temporary hunting camps rather than larger long-term settlements.

The proposed residential development will involve the grading of approximately 9 acres of relatively undeveloped land. The grading and excavation has the potential to disturb archeological cultural resources, should they be present on the property.

The Phase 1B fieldwork was conducted in December, 2015 at the subject site. The fieldwork consisted of 45 hand-excavated shovel tests across more level portions of the Area of Potential Effect (APE). The Area of Potential Effect is based upon the project plans. The test locations are shown in the Phase 1A/1B Archeological Investigation (Maps 9 and 10). No significant cultural resources were identified and no further archeological work was recommended.

Mitigation Measures

Based on the results of the Phase 1A/1B Cultural Resources investigation, no historic or archeological resources have been identified on or near the subject property and none will be impacted. No mitigation measures are warranted or proposed.

3.8 IMPACTS ON TRANSPORTATION

Existing Conditions

The Project Sponsor proposes to develop a 46 unit affordable residential community on a 35.4-acre site located on NYS Route 22 in the western portion of the Town of Lewisboro, Westchester County, New York. The project site is located south of the center of Goldens Bridge, approximately three-quarters of a mile south of Route 138, and one mile from the Goldens Bridge train station. The location of the site is shown on maps in Figures 2-1 and 2-2. The site will have a single access slightly north of the northbound Interstate 684 Exit 6A ramp. This section summarizes the detailed transportation report by Maser Consulting P.A. contained in Appendix G.

Interstate 684 is a six lane divided limited access highway and is a major commuter route to Interstate 287 in southern Westchester County. Thus most regional commuter traffic does not use NYS Route 22 that passes by the site and parallels Interstate 684 in this area. The northbound exit ramp (6A) from Interstate 684 is located immediately south of the site and was studied along with the site access to NYS Route 22. NYS Route 22 is a two lane road with a posted speed limit of 45 miles per hour *in the immediate vicinity of the site*. Peak hour traffic volumes (weekday a.m. and p.m.) were counted in December of 2015 and compared with counts taken in 2014 for the Goldens Bridge Shopping Centre to the north.

Potential Impacts

Future Traffic Without the Project (No Build Volumes)

Traffic volumes were projected to the design year of 2020 using a background growth of 2.5 percent (0.5 percent per year) based on historical data. Traffic from the proposed Golden Bridge Village Shopping Centre expansion was also added to the future traffic.

Future Traffic With the Project (Build Volumes)

Site generated traffic was estimated for the apartments (Land Use code 220) using the Institute of Transportation Engineers, *Trip Generation Manual*, 9th edition, 2012. In the a.m. peak hour 5 entering and 21 exiting trips were estimated. In the p.m. peak hour 28 entering and 15 exiting trips were projected. Distribution of arrival and departure traffic was based on existing traffic volumes and supplemental data.

The intersections of NYS Route 22 and North Street and of NYS Route 138 and North Street were analyzed in detail as part of the Goldens Bridge Shopping Center expansion. That study had considered background traffic growth which accounts for the expected volumes from the proposed multi-family development. Even considering the conservatively high trip estimates used in the traffic study for the proposed multi-family housing project, these volumes equate to 2 entering and 9 exiting vehicles during the a.m. peak hour and 9 entering and 6 exiting vehicles during the p.m. peak hour at NYS Route 22 and North Street and less at North Street and Route 138. As shown in the Level of Service Summary Table (*see Table No. 2A at the end of this section*), the project will *result in some* ~~not have a significant~~ impact on the Levels of Service or vehicle delays at these intersections.

Tabular summaries have been prepared to indicate the existing and proposed trip rate traffic volumes, levels of service, and sight distance summaries. Copies of Tables 2A (Level of Service Summary), 3A (Traffic Volume Summary-a.m.), 3B (Traffic Volume Summary-p.m.) and 3 (Sight Distance Summary) are *provided at the end of this section.* ~~attached.~~

The site access centerline is now located approximately 250 feet north of the centerline of the I-684 Exit 6A Off Ramp. This location was chosen to maximize sight distance for entering and exiting vehicles and the driveway includes appropriate radii to accommodate entering and exiting vehicles. As part of the Highway Work Permit Review, curbing and shoulder/pavement improvements will be finalized with NYSDOT.

Capacity Analysis

Capacity analysis using SYNCHRO analysis software is based on procedures documented in the *2010 Highway Capacity Manual*. Traffic conditions are defined based on a level of service grade from A the best to F the worst conditions. NYS Route 22 and the site driveway are anticipated to operate at a level of service C or better for all movements.

“The results of the capacity analysis indicated the proposed residential development will not significantly change the overall Levels of Service at each of the key locations. The intersection of I-684 and Route 22 will continue to experience operating problems during peak periods and should continue to be monitored in the future for a possible traffic signal.” (See Appendix G - Page 6 Mr. Grealy letter to Mr. Bainlardi, January 29, 2016).

The Interstate 684 northbound off ramp (Exit 6A) at NYS Route 22 experiences a level of service F in both the a.m. and p.m. peak hours in the Existing Condition and will experience increased delay with future traffic. The traffic at the I-684 Exit 6A/Route 22 intersection during the p.m. Peak Highway Hour will continue to operate with long delays for the left turn exiting the ramp under future No-Build conditions. This is due to the high volume, projected to be 562 left turning vehicles over an hour period. The proposed project is expected to add approximately 15 vehicles to this movement or approximately a 2.5% increase.

It should be noted that level of service is a measurement of delay, or how long a driver has to wait to make the intended movement. The Exit 6A ramp from I-684 is long enough to accommodate the vehicles waiting to turn and the poor level of service does not translate into a safety concern, but rather a driver inconvenience.

Although a traffic signal would improve operation to a level of service B or better for all movements, the review of traffic volumes indicates the intersection does not satisfy signal warrants as specified by the *Manual of Uniform Traffic Control Devices*. Based upon conversations with NYSDOT, since it does not satisfy traffic signal warrants, this intersection is not proposed to be signalized at this time. However, it could continue to be monitored for a future signalization.

The off ramp has been reviewed in terms of additional widening, signing and striping to accommodate additional vehicles. However, the left turn off the ramp has to occur in a single lane since the intersection is “Stop” sign controlled. Advanced “Intersection Ahead” signing on Route 22 could be installed to better advise motorists and to possibly reduce travel speeds which would improve the ability to exit the ramp.

The 43 new vehicle trips referenced are comprised of 28 entering and 15 exiting trips during the p.m. Peak Hour. However, to put it in perspective, the total volume on Route 22 in this vicinity during the p.m. Peak Hour is 907 vehicles per hour without the project and the additional project generated vehicles will be 43 vehicles, which represents an increase of less than 5% of the total volume.

Access Sight Distances

The posted speed limit on NYS Route 22 immediately north of the site is 45 mph. Further south of the site, approaching Todd Road, the posted speed limit changes to 40 mph. There are also posted advisory signs of 35 mph and 25 mph, respectively, due to the alignment of the road south of that area. ~~NYS Route 22 speed limits are 45 miles per hour entering into the 40 mile per hour speed limit in the section including the site access.~~ Sight distances were observed and summarized with only the intersection sight distance not meeting a 55 mile per hour posted speed looking to the right. Vegetation pruning is recommended to the north of the site access to increase the sight distance to exceed the intersection sight distance. A W2-2 "Intersection Ahead" sign should be posted in advance of the site north and south on NYS Route 22 with a final determination to be made by the New York State Department of Transportation as part of the Highway Work Permit Process.

As noted on page 3 of the Traffic Impact Study, the speed limit on Route 22 immediately north of the site is posted at 45 MPH. The data collection included actual speed data in this vicinity, which identified 85th percentile speeds of approximately 52 to 53 MPH. The sight distances for the driveway, shown in Table 3 of the Traffic Study in Appendix B, are based on a design speed of up to 55 MPH.

The site access centerline is now located approximately 250' north of the centerline of the I-684 Exit 6A Off Ramp. This location was chosen to maximize sight distance for entering and exiting vehicles and the driveway includes appropriate radii to accommodate entering and exiting vehicles. As part of the Highway Work Permit Review, curbing and shoulder/pavement improvements will be finalized with NYSDOT.

The Applicant has had initial discussions with the School District regarding transportation safety. The safety of students boarding or discharging from a school bus on Route 22 in proximity to Interstate 684 Exit 6A is of concern. The preliminary development plans will be forwarded to the School District for review and comment on transportation safety, bus turning radius and bus stop locations. District representatives, in coordination with the Planning Board will identify the best school bus routing and the entry and exit of school buses onto the project site, with student safety being the primary consideration. The Applicant will work with the School District to coordinate school bus routing in a manner which avoids drop-off or pick-up in the south bound lane of Route 22. It is the preference of the Applicant for buses to enter the site to pick-up and drop-off school children.

As indicated in the Traffic Impact Study, if it is determined by the School District that school buses will stop on Route 22 near the proposed roadway access for the development, it is anticipated that the school bus trips would primarily occur during the morning and afternoon (prior to the PM Peak Hour). It is not anticipated that school buses will be stopping during the PM peak Hour when heavy traffic flow is exiting from the I-684 Exit 6A Ramp. The sight distances provided exceed the stopping sight requirements. Thus, a stopped school bus would be clearly visible from all approaches.

Pedestrian Access

The subject site is located approximately three-quarters mile south of NYS Route 138 and the North County Shopping Center located in Goldens Bridge on NYS Route 22. The Metro-North rail station is directly west of the Route 22/ Route 138 Intersection on the west side of Interstate 684. A post office and grocery store and several convenience stores are all located in close vicinity to the Route 22/ Route 138 intersection, in the North County-Shopping Center. The nearest bus service to the development site is in the Hamlet of Katonah, located approximately 2.2 miles south of the site (via Jay Street). Information and schedules regarding the Westchester County bus service and Metro-North railroad is provided in Appendix G - Transportation Report. No sidewalks or designated bike lanes are provided on Route 22 in the vicinity of the project site either to the north or to the south between Route 138 and Route 35. ~~approaching Katonah.~~ Limited sidewalks are located on Route 22 near its intersection with Route 35. Taxi service is provided to the area by several companies including the Katonah Taxi and Car Service, located in Mount Kisco, New York. Taxi fare from the Goldens Bridge Train Station to the site would be approximately \$8 dependent upon the number of persons and the time of day. NYS Route 22 has a relatively wide paved shoulder (approximately 10 feet wide), which would allow pedestrians or cyclists from the development to travel to the Hamlet of Goldens Bridge.

It is anticipated that most residents of the WB Lewisboro Affordable Housing development will possess vehicles, based upon the applicant's experience with the Bridleside development in North Salem. Consistent with Bridleside, the Applicant has proposed to provide a 10 passenger shuttle bus or van with handicapped accessibility, to be provided and maintained by the project owner at no cost to the residents. Based upon the owner's experience with the shuttle bus service provided at Bridleside, it is expected that the shuttle bus will provide daily transport to the train station and/or bus stop (for both the a.m. and p.m. peak commuting period), as well as set scheduled shopping opportunities during the week and on Saturdays. The availability of the shuttle bus is intended to reduce the need for pedestrian travel to and from the site and may reduce the need for vehicles for some residents.

There is an existing wide shoulder along Route 22 in the vicinity of the project that can accommodate pedestrian and bicycle traffic; there is no sidewalk existing or proposed along Route 22 north and south of the site, between Route 138 and Route 35, with the exception of limited sidewalk near the intersection of Route 22 and Route 35. A sidewalk will be installed along the project frontage by the Applicant if required by NYSDOT as per their current standards. This determination will be made during the Highway Work Permit process.

Given the growing public interest in bicycling as a mode of transportation as well as a popular recreational activity, facilities for bicycle storage will be incorporated into the project. Bicycle racks will be shown near the clubhouse and sports court.

Construction

During construction, as required as part of the NYSDOT Highway Work Permits, a Maintenance and Protection of Traffic Plan will be prepared to ensure that any impacts to the adjacent state highway are minimized during construction. These plans include appropriate signing, and limits of hours of any work within the State right-of-way associated with the project and also

maintenance of the construction entrance to the site all in accordance with state standards and requirements. The details will be finalized as part of the Highway Work Permit.

Avoidance or Minimization of Potential Impacts or Mitigation

Based on the transportation report, the proposed residential development will not significantly change the overall levels of service at NYS Route 22 / I-684 northbound off ramp (Exit 6A); levels of service would remain "F" with increased delays. Based on the Transportation Report, the projected traffic increase from the development will not exceed the capacity of the existing road network and will not significantly alter the present pattern of movement of people or goods.

However, to enhance safety and improve the operation of the off ramp during peak hours, the Applicant proposes the following, subject to conceptual approval by the Town and NYSDOT:

- *Install a "Light Pole" (luminaire) in the vicinity of the I-684 off ramp either within the NYSDOT Right-of-Way or on the Applicant's property.*
- *Undertake a signal warrant analysis of the intersection of the I-684 off ramp (Exit 6A)/ Route 22 to establish whether or not a traffic signal is warranted. This analysis will be undertaken when the Project is 50% occupied and within one year of completion of the Project.*
- *Install traffic calming signage ("Intersection Ahead") along Route 22 in the vicinity of the entrance warning motorists of the Project entrance/I-684 ramp.*
- *Install sidewalk along the site's Route 22 roadway frontage from the Project's proposed entrance to the site's northern boundary.*

The Applicant will work with the NYS Department of Transportation regarding the entrance driveway and the development's traffic as part of the Highway Work Permit Process.

The attached Tables are from: **Maser Consulting P.A.**
 Traffic Impact Study
 WBP AFFH Multi-Family Development
 NYS Route 22
 Town of Lewisboro, Westchester County, NY
 April 22, 2016

The complete Traffic Impact Study is attached in Appendix G

TABLE NO. 1
HOURLY TRIP GENERATION RATES (HTGR) AND ANTICIPATED
SITE GENERATED TRAFFIC VOLUMES

WBP AFFH MULTI-FAMILY DEVELOPMENT TOWN OF LEWISBORO, NEW YORK	ENTRY		EXIT	
	HTGR¹	VOLUME	HTGR¹	VOLUME
MULTI-FAMILY (46 DWELLING UNITS)				
PEAK AM HOUR	0.11	5	0.45	21
PEAK PM HOUR	0.59	28	0.32	15
SATURDAY PEAK HOUR	0.40	19	0.40	19

NOTES:

1) THE HOURLY TRIP GENERATION RATES (HTGR) ARE BASED ON DATA PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) AS CONTAINED IN THE TRIP GENERATION HANDBOOK, 9TH EDITION, 2012. ITE LAND USE CODE - 220 - APARTMENT.

TABLE NO. 2
LEVEL OF SERVICE SUMMARY TABLE

			2015 EXISTING		2020 NO-BUILD		2020 BUILD	
			AM	PM	AM	PM	AM	PM
1	NYS ROUTE 22 & I-684 NB OFF RAMP (EXIT 6A)	UNSIGNALIZED EB	F[62.6]	F[160.1]	F[81.1]	F[206.4]	F[91.9]	F[242.2]
	WITH SIGNALIZATION	EB	-	-	-	-	B[15.4]	B[11.4]
		NB	-	-	-	-	A[5.0]	B[14.7]
		SB	-	-	-	-	A[8.0]	B[12.1]
		OVERALL	-	-	-	-	A[9.7]	B[12.3]
2	NYS ROUTE 22 & SITE ACCESS DRIVEWAY	UNSIGNALIZED WB SB	- -	- -	- -	- -	C[17.8] A[8.1]	C[22.1] B[10.5]
3	NORTH STREET & NYS ROUTE 138	SIGNALIZED EB EN NB OVERALL	A[4.4] B[15.5] B[15.5] B[13.7]	A[9.8] B[10.8] A[8.8] A[9.4]	A[4.5] B[16.2] B[15.8] B[14.2]	B[10.1] B[11.0] A[9.0] A[9.7]	A[4.5] B[16.6] B[15.7] B[14.3]	B[10.3] B[11.4] A[9.2] A[9.9]
4	NORTH STREET NYS ROUTE 22	UNSIGNALIZED WB SB	D[33.9] A[8.5]	B[13.2] A[9.8]	E[47.4] A[8.6]	B[14.1] B[10.0]	E[49.4] A[8.7]	B[14.3] B[10.1]

NOTES:

1) THE ABOVE REPRESENTS THE LEVEL OF SERVICE AND VEHICLE DELAY IN SECONDS, C [16.2], FOR EACH KEY APPROACH OF THE UNSIGNALIZED INTERSECTIONS AS WELL AS FOR EACH APPROACH AND THE OVERALL INTERSECTION FOR THE SIGNALIZED INTERSECTIONS.

2) SEE APPENDIX "C" FOR A DESCRIPTION OF THE LEVELS OF SERVICE.

TABLE NO. 3

SIGHT DISTANCE SUMMARY TABLE FOR PROPOSED ACCESS

Location	Sight Line	Provided Sight Distance ¹	AASHTO Sight Distances ²	
			Stopping Sight Distance	Intersection Sight Distance
SITE ACCESS	Looking Left	1422	495	610
	Looking Right	558	495	610
	Looking Right (3)	1203	495	610
	Left Turn Entry	1422	495	445
	Rear End	1203	495	495

NOTES:

- 1) Provided Sight Distances based on field measurements conducted by Maser Consulting, P.A. on December 3, 2015.
- 2) AASHTO Sight Distances based on data provided in the Geometric Design of Highways and Streets, 6th Edition dated 2011. Sight distances are based on the Posted Speed Limit of 55 MPH on NYS Route 22.
- 3) With completion of clearing and grading.

TABLE NO. 3A

SUMMARY OF EXISTING AND FUTURE TRAFFIC VOLUMES - AM PEAK HOUR

	2015 EXISTING	2020 NO-BUILD	SITE GENERATED TRAFFIC VOLUMES	2020 BUILD	% INCREASE NO-BUILD TO BUILD
1 NYS ROUTE 22 & I-684 NB OFF RAMP (EXIT 6A)	895	933	18	951	1.9%
2 NYS ROUTE 22 & SITE ACCESS DRIVEWAY	874	912	29	941	3.2%
3 NORTH STREET & NYS ROUTE 138	1390	1480	5	1485	0.3%
4 NORTH STREET & NYS ROUTE 22	1136	1214	11	1225	0.9%

TABLE NO. 3B

SUMMARY OF EXISTING AND FUTURE TRAFFIC VOLUMES - PM PEAK HOUR

	2015 EXISTING	2020 NO-BUILD	SITE GENERATED TRAFFIC VOLUMES	2020 BUILD	% INCREASE NO-BUILD TO BUILD
1 NYS ROUTE 22 & I-684 NB OFF RAMP (EXIT 6A)	869	912	31	943	3.4%
2 NYS ROUTE 22 & SITE ACCESS DRIVEWAY	865	907	45	952	5.0%
3 NORTH STREET & NYS ROUTE 138	1131	1227	8	1235	0.7%
4 NORTH STREET & NYS ROUTE 22	941	1025	15	1040	1.5%

TABLE NO. A

NYS Route 22 - Town of Lewisboro, Westchester County, New York

NODE/LINK	LOCATION	DATE	TIME	TRAFFIC CONTROL	ACCIDENT CLASS *	# OF VEHICLES - INJURIES	LIGHT CONDITION	ROAD CONDITION	WEATHER	MANNER OF COLLISION	APPARENT CONTRIBUTING FACTORS
22 8702 4199	Non-Intersection Accidents	12/01/14	8:23 PM	None	PDO	1-0	Dark-Road Unlighted	Wet	Rain	Other	Animal's Action
22 8702 4199	Duffys Bridge Road	04/04/11	3:30 PM	Flashing Signal	PDO	2-0	Daylight	Dry	Clear	Rear End	Unknown
22 8702 4201	Non-Intersection Accidents	12/27/10	1:41 AM	None	N/R	1-0	Dark-Road Unlighted	Snow/Ice	Snow	Other	Pavement Slippery
22 8702 4201	Non-Intersection Accidents	03/05/13	11:29 PM	No Passing Zone	PDO	1-0	Dark-Road Unlighted	Dry	Clear	Other	Alcohol Involvement, Animal's Action
22 8702 4201	Non-Intersection Accidents	03/27/13	2:31 AM	None	PDO	1-0	Dark-Road Unlighted	Dry	Clear	Other	Animal's Action
22 8702 4201	Non-Intersection Accidents	01/10/14	11:00 PM	None	N/R	1-0	Dark-Road Unlighted	Snow/Ice	Sleet	Other	Pavement Slippery
22 8702 4202	Non-Intersection Accidents	06/27/12	7:45 AM	None	PDO	1-0	Daylight	Dry	Clear	Other	N/A
22 8702 4202	Non-Intersection Accidents	09/24/12	1:00 PM	None	PDO & I	2-1	Daylight	Dry	Clear	Left Turn	Failure to Yield Right of Way
22 8702 4202	Non-Intersection Accidents	03/20/15	6:38 PM	No Passing Zone	PDO	1-0	Daylight	Snow/Ice	Snow	Other	Unsafe Speed, Pavement Slippery
22 8702 4203	Non-Intersection Accidents	08/13/11	3:00 AM	None	PDO	1-0	Dark-Road Unlighted	Dry	Clear	Other	Animal's Action
22 8702 4203	Non-Intersection Accidents	11/21/12	5:00 PM	No Passing Zone	PDO	1-0	Dusk	Dry	Clear	Other	Animal's Action
22 8702 4203	Non-Intersection Accidents	02/09/15	6:40 PM	None	PDO	1-0	Dark-Road Unlighted	Snow/Ice	Snow	Other	Unsafe Speed, Pavement Slippery
22 8702 4204	Non-Intersection Accidents	02/08/13	1:08 PM	None	PDO	1-0	Daylight	Snow/Ice	Snow	Other	Unsafe Speed, Pavement Slippery
22 8702 4205	Non-Intersection Accidents	03/02/11	9:00 AM	Stop Sign	PDO	2-0	Daylight	Dry	Clear	Left Turn	Failure to Yield Right of Way, Turning Improper
22 8702 4205	Non-Intersection Accidents	07/19/13	5:00 PM	Stop Sign	PDO & I	2-2	Daylight	Dry	Clear	Left Turn	Failure to Yield Right of Way
22 8702 4205	Non-Intersection Accidents	05/22/14	3:10 PM	None	PDO	2-0	Daylight	Wet	Rain	Left Turn	Turning Improper
22 8702 4205	Non-Intersection Accidents	12/01/14	8:10 AM	Stop Sign	PDO	2-0	Daylight	Dry	Clear	Left Turn	Failure to Yield ROW, Traffic Control devices Disregarded
22 8702 4205	Non-Intersection Accidents	08/09/15	4:19 AM	Stop Sign	PDO	1-0	Dark-Road Unlighted	Dry	Clear	Other	Alcohol Involvement, Unsafe Speed
22 8702 4206	Non-Intersection Accidents	05/17/13	10:00 AM	No Passing Zone	N/R	2-0	Daylight	Dry	Clear	Overtaking	Turning Improper, Failure to Yield Right of Way
22 8702 4208	Non-Intersection Accidents	08/13/11	2:40 AM	None	PDO & I	1-1	Dark-Road Unlighted	Dry	Clear	Other	Driver Inattention
22 8702 4211	Intersection Accidents	09/09/11	3:10 PM	No Passing Zone	PDO	2-0	Daylight	Dry	Clear	Right Turn	Failure to Yield Right of Way
22 8702 4211	Intersection Accidents	05/01/12	6:08 PM	None	PDO & I	2-1	Daylight	Dry	Cloudy	Rear End	Following too Closely
22 8702 4212	Non-Intersection Accidents	07/17/11	7:13 AM	None	PDO	1-0	Dawn	Dry	Cloudy	Other	Failure to Keep Right
22 8702 4213	Non-Intersection Accidents	07/24/11	10:15 AM	None	PDO	1-0	Daylight	Wet	Cloudy	Other	Pavement Slippery, Unsafe Speed
22 8702 4213	Non-Intersection Accidents	08/23/11	1:00 PM	None	PDO	2-0	Daylight	Dry	Clear	Sideswipe	Backing Unsafely
22 8702 4213	Non-Intersection Accidents	03/02/12	7:20 PM	Stop Sign	PDO	2-0	Dark-Road Lighted	Dry	Clear	Right Angle	Unknown
22 8702 4213	Non-Intersection Accidents	11/16/13	4:10 PM	Stop Sign	PDO	2-0	Daylight	Dry	Clear	Right Angle	Failure to Yield Right of Way
22 8702 4213	Non-Intersection Accidents	08/24/14	10:52 AM	No Passing Zone	PDO & I	2-2	Daylight	Dry	Cloudy	Sideswipe	Failure to Keep Right
22 8702 4213	Non-Intersection Accidents	07/28/15	8:12 AM	Stop Sign	PDO & I	2-1	Daylight	Dry	Fog/Snog	Left Turn	Failure to Yield Right of Way

NOTES:

1) ACCIDENT DATA FROM NYS/DOT FOR TIME PERIOD FROM NOVEMBER 2010 TO OCTOBER 2015.

2) I-84 NORTHBOUND RAMP INTERSECTION IS LOCATED BETWEEN REFERENCE MARKER 22 8702 4205 AND 22 8702 4206

3) *PDO = PROPERTY DAMAGE ONLY I = INJURY F = FATALITY N/R = NON-REPORTABLE



138 87011021

22 87024213

684|87011198

22 87024212

684|87011197

22 87024211

684|87011196

22 87024210

684|87011195

22 87024209

684|87011194

22 87024208

684|87011193

22 87024207

684|87011192

22 87024206

684|87011191

22 87024205

684|87011190

684|87011189

22 87024203

684|87011188

22 87024202

684|87011187

22 87024201

684|87011186

22 87024200

684|87011185

22 87024199

3.9 COMMUNITY FACILITIES AND SERVICES

3.9.1 Demographic Resources

Existing Conditions

As discussed, The Project Sponsor proposes to develop a 46 unit affordable residential community on a 35.4-acre site located on NYS Route 22 in the western portion of the Town of Lewisboro, Westchester County, New York. The project site is located ~~south of the center of Goldens Bridge,~~ approximately three-quarters of a mile south of Route 138, and one mile from the Goldens Bridge train station. The project site is currently vacant.

Potential Impacts

The Applicant proposes to construct 45 units of affordable rental apartments plus one superintendents apartment (46 units total). The rental apartments will meet the requirements of the Westchester County Fair and Affordable Housing Implementation Plan. The proposed development will assist Westchester County in meeting its court mandated obligation to complete 750 affordable AFFH units, ~~and with building permits and funding in place, by December 31, 2016. The proposed AFFH apartments will also~~ count toward the Town of Lewisboro's ~~substantially unmet~~ "fair share obligation" to create 239 units of affordable housing as ~~identified in established by~~ the County's Affordable Housing Allocation Plan (2000-2015).

As illustrated in Figure 1-3, the 46 apartments will be located in five buildings of eight to ten units. The buildings will contain a mix of one, two and three bedroom units. The majority (eighty percent) of the units will be affordable to residents whose income does not exceed 60% of the Area Median Income (AMI), based upon family size, as established by the Department of Housing and Urban Development (HUD) on an annual basis. To further meet the affordability guidelines, twenty percent of the rental units will be marketed to residents whose income does not exceed 50% of the (AMI).

For the purpose of this analysis the development is envisioned to include 14 one bedroom units, 24 two bedroom units and 8 three bedroom units. The actual number of units and the proposed bedroom counts will be finalized prior to site plan approval. According to the NYS HCR funding guidelines the units are projected to rent for \$988 to \$1,643 depending upon number of bedrooms, unit size and affordability criteria.

Demographic multipliers published by the Rutgers University Center for Urban Policy Research (CUPR) were used to project the future population of the proposed affordable 46 unit AFFH multifamily community. Population projections are based upon the geographic region, type of unit, number of bedrooms, and the anticipated rental value. Although there are other published demographic multipliers, the CUPR multipliers are more specific because they are calculated based upon the specifics of geographic location, bedroom count and unit type. The researchers, Burchell and Listoken are considered the experts in demographic projections and the CUPR multipliers are considered the standard in this field of study. As shown in Table 3.9-1, based upon the nature of this development, the multipliers used to project the population are as follows; three bedroom units house 3.81 persons per unit, two bedroom units are 2.31 persons per unit and a one bedroom unit is 1.67 to 1.99 persons per unit depending upon the rental value. By comparison, 2010 U.S. Census data indicate that the average household size for all

housing types in the Town of Lewisboro is 2.78 persons, and the average family size is 3.16 persons.

Based upon the CUPR residential multipliers, approximately 110 persons, including 16 school age children are projected to reside in the anticipated housing. This projection is based on the demographic modeling and represents a static moment in time. In reality, individual family sizes change over time. Families that already have school age students will see them move through the grade levels and eventually graduate from the student population while at the same time, young families that did not have any children, will increase the student population by having babies that will eventually fill in the spots vacated by students graduating. The factors below represent a modeling of the average number of students projected to be in the district at any given time.

Table 3.9-1 Population Projections					
Unit Type	Number of Units	Population Multiplier	Population	School Age Children Multiplier	School Age Population
1-BR 50% AMI	3	1.99	6	0.30	0.9
2-BR 50% AMI	5	2.31	11	0.23	1.15
3-BR 50% AMI	1	3.81	4	1.50	1.5
1-BR 60% AMI	11	1.67	18	0.08	0.88
2-BR 60% AMI	18	2.31	42	0.23	4.14
	7	3.81	27	1.00	7
2-BR Superintendent Apartment	1	2.31	2	0.23	0.23
TOTAL	46		110		16
Source: Rutgers University Center for Urban Policy Research, June 2006. Table prepared by TMA, 2016. Values are based upon 5+ Unit Structures for Rent at more than \$1,000 per month for one, two and three bedroom units as noted in the table.					

3.9.2 Fiscal Resources

Existing Conditions

Current Assessed Value

The proposed AFFH multifamily community is contained on the following Town Tax Parcels:

- Sheet 5 - Block 10776 - Lot 19
- Sheet 5 - Block 10776 - Lot 20
- Sheet 5 - Block 10776 - Lot 21

The current equalized assessed value of the three undeveloped parcels is \$87,300. This represents 9.9 percent of the total market value of the three parcels. According to a review of the 2015 tax bills for the subject parcels, the total annual property taxes paid to the Town of Lewisboro are \$1,639 and the municipal taxes paid to the Goldens Bridge Fire Department are \$890. The municipal taxes paid to Westchester County are \$2,990. Thus, the total municipal taxes paid are \$5,520 while the annual property taxes paid to the Katonah Lewisboro School District (KLSD) are \$17,061.

Potential Impacts

The New York State Office of Real Property Services (NYSRPS) requires that rental properties are assessed in terms of the value of the income they provide. Based upon the income value of the proposed affordable rental apartments, the total market value of the proposed community is estimated to be \$4,717,342. Using the current Town of Lewisboro 2015 equalization rate of 9.9 percent, the total future Assessed Value for this analysis is estimated to be \$467,017

Projected Revenues

Table 3.9-2 compares the revenues generated presently by the property to the revenues to be generated after the proposed rental community is complete. Revenues are based on the most current 2015 municipal tax rates (2015-2016 tax rate for the Katonah Lewisboro School District).

According to the Town of Lewisboro budget, the Town's tax rate includes Town governmental services, highway maintenance, justice court, police services, and parks & recreation.

As presented in Table 3.9-2, annual revenues to the Town of Lewisboro are projected to be approximately \$8,770. Tax revenues to the Goldens Bridge Fire Department are estimated to be \$4,762. The tax revenues to Westchester County would be approximately \$15,995 annually, thus the total municipal revenue is estimated to be \$29,527.

Table 3.9-2 also indicates the annual revenues to the Katonah Lewisboro School District would be approximately \$91,268. The net *increase* between the current tax revenues generated by the site and paid to the School District and the total future project-generated revenues to the school district are projected to be approximately \$74,207 annually.

As can be seen in Table 3.9-2, overall, the combined tax revenues from each jurisdiction are projected to total more than \$120 thousand annually.

Table 3.9-2				
Current & Projected Taxes Generated by the 46 Unit AFFH Residential Community				
Taxing Authority	Current Tax Rate	Current Taxes (\$)	AFFH Projected Taxes Total (\$)	Net Increase Between Current & Projected Taxes (\$)
Westchester County	\$34.2497	\$2,990	\$15,995	\$13,005
Town of Lewisboro	\$18.7796	\$1,640	\$8,771	\$7,131
Goldens Bridge Fire District	\$10.1963	\$890	\$4,762	\$3,872
Total Town of Lewisboro		\$2,530	\$13,533	\$11,003
Total Municipal	\$63.2256	\$5,220	\$29,258	\$24,008
Katonah Lewisboro School District	\$195.4287	\$17,061	\$91,268	\$74,207
TOTAL	\$258.6543	\$22,581	\$120,796	\$98,215
Notes:				
Municipal taxes are based upon Town of Lewisboro 2015 Tax Rates. These rates are in effect 4/1/15 through 4/1/16.				
Katonah Lewisboro School District Tax Rates are for the 2015-2016 school year.				

Infrastructure Costs

A management company will operate and maintain all common areas, facilities and infrastructure included in the proposed action. All of the community aspects of the project will be privately maintained, including the roadway. There are no aspects of the project which are anticipated to result in an ownership, maintenance or operational responsibility to the Town of Lewisboro, thus reducing municipal costs to the maximum extent practicable.

3.9.3 Police, Fire and Emergency Services***Existing Conditions****Police Protection*

The Town of Lewisboro is served by the New York State Police, acting as the primary responders by providing 24/7 police protection services to properties within the 29 square mile area that comprises the Town of Lewisboro. The New York State Police are stationed on Route 100 in Somers, NY, approximately 3.2 miles (driving distance) northwest of the subject site. *The New York State Police have a satellite office (Zone 3) located at 81 Spring Street in Lewisboro (approximately 8.3 miles driving distance) southeast from the subject site.* The NYS Police work in conjunction with the Lewisboro Town Police, whose headquarters is located at 20 North Salem Road, Cross River, NY, approximately 5.5 miles (driving distance) southeast of the development site.

The New York State Police and the Lewisboro Police Department provide police protection for the Town of Lewisboro including the hamlets of Cross River, Goldens Bridge, South Salem, Waccabuc and Vista.

The Lewisboro Police Department is led by Police Chief *Charles Beckett*~~Frank Secret~~. ~~According to discussions with Police Chief Secret,~~ *the Town of Lewisboro police force currently has a total of 12 officers and seven vehicles, of which four officers* are full time and eight are part time. The Town police patrol vehicles are dispatched by the New York State Police when Lewisboro officers are on duty.¹ ~~When Lewisboro Officers are not on duty,~~ *Police* coverage is *also* provided 24 hours a day, 7 days per week by the NYS Police as needed. According to the *former* Police Chief², in 2015 the department handled approximately 1,851 calls for service. The population data from the 2010 Census indicates there are 12,411 persons residing in the Town of Lewisboro. Based upon these figures, there is approximately one Town police officer for every 1,000 residents and annual average calls per capita equates to 0.15.

Sworn personnel are involved in various programs including Crime Prevention, Accident Investigation, STOP DWI, Commercial Vehicle Enforcement, Intelligence, and Youth Court.

According to the *former* Police Chief, based upon location, typical police response time to a residence in the proposed community is estimated to be five to ten minutes.

¹ Source; Lewisborogov.com/police.

² Phone conversation with Police Chief Secret on February 1, 2016.

Fire Department

The proposed development is within the Goldens Bridge Fire District and is served by the Goldens Bridge Fire Department (GBFD) which is a 100% volunteer fire department. According to the Fire Department website³, the Fire District covers an area of approximately 8 square miles in and around the hamlet of Goldens Bridge, which includes a mix of both business and residential areas, as well as a section of Interstate 684 and the Metro North Railroad. Serving a population of approximately 4,000 residents and countless number of commuters who use both Interstate 684 and Metro-North Railroad, the fire department provides coverage 24 hours a day, 365 days a year. The Goldens Bridge Fire Department typically responds to an average of approximately 275 fire related calls annually. In addition the GBFD is the first responder to calls for Emergency Medical Service EMS, thus the total calls for service are approximately 750 annually. Based upon these figures, annual average calls per capita equates to 0.2.

There are approximately 50 active members who serve the community by providing Fire, Rescue, Disaster Relief and Emergency Medical Services to anyone in need. The Goldens Bridge Fire Department is also dedicated to community service by offering scholarships for community minded youth, supporting Scouting organizations of America and supporting other local charities.

The Goldens Bridge Fire Department currently operates 3 engines, 1 tanker truck, 1 light duty rescue vehicles, and 2 Chiefs' vehicles. These units are staffed by the 50 active volunteer members who respond from a fire station at 254 Waccabuc Road in Goldens Bridge. The station is approximately 1.5 miles (driving distance) from the subject site. In 2015, the department responded to approximately 250 alarms. These alarms consisted of structural fires, motor vehicle accidents (MVA's), automatic alarms, vehicle fires, mutual aid, and various other calls for assistance. As stated above, the Goldens Bridge Fire Department responds jointly with the Lewisboro Volunteer Ambulance Corps (LVAC) to medical emergency calls.⁴

Ambulance and Health Services

The Lewisboro Volunteer Ambulance Corps (LVAC) provides emergency ambulance service to the project area. In 2013, LVAC responded to 416 ambulance calls. According to their records, 320 patients were transported to area hospitals. Based upon these figures, annual average calls per capita equates to 0.04.

Each ambulance response is staffed by a crew chief who is a New York State Certified Emergency Medical Technician, and a driver, who may or may not be an EMT. Most calls have a third crew member, referred to as the first aider, who also may or may not be an EMT. The crew chief is in charge of patient care decisions, including which hospital the patient is transported to.

The Town of Lewisboro is one of several towns in northern Westchester County which are additionally served by a paramedic service, Westchester EMS. According to Westchester EMS personnel⁵ average response time in Northern Westchester is approximately eight minutes. There are three paramedic fly cars in service at all times and one is paged out along with LVAC and GBFD on all calls. If the patient's condition warrants ALS, the paramedic will ride with the LVAC crew and provide advanced life support.

³ GoldensBridgeFD.org

⁴ E-mail from Fire Chief Albert Melillo, August 24, 2016.

⁵ Phone conversation with Don Coddle of Westchester EMS, August 4, 2016.

According to the Lewisboro Volunteer Ambulance Corp (LVAC) website⁶, LVAC currently operates 2 ambulances, 67B1 and 67B2, the B standing for basic life support. The Corps also has a first response vehicle, a fully-equipped Chevrolet Tahoe. The Corps has approximately 40 riding members. All members are trained to use AEDs (Automatic Electronic Defibrillators), and LVAC has 10 Lifepak AEDs. LVAC also participates in the Epipen program to administer epinephrine, is certified to use albuterol for the treatment of asthma, and trained to use glucometry. They have recently added the Lucas device to all vehicles which is used to provide continuous CPR for any patients that require the treatment.

The primary hospital serving the project area is Northern Westchester Hospital in Mt. Kisco. According to the Northern Westchester Hospital website⁸, services offered by this hospital include: emergency services, ambulatory surgery, cardiopulmonary center, diagnostic imaging, mental health unit, MRI center, nutritional services, occupational therapy, pediatrics, physical therapy, prostate cancer treatment, alcohol & substance abuse, speech & hearing, and a wound care center.

According to Northern Westchester Hospital⁷, its physicians represent all of the medical specialties and offer their patients the latest in medical care supported by nursing, clinical, and technical staff. Northern Westchester Hospital also offers various outreach programs that present preventive medicine and wellness subjects.

Although LVAC transports most patients to Northern Westchester Hospital in Mt. Kisco, depending upon the location of the nearest hospital or the type of specialized medical service needed, occasionally patients may be transported to Putnam Hospital in Carmel, Westchester Medical Center in Valhalla, and Danbury or Norwalk Hospitals in Connecticut.

Potential Impacts

As shown in Table 3.9-1, development of the proposed residential community is anticipated to result in a population increase of approximately 110 persons. This increase represents less than one percent of the current Town population of 12,411 (2010 Census).

Police Department

Based on planning standards contained in the Development Impact Assessment Handbook published by the Urban Land Institute, model factors for police protection recommend two (2) police personnel per 1,000 persons which further breaks down to 1.5 police personnel per 1,000 persons for residential uses and 0.5 police personnel per 1,000 persons for nonresidential uses. Based on this standard, 110 persons would increase police staffing needs by less than one quarter of a person which is not likely to have an impact on the Town's police personnel ratio of 1.0 officers personnel per 1,000 residents. As discussed earlier, annual average calls per capita equates to 0.15, thus it can be expected that calls for service to the Police Department would increase by approximately 17 calls annually.

Fire Department

⁶ www.lewisborovac.org

⁷ NWHC.net

Based on planning standards published in the Development Impact Assessment Handbook, approximately 1.65 fire department personnel per 1,000 population is recommended to provide adequate fire protection service. One hundred ten new residents would generate demand for an additional 0.18 fire department personnel. As discussed earlier in this section, the proposed development would generate \$4,762 in annual property tax revenues to the fire district to partially offset any additional demand. The proposed site access roads will be designed in accordance with Town road specifications which are designed to adequately accommodate emergency service vehicles. As discussed earlier, annual average calls per capita equates to 0.2, thus it can be expected that calls for service to the Goldens Bridge Department would increase by approximately 12 calls annually.

Each of the proposed residential buildings will be equipped with fire sprinklers and the water system is designed to meet the combined peak flow for domestic and sprinkler use. Fire hydrants are not proposed given the use of sprinklers. The Applicant will provide emergency back-up water supply storage in underground tanks. The Applicant will work with the Goldens Bridge Fire Department regarding the final design for emergency back-up water supply.

Emergency Medical Service

Based on planning standards contained in the Development Impact Assessment Handbook, approximately 36.5 calls per 1,000 population are made annually. Based on this standard, the 110 residents would increase EMS calls by approximately four calls annually on average. The Lewisboro Volunteer Ambulance Corps has sufficient capabilities to handle this increase. As discussed earlier, annual average calls per capita equates to 0.04, thus it can be expected that calls for service to the Lewisboro Volunteer Ambulance Corps from the proposed development would be approximately 4 calls annually.

Hospital

Based on planning standards contained in the Development Impact Assessment Handbook, four (4.0) hospital beds should be provided per 1,000 persons. Based on this standard, the projected population increase associated with the proposed residential development has the potential to increase the need for beds in hospitals serving the Northern Westchester County area by less than half of a bed. This is not considered a significant impact.

3.9.4 Comparison to Bridleside, North Salem

New housing developments are often controversial. Existing residents like the character of their existing neighborhoods and are often attached to the undeveloped parcels which have provided areas of open space. There are also practical considerations like traffic, property values and additional school children, that can be cause for concern. These concerns can be even more exaggerated when the proposal is for affordable housing.

The Project Sponsor has successfully developed many multifamily communities throughout the Hudson Valley, including a substantially similar affordable housing development in the neighboring Town of North Salem, known as "Bridleside" which provides a vision for the subject proposal. The Bridleside residential development includes 65 units of affordable housing with a similar mix of one, two and three bedroom units as are proposed in the 45 unit WB Lewisboro Affordable Housing Development. The projected funding sources and rental values will be virtually identical in the two developments. The market values of residential real estate is comparable in North Salem and Lewisboro. The tax structure, tax rates and equalization rates

are also similar in the two communities. Beyond the projections provided in development models, real life experience with similar development can provide an accurate window into what the future will bring post development.

Table 3.9-3 shown below provides data on population and relevant demands for community services at the Bridleside project. Data was gathered from the Town of North Salem Police Department, the North Salem Fire Department, the North Salem Volunteer Ambulance Corps. And the North Salem School District. Table 3.9-3 lists the annual calls for service to the North Salem emergency service providers, and compares this data to the projections of demands for community services anticipated from the Lewisboro residential community. Since the proposed Lewisboro development is 45 units compared to the 65 units built in Bridleside, the statistics for Bridleside have been factored by 69% to provide a direct comparison to the Lewisboro projections.

A count of school age children who reside at Bridleside indicates there are a total of 35 students, however of this total 9 students already lived within the North Salem School District, indicating the increase in the school districts enrollment was 26 students as shown in Table 3.9-3.

The 26 new students currently residing at Bridleside is higher than the pre-development projection of up to approximately 18 students. The projection of students for the WB Lewisboro study used the multipliers for ALL school age children and used parameters that would result in an analysis that would estimate the highest number of students. Using these parameters, the number of projected students at Lewisboro is consistent with the number of students who actually reside in Bridleside. To further corroborate this data, a survey of the actual number of students at Roundtop Commons in Montrose was conducted. Roundtop Commons is another Wilder Balter Partners, Inc. affordable housing development in Westchester County, thus it is very comparable to both Bridleside and the proposed Lewisboro development. Roundtop Commons has 91 affordable rental apartments. Representatives for the Hendrick Hudson School District indicate that each student is geocoded and assigned placement in the school and for transportation.⁸ According to the Hendrick Hudson School District, there are a total of 34 students at Roundtop Commons. This would translate into an average multiplier of 0.37 students per unit, compared to 0.36 used for Lewisboro.

School Districts, including the Katonah Lewisboro School District, typically conduct multi-year projections for the entire district in forecasting their future needs. These studies consider district wide data including community birthrates, historical enrollment data, house sales, new housing starts and factor in a number of other variables. Based upon these factors, the studies typically discuss a range between a high value and a low value. The demographic projection for a specific project has the benefit of knowing the exact unit count, the number of bedrooms, a more precise valuation, and a fixed build year. Under this circumstance a more precise value can be projected as the result of the demographic modeling. However, even with these parameters being known, the projection is a forecasted number to provide an order of magnitude, not necessarily a definitive number.

The most recent Demographic Study Update for the Katonah Lewisboro School District was completed in November 2015 and projects grade by grade enrollments from 2016-17 through 2020-21. The Study considered the impact of new housing being built including the proposed WB Lewisboro affordable townhouse rental units. Even with these units, plus other new housing in the mix, the study indicates that enrollments will decline both district wide and specifically in

⁸ Phone Conversation with Elizabeth Gilleo, Supervisor of Transportation on August 23, 2016.

the Increase Miller Elementary School, with the largest enrollment declines expected in the John Jay Middle School.

Table 3.9-3 Impact Comparison Bridleside vs. Lewisboro AFFH			
Area of Concern	Bridleside North Salem		AFFH Lewisboro
Land Use			
Total Site Area (acres)	40.0		35.4
Total Area of Disturbance (acres)	14.1		9.0
Impervious Surfaces (acres)	3.1		2.4
Community Resources			
	Bridleside Full Value	Bridleside Factored at 69%	AFFH Lewisboro
Residential Units	65	45	45
Population	137	95	110
School-age Children - New to the District	26	18	16
Police Annual Calls for Service	23	16	17 *
Fire Annual Calls for Service	17	12	8 *
Ambulance Annual Calls for Service	7	5	4 *
Municipal Taxes	\$44,588	\$30,766	\$29,527
School Taxes	\$102,076	\$70,423	\$91,268
Notes: Estimates are approximate. Source: Insite Engineering; Tim Miller Associates, Inc., 2016 * Based upon existing average annual calls within the current service area.			

Minimization of Potential Impacts and Mitigation

Police, Fire and Emergency Services

Table 3.9-3 shows the projection of need for emergency services from the WB Lewisboro development as relates to the reported number of calls from an equal number of units at Bridleside. When compared to the existing demand for these services discussed above, the projection demonstrates there would be an ~~small~~ increase in demand for these community services -- up to approximately one percent for police and ambulance services, and three percent for fire protection. *According to the Applicant,* ~~t~~he anticipated number of calls for emergency services from the proposed residential development is not anticipated to result in any significant impact to police protection, or fire and emergency service provision in the Town of Lewisboro.

~~Additionally,~~ ~~t~~he proposed development will generate tax revenues to *partially* offset the cost of its use of the various municipal services.

~~The identified need for affordable housing in Lewisboro was recognized by the Town Board in its adoption of Local Law 7-2015 permitting multi-family housing in areas including the GC-20 zone in which the subject site is located. The anticipated effect on emergency services (costs and revenues) must be balanced with the fact that the WB Lewisboro proposal will advance the Town and County goals to provide needed affordable housing.~~

Secondary Benefits

There are expected to be secondary benefits to the local economy as a result of construction activities and the future spending by the new residents of this project. The spending of residents expected to live at the proposed development will benefit commercial businesses in the local area and the region, both in the Town of Lewisboro and the surrounding region.

3.9.5 Schools

Existing Conditions

The project site is served by the Katonah Lewisboro Union Free School District. The District includes three K-5 elementary schools, one middle school (grades 6, 7 and 8), and one high school. The Katonah Lewisboro Union Free School District geographically includes all of the Town of Lewisboro and the Katonah Hamlet area in the Town of Bedford, and smaller portions of the Town of North Salem and the Town of Pound Ridge.

According to information provided by the School District⁹, enrollments have been steadily decreasing over the past 10 years. As of October 2014, 3,204 students were enrolled in the District. Table 3.9-4 below summarizes the 2014-2015 grade distributions and enrollments of the various schools within the District:

Table 3.9-4 Katonah Lewisboro School District (2014-2015 School Year)		
School	Grades Served	2014 Enrollment
Increase Miller Elementary School	K-5	479
Katonah Elementary School	K-5	415
Meadow Pond Elementary School	K-5	384
John Jay Middle School	6-8	777
John Jay High School	9-12	1,149
TOTAL		3,204
Katonah Lewisboro School District, 2015.		

All of the schools in this School District received a rating of “5” from the New York State Public School Report Card of Comprehensive Information with respect to the “district need to resource capacity”. This rating states that “this is a school district with average student needs in relation to district resources capacity”.

Potential Impacts

As shown in Table 3.9-1, based upon demographic multipliers published by the Rutgers University Center for Urban Policy Research, approximately 16 students are projected to reside in the proposed residential development.

As related by the Applicant, According to the Assistant Superintendent for Business *has advised that, b*Based upon the geographic location of the project site and the current student distribution among schools in the district, it is likely that students from the proposed residential development

⁹ Katonah Lewisboro Union Free School District 2015-2016 General Fund Budget Book, April 2015.

would attend the Increase Miller Elementary School, the John Jay Middle School and the John Jay ~~H~~igh School. It should be noted that student distribution is reviewed annually and is subject to change.

School District Costs Associated with the Proposed Project

The budget for the 2015-2016 school year for the Katonah Lewisboro Union Free School District totals approximately \$108,731,720. The portion of the budget to be raised through taxation is \$95,904,695 - approximately 88 percent of the budget is met through the property tax levy. The addition of 16 students to a population of more than 3,200 students represents an increase of less than half of one percent. The School District conducted its own demographic projection and got similar results to this analysis plus or minus one student.¹⁰ This de minimus increase in student population will not have a significant impact on administrative or capital needs of the district. Any costs to the District's would be related specifically to instruction and transportation, which are referred to as marginal costs. District wide, these costs total \$49,544,464¹¹. Since 88 percent of the Budget is to be raised by the tax levy, the portion of these costs to be raised by the tax levy total \$43,599,128.

With an enrollment of 3,204 students, the per-student marginal cost to be raised by the tax levy are calculated to be \$13,608, ($\$43,599,128 / 3,204$). This cost is likely overstated given the small percentage of new students compared to the existing student population. Projected costs to the school district could be up to \$217,728 annually based on an estimated 16 students that would reside in the community.

The proposed residential housing development is estimated to generate \$91,268 in property tax revenues annually to the school district. Thus, the overall impact on the district's budget could conservatively result in a cost of up to \$126,460. If this cost materializes, it would need to be met by an adjustment to the overall tax rates of the School District of approximately 25 cents per \$1,000 of assessed valuation. For a typical home in the Katonah Lewisboro District, this translates into approximately \$12.50 per household.

~~The anticipated cost of education must be balanced with the fact that the WB Lewisboro Affordable Housing Development will be a resource that will provide for affordable housing that will help to advance the Town and County goals for such housing and will help to satisfy local and regional housing needs, truly a mitigation factor that must be given appropriate consideration.~~

Construction is projected to take 12 to 18 months which is likely to be spread over two school years. The increased student population is also expected to be distributed throughout the grade levels, resulting in an average of less than one student per grade. The multi-year phasing and distribution of students will allow for an additional 16 students to be integrated to the local schools with minimal impact. Conversation with the Business Administrator for the Katonah Lewisboro District¹² indicated absorption of the new students should not present a capacity problem for the school district, particularly in light of the declining enrollment trend the district is experiencing.

¹⁰ Information provided via phone conversation, 1/26/16 with Mike Jumper, Assistant Superintendent for Business of the Katonah Lewisboro School District.

¹¹ Katonah Lewisboro Union Free School District 2015-2016 General Fund Budget Book, April 2015, page 11.

¹² Information provided via phone conversation, 1/26/16 with Mike Jumper, Assistant Superintendent for Business of the Katonah Lewisboro School District.

A letter from the School District, dated April 25, 2016 states “If the enrollment continues to decline as projected, and if these new students are distributed among all of the different grade levels, we will likely be able to handle the students without any problem.” The District provides additional detail as to the potential for impact in the unlikely event that all 16 students were to attend the same grade. The letter is included in Appendix B for reference.

Table 3.9-5 lists the published demographic multipliers for grade groupings for each unit type at the WB Lewisboro development. Table 3.9-6 indicates the total number of students at WB Lewisboro that can be anticipated for each grade grouping (by calculating each column in the prior table) and supports the analysis that the increase in student population can be expected to be distributed among all grades in the school district. This illustration demonstrates the reduced potential for impacts on the school district, consistent with the assumption referenced in the April 2016 letter.

**Table 3.9-5
School Age Children
Population Multipliers by Grade Distribution**

Unit Type	Number of Units	School Age Children Multiplier All Grades	School Age Children Multiplier Grades K-2	School Age Children Multiplier Grades 3-6	School Age Children Multiplier Grades 7-9	School Age Children Multiplier Grades 10-12	School Age Population
1-BR 50% AMI	3	0.30	0.11	0.10	0.05	0.04	0.90
2-BR 50% AMI	5	0.23	0.07	0.06	0.05	0.04	1.15
3-BR 50% AMI	1	1.50	0.37	0.51	0.34	0.28	1.50
1-BR 60% AMI	11	0.08	0.03	0.02	0.02	0.01	0.88
2-BR 60% AMI	18	0.23	0.07	0.06	0.05	0.04	4.14
3-BR 60% AMI	7	1.00	0.25	0.31	0.21	0.23	7.00
2-BR Super Apartment	1	0.23	0.07	0.06	0.05	0.04	0.23
TOTAL	46						Rounds to 16

Source: Rutgers University Center for Urban Policy Research, June 2006. Table prepared by TMA, 2016.

Values are based upon 5+ Unit Structures for Rent for one, two and three bedroom units as noted in the table.

* Numbers may not add due to rounding.

**Table 3.9-6
School Age Children by Grade Distribution**

	School Age Children Grades K-2	School Age Children Grades 3-6	School Age Children Grades 7-9	School Age Children Grades 10-12	School Age Children All Grades
Total Calculated	4.46	4.64	3.38	3.08	15.56
Total Whole Students	5	5	3	3	16

Source: Rutgers University Center for Urban Policy Research, June 2006. Table prepared by TMA, 2016.

Minimization of Potential Impacts and Mitigation

The Applicant has had initial discussions with the School District regarding transportation safety. *The safety of students boarding or discharging from a school bus on Route 22 in proximity to Interstate 684 Exit 6A is of concern.* The preliminary development plans will be forwarded to the School District for review and comment on transportation safety, bus turning radius and bus

stop locations. ~~The Applicant, in coordination with~~ District representatives, *in coordination with the Planning Board* will identify the best school bus routing and the entry and exit of school buses onto the project site, with student safety being the primary consideration. *It is the preference of the Applicant for buses to enter the site to pick-up and drop-off school children.* Since the potential for significant impacts is minimal, no further mitigation is proposed.

3.9.6 Summary

~~Lewisboro has a responsibility to provide its share of the regional need for affordable housing. This need was recognized by the Town Board in its adoption of Local Law 7-2015 permitting the development of multi-family housing, including AFFH units, in various zoning districts throughout the Town (including the CG-20 zone in which the subject site exists).~~

~~As set forth in the Westchester County Affordable Housing Allocation Plan 2000-2015 (November 9, 2005), 239 units were estimated as Lewisboro's "fair share obligation" which has been substantially unmet. The WB Lewisboro Affordable Housing Development will provide needed affordable housing opportunities for the Town of Lewisboro. All of the 45 residential units will be designated affordable, in accordance with Westchester County's eligibility requirements. The County has indicated its support for the development of AFFH rental units in the Town of Lewisboro (specifically in response to this project) and its willingness to move forward with the request for housing assistance funding made by the developer.¹³~~

Most impacts to be considered in development projects are site specific – traffic, visual, natural resources, etc. But fiscal impacts are not site specific other than whether or not a site has public roads, water, sewer and/or sanitation. Fiscal impacts relating to school children are not at all site specific and therefore must be supported by the entire community. Residential communities in northern Westchester County include amenities that attract and encourage family life and children including open space, good schools, parks, libraries, cultural features and recreational activities. In the applicant's opinion, the children residing at the WB Lewisboro development will not impact these amenities, other than to enhance their use and enjoyment by the community at large.

~~As stated above, the Westchester County Affordable Housing Allocation Plan 2000-2015 (November 9, 2005), identifies Lewisboro's "fair share obligation" in the provision of affordable housing as 239 units. ($45/239 = 18.8\%$). The proposed 45 units in the WB Lewisboro Affordable Housing Development represent less than 20% of the Town's "fair share obligation" to provide affordable housing. Given the privately owned infrastructure and the relatively low expected population of school age children, the fiscal impacts of these affordable units are not significant.~~

¹³Letter to Jerome Kerner, Chair, Town of Lewisboro Planning Board, from Norma V. Drummond, Deputy Commissioner, Westchester County Department of Planning, dated March 11, 2016.

3.10 IMPACT ON THE COMMUNITY

Consistency with Community Plans and Community Character

Existing Conditions

The subject property encompasses 35.4 acres of land on three lots located in the Town of Lewisboro, Westchester County, New York. The property is located on the east side of NYS Route 22, proximate to the I-684 northbound Exit 6A ramp and south of Route 138. The three parcels are located in the following special districts: Katonah-Lewisboro School District and Goldens Bridge Fire District. The two westerly lots are located in the CC-20 zoning district and the easterly lot is located in the R-4A zoning district.

The site is located approximately three-quarters of a mile south of the North County Shopping Center, which includes several community-scale commercial businesses and a post office,. It is approximately one mile from the Goldens Bridge Metro-North train station. Generally within approximately one mile of the site, land uses to the north and west include residential, public uses, warehouse (King's Lumber), commercial, retail, transportation and vacant land. To the south and east, land use is predominantly single family residential, and vacant land.

The subject property, while possibly used informally by individuals for hunting activities (without express permission of the landowner), is privately owned land that is not designated for any public use by the community.

Town Master Plan

The Town Master Plan outlines policies and goals formally adopted by the Town of Lewisboro in 1985¹ as a guide for land use and future development in the Town. In its Plan, the Town identified considerations for preservation of open space² resources as well as for development that are generally applicable to the subject proposal today. The Plan does not identify site-specific consistency criteria, but it was intended to provide overall guidance on the local scale for land planning decisions. Consistency of the proposed development with policies identified in the Plan, to the extent such policies are defined, is described below.

The 1985 Town Master Plan speaks of a vision for land use in the I-684/Route 22 corridor that would provide for development of campus commercial land use that would also incorporate the preservation of open space. Campus commercial development was envisioned and planned for in the area bordering Route 22 including the subject site and paved the way for the subsequent rezoning to CC-20. As stated in the Master Plan relative to campus commercial facilities, adequate buffering between such use and adjacent residential areas would allow the two different types of land use to coexist, and reduce impacts to the natural environment resulting from development.

¹ Accessed on the Town's website 1/21/16.

² The Master Plan specifically distinguishes a difference between "open space" and "undeveloped" land, as further explained in a footnote in section 3.6. By its definition, the Master Plan does not consider the undeveloped project site as open space.

Zoning Requirements

A recent amendment to the zoning code adopted by the Town Board in 2015 (LL 7-2015) added provisions that would permit multi-family housing in commercial and business areas. The amended provisions of the code apply to the subject site. ~~and is particularly appropriate for this application for affordable housing.~~

~~In a letter of January 25, 2016 to the Chair of the Lewisboro Planning Board, the Chair of the Lewisboro Housing Committee stated:~~

~~The majority of the Housing Committee feels that the proposed Wilder Balter 45-unit development would accomplish the goal for which the Zoning code was amended: providing fair and affordable housing in Lewisboro. The construction of the proposed AFFH housing in Lewisboro would also substantially help Lewisboro and the County in complying with the Settlement, joining other nearby towns such as North Salem, Pound Ridge and Bedford, who have also taken steps in this direction.³~~

Potential Impacts

The *preliminary* site plans developed for this affordable housing application show and tabulate the various zoning requirements of the CC-20 and R-4A districts applicable to the property, including the new reference to the provisions for multi-family dwellings which are found in the R-MF requirements. The plans identify the conformance of this proposal to the applicable zoning requirements including the following information:

- Front, side and rear yard setbacks of the R-MF district or double the R-4A district setback, as applicable (these replace the setbacks of the CC-20 district);
- Density transition area of the R-MF district (replaces the perimeter buffer of the CC-20 district);
- Buffer lot with conservation easement (CC-20 district requirement);
- Town wetland control area and State wetland adjacent area; and,
- Tables with the applicable net land area calculations, density unit calculations, parking requirements and recreation requirements.

Multi-family dwellings is a permitted use in the CC-20 district, subject to the requirements of Section 220-26, Multifamily Residence District (R-MF), of the Zoning Code. The dimension and bulk zoning requirements of the R-MF district replace those of the underlying CC-20 district (to be confirmed by the Planning Board Attorney or Building Inspector).

The Applicant is proposing a total of 92 parking spaces for this facility (2.0 per unit), whereas 124 spaces are required by zoning based on the proposed bedroom count. The required number of spaces far exceeds the parking needs of the development based upon the Applicant's experience with other similar developments owned and managed by the Applicant throughout the Hudson Valley. For example, the Bridleside 65-unit affordable rental community in North Salem was approved with 144 parking spaces but a recent three day survey showed that only 76 spaces were being used (53 percent of the requirement or 1.17 cars per dwelling unit). Another example is the 92-unit Roundtop affordable rental community in Montrose which

³ See January 25, 2016 letter to the Chair of the Lewisboro Planning Board from the Chair of the Lewisboro Housing Committee.

September 29, August 30, 2016

was approved with 141 parking spaces (1.5 parking spaces per unit).⁴ The survey for that property showed that only 98 spaces were being used (70 percent or 1.07 cars per dwelling unit). Accordingly, the Applicant is requesting a parking variance from the Zoning Board of Appeals.

The project site is located in a rural setting where there is no public sewer and water infrastructure available nearby. Like other development in the local area, the proposed action includes development of its own water supply from groundwater wells and a conventional sanitary treatment (septic) system. This project is of modest size, and is located next to a major transportation corridor, so that ~~in the Applicant's opinion~~ *maintains* the project does not warrant any road improvements (see Section 3.8.), however, the NYSDOT will have the final determination on this matter as part of the Highway Work Permit review process.⁵ ~~In~~ *the* Applicant *maintains* ~~'s opinion~~ the project does not warrant any other public infrastructure improvements, nor is it of a nature that would cause a change in the density of development on the lands around it.

Mitigation Measures

The Town's Master Plan cites general design principles to guide future public and private development in the Town to support the goals and objectives of the Town. These recommendations refer to landscape buffering of buildings and parking areas, minimization of disturbance on steep slopes where potential for erosion needs to be addressed, and provisions to minimize adverse visual impact on Town character and neighboring uses. ~~The current goals and objectives of the Town are further supported by the recent amendment (LL 7-2015) to the zoning code that permits multi-family housing at this site.~~ Given the mix of land uses that occur in the area surrounding Goldens Bridge -- including single family residential, multi-family residential, commercial, retail, transportation and vacant land -- the proposed *Town Code compliant* multi-family development with open space dedication will not be notably different from, and certainly not in sharp contrast to, the current land use pattern of the surrounding area.

The Applicant proposes to permanently preserve a portion of the undeveloped land as open space on the easternmost part of the property located in the R-4A zoning district. While there is no requirement in the Town's Master Plan or Zoning code for a private property owner to preserve open space on its property, the Applicant intends to dedicate at least 17 acres for open space preservation through restrictive covenants and/or a conservation easement, thereby providing a permanent buffer to the adjoining lands in the low-density R-4A district.

The Master Plan highlights the need for care in site planning of parcels containing steep slopes, wetlands and other open space resources to minimize the potential for impacts to the sensitive qualities of such areas as well as potential visual intrusions into the landscape of Lewisboro. ~~In addressing these concerns,~~ *the proposed development plan is designed to avoid steep slope disturbance, wetland incursion and includes a 17 acre open space element.* ~~presents a balance between the environmental goals of open space resource preservation and wise utilization of the land to address a demonstrated need, in the Applicant's opinion.~~

⁴ The Bridleside project is located approximately one mile from the nearest train station, and provides shuttle bus service for its residents. The Roundtop project is located approximately 1/4 mile from the nearest train station, and does not provide shuttle bus service for its residents.

⁵ No sidewalk exists or is proposed along Route 22 north and south of the site, between Route 138 and Route 35. A sidewalk will be installed along the project frontage by the Applicant if required by NYSDOT as per their current standards.

The *preliminary* site plan ~~will~~ incorporate various conventional slope protection and wetland protection measures that will minimize the potential for soil erosion and surface water impacts. The plan also ~~will~~ incorporate tree preservation measures (particularly by minimizing the overall area of site disturbance) and proposed landscape plantings that will minimize visual intrusion and create an asset to the community. Moreover, the site plan will preserve a significant area located outside of the limits of disturbance in permanent open space.

Refer to the preceding narratives in this Part 3 on specific subject areas for discussions of environmental concerns relating to particular physical components of the proposed *preliminary* plan that are integral to the design and will effectively avoid or minimize impacts.

The *Applicant maintains the* proposed *preliminary site* plan, ~~in the Applicant's opinion,~~ will be consistent with the Town's Zoning Statement of Purpose (§220-1): "To preserve the natural beauty of the physiography of the Town; to protect the Town against unsightly, obtrusive and obnoxious land uses and operations; to enhance the aesthetic aspect of the natural and man-made elements of the Town; and to ensure appropriate development with regard to those elements." The current zoning code permits multi-family housing at this site and the proposed *preliminary* plan incorporates measures to *compliment* ~~make it compatible with~~ its surroundings, such as preservation of aesthetic buffers (described above), placement of buildings and other site elements *to limit* ~~that minimizes~~ visibility from off-site, and permanent preservation of wooded open space. The general criteria applied under §220-48 of the Town Code for site plan review, and the SEQRA review, further insure orderly development that is site sensitive.

While there is a mix of architecture evident in the local area including the train station, shopping center, various commercial establishments and a variety of house styles, *the Applicant submits that there* ~~there~~ is no predominant architectural scale or character in the Route 22 corridor with which the proposed buildings would be inconsistent. Likewise, the proposal to preserve a large portion of the property as natural woodland is not inconsistent with the surrounding wooded landscape.

In revising the ~~The~~ proposed *preliminary* plan, *the Planning Board will apply* ~~will meet~~ the site plan standards set forth in §220-48, which *include:* ~~the Planning Board will consider in acting on a site development plan application:~~⁶

- (1) The proposed number, size, location, height, bulk, use, appearance and architectural features of all structures and facilities.
- (a) The overall building and site design shall enhance and protect the character and property values in the surrounding neighborhood.
- (b) Development shall be compatible with the architectural style and visual composition of the hamlet area in which it is located.
- (c) Development shall have a harmonious relationship with the natural terrain and vegetation on the site and on adjacent properties.

The proposed *preliminary site* plan will address a housing need cited in the Town Master Plan. ~~In it's determination of significance at the time that~~ *When* multi-family dwellings ~~were was~~

⁶ The four items listed from §220-48 are but a few of the numerous provisions in the Town Code, NY State Town Law, and SEQRA under which this project will be considered in the ultimate decisions on this application by the Town.

September 29, August 30, 2016

added as a permitted use in the CC-20 district regulations (LL 7-2015), the Town's *Board findings* stated the "...definition of AFFH Unit ... in addition to allowing multifamily housing within the Town's commercial zones, is consistent with the Goal and Policy set forth in the Town Master Plan, which recites that 'opportunities should be provided for a range of housing, including type, cost and character' (Town Master Plan, Goal 1C)."

The Westchester County Department of Planning supports the development of affordable affirmatively furthering fair housing (AFFH) rental units in the Town of Lewisboro⁷. ~~Specifically related to this proposal, the County has indicated it is ready to move forward with the request for housing assistance funding made by the developer.~~⁸

According to the Commissioner, Westchester County Planning Board, this application is consistent with the County's long-range planning policies and strategies. The Commissioner stated this application is consistent with the Westchester County Planning Board's long-range planning policies set forth in *Westchester 2025 - Context for County and Municipal Planning and Policies to Guide County Planning* (adopted 2008 and amended 2010), and its recommended strategies set forth in *Patterns for Westchester: The Land and the People* (adopted 1995), which calls for increasing the range of housing types in Westchester County.⁹

The Applicant is cognizant of the Town's Complete Streets Policy adopted in 2011 and although the policy does not specifically address individual site plans, this development proposal will conform with the policy as it might be applied to the plan.

The *Applicant maintains the* proposed affordable housing development *preliminary* plan addresses the Town's design principles relative to environmental protection and visual consistency. ~~in the Applicant's opinion.~~ The proposed *preliminary* site plan has been laid out such that the buildings and other site features will be *virtually* surrounded by wooded open space, *limiting their visual prominence* ~~will not be visually prominent~~ at any time of year, and will be largely obscured from off-site views when leaves are on the trees.

The development includes a natural landscape buffer to the public roads and nearby uses through the preservation of existing vegetation over much of the property. (These buffers reflect what is depicted for the property in the Town's Master Plan map of 1985.) In addition to the mixture of native and adaptive deciduous and evergreen tree and shrub species proposed on the landscape plan, natural topographic conditions render the development area of the site largely obscured from view from most off-site locations thereby avoiding potential impact on community character.

⁷ Letter to Jerome Kerner, Chair, Town of Lewisboro Planning Board, from Norma V. Drummond, Deputy Commissioner, Westchester County Department of Planning, dated March 11, 2016.

⁸ Letter to Jerome Kerner, Chair, Town of Lewisboro Planning Board, from Norma V. Drummond, Deputy Commissioner, Westchester County Department of Planning, dated March 11, 2016.

⁹ Letter to Ciorsdan Conrad, Planning Board Secretary, Town of Lewisboro, from Edward Burroughs, AICP, Commissioner, Westchester County Planning Board, dated February 12, 2016.



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

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September 28, 2016
MC Project No. 15002398A

Executive Summary

Traffic and Access Evaluation

A detailed Traffic Impact Study and evaluation was completed for the 46-unit AFFH multi-family development proposed by Wilder Balter Partners. The following is a brief summary of the findings relative to traffic conditions and recommended potential mitigation to minimize any potential impacts now or in the future.

- 1) The traffic study analyzed the potential impact of the 46 unit affordable residential community based on ITE, which used conservatively high estimates of traffic generation during the PM Peak Hour equating to a total of 43 vehicle trips (28 vehicles entering the project's access road and 15 vehicles exiting the project's access road). It should be noted that more recent studies have indicated that for this type of development, the trip generation is typically lower (generating at a trip rate of approximately 0.6 trips per dwelling unit) resulting in a reduced **total of approximately 30 peak hour trips. Thus, the analyses presented are considered conservative.**
- 2) The location of the site access for this development is proposed to be located over 200 feet north of the I-684 Exit 6A Ramp and, when constructed, the access road will have good sight distance for entering and exiting vehicles to the Project.
- 3) Even using the conservatively high trip generation estimates discussed in 1) above, the project was computed to generate approximately 15 northbound turning vehicles being added to the Exit 6A Ramp during the critical Peak PM Highway Hour. This ramp currently is projected to have over 560 vehicles without the project during this time period. The 15 northbound turning vehicle increase equates to approximately a 2.5% increase. This would equate to **one additional vehicle every four minutes at this location, and is not considered to result in a significant impact.**
- 4) New York State Department of Transportation (NYSDOT) has indicated that they do not plan to signalize the I-684 off ramp intersection at this time.
- 5) The posted speed limit on this section of Route 22 is 45 mph. South of the ramp, approaching the intersection with Todd Road, the speed limit changes to 40 mph. south

of Todd Road, there are advisory speeds of 35 mph and 25 mph, respectively, due to the existing horizontal and vertical curves on Route 22 in this section.

- 6) The introduction of any access driveway or road connection to the highway system results in additional turning movements and potential conflict points. However, based on the following, including the results of the field observations and analysis, the provision of this access and the associated traffic volumes are not expected to result in a significant impact on the operations or safety of the proposed access road or the I-684 Exit 6A Ramp for the following reasons.
- a. The access location has adequate sight distances for the travel speeds observed on the roadway. The sight distance for vehicles approaching the access road is in excess of 1,000 feet with the required stopping sight distance less than 500 feet. Some minor pruning will be required north and south of the I-684 Exit 6A ramp to enhance the sight distance from the ramp. (See Drawing CP-1)
 - b. The section of Route 22 currently has wide paved shoulders ranging from 8 to 10 feet. While there is currently an existing wide shoulder, approaching the site access on Route 22 from the south. The Applicant as part of the Highway Work Permit (HWP) would upgrade that shoulder and/or provide a separate right turn lane for entering traffic to remove them from the through traffic on Route 22. These improvements would be subject to NYSDOT approval as part of the HWP.
 - c. The driveway offset distance from the ramp is at a location that has a good visibility and traffic exiting the ramp going to the development, as indicated above, is expected to be fewer than one vehicle every four to five minutes.
 - d. The Town's Zoning allows multi-family development on the proposed project's site as a principal permitted use. Thus, there will be school children who would be picked up by school buses. If it is determined by the School District, in coordination with the Planning Board, that school buses will stop on Route 22 near the proposed roadway access for this development, it is anticipated that the school bus trips would occur primarily during the morning and afternoon (prior to the PM Peak Hour). It is not anticipated that school buses will be stopping during the PM Peak Hour when the heavy traffic flow is exiting from the I-684 Exit 6A Ramp. Based on information obtained from the Katonah Lewisboro Director of transportation, there are three buses, i.e., high school, middle school and elementary school, which are spaced over a 1.5 to 2 hour period in the morning and again in the mid-afternoon. (During the PM



Peak Highway Hour, there is also an activity bus from the high school.) The sight distances provided exceed the stopping sight requirements, as noted above. Thus, the stopped school bus would be clearly visible from all approaches. (Also see additional signing improvements, listed below.)

- e. The Applicant proposes the following subject to conceptual approval by the town and NYSDOT to enhance traffic flow in this vicinity. (See Drawing CP-1.)
- Install a “Light Fixture” (luminaire) in the vicinity of the I-684 off ramp either within the NYSDOT Right-of-Way or on the existing utility pole adjacent to the Applicant’s property.
 - Undertake a signal warrant analysis of the intersection of the I-684 off ramp (Exit 6A)/Route 22 to establish whether or not a traffic signal is warranted. This analysis will be undertaken when the Project is 50% occupied and within one year of completion of the Project.
 - Install traffic calming signage (“Intersections Ahead” W2-7) along Route 22 both northbound and southbound in the vicinity of the entrance warning motorists of the Project entrance/I-684 ramp.
 - Install “School Bus Stop Ahead” signing (S3-1) on the Route 22 approaches both north and south of the Project’s access drive.
 - Prune vegetation along the west side of Route 22 north and south of the I-684 exit ramp to enhance the existing sight distances.
 - A sidewalk will be installed by the Applicant along the site’s Route 22 roadway frontage if required by NYSDOT. This will be determined during the Highway Work Permit process.
 - The Applicant proposes to provide a passenger shuttle bus for the site. This would likely result in further reduction in the traffic generation for the site since no credit was taken for this in the traffic analysis.

TO: Town of Lewisboro Planning Board
FROM: Lewisboro Conservation Advisory Council
SUBJECT: Wilder Balter Partners
NY State Route 22
Goldens Bridge, NY 10526
Sheet 5, Block 10776, Lots 19, 20 & 21
Cal #10-15 PB
DATE: September 16, 2016

The Conservation Advisory Council (CAC) has reviewed the applicant's plans and has previously commented where we felt it necessary to articulate our concerns. The CAC has generally agreed that the Planning Board has considered the key environmental concerns in their review and that further comments by the CAC were not necessary.

We recently were informed by the applicant that the Planning Board would like our comments on the EAF, specifically on the impact this development would have on trees on the site.

Regarding our general comments, the CAC recognizes that this proposal uses 10 of the 35.4 acres, less than 30% of the site, and that 17 acres that are currently zoned for residential use will be given a conservation easement. The development will be on the portion of the property that is closest to the Route 22 and Route 684 corridors, leaving much of the interior undisturbed. Overall, the CAC feels that this proposal has a relatively limited environmental intrusion and disruption of the property, especially when compared to the potential for a both commercial and residential development on the combined 35 acre parcels.

The CAC understands that the proposal will result in the removal of approximately 720 trees on the 10 acres that will be developed. The CAC recognizes the multitude of benefits that trees provide, ranging from increased house value to additional carbon capture and reduced stormwater runoff. The Planning Board may be aware that the CAC has advocated for stronger tree protection and appeared twice on the Town Board agenda with suggested protective tree ordinances for the Town Board's consideration. The Town Board decided they did not want to implement tree protection regulation for the Town. Their message was that a property owner should have the right to use their land as long as they were in compliance with the existing codes, and they were hesitant to impose further regulatory restrictions regarding trees. That said, the CAC continues to advocate for a respectful approach to the native landscaping, protection of specimen trees, and the installation of additional trees where appropriate. On this specific proposal, the CAC understands that the development will result in changes to the existing landscaping, including tree removal, on a portion of the site. The concern of the CAC is somewhat muted because much of the property has been previously disturbed, and contains second growth forest. As noted previously, the large proportion of undisturbed and conserved area also diminishes our concern.

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, New York 10516

(845) 265-4400

www.timmillerassociates.com

October 6, 2016

Town of Lewisboro Planning Board
Attn: Chairman Jerome Kerner
20 North Salem Road, Suite L/Lower Level
PO Box 725
Cross River, New York 10518

Re: **Application for Site Development Plan
Proposed AFFH Multifamily Development
NYS Route 22, Tax map: Sheet 5, Block 10776, Lots 19, 20 & 21
Town of Lewisboro, New York**

Dear Chairman Kerner and Members of the Planning Board:

It has come to our attention that Appendix L – Noise Assessment was inadvertently omitted from our recent submission on September 29, 2016. Enclosed, please find nine (9) copies of the Noise Assessment report.

We respectfully request that the Noise Assessment be circulated before the October 18th meeting.

Sincerely,



Jon P. Dahlgren
Vice President
TIM MILLER ASSOCIATES, INC.

Cc: J. Bainlardi, Wilder Balter Partners, Inc.
J. Contelmo, Insite Engineering
Enclosure

**WB Lewisboro AFFH Residential Development
Noise Assessment
Town of Lewisboro, New York**

Introduction

The property proposed for the WB Lewisboro AFFH Residential Development is currently undeveloped vacant land. The development site is located on the east side of NYS Route 22, immediately east of Interstate 684 and approximately three-quarters of a mile south of Route 138. The subject property is bounded on the north and east by vacant land, to the south by low density residential properties and on the west by NYS Route 22. Interstate 684 lies directly west of NYS Route 22 and the highway parallels the Metro North rail line.

The residential development proposed for the site is a 46 unit multi-family affordable development in five buildings. The proposed residential buildings are set-back some distance from Route 22. Buildings 1 and 2 are approximately 260 to 270 feet from the north-bound travel lane of Route 22 and these buildings are approximately 420 to 460 feet from Interstate 684 (Building 1 and 2 respectively).

This noise assessment is intended to provide an analysis of the existing highway traffic noise in the vicinity of the proposed WB Lewisboro residential development and the potential impacts of that noise on future residents.

Noise Background

Noise can be defined as undesirable or "unwanted sound". Even though noise is somewhat subjective, it affects the full range of human activities and must be considered in local and regional planning. Most of the sounds heard in the environment are not composed of a single frequency, but are a band of frequencies, each with a different intensity or level. Levels of noise are measured in units called decibels. Since the human ear cannot perceive all pitches or frequencies equally well, these measures are adjusted or weighted to correspond to human hearing.

This adjusted unit is known as the A-weighted decibel, or dBA. Since dBA describes a noise level at just one instant and since ambient noise levels are constantly varying, other ways of describing noise levels, especially over extended periods, are needed. A commonly used descriptor is the Leq.

The Leq noise level is the level of a constant noise source which has been averaged over a period of time, based upon a measurement over a certain time period. A one decibel change in noise is the smallest change detectable by the human ear under suitable laboratory conditions. Under normal conditions, a change in noise level of two or three decibels is required for the average person to notice a difference. Table 1 shows the typical perception of noise change. Ten dBA represents a doubling or halving of the loudness of sound.

To the average person in an outside environment and close to the noise source, a noise level increase of 2 to 3 dBA is barely perceptible, an increase of 5 dBA is noticeable, and an increase of 20 dBA is perceived as a dramatic change. Annoyance frequently results from increases of 10 dBA or more, depending on the frequency and duration of the noise events.

Table 1 PERCEPTION OF NOISE CHANGES	
Change (dBA)	Human Perception of Change
2-3	Barely perceptible
5	Readily noticeable
10	A doubling or halving of the loudness of sound
20	A dramatic change
40	Difference between a faintly audible sound and a very loud sound
SOURCE: Bolt Beranek and Neuman, Inc., <u>Fundamentals and Abatement of Highway Traffic Noise</u> , Report No. PB-222-703. Prepared for Federal Highway Administration, June 1973.	

Noise Standards

The Town of Lewisboro has noise standards provided in the Town Code (Chapter 160. Noise). The purpose of the chapter is to “prevent unreasonable, unreasonably loud, disturbing or unnecessary noise which unreasonably interferes with the sleep, comfort, repose, health or safety of others”. The Code applies to specific activities and noise sources including construction, the playing of music, loudspeakers, yelling and the operations of vehicles, among others. No specific sound levels or standards are provided in Chapter 160, but any “unreasonable, unreasonably loud, disturbing or unnecessary noise” is prohibited.

Article VIII - Performance Standards of the Zoning Code (Chapter 220) sets specific standards that apply to “control noise perceptible beyond the boundaries of the site of the use”. The performance standards specifically apply to nonresidential uses, and the following uses and activities are exempted: “4) transient noises from moving sources, such as automobiles, trucks, airplanes and railroads”. Therefore, there are no specific noise levels in the Town Code that apply to the proposed WB Lewisboro development.

The United States Department of Housing and Urban Development (HUD) has adopted environmental criteria, and guidelines for determining acceptability of federally assisted projects (24 CFR Part 51 – Environmental Criteria and Standards). The standards consider an exterior noise level of 65 dBA to be acceptable for residential uses. These standards reflect an EPA goal that continuous exterior noise levels do not exceed 65 decibels.

The 65 decibel criterion is more restrictive than the criteria used by the Federal Highway Administration (FHWA) design standards for noise. The FHWA uses 67 decibels as a noise criterion for residential areas (23 CFR 772 – *Procedures for Abatement of Highway Traffic Noise and Construction Noise*). The FHWA regulations apply to any highway or multi-modal projects that require FHWA approval or Federal funding. Although the proposed WB Lewisboro residential development is not a FHWA or HUD

funded project, the noise standards applied to HUD and FHWA projects can be used for reference and as a comparison of noise levels.

Table 2 HUD SITE ACCEPTABILITY STANDARDS	
	Outdoor Noise (dBA)
Acceptable	Not exceeding 65
Normally Unacceptable	65 to 75
Unacceptable	Above 75
Source: Title 24, Code of Federal Regulations, Part 51.103 (c), Exterior Standards.	

Ambient Noise Measurements

In order to assess existing noise conditions, noise measurements were collected by Tim Miller Associates, Inc. on September 27, 2016 at three locations: 1) near the southwestern corner of proposed Building 1, 2) at the crest of the bedrock outcrop above Route 22 in the northwest portion of the site, and 3) in the location of the proposed play area between Buildings 2 and 3. The measurement locations are shown in Figure 1 and the results of the measurements are summarized in Table 3, below.

Noise measurements were collected with a Soundpro DL data logging noise meter. The meter was calibrated before measurements using an acoustical calibrator.

Weather conditions during the measurements were overcast and cool, with no noticeable wind. Measurements were collected on a continuous basis during the morning of September 27, 2016. This measurement period provides average noise readings during a typical morning commuting period. The schedule and measurement results are provided in Table 3, below.

Table 3 Noise Measurements				
Location	Interval	Noise Level dBA - Leq	Lmin	Lmax
Location 1	7:18 AM – 1:08 PM	58.8	55.7	61.8
Location 2	7:22 AM – 12:39 PM	66.8	63.2	70.7
Location 3	7:22 AM – 11:45 AM	58.1	49.0	63.0

During measurements, the traffic noise from I-684 and Route 22 was noticeable and the dominant sound at the monitoring locations. Noise from the periodic passage of Metro-North trains, including air-horns was also observed during monitoring. No other noise from wind, bird-song or off-site sources were observed.

Conclusions

The average noise levels (Leq) measured at outdoor locations near the proposed residential buildings (Locations 1 and 3) at the subject site were below HUD and FHWA noise standards for residential settings.

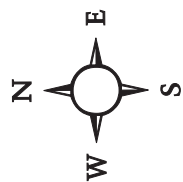
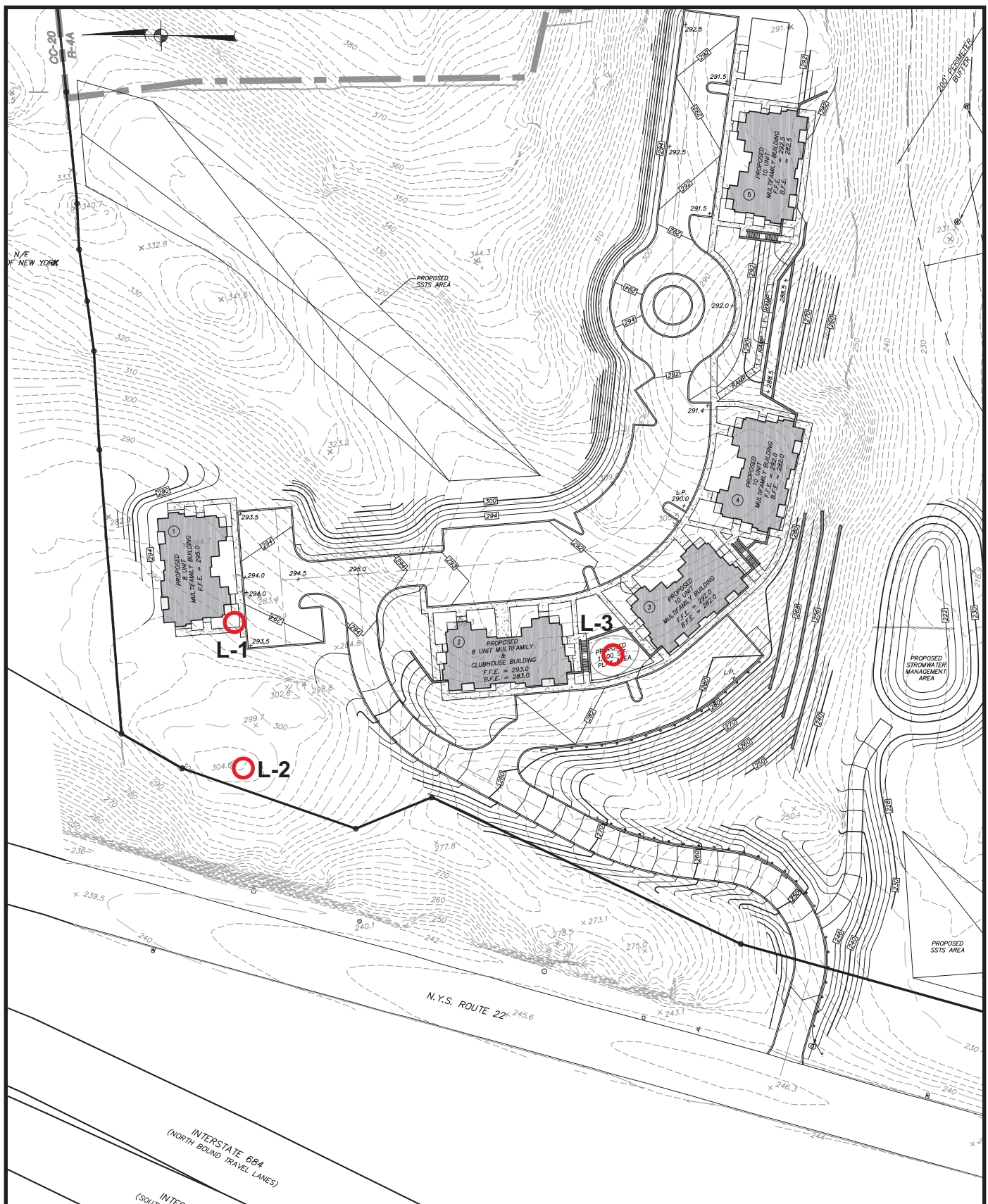


Figure 1: Noise Monitoring Location Plan
 WB Lewisboro Affordable Housing
 Town of Lewisboro, Westchester County, New York
 Base Map: Insite Engineering, Surveying & Landscape Architecture, P.C.
 Approx. Scale: 1" = 115'

September 15, 2016

Lewisboro Planning Board
20 North Salem Road
P.O. Box 725
Cross River, NY 10518

Attn: Jerome Kerner, AIA, Chairman

Re: North County Shopping Center Expansion
A/K/A Goldens Bridge Village Center
Site Development Plan Approval
Wetland Activity Permit Approval
Town Stormwater Permit
Sheet 4, Block 11126, Lot 7

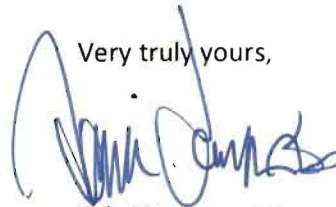
Dear Chairman and Members of the Board:

On behalf of our client we are requesting that a 90 day extension be granted for Resolutions CAL#8-14PB, Cal#95-14 and CAL#20-14SW that will be expiring on October 19, 2016 for the above referenced project.

Final plans for signature have been submitted and we are awaiting the Town's approval.

We respectfully request that this matter be placed on your next available agenda for consideration. As always, if you have any questions or concerns please do not hesitate to call our office.

Very truly yours,



Sabri Barisser, PE

SB/mme

cc: J. Johannessen
Robert Lauria
Peter Helmes, AIA
File

Michael Fuller Sirignano
Attorney and Counselor at Law

*Old Post Road Professional Building
892 Route 35 - P.O. Box 784
Cross River, New York 10518*

*Tel: (914) 763-5500
Fax: (914) 763-9589
e-mail: michael@sirignano.us*

September 29, 2016

Via Email: planning@lewisborogov.com

Ciorsdan Conran
Planning Board Secretary
Lewisboro Planning Board
P.O. Box 725
Cross River, New York 10518

Re: Rudolph C. Petrucci
Section 33B, Lot 26, Block 11157
Cal. #8-12 P.B.

Dear Ciorsdan:

Request is respectfully made for an additional ninety (90) day extension of the Preliminary/Final Subdivision Plat approval in the above matter. Unfortunately, Mr. Petrucci remains seriously ill and is undergoing in-patient therapy. We would appreciate this further extension beyond October 11, 2016 in order to finalize the filing of the plat.

Very truly yours,


Michael Fuller Sirignano

MFS/cp

Laurel Ridge Development Inc.

450 Oakridge Commons

South Salem, New York 10590

Telephone 914-533-7519

September 20, 2016, 2016

Town of Lewisboro Planning Board

20 Cross River Shopping Center at Orchard Square

Suite L

Cross River, New York 10518

Attention: Ciorsdan Conran, Secretary

RE: Laurel Ridge Townhomes

Sheet 49D, Block 9830, Lots 279 & 325

Cal # 6-02 P.B.

Dear Chairman Kerner and Members of the Planning Board:

The following is presented in response to Jan K. Johannessen, Town Planner's Memorandum dated September 14th which addressed the items presented in our August 23rd submission to the Planning Board.

In support and documentation of our request for the release of the Phase II portion of the Performance Bond for the Sewer & Water Extension we submit herewith; a copy of the Security Agreement for Construction of Water & Sewer Improvements and a copy of a letter from WCHD dated September 7, 2016 confirming their acceptance of Phase II of the Water & Sewer Main Extension. Please note, section 3.b) of the Security Agreement sets forth the partial release amount for Phase II of \$26,151. We request a letter from the Planning Board to the Town Board (OW & OS) acknowledging your approval of the partial release amount.

As noted in our August 23rd letter to the Planning Board we divided the items for consideration into two parts. Each of the three items in Part 1 relate to approving material specification changes only and do not involve either adding, subtracting or changing the location of any of these improvements. We believe in each case, we are seeking Planning Board acceptance of an equivalent product or material. We believe each of these changes make a better product and enhances market acceptance. We are asking for a green light on these three specification changes so we can continue on our schedule to complete site and building improvements needed for final sign off and C of O's.

PART 1:

Substituting Belgium Block curbing for Concrete curbing in all areas of Phase II and Phase III. See SP-4a with highlite of all concrete curb areas that will be done in Belgium Block.

Changing the material spec of the proposed screening fence along the easterly property line of Phase II from wood to PVC. The fence style (solid privacy), height (6'), spacing between posts (8') are the same as the original proposal and conforms to the Town Zoning Code. We would like to point out that the original fence proposal dates to 2003. Since that time, the fencing industry has moved to product lines that utilize man-made materials from sustainable sources and that are more resistant to rot and decay and require little or no maintenance. This spec change will help the unit owners Association keep common element maintenance expenses lower. The existing fence shown on the Site Plan will be removed. A material spec sheet and photo of a 100' section is provided.

Changing the material specifications on the rear patios from poured concrete to concrete pavers or bluestone. This change is requested to provide an enhancement of the marketability of the townhomes. We and most of the marketplace consider this a better product.

PART 2:


Throughout the marketing of the Laurel Ridge townhomes we have had a number of prospects inquiring about the availability of 3 bedroom units. As we moved into the 2nd Phase of the development we introduced the 1st Floor Master Bedroom alt plans. Our buyer profiles are empty nesters currently living in significantly larger single family homes often 5000 sf with 4 or more bedrooms. Although most if not all of these buyers will use 1 or 2 bedrooms, many are asking for the three bedroom townhome to accommodate guests or family visits.

As noted in Jan Johannessen's response, item #3; three bedroom vs two bedroom has no effect on the required parking spaces. In response to his item #4, we have submitted a letter request (copy enclosed) to the Town (Water & Sewer Companies) asking for their determination of sufficient water supply and sewer capacity if the bedroom count of Laurel Ridge is increased by 18. Attached is our preliminary analysis of the Water & Sewer System adequacy for handling an additional 18 bedrooms. Also attached is a Schedule showing the 2015 and 2016 to date gpd volumes for water consumption and sewer treatment levels. This data was provided by VRI Environmental Services, the licensed contracted operator of both plants.

Item #2 of Jan's Memorandum addresses the density issue relating to changing 18 two bedroom units to three bedroom units. We understand the current Planning Board approval of 46 two bedroom units uses the maximum DU (Density Units) permitted on the 9.193 acre site. Further the change of 18 units to three bedroom would increase the overall site DU calculation by 3 DU over the level currently permitted by zoning. We would like to point out that this change would have no effect on the building footprints (land coverage) or the size (sf and volume) of the buildings or units. The architects plans showing elevation of building 6 were presented to show the window changes in a "typical building" as a result of adding a third bedroom. As the DU calculation and number of Dwelling Unit determination is a Zoning matter, we believe this change will require a Zoning variance.

All of our requests for alteration or amendments to the Planning Board Resolution has been driven by our interest in improving the development and the product. We hope the Board agrees and allows us to proceed in the process.

Very truly yours,



Philip G. Pine

President

Attachments:

Security Agreement (Performance Bond)

WCHD Phase II Water & Sewer Extension Approval

Analysis of Impact of 18 Three Bedroom on Water & Sewer

Actual GPD data on 2015 & 2016 Water & Sewer system usage.

**SMITH RIDGE HOUSING LLC
SECURITY AGREEMENT FOR CONSTRUCTION OF
WATER AND SEWER IMPROVEMENTS TO BE CONVEYED TO
OAKDRIDGE WATER AND SEWER DISTRICTS**

THIS SECURITY AGREEMENT made the ____ day of _____, 2013
by **SMITH RIDGE HOUSING LLC**, a New York limited liability company, with
offices located at 450 Oakridge Commons, South Salem, New York 10590 ("**Smith
Ridge**").

W I T N E S S E T H:

WHEREAS, Smith Ridge is the owner of certain property located on the
northerly and southerly side of Oakridge Drive (a private access road within the Oakridge
condominium complex located on the westerly side of Smith Ridge Road (NYS Route
123) in the Hamlet of Vista, Town of Lewisboro, Westchester County, New York as
designated on the Town of Lewisboro Tax Maps as Sheet 49L, Block 9830, Parcel 1-A-8
and Sheet 49M, Block 9830, Parcel 1-A-9, now known as Laurel Ridge (the "**Laurel
Ridge Property**"); and

WHEREAS, by Resolution adopted on September 24, 2012, the Lewisboro
Planning Board granted approvals pertaining to the development of multi-family
residences on the Laurel Ridge Property (the "**Resolution**"); and

WHEREAS, in connection with the development of Laurel Ridge, Smith Ridge
has proposed to construct certain water and sewer mains, laterals and the necessary
valves, hydrants fittings and appurtenances (the "**Utility Improvements**") on the Laurel
Ridge Property in accordance with the plans prepared by Kellard Sessions Consulting,
P.C. (the "**Plans**") as detailed in the Resolution and as same may thereafter have been or
will be amended with the approval of the Town of Lewisboro (the "**Town of
Lewisboro**"); and

WHEREAS, by approvals dated September 13, 2012, the Westchester County
Department of Health approved the Plans for the Utility Improvements; and

WHEREAS, Condition SP 39 of the Resolution requires that Smith Ridge post a
bond or letter of credit with the Town of Lewisboro in the amount of \$243,770.00 which
amount represents the estimated cost of the water and sewer improvements to be
conveyed to the Oakridge Water and Sewer Districts; and

WHEREAS, in compliance with said Condition SP39, Smith Ridge has elected to
deposit with the Town of Lewisboro the said sum of \$243,770.00 in cash as and for its
bond (the "**Bond**").

NOW, THEREFORE, Smith Ridge hereby agrees, as follows:

1. Smith Ridge will install the Utility Improvements in accordance with the Plans and the Resolution.
2. The condition of this Security Agreement is that Smith Ridge shall be held and firmly bound to the Town of Lewisboro in said sum of \$243,770.00 as security for the completion of the installation of the Utility Improvements in accordance with the Plans and the Resolution.
3. The Town of Lewisboro shall release the Bond and deliver same to Smith Ridge, or its designee, as follows:
 - a) Upon completion of the installation of the Utility Improvements for Phase I (Units #1 - #19), the Town of Lewisboro shall release the sum of \$190,281.00; and
 - b) Upon completion of the installation of the Utility Improvements for Phase II (Units #20 - #36), the Town of Lewisboro shall release the sum of \$26,151.00; and
 - c) Upon completion of the installation of the Utility Improvements for Phase III (Units #37 - #46), the Town of Lewisboro shall release the remaining sum of \$27,338.00.
4. For the purposes hereof, "completion of the installation of the Utility Improvements" shall be evidenced by the appropriate inspection report of the Town of Lewisboro's Engineer certifying that said improvements have been satisfactorily completed, the issuance of a Completed Works Certificate permitting operation of the Utility Improvements by the Westchester County Department of Health and acceptance of the Utility Improvements by the Oakridge Water and Oakridge Sewer Districts, as applicable.
5. As set forth in the following instruments of record, upon completion of the installation of the Utility Improvements, the Utility Improvements shall become and remain the property of the Oakridge Water and Oakridge Sewer Districts, as the case may be:

Laurel Ridge Declaration of Water Lines, Pump House and Well, Easement to Oakridge Water District dated June 20, 2013 and recorded in the Westchester County Clerk's Office, Division of Land Records on July 9, 2013 under Control #531763614.

Laurel Ridge Declaration of Sewer Lines Easement to Oakridge Sewer District dated June 20, 2013 and recorded in the Westchester County Clerk's Office, Division of Land Records on July 9, 2013 under Control #531763623.



Robert P. Astorino
County Executive

Sherlita Amler, M.D.
Commissioner of Health

September 7, 2016

John Kellard, P.E.,
Kellard Sessions Consulting, P.C.
500 Main Street
Armonk, NY 10504

Re: Partial Certification of Sanitary Sewer
Main Extension
Oakridge Gardens – Phase II
Lewisboro (T)
Westchester County

Dear Mr. Kellard:

This Department hereby acknowledges the receipt of leakage test results, as-built plans, and the engineer's certification of construction compliance for the above-captioned sanitary sewer main extension.

A review of the information you submitted under the letter dated August 31, 2016 indicates that the sanitary sewer main installation complies with the terms and conditions of the approval of plans issued by this Department. The sewer main extension may be placed into service.

Very Truly Yours,

Delroy Taylor, P.E.
Associate Engineer
Bureau of Environmental Quality

DT:fb

Cc: Philip Pine, Oakridge Gardens, Owner ✓
Peter Barrett, Building Inspector, Town of Lewisboro
Shohreh Karimpour, P.E., NYSDEC
Thomas Lauro, P.E., WCDEF
File



AS-BUILT SEWER MAIN EXTENSION PLANS "OAKRIDGE GARDENS"

PHASE 2

TOWN OF LEWISBORO
WESTCHESTER COUNTY, NEW YORK

DATED: JUNE 1, 2016
REVISED: AUGUST 18, 2016

15-00000-01
WESTCHESTER COUNTY DEPARTMENT OF HEALTH
Bureau of Environmental Quality

This plan is accepted for the issuance of a CONSTRUCTION PERMIT for the construction or modification of a water POLLUTION abatement project in Article 130 of the Westchester County Safety Code.

Consultation of Plans: August 18, 2016

Reviewed by: [Signature] Date: 8/18/16

Approved by: [Signature] Date: 8/18/16

SITE DATA

OWNER/APPLICANT: SMITH RIDGE CONSTRUCTION, LLC
202 OAKRIDGE COMMONS
SOUTH SALEM, NEW YORK 10590

TAX MAP DESIGNATION: TAX MAP 49-D, BLOCK 9830, LOT 279 & 325

PROPERTY ADDRESS: 202 OAKRIDGE COMMONS
SOUTH SALEM, NY 10590

ZONING DISTRICT: R-MF RESIDENTIAL MULTI-FAMILY

AREA: 9.19 ACRES



LOCATION MAP
N.T.S.

SHEET INDEX

SEWER AS-BUILT PLAN
AS-BUILT SEWER MAIN PROFILES
AS-BUILT SEWER DETAILS

SHEET 1
SHEET 2
SHEET 3

**KELLARD
SESSIONS**

CONSULTING

ENGINEERS, ARCHITECTS, LANDSCAPE ARCHITECTS & PLANNERS, P.C.

515 Main Street • Roseton, N.Y. 10580
P 914.233.0000
F 914.233.0000

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CONSULTING ENGINEERING, LANDSCAPE ARCHITECTURE
& PLANNING, P.C.
ALL RIGHTS RESERVED. UNAUTHORIZED
REPRODUCTION IS A VIOLATION OF
APPLICABLE LAWS.

UNAUTHORIZED ADDITIONS, MODIFICATIONS AND/OR
ALTERATIONS TO THESE PLANS IS A VIOLATION SECTION
2303 OF THE NEW YORK STATE EDUCATION LAW.



LOCATION MAP
N.E.S.

SITE DATA

OWNER/APPLICANT: SMITH RIDGE CONSTRUCTION, LLC
 82 OAKRIDGE COMMONS
 SOUTH SALEM, NEW YORK 10589

TAX MAP DESIGNATION: TAX MAP #4-D, BLOCK 604, LOT 279 & 321

PROPERTY ADDRESS: 82 OAKRIDGE COMMONS
 SOUTH SALEM, NY 10589

ZONING DISTRICT: R-40P RESIDENTIAL MULTIFAMILY

AREA: 9.17 ACRES

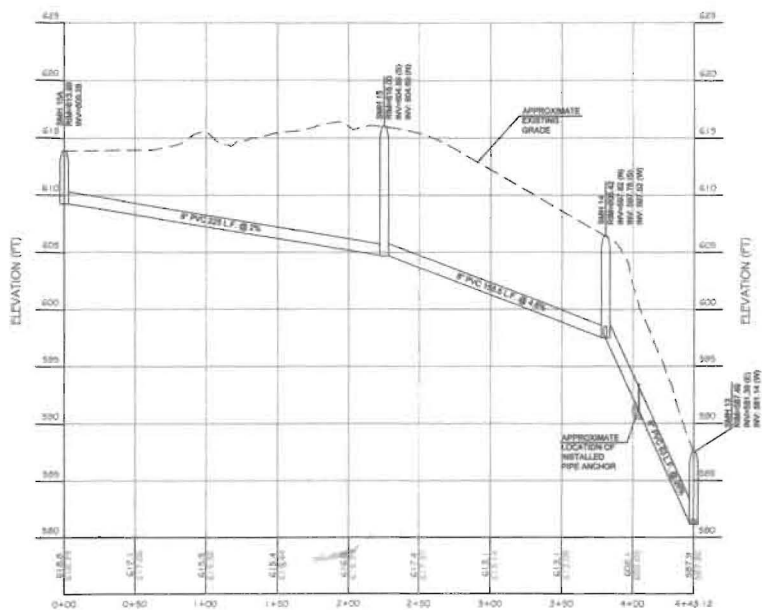
LEGEND

- EXISTING CONTOUR
- INSTALLED WATER MAIN
- PROPOSED CONTOUR
- INSTALLED SEWER MANHOLE
- INSTALLED SEWER MAIN
- INSTALLED CATCH BASIN
- INSTALLED DRAINAGE PIPE
- INSTALLED DRAINAGE MANHOLE
- INSTALLED SEWER MAIN
- SEWER MANHOLE INSTALLED IN PHASE II
- SEWER MAIN INSTALLED IN PHASE II

AS-BUILT NOTES:

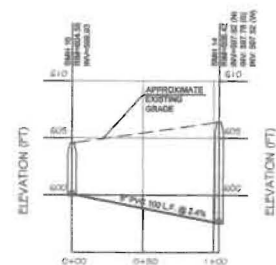
1. ALL IMPROVEMENT TO THE SEWER AND WATER FACILITIES FOR PHASE I HAVE BEEN FULLY CONSTRUCTED AND COMPLETED IN COMPLIANCE WITH THE ENGINEERING REPORT, PLANS AND SPECIFICATIONS, ORIGINALLY APPROVED BY THE WCDON ON SEPTEMBER 11, 2012. REVISED SEWER PLANS WERE SUBSEQUENTLY APPROVED BY THE WCDON ON MARCH 28, 2014.
2. ALL AS-BUILT INFORMATION WAS SURVEY LOCATED BY REEDER & MEAD MAY, 2016.

KELLARD SESSIONS CONSULTING ENGINEERING, LANDSCAPE ARCHITECTURE & PLANNING, P.C. 908 MAIN STREET ARMONK, N.Y. 10504 P: (914) 251-2323 F: (914) 251-2329 WWW.KELLARDSESSIONS.COM	SEWER AS-BUILT PLAN OAKRIDGE GARDENS - PHASE 2		SOUTH OF LEWISBORO WESTCHESTER COUNTY, NEW YORK	
		1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10



SMH 12 to SMH 13 AS-BUILT PROFILE

PROFILE SCALE:
HORIZ: 1"=40'
VERT: 1"=5'



SMH 16 to SMH 14 AS-BUILT PROFILE

PROFILE SCALE:
HORIZ: 1"=40'
VERT: 1"=5'

AS-BUILT NOTES:

1. ALL IMPROVEMENT TO THE SEWER AND WATER FACILITIES FOR PHASE 1 HAVE BEEN FULLY CONSTRUCTED AND COMPLETED IN COMPLIANCE WITH THE ENGINEERING REPORT, PLANS AND SPECIFICATIONS. ORIGINALLY APPROVED BY THE WCDON ON SEPTEMBER 13, 2012. REVISED SEWER PLANS WERE SUBSEQUENTLY APPROVED BY THE WCDON ON MARCH 26, 2014.
2. ALL AS-BUILT INFORMATION WAS SURVEY LOCATED BY REYNOLDS & MEAD MAY, 2016.

KELLARD SESSIONS CONSULTING ENGINEERING, LANDSCAPE ARCHITECTURE & PLANNING, P.C. 70 MAIN STREET GARDEN CITY, NY 11530 P: (516) 275-2233 F: (516) 275-2237 WWW.KELLARDSESSIONS.COM		AS-BUILT SEWER MAIN PROFILE OAKRIDGE GARDENS - PHASE 2 TOWN OF LEBANON WESTCHESTER COUNTY, NEW YORK <div> </div>	
DATE: AUGUST 12, 2016 REVISION: 1		SHEET NO. 2 OF 3	

Sewer Pipe Trench Detail
(N.T.S.)

Diagram illustrating the cross-section of a sewer pipe trench detail. The trench is shown with a 12" wide bottom and a 12" high side. The trench is lined with a 12" thick concrete or masonry material. The trench is filled with 12" diameter sewer pipe. The pipe is surrounded by a 6" layer of compacted gravel backfill. The trench is covered with a 6" layer of compacted gravel. The diagram is labeled with dimensions and materials.

NOTES:

TRENCH BACKFILL TO BE COMPACTED TO NOT LESS THAN 95% MAXIMUM ALLOWED DENSITY (ASTM D-1557)

12" IN ROCK

[illegible]

Manhole Trough (N.T.S.)

THE CONTRACTOR

PLAN

SECTION A-A

NOTES:
 ALL TRENCH MANHOLES SHALL HAVE TROUGHS THE ANGLE AND
 SLOPE SHALL BE DETERMINED BY THE OWNER'S FIELD REP.

1. ALL IMPROVEMENT TO THE SEWER AND WATER FACILITIES FOR PHASE I HAVE BEEN FULLY CONSTRUCTED AND COMPLETED IN COMPLIANCE WITH THE ENGINEERING REPORT, PLANS AND SPECIFICATIONS ORIGINALLY APPROVED BY THE WCDOH ON SEPTEMBER 13, 2012. REVISED SEWER PLANS WERE SUBSEQUENTLY APPROVED BY THE WCDOH ON MARCH 26, 2014.
2. ALL AS-BUILT INFORMATION WAS SURVEY LOCATED BY REEDINS & MEAD MAY, 2016.

KELLARD SESSIONS CONSULTING	<h2 style="margin: 0;">AS-BUILT SEWER DETAILS</h2> <h2 style="margin: 0;">OAKRIDGE GARDENS - PHASE 2</h2>	
	TOWN OF LEWISBURG	NORTHWESTERN COUNTY, NEW YORK

PROFESSIONAL
LANDSCAPE
ARCHITECTURE
&
PLANNING, P.C.

200 MAIN STREET
LEWISBURG, N.Y. 12090
T: (518) 835-5512
F: (518) 835-2029

www.kellard.com

	NO	1	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">3</div> <div style="text-align: center;">3</div> </div>
I, AGNES J. DE LA LIVA , MYCE COMMUNITY DIVISION			PROJECT: PERIOD: DATE: AGNES J. DE LA LIVA

Analysis of LRD Request to Increase Units Size to 3 BR on the Water & Sewer Systems

08/03/16

GIVEN:

NYSDEC Water Taking Permit for 80,000 gpd for Oakridge Water District

Existing SPDES Permit allows for 80,000 gpd discharge from the Oakridge Sewer Treatment System

RE: Adequacy of Muni Water Supply

EAF (Part 3) Prepared by Kellard Sessions

Proposed Usage by 46 (2 Br) units

$$300\text{gpd}/2\text{Br} \times 46 = 13,800 \text{ gpd}$$

Delaware Engineering Report to WCHD

Avg Daily flows based on 2004 Actual Usage

58,808 gpd leaves an additional 21,000 gpd for new usage under existing DEC permit

Using the following gpd factors acceptable to WCHD to estimate revised daily water usage

150 gpd/bedroom

$$2 \text{ Br} = 300 \text{ gpd}$$

$$3\text{Br} = 450 \text{ gpd}$$

Revised usage based on maximum number of 2 and 3 BR Units

$$2 \text{ Br} = 28 \times 300 \text{ gpd} = 8400 \text{ gpd}$$

$$3 \text{ Br} = 18 \times 450 \text{ gpd} = 8100 \text{ gpd}$$

$$\text{REVISED TOTAL for 46 Units} = 16,500 \text{ gpd}$$

The max gpd usage remains below the excess capacity (21,000 gpd) of the water supply system.

NOTE: The excess or available supply volume is prior to the addition of Well #3 to the system

RE: Adequacy of Waste Water Treatment System

Town of Lewsiboro Application to WCHD for Approval of Wastewater Disposal System prepared by

Kellard Sessions date Feb 16, 2012

$$\text{Existing district water consumption} = 55,000 \text{ gpd}$$

Future district water consumption (after the addition of 46 units) = 66,040 gpd

NOTE: Not sure why additional gpd is 11,040 rather than 13,800 (300 x 46)

Existing wastewater treatment works avd daily flow = 42,000 gpd

Future wastewater treatment works avd daily flow = 53,040 gpd

NOTE: Not sure why additional gpd is 11,040 rather than 13,800 (300 x 46)

Revised usage based on maximum number of 2 and 3 BR Units

2 Br = 28 x 300 gpd = 8400 gpd

3 Br = 18 x 450 gpd = 8100 gpd

REVISED TOTAL for 46 Units = 16,500 gpd

Adding the Revised Total wastewater flow of 16,500 gpd to the pre Laurel Ridge daily volume of 42,000 gpd = 58,500 gpd which is well below the SDPES permit 80,000 gpd discharge.

2015 & 2016 Oakridge Water & Sewer Consumption

8/22/2016

MONTH	WATER (gpd)		SEWER (gpd)	
	2015	2016	2015	2016
JAN	45700	45000	52000	53000
FEB	46100	46200	51000	52000
MAR	43300	44500	56000	51000
APR	47300	45000	52000	50000
MAY	50700	49035	49000	51000
JUN	50200	55233	49000	47000
JUL	53200	59645	49000	
AUG	50400		46000	
SEP	50100		44000	
OCT	45800		47000	
NOV	44400		50000	
DEC	45000		52000	
	572200		597000	
Avg Daily	47683		49750	

Daily usage data provided by VRI Environmental Services

Laurel Ridge Development Inc.
450 Oakridge Common
South Salem, New York 10590

October 5, 2016

Supervisor Peter Parsons
Town of Lewisboro
11 Main Street
South Salem, New York 10590

RE: Oakridge Water & Sewer Extension; Partial Release of Bond

Dear Supervisor Parsons:

Previously, we requested the Town Board release an initial portion (\$191,774) of the Cash bond we posted for the performance of our work in the extension of the water and sewer district to serve the Laurel Ridge Townhomes. The Security Agreement required by the Planning Board in connection with this work and the bond provides for an additional partial release of \$ 26,151 upon completion of the Water & Sewer Extension work of the South parcel allowing for utility services to Phase II Buildings 5 thru 8. That work has been completed and accepted for use by WCHD (see letter attached). Accordingly, we request the release of the \$26,151 per the terms of the Security Agreement.

Respectfully submitted,



Philip G. Pine

PRESIDENT

CC: Planning Board, Town of Lewisboro

Robert P. Astorino
County Executive

Shirley Amler, M.D.
Commissioner of Health

September 7, 2016

John Kellard, P.E.,
Kellard Sessions Consulting, P.C.
500 Main Street
Armonk, NY 10504

Re: Partial Certification of Sanitary Sewer
Main Extension
Oakridge Gardens – Phase II
Lewisboro (T)
Westchester County

Dear Mr. Kellard:

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Very Truly Yours,



Delroy Taylor, P.E.
Associate Engineer
Bureau of Environmental Quality

DT:fb

Cc: Philip Pine, Oakridge Gardens, Owner
Peter Barrett, Building Inspector, Town of Lewisboro
Shohreh Karimpour, P.E., NYSDEC
Thomas Lauro, P.E., WCDEF
File

Ferraro & Stamos, LLP

Attorneys at Law

FRANK FERRARO*

CONSTANTINE STAMOS*

*Member of NJ & NY Bars
frankf@ferrarostamos.com
deans@ferrarostamos.com

Rockleigh Business Center
22 Paris Avenue, Suite 105
Rockleigh, N.J. 07647-0518
Tel: (201) 767-4122 • Fax: (201) 767-4223
www.ferrarostamos.com

Westchester, N.Y. Office
75 South Broadway, Suite 400
White Plains, N.Y. 10601
(914) 684-2088

Mailing Address:
P.O. Box 158
Rockleigh, NJ 07647-0158

September 14, 2016

Via UPS

Judson K. Siebert, Esq.
Keane & Beane, PC
445 Hamilton Avenue
White Plains, NY 10601

Via UPS

Ms. Ciorsdan Conran
Secretary, Planning Board
20 North Salem Road
Cross River, N.Y. 10518

**RE: T-Mobile Northeast LLC Proposed Wireless Telecommunication Collocaton
Facility on an Existing 160' Tall Monopole
Zoning Exemption/ Zoning Permit Application per Federal Collocation Act
377 Smith Ridge Road, South Salem (Town of Lewisboro), NY
Sec. / Block / Lot: 50A – 9834 – 84,88, 94**

Site No. NY09-130A

Dear Mr. Siebert and Ms. Conran:

Please be advised that this office represents T-Mobile Northeast, LLC (“T-Mobile”) with respect to the proposed collocation of a wireless telecommunication facility on an existing 160’ monopole and within an existing fenced compound at the above referenced property. Pursuant to recent federal legislation codified in 47 USCA 1455 and FCC Order 14-153, T-Mobile submits that this collocation is an “eligible facility” under Federal Law and is exempt from formal zoning. Therefore, T-Mobile respectfully requests that a Zoning Permit be issued allowing same to proceed to the building permit stage without the need for Planning Board review and approval. In support of this request, enclosed please find the following:

1. Legal Memorandum setting for the basis for exempting this collocation facility from formal zoning and Board review/approval under Federal Law and for the granting a zoning permit; and
2. Construction Drawings illustrating the proposed collocation facility and compliance with Federal standards for preemption from local Board approval, dated 4/22/16.

Thank you for your attention to this matter and should you have any questions or wish to

T-Mobile Northeast LLC

Zoning Exemption/ Zoning Permit Application

377 Smith Ridge Road, South Salem (Town of Lewisboro), NY

Sec. / Block / Lot: 50A – 9834 – 84,88, 94

Site No. NY09-130A

discuss the contents herein, please feel free to contact me at (201) 767-4122.

Very truly yours,
FERRARO & STAMOS, LLP



Frank Ferraro

FF/sa/encs.

cc: Client

Ferraro & Stamos, LLP

Attorneys at Law

FRANK FERRARO*

CONSTANTINE STAMOS*

*Member of NJ & NY Bars
frankf@ferrarostamos.com
deans@ferrarostamos.com

Rockleigh Business Center
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www.ferrarostamos.com

Westchester, N.Y. Office
75 South Broadway, Suite 400
White Plains, N.Y. 10601
(914) 684-2088

Mailing Address:
P.O. Box 158
Rockleigh, NJ 07647-0158

To: Judson K. Siebert, Esq.
Keane & Beane, PC
445 Hamilton Avenue
White Plains, NY 10601

Ms. Ciorsdan Conran
Secretary, Planning Board
20 North Salem Road
Cross River, NY 10518

From: Frank Ferraro, Esq.
Ferraro & Stamos, LLP
Attorney for T-Mobile Northeast LLC

RE: **T-Mobile Northeast LLC Proposed Wireless Telecommunication Collocation Facility on Existing 160' Tall Monopole Zoning Exemption/ Zoning Permit Application per Spectrum Act 377 Smith Ridge Road, South Salem (Town of Lewisboro), NY Sec. / Block / Lot: 50A – 9834 – 84,88, 94**

Date: September 14, 2016

LEGAL MEMORANDUM SUPPORTING THE ISSUANCE OF A ZONING PERMIT/EXEMPTION PURSUANT TO 47 U.S.C.A. 1455 (“Spectrum Act”) and FCC Order 14-153

COLLOCATION FACILITY ON AN EXISTING TOWER

The property is currently developed with an existing 160' telecommunication monopole and a fenced equipment compound. T-Mobile is seeking to collocate 9 antennas on the monopole at a height of 123'-11" and to install 3 equipment cabinets on the ground with the existing fenced compound

I. 47 U.S.C.A. Section 1455 , and FCC Order 14-153, released 10/21/14, (collectively referred to as the “Spectrum Act”) Exempts the T-Mobile Collocation Facility from the Zoning Process under the Municipal Land Use Law

The need to streamline the approval process for collocation facilities is codified in 47 U.S.C.A. Section 1455 (“Spectrum Act”), which was signed into law by President Obama on February 22, 2012 (*see attached*) and which now mandates that state and local governments must approve eligible facilities request for the modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. This mandate was echoed in FCC Order 14-153 which was released on October 21, 2014.

The Spectrum Act defines “eligible facilities request” as any request for modification of an **existing wireless tower** or base station that involves: (i) **collocation of new transmission equipment**; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment. The FCC defines “base station” to include a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station at the time the application is filed. *Currently, the property is developed with an existing 160’ tall monopole and numerous wireless telecommunication panels and dish antennas. T-Mobile is seeking to collocate 9 antennas on the monopole at a height of 123’-11” and to install 3 equipment cabinets on the ground with the existing fenced compound along with appurtenances. Therefore, under Federal Law, the proposed T-Mobile facility qualifies as a collocation of antennas on an existing tower and falls under the definition of an “eligible facilities request.”*

Furthermore, FCC Order 14-153 sets forth that a collocation, removal or replacement of antennas/equipment at an existing wireless facility does not result in a “substantial change” unless:

(1) for towers/base station outside of public rights-of-way, it increases the height by more than 20 feet or 10%, whichever is greater. **The proposed T-Mobile antennas will be installed at a height of 123’-11” on an existing 160’ tall tower in compliance with this provision.**

(2) for towers/buildings outside of public rights-of-way, it protrudes from the edge of the tower/base station more than twenty feet, or more than the width of the tower structure/ base station at the level of the appurtenance, whichever is greater. **The proposed antennas will extend from the tower a distance of only 5’ which is well in compliance with this provision.**

(3) it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets. **T-Mobile is proposing 3 equipment cabinets in compliance with this provision.**

(4) it entails any excavation or deployment outside the current site of the tower or base station. **T-Mobile’s facility will be located in the existing fenced equipment compound and, therefore, there will be no deployment outside of the current tower or base station site in compliance with this provision.**

(5) it would defeat the existing concealment elements of the tower or base station. **The existing tower and base station have no concealment elements. The antennas and equipment will be installed in a substantially similar fashion as the existing carriers at the site.**

OR

(6) it does not comply with conditions associated with the prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of antennas/cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds. **Any condition contained in a prior Board approval which requires further zoning for the modification of an existing wireless facility or collocation of antennas at the site is preempted by Federal Law since said facilities qualify as “eligible facilities” under the Spectrum Act and there will be no “substantial change” as defined by the FCC. In fact, such a condition would fly in the face of the express purpose of the Spectrum Act which is to expedite the deployment of existing wireless facility upgrades and collocations on existing structures to ensure that the most advanced wireless communications technology available is being deployed for public use without the delay. The proposed T-Mobile collocation facility will comply with this provision.**

As you can see from the submission, the proposed T-Mobile collocation facility will not exceed the thresholds noted above and is therefore exempt under the Spectrum Act. The Spectrum Act effectively preempts the discretionary review rights of states and municipalities that was carved out under Section 704 of the Telecommunications Act of 1996. As a result, minor facility upgrades such as the one proposed by T-Mobile are only subject to administrative review processes and not discretionary review processes that would allow a state or local government to deny or condition an eligible facilities request.

Therefore, the proposed T-Mobile facility upgrade should be exempt from formal zoning approval. A copy of the Spectrum Act has been attached along with prior approval resolution pertaining to this site.

II. FCC Order 14- 153, paragraph 215 (“Shot Clock Ruling”) requires that the T-Mobile Facility Upgrade be acted upon within 60 days.

The FCC has decided in FCC Order No. 14-153, paragraph 215, that a 60-day period for review, including review to determine whether an application is complete, is appropriate. In addition, as set forth in paragraph 216, “because the timeframes sets an absolute limit that – in the event of failure to act – results in a deemed grant.”

The intent of the Shot Clock Ruling is to bring about a speedy resolution to what are considered rather simplistic collocation facilities such as the one proposed in this application, and we respectfully request and appreciate your timely attention to this exemption request.

III. Conclusion

Based upon the legislative support cited above, we request that that the Zoning Officer grant a zoning permit with respect to this proposed wireless facility at the subject property, and that no further Board review or approval be required.

T-Mobile recognizes that the permitting process must be followed with respect to the construction of the site, and is prepared to submit the required construction documents and fees to the appropriate code officials if same has not been done already.

C

Effective: February 22, 2012

United States Code Annotated Currentness

Title 47. Telegraphs, Telephones, and Radiotelegraphs

Chapter 13. Public Safety Communications and Electromagnetic Spectrum AuctionsSubchapter IV. Spectrum Auction Authority

→ → § 1455. Wireless facilities deployment

(a) Facility modifications**(1) In general**

Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104-104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) Eligible facilities request

For purposes of this subsection, the term "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves--

(A) collocation of new transmission equipment;

(B) removal of transmission equipment; or

(C) replacement of transmission equipment.

(3) Applicability of environmental laws

Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

(b) Federal easements and rights-of-way**(1) Grant**

If an executive agency, a State, a political subdivision or agency of a State, or a person, firm, or organization applies for the grant of an easement or right-of-way to, in, over, or on a building or other property owned by the Federal Government for the right to install, construct, and maintain wireless service antenna structures and equipment and backhaul transmission equipment, the executive agency having control of the building or other property may grant to the applicant, on behalf of the Federal Government, an easement or right-of-way to perform

such installation, construction, and maintenance.

(2) Application

The Administrator of General Services shall develop a common form for applications for easements and rights-of-way under paragraph (1) for all executive agencies that shall be used by applicants with respect to the buildings or other property of each such agency.

(3) Fee

(A) In general

Notwithstanding any other provision of law, the Administrator of General Services shall establish a fee for the grant of an easement or right-of-way pursuant to paragraph (1) that is based on direct cost recovery.

(B) Exceptions

The Administrator of General Services may establish exceptions to the fee amount required under subparagraph (A)--

(i) in consideration of the public benefit provided by a grant of an easement or right-of-way; and

(ii) in the interest of expanding wireless and broadband coverage.

(4) Use of fees collected

Any fee amounts collected by an executive agency pursuant to paragraph (3) may be made available, as provided in appropriations Acts, to such agency to cover the costs of granting the easement or right-of-way.

(c) Master contracts for wireless facility sitings

(1) In general

Notwithstanding section 704 of the Telecommunications Act of 1996 or any other provision of law, and not later than 60 days after February 22, 2012, the Administrator of General Services shall--

(A) develop 1 or more master contracts that shall govern the placement of wireless service antenna structures on buildings and other property owned by the Federal Government; and

(B) in developing the master contract or contracts, standardize the treatment of the placement of wireless service antenna structures on building rooftops or facades, the placement of wireless service antenna equipment on rooftops or inside buildings, the technology used in connection with wireless service antenna structures or equipment placed on Federal buildings and other property, and any other key issues the Administrator of General Services considers appropriate.

(2) Applicability

The master contract or contracts developed by the Administrator of General Services under paragraph (1) shall

apply to all publicly accessible buildings and other property owned by the Federal Government, unless the Administrator of General Services decides that issues with respect to the siting of a wireless service antenna structure on a specific building or other property warrant nonstandard treatment of such building or other property.

(3) Application

The Administrator of General Services shall develop a common form or set of forms for wireless service antenna structure siting applications under this subsection for all executive agencies that shall be used by applicants with respect to the buildings and other property of each such agency.

(d) Executive agency defined

In this section, the term "executive agency" has the meaning given such term in section 102 of Title 40.

CREDIT(S)

(Pub.L. 112-96, Title VI, § 6409, Feb. 22, 2012, 126 Stat. 232.)

HISTORICAL AND STATUTORY NOTES

References in Text

The Telecommunications Act of 1996, referred to in subsecs. (a)(1), (c), is Pub.L. 104-104, Feb. 8, 1996, 110 Stat. 56, which in part enacted part II of subchapter II of chapter 5 of Title 47 (47 U.S.C.A. § 251 et seq.). Section 704 of the Act amended 47 U.S.C.A. § 332 and enacted provisions set out as a note under that section. For complete classification, see Short Title set out note under 47 U.S.C.A. § 609 and Tables.

The National Historic Preservation Act, referred to in subsec. (a)(3), is Pub.L. 89-665, Oct. 15, 1966, 80 Stat. 915, as amended, which is classified generally to subchapter II of chapter 1A of Title 16, 16 U.S.C.A. § 470 et seq. For complete classification, see section 470(a) of this title and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (a)(3), is Pub.L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified principally to chapter 55 of Title 42, 42 U.S.C.A. § 4321 et seq. For complete classification, see Tables.

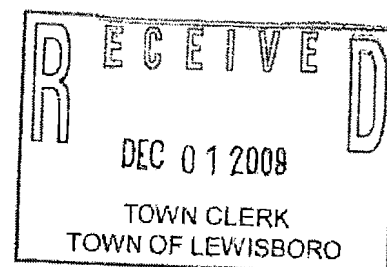
47 U.S.C.A. § 1455, 47 USCA § 1455

Current through P.L. 112-207 (excluding P.L. 112-199 and 112-206) approved 12-7-12

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END OF DOCUMENT

**ZONING BOARD OF APPEALS
TOWN OF LEWISBORO**



In the matter of:

CAL. NO. 20-09-BZ

Application of Homeland Towers, LLC, 1121 Walt Whitman Road, Suite 300, Melville, NY 11747 [Owner of record: Vista Fire District, 377 Smith Ridge Road, South Salem, New York 10590 for [1] a variance of Article V, Section 220-41.1E (1) of the Zoning Ordinance in the matter of the proposed 150' tall cell tower component of the facility with appurtenances cresting to an overall height of approximately 154' above grade level and that will exceed the 120' height limitation for all towers, antenna towers and monopoles and [2] a variance of Article V, Section 220-41.1E (4) of the Zoning Ordinance in the matter of the proposed rear yard tower setback of 127' where 190' is required and a proposed side yard tower setback of 149' where 180' is required.

The Public Hearings were held on Wednesday, August 26th September 23rd and October 28th 2009, at the Town House, 11 Main Street, South Salem, NY, at 8:15 p.m.

Board Members:

Present:

Geoffrey Egginton
Chairman
Carolyn Mandelker
Thomas Casper
Robin Price, Jr.
Jason Krellenstein

Absent:

Carolyn Mandelker 9/23/09
Thomas Casper 8/26/09

The Property:

The property is located on the east side of Smith Ridge Road, designated on the Tax Map as Sheet 50A, Block 9834, Lots 84, 88, 94, in an R-1A, One-Acre Residential District.

Appearances:

For Applicant:

Chris Fisher, Esq. of Cuddy and Feder
Manuel Vicente of Homeland Towers
Michael Koperwhats of VHB
Stephen Kane of General Dynamics
Daniel Laub, Esq. of Cuddy and Feder

In Opposition:

Scott Panzer and Deborah Van Der Heyden, 2 Murray Place
Joe and Jeanine Haberny, 371 Smith Ridge Road
Sven Moeller, 6 Tommy's Lane
Randy Samuelson, 5 Tommy's Lane
Mario DiFiore, 7 Lorraine Road

References:

Minutes of the Public Hearings; Email from AAB, dated 10/28/09; Memo from AAB, dated 10/16/08; Memo from AAB, dated 6/27/07; Memo from ZBA to AAB, dated 9/24/09; FCC Fact Sheet, dated 4/23/96; FCC IAC Memo WT Docket No. 08-165; NYS DOT Traffic Count Report, undated; Lewisboro Planning Board Negative Declaration and Resolution, dated 7/28/09; Narrative in Support of Area Variance Application with Exhibits A, B and C, undated; Letter from ZBA to Cuddy and Feder; VHB Visual Resource Evaluation Report, dated 2/09; Letter from Cuddy and Feder to ZBA, dated 6/30/09; NYS Department of Environmental Conservation Notice, dated 6/23/09; Title Sheet and Index, 500' Radius Map and Abutters List, Existing Conditions Survey, Site Plan, Site Grading and Sedimentation/Erosion Control Plan, Access Road Profile and Site Details, Landscape Plan, Compound Plan and Elevations, Antenna Plan and Details, Foundation Plan and Civil Details, Typical Details and Equipment Elevations, dated 3/3/09; Cover Letter from Cuddy and Feder with Exhibits A, B, C and D, dated 9/9/09;

Action of the Board:

THE APPLICATION IS APPROVED
AS PRESENTED.

The Vote:

To Approve:

October 28th 2009

Affirmative:

Egginton, Mandelker, Krellenstein

Negative:

Casper

Abstain:

Price

Absent:

None

NATURE OF APPLICATION

AND

SUMMARY OF EVIDENCE PRESENTED

Application for [1] a variance of Article V, Section 220-41.1E (1) of the Zoning Ordinance in the matter of the proposed 150' tall cell tower component of the facility with appurtenances cresting to an overall height of approximately 154' above grade level and that will exceed the 120' height

limitation for all towers, antenna towers and monopoles and [2] a variance of Article V, Section 220-41.1E (4) of the Zoning Ordinance in the matter of the proposed rear yard tower setback of 127' where 190' is required and a proposed side yard tower setback of 149' where 180' is required.

The property is located on the east side of Smith Ridge Road, designated on the Tax Map as Sheet 50A, Block 9834, Lots 84, 88, 94, in an R-1A, One-Acre Residential District.

Chairman Egginton asked if anyone objected to the notice as it appeared in the Lewisboro Ledger. No one responded.

Mr. Chris Fisher, Esq. of Cuddy and Feder was present at the August 26th meeting. Also present were Manny Vicente President of Homeland Towers, Mike Koperwhats of VHB, Stephen Kane a Radio Frequency Engineer of General Dynamics. Mr. Fisher stated that this project has been a planning issue in the Town of Lewisboro for the better part of 5 years either at the Shady Lane site or at the Vista Fire House. He stated that the dialogue of the Planning Board, Zoning Board of Appeals and the Antenna Advisory Board has included discussion for one tower facility that can accommodate all major carriers in one location. Mr. Fisher stated that the carriers have other sites in Pound Ridge, Wilton and approved sites in New Canaan. He stated that there still is this fundamental need for a site in Lewisboro between the Connecticut border and the Leon Levy site. Mr. Fisher stated that the Planning Board was the principal driver of trying to find an alternative to the Shady Lane site. He stated that he is not speaking for the Planning Board but the discussion that took place was that although the fire house site is lower in topography it is better from a land use standpoint because of the overall commercial nature of the surrounding area and that the Vista Fire Department does not have a communications tower. He stated that it would make sense for the fire department to have the enhanced emergency communications. Mr. Fisher stated that it makes sense for overall land use compatibility. He stated that the Town Board issued requests for proposals for town owned parcels along Route 123 in a residential area surrounded by single family homes as well as the Town Park site. Mr. Fisher stated that the Town was not going to proceed with the proposals for the town properties on 123 because land use compatibility was the primary motivation and the fire department site makes more sense. He stated that they refiled their application with the Planning Board and have been addressing the special permit criteria as well as a local wetland permit application. Mr. Fisher stated that they have been coordinating with the fire department and the Planning Board on those planning functions and then addressing the overall special permit criteria which largely for a communications site charges the Planning Board with ultimate responsibility. He stated that in July the Planning Board declared a negative declaration under SEQR. Mr. Fisher stated that the 2 questions for the ZBA are: is the additional height from 120' to 154' needed for the carriers to provide service and the tower location relative to side and rear setback. He discussed the proposal for the location behind the fire pond and that there is no direct wetland impact in that particular area and surrounding the entire area are DEC wetlands and local wetlands. Mr. Fisher stated that related to setbacks the rear is all wooded as well as the side and the nearest structure is over 200' away. He stated that the only possible location that is setback compliant on the site would bring it closer to Smith Ridge Road. Mr. Fisher stated that their feeling and the Planning Board agreed that that would make the tower more visible.

Mr. Haberny of 371 Smith Ridge Road stated that his home is to the left of the proposed site.

Mr. Mike Koperwhats of VHB stated that they prepared the visual analysis for the site based upon a crane test and balloon float and they prepared a computer generated predictive model that

they use the GIS system (geographic information system) for.

Mr. Koperwhats discussed the view shed map from the report. Mr. Koperwhats stated that the yellow areas predict viewing of a 120' tower and the red area depicts the view of a 150' tower. He stated that overall the visibility is confined to the subject property and it does extend in a westerly direction to the Oakridge condominiums as well as the commercial development across the street and portions of the residential development.

Mr. Fisher stated that the overall year round visibility at 120' is 36 acres of property primarily west and the overall year round visibility at 150' is 41 acres.

Mr. Krellenstein stated that the issue here is solely 120' or we grant a variance for 154'.

Mr. Fisher stated that the difference between 120' and 150' is the difference of 5 additional acres on the other side of the street where you would have views above the tree line.

Mr. Krellenstein stated that the issue before them is not whether the tower goes up. He stated that the issue is how high.

Ms. Deborah Van Der Heyden, 2 Murray Place stated that her understanding was that the set back requirement is twice the height of the tower.

Mr. Fisher responded that the Town Board changed it. He stated that it is now the tower height plus the underlying setback.

Mr. Scott Panzer, 2 Murray Place stated that they were never told of the balloon test. He stated that they actually conducted their own balloon test on their property and were able to see it.

Ms. Van Der Heyden asked for clarification on why they did photo simulations as opposed to a crane test because in the past there was a crane test. She stated that there was not a lot of notice to the town so that residents could photograph the balloon from their property.

Mr. Haberny stated that they could not get the crane back there because it was too wet.

Mr. Krellenstein stated that the ordinance was changed in July of 2008.

Mr. Koperwhats stated that they conducted a crane test at the site and they erected the crane as close as they could get the crane to the actual site in addition they floated a balloon at the exact location of the proposed site. He stated that the public was noticed and people did request that pictures be taken from their yard and documented in the report.

Mr. Fisher stated that they offered to take pictures from private properties; if people tried to take photos they were not aware of it. He stated that their purpose for doing the view shed analysis is to try and come up with reliable information beyond the quantitative assessment of areas of visibility for the 120' and 150' tower.

Mr. Koperwhats stated that they often go back and evaluate towers post construction and compare it to the models and they find it is accurate with very little discrepancy. He stated that it is a comprehensive and standard procedure.

Mr. Krellenstein asked if they conducted the crane test but not in the exact location of where the tower is to be built.

Mr. Fisher responded yes.

Mr. Haberny stated that the crane would have sunk into the wetlands.

Mr. Fisher stated that it was not just an issue of access they would have had to clear trees to do a crane test and improve the access road which is part of their project. He stated that they backed the crane up and elevated the crane as well as flew the balloon with both reference points.

Ms. Van Der Heyden asked what month the test took place.

Mr. Koperwhats responded April.

Mr. Krellenstein asked how far away was the crane from the proposed tower site.

Mr. Koperwhats responded 180' away from where the tower will be. He stated that the crane was positioned in line with where the tower will be.

Ms. Van Der Heyden asked if it was at the same grade.

Mr. Koperwhats responded pretty close.

Mr. Krellenstein stated that in lieu of putting the crane exactly where it will be, you are proffering the photo simulations.

Mr. Fisher responded that they flew the balloon simultaneously with the crane.

Mr. Koperwhats reviewed photo simulations from the report.

Mr. Panzer asked if any photos were taken from Glen Drive.

Chairman Egginton read the locations of the photos from the report.

Mr. Fisher responded that the point of the photos correlates back to the view shed map which demonstrates the quality of what they agree is a seasonal view. He stated that in leaf on conditions you will not be able to discern the tower.

Ms. Van Der Heyden asked if it is an accurate presentation of the bulk of the tower and all of the anticipated carriers and lighting on the tower.

Mr. Koperwhats stated that there will be no lighting on the tower. He stated that as far as the configuration of the antennas, they don't know that.

Mr. Fisher responded that they would anticipate collocation at 10' separations.

Mr. Krellenstein stated that the aesthetics of the tower are not before the ZBA. He asked if they could share what the tower will look like.

Mr. Fisher responded that they do not know but they have given the Planning Board all of the options. He stated that some have operational detriments for the carrier like the flag pole.

Mr. Koperwhats stated that they are viewing a 2 carrier model.

Mr. Haberny asked what a triplex tower is.

Mr. Koperwhats stated that sounds like a lattice tower.

Mr. Fisher stated that an example of a lattice tower is located near Bedford Correctional.

Mr. Krellenstein asked if anyone was present tonight from the Antenna Advisory Board. No one responded.

Mr. Haberny stated that he spoke with them last night and that they were so disgusted that they were not coming.

Mr. Krellenstein stated that their advice is to put up 2 towers.

Mr. Haberny stated that an AAB member told him that to put the tower back at the fire house is a waste of time to put it in a (curse) swamp makes no sense because at 150' it will not do what it is going to do because it is too low.

Mr. Krellenstein stated that that opinion would have vastly more credibility if the person who made the statement came to the meeting.

Mr. Haberny stated that he was at the last meeting and said it.

Mr. Krellenstein stated that a member of the AAB should attend the meeting. He stated that he has been on the ZBA over a year and would love to hear the AAB's opinion.

Ms. Van Der Heyden asked if it will be a monopole.

Mr. Fisher stated that they never proposed a monopole.

Mr. Krellenstein stated that the aesthetics of the tower are not before the ZBA just the height

Chairman Egginton stated that the purview of this Board is the height and the setbacks.

Mr. Koperwhats stated that his opinion is that there is no material difference in the height between 120' and 150'.

Mr. Krellenstein asked if that is his opinion as an expert is that there is no material difference.

Mr. Koperwhats responded yes.

Mr. Fisher stated that in regards to comments made here tonight regarding the AAB are not consistent with the comments that the AAB most recently advised at a Planning Board meeting as far as an appropriate location. He stated that what went into the Negative Declaration the document is actually referenced.

Mr. Krellenstein stated that he will review the Negative Declaration for the latest AAB memo.

Mr. Fisher stated that he can get the Planning Board minutes.

Ms. Van Der Heyden stated that it is interesting that the changes to the Code were done as part of the RFP process. She asked if it is the purview of the ZBA to take into account health and safety issues.

Chairman Egginton stated that they are limited to judging any requests for variances based upon existing and current Town Law. He stated that if there is a recent change then they are subject to that interpretation.

Mr. Panzer stated that a year ago it was deemed appropriate by the Town Board to increase the height from 80' to 120' and not from 80' to 160'. He stated that they hope that the Board will take that into consideration.

Mr. Krellenstein stated that in the Planning Board's Negative Declaration it says that while the AAB's 2006 status and outlook report advised against a facility at the Vista Fire House, on October 16th 2008 memo from the AAB to the Planning Board revises it's earlier statement that the Vista Fire Department site is needed to provide the coverage to NYS Route 35. He stated that that statement does not speak to the height but leaves many questions unanswered. Mr. Krellenstein stated that the Planning Board seemed to assign enough significance to this to include it in their Negative Declaration.

Mr. Haberny stated that at last years meeting he made it very clear that the fire house is not the right site.

Mr. Krellenstein asked if it was a ZBA meeting.

Ms. Van Der Heyden responded it was a Planning Board meeting.

Mr. Krellenstein asked if it predated October 16th 2008.

Mr. Haberny responded yes.

Mr. Krellenstein stated that there is some evidence to suggest that it is not so black and white anymore.

Ms. Van Der Heyden stated that he works for Motorola.

Mr. Panzer asked if the ZBA could hold off on a decision tonight.

Chairman Egginton stated that they will not make a decision tonight.

Mr. Krellenstein stated that the context of the Board's decision is 120' or 154' not whether or not it goes there at all or what it looks like. He stated that he is sensitive to land values and the aesthetic values of the homes. Mr. Krellenstein stated that as a homeowner in Vista he is sensitive to that but he does not think that anyone will disagree with that.

Mr. Panzer stated that they have an approved site in New Canaan less than a mile away. He stated

that that tower is not built yet because people are fighting that one.

Mr. Fisher responded that the New Canaan tower is built. He discussed the proposed and existing coverage area. Mr. Fisher stated that for collocation you effectively need a 150' tower height. He stated that if you did not have a 150' tower height then you would have one of two different types of situations. Mr. Fisher stated that there could be multiple 120' towers on this parcel or in Vista or multiple tower sites along Smith Ridge Road at varying heights. He stated that their position as applicants and the town's overall objective is to minimize the number of towers and try to keep it in this particular geographic area. Mr. Fisher stated that they would need a 150' tower to accomplish that with carriers at 150', 140' and 130'. He stated that these are emergency type services and the public relies on them and expects them. Mr. Fisher stated that NYS traffic count statistics along Route 123 include the DOT trip count of 9000 cars almost 4000 cars one way.

Ms. Van Der Heyden asked why they need the extra 30'. She stated that she understands that they can accommodate more carriers and that the Telecommunications Act requires them to collocate. Ms. Van Der Heyden stated that they should demonstrate to the community that there are demonstrable significant coverage gaps, not estimated gaps but actual complaints by customers that there are dropped calls. She stated that what she sees here is a projected gap.

Mr. Fisher responded that they displayed existing coverage. He stated that they have an area variance application pending and that they provided the Board with relevant case law. Mr. Fisher stated that they are worried about what the local Code says.

Ms. Van Der Heyden stated that if the local Code accommodates the applicant in placing the tower here and approve the application, it is based on the Telecommunications Act in not barring you from our community. She stated that it is relevant.

Mr. Fisher stated that they try to minimize the overall number of towers that they have in town. He stated that this particular location is a lower elevation and in order to reasonably accommodate carriers they would need a 150' structure.

Chairman Egginton asked for clarification as to the reasons the Town in their RFP process eliminated the alternate sites for a single tower.

Mr. Fisher stated that he can only speculate because he is not sure the Town Board articulated it this way. He responded that the Town Board looked at this and said why would we want to have a 120' cell tower on these residential parcels and a 120' tower at the fire department when we think one 150' tower at the fire department will do the trick.

Chairman Egginton stated that he thought the alternate sites are of higher elevation.

Mr. Fisher stated that as part of the RFP the carriers that responded provided propagation plots that bore out what he has been saying. He stated that even at 120' they could not do it. Mr. Fisher stated that the Town Board could have gone higher but they chose not to. He stated that it is more of a residential area overall and there certainly are residences by the fire house on Tommy's Lane and Oakridge condos but there is still a mixed use with some commercial area that does not exist north on Route 123. Mr. Fisher stated that that is not his judgment call; he is an applicant's representative. He stated that there is prior precedent in the community for these types of variances and cited the resolution for an application for a 150' tower on 684 from the then 80' height and additional setback variances.

Chairman Egginton stated that all the previous applications are deserving of their own merit and it had different circumstances. He stated that their purview is the height and setback requests.

Mr. Krellenstein asked will Homeland Towers LLC own the tower.

Mr. Fisher responded correct.

Mr. Krellenstein asked will Homeland Towers lease the space up upon which it sits from Vista Fire Department.

Mr. Fisher responded correct.

Mr. Krellenstein stated that they will pay Vista Fire Department.

Mr. Fisher responded yes.

Mr. Krellenstein stated that Homeland Towers will then lease space on the tower to various carriers.

Mr. Fisher responded yes.

Mr. Krellenstein stated that the commercial carriers don't own the tower.

Mr. Fisher responded that they will do a sublease and they own their own equipment upon the tower and at grade. He stated that this is effectively a standard process.

Mr. Krellenstein asked if Homeland Towers is owned in part by any of the carriers.

Mr. Fisher responded it is a separate company.

Mr. Haberny asked if it is the Vista Fire Department volunteer members or is the Vista Fire District.

Mr. Fisher responded the Vista Fire District.

Mr. Sven Moeller, Tommy's Lane stated that he had an issue with the timing of the meetings with it being prime vacation time. He urged that no decision should be made tonight.

Mr. Panzer agreed. He stated that they just approved an addition to the fire house which everyone will get a special assessment on. Mr. Panzer stated that Mr. Krellenstein made a point earlier that the tower will detract from the property values.

Mr. Krellenstein disagreed. Mr. Krellenstein stated that all he said was that as you point out that this is about revenue for Homeland it seems to him respectfully from your perspective it is about your property values. He stated that he can sympathize but he did not make the point that it will detract from values.

Mr. Haberny stated that they spoke with real estate people and they told him it would.

Mr. Panzer stated that they will bring in nationwide statistics regarding the property values. He asked for the revenue that the fire district will get on the tower.

Mr. Fisher responded that it is not public record.

Mr. Vicente stated that he does not want to disclose the revenue because he is only one party involved. He stated that he has to respect that there are 2 parties to the agreement and he does not feel at liberty to discuss it.

Mr. Moeller stated that there is excellent cell coverage in the area by Verizon.

Mr. Panzer stated that he takes the train from New Canaan everyday and has cell coverage. He asked if they are receiving 9000 complaints a day from the 9000 people that drive down Route 123. Mr. Panzer stated that the ZBA and Planning Board both have fiduciary responsibilities. He threatened to sue the town.

Mr. Dave Amerling an Oakridge resident stated that he personally has had issues with coverage at his home and currently has Verizon. He stated that it is not a given that everyone has service. Mr. Amerling stated that Oakridge represents 8% of the population in Lewisboro which is a significant number of people. He stated that from the safety and security point of view it is important to have reliable cell coverage due to frequent power outages in the area. Mr. Amerling stated that he supports the antenna in spite of the visual detracting.

Mr. Haberny stated that the tower is right in his back yard.

Ms. Van Der Heyden stated that to demonstrate coverage they only need 75% not 100% seamless coverage.

Mr. Krellenstein asked for the cites on the cases.

Ms. Van Der Heyden responded Sprint vs. Willloth.

Mr. Krellenstein stated that the brief suggests that this is a public necessity standard and a lot could be read into that. He stated that the standard for granting the variance is not the standard that is generally applicable to town variances but a different standard a lesser standard, public necessity. Mr. Krellenstein stated that you further point out that public necessity is demonstrated when the coverage is inadequate and the question is what is the quantum of inadequacy for public necessity.

Mr. Fisher responded that the for public necessity which was the Con Ed case for a use variance, the balancing test is what is the public need for the service itself vs. what is the impact for the proposed associated with the variance request on the height. He asked is the impact going to 150' compared to 120' so substantial that it outlays the actual need for that extra 30' of structure height in order to provide service for these carriers. Mr. Fisher stated that their assertion is that it is not.

Mr. Krellenstein stated that between 120' and 150' the augmenting of coverage is not so material. He stated that the issue is you can squeeze three more carriers on the tower. Mr. Krellenstein stated that it is four as opposed to one.

Mr. Fisher stated that if you have go this way our plot guarantees that there will be a second

tower. He stated that even if you did a 120' tower the carriers may say that even at 80' or 90' the coverage is so degraded from the tree line that they could put another 120' tower on the same parcel instead of going lower. Mr. Fisher stated that collocation will not work at 80' to serve Vista. He stated that that is a lesser argument. Mr. Fisher stated that the objective under the Code is to reduce the proliferation of the total number of towers.

Mr. Panzer asked if they could put 2 poles on that parcel at 120' to get multiple carriers.

Chairman Egginton stated that from a hypothetical perspective and you have 4 carriers on a 150' pole that is cheaper to build, 4 carriers on 1 tower and more revenue. He stated that if you can get the same coverage with 2 poles that are 10' or 20' apart that have 2 carriers on each of them at 120' the visibility is not as severe.

Mr. Fisher stated that it is the reverse. He stated that the visibility is not severe from the difference from 120' to 150' why would we say we want more towers when the Code says you don't want more towers. Mr. Fisher stated that the Code says one tower.

Mr. Vicente stated that there have been a few statements tonight regarding economics. He stated that he does not know if 2 shorter towers is less expensive than 1 taller tower because there are a lot of factors that go into that type of analysis. Mr. Vicente stated that he is uncomfortable when we start making statements about economics because they have not been analyzed. He stated that until you test those soils, you don't know if the foundation for 2 towers is cheaper than 1. Mr. Vicente stated that general statements are misleading. He stated that we are working on a property that is fairly limited as far as space and the impact on wetlands in particular. Mr. Vicente stated that a lot of the work that has gone into this before the Planning Board has focused on minimizing the impact and wetland issues. He stated that if we start changing the application fundamentally without understanding all of the impacts we may be causing a lot more problems. Mr. Vicente stated that they have been through a long and detailed process to resolve complicated issues. He stated that they are here to discuss a height issue. Mr. Vicente stated that the statements regarding economics are not the basis for a decision.

Mr. Panzer stated that he is in the business.

Mr. Vicente stated that the design of the tower is still before the Planning Board. He stated that economics is not an issue for discussion here.

Chairman Egginton stated that they are here for a very limited purview which is the height of the tower and health and safety. He stated that he does not know as fact whether one tower vs. two towers is more revenue producing.

Mr. Panzer stated that this group has explored every alternative to significantly minimize the impact on the surrounding community rather than focusing on the difference between 120' and 154' tower which allows them to get two more providers. He stated that it comes down to revenue for them.

Mr. Fisher stated that they disagree with that statement.

Ms. Van Der Heyden asked if they will conduct another crane test and notice the public properly. She stated that she reads the New York Times not the Lewisboro Ledger. Ms. Van Der Heyden stated that if they know that the impact will be approximately 30 acres, they should draw a radius

around the site and contact everyone within the 30 acres to notify them of the crane test. She stated that then she can take a photo from her own back yard and see what the impact will be from her property. Ms. Van Der Heyden stated that it will diminish her property values and she pays \$50,000 in taxes to the town.

Mr. Krellenstein asked is the issue that the tower does not go up at all.

Mr. Haberny responded that there are a lot higher spots in town such as Onatru Farm. He stated that the tower is literally in his back yard.

Mr. Panzer asked why the tower was not put forth at Onatru Farm.

Ms. Van Der Heyden stated that she heard there was a deed restriction on Onatru at the time of the dedication of the property. She stated that at the time that the property was dedicated they did not have cell towers. Ms. Van Der Heyden stated that recreational use may be interpreted differently today.

Mr. Krellenstein stated that the issue before us is not if the tower goes up at Onatru. He stated that he understands that one of the prongs is whether there is an alternative but it is helpful to keep it focused and not whether it should go to Onatru. Mr. Krellenstein stated that the ZBA looks at the impact to the neighbors and whether they met the burden of demonstrating public necessity.

Ms. Van Der Heyden stated that she does not know the statistics on public necessity. She stated that she did not see the crane from her backyard.

Mr. Krellenstein asked if she doubts that the applicant put the crane up. He asked if they were disputing that the crane went up.

Mr. Panzer responded no.

Ms. Van Der Heyden stated that she never saw the crane and she passes the fire house every day.

Mr. Randy Samuelson, 5 Tommy's Lane stated that there are residences within 200 feet of the tower and a bunch of storage units and shelters will be built around it.

Chairman Egginton stated that they are aware of that. He asked when the crane test was done.

Mr. Panzer asked if the applicant has Planning Board approval subject to zoning.

Mr. Fisher stated that the Planning Board issued a Negative Declaration on the SEQR and they still have to have a public hearing. He stated that the crane test was done on April 29th 2006.

NOTE: Crane Test took place on Saturday, April 27th 2007.

Ms. Van Der Heyden stated that the people that got a notice about this meeting were the Haberny's and a few other neighbors. She stated that the notice area should be much wider.

Mr. Fisher stated that the ZBA is required to follow the application process with respect to notice.

Chairman Egginton stated that Lewisboro is one of the few towns where the ZBA secretary mails the notice out to the neighbors.

Ms. Van Der Heyden stated that a sign should have been posted on the property.

Mr. Panzer asked if the ZBA does not approve the variance for the 150' can the tower be built as of right at 120'.

Mr. Fisher stated that the 120' tower is not as of right. He stated that they would still have to go through the Special Permit process.

Chairman Egginton stated that it would not come to the ZBA for the height.

Mr. Fisher stated that the Planning Board has a lot of other criteria that the Town Board compelled it to look at such as one tower and collocation as well as other issues. He stated that the ZBA does not have to balance that, the Planning Board does. Mr. Fisher stated that he can not predict what the Planning Board would say in the event the ZBA does not grant the variance. He stated that they may look at it much differently because it could not accommodate collocation. Mr. Fisher stated that it is not what your Board should do; it is their burden of proof.

Mr. Panzer stated that we are talking about something that impacts the rural character.

Mr. Fisher stated that we are talking about public utility services. He stated that the Town has given applicants and their representative's direction and we are trying to implement that direction and they have to move forward based upon that. Mr. Fisher stated that he encourages them to exercise their right to speak before this Board and to submit their evidence.

Mrs. Jeanine Haberny stated that she lives right next door. She stated that she would never buy a house next to a cell tower. Mrs. Haberny asked if Mr. Fisher would live next to a cell tower.

Mr. Fisher responded it would not bother him.

Mr. Krellenstein stated that there is a legal standard and burden of proof that Mr. Fisher has to meet. He stated that the decision that the Board has to make is if they met that standard. Mr. Krellenstein stated that on the one hand it is that simple yet so complex. He stated that he lives in town and is sensitive to these issues. Mr. Krellenstein stated that no matter where we put it a dozen citizens will come in and say the same thing. He asked if they will build the tower if they don't get the variance.

Mr. Vicente stated that they want the variance and they can demonstrate that they need it. He stated that whether they would move forward with the project would depend on the Planning Board. Mr. Vicente stated that he is not prepared to respond without doing a full analysis.

Mr. Samuelson asked if they would need the setback variance request if the tower was 120'.

Mr. Fisher stated that there is a location on the parcel where a 150' tower would comply with the setbacks, it moves closer to the residence. He stated that while in theory that location could be built, it is clear, open and closer to the street which is more of an impact while the proposed location is towards the woods. Mr. Fisher stated that it is a visibility and aesthetic consideration.

Chairman Egginton stated that the public hearing will remain open and a site walk will be conducted on the morning of Saturday, September 12th 2009.

Mr. Panzer asked when the Board would make a decision.

Chairman Egginton stated that ideally at the September 23rd meeting.

Mr. Fisher stated that they would conduct a balloon test on the morning of September 12th. Chairman Egginton stated that they have one member this evening that is not present and one member that will recuse himself. He stated that they have a quorum of three members tonight and asked if the applicant would like to hold the public hearing open until next month or continue tonight.

Mr. Daniel Laub, Esq. of Cuddy and Feder LLP was present to represent the applicant at the September 23rd meeting. Also present were Manny Vicente President of Homeland Towers and Mike Koperwhats of VHB. Mr. Laub stated that they conducted a site walk and he would like to discuss any issues that the Board may have. He stated that at a minimum they would seek to close the public hearing tonight.

Mr. Krellenstein asked if any member of the Antenna Advisory Board was present. No one responded.

Mr. Casper stated that there was a memo from the AAB suggesting that there was as much coverage as a taller antenna would provide at the fire house than two 120' antennas with one located at the fire house and one at a town owned parcel that that would be the only way to provide coverage from Connecticut to Route 35. He stated that apparently there is a topographical anomaly there that will make this particular tall tower not as effective as we would like. Mr. Casper stated that he is concerned about a very tall tower that does not accomplish the goal of providing cell coverage.

Mr. Laub stated that what they have provided is a conservative analysis from the major carriers. He stated that basically the idea is that if you are looking to provide service then 120' is the floor at which you are beginning to provide service to reach over to the preserve and into New Canaan to their 110' tower.

Mr. Casper asked if the tower in New Canaan is a monopole.

Mr. Laub responded yes.

Mr. Vicente stated that they did produce the latest AAB memo and it is not exactly as stated.

Mr. Laub stated that the AAB revised their opinion.

Chairman Egginton stated that the AAB had stated in a 10/16/08 memo that they were recommending 2 towers, one at Vista Fire House at 120' and one on a town owned parcel on Route 123. He stated that at that time they were satisfied that they could provide excellent coverage from the state line along Route 123 to Route 35. Chairman Egginton stated that unfortunately Mr. Sohonyay was not present last month or tonight to further clarify their position. He stated that Cuddy and Feder submitted Exhibit C an excerpt from the minutes of a 4/28/09 Planning Board meeting in which Mr. Cole of the AAB had some concerns about coverage from a 120' tower implying that they were in favor of a taller tower at Vista Fire House. Chairman Egginton stated that there is no mention of a second tower in the Planning Board minutes. He stated that he is fine with the information he has received.

Mr. Krellenstein stated that we should not have to read the tea leaves on what these comments may or may not mean. He stated that if the AAB has a comment then they should rest on what they have written or be here and they have apparently chosen to rest on what they have written. Mr. Krellenstein stated that there have been queries and we know that the AAB is aware that there is a meeting tonight and they chose not to show up. He stated that it is not incumbent on us to read into the 2 memos about what they may or may not have meant by this. Mr. Krellenstein stated that the issue before us is a narrow one, the issue is simply whether or not to grant a variance for 34' to extend it from 120' to 154'. He stated that is the only issue in front of us right now. Mr. Krellenstein stated that the applicant has a burden to meet and in his view they have met that burden. Mr. Krellenstein stated that if there are opponents to the tower they have an obligation to respond and we will take their comments. He stated that the applicant last month made a requisite showing and it is not that complex. Mr. Krellenstein stated that they have to show that it is necessary to provide service and eliminate gaps and they have shown that. He stated that it is incumbent on the opponent to demonstrate that it is not the case or the least intrusive way to do this or that the variance should not be granted.

Chairman Egginton stated that the Town Board has gone on record meeting after meeting recommending fewer rather than multiple towers to provide maximum coverage as possible. He stated that he agrees with that approach because the fewer the environmental impacts and the less visual impact. Chairman Egginton stated that they conducted a balloon test on September 12th. He asked for the definition of a monopole and a flag pole structure.

Mr. Vicente responded that they discussed this at length with the Planning Board and they are both identical in the sense that they are free standing structures. He stated that the traditional monopole can give the carriers the flexibility they need to control their signal and you would have platforms with antennas on them. Mr. Vicente stated that the flagpole structure has the antennas in the hollow space at the top or in sections of that free standing monopole with fiberglass covers. He stated that unfortunately what that does is limit the number of antennas and the flexibility of directing the antennas for carriers and many times it forces additional height that is needed for the structure. Mr. Vicente stated that rather than the carriers being able to achieve their coverage objective with the platform or 10' spot they may need 20' to get the same amount of antennas. He stated that they are identical free standing structures, one hides the antennas one does not and the down side to hiding the antennas is you are limiting the use of the antennas and the use of the structure which usually means you need to increase the height.

Mr. Laub stated that you would have a proliferation of towers.

Mr. Krellenstein asked how much better would coverage be with two 120' towers as opposed to one 154' tower.

Mr. Vicente responded that the consensus was that the one 154' tower would actually provide better coverage than the two at 120' because the 120' tower located further up Route 123 would be redundant coverage. He stated that the one taller tower actually provided much better coverage than the two tower model because the one to the north would not enhance the coverage all that much. Mr. Vicente stated that the difference in the time frame and the two AAB memos may have been looking at that data from different carriers in that time frame. He stated that that is what we are really doing here is deciding whether one taller structure is better than 2 smaller ones. Mr. Vicente stated that the one taller tower does seem to have better coverage than the two smaller ones.

Mr. Laub stated that we are actually talking about three towers because without the variance we would have a 120' tower at Vista Fire House so we would have a carrier at 120' and a carrier at 110' and then with the tree canopy he did not think that in terms of coverage they could have a carrier at 100' and at 90'. He stated that then you would need another tower in that area.

Chairman Egginton stated that he believes the town site is south of Steven's Memorial Church. He asked if the Vista Fire tower were 120' would they need another tower in that immediate area.

Mr. Laub stated that somewhere in that vicinity because the tower could host only AT & T and Sprint so where do T-Mobile and Verizon go.

Mr. Vicente stated that when you think about it from a development and infrastructure standpoint, if this Board does not grant the variance we can not accommodate all the carriers on a 120' structure, so we would need two towers there. He stated that then we would need two towers further up on Route 123 because the same problem exists there also. Mr. Vicente stated that we could only do two carriers effectively at that height so in essence we are talking about 34' which is the difference between one tower and potentially four towers. He stated that it sounds simplistic that way but it is about space and height and unfortunately carriers need the separation and the height.

Mr. Krellenstein stated that he wants to hear on the record that this is the least intrusive means to give coverage in the area and that there is a need to remediate the coverage situation in the area so that he can justify this. Mr. Krellenstein stated that he would feel most aggrieved if there is a second application because someone says there still are gaps in coverage and that would be a tremendous disservice to the Town. He stated that we can swallow one tower but two towers as proposed by the AAB is more intrusive.

Chairman Egginton stated that the main concern is with respect to coverage. He stated that he shares Mr. Krellenstein's concerns.

Mr. Casper asked if this tower will provide coverage from Route 35 into New Canaan. He asked if it is the magic bullet.

Mr. Vicente stated that from what he has seen and what they have presented, this site with a 154' tower achieves the coverage objective which is connectivity from existing sites. He stated that they have shown that. Mr. Vicente stated that he can not see into the future and can not predict what some other company might do in the future. He stated that based on the data that they have today and the tests that have been done and submitted, a 154' tower does achieve the coverage objective.

Mr. Casper asked for what the coverage objective is. He stated no gaps in coverage. Mr. Casper stated that if he votes for it, he wants to know that he is voting for the technology and the physicality.

Mr. Vicente responded that it provides the coverage that we show on the maps. He stated that there may be some holes based on terrain but those will always exist so it is not 100% seamless but it is what the industry needs and what folks need to use their phones.

Mr. Casper stated that he is not questioning whether or not it will provide coverage. He asked if he could keep his phone call going from Route 35 to Starbucks in New Canaan.

Mr. Vicente responded yes.

Mr. Casper asked if they have any other plans to apply for a cell tower in this coverage area.

Mr. Vicente responded not in this coverage area.

Chairman Egginton stated that on September 12th the ZBA did conduct a site walk and the applicant flew 2 balloons, one at 120' and one at 154'.

Mr. Krellenstein stated that although there is a 34' difference and from what he could tell there is no material difference between 120' and 154'. He stated that the tower is not going to be viewed as desirable to a lot of people. Mr. Krellenstein stated that the issue before us is a narrow one, do they meet the criteria for the variance. He stated that they made their initial requisite showing, the burden shifts to the opponents who must demonstrate that there is a less obtrusive means of remedying the gap in service. Mr. Krellenstein stated that if someone has some evidence that there is a less intrusive means of remedying the gap in service he would like to see it.

Mr. Casper stated that he does not look at it the same way. He stated that to him it is a matter of showing that this works. Mr. Casper stated that we have an Antenna Advisory Board that works on paper only and they need to substantiate this with a non-conflicting opinion of the desirability of two 120' towers vs. one 154' tower.

Chairman Egginton asked if anyone wished to be heard on this application.

Ms. Deborah Van Der Heyden, 2 Murray Place stated that the requested variances are for the height of the tower and the setback or fall zone. She stated that the setback is supposed to be two times the height of the tower. Ms. Van Der Heyden stated that the impact is great to the neighbors because of the fall zone and the affected area has been a preserve because of the wetlands. She stated that the equipment storage area will be very intrusive for the neighbors.

Chairman Egginton stated that the tower was sited with respect to the setback so that it would be further back from Route 123 and from Tommy's Lane. He stated that this was done in difference to the visual impact.

Mr. Casper asked what their responsibility is regarding the fall zone.

Mr. Vicente stated that regardless of what the Code says and the need for a variance, the way the structure is engineered is so that they collapse on themselves and don't fall over. He stated that they are engineered to break in to sections and fall straight down rather than over. Mr. Vicente stated that the way the base is constructed along with the foundation it is literally impossible for it to fall down like a tree. He stated that it is designed to collapse in sections.

The Board Members reviewed Article V, Section 220-41.1E (4) of the Zoning Ordinance.

Ms. Van Der Heyden stated that she is concerned because of the collapse of the World Trade Center.

Chairman Egginton stated that he was deeply involved in the analysis of the tower collapse.

Ms. Van Der Heyden stated that she is only referencing it because you can't anticipate everything

and it was a very unusual set of circumstances.

Mr. Krellenstein asked if that is a basis to deny an application for a variance.

Ms. Van Der Heyden stated it is not just the height, the area is not going to be well screened and the tower will be very visible above the tree line. She stated that the other issue is if the AAB was here they could interpret the data. Ms. Van Der Heyden stated not every provider has to be afforded the opportunity to ease through our community. She stated that there is no guarantee that you will have uninterrupted service around the world. Ms. Van Der Heyden stated that she would like to see a layman's interpretation of the data.

Mr. Krellenstein stated that they will not do it for you.

Ms. Van Der Heyden stated you are asking community members to come up with the resources to go out and hire specialists to present contrary evidence. She stated that our property values are at risk and we as a town should hire consultants that could advise us.

Mr. Krellenstein stated that he understands her point and is not minimizing it at all and he recognized that it is a tremendous burden. He stated that as a town we actually have those experts and they are called the AAB. Mr. Krellenstein stated that they choose to absent themselves from these proceedings, they have known about it, we have memos and yet they have chosen to absent themselves. He stated that it seems relatively clear they have to show that there are gaps in the coverage and they have shown that. Mr. Krellenstein stated that it is up to the Town to show that there are less intrusive means to remedy the gaps other than what is proposed. He stated that nobody has made that showing. Mr. Krellenstein stated that the state of the law is pretty clear they have made their showing; there are gaps in the coverage and the anecdotal accounts by people that get service in a particular area is just not enough to overcome what they have shown. He stated that without speaking for them, he thinks that the Town wants the tower there otherwise they would have heard about it. Mr. Krellenstein stated that perhaps someone else would like to show that either there is a less intrusive alternative or that the gaps in coverage are manufactured. He stated that he absolutely accepts that the proponent will spin the evidence in the way that is most favorable for the proponent. Mr. Krellenstein stated that if someone wants to demonstrate that they are wrong, he is willing to listen. He stated that he is sensitive to the fact that nobody likes this and he accepts that the neighbors have a right to speak on it but he needs more than that.

Ms. Van Der Heyden stated that it exceeds the zoning which was already set for a height of 120'. She stated that they have allowed spot zoning to allow cell providers into our community and the Town has provided a pathway for them to come in.

Mr. Casper responded that the Federal government says that we have to.

Ms. Van Der Heyden stated that we had an 80' limit and now we increased it to 120'.

Mr. Casper stated that he is assuming that the members of the AAB are on that board for some level of expertise. He stated that they are involved in those recommendations for some reason other than an interest in antennas. Mr. Casper stated that he wants them to affirmatively confirm or deny what is said. He stated that he just wants them to say that this is the best thing to do. Mr. Casper stated that it is highly unlikely that the tower could fall.

Mr. Sven Moeller, 6 Tommy's Lane stated that initially it was 2 additional companies that would collocate and now it is 4, therefore they would have twice the revenue and we would have twice the impact.

Mr. Casper asked if Mr. Moeller was opposed to 34'.

Mr. Moeller responded that he is opposed to the tower because it is an economic benefit to the company. He stated that he is opposed to two towers at 120' because that is also an economic benefit to the company because now they are offering a spot to 4 companies.

Mr. Casper asked if he would prefer 2 towers.

Mr. Krellenstein asked what do you propose we do, deny the variance.

Mr. Moeller responded that they have to find a location that is not in a hole.

Mr. Krellenstein responded that that is not before the Board.

Ms. Van Der Heyden stated that it is not the best location due to the topography. She asked if anyone on the ZBA contacted the AAB.

Mr. Krellenstein responded that they were in contact this week and they were aware of the meeting as well received a copy of the agenda.

Chairman Egginton stated that they chose not to attend.

Ms. Van Der Heyden stated that we don't know why they did not attend tonight; possibly they had a conflict tonight just as a Zoning Board member had a conflict tonight.

Mr. Krellenstein agreed.

Ms. Van Der Heyden stated that we don't have to give them permission to put a tower in, if there is no significant coverage gap.

Mr. Casper stated that our issue is 34'.

Chairman Egginton stated that there will be a cell tower somewhere and the Town Code allows 120'.

Ms. Van Der Heyden stated that it is an overriding issue. She stated that we do not have to say yes to it because it is not within the rural nature of our community. Ms. Van Der Heyden stated that the ZBA should write a letter to the AAB with their questions and ask them to respond with a deadline.

Mr. Krellenstein stated that he does not know if the ZBA actually needs their help. He stated that we have their comments. Mr. Krellenstein stated that you may be right, there may be a town obligation but other than saying anecdotally there may not be a gap in the coverage, there is nothing else to base a decision denying the variance.

Ms. Van Der Heyden stated that we need proof. She stated that they have not demonstrated a

need from their customer base regarding dropped calls and a lack of coverage.

Mr. Krellenstein stated that there are two sets of jurisprudence on that; there are cases that say it is determined based on the carrier's need and there are other cases that say it is determined by the user need. He stated that as a theoretically neutral body, it is not our purview to go and ferret out the evidence that may support your case. Mr. Krellenstein stated that he is glad that that is not their obligation. He stated that he keeps trying to frame this as a narrow issue. Mr. Krellenstein stated that the issue is not whether or not there is a cell tower there because he can not influence that on this Board. He stated that the issue to him is whether or not to grant the variances. Mr. Krellenstein stated that in his view they have made a showing to justify granting the variances. He stated that he understands that no one wants a cell tower in their backyard but they get less concerned when it is in someone else's backyard. Mr. Krellenstein stated that it is going to go somewhere and that is not before this Board. He stated that when he looked at the height of the balloon he did not see a big difference between 120' and 154'.

Ms. Van Der Heyden stated that a balloon does not represent a standing still structure.

Mr. Krellenstein agreed.

Ms. Van Der Heyden stated that the only reason for the variance is to accommodate the carriers. She stated that they are responsible for decisions that impact the community. Ms. Van Der Heyden stated that she has Mr. Sohonyay's phone number and she will contact him.

Mr. Casper stated that he does not know anyone that would ask for a tower in their backyard. He stated that we know that we need them and we can not look into other health related issues. Mr. Casper stated that they can not consider the aesthetics. He stated that there are only 3 Board members that can vote tonight and 4 members next month. Mr. Casper asked if the applicant would hold the application over until next month in order to receive a concrete statement from the AAB. He stated that then we would feel that we had the interests of neighbors, community and providers adequately represented.

Mr. Laub stated that they would agree to hold the application over to get the AAB's involvement.

Chairman Egginton stated that if it is acceptable they will put a control date on the application.

Mr. Krellenstein stated that he is not sure how much light the AAB can shed on this. He stated that this is a serious matter and it is another month that someone can provide proof that there is a less intrusive means to meet the standard to justify this Board denying the variance. Mr. Krellenstein stated that he is willing to carry the application over until next month but it doesn't mean that if someone comes in and says that two 120' towers are better that would meet that standard.

Mr. Laub asked if they could conditionally close the public hearing on the sole acceptance of the AAB's submission of information.

Mr. Casper responded no.

Mr. Krellenstein responded no.

Mr. Laub stated that the carriers needs have been demonstrated from time to time as to whether

one particular carrier has slight scatter coverage in this area or that area, is irrelevant. Mr. Laub stated that carriers all have the right to provide their services in an area, there should not be a mini monopoly where everyone is forced to go to only one carrier in a particular area.

Mr. Krellenstein stated that there should not be towers popping up everywhere because everyone wants their own tower.

Mr. Laub agreed. He stated that that is why they are proposing one tower with collocation.

Mr. Casper stated that ultimately that is the bottom line for him. He stated that he wants our experts to come in and act on behalf of the community. Mr. Casper stated that at best the AAB has sent mixed signals. He stated that he wants to do it the right way.

Mr. Krellenstein stated that he would vote on this tonight but he is sensitive to the neighbor's concerns, this is not a shed or barn, it is big stuff. He stated that he will go to the next month because he does not know that the applicant will be materially prejudiced.

Mr. Vicente questioned what is big.

Mr. Krellenstein responded putting a cell tower in someone's backyard is big.

Mr. Vicente stated that it is a 34' variance and the setback variances.

Mr. Krellenstein responded that they only have to grant the variance if they can demonstrate that there is a gap in coverage.

Mr. Vicente stated that they did demonstrate that.

Mr. Krellenstein stated that they will give the application another month to see if they can meet the burden that there is a less intrusive means.

Mr. Vicente stated that he understands. He stated that there is a tremendous amount of history and balancing. Mr. Vicente stated that he is glad that the Board has seen all that they have done on this application. He stated that he has not heard anyone make the case for a less intrusive means. Mr. Vicente stated that he has been waiting meeting after meeting for someone to show otherwise. He stated that they should take everything into this balance and if the Board needs another meeting to get to their decision and give everyone else an opportunity he is fine with that. Mr. Vicente stated that they have been discussing the same issue for a long time.

Mr. Casper stated that the applicant has only been before this Board once in 3 years.

Mr. Mario DiFiore, 7 Lorraine Road asked what is their tie to the community. He stated that it is the community that should be voicing their concerns.

Mr. Krellenstein stated that they are a public utility and that is the law.

Mr. Casper stated that they are also here on behalf of the community because they provide emergency service, communication and cell phone coverage. He stated that it is part of safety and

welfare so they do represent the community. Mr. Casper stated that our town's experts have to speak up and frankly if they don't having had explicit pressure put on them; he feels that their answer to us is no big deal move forward.

Ms. Van Der Heyden stated that she went through two years of meetings to get approval for one house.

Chairman Egginton stated that the public hearing will remain open until the next meeting on October 28th. He stated that he will communicate with the AAB in writing requesting their comments and opinion on this particular application.

FINDINGS AND CONCLUSIONS

Mr. Chris Fisher, Esq. of Cuddy and Feder LLP was present to represent the applicant at the October 28th meeting.

Mr. Ted Sohonyay and Mr. Neil Berman of the Antenna Advisory Board were present at the October 28th meeting.

Chairman Egginton asked if any member of the public is present on this application.

Mr. Randy Samuelson and Mr. Sven Moeller both of Tommy's Lane were present.

Chairman Egginton read an email from Mr. Sohonyay dated October 28th into the record. He stated that the issue that is before the ZBA is the extent of coverage of a 154' tower would provide for the Vista hamlet to the Levy tower and the issue of the setbacks. Chairman Egginton stated that they did visit the site and asked if any member of the Board wished to comment.

Mr. Casper asked if any member of the public wished to comment because he was still deliberating and wanted to make sure he had all the facts.

Mr. Samuelson stated that if the Board does approve this, they will set precedent for another tower somewhere in town.

Mr. Sohonyay stated that the coverage surveys that have been done follow standard RF engineering practices and there are exceptions and a number of different ways this can go. He stated that the applicant's main concern may be slightly different from the AAB concern. Mr. Sohonyay stated that specifically they will have coverage along Route 123 and that is understood. He stated that the AAB has concerns in the area of Onatru Farm because townspeople congregate for various events and the coverage may be in a shadow area. Mr. Sohonyay stated that it could go either way with having seamless coverage on Route 123, although northerly it is uphill. He stated that the reason the AAB choose (2) 120' towers were specifically to provide seamless coverage through to Onatru Farm. Mr. Sohonyay stated that in that the Town Board rejected 2 towers then the AAB was constrained to look at one tower. He stated that the applicant did due diligence with the third site at Steven's Memorial Church.

Mr. Moeller stated that potential sports injuries at Onatru Farm has always been a consideration.

Mr. Fisher stated that when they look at RF coverage maps, there is some coverage at Onatru Farm it will not be as reliable but if you are using your phone outdoors it will be reliable. He

stated that the question before this Board is a variance for height, in order to make it more reliable at Onatru Farm from this location; we would have to go higher. Mr. Fisher stated that if that was the prime objective we would go with 180' or possibly 200'.

Mr. Berman stated that should be considered.

Mr. Sohonyay stated the AAB was no objection up to and including a height of 199' because at 200' FAA regulations require that the tower be lit and colored in red and white.

Ms. Mandelker asked if it is true that there would not be a material difference in geographic coverage between 120' and 154'.

Mr. Sohonyay responded the coverage would be considerably greater. He stated that the height differential from the Vista Fire House to the top of the hill that has to be crested by RF waves is 86'. Mr. Sohonyay stated that RF engineering standards usually call for this area to have 70' trees although there can be some variation. He stated that you are already at 86' and if you have 50' trees you would need 136' to get over the top of the trees. Mr. Sohonyay stated that there has to be a 10' separation between carriers, if you drop below the 136' it will be difficult.

Ms. Mandelker stated that if you have more carriers that means that more people will have more service.

Mr. Sohonyay responded yes. He stated that the AAB's recommendation from 15 years ago is that collocation is to be strongly encouraged.

Mr. Krellenstein asked if the bottom line is that granting them the variance to 154' gives them better coverage than 120' tower would.

Mr. Sohonyay responded yes.

Mr. Casper stated that if we had (2) 120' towers on the town owned parcels on Route 123 that would be better than the 154' tower.

Mr. Sohonyay responded that they believe it would, however we are talking about academics since the town has said no.

Mr. Casper stated the Town has not said no to other antennas, they said no to an antenna on their property.

Mr. Sohonyay responded no. He stated that the Town has said no to 2 towers in the same hamlet.

Mr. Fisher stated that in the Town's deliberations, they had a request for proposals out on these Town parcels. He stated that his client responded to that and when they talked about the Town parcel the AAB's recommendation was that you should consider a 120' tower at Vista Fire House and a 120' tower at the Town parcel.

Chairman Egginton stated that both would be in Vista hamlet.

Mr. Fisher stated that the Town Board was looking at that as an alternative and also a taller tower

at Vista. He stated that for whatever reason the Town Board said that they do not want to move forward with the Town site. Mr. Fisher stated that he does not know why but they would rather have one taller tower.

Mr. Casper asked if they were then saying it should be at the Methodist Church.

Mr. Fisher responded no.

Mr. Casper asked how the Town Board could preclude the Methodist Church site.

Mr. Fisher responded that they did apply for the Methodist Church site and then they withdrew the application. He stated that they applied, there was a lot of opposition and the Planning Board recommended that we look at Vista hamlet area. Mr. Fisher stated that the Planning Board asked them to pursue this application and they leased the site.

Mr. Casper asked if in a year that Onatru lacks decent coverage should we be surprised if you come back next year with a Methodist Church site application.

Mr. Fisher responded that he did not think it would be there. He stated that Mr. Sohonyay has done a fair job of saying we can as an industry say we will have reliable coverage. Mr. Fisher stated that they have spent 5 years as a group trying to come up with a plan for this area. He stated that there is a need for the site and the environmental effect is not materially different from what is allowed under the Code.

Mr. Sohonyay stated that the proof is when we go into the wimax and wifi world in the 2400 mHz and 5800mHz frequency range, your powers will decrease and you will need a lot more sites. He stated that the AAB does not disagree.

Mr. Fisher stated that we are still trying to achieve coverage, to say that overnight we are going to a denser more robust design in Lewisboro to provide in building broad band speeds. He stated that he does not see that happening in Lewisboro because they still have to fix coverage in other parts of the Town.

A question was asked regarding failure of the tower.

Mr. Fisher responded that if it were a catastrophic failure, such as hurricane force winds, the residential structures would have sustained damage in advance of the tower because it deflects and yields.

Mr. Krellenstein stated that he appreciated everyone's comments. He stated that he is struggling with comments about what might be or what might happen. He stated that it is a very simple application before us, 120' to 154' and the setback variance. Mr. Krellenstein stated that he has not heard anything to suggest that the applicant has not met the standards in the law, they have met them. He stated that the AAB was kind enough to attend and they approve of it. Mr. Krellenstein stated that perfect coverage is never going to be achieved, what we have before us is an application for a single tower. He stated that we should vote on it. Mr. Krellenstein asked if any member of the public wished to be heard.

Mr. Samuelson stated that there may be new technology in 2 years and we might not need cell towers in the future.

Chairman Egginton asked if anyone wished to be heard either in favor or opposed. No one responded.

Chairman Egginton moved that the application be approved as presented for the following reasons:

- That there will be some change in the character of the neighborhood which is relatively small;
- Based on the coverage and technical aspects that there is no practical alternative to the requested variances based upon the Town Board's opinion with respect to minimizing the number of towers in the Town and hamlet;
- That the area variance is reasonably unsubstantial;
- That there will be no adverse environmental impact and the application is before the Planning Board and for Wetland approval;
- That the difficulty is not self-created;

The motion was seconded by Ms. Mandelker; In favor: Ms. Mandelker, Mr. Krellenstein and Chairman Egginton. To Deny: Mr. Casper; Abstain: Mr. Price; Absent: None;

Prior to commencement of any work done under this approval, the Applicant is directed to contact the Building Department to obtain such permits as may be necessary and to pay such fees as may be required.


Geoffrey Egginton
Chairman

Dated in South Salem, New York
This 28 day of November 2009

Expiration: The variance shall be deemed to authorize only the particular use or uses specified in the decision, and unless other provisions are set forth by the Zoning Board of Appeals in connection with its decision, shall expire if work is not initiated pursuant thereto within one (1) year of the date said decision is filed with the Office of the Town Clerk or if said use or uses shall cease for more than one (1) year.

**RESOLUTION
LEWISBORO PLANNING BOARD**

**SPECIAL USE PERMIT APPROVAL
WETLAND ACTIVITY PERMIT APPROVAL**

**HOMELAND TOWERS
TOWER FACILITY AT VISTA FIRE DEPARTMENT
377 SMITH RIDGE ROAD**

Sheet 50A, Block 9834, Lots 84, 88, 94
Cal. #33-09 P.B.

December 15, 2009

WHEREAS, Homeland Towers, LLC, together with Sprint/Nextel and AT & T Wireless ("the applicant") is proposing to construct a communication facility on ± 5.95 acres of land, owned by the Vista Fire Department, located at 377 Smith Ridge Road in the R-1A Zoning District ("the subject property"); and

WHEREAS, the applicant is proposing a 154-foot tall monopole tower, affixed with twelve (12) Sprint/Nextel panel antennas, twelve (12) AT&T Wireless panel antennas, four (4) Sprint/Nextel GPS antennas, one (1) AT&T Wireless GPS Antenna, all of which is proposed to be contained within a 4,000 s.f. fenced compound area proposed to be improved with a 12' x 20' Sprint/Nextel equipment shelter and a 10' x 25' AT&T Wireless concrete slab with equipment cabinets. The compound area will be accessed via a proposed twelve (12) foot wide gravel driveway, to be located within an existing 50 foot wide right-of-way, commencing from the existing Vista Fire Department parking lot ("the proposed action"); and

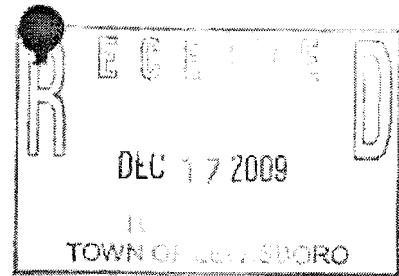
WHEREAS, the proposed communication facility has been designed to allow for two (2) additional future wireless carriers; and

WHEREAS, a crucial component of the proposed action is the ability to co-locate communication equipment needed by the Vista Volunteer Fire Department and the Town of Lewisboro; and

WHEREAS, there are currently only two (2) communication facilities within the Town of Lewisboro, one (1) located within the Leon Levy Preserve and one (1) along I-684; and

WHEREAS, each Planning Board member and each of the Town's consultants have conducted one (1) or more site visits; and

WHEREAS, the applicant appeared before the Planning Board for review of the project plans on multiple occasions prior to the scheduling of a public hearing on the proposed action, and



WHEREAS, an October 16, 2008 memorandum from the Antenna Advisory Board (AAB) to the Planning Board states that the Vista Volunteer Fire Department site is needed to provide the desired coverage from the State line to NYS Route 35; and

WHEREAS, the Town's desire to provide wireless coverage throughout the Town of Lewisboro is evidenced by the Town Board's August 2008 circulation of a Request for Proposal (RFP) for the installation of communication facilities on Town owned property; and

WHEREAS, Sprint/Nextel, AT&T and other wireless carriers all generally have the same long range siting plans for providing cell coverage to the Town of Lewisboro:

- Maintain facilities on the tower located at the Leon Levy Preserve.
- Maintain facilities on the State tower located at Exit 6A along I684.
- Build a facility at the Vista Fire Department (the proposed action).
- Build a facility in the Cross River area of Town (agreement in place between Verizon Wireless and the Town of Lewisboro for a tower to be located at Town Park on NYS Route 35).
- Build a facility in the Goldens Bridge area of Town, possibly along NYS Route 138.

WHEREAS, the proposed action will fill a significant gap in coverage and is consistent with the long range siting plans for providing cell coverage to the Town of Lewisboro; and

WHEREAS, Section 220-41.1E(1) of the Zoning Code establishes a maximum tower height of 120 feet and Section 220-41.1E(4) of the Zoning Code requires a front, side and rear property line setback equal to the height of the tower plus the distance of the corresponding minimum yard setback; and

WHEREAS, the Zoning Board of Appeals has issued a height variance (120 feet required/154 feet proposed), rear yard setback variance (190 feet required/127 feet proposed) and side yard setback variance (180 feet required/149 feet proposed); and

WHEREAS, the applicant has provided maps illustrating proposed coverage limits based on an 80-foot, 120-foot and 154-foot tower. An 80-foot tower would provide minimal service and would require a second tower to be located somewhere between the Leon Levy Preserve tower and the subject property; and

WHEREAS, it is not until the tower reaches 120 feet that reliable coverage expands significantly; and

WHEREAS, coverage provided by a 154-foot tower is better than what is shown for a 120-foot tower; however, the two (2) heights generally provide similar coverage. The 154-foot tower is justified by allowing carriers at 120 feet, 130 feet, 140 feet and 150 feet without a decrease in coverage; and

WHEREAS, lower tower heights will require future carriers to co-locate below the 120-foot reliable coverage height; and

WHEREAS, the proposed 154-foot tall tower will be visible from various locations. In an effort to evaluate the visibility of the proposed tower, a visual impact analysis was conducted. Reference is made to a report entitled "*Visual Resource Evaluation Report*", prepared by VHB, dated February 2009. Further, the EAF Visual Addendum was prepared to evaluate the presence and visibility of important public resources; and

WHEREAS, the visual impact analysis referenced above evaluates the visibility of the proposed communication facilities within a two (2) mile radius of its proposed location ("the study area"). Although the applicant is proposing a 154-foot tall tower, the report evaluates the visibility of a 120-foot tall and 154-foot tall tower; and

WHEREAS, the tree canopy occupies approximately 6,677 acres of the 8,042 acre study area (83%) and the average tree height is approximately 65 feet; and

WHEREAS, based on the results of the visibility analysis, a 120-foot tower will be at least partially visible within 1.3% of the study area and a 154-foot tower will be visible within 1.4% of the study area. The lack of significant views beyond the immediate area of the subject property is attributable to the abundance of mature trees, the height of the tree canopy and the varied topography of the area; and

WHEREAS, a landscaping and screening plan has been developed to properly mitigate visual impacts of the facility from surrounding residences and from NYS Route 123; and

WHEREAS, on December 3, 2009, the application was referred to ACARC; and

WHEREAS, the proposed action was reviewed by ACARC on December 9, 2009 and a positive recommendation has been made to the Planning Board; and

WHEREAS, the applicant has prepared an assessment of radiofrequency (RF) levels and associated FCC compliance for the proposed facility. Reference is made to a report entitled "*Antenna Site FCC RF Compliance Assessment and Report*", prepared by Pinnacle Telecom Group, dated January 30, 2007. The report concludes that the maximum RF effect from the proposed facility is only 0.4924%, less than one-half of 1% of the FCC's limit. Put another way, the calculated RF level is more than 200 times below the FCC's limit and, therefore, the proposed communication facility will be in compliance with the limit for safe continuous exposure of the general population; and

WHEREAS, the tower and foundation will be designed and constructed in accordance with the "*Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*", "*Minimum Design Loads for Buildings and Other Structures*" and the New York State Building Code; and

WHEREAS, there are no occupied structures or areas of public access within the fall

zone of the tower. The proposed 154-foot tower is located ± 300 feet from the firehouse, ± 200 feet from the firehouse parking lot and ± 375 feet from the closest residence; and

WHEREAS, the proposed action will result in .48 acres of land disturbance and impervious surfaces will be limited to the tower and equipment shelters and cabinets for up to four (4) wireless carriers and future equipment needed by the Vista Volunteer Fire Department and the Town of Lewisboro; and

WHEREAS, the subject property is not located within the New York City East of Hudson Watershed. Given the fact that the total area of disturbance is less than one (1) acre, a full Stormwater Pollution Prevention Plan (SWPPP) is not required. A Basic SWPPP, including a sediment and erosion control plan, has been prepared and stormwater runoff will be collected and treated appropriately on-site; and

WHEREAS, the Planning Board received a report from the NYSDEC Natural Heritage Program, dated April 1, 2009, identifying that the Kentucky warbler, a NYS Protected bird, is known to be located in proximity to the subject property (west of the Siscowit Reservoir, ± 1.25 miles from the subject property); and

WHEREAS, as summarized in a report prepared by VHB, dated June 26, 2009, the area of proposed disturbance does not contain the preferred habitat of the Kentucky warbler and, therefore, the proposed action will not negatively impact this species; and

WHEREAS, the subject property contains wetland and wetland buffer areas that are jurisdictional to the Town of Lewisboro, the New York State Department of Environmental Conservation (NYSDEC) and the Army Corps of Engineers (ACOE); and

WHEREAS, during the wetland identification and delineation process, an off-site vernal pool (± 0.3 acres) was identified on the adjoining property, immediately south of the proposed access driveway. Upon identification of this vernal pool, the Town requested that the applicant evaluate potential impacts from the proposed action on the off-site vernal pool. Reference is made to a vernal pool study prepared by VHB, dated June 5, 2009, supplemented by a letter from VHB dated June 26, 2009; and

WHEREAS, the proposed site disturbance is located entirely within NYSDEC and Town of Lewisboro jurisdictional wetland buffer area. The installation of the gravel driveway will result in the permanent alteration of $\pm 1,025$ s.f. of jurisdictional wetlands and the proposed action will result in 17,825 s.f. of wetland buffer disturbance; and

WHEREAS, on June 18, 2009, the ACOE determined that the proposed action will be accomplished under the existing Department of Army Nationwide General Permit Number 18; and

WHEREAS, following the relocation of certain facilities and the tower at the request of the NYSDEC, an Article 24 Freshwater Wetland Permit was issued by the NYSDEC on October 26, 2009; and

WHEREAS, the application was referred to the Westchester County Planning Board under Section 239-m of General Municipal Law and more than 30 days has lapsed without a response from the County; and

WHEREAS, the proposed action is an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617.4; and

WHEREAS, in accordance with SEQRA, 6 NYCRR Part 617, the Planning Board issued a Negative Declaration of Significance on July 28, 2009; and

WHEREAS, the Planning Board conducted a duly noticed public hearing which was opened on October 13, 2009 and adjourned to November 24, 2009, re-opened on November 24, 2009 and adjourned to, re-opened, and closed on December 15, 2009, at which times all interested parties were afforded an opportunity to be heard; and

WHEREAS, the Planning Board has considered the submitted Special Use Permit Application, Wetland Activity Permit Application, correspondence from outside agencies, permits issued from outside agencies, other materials submitted by the applicant in support of its proposal, the written and verbal comments from the Board's professional consultants, the verbal commentary and written submissions made during Planning Board meetings and public hearings, testimony of the applicant, observations made at site visits, and the decisions, comments and recommendations of the ZBA, ACARC and the CAC.

NOW THEREFORE BE RESOLVED THAT, the Planning Board hereby finds that the Wetland Activity Permit Application pertaining to 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 owner/applicant not comply with the terms and conditions of this Resolution; and

BE IT FURTHER RESOLVED THAT, this Wetland Activity Permit shall expire two (2) years from the date of this Resolution, unless a Certificate of Occupancy and/or Use has been obtained prior thereto; and

BE IT FURTHER RESOLVED THAT, the proposed action meets the purpose and intent described under Section 220-41.1A of the Zoning Code, the proposed action has been designed to satisfy the regulatory compliance standards identified under Section 220-41.1B of the Zoning Code, the proposed communication facility has been designed and sited to comply with Section 220-41.1C and Section 220-41.1E of the Zoning Code, and the applicant has submitted to the Planning Board for its review, the application material required by Section 220-41.1D of the Zoning Code; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby makes the following findings in connection with the Special Use Permit:

1. The location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that the proposed action complies with all special requirements for such use established in Section 220-32, Zoning. Specifically:

Land uses within the general vicinity of the subject property are comprised of retail, service business, office, and residential uses. Oakridge Shopping Center is located across the street as is Rings End Lumberyard. The adjacent property to the south is currently being used as a landscaping nursery, the adjacent property to the east is an undeveloped wooded lot, and the adjacent parcel to the north is residential.

The visual impact analysis referenced herein evaluates the visibility of the proposed communication facility within a two (2) mile radius of its proposed location ("the study area"). Although the applicant is proposing a 154-foot tall tower, the report evaluates the visibility of a 120-foot tall and 154-foot tall tower. A 120-foot tall tower was evaluated in order to represent the maximum tower height allowed under the Town of Lewisboro Zoning Ordinance. The topography within the study area can be classified as rolling hills and the elevation ranges between 300 feet AMSL to 725 feet AMSL. The forest cover within the study area consists mainly of deciduous hardwoods interspersed with stands of mature coniferous species. The tree canopy occupies approximately 6,677 acres of the 8,042 acre study area (83%) and the average tree height is approximately 65 feet.

Based on the results of the visibility analysis, a 120-foot tower will be at least partially visible within 1.3% of the study area and a 154-foot tower will be visible within 1.4% of the study area. The lack of significant views beyond the immediate area of the subject property is attributable to the abundance of mature trees, the height of the tree canopy and the varied topography of the area.

While the proposed tower will be visible from various locations within Vista and beyond, the Planning Board has determined that the proposed 154-foot tower will

not interfere with or reduce the public's enjoyment and/or appreciation of the appearance of an inventoried resource. The benefit of cell coverage will outweigh the visual impacts of the proposed tower.

A properly sited and designed communication facility is the best way to mitigate its visibility. The tower will be less visible on this particular parcel than it would be on other potential sites within the hamlet of Vista. Further, the location of the tower on the subject property itself will reduce visual impacts. Additional mitigation includes, proper screening of the facility by planting approximately 13 evergreen trees along the westerly side of the compound, additional landscaping along the southerly boundary of the parcel, the installation of a fence with wood stockade surround along the perimeter of the compound area, limiting the total limits of disturbance to .48 acres and limiting the number of trees to be removed, prohibiting lights on the tower and requiring all compound lighting to be shielded and will be on motion detection.

2. The location, nature and height of buildings, walls and fences and the nature and extent of existing or proposed planting on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings. Specifically:

See response to Finding #1 above.

3. Operations in connection with the Special Use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operation of any permitted use not requiring a Special Permit. Specifically:

Following construction, the proposed use will not generate objectionable amounts of noise, fumes, or vibration. Further, the applicant has prepared an assessment of radiofrequency (RF) levels and associated FCC compliance for the proposed facility. Reference is made to a report entitled "*Antenna Site FCC RF Compliance Assessment and Report*", prepared by Pinnacle Telecom Group, dated January 30, 2007. The report concludes that the maximum RF effect from the proposed communication facility is only 0.4924%, less than one-half of 1% of the FCC's limit.

4. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum and adequate safety. Specifically:

The proposed communication facility will be accessed via a 12-foot wide gravel driveway, which will extend from the existing parking lot serving the Vista Volunteer Fire Department to the facility. The proposed access drive will be properly screened with both existing and proposed vegetation. The proposed action will not generate significant amounts of traffic, in fact it is anticipated that

the facility will be accessed by a technician once every month. The compound area has been developed to accommodate two (2) vehicles, with adequate space to maneuver/turn-around a vehicle.

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves a Special Use Permit, subject to the below conditions and compliance with the Special Use Permit Conditions specified below; and

BE IT FURTHER RESOLVED THAT, the following drawings, which shall be referred to as "the Special Use Permit Plans", prepared by APT Engineering, Barrett Bonacci & Van Weele, P.C. and/or William Johnson Landscape Architect and dated (last revised) November 5, 2009 are hereby approved, subject to the below conditions and compliance with the Special Use Permit Conditions specified below:

- Title Sheet and Index (T-1)
- 500' Radius Map & Abutters List (R-1)
- Site Plan (SP-1)
- Site Grading & Sedimentation/Erosion Control Plan (SP-2)
- Access Road Profile & Site Details (SP-3)
- Landscape Plan (LS-1)
- Wetland Mitigation Plan (WM-1)
- Compound Plans & Elevations (A-1)
- Antenna Plan & Details (A-2)
- Foundation Plan & Civil Details (C-1)
- Typical Details & Equip. Elevations (Z-1)

BE IT FURTHER RESOLVED THAT, this Special Use Permit shall be deemed to authorize only the particular Special Permit Use described herein and illustrated on the approved Special Use Permit Plans referenced herein and shall expire if work is not initiated pursuant thereto within one (1) year of this Resolution, or if all required improvements are not completed within two (2) years from the date of this Resolution, or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use, except that the Planning Board may, upon request, extend the above time periods as determined appropriate.

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

1. Each and every sheet of the Special Use Permit Plans shall contain a common revision date with notation stating "Planning Board Approval", shall contain an original seal and signature of the design professional and shall contain an original signature of the owner(s).

2. The following signature blocks shall appear on all sheets:

PLANNING BOARD APPROVAL

Approved by the Planning Board of the Town of Lewisboro,
Westchester County, N.Y. by resolution dated _____
Any change, erasure, modification or revision to this Plan,
as approved, shall void this approval.

P.J. Rossi

Date

Aimee Hodges

Date

OWNER'S CERTIFICATION

The undersigned owner of the property shown hereon is familiar with this
drawing(s), its contents, and its legends and hereby approves the same for filing.

Owners Name

Date

Owners Address

TOWN ENGINEER'S CERTIFICATION

Reviewed for compliance with the Planning Board Resolution dated _____

Ryan Coyne, P.E.

Date

Town Consulting Engineer

3. Additional screening to the south of the facility, to the satisfaction of the Town Consulting Planner and Town Wetland Inspector, shall be shown on Sheet LS-1.
4. The first 60 feet of the tower shall be painted a light brown/green mix and the second 94 feet of the tower shall be painted to match the sky (very pale gray/blue mix). All antennas, wiring, and accessory equipment shall match the color of the tower to which they are affixed. The applicant shall submit color samples to the Planning Board and the Planning Board shall select the exact colors.
5. The Special Use Permit Plans shall be revised to identify the color scheme approved by the Planning Board.
6. The owner/applicant shall satisfy any outstanding written comments provided by the Town Consulting Engineer, Town Consulting Planner and Town Wetland Inspector.
7. The owner/applicant shall obtain and submit all necessary approvals from the New York State Department of Transportation (NYSDOT).
8. The owner/applicant shall submit to the Planning Board Secretary an engineering/inspection fee equal to 5% of the estimated cost of construction, said

estimate to be provided by the applicant and approved by the Town Consulting Engineer.

9. The owner/applicant shall pay to the Town of Lewisboro, by certified check, a Wetland Permit monitoring and inspection fee in the amount of \$1,140.
10. Proposed wetland mitigation plantings shall be bonded in the amount approved by the Town Wetland Inspector, based upon a cost estimate as provided by the owner/applicant. Said bond, or other security acceptable to the Planning Board, shall be supplied to the Planning Board and shall be released after a period of five (5) years, provided that the Town Wetland Inspector verifies that a minimum of 85% of the planted species have survived as measured from the date of the submitted and accepted as-built map (see Condition #23). All plants shall be installed between April 1st and October 1st.
11. Proposed landscaping/screening shall be bonded in the amount approved by the Town Wetland Inspector, based upon a cost estimate as provided by the owner/applicant. Said bond, or other security acceptable to the Planning Board, shall be supplied to the Planning Board and shall be released after a period of two (2) years. Any tree, shrub or other planting that does not survive the initial two (2) year period, shall be replaced, in kind, at the sole expense of the owner/applicant. Verification of the survival of trees/shrubs shall be made by the Town Consulting Planner and Town Wetland Inspector.
12. The owner/applicant shall submit paper copies of the Final Special Use Permit Plans, prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
13. Any revisions required as a result of the consultants review of the Final Special Use Permit Plans shall be made and within six (6) months of the date of this Resolution, the owner/applicant shall furnish the Planning Board with two (2) complete mylar sets of the Final Special Use Permit Plans for final review by the Town Consulting Engineer and endorsement by the Town Consulting Engineer, Planning Board Chairman and Secretary.
14. The owner/applicant shall provide a written statement to the Planning Board Secretary acknowledging that they have read and will abide by all conditions of this Resolution.
15. The owner/applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

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

16. Following the endorsement of the Final Special Use Permit Plans by the Town Consulting Engineer, Planning Board Chairman and Secretary, one (1) mylar set will be returned to the owner/applicant for copying and the second mylar set will be retained by the Planning Board as a record copy.
17. Within ten (10) days after endorsement of the Final Special Use Permit Plans by the Town Engineer, Planning Board Chairman and Planning Board Secretary, the owner/applicant shall deliver to the Planning Board Secretary nine (9) printed sets of the signed plans, collated and folded.

Conditions to be Satisfied Prior to Commencement of Work:

18. The applicant/owner shall obtain from the Wetland Inspector a Wetland Activity Implementation Permit.
19. Prior to commencement of any site work or construction activity, a site visit shall be conducted with the applicant/owner, contractor, Building Inspector, Town Consulting Engineer, Town Consulting Planner, Town Wetland Inspector, and any other involved agency wishing to attend. Prior to the site visit, all erosion and sedimentation controls shall be properly installed by the owner/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:

20. During construction, the Town Consulting Engineer, Town Consulting Planner and Town Wetland Inspector may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved Final Special Use Permit Plans.
21. The applicant/owner shall notify the Town Consulting Engineer, Town Wetland Inspector, Building Inspector, and Planning Board Secretary when reaching each of the following stages of construction. Advance notice of at least two (2) working days shall be given when possible:
 - Installation of erosion and sediment control measures; and
 - Prior to site clearing; and
 - Prior to work within the State right-of-way; and
 - Completion of rough grading; and

- When excavations are ready for placing foundations and when trenches are shaped and prepared for laying pipe and/or underground utility lines; and
 - Following the installation of the tower; and
 - Following the installation of the gravel driveway; and
 - After completion of all improvements; and
22. A copy of this Resolution, approved Final Special Use Permit Plans, and approved Basic SWPPP shall be kept on site at all times.

Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy and/or Use:

23. Submission of an as-built map depicting the planted materials (wetland mitigation and screening) shall be submitted to the Planning Board (four (4) copies) and Building Inspector.
24. Submission of an as-built survey, prepared by a NYS Licensed Land Surveyor, demonstrating compliance with the approved Special Use Permit Plans shall be submitted to the Building Inspector and Planning Board (four (4) copies).
25. Certification by a NYS Professional Engineer that all stormwater management practices and associated improvements have been installed in conformance with the approved Special Use Permit Plans shall be submitted to the Building Inspector and Planning Board (four copies).
26. The Building Inspector, Town Consulting Engineer, Town Planner and Town Wetlands Inspector shall conduct a site visit to determine conformance with the approved Final Special Use Permit Plans, Wetland Activity Permit and this Resolution.
27. The Town Consulting Engineer shall issue a report to the Building Inspector stating that the subject property was developed in accordance with the approved Final Special Use Permit Plans and Basic SWPPP.
28. The applicant shall obtain a Wetland Certificate of Compliance from the Town of Lewisboro Wetland Inspector.
29. The owner/applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Conditions to be Satisfied Following the Issuance of a Certificate of Occupancy and/or Use:

30. In accordance with notes provided on the "Wetland Mitigation Plan" (Sheet WM-1), mitigation areas will be monitored for the first five (5) growing seasons, in accordance with the NYSDEC's Freshwater Wetlands Enforcement Guidance Memorandum, following construction and planting. Monitoring reports shall be submitted to the Town Wetland Inspector and 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.

Special Use Permit Conditions:

31. The proposed tower configuration shall be a monopole, the antennas of which will be affixed to a low profile platform. The color of the monopole, antennas and accessory equipment shall be maintained as selected by the Planning Board.
32. The owner/applicant shall be responsible for maintaining the appearance of the communication facility.
33. Within 45 days of initial operation, the owner/applicant shall submit to the Building Inspector a written certification by a Professional Engineer, with the qualifications set forth in Section 220-41.1D of the Zoning Code, that the operating facility is in compliance with the application submitted, the conditions of this Resolution, and Section 220-41.1 of the Zoning Code, in order to continue operations past the 45 day period.
34. The Town may confirm and periodically reconfirm compliance as necessary to ensure that the provisions of Section 220-41.1 of the Zoning Code, including NIER level thresholds, are in compliance.
35. If the proposed communication facility is found not to be in compliance with the approved Special Use Permit Plans, said facility shall immediately cease operation.
36. A yearly inspection of emissions and structural soundness shall be submitted, in writing, to the Antenna Advisory Board and the Building Inspector. The first report shall be due 12 months from the issuance of a Certificate of Occupancy and/or Use.
37. If interference to any preexisting FCC approved communication device or antenna, which complies with current FCC standards and requirements, results from the operation of the proposed facility, the owner of the proposed facility

shall immediately eliminate the interference or cease operation of the facility. Failure to correct or eliminate the interference shall be subject to the immediate revocation of any and all operating permits, including this Special Use Permit.

38. If the names or address of the owner or operator is changed, the Building Department and Planning Board shall be notified in writing by the operator of the change within 30 days of said change.
39. If the proposed tower or any related antenna or facility, including any supporting structure and related appurtenances, or part thereof, ceases to operate for a period of six (6) months in any 12 month period, the owner of the property or operator of the facility shall remove said inactive tower, related antenna, or facility, at his or her sole expense. An extension of an additional six (6) months may be granted by the Building Inspector and Planning Board upon submittal of a written request for said extension, including proof, as determined reasonable by the Building Inspector, that the owner is actively engaged in the marketing of the property for sale or rent.
40. Alterations (not co-location) to the approved communication may, at the discretion of the Planning Board and upon submission by the applicant of a written description of the proposed alteration, be considered exempt from the requirements for a Special Use Permit, provided the following criteria are met and a Building Permit is obtained. Exemption determinations made by the Planning Board shall be made by Resolution:
 - a. Existing approved antennas and other related equipment may be upgraded, replaced or added to, provided:
 - i. The upgrade, replacement or addition of antennas or other equipment onto the existing approved communication tower does not result in any increase in the total height of said tower, including the height of any approved antenna protruding above said tower structure.
 - ii. The combined bulk (or physical volume) of all antennas or other equipment shall be reduced, equal to, or result in an increase of less than 5%. Bulk (or "volume") shall be calculated in appropriate cubic (three-dimensional) units, such as cubic inches or cubic feet, and shall be compared to the total bulk last approved for the tower structure.
 - b. Existing approved communication facility ground equipment may be upgraded, replaced or added to, provided same can be accommodated

within the approved fenced-in compound, building or structure. A facility alteration under this exemption shall not include the construction of any new accessory buildings, structures greater than eight (8) feet in height, fencing, or other site improvements involving grading, vegetation removal (with the exception of invasive plant removal approved herein), or new land disturbances.

41. Future applications for co-location shall apply to the Planning Board for a Special Use Permit. Applications involving co-location, determined to be consistent with the structural, safety and visual aspects of the approved communication facility shall be processed in an expedited manner. The Planning Board may waive, upon the request of the applicant and subject to appropriate circumstances, the application submission requirements as set forth by Section 220-41.1H(3) of the Zoning Code.
42. The proposed action allows the installation of antennas for Sprint/Nextel and AT&T Wireless. The communication facility has been design to accommodate two (2) additional wireless carries and communication devices needed by the Vista Volunteer Fire Department and the Town of Lewisboro. Future co-locations by wireless carriers shall not prohibit or impede the future co-location of equipment needed by the Vista Volunteer Fire Department and the Town of Lewisboro.
43. Upon the successful co-location of communication devices needed by the Vista Volunteer Fire Department on the subject tower, the existing lattice tower located on the subject property, which currently serves the communication needs of the Vista Volunteer Fire Department, shall be removed by the owner of the property.
44. All exterior lights shall be on motion detection.
45. This approval shall expire, without prior notification, upon the expiration or termination of the lease between the applicant and the Vista Volunteer Fire Department or its successors and/or assigns. Should this permit expire, the communication facility shall be removed from the subject property and properly disposed of, at the applicant/tower owners sole expense.
46. This Special Use Permit shall be valid for a period not to exceed five (5) years from the date of the filing of this Resolution with the Town Clerk, except as may be extended by the Planning Board pursuant to the review and approval of an application for renewal. The approved communication facility shall either be entirely removed from the subject property and properly disposed of, at the applicant/tower owner's sole expense, or an application for renewal of this Special Use Permit shall be made to the Planning Board a minimum of two (2)

months prior to the expiration of this Special Use Permit. Any subsequent renewal application shall be subject to the same procedure, rules and regulations applicable to an original application; however, the Planning Board may waive, upon the request of the applicant and subject to appropriate circumstances, the application submission requirements as per Section 220-41.1H(3) of the Zoning Code.

47. The continued validity of a Certificate of Occupancy and/or Use shall be subject to continued conformance with the approved Final Special Use Permit Plans and the conditions of this Resolution.

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: Richard Ellrodt

The motion was seconded by: Joseph Decaminada

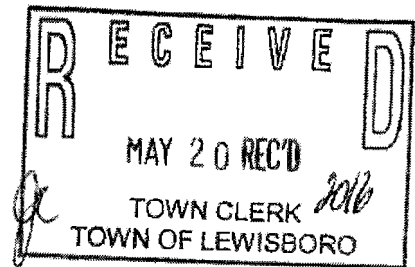
The vote was as follows:

P.J. ROSSI	<u>Aye</u>
JOSEPH DECAMINADA	<u>Aye</u>
MAUREEN MAGUIRE	<u>Aye</u>
RICHARD ELLRODT	<u>Aye</u>
JOHN GUSMANO	<u>Aye</u>


P.J. Rossi, Chairman

December 15, 2009

**RESOLUTION
LEWISBORO PLANNING BOARD**



AUTHORIZING RELEASE OF WETLAND MITIGATION BOND

**HOMELAND TOWERS
TOWER FACILITY AT VISTA RIDGE FIRE DEPARTMENT**

377 SMITH RIDGE ROAD

Cal. # 3-09 P.B.

May 17, 2016

WHEREAS, by Resolution adopted on December 15, 2009, the Planning Board granted Special Use Permit Approval and Wetland Activity Permit Approval to Homeland Towers, LLC for a communication facility at 377 Smith Ridge Road; and

WHEREAS, a condition of this approval was the delivery to the Planning Board of a Wetland Mitigation Bond, in an amount approved by the Town Wetland Inspector, to guarantee the planting and continued maintenance of wetland species at the site of the communication facility, which bond is to be released within five (5) years, provided the Town Wetland Inspector has verified that a minimum of 85% of the planted species have survived in accordance with the terms of the Special Use Permit and Wetland Activity Permit Approval; and

WHEREAS, a bond in the \$16,621 was posted by Homeland Towers, LLC in compliance with this condition; and

WHEREAS, Homeland Towers, LLC has submitted monitoring reports to the Town Wetland Inspector for five (5) consecutive years, the last report (dated November 20, 2015) having confirmed a 105% success rate with regard to planted species; and

WHEREAS, Homeland Towers, LLC, by letter dated April 21, 2016, has requested the release of the Wetland Mitigation Bond; and

WHEREAS, the Town Wetland Inspector has advised the Planning Board that more than 85% of the planted species have survived over a five (5) year period in accordance with the terms of the Special Use Permit and Wetland Activity Permit Approval;

NOW, THEREFORE, BE IT RESOLVED THAT, in accordance with its December 15, 2009 Resolution, the Planning Board authorizes the release of the Wetlands Mitigation Bond posted by Homeland Towers, LLC in the amount of \$16,621.

ADOPTION OF RESOLUTION

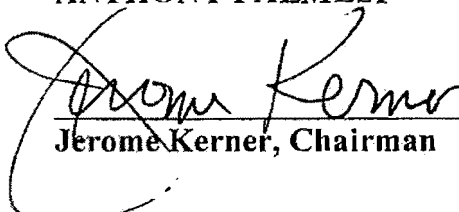
WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: Ron Tetelman

The motion was seconded by: Greg La Sorsa

The vote was as follows:

JEROME KERNER	<u>aye</u>
JOHN O'DONNELL	<u>aye</u>
RON TETELMAN	<u>aye</u>
GREG LASORSA	<u>aye</u>
ANTHONY PALMESI	<u>absent</u>



Jerome Kerner, Chairman

May 17, 2016

RESOLUTION ADOPTED BY THE PLANNING BOARD

OF THE TOWN OF LEWISBORO

AT A MEETING HELD ON OCTOBER 7, 2014

WHEREAS, Condition #11 of the Planning Board resolution dated December 15, 2009 required the posting of a bond in the amount of \$24,130 to cover the cost of plant material associated with landscaping and screening; and

WHEREAS, in a memo dated September 23, 2014, Kellard Sessions had no objection to the release of the landscaping and screening bond.

BE IT RESOLVED that at the Town of Lewisboro Planning Board hereby recommends to the Town of Lewisboro Town Board the release of the Hanover Insurance Company (Allmerica Financial Citizens Insurance) Performance bond, number BLQ8046849, in the amount of \$24,130, submitted by Homeland Towers, LLC, as security for the completion of landscape plantings at the location of 377 Smith Ridge Road, South Salem, New York.

ADOPTION OF RESOLUTION

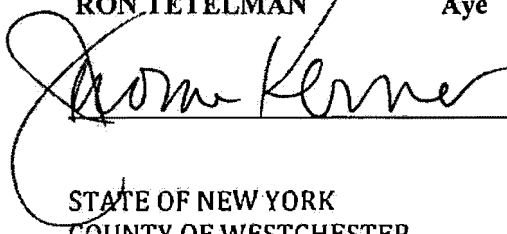
WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: Mr. Goett

The motion was seconded by: Mr. Tetelman

The vote was as follows:

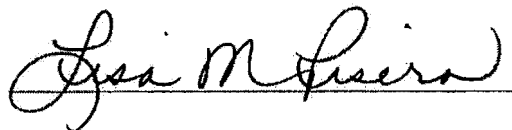
JEROME KERNER	Aye
ROBERT GOETT	Aye
GREG LASORSA	Aye
JOHN O'DONNELL	Aye
RON TETELMAN	Aye



Jerome Kerner, Chairman - October 15, 2014

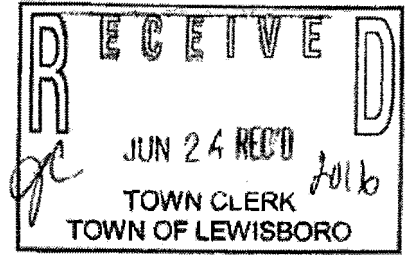
STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF LEWISBORO

I, Lisa Pisera, Secretary to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 7th day of October, 2014 and that the same is a true and correct copy of said original and of the whole thereof.



Lisa M. Pisera
Planning Board Secretary

Dated at Cross River, New York
This 15th day of October, 2014



**RESOLUTION
LEWISBORO PLANNING BOARD**

EXEMPTION FROM SPECIAL USE PERMIT REQUIREMENTS

**NEW CINGULAR WIRELESS PCS, LLC (AT&T)
TOWER FACILITY AT VISTA FIRE DEPARTMENT
377 SMITH RIDGE ROAD**

Sheet 50A, Block 9834, Lots 84, 88, 94
Cal. # ____ P.B.

June 21, 2016

WHEREAS, on December 15, 2009, the Town of Lewisboro Planning Board granted Special Use Permit Approval and a Wetland Activity Permit, subject to conditions, pertaining to the construction of a communication facility on ± 5.95 acres of land located at 377 Smith Ridge Road; and

WHEREAS, the Special Use Permit Approval, which was granted to Homeland Towers, LLC, together with Sprint/Nextel and AT&T Wireless, allowed for the construction of a 154-foot tall monopole tower, 4,000 s.f. compound area, access driveway, and the installation of antennas, equipment shelters, equipment cabinets and related equipment for both Sprint/Nextel and AT&T Wireless; and

WHEREAS, AT&T Wireless was approved to install twelve (12) panel antennas, one (1) GPS antenna and a 10' x 25' concrete slab with equipment cabinets within a fenced compound area; and

WHEREAS, following construction of the communication tower, AT&T Wireless installed six (6) panel antennas at ± 140 feet AGL, one (1) GPS antenna, a concrete pad with various equipment cabinets and related equipment; and

WHEREAS, in addition to AT&T Wireless, the communication tower accommodates the wireless installations of Sprint/Nextel and Verizon Wireless; and

WHEREAS, New Cingular Wireless, PCS/AT&T (the "Applicant") now proposes to alter this approved facility by installing a 50kW diesel generator within the existing fenced compound (the "proposed action"); and

WHEREAS, Section 220-41.1 of the Lewisboro Town Code authorizes the Planning Board to exempt, from special use permit requirements, alterations to an approved telecommunications facility; and

WHEREAS, Section 220-41.1(1)(b) of the Lewisboro Town Code provides that such an exemption may be applied for the replacement of, or addition to, ground equipment within a fenced compound accompanying an approved telecommunications facility; and

WHEREAS, the Applicant has requested that such an exemption be applied so that it can install the aforementioned generator; and

WHEREAS, the nature and scope of the proposed action involves activity categorized as Type II under the SEQRA regulations and is exempt from SEQRA review; and

WHEREAS, materials submitted by the Applicant have been referred to both the Antenna Advisory Board, the Conservation Advisory Committee and the Vista Fire District; and

WHEREAS, the proposed action has been endorsed by the AAB, the Vista Fire Department has reported that it has no objection to the proposed action and has endorsed the environmental questionnaire accompanying the exemption request and the CAC has provided written comments that have been considered by the Planning Board;

NOW THEREFORE BE RESOLVED THAT, the Planning Board, in its discretion, hereby finds that the proposed installation of the 50 kW generator meets the criteria stated in §220-41.1 of the Lewisboro Town Code and is therefore exempt from the requirements for Special Use Permit Approval; and

BE IT FURTHER RESOLVED THAT, work shall not commence without the benefit of a Building Permit as issued by the Town of Lewisboro Building Inspector; and

BE IT FURTHER RESOLVED THAT, the Planning Board has based this decision on the following documents and plans submitted by the Applicant:

1. Plans prepared by Tectonic, dated March 1, 2016 (For Vista Fire Department);
 - Title Sheet
 - Site Plan
 - Partial Site Plan
 - Equipment Layout Plans
 - Generator Details & Notes
 - Automatic Transfer Switch & Notes
 - Details

- EH & S Details
- ATS Alarm Relay
- Conduit Routing Plan & Notes
- Electrical Details
- Detail & Riser Diagram
- Alarm Details
- Grounding Details & Notes
- General Notes

2. Letter submitted by MD7 dated May 20, 2016 on behalf of the Applicant.

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: Ron Tetelman

The motion was seconded by: Greg La Sorsa

The vote was as follows:

JEROME KERNER absent

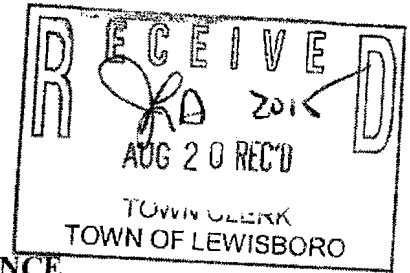
JOHN O'DONNELL aye

RON TETELMAN aye

ANTHONY PALMESI aye

GREG LASORSA aye

John O'Donnell
John O'Donnell, Acting Chairman June 21, 2016



**RESOLUTION
LEWISBORO PLANNING BOARD**

**NEGATIVE DECLARATION OF SIGNIFICANCE
SPECIAL USE PERMIT APPROVAL AND RENEWAL**

TOWER FACILITY AT VISTA FIRE DEPARTMENT

NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS

377 SMITH RIDGE ROAD

**Sheet 50A, Block 9834, Lots 84, 88, 94
Cal. #10-10PB**

August 18, 2015

WHEREAS, the subject property is owned by the Vista Fire Department, consists of ± 5.95 acres of land within the R-1A Zoning District, and is identified on the Town of Lewisboro Tax Maps as Sheet 50A, Block 9834, Lots 84, 88 and 94 ("the subject property"); and

WHEREAS, on September 14, 2010, the Planning Board granted Verizon Wireless a Special Use Permit in connection with its co-location application involving the installation of a 12' x 30' equipment shelter, a propane generator, 12 panel antennas and other related ancillary improvements; and

WHEREAS, in accordance with the Planning Board's approving resolution, the Special Permit issued to Verizon Wireless is valid for a period of five (5) years and expires on September 14, 2015; and

WHEREAS, in addition to requesting a five (5) year renewal, the applicant is proposing to replace the existing antennas with 12 new panel antennas and other related modifications, including the installation of Remote Radio Heads and GPS antennas; and

WHEREAS, the proposed antenna work is necessary for Verizon Wireless to be able to provide enhanced voice and data services to the area, allowing for high speed wireless data transmission; and

WHEREAS, reference is made to a memorandum of support, prepared by Leslie J. Snyder of Snyder & Snyder, LLP, dated June 19, 2015; and

WHEREAS, reference is made to a letter prepared by Michael Sheridan, Esq. of Snyder & Snyder, LLP, dated July 28, 2015, which contains responses to comments provided by the Planning Board, its consultants, and the CAC; and

WHEREAS, reference is made to a structural certification letter prepared by All-Points Technology Corporation, dated February 9, 2015, and the structural analysis report, prepared by Bennett & Pless, dated February 5, 2015, which is referenced therein; and

WHEREAS, reference is made to a certification letter prepared by All-Points Technology Corporation, dated July 28, 2015, which certifies that Verizon Wireless's existing facility on the subject property complies with prior approvals granted by the Planning Board; and

WHEREAS, reference is made to a report entitled "Antenna Site FCC RF Compliance Assessment and Report", prepared by Pinnacle Telecom Group, dated June 22, 2015; and

WHEREAS, given the nature of the application and as no significant modifications are proposed to the existing facility, the following submission requirements have been waived by the Planning Board:

- a) Verifiable list of FCC complaints (220-41.1B(7))
- b) Communication facility siting (220-41.1C)
- c) Full Environmental Assessment Form (220-41.1D(1))
- d) Service coverage maps (220-41.1D(2) and 220-41.1E(1))
- e) Long range communication facilities plan (220-41.1D(3))
- f) Documentation demonstrating that the height of the tower is the minimum necessary (220-41.1D(4))
- g) Legal description of property (220-41.1D(5)(e))
- h) Landscaping plan (220-41.1D(9) and (220-41.1E(5))
- i) Alternatives (220-41.1E(2))
- j) Provisions for additional antennas (220-41.1E(3))
- k) Setbacks (220-41.1E(4))

WHEREAS, the application was referred to the Antenna Advisory Board (AAB) and the AAB provided positive comment via an email prepared by Chairman Ted Sohonyay on July 7, 2015; and

WHEREAS, 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

WHEREAS, the applicant submitted the Short Environmental Assessment Form (EAF), dated July 28, 2015; and

WHEREAS, the Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c) and determined that the proposed action will not have a significant adverse impact on the environment; and

WHEREAS, 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

WHEREAS, the Planning Board conducted a duly noticed public hearing, which was opened and closed on August 18, 2015, at which time all interested parties were offered an opportunity to be heard; and

WHEREAS, in addition to the above, the Planning Board has considered the written and verbal comments from the Board's professional consultants, comments provided by the CAC, written documentation and plans submitted by the applicant in support of its application, the verbal commentary made during Planning Board meetings, and testimony of the applicant.

NOW THEREFORE BE RESOLVED THAT, the Planning Board hereby reconfirms its Negative Declaration of Significance, issued for the original collocation, dated September 14, 2010; and

BE IT FURTHER RESOLVED THAT, the proposed action meets the purpose and intent described under Section 220-41.1A of the Zoning Code, the proposed action has been designed to satisfy the regulatory compliance standards identified under Section 220-41.1B of the Zoning Code, the proposed communication facility has been designed and sited to comply with Section 220-41.1C and Section 220-41.1E of the Zoning Code, and, unless waived by the Planning Board, the applicant/facility owner has submitted the application materials required by Section 220-41.1D of the Zoning Code; and

BE IT FURTHER RESOLVED THAT, the proposed action represents a minor modification to an existing facility and the Planning Board hereby reconfirms the findings described in its September 14, 2010 Resolution; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves a Special Use Permit, subject to the below conditions and compliance with the Special Use Permit Conditions specified below; and

BE IT FURTHER RESOLVED THAT, the following drawing, which shall be referred to as the "Special Use Permit Plan", prepared by APT Engineering and dated (last revised) July 28, 2015, is hereby approved, subject to the below conditions and compliance with the Special Use Permit Conditions specified below:

- "Plans & Elevations" (Sheet A-1)

BE IT FURTHER RESOLVED THAT, this Special Use Permit shall be deemed to authorize only the particular Special Permit Use described herein and illustrated on the approved Special Use Permit Plan referenced herein and shall expire if work is not initiated pursuant thereto within one (1) year of this Resolution, or if said use or uses shall cease for more than one (1) year for any reason, or if all required improvements are not completed within two (2) years from the date of this Resolution, or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use, except that the Planning Board may, upon request, extend the above time periods as determined appropriate; and

BE IT FURTHER RESOLVED THAT, the Special Use Permit for Verizon Wireless is hereby renewed for a period of five (5) years and shall expire on September 14, 2020, subject to the following conditions; and

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

Conditions to be Satisfied Prior to the Signing of the Special Use Permit Plan by the Secretary and Chairman:

1. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees, if any.
2. The Special Use Permit Plan shall contain a revision date with notation stating "Planning Board Approval", shall contain an original seal and signature of the design professional and shall contain an original signature of the owner.
3. The applicant shall satisfy any outstanding written comments provided by the Planning Board's consultants.
4. The applicant shall submit a "check set" of the Final Special Use Permit Plan (two (2) sets), prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
5. Any revisions required as a result of the consultant's review of the Final Special Use Permit Plan shall be made. Following review and revision (if necessary), the applicant shall furnish the Planning Board with two (2) complete mylar plan sets, complete with all required original signatures, for final review by the Town Engineer and endorsement by the Town Engineer, Planning Board Secretary and Planning Board Chairman.

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

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

8. Following the endorsement of the Final Special Use Permit Plan by the Town Engineer, Planning Board Chairman and Secretary, one (1) mylar set will be returned to the applicant/facility owner for copying and the second mylar set will be retained by the Planning Board as a record copy.
9. Within 10 days after endorsement of the Final Special Use Permit Plan by the Town Engineer, Planning Board Chairman and Planning Board Secretary, the applicant shall deliver to the Planning Board Secretary nine (9) printed sets of the signed plans, collated and folded.

Conditions to be Satisfied During Construction:

10. Construction-related activities shall be conducted between 8 a.m. and sunset, Monday through Saturday.
11. During construction, the Town Engineer and/or Town Planner may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved Final Special Use Permit Plan.
12. A copy of this Resolution and approved Final Special Use Permit Plan shall be kept on site at all times.

Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy and/or Use:

13. Certification by a NYS Professional Engineer that all proposed antennas and related equipment have been installed in accordance with the approved plans.
14. The Town Engineer shall conduct a site visit to determine conformance with the approved Special Use Permit Plan.
15. The applicant/facility owner shall pay to the Town of Lewisboro, by certified or Attorney check, all outstanding professional review fees.

Special Use Permit Conditions:

16. The applicant/facility owner shall comply with the conditions specified within the Planning Board's September 14, 2010 Resolution referenced herein.

17. Unless further extended by the Planning Board, the Special Use Permit for Verizon Wireless shall expire on September 14, 2020. Any subsequent renewal application shall be subject to the same procedure, rules and regulations applicable to an original application; however, the Planning Board may waive, upon the request of the applicant/facility owner and subject to appropriate circumstances, the application submission requirements as per Section 220-41.1H(3) of the Zoning Code.

ADOPTION OF RESOLUTION

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

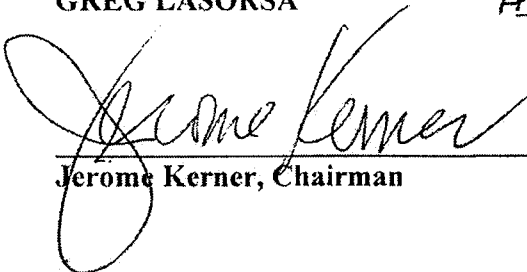
The motion was moved by: Mr. O'Donnell

The motion was seconded by: Mr. Goett

The vote was as follows:

JEROME KERNER
JOHN O'DONNELL
RON TETELMAN
ROBERT GOETT
GREG LASORSA

Aye
Aye
Aye
Aye
Absent



Jerome Kerner, Chairman

August 18, 2015

TOWN OF LEWISBORO
Westchester County, New York



Planning Board
PO Box 725
Cross River, New York 10518

Tel: (914) 763-5592
Fax: (914) 763-3637
Email: planning@lewisborogov.com

October 18, 2013

Ms. Jeanene Chambliss
Cuddy & Feder LLP
445 Hamilton Avenue
White Plains, New York 10601

Re: New Cingular Wireless PCS, LLC (AT&T)
Block 10263, Lot 62 Sheet 40
Cal# 5-13PB

Dear Ms. Chambliss:

Please find enclosed a certified copy of the resolution adopted by the Planning Board at the October 15, 2013 Planning Board meeting for your information and subsequent action.

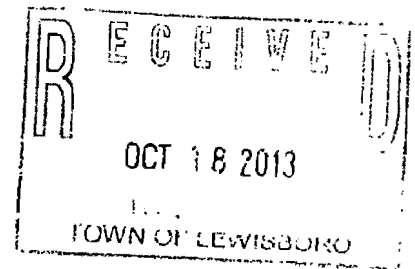
Very truly yours,

Lisa M. Pisera
Planning Board Secretary

Enclosure

cc: Planning Board Members
Jan Johannessen, AICP, Town Planning/Wetland Consultant
Margaret Clark, Esq.
Janet Donahue, Town Clerk
Conservation Advisory Board Members

**RESOLUTION
LEWISBORO PLANNING BOARD
EXEMPTION FROM REQUIREMENTS**



**NEW CINGULAR WIRELESS PCS, LLC (AT&T)
NYS ROUTE 35 AND NYS ROUTE 123**

Sheet 40, Block 10263, Lot 62
Cal. #5-13 P.B.

October 15, 2013

WHEREAS, the subject property consists of a ± 4.0 acre landlocked parcel, identified on the Town of Lewisboro Tax Maps as Sheet 40, Block 10263, Lot 62, owned by American Tower, Inc. (hereafter referred to as "the subject property"); and

WHEREAS, the subject property is surrounded by lands known as the Leon Levy Preserve, is accessed from NYS Route 35, and is located within the R-4A Zoning District; and

WHEREAS, the subject property is developed with a telecommunication facility consisting of a ± 125 -foot tall lattice tower, a $\pm 75' \times 35'$ equipment building, and a $\pm 2,900$ s.f. fenced equipment compound area; and

WHEREAS, on July 13, 2004, the Planning Board issued AT&T Wireless a Negative Declaration of Significance and granted Special Use Permit Approval in connection with the replacement of nine (9) antennas and coax cables and the installation of one (1) equipment cabinet within the existing equipment building; and

WHEREAS, New Cingular Wireless PCS, LLC (AT&T), hereafter referred to as "the applicant", is proposing to replace one (1) antenna per sector, install two (2) Remote Radio Head units per sector, install one (1) GPS unit on the existing ice bridge, and install associated equipment within the enclosed equipment building (hereafter referred to as "the proposed action"); and

WHEREAS, the proposed action will not increase the total number of panel antennas associated with the applicant's antenna array; and

WHEREAS, the proposed action is consistent with the Planning Board's July 13, 2004 Resolution and will not increase the overall height or profile of the tower; and

WHEREAS, the proposed new antennas will be painted to match the existing facility; and

WHEREAS, the applicant has submitted a Radio Frequency (RF) Exposure Analysis Report, prepared by Bechtel Communications, Inc., dated July 18, 2013, which demonstrates that the facility will continue to operate well below the maximum permissible exposure limits established by the FCC; and

WHEREAS, the applicant has submitted a structural certification letter, prepared by American Tower Corporation, dated June 20, 2013, which demonstrates that the existing tower will continue to meet structural design standards following the proposed upgrade; and

WHEREAS, the applicant has submitted a request that the Planning Board consider the proposed action exempt from the requirements for Special Use Permit Approval in accordance with §220-41.1H of the Zoning Code; and

WHEREAS, materials submitted by the applicant have been referred to the Antenna Advisory Board (AAB); and

WHEREAS, in an email from Mr. Ted Sohonyay, Chairman of the AAB, Mr. Sohonyay states that the AAB has no formal input on the proposed action and recommends that the Planning Board confirm to the applicant that the application is exempt.

NOW THEREFORE BE RESOLVED THAT, the Planning Board, in its discretion, hereby finds that the proposed upgrade/alteration meets the criteria outlined under §220-41.1H of the Zoning Code and is therefore exempt from the requirements for Special Use Permit Approval; and

BE IT FURTHER RESOLVED THAT, work shall not commence without the benefit of a Building Permit as issued by the Town of Lewisboro Building Inspector; and

BE IT FURTHER RESOLVED THAT, all new antennas, Remote Radio Head units, mounting platforms/brackets, wiring, etc. to be mounted on the communication tower shall be painted to match the color of the tower to which same will be affixed; and

BE IT FURTHER RESOLVED THAT, should the proposed action be modified from that depicted on the below-referenced drawings, revised drawings shall be re-submitted to the Planning Board for review; and

BE IT FURTHER RESOLVED THAT, the Planning Board has based this decision on the following documents and plans submitted by the applicant:

1. Letter from Cuddy & Feder, LLP, dated August 16, 2013, including Exhibits A through G; and
2. Verbal commentary between the Planning Board, its consultants and Anthony Morando, Esq. of Cuddy & Feder, LLP (acting on behalf of the applicant) during the September 17, 2013 Planning Board meeting; and

3. The following plans prepared by Tectonic Engineering & Surveying Consultants, P.C., dated (last revised) July 31, 2013:

- "Title Sheet" (T01)
- "Site Plan & General Notes" (A01)
- "Equipment Layout Plan & Notes" (A02)
- "Elevation, Antenna Plan & Details" (A03)
- "RRH Mounting & Details" (A04)
- "Details" (A05)
- "Notes, Abbreviations & Symbols" (E01)
- "Grounding Details & Notes" (E02)
- "Grounding Details" (E03)
- "System Diagram" (E04)
- "Wiring Diagram" (E05)
- "Detail" (E06)

ADOPTION OF RESOLUTION

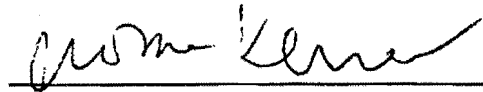
WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: John O'Donnell

The motion was seconded by: Greg La Sorsa

The vote was as follows:

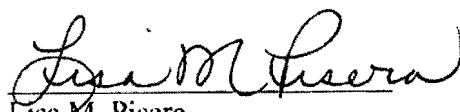
JEROME KERNER	<u>Aye</u>
JOHN O'DONNELL	<u>Aye</u>
RON TETELMAN	<u>Aye</u>
ROBERT GOETT	<u>Aye</u>
GREG LASORSA	<u>Aye</u>



Jerome Kerner, Chairman October 15, 2013

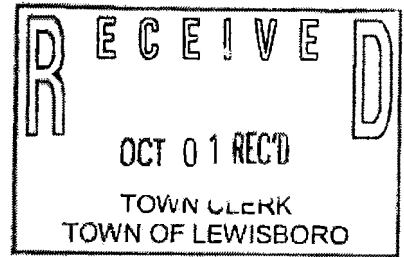
**STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF LEWISBORO**

I, Lisa Pisera, Secretary to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 15th day of October, 2013 and that the same is a true and correct copy of said original and of the whole thereof.



Lisa M. Pisera
Planning Board Secretary

Dated at Cross River, New York
This 17th day of October, 2013



**RESOLUTION
LEWISBORO PLANNING BOARD**

EXEMPTION FROM REQUIREMENTS

**SPRINT SPECTRUM UPGRADE
TOWER FACILITY AT VISTA FIRE DEPARTMENT
377 SMITH RIDGE ROAD**

Sheet 50A, Block 9834, Lots 84, 88, 94
Cal. #6-15 P.B.

September 29, 2015

WHEREAS, on December 15, 2009, the Town of Lewisboro Planning Board granted Special Use Permit Approval and Wetland Activity Permit Approval, subject to conditions, pertaining to the construction of a communication facility on ± 5.95 acres of land and located at 377 Smith Ridge Road ("the subject property"); and

WHEREAS, Special Use Permit Approval, which was granted to Homeland Towers, LLC, together with Sprint/Nextel and AT&T Wireless, allowed for the construction of a 154-foot tall monopole tower, 4,000 s.f. compound area, access driveway, and the installation of antennas, equipment shelters, equipment cabinets and related equipment for both Sprint/Nextel and AT&T Wireless; and

WHEREAS, Sprint/Nextel was approved to install 12 panel antennas and associated ancillary equipment; however, according to the applicant, Sprint/Nextel installed only three (3) panel antennas; and

WHEREAS, since the original December 15, 2009 approval, the tower owner has changed from Homeland Towers, LLC to Insite Wireless Group, LLC and Sprint/Nextel is now referred to as Sprint Spectrum; and

WHEREAS, on May 19, 2015, the Planning Board granted Insite Wireless Group, LLC, AT&T, and Sprint Spectrum a five (5) year Special Use Permit renewal, subject to conditions; and

WHEREAS, Sprint Spectrum ("the applicant") is now proposing to remove and replace the existing three (3) panel antennas with six (6) new panel antennas, along with six (6) Remote Radio Heads (RRHs), tower mounted amplifiers, and other ancillary equipment ("the proposed action"); and

WHEREAS, the applicant has submitted a request to the Planning Board that it consider the proposed action exempt from the requirements for Special Use Permit Approval in accordance with Section 220-41.1H of the Zoning Code; and

WHEREAS, to demonstrate compliance with Section 220-41.1H of the Zoning Code, the applicant has compared the equipment originally approved for Sprint/Nextel to that currently proposed by Sprint/Spectrum and has determined that the combined bulk (physical volume) of all proposed antennas and ancillary equipment will result in an increase of less than 5% (4.95%); and

WHEREAS, the applicant has submitted a Radio Frequency (RF) Exposure Analysis Report, prepared by Pinnacle Telecom Group, dated June 22, 2015, which demonstrates that the facility will continue to operate well below the maximum permissible exposure limits established by the FCC; and

WHEREAS, the applicant has submitted a structural report prepared by Bennett & Pless, dated April 29, 2015; and

WHEREAS, materials submitted by the applicant have been referred to the Antenna Advisory Board.

NOW THEREFORE BE RESOLVED THAT, the Planning Board, in its discretion, hereby finds that the proposed upgrade/alteration meets the criteria outlined under §220-41.1H of the Zoning Code and is therefore exempt from the requirements for Special Use Permit Approval, subject to the below condition; and

BE IT FURTHER RESOLVED THAT, work shall not commence without the benefit of a Building Permit as issued by the Town of Lewisboro Building Inspector; and

BE IT FURTHER RESOLVED THAT, all new antennas, mounting platforms/brackets, wiring, etc. to be mounted on the communication tower shall be painted to match the color of the tower to which same will be affixed; and

BE IT FURTHER RESOLVED THAT, should the proposed action be modified from that depicted on the below-referenced drawings, revised drawings shall be re-submitted to the Planning Board for review; and

BE IT FURTHER RESOLVED THAT, the Planning Board has based this decision on the following documents and plans submitted by the applicant:

1. The following plans prepared by LETS America, Inc. and dated (last revised) June 26, 2015:
 - "Title Sheet" (last revised February 26, 2013)
 - "Compound Plan, Antennas Plan & General Notes"
 - "Equipment Pad Plan & Notes"
 - "Monopole Elevation & Details"
 - "Remote Radio Head Mounting..."
 - "DC Power Surge Protection..."
 - "GPS Unit Mounting & Purcell Cabinet Details"

- "Ice Bridge Detail"
 - "System Diagram"
 - "RRH Wiring Diagram"
 - "Electrical, TVSS Notes..."
 - "Grounding Notes & Details"
 - "LTE Cross Sector..."
2. Radio Frequency (RF) Exposure Analysis Report, prepared by Pinnacle Telecom Group, dated June 22, 2015
 3. Structural report prepared by Bennett & Pless, dated April 29, 2015
 4. Certification letter prepared by Madhan Humar, P.E. of Blue Point, dated August 18, 2015

Conditions to be satisfied prior to the issuance of a Building Permit:

1. The applicant shall satisfactorily address and outstanding written comment provided by the Town's professional consultants.

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 O'Donnell

The motion was seconded by: Greg LaSorsa

The vote was as follows:

JEROME KERNER
JOHN O'DONNELL
RON TETELMAN
ROBERT GOETT
GREG LASORSA

Aye
Aye
Absent
Aye
Aye

Jerome Kerner
Jerome Kerner, Chairman

September 29, 2015

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

I, Danielle Cinguina, Interim Secretary to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 29th day of September, 2015 and that the same is a true and correct copy of said original and of the whole thereof.

Danielle Cinguina
Danielle Cinguina

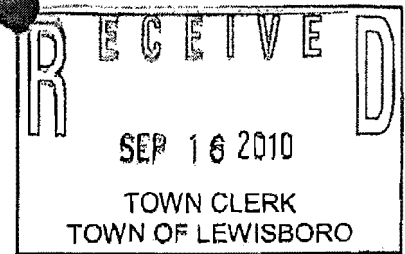
Dated at Cross River, New York
This 1st day of October, 2015

**RESOLUTION
LEWISBORO PLANNING BOARD
SPECIAL USE PERMIT APPROVAL**

**VERIZON WIRELESS CO-LOCATION
377 SMITH RIDGE ROAD**

Sheet 50A, Block 9834, Lots 84, 88, 94
Cal. #10-10 P.B.

September 14, 2010



WHEREAS, the subject property consists of ± 5.95 acres of land, owned by the Vista Fire Department, located at 377 Smith Ridge Road in the R-1A Zoning District ("the subject property"); and

WHEREAS, on December 15, 2009, the Planning Board granted a Special Use Permit and a Wetland Activity Permit in connection with a proposed 154 foot tall monopole tower, proposed by Homeland Towers, LLC, along with a series of antennas and equipment shelters for AT&T Wireless and Sprint/Nextel; and

WHEREAS, the Site Development Plans prepared for Homeland Towers, LLC, AT&T Wireless and Sprint/Nextel, were signed by the Planning Board Chairman on July 30, 2010; and

WHEREAS, on July 27, 2010, the Planning Board amended its December 15, 2009 Resolution, allowing the applicant to obtain a Building Permit prior to the issuance of the required New York State Department of Transportation (NYSDOT) permit; and

WHEREAS, Verizon Wireless ("the applicant") is proposing to co-locate on the previously approved tower ("the proposed action"); and

WHEREAS, more specifically, the applicant is proposing 12 panel antennas and six tower-mounted amplifiers to be mounted at 130 feet and two GPS antennas to be mounted at 70 feet; and

WHEREAS, the applicant is also proposing the construction of a 12' x 30' equipment shelter, with two wall-mounted HVAC units, a propane generator, and a 13.5 foot tall propane tank (750 gallons); and

WHEREAS, the proposed antennas and propane tank will be painted to match the color of the tower; and

WHEREAS, the proposed facility meets all of the Special Permit criteria set forth in Section 220-41.1 of the Zoning Code, certain criteria being waived under Section 220-41.1H(3); and

WHEREAS, the applicant has submitted a structural report, prepared by All-Points Technology Corporation, P.C., dated April 21, 2010, confirming that the previously approved tower meets the requirements of the New York State Uniform Fire Prevention and Building Code and it is structurally capable of supporting the proposed antennas; and

WHEREAS, the applicant has submitted Radio Frequency Compliance Assessment and Report, prepared by Pinnacle Telecom Group, dated May 19, 2010, which states that the proposed facility, together with the previously approved facilities of AT&T and Sprint/Nextel, will conform to the applicable regulations pertaining to radio frequency emissions; and

WHEREAS, the applicant submitted a Noise Analysis Report, prepared by HMB Acoustics, LLC, dated August 20, 2010, which evaluates noise generated from the proposed emergency generator and HVAC system; and

WHEREAS, in order to reduce noise levels to those required by Section 220-60 of the Zoning Code, the owner/applicant will install a noise barrier/sound absorber in front of the exhaust end and the intake side of the generator equipment shelter and will install low noise blower assemblies on the HVAC units; and

WHEREAS, the proposed action will not result in land disturbances outside the originally approved 4,000 s.f. fenced compound area; therefore, a Wetland Activity Permit from the Planning Board is not required provided that all regulated activities are completed by the expiration date of the originally granted Wetland Activity Permit; and

WHEREAS, the Planning Board is in receipt of a letter from the New York State Department of Environmental Conservation (NYSDEC), dated June 11, 2010, which states "since the above noted DEC issued Freshwater Wetland Permit references plans that allows for additional users of the facility (i.e., pending equipment shelters, future carrier antennas), an individual permit will not be required provided that all proposed Verizon Wireless structures are installed by the expiration date of said permit (12/31/2012)"; and

WHEREAS, the Planning Board is in receipt of a memorandum from the Antenna Advisory Board, dated June 14, 2010, recommending that the application proceed with dispatch; and

WHEREAS, the previously approved tower was reviewed and approved by ACARC; and

WHEREAS, since the proposed action is consistent with the originally approved plans, the Planning Board has determined that a referral to ACARC is not necessary; and

WHEREAS, in accordance with Section 239-m of the General Municipal Law, a "notification only" referral was made to the Westchester County Planning Board on August 12, 2010; and

WHEREAS, the proposed action is an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617.4; and

WHEREAS, the applicant has submitted Parts 1 and 2 of the Full Environmental Assessment Form (EAF), dated June 23, 2010, and the Visual Addendum; and

WHEREAS, the Planning Board conducted a duly noticed public hearing which was opened and closed on September 14, 2010, 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, correspondence from outside agencies, other materials submitted by the applicant in support of its proposal, the written and verbal comments from the Board's professional consultants, the verbal commentary and written submissions made during Planning Board meetings and public hearings, testimony of the applicant, observations made at site visits, and the decisions, comments and recommendations of the Antenna Advisory Board.

NOW THEREFORE BE IT RESOLVED THAT, the proposed action is an Unlisted Action under SEQRA and the Planning Board hereby issues the attached Negative Declaration of Significance; and

BE IT FURTHER RESOLVED THAT, the proposed action meets the purpose and intent described under Section 220-41.1A of the Zoning Code, the proposed action has been designed to satisfy the regulatory compliance standards identified under Section 220-41.1B of the Zoning Code, the proposed facility has been designed and sited to comply with Section 220-41.1C and Section 220-41.1E of the Zoning Code, and the applicant has submitted to the Planning Board for its review, the application materials required by Section 220-41.1D of the Zoning Code, certain criteria being waived under Section 220-41.1H(3); and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby makes the following findings in connection with the Special Use Permit:

1. The location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that the proposed action complies with all special requirements for such use established in Section 220-32, Zoning. Specifically:
 - The proposed antennas will be mounted on an already approved tower, which was designed to accommodate multiple carriers. Reference is made to the Planning Board's December 15, 2009 Resolution.

- Land uses within the general vicinity of the subject property are comprised of retail, service business, office, and residential uses. Oakridge Shopping Center is located across the street as is Rings End Lumberyard. The adjacent property to the south is currently being used as a landscaping nursery, the adjacent property to the east is an undeveloped wooded lot, and the adjacent parcel to the north is residential.
 - While the tower and the proposed antennas will be visible from various locations within Vista and beyond, the Planning Board has determined that the antennas mounted at 130 feet will not interfere with or reduce the public's enjoyment and/or appreciation of the appearance of an inventoried resource. The benefit of cell coverage will outweigh the visual impacts of the antennas.
 - An already approved perimeter fence and a multitude of trees and shrubs will reduce the visibility of the proposed equipment shelter.
2. The location, nature and height of buildings, walls and fences and the nature and extent of existing or proposed planting on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings. Specifically:
- The proposed action will not hinder or discourage the appropriate development of adjacent lands. The proposed antennas will be mounted on an already approved tower and the proposed equipment shelter will be located within an already approved 4,000 s.f. fenced compound area.
3. Operations in connection with the Special Use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operation of any permitted use not requiring a Special Permit. Specifically:
- Following construction, the proposed use will not generate objectionable amounts of noise, fumes, or vibration. Further, the applicant has prepared an assessment of radiofrequency (RF) levels and associated FCC compliance for the proposed facility.
 - Noise generated from the proposed emergency generator and HVAC system has been evaluated. In order to reduce noise levels to those required by Section 220-60 of the Zoning Code, the owner/applicant will install a noise barrier/sound absorber in front of the exhaust end and the intake side of the generator equipment shelter and will install low noise blower assemblies on the HVAC units. The generator will only be operational during power outages and during weekly testing, for a period of 15-20 minutes.

4. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum and adequate safety. Specifically:

- The facility will be accessed via a previously approved 12-foot wide gravel driveway, which will extend from the existing parking lot serving the Vista Volunteer Fire Department to the facility. The proposed action will not generate significant amounts of traffic. The compound area has been developed to accommodate 2 vehicles, with adequate space to maneuver/turn-around a vehicle.

BE IT FURTHER RESOLVED THAT, given the fact that the proposed action is a co-location on a previously approved tower and the proposed action is consistent with previously approved plans for said tower, the Planning Board hereby waives the following submission requirements in accordance with Section 220-41.1H(3) of the Zoning Code:

- A verifiable list of complaints provided to the Public Service Commission for interruptions of service (Section 220-41.1B(7)).
- Demonstration that adequate coverage cannot be achieved by locating the facility on a lot which is not or does not abut a residential district (Section 220-41.1B(8)).
- A review of at least three alternatives for providing coverage (Section 220-41.1E(2)).

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves a Special Use Permit, subject to the below conditions and compliance with the Special Use Permit Conditions specified below; and

BE IT FURTHER RESOLVED THAT, the following drawings, which shall be referred to as "the Special Use Permit Plans", prepared by APT Engineering and dated (last revised) August 20, 2010, are hereby approved, subject to the below conditions and compliance with the Special Use Permit Conditions specified below:

- Title Sheet and Index (T-1)
- 500' Radius Map & Abutters List (R-1)
- Site Plan (SP-1)
- Compound Plans & Elevations (A-1)
- Antenna & Equipment Plan & Details (A-2)
- Foundation Plans & Details (C-1)

BE IT FURTHER RESOLVED THAT, this Special Use Permit shall be deemed to authorize only the particular Special Permit Use described herein and illustrated on the approved Special Use Permit Plans referenced herein and shall expire if work is not initiated pursuant thereto within 1 year of this Resolution, or if all required improvements

are not completed within 2 years from the date of this Resolution, or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use, except that the Planning Board may, upon request, extend the above time periods as determined appropriate; and

BE IT FURTHER RESOLVED THAT, Conditions 1-7 must be completed within 6 months of the date of this Resolution. Should the below-listed 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 6 month period and granted by the Planning Board.

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

1. Each and every sheet of the Special Use Permit Plans shall contain a common revision date with notation stating "Planning Board Approval", shall contain an original seal and signature of the design professional and shall contain an original signature of the owner(s).
2. The owner's signature block should be revised to include the Vista Fire Department.
3. The owner/applicant shall satisfy any outstanding written comments provided by the Town Consulting Engineer, Town Consulting Planner and Town Wetland Inspector.
4. The owner/applicant shall submit paper copies of the Final Special Use Permit Plans, prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
5. Any revisions required as a result of the consultants review of the Final Special Use Permit Plans shall be made. The owner/applicant shall furnish the Planning Board with 2 complete mylar sets of the Final Special Use Permit Plans for final review by the Town Consulting Engineer and endorsement by the Town Consulting Engineer, Planning Board Chairman and Secretary.
6. The owner/applicant shall provide a written statement to the Planning Board Secretary acknowledging that they have read and will abide by all conditions of this Resolution.
7. The owner/applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

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

8. Following the endorsement of the Final Special Use Permit Plans by the Town Consulting Engineer, Planning Board Chairman and Secretary, 1 mylar set will be returned to the owner/applicant for copying and the second mylar set will be retained by the Planning Board as a record copy.
9. Within 10 days after endorsement of the Final Special Use Permit Plans by the Town Engineer, Planning Board Chairman and Planning Board Secretary, the owner/applicant shall deliver to the Planning Board Secretary 9 printed sets of the signed plans, collated and folded.

Conditions to be Satisfied Prior to Commencement of Work:

10. Prior to commencement of any site work or construction activity, a site visit shall be conducted with the applicant/owner, contractor, Building Inspector, Town Consulting Engineer, Town Consulting Planner, Town Wetland Inspector, and any other involved agency wishing to attend. Prior to the site visit, all erosion and sedimentation controls shall be properly installed by the owner/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:

11. During construction, the Town Consulting Engineer, Town Consulting Planner and Town Wetland Inspector may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved Final Special Use Permit Plans.
12. A copy of this Resolution and approved Final Special Use Permit Plans shall be kept on site at all times.

Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy and/or Use:

13. Submission of an as-built survey, prepared by a NYS Licensed Land Surveyor, demonstrating compliance with the approved Special Use Permit Plans shall be submitted to the Building Inspector and Planning Board (4 copies).
14. The Building Inspector, Town Consulting Engineer, Town Planner and Town Wetlands Inspector shall conduct a site visit to determine conformance with the approved Final Special Use Permit Plans and this Resolution.

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

Special Use Permit Conditions:

16. The color of the proposed antennas and propane generator shall match the color of the tower.
17. The generator shall only be operational during power outages and during weekly testing. Weekly testing shall take place on Wednesdays, between the hours of 11:00 AM and 1:00PM and shall last no more than 20 minutes.
18. All exterior lights shall be on motion detection.
19. Within 45 days of initial operation, the owner/applicant shall submit to the Building Inspector a written certification by a Professional Engineer, with the qualifications set forth in Section 220-41.1D of the Zoning Code, that the operating facility is in compliance with the application submitted, the conditions of this Resolution, and Section 220-41.1 of the Zoning Code, in order to continue operations past the 45 day period.
20. The Town may confirm and periodically reconfirm compliance as necessary to ensure that the provisions of Section 220-41.1 of the Zoning Code, including NIER level thresholds, are in compliance.
21. If the proposed communication facility is found not to be in compliance with the approved Special Use Permit Plans, said facility shall immediately cease operation.
22. Alterations (not co-location) to the approved communication may, at the discretion of the Planning Board and upon submission by the applicant of a written description of the proposed alteration, be considered exempt from the requirements for a Special Use Permit, provided the following criteria are met and a Building Permit is obtained. Exemption determinations made by the Planning Board shall be made by Resolution:
 - a. Existing approved antennas and other related equipment may be upgraded, replaced or added to, provided:
 - i. The upgrade, replacement or addition of antennas or other equipment onto the existing approved communication tower does not result in any increase in the total height of said tower, including the height of any approved antenna protruding above said tower structure.

- ii. The combined bulk (or physical volume) of all antennas or other equipment shall be reduced, equal to, or result in an increase of less than 5%. Bulk (or "volume") shall be calculated in appropriate cubic (three-dimensional) units, such as cubic inches or cubic feet, and shall be compared to the total bulk last approved for the tower structure.
 - b. Existing approved communication facility ground equipment may be upgraded, replaced or added to, provided same can be accommodated within the approved fenced-in compound, building or structure. A facility alteration under this exemption shall not include the construction of any new accessory buildings, structures greater than 8 feet in height, fencing, or other site improvements involving grading, vegetation removal (with the exception of invasive plant removal approved herein), or new land disturbances.
23. This Special Use Permit shall be valid for a period not to exceed 5 years from the date of the filing of this Resolution with the Town Clerk, except as may be extended by the Planning Board pursuant to the review and approval of an application for renewal. The approved communication facility shall either be entirely removed from the subject property and properly disposed of, at the applicant/tower owner's sole expense, or an application for renewal of this Special Use Permit shall be made to the Planning Board a minimum of 2 months prior to the expiration of this Special Use Permit. Any subsequent renewal application shall be subject to the same procedure, rules and regulations applicable to an original application; however, the Planning Board may waive, upon the request of the applicant and subject to appropriate circumstances, the application submission requirements as per Section 220-41.1H(3) of the Zoning Code.
24. The continued validity of this Special Use Permit and a Certificate of Occupancy and/or Use shall be subject to continued conformance with the approved Final Special Use Permit Plans and the conditions of this Resolution.

ADOPTION OF RESOLUTION

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

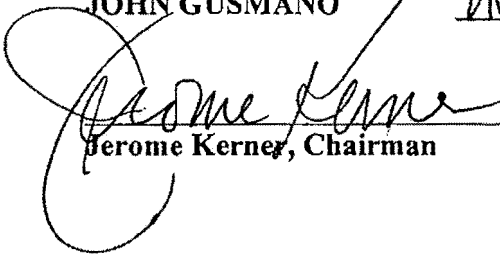
The motion was moved by: Maureen Maguire

The motion was seconded by: Richard Ellrod

The vote was as follows:

JEROME KERNER
JOSEPH DECAMINADA
MAUREEN MAGUIRE
RICHARD ELLRODT
JOHN GUSMANO

Aye
Aye
Aye
Aye
Aye



Jerome Kerner, Chairman

September 14, 2010

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

Date: September 14, 2010

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: Verizon Wireless - Co-location

SEQRA Status: ☐ Type 1

☒ Unlisted

Conditioned Negative Declaration: ☐ Yes

☒ No

Coordinated Review: ☐ Yes

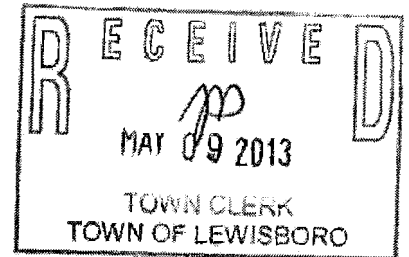
☒ No

Description of Action: The subject property consists of ±5.95 acres of land, owned by the Vista Fire Department, located at 377 Smith Ridge Road in the R-1A Zoning District ("the subject property"). On December 15, 2009, the Planning Board granted a Special Use Permit and a Wetland Activity Permit in connection with a proposed 154 foot tall monopole tower, proposed by Homeland Towers, LLC, along with a series of antennas and equipment shelters for AT&T Wireless and Sprint/Nextel.

Verizon Wireless ("the applicant") is proposing to co-locate on the previously approved tower ("the proposed action"). More specifically, the applicant is proposing 12 panel antennas and 6 tower-mounted amplifiers to be mounted at 130 feet and 2 GPS antennas to be mounted at 70 feet. The applicant is also proposing the construction of a 12' x 30' equipment shelter, with two wall-mounted HVAC units, a propane generator, and a 13.5 foot tall propane tank (750 gallons).

Location: 377 Smith Ridge Road (NYS Route 123), Town of Lewisboro, Westchester County, New York.

**RESOLUTION
LEWISBORO PLANNING BOARD
EXEMPTION FROM REQUIREMENTS**



**NEW CINGULAR WIRELESS PCS, LLC (AT&T)
TOWER FACILITY AT VISTA FIRE DEPARTMENT
377 SMITH RIDGE ROAD**

Sheet 50A, Block 9834, Lots 84, 88, 94
Cal. #2-13 P.B.

May 7, 2013

WHEREAS, on December 15, 2009, the Town of Lewisboro Planning Board granted Special Use Permit Approval and Wetland Activity Permit Approval, subject to conditions, pertaining to the construction of a communication facility on ± 5.95 acres of land and located at 377 Smith Ridge Road; and

WHEREAS, Special Use Permit Approval, which was granted to Homeland Towers, LLC, together with Sprint/Nextel and AT&T Wireless, allowed for the construction of a 154-foot tall monopole tower, 4,000 s.f. compound area, access driveway, and the installation of antennas, equipment shelters, equipment cabinets and related equipment for both Sprint/Nextel and AT&T Wireless; and

WHEREAS, AT&T Wireless was approved to install twelve (12) panel antennas, one (1) GPS antenna and a 10' x 25' concrete slab with equipment cabinets; and

WHEREAS, following construction of the communication tower, AT&T Wireless installed six (6) panel antennas at ± 140 feet AGL, one (1) GPS antenna, a concrete pad with various equipment cabinets and related equipment; and

WHEREAS, in addition to AT&T Wireless, the communication tower accommodates the wireless installations of Sprint/Nextel and Verizon Wireless; and

WHEREAS, AT&T Wireless ("the applicant") is proposing to alter by upgrading its existing communication facility in the furtherance of the deployment of its Long Term Evolution (LTE) technology and the provision of enhanced voice and data services; and

WHEREAS, more specifically, AT&T is proposing the installation of an additional equipment cabinet, to be stacked on top of an existing cabinet, three (3) panel antennas, six (6) Remote Radio Head (RRH) units, one (1) GPS antenna, and related equipment ("the proposed action"); and

WHEREAS, while the proposed upgrade will result in an increase in the number of antennas, the resulting number of antennas (9 antennas) will comply with the approved Special Use Permit, which authorized the installation of twelve (12) antennas; and

WHEREAS, the applicant has submitted a Radio Frequency (RF) Exposure Analysis Report, prepared by Bechtel Communications, Inc., dated February 19, 2013, which demonstrates that the facility will continue to operate well below the maximum permissible exposure limits established by the FCC; and

WHEREAS, the applicant has submitted a structural certification letter, prepared by Structural Components, LLC, dated October 19, 2012, which demonstrates that the communication tower will continue to meet structural design standards following the proposed upgrade; and

WHEREAS, materials submitted by the applicant have been referred to both the Antenna Advisory Board and the Vista Fire District; and

WHEREAS, the proposed action has been endorsed by the AAB both in writing and verbally during the April 9, 2013 Planning Board meeting; and

WHEREAS, the applicant has submitted a request that the Planning Board consider the proposed action exempt from the requirements for Special Use Permit Approval in accordance with §220-41.1H of the Zoning Code.

NOW THEREFORE BE RESOLVED THAT, the Planning Board, in its discretion, hereby finds that the proposed upgrade/alteration meets the criteria outlined under §220-41.1H of the Zoning Code and is therefore exempt from the requirements for Special Use Permit Approval; and

BE IT FURTHER RESOLVED THAT, work shall not commence without the benefit of a Building Permit as issued by the Town of Lewisboro Building Inspector; and

BE IT FURTHER RESOLVED THAT, all new antennas, RRH's, mounting platforms/brackets, wiring, etc. to be mounted on the communication tower shall be painted to match the color of the tower to which same will be affixed; and

BE IT FURTHER RESOLVED THAT, should the proposed action be modified from that depicted on the below-referenced drawings, revised drawings shall be re-submitted to the Planning Board for review; and

BE IT FURTHER RESOLVED THAT, the Planning Board has based this decision on the following documents and plans submitted by the applicant:

1. Letter from Cuddy & Feder, LLP, dated March 26, 2013, including Exhibits A through E; and
2. Verbal commentary between the Planning Board, its consultants and Christopher Fisher, Esq. of Cuddy & Feder, LLP (acting on behalf of the applicant) during the April 9, 2013 Planning Board meeting; and

3. The following plans prepared by Bechtel Associates Professional Corporation, dated (last revised) December 17, 2012, unless otherwise noted:

- "Title Sheet" (last revised February 26, 2013)
- "Compound Plan, Antennas Plan & General Notes"
- "Equipment Pad Plan & Notes"
- "Monopole Elevation & Details"
- "Remote Radio Head Mounting..."
- "DC Power Surge Protection..."
- "GPS Unit Mounting & Purcell Cabinet Details"
- "Ice Bridge Detail"
- "System Diagram"
- "RRH Wiring Diagram"
- "Electrical, TVSS Notes..."
- "Grounding Notes & Details"
- LTE Cross Sector..."

ADOPTION OF RESOLUTION

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

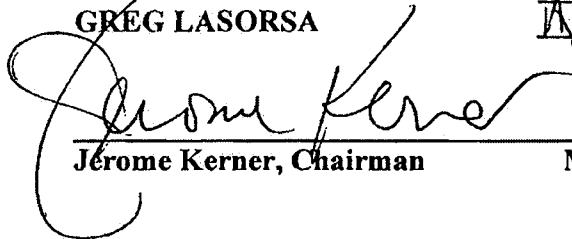
The motion was moved by: Ron Tetelman

The motion was seconded by: Greg LaSorsa

The vote was as follows:

JEROME KERNER
JOHN O'DONNELL
RON TETELMAN
ROBERT GOETT
GREG LASORSA

Aye
Aye
Aye
Absent
Aye



Jerome Kerner, Chairman

May 7, 2013



T-MOBILE NORTHEAST LLC

SITE #: NY09130A
SITE NAME: SMITH RIDGE ROAD
377 SMITH RIDGE ROAD
SOUTH SALEM, NY 10590
WESTCHESTER COUNTY

CONSTRUCTION DRAWINGS
ALL SCALES RELATIVE TO 24"x36" PAGE SIZE

COM-EX
ENGINEERING OF NY
309 BAILEY ROAD
PURLING, NEW YORK 12470
PHONE: 862.209.4300
FAX: 862.209.4301
COMEX ENGINEERING OF NY, PLLC, STATE OF NY
CERTIFICATE OF AUTHORIZATION # 27-3179723

T-Mobile
T-MOBILE NORTHEAST LLC
4 SYLVAN WAY
PARSIPPANY, NJ 07054
OFFICE: (973) 397-4800
FAX: (973) 292-8893

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SCHEDULE OF REVISIONS

7		
6		
5		
4		
3		
2		
1		
0	04/22/16	INITIAL SUBMISSION
REV. NO.	DATE	DESCRIPTION OF CHANGES

DRAWN BY: AM
CHECKED BY: NDB
SCALE: AS NOTED
JOB NO: 16012-SMA

NICHOLAS D. BARILE
PROFESSIONAL ENGINEER, N.Y. LIC. No. 096133

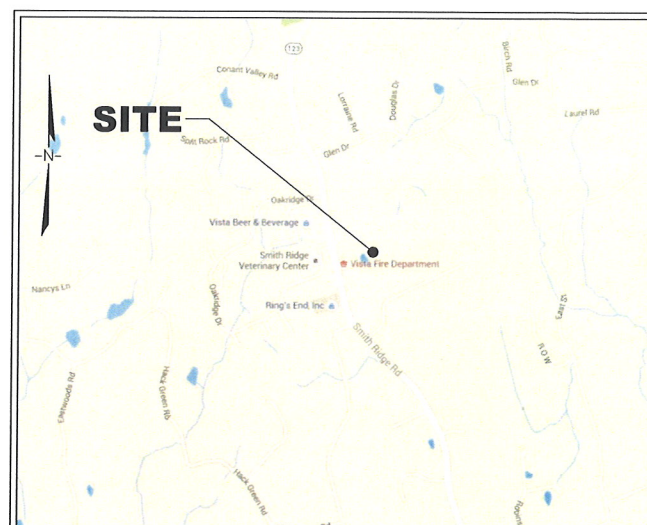
SITE #: NY09130A
SITE NAME: SMITH RIDGE ROAD
337 SMITH RIDGE ROAD
SOUTH SALEM, NY 10590
WESTCHESTER COUNTY

DRAWING TITLE:

TITLE SHEET

DRAWING SHEET: 1 OF 10

T-1



KEY MAP
SCALE: N.T.S.

SITE CONFIGURATION 4Sec-707C

SITE LOCATION INFORMATION

SITE ID NUMBER: NY09130A
SITE ADDRESS: 377 SMITH RIDGE ROAD
SOUTH SALEM, NY 10590
JURISDICTION: TOWNSHIP OF LEWISBORO
COUNTY: WESTCHESTER COUNTY
BLOCK: N/A
LOT: N/A
PARCEL ID: 98.34-88.50.A
PROPERTY OWNER: HOMELAND TOWER LLC, 46 MILL
PLAIN ROAD, 2ND FLOOR
DANBURY, CT 06811
APPLICANT: T-MOBILE NORTHEAST LLC
4 SYLVAN WAY
PARSIPPANY, N.J. 07054

SITE CHARACTERISTICS

LATITUDE: N 41.214444
LONGITUDE: W 73.515083
STRUCTURE TYPE: MONOPOLE
LOCATION OF PROPOSED EQUIPMENT: PROPOSED T-MOBILE
EQUIPMENT PAD
STRUCTURE HEIGHT: ±160'-0" AGL
ANTENNA (RAD CENTER): ALPHA - ±120'-0" AGL
BETA - ±120'-0" AGL
GAMMA - ±120'-0" AGL

DIRECTION TO SITE

START: HEAD NORTHWEST ON SYLVAN WAY TOWARD US-202 N
1. SLIGHT RIGHT ONTO US-202 N
2. USE THE RIGHT LANE TO TAKE THE RAMP ONTO I-80 E
3. TAKE EXIT 43 FOR I-287 N
4. MERGE ONTO I-287 E/I-87 S TOWARD TAPPAN ZEE BR/NEW
YORK CITY
5. TAKE EXIT 9N-9S FOR HUTCHINSON PKWY TOWARD WHITESTONE
BR/MERRIT PKWY
6. MERGE ONTO WESTCHESTER AVE, THEN MERGE ONTO
HUTCHINSON PKWY N
7. CONTINUE ONTO CT-15N
8. TAKE EXIT 38 TOWARD CT-123 N/NEW CANAAN AVE
9. CONTINUE ON CT-123 N/NEW CANAAN AVE
10. CONTINUE ONTO NY-123 N
11. ARRIVE AT 377 SMITH RIDGE RD

SHEET INDEX

SHEET NO.	SHEET DESCRIPTION
T-1	TITLE SHEET
C-1	FINAL SITE PLAN & NOTES
C-2	PROPOSED EQUIPMENT PLAN & ANTENNA PLAN
C-3	ELEVATION
C-4	DETAILS
C-5	DETAILS
E-1	ELECTRICAL NOTES
E-2	ELECTRICAL PLAN AND DETAILS
E-3	GROUNDING PLAN AND DETAILS
E-4	GROUNDING DETAILS

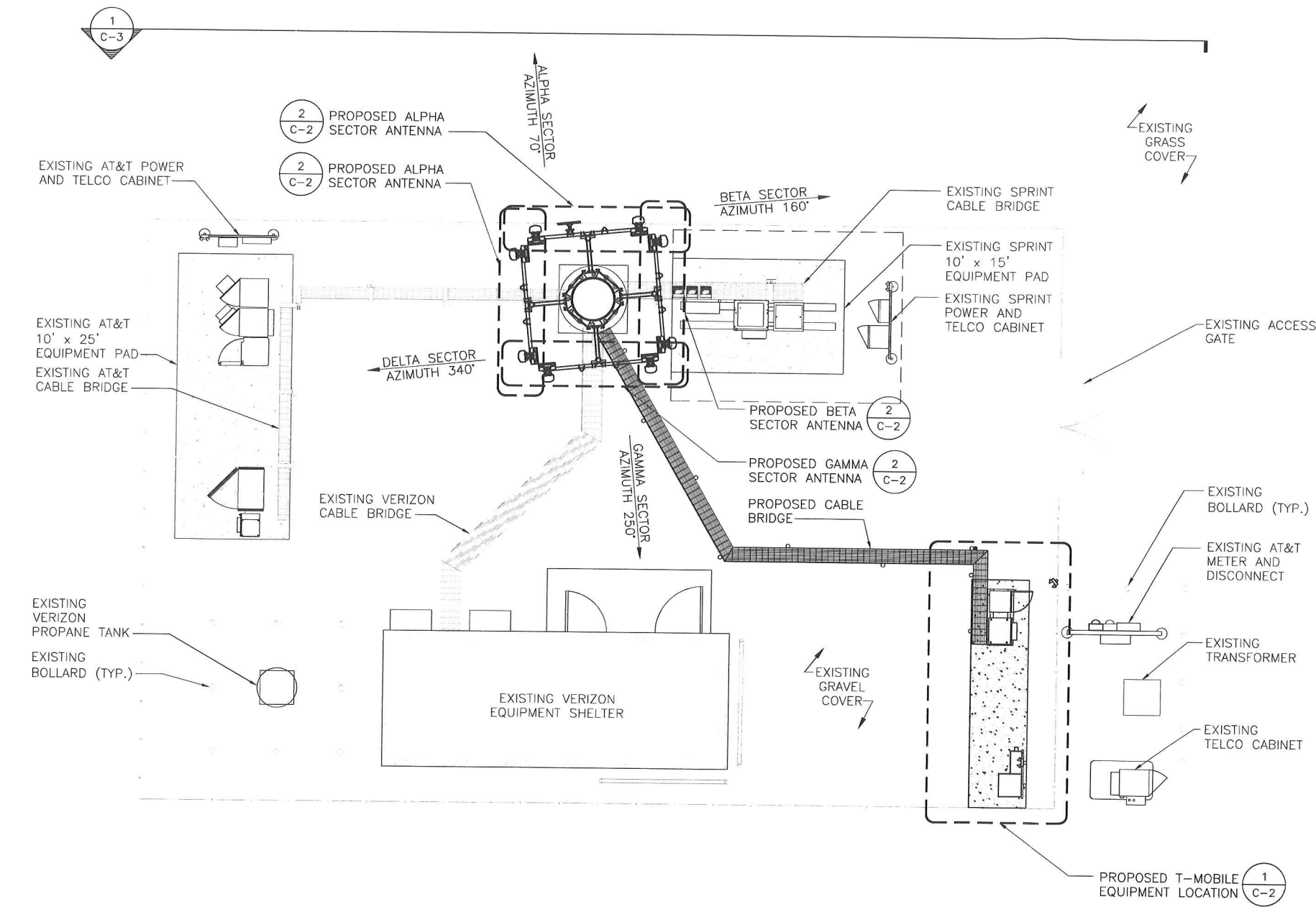


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APPROVALS

		APPROVED	APPROVED AS NOTED	DISAPPROVED/ REVISE
CONSTRUCTION MANAGER	DATE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SITE ACQUISITION	DATE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RF ENGINEER	DATE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OWNER/OWNER REPRESENTATIVE	DATE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



1
C-1 FINAL SITE PLAN
SCALE: N.T.S.

- GENERAL NOTES:
1. SUBJECT PROPERTY IS KNOWN AS SECTION 98.34-88-50.A, IN THE TOWNSHIP OF LEWISBORO, NY AS SHOWN ON AN OFFICIAL TOWNSHIP TAX MAP.
 2. THE APPLICANT PROPOSES TO INSTALL TWO (2) ANTENNAS AND THREE (3) RRUs PER SECTOR ON PROPOSED MOUNTS ON THE EXISTING TOWER (8 ANTENNAS AND 12 RRUs TOTAL). THE USE IS A MOBILE COMMUNICATIONS TELEPHONE EXCHANGE AND IS NOT INTENDED FOR PERMANENT EMPLOYEE OCCUPANCY.
 3. CONTRACTOR SHALL NOT COMMENCE ANY WORK UNTIL HE OBTAINS, AT HIS OWN EXPENSE, ALL INSURANCE REQUIRED BY T-MOBILE, THE PROPERTY OWNER AND/OR PROPERTY MANAGEMENT COMPANY.
 4. THIS SET OF PLANS HAS BEEN PREPARED FOR THE PURPOSES OF MUNICIPAL AND AGENCY REVIEW AND APPROVAL. THIS SET OF PLANS SHALL NOT BE UTILIZED AS CONSTRUCTION DOCUMENTS UNTIL ALL CONDITIONS OF APPROVAL HAVE BEEN SATISFIED AND EACH OF THE DRAWINGS HAVE BEEN REVISED TO INDICATE "ISSUED FOR PERMIT."
 5. INFORMATION SHOWN ON THIS SET OF PLANS TAKEN FROM EXISTING SPRINT DRAWINGS PREPARED BY LETS AMERICA, INC. DATED 01/04/16 AND LIMITED COM-EX FIELD VISIT ON 04/06/16. CONTRACTOR TO NOTIFY DESIGN ENGINEER OF ANY DISCREPANCIES PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 6. THIS PLAN IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
 7. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES, ORDINANCES, LAWS AND REGULATIONS OF ALL MUNICIPALITIES, UTILITIES OR OTHER PUBLIC AUTHORITIES.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS THAT MAY BE REQUIRED BY ANY FEDERAL, STATE, COUNTY OR MUNICIPAL AUTHORITIES.
 9. THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER, IN WRITING, OF ANY CONFLICTS, ERRORS OR OMISSIONS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK. MINOR OMISSIONS OR ERRORS IN THE BID DOCUMENTS SHALL NOT EXCUSE SAID CONTRACTOR FROM COMPLETING THIS PROJECT IN ACCORDANCE WITH THE OVERALL INTENT OF THESE DRAWINGS.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SITE IMPROVEMENTS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL REPAIR ANY DAMAGE CAUSED AS A RESULT OF CONSTRUCTION OF THIS FACILITY.
 11. THE SCOPE OF WORK FOR THIS PROJECT SHALL INCLUDE PROVIDING ALL MATERIALS, EQUIPMENT AND LABOR REQUIRED TO COMPLETE THIS PROJECT. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
 12. THE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO SUBMITTING A BID TO VERIFY THAT THE PROJECT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
 13. POWER TO THE FACILITY IS MONITORED BY AN EXISTING METER.
 14. ALL STRUCTURAL ELEMENTS SHALL BE HOT DIPPED GALVANIZED STEEL.
 15. CONTRACTOR SHALL MAKE A UTILITY "ONE CALL" TO LOCATE ALL UTILITIES PRIOR TO EXCAVATING.
 16. IF ANY PIPING EXISTS BENEATH THE SITE AREA, CONTRACTOR MUST LOCATE IT AND CONTACT OWNERS REPRESENTATIVE.
 17. THE CONSTRUCTION CONTRACTOR IS SOLELY RESPONSIBLE FOR DETERMINING ALL CONSTRUCTION MEANS AND METHODS. THE CONSTRUCTION CONTRACTOR IS ALSO RESPONSIBLE FOR ALL JOB SITE SAFETY.
 18. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS, ELEVATIONS, ANGLES AND EXISTING CONDITIONS AT THE SITE PRIOR TO FABRICATION AND/OR INSTALLATION OF ANY WORK IN THE CONTRACT AREA AND SUBMIT TO THE ENGINEER ANY DISCREPANCIES FROM THE DRAWINGS.
 19. THE CONTRACTOR IS TO REVIEW ALL DRAWINGS AND SPECIFICATIONS IN THE CONTRACT DOCUMENT SET. THE CONTRACTOR SHALL COORDINATE ALL WORK SHOWN IN THE SET OF DRAWINGS. THE CONTRACTOR SHALL PROVIDE A COMPLETE SET OF DRAWINGS TO ALL SUB-CONTRACTORS AND RELATED PARTIES. THE SUB-CONTRACTOR SHALL EXAMINE ALL THE DRAWINGS AND SPECIFICATIONS FOR THE INFORMATION THAT AFFECTS THEIR WORK.
 20. DETAILS ARE INTENDED TO SHOW END RESULT OF DESIGN. MINOR MODIFICATIONS MAY BE REQUIRED TO SUIT JOB DIMENSIONS OR CONDITIONS, AND SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF THE WORK.
 21. ALL MATERIAL PROVIDED BY T-MOBILE IS TO BE REVIEWED BY THE CONTRACTOR AND ALL APPLICABLE SUB-CONTRACTORS PRIOR TO INSTALLATION. ANY DEFICIENCIES TO PROVIDE MATERIALS SHALL BE BROUGHT TO THE CONSTRUCTION MANAGER'S ATTENTION IMMEDIATELY.
 22. THE MATERIALS INSTALLED SHALL MEET REQUIREMENTS OF CONTRACTORS DOCUMENTS. NO SUBSTITUTIONS ARE ALLOWED.
 23. THE CONTRACTOR SHALL RECEIVE CLARIFICATION AND AUTHORIZATION IN WRITING TO PROCEED BEFORE STARTING WORK ON ANY ITEMS NOT CLEARLY DEFINED OR IDENTIFIED BY THE CONSTRUCTION DOCUMENTS.
 24. THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER OF ALL PRODUCTS OR ITEMS NOTED AS "EXISTING" WHICH ARE NOT FOUND TO BE IN THE FIELD.
 25. ERECTION SHALL BE DONE IN A WORKMANLIKE MANNER BY COMPETENT EXPERIENCED WORKMEN IN ACCORDANCE WITH APPLICABLE CODES AND THE BEST-ACCEPTED PRACTICE. ALL MEMBERS SHALL BE LAND PLUMB AND TRUE AS INDICATED ON THE DRAWINGS.
 26. THE CONTRACTOR SHALL COORDINATE HIS WORK AND SCHEDULE HIS ACTIVITIES AND WORKING HOURS IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROPERTY OWNER AND/OR PROPERTY MANAGEMENT COMPANY.
 27. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING HIS WORK WITH THE WORK OF OTHERS AS IT MAY RELATE TO RADIO EQUIPMENT, ANTENNAS AND ANY OTHER PORTIONS OF THE WORK.
 28. THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY INDICATED OR WHERE LOCAL CODES OR REGULATIONS MAY TAKE PRECEDENCE.
 29. THE CONTRACTOR SHALL REPAIR ALL EXISTING SURFACES DAMAGED DURING CONSTRUCTION SUCH THAT THEY MATCH AND BLEND WITH ADJACENT SURFACES.
 30. THE CONTRACTOR SHALL KEEP CONTRACT AREA CLEAN, HAZARD FREE AND DISPOSE OF ALL DEBRIS AND RUBBISH. EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY OF THE OWNER SHALL BE REMOVED. LEAVE PREMISES IN CLEAN CONDITIONS AND FREE FROM PAINT SPOTS, DUST OR SMUDGES OF ANY NATURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL ITEMS UNTIL COMPLETION OF CONSTRUCTION.
 31. BEFORE FINAL ACCEPTANCE OF THE WORK, THE CONTRACTOR SHALL REMOVE ALL EQUIPMENT, TEMPORARY WORKS, UNUSED AND USELESS MATERIALS, RUBBISH AND TEMPORARY STRUCTURES.
 32. CONSTRUCTION SHALL BE IN ACCORDANCE WITH INTERNATIONAL BUILDING CODE 2012 WITH LOCAL AMENDMENTS AND THE TIA/EIA-222-G STRUCTURAL STANDARD FOR ANTENNA SUPPORTING STRUCTURES AND ANTENNAS.

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CHECKED BY: NDB		
SCALE: AS NOTED		
JOB NO: 16012-SMA		

NICHOLAS D. BARILE
PROFESSIONAL ENGINEER N.Y. LIC. No. 096133

SITE #: NY09130A
SITE NAME: SMITH RIDGE ROAD
337 SMITH RIDGE ROAD
SOUTH SALEM, NY 10590
WESTCHESTER COUNTY

DRAWING TITLE:
FINAL SITE PLAN & NOTES

DRAWING SHEET: 2 OF 10

C-1

LEGEND	
INSTALLATION NOTES	
①	INSTALL PURCELL SFX17-2824 CABINET
②	INSTALL PBC-05 BATTERY BACKUP CABINET
③	INSTALL (1) RBS6601 WITH DUW30 AND INSTALL (1) RBS6601 WITH DUS41 IN PURCELL SFX17-2824 CABINET
④	INSTALL CMA-BDHH/6521/E0-6 ANTENNA ON NEW PIPE MAST AT POSITION 1 WITH (1) RRUS11 B2 AND (1) RRUS11 B4 INSTALLED BEHIND ANTENNA
⑤	INSTALL APXVF24-C-A20 ANTENNA ON NEW PIPE MAST AT POSITION 4 WITH (1) RRUS11 B12 INSTALLED BEHIND ANTENNA
⑥	PROPOSED ANTENNA MOUNTING FRAME
⑦	INSTALL (6) FIBER CABLES PER SECTOR
⑧	INSTALL 5'x20' CONCRETE PAD
⑨	INSTALL GPS ANTENNA
⑩	INSTALL PPC CABINET ON H-FRAME
⑪	INSTALL AAV CHARLES CUBE CABINET ON H-FRAME
⑫	PROPOSED STEEL EQUIPMENT RAIL
⑬	INSTALL TIMED WORK LIGHT ON FENCE POST
⑭	INSTALL MW DISH

SECTOR	POSITION (FROM REAR LEFT TO RIGHT)	ANTENNA INFORMATION								
		MODEL	QUANTITY	ANT. AGL	E-TILT	M-TILT	TMA/RRU	CABLE QTY.	CABLE TYPE	CABLE LENGTH
ALPHA 70°	Ⓡ1	CMA-BDHH/6521/E0-6	1	120'	3	0	0/2	4	FIBER	±206'
	Ⓡ2	RFS-MA0528-28AN	1	-	-	-	-	-	-	-
	Ⓡ3	EMPTY	-	-	-	-	-	-	-	-
	Ⓡ4	APXVF24-C-A20	1	120'	3	0	0/1	2	FIBER	±206'
BETA 160°	Ⓦ1	CMA-BDHH/6521/E0-6	1	120'	3	0	0/2	4	FIBER	±206'
	Ⓦ2	EMPTY	-	-	-	-	-	-	-	-
	Ⓦ3	EMPTY	-	-	-	-	-	-	-	-
	Ⓦ4	APXVF24-C-A20	1	120'	3	0	0/1	2	FIBER	±206'
GAMMA 250°	Ⓑ1	CMA-BDHH/6521/E0-6	1	120'	3	0	0/2	4	FIBER	±206'
	Ⓑ2	EMPTY	-	-	-	-	-	-	-	-
	Ⓑ3	EMPTY	-	-	-	-	-	-	-	-
	Ⓑ4	APXVF24-C-A20	1	120'	3	0	0/1	2	FIBER	±206'
DELTA 340°	Ⓒ1	CMA-BDHH/6521/E0-6	1	120'	3	0	0/2	4	FIBER	±206'
	Ⓒ2	EMPTY	-	-	-	-	-	-	-	-
	Ⓒ3	EMPTY	-	-	-	-	-	-	-	-
	Ⓒ4	APXVF24-C-A20	1	120'	3	0	0/1	2	FIBER	±206'

INFORMATION PROVIDED FROM T-MOBILE
RFDS DATED 03/17/16

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NICHOLAS D. BARILE
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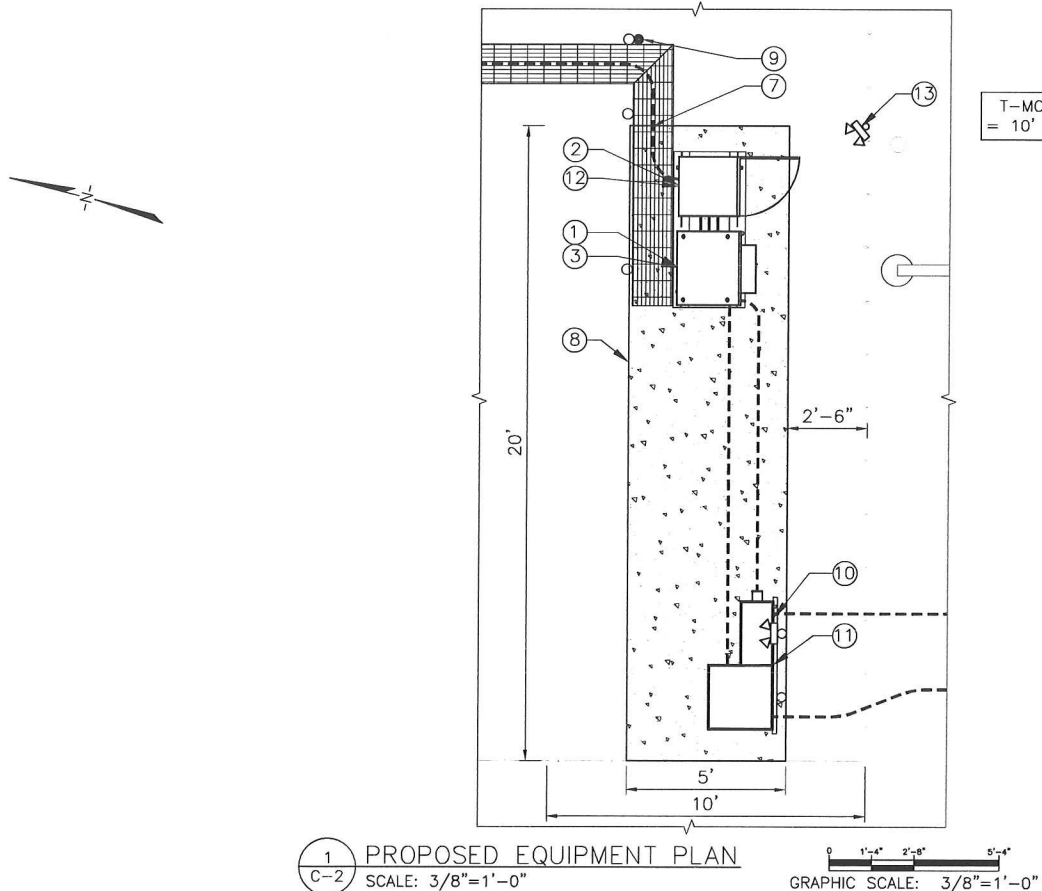
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DRAWING TITLE:

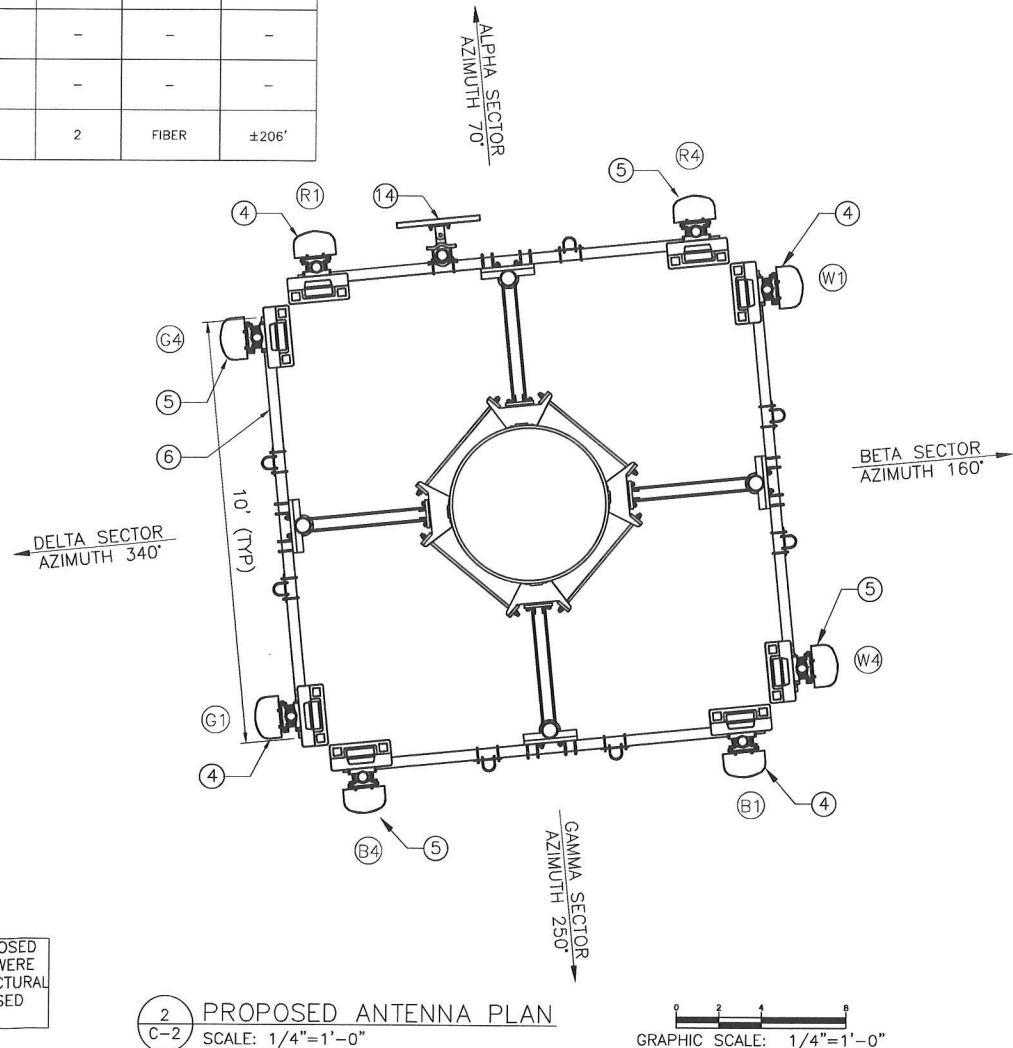
**PROPOSED EQUIPMENT
PLAN &
ANTENNA PLAN**

DRAWING SHEET: 3 OF 10

C-2



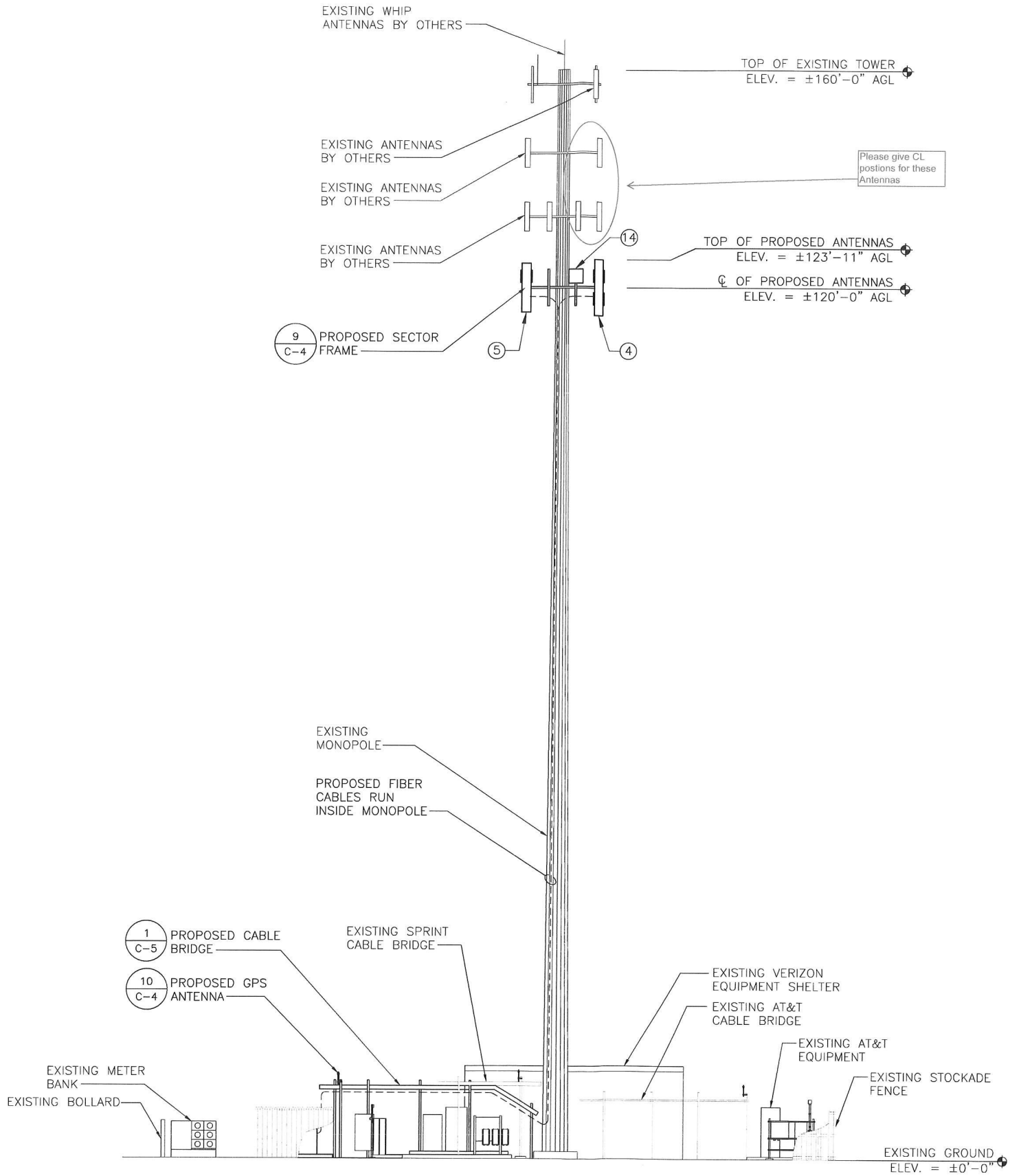
CONTRACTOR TO VERIFY ALL PROPOSED ANTENNAS, MOUNTS AND CABLES WERE CONSIDERED AND PASSED A STRUCTURAL ANALYSIS PERFORMED BY A LICENSED ENGINEER PRIOR TO INSTALLATION.



LEGEND

INSTALLATION NOTES

①	INSTALL PURCELL SFX17-2824 CABINET
②	INSTALL PBC-05 BATTERY BACKUP CABINET
③	INSTALL (1) RBS6601 WITH DUW30 AND INSTALL (1) RBS6601 WITH DUS41 IN PURCELL SFX17-2824 CABINET
④	INSTALL CMA-BDHH/6521/E0-6 ANTENNA ON NEW PIPE MAST AT POSITION 1 WITH (1) RRUS11 B2 AND (1) RRUS11 B4 INSTALLED BEHIND ANTENNA
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⑬	INSTALL TIMED WORK LIGHT ON FENCE POST
⑭	INSTALL MW DISH



1 C-3 FINAL ELEVATION
SCALE: N.T.S.

CONTRACTOR TO VERIFY ALL PROPOSED ANTENNAS, MOUNTS AND CABLES WERE CONSIDERED AND PASSED A STRUCTURAL ANALYSIS PERFORMED BY A LICENSED ENGINEER PRIOR TO INSTALLATION.

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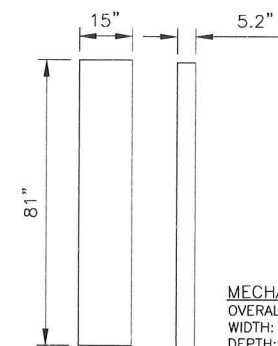
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DRAWING TITLE:

ELEVATION

DRAWING SHEET: 4 OF 10

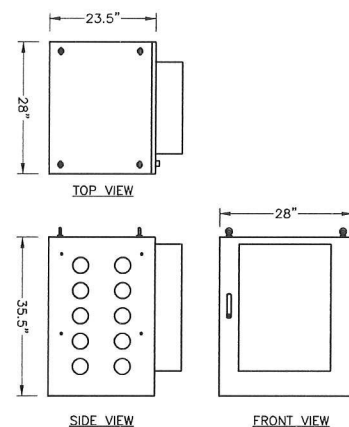
C-3



MECHANICAL SPECIFICATIONS
OVERALL HEIGHT: 81 IN.
WIDTH: 15 IN.
DEPTH: 5.2 IN.
WEIGHT INCLUDING BRACKETS: 62 LBS

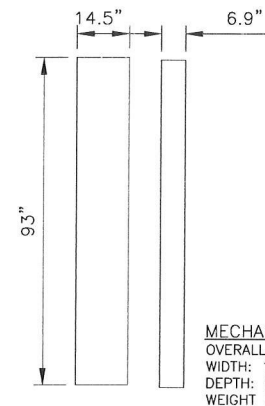
FRONT SIDE

1 CMA-BDHH/6521/E0-6 ANTENNA DETAIL
C-4 SCALE: N.T.S.



MANUFACTURER: PURCELL SYSTEMS
MODEL #: SFX17-2824
MECHANICAL SPECIFICATIONS
OVERALL HEIGHT: 35.5 IN. (902mm)
WIDTH: 28 IN. (711mm)
DEPTH: 23.5 IN. (597mm)

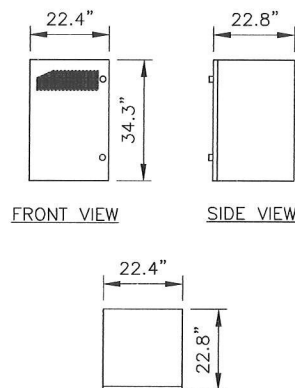
7 PURCELL SFX17-2824 CABINET DETAIL
C-4 SCALE: N.T.S.



MECHANICAL SPECIFICATIONS
OVERALL HEIGHT: 93 IN.
WIDTH: 14.5 IN.
DEPTH: 6.9 IN.
WEIGHT INCLUDING BRACKETS: 60.18 LBS

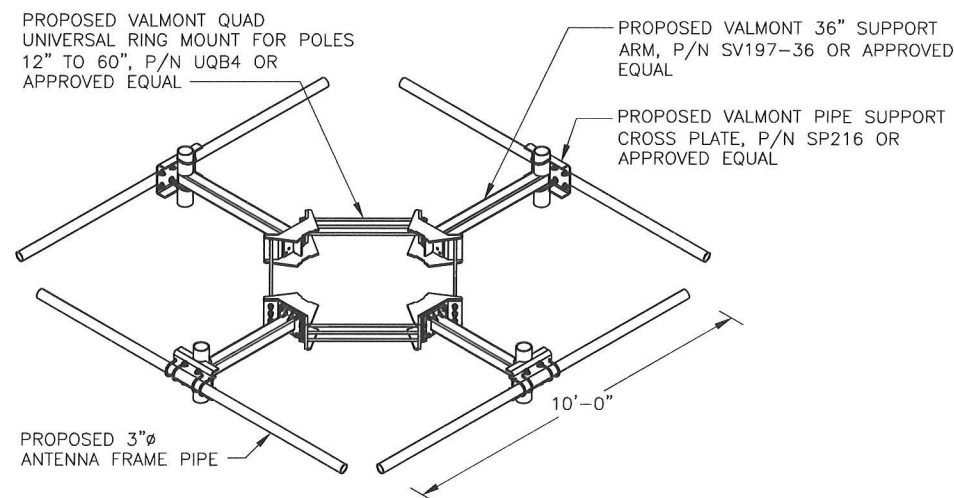
FRONT SIDE

2 APXVF24-C-A20 ANTENNA DETAIL
C-4 SCALE: N.T.S.

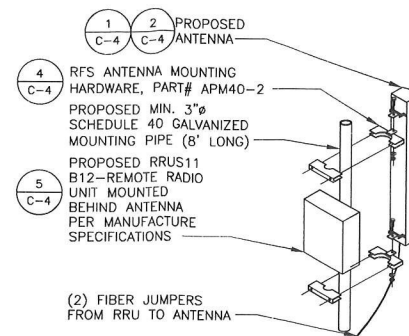


FRONT VIEW SIDE VIEW

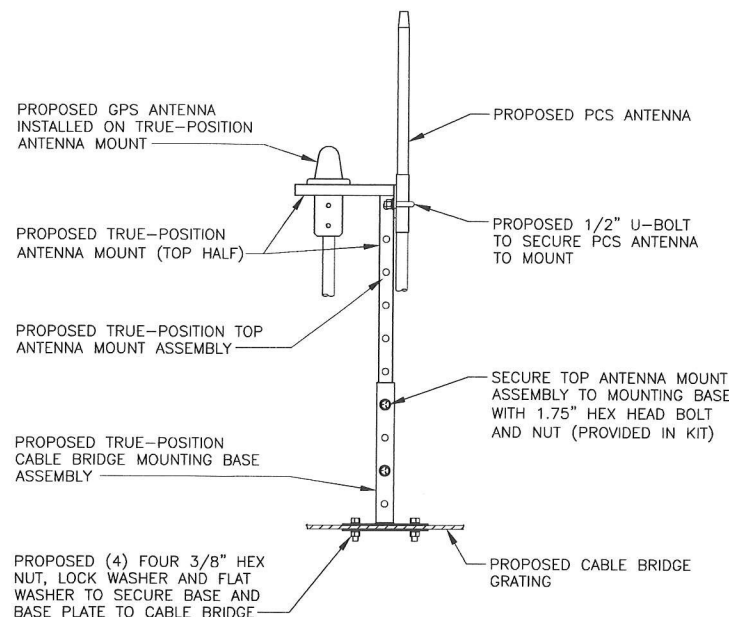
8 BATTERY BACKUP CABINET PBC-05 DETAIL
C-4 SCALE: N.T.S.



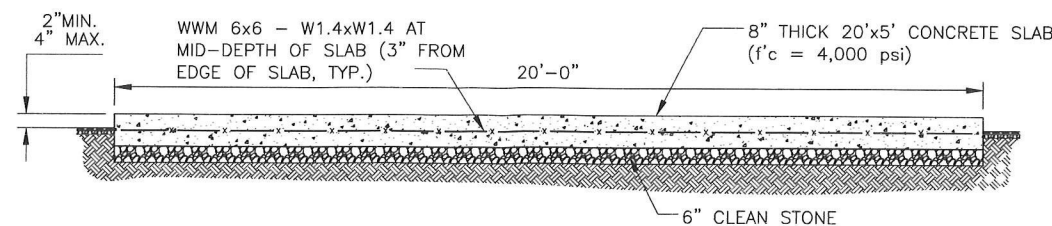
9 ANTENNA MOUNTING FRAME DETAIL
C-4 SCALE: N.T.S.



3 TYPICAL ANTENNA INSTALLATION DETAIL
C-4 SCALE: N.T.S.



10 GPS ANTENNA DETAIL
C-4 SCALE: N.T.S.



11 5'x20' CONCRETE PAD DETAIL
C-4 SCALE: N.T.S.

MECHANICAL SPECIFICATIONS
PART #: APM40-2
SUITABLE FOR MAST Ø: 2.17" - 4.53"
WEIGHT: 9.48 LBS

4 TYPICAL ANTENNA MOUNT DETAIL
C-4 SCALE: N.T.S.

MECHANICAL SPECIFICATIONS
OVERALL HEIGHT: 20 IN.
WIDTH: 17 IN.
DEPTH: 7 IN.
WEIGHT: 50.7 LBS

5 RRUS11 B12-REMOTE RADIO UNIT
C-4 SCALE: N.T.S.

MECHANICAL SPECIFICATIONS
OVERALL HEIGHT: 20 IN.
WIDTH: 17 IN.
DEPTH: 7 IN.
WEIGHT: 50.7 LBS

6 RRUS11 B4-REMOTE RADIO UNIT
C-4 SCALE: N.T.S.

CONTRACTOR TO VERIFY ALL PROPOSED ANTENNAS, MOUNTS AND CABLES WERE CONSIDERED AND PASSED A STRUCTURAL ANALYSIS PERFORMED BY A LICENSED ENGINEER PRIOR TO INSTALLATION.

COM-Ex
ENGINEERING OF NY

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CERTIFICATE OF AUTHORIZATION # 27-3179723

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SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
7		
6		
5		
4		
3		
2		
1		
0	04/22/16	INITIAL SUBMISSION

DRAWN BY: AM

CHECKED BY: NDB

SCALE: AS NOTED

JOB NO: 16012-SMA

NICHOLAS D. BARILE
PROFESSIONAL ENGINEER N.Y. LIC. No. 090123

SITE #: NY09130A
SITE NAME: SMITH RIDGE ROAD
337 SMITH RIDGE ROAD
SOUTH SALEM, NY 10590
WESTCHESTER COUNTY

DRAWING TITLE:

DETAILS

DRAWING SHEET: 5 OF 10

C-4

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REV. NO.	DATE	DESCRIPTION OF CHANGES
7		
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0	04/22/16	INITIAL SUBMISSION

DRAWN BY: AM
CHECKED BY: NDB
SCALE: AS NOTED
JOB NO: 16012-SMA

NICHOLAS D. BARILE
PROFESSIONAL ENGINEER N.Y. LIC. NO. 036133

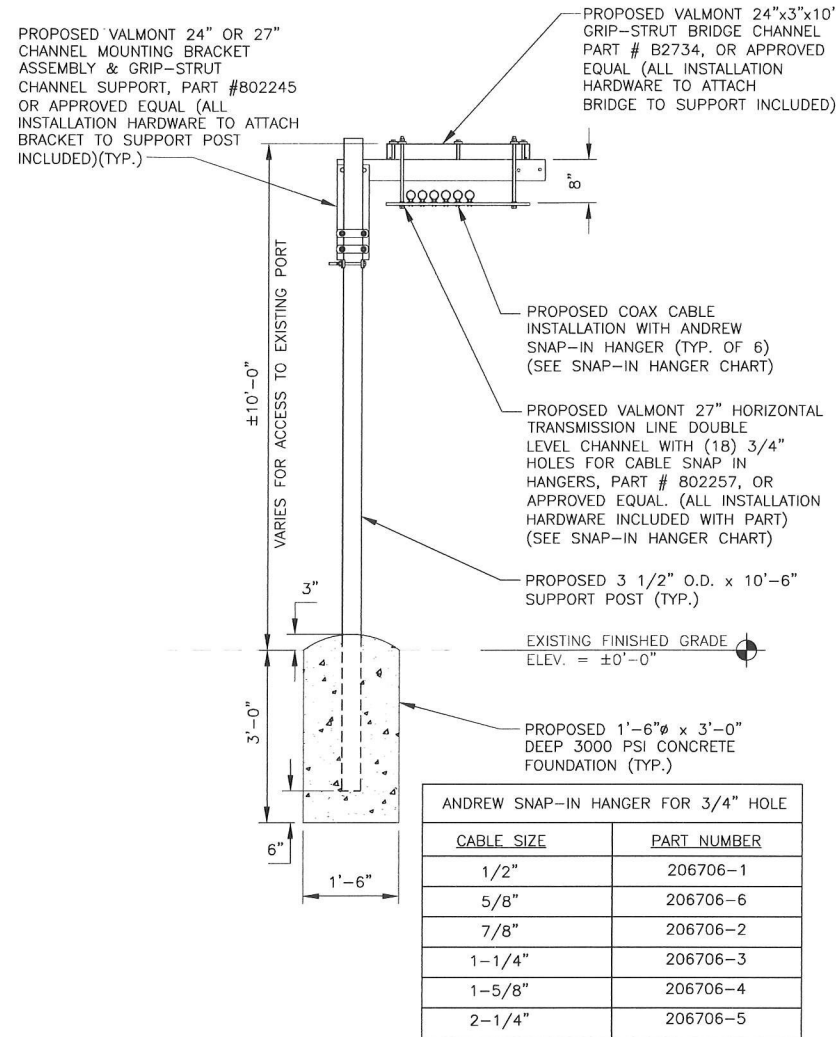
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SITE NAME: SMITH RIDGE ROAD
337 SMITH RIDGE ROAD
SOUTH SALEM, NY 10590
WESTCHESTER COUNTY

DRAWING TITLE:

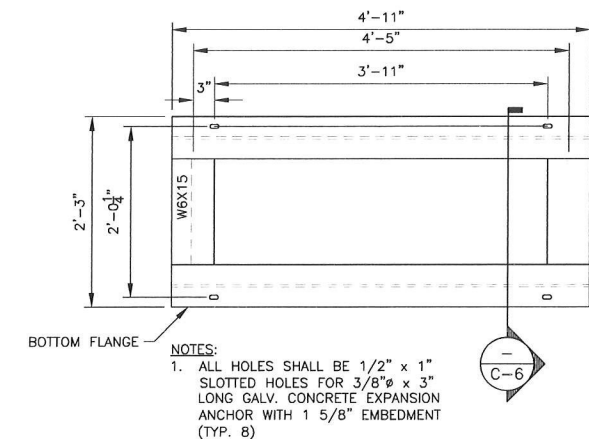
DETAILS

DRAWING SHEET: 6 OF 10

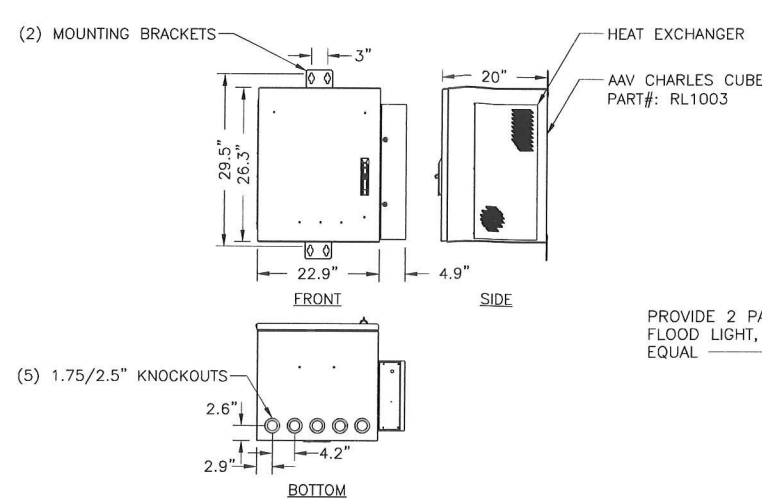
C-5



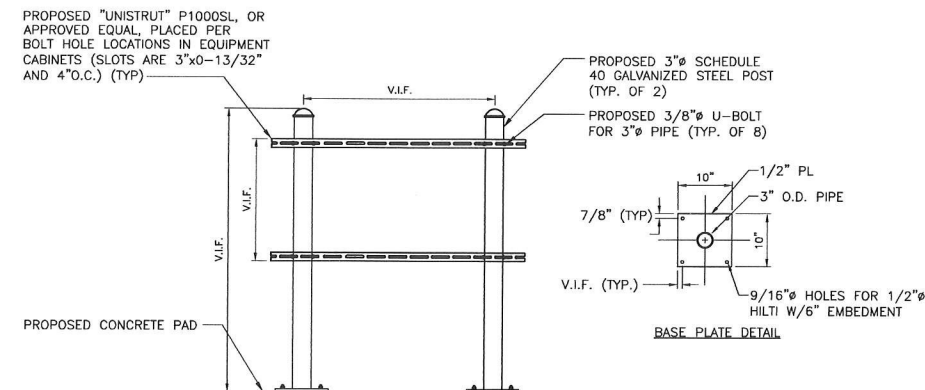
1 ICE BRIDGE DETAIL
SCALE: N.T.S.



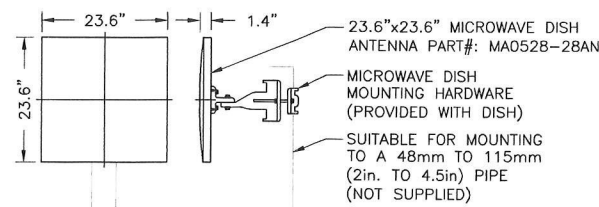
5 STEEL EQUIPMENT RAIL DETAIL
SCALE: N.T.S.



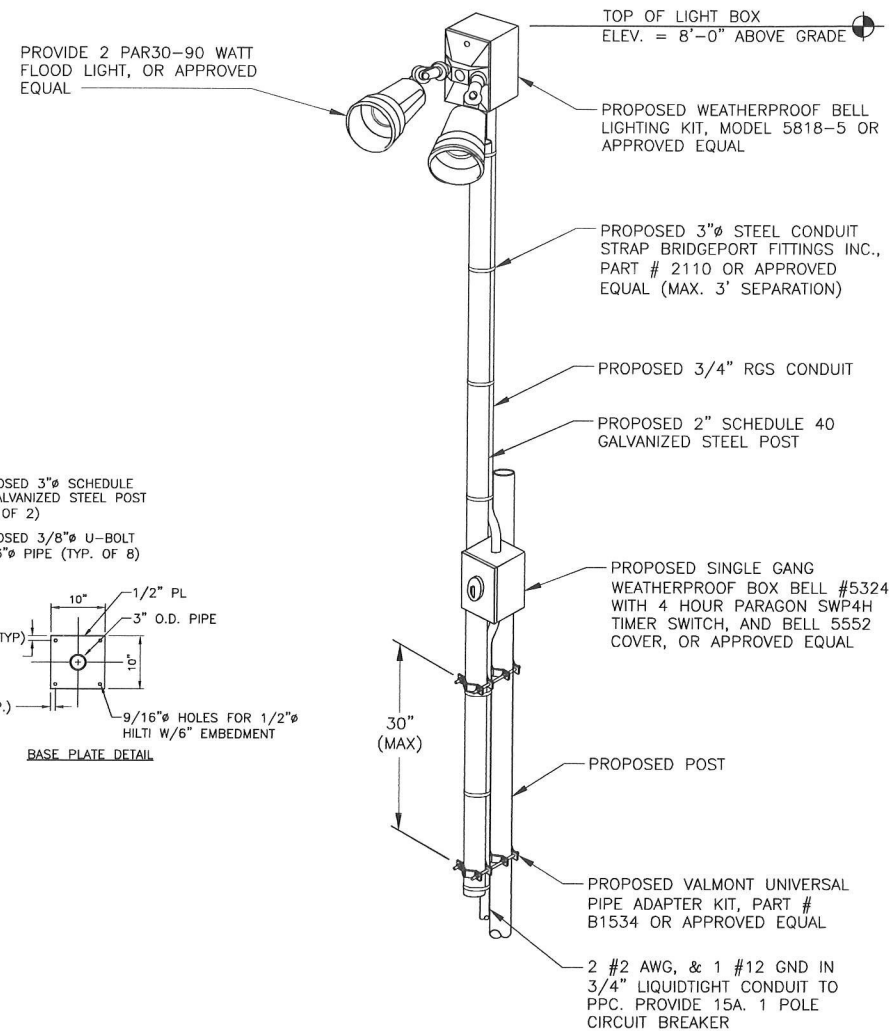
2 AAV CABINET DETAIL
SCALE: N.T.S.



3 H-FRAME DETAIL
SCALE: N.T.S.



6 DISH ANTENNA DETAIL
SCALE: N.T.S.



4 WORK LIGHT DETAIL
SCALE: N.T.S.

CONTRACTOR TO VERIFY ALL PROPOSED ANTENNAS, MOUNTS AND CABLES WERE CONSIDERED AND PASSED A STRUCTURAL ANALYSIS PERFORMED BY A LICENSED ENGINEER PRIOR TO INSTALLATION.

1. GENERAL REQUIREMENTS:

- 1.1 THE WORK TO BE DONE UNDER THIS PROJECT INCLUDES PROVIDING ALL EQUIPMENT, MATERIALS, LABOR AND SERVICES, AND PERFORMING ALL OPERATIONS FOR COMPLETE AND OPERATING SYSTEMS. ANY WORK NOT SPECIFICALLY COVERED BUT NECESSARY TO COMPLETE THIS INSTALLATION, SHALL BE PROVIDED. ALL EQUIPMENT AND WIRING TO BE NEW AND PROVIDED UNDER THIS CONTRACT UNLESS OTHERWISE NOTED.
- 1.2 ENTIRE INSTALLATION, INCLUDING MATERIALS, EQUIPMENT AND WORKMANSHIP, SHALL CONFORM TO THE 2005 EDITION OF THE NATIONAL ELECTRIC CODE (NEC) AS WELL AS ALL APPLICABLE LAWS AND REGULATIONS AND REGULATORY BODIES HAVING JURISDICTION OVER THIS WORK.
- 1.3 THE TERM "FURNISH" SHALL MEAN TO OBTAIN AND SUPPLY TO THE JOB SITE. THE TERM "INSTALL" SHALL MEAN TO FIX IN POSITION AND CONNECT FOR USE. THE TERM "PROVIDE" SHALL MEAN TO FURNISH AND INSTALL. THE TERM "CONTRACTOR" SHALL MEAN ELECTRICAL CONTRACTOR.
- 1.4 ONLY WRITTEN CHANGES AND/OR MODIFICATIONS APPROVED BY THE ENGINEER, CONSULTING ENGINEER OR OWNER'S REPRESENTATIVE WILL BE RECOGNIZED.
- 1.5 THE ELECTRICAL CONTRACTOR SHALL SUBMIT, FOR THE ENGINEER'S APPROVAL, DETAILED SHOP DRAWINGS OF ALL EQUIPMENT SPECIFIED.
- 1.6 CONTRACTOR SHALL COORDINATE WITH SPECIFICATIONS PROVIDED BY OTHER TRADES.
- 1.7 PROVIDE OPERATING AND MAINTENANCE MANUALS, PER SPECIFICATIONS, AND GIVE INSTRUCTIONS TO USER FOR ALL EQUIPMENT AND SYSTEMS PROVIDED UNDER THIS CONTRACT AFTER ALL ARE CLEANED AND OPERATING.
- 1.8 KEEP PREMISES FREE FROM RUBBISH. REMOVE ALL ELECTRICAL RUBBISH FROM SITE.
- 1.9 ALL WORK SHALL BE INSTALLED CONCEALED UNLESS OTHERWISE NOTED.
- 1.10 THE WORK SHALL INCLUDE ALL PANELS, DEVICES, FEEDERS AND BRANCH CIRCUIT WIRING AS REQUIRED FOR THE DISTRIBUTION SYSTEM INDICATED AND CALLED FOR ON THE DRAWINGS, REQUIRED BY SPECIFICATIONS AND AS NECESSARY FOR COMPLETE FUNCTIONAL SYSTEMS PRESENTED AND INTENDED.
- 1.11 THE CONTRACTOR SHALL FURNISH ALL MATERIAL, LABOR, TOOLS, EQUIPMENT, CONSUMABLES AND SERVICES REQUIRED FOR OBTAINING, DELIVERY, INSTALLATION, CONNECTION, DISCONNECTION, REMOVAL, RELOCATION, REPAIR, REPLACEMENT, TESTING AND COMMISSIONING OF ALL EQUIPMENT AND DEVICES INCLUDED IN OR NECESSARY FOR THE WORK, AS APPLICABLE. THIS INCLUDES SCAFFOLDING, LADDERS, RIGGING, HOISTING, ETC.
- 1.12 ELECTRICAL WORK SHALL INCLUDE ALL REQUIRED CUTTING, PATCHING AND THE FULL RESTORATION OF WALL AND FLOOR STRUCTURE AND SURFACES. ALL EQUIPMENT, WALLS, FLOORS, ETC., DISTURBED OR DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED TO THE SATISFACTION OF THE OWNER, AT THE CONTRACTORS EXPENSE.
- 1.13 BEFORE SUBMITTING HIS BID, THE CONTRACTOR SHALL FULLY AQUAINT HIMSELF/HERSELF WITH THE JOB CONDITIONS AND DIFFICULTIES THAT WILL PERTAIN TO THE EXECUTION OF THIS WORK. SUBMISSION OF A PROPOSAL WILL BE CONSTRUED AS EVIDENCE THAT SUCH AN EXAMINATION HAS BEEN MADE. LATER CLAIMS WILL NOT BE RECOGNIZED FOR EXTRA LABOR, EQUIPMENT OR MATERIALS REQUIRED BECAUSE OF DIFFICULTIES ENCOUNTERED, WHICH COULD HAVE BEEN FORESEEN HAD SUCH AN EXAMINATION BEEN MADE.
- 1.14 THE CONTRACTOR SHALL CONFIRM THE LOCATION OF ALL UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE TO EXISTING UTILITIES.
- 1.15 UPON COMPLETION OF THE ELECTRICAL WORK, THE CONTRACTOR SHALL TEST THE COMPLETE ELECTRICAL SYSTEM FOR SHORTS, GROUNDS, AND PROPER OPERATION, IN THE PRESENCE OF THE OWNER'S REPRESENTATIVE.
- 1.16 UPON COMPLETION OF WORK, THE CONTRACTOR SHALL CLEAN AND ADJUST ALL EQUIPMENT AND LIGHTING AND TEST SYSTEMS TO THE SATISFACTION OF OWNER AND ENGINEER. RESULTS SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL.
- 1.17 THE CONTRACTOR SHALL FIELD VERIFY DIMENSIONS OF FINISHED CONSTRUCTION PRIOR TO FABRICATION AND INSTALLATION OF FIXTURES AND EQUIPMENT.
- 1.18 EXACT ROUTING OF CONDUITS AND "MC" CABLES SHALL BE DETERMINED IN THE FIELD.
- 1.19 IF THE OWNER AND/OR HIS REPRESENTATIVE CONSIDERS ANY WORK TO BE INFERIOR, THE RESPECTIVE CONTRACTOR SHALL REPLACE SAME WITH CONTRACT STANDARD WORK WITHOUT ADDITIONAL CHARGE. ALL WORK SHALL BE DONE IN A NEAT, WORKMANLIKE MANNER, LEFT CLEAN AND FREE FROM DEFECTS, AND COMPLETELY OPERABLE.
- 1.20 THE CONTRACTOR SHALL PROVIDE ALL MATERIALS AS SHOWN ON THE DRAWINGS AND/OR AS SPECIFIED. ALL MATERIALS SHALL BE NEW, AND BEAR THE UL LABEL. ALL WORK SHALL BE GUARANTEED BY THE CONTRACTOR FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF ACCEPTANCE BY THE OWNER.
- 1.21 DRAWINGS ARE TO BE CONSIDERED DIAGRAMMATIC, AND SHALL BE FOLLOWED AS CLOSELY AS CONDITIONS ALLOW TO COMPLETE THE INTENT OF THE CONTRACT. THE DRAWINGS AND SPECIFICATIONS COMPLIMENT ONE ANOTHER, AND WHAT IS SHOWN ON THE DRAWINGS AND NOT MENTIONED IN THE SPECIFICATIONS, AND VICE VERSA, IS TO BE INCLUDED IN THE SCOPE OF WORK.
- 1.22 ALL EQUIPMENT CONNECTIONS SHALL BE INSTALLED PER APPLICABLE SEISMIC REQUIRMENTS.
- 1.23 ENGINEER WILL MAKE A FINAL INSPECTION WITH THE OWNER AND CONTRACTOR AND WILL NOTIFY THE CONTRACTOR IN WRITING OF ALL PARTICULARS IN WHICH THIS INSPECTION REVEALS THAT THE WORK IS INCOMPLETE OR DEFECTIVE. THE CONTRACTOR SHALL IMMEDIATELY TAKE SUCH MEASURES AS ARE NECESSARY TO COMPLETE SUCH WORK OR REMEDY SUCH DEFICIENCIES.
- 1.24 THE CONTRACTOR SHALL PERFORM ALL EXCAVATION, TRENCHING AND BACKFILL REQUIRED FOR ELECTRICAL WORK. BACKFILL SHALL BE SUITABLE MATERIAL PROPERLY COMPACTED TO 95% DENSITY IN EACH LAYER OF SIX (6) INCH DEPTH. CONDUIT SHALL BE MINIMUM 36" BELOW FINISHED GRADE.

2. PROJECT COORDINATION:

- 2.1 THE CONTRACTOR SHALL VERIFY FIELD CONDITIONS AT THE SITE AND NOTIFY THE OWNER OF ANY DISCREPANCIES, PRIOR TO COMMENCING WITH THE WORK.
- 2.2 THE CONTRACTOR SHALL REVIEW AND COORDINATE WITH THE DOCUMENTS OF ALL TRADES.
- 2.3 THE CONTRACTOR SHALL FURNISH A SCHEDULE INDICATING HIS PORTION OF TIME, WITHIN THE OVERALL SCHEDULE, REQUIRED TO COMPLETE THE WORK, IN CONJUNCTION WITH ALL TRADES. ALL WORK THAT MAY AFFECT OPERATION OF BUILDING SYSTEMS SHALL BE COORDINATED WITH THE OWNER'S REPRESENTATIVE.
- 2.4 REFER TO THE CONSTRUCTION DRAWINGS AND APPROPRIATE VENDORS APPROVED DIMENSIONED LAYOUT DRAWINGS FOR THE LOCATIONS OF ALL ELECTRICAL DEVICES AND EQUIPMENT.
A. EXTERIOR BUILDING MOUNTED LUMINAIRES
B. SWITCHES
- 2.5 REFER TO THE PLUMBING DRAWINGS FOR THE LOCATIONS OF THE FOLLOWING:
A. GENERATOR
- 2.6 SHUT DOWN OF POWER SHALL BE COORDINATED WITH THE OWNER, ARCHITECT AND PROJECT MANAGER AT LEAST 14 WORKING DAYS PRIOR TO SHUT DOWN. SHUT DOWNS LONGER THAN 2 DAYS SHALL BE COORDINATED WITH THE ABOVE PERSONNEL AT LEAST ONE MONTH IN ADVANCE. TEMPORARY POWER FOR CONSTRUCTION SHALL BE PROVIDED BY THE ELECTRICAL CONTRACTOR FOR SHUT DOWNS OVER 2 DAYS.
- 2.7 ALL CONDUITS AND DEVICE BOXES SHALL BE PROVIDED BY THE ELECTRICAL CONTRACTOR, INCLUDING ALL TECHNOLOGY CONDUITS AND BOXES.
- 2.8 EXACT LOCATIONS OF OUTLETS AND EQUIPMENT SHALL BE COORDINATED WITH ARCHITECTURAL AND MILL/WORK PLANS. ALL OUTLET AND EQUIPMENT LAYOUTS SHALL BE VERIFIED AND COORDINATED WITH WORK OF OTHER TRADES.
- 2.9 PROVIDE TEMPORARY LIGHTING AND POWER IN ACCORDANCE WITH ARTICLE 305 OF THE NEC. TEMPORARY LIGHTING FIXTURES IN UNFINISHED AREAS SHALL REMAIN CONNECTED UNTIL REMOVAL IS REQUESTED BY THE CONTRACTOR.
- 2.10 COLORS AND FINISHES OF ALL LIGHTING FIXTURES SHALL BE AS DETERMINED BY THE PROPERTY OWNER WHO SHALL SELECT SAME FROM THOSE AVAILABLE AS STANDARD OF THE EQUIPMENT SPECIFIED. PROVIDE CUSTOM ENGRAVING FOR ALL DIMMER SWITCHES.
- 2.11 THE CONTRACTOR SHALL CONTACT THE BUILDING MANAGER TO OBTAIN A COPY OF THE GENERAL REQUIREMENTS AND/OR CONDITIONS TO BE USED FOR THIS PROJECT.
- 2.12 INSTALL NEW WORK AND CONNECT TO EXISTING WORK WITH MINIMUM INTERFERENCE TO EXISTING FACILITIES. ALARM AND EMERGENCY SYSTEMS SHALL NOT BE INTERRUPTED. TEMPORARY SHUT DOWNS OF ANY SYSTEM SHALL BE COORDINATED WITH AND APPROVED BY THE OWNER AND ARCHITECT.
- 2.13 CONTRACTOR SHALL VERIFY ALL EQUIPMENT POWER REQUIREMENTS AND REQUIRED OUTLET TYPES WITH EQUIPMENT MANUFACTURER AND OWNER PRIOR TO POWER DISTRIBUTION AND RECEPTACLE INSTALLATION.

3. PROTECTION OF WORK:

- 3.1 EFFECTIVELY PROTECT ALL MATERIALS AND EQUIPMENT FROM ENVIRONMENTAL AND PHYSICAL DAMAGE UNTIL FINAL ACCEPTANCE. CLOSE AND PROTECT ALL OPENINGS DURING CONSTRUCTION. PROVIDE NEW MATERIALS AND EQUIPMENT TO REPLACE ITEMS DAMAGED.

4. WARRANTIES AND BONDS:

- 4.1 ALL MATERIALS, EQUIPMENT AND WORKMANSHIP SHALL BE GUARANTEED IN WRITING FOR A MINIMUM OF ONE YEAR AFTER FINAL ACCEPTANCE BY OWNER.
- 4.2 OBTAIN AND DELIVER TO THE OWNER'S REPRESENTATIVE ALL GUARANTEES AND CERTIFICATES OF COMPLIANCE.

5. PERMITS:

- 5.1 CONTRACTOR SHALL OBTAIN AND PAY FOR ALL REQUIRED PERMITS AND INSPECTION FEES FOR ELECTRICAL WORK.

6. RACEWAYS:

- 6.1 ALL CONDUIT SHALL BE MINIMUM SIZE OF 3/4" FOR POWER CIRCUITS AND CONTROL CIRCUITS EXCEPT WHERE FLEXIBLE CONDUIT IS CALLED FOR ON PROJECT DOCUMENTS. ALL EXTERIOR EXPOSED CONDUIT SHALL BE GRC (GALVANIZED RIGID METAL CONDUIT). ALL UNDERGROUND, IN SLAB OR UNDER SLAB SHALL BE RMC (RIGID NONMETALLIC CONDUIT). CHANGE TO RIGID METALLIC CONDUIT OR INTERMEDIATE METALLIC CONDUIT BEFORE EXITING OUT OF CONCRETE OR PENETRATING A WALL, FLOOR OR ROOF. EMT IS ALLOWED IN INTERIOR DRY LOCATIONS WHERE NOT SUBJECT TO DAMAGE.
- 6.2 ALL FLEXIBLE CONDUIT IN WET OR DRY AREAS SHALL BE LIQUID TIGHT CONDUIT. NONMETALLIC FLEXIBLE CONDUIT IS SPECIFICALLY PROHIBITED.
- 6.3 CONDUIT SHALL BE RUN AT RIGHT ANGLES AND PARALLEL TO BUILDING LINES, SHALL BE NEATLY RACKED AND SECURELY FASTENED. JUNCTION BOXES SHALL BE PROVIDED WHERE REQUIRED TO FACILITATE INSTALLATION OF WIRES.
- 6.4 ALL CONDUIT AND ELECTRICAL EQUIPMENT SHALL BE SUPPORTED FROM THE BUILDING STRUCTURE IN AN APPROVED MANNER.
- 6.5 ALL EMPTY RACEWAYS SHALL BE FURNISHED WITH A 200 LB. TEST NYLON DRAG LINE.
- 6.6 ARRANGEMENT OF CONDUIT AND EQUIPMENT SHALL BE AS INDICATED, UNLESS MODIFICATION IS REQUIRED TO AVOID INTERFERENCES.
- 6.7 ALL RACEWAY AND WIRING SHALL BE CONCEALED IN FINISHED AREAS. RACEWAY IN MECHANICAL ROOMS, BASEMENTS AND CRAWL SPACES MAY BE SURFACE MOUNTED.
- 6.8 FOR CONDUITS CROSSING EXPANSION JOINTS, PROVIDE EXPANSION FITTINGS FOR SIZE 1-1/4", AND LARGER. PROVIDE SECTIONS OF FLEXIBLE CONDUIT WITH GROUNDING JUMPERS FOR SIZES 1" AND SMALLER.
- 6.9 THE CONTRACTOR SHALL SEAL ALL PENETRATIONS THROUGH FIRE RATED WALLS AND FLOORS WITH APPROVED FIRE RATED SEALANT. ALL PENETRATIONS THROUGH ALL WALLS AND FLOORS SHALL BE SEALED. FOR ALL SLAB PENETRATIONS THE METHOD, DEPTHS AND LOCATIONS SHALL BE PRE-APPROVED BY THE BUILDING ENGINEER PRIOR TO THE START OF WORK.
- 6.10 THE CONTRACTOR SHALL INSTALL DETECTABLE UNDERGROUND TAPES FOR THE PROTECTION, LOCATION AND IDENTIFICATION OF UNDERGROUND CONDUIT INSTALLATION.
- 6.11 EXACT ROUTING OF CONDUITS AND CABLES SHALL BE DETERMINED IN FIELD.
- 6.12 ALL PENETRATIONS THROUGH FLOORS SHALL BE FIRE STOPPED AND SEALED WITH APPROVED SEALANT.
- 6.13 ELECTRICAL RACEWAY CONNECTIONS TO VIBRATING EQUIPMENT AND MACHINERY SUCH AS MOTORS, TRANSFORMERS, ETC., SHALL BE MADE WITH FLEXIBLE LIQUID TIGHT METALLIC CONDUIT.
- 6.14 SECURE ALL SUPPORTS TO BUILDING STRUCTURE UTILIZING TOGGLE BOLTS IN HOLLOW MASONRY, EXPANSION SHIELDS OR INSERTS IN CONCRETE AND BRICK. MACHINE SCREWS IN METAL BEAM CLAMPS IN FRAMEWORK AND WOOD SCREWS IN WOOD. NAILS, RAW PLUGS AND WOOD PLUGS ARE NOT PERMITTED. WHERE REQUIRED BY STRUCTURE, PROVIDE THRU BOLTS AND FISH PLATES. SUPPORT RACEWAY RISERS AT EACH FLOOR LEVEL. RUN EXPOSED RACEWAYS PARALLEL WITH OR AT RIGHT ANGLES TO BUILDING LINES.
- 6.15 DO NOT RUN RACEWAYS CLOSER THAN 6 INCHES WHEN PARALLEL TO HOT WATER OR STEAM PIPES. WHEN CROSSING WATER OR STEAM PIPES CROSS A MINIMUM OF 3 INCHES ABOVE. IF CROSSING BELOW IS UNAVOIDABLE, PROVIDE DRIP SHIELDS EXTENDING 6 INCHES BEYOND THE WATER OR STEAMPIPE. BOXES INSTALLED IN PROXIMITY TO WATER OR STEAM PIPE SHALL BE RATED NEMA 4X.

7. BOXES:

- 7.1 INTERIOR OUTLET BOXES SHALL BE METALLIC, EXCEPT AS NOTED. FAN MOUNTING BOXES SHALL BE RATED FOR THE APPLICATION AND FOR THE WEIGHT OF THE FAN. EXTERIOR OUTLET BOXES SHALL BE CAST ALUMINUM AND SHALL BE MADE WEATHERTIGHT.
- 7.2 INTERIOR JUNCTION BOXES SHALL BE SHEET STEEL. EXTERIOR JUNCTION BOXES SHALL BE NONMETALLIC, WITH SCREW COVERS. BOXES SHALL BE SUPPORTED INDEPENDENTLY OF CONDUITS.
- 7.3 MOUNTING HEIGHTS OF EQUIPMENT AND DEVICES SHALL BE AS FOLLOWS:
A. RECEPTACLES (WALL MOUNTED) - 18" A.F.F.
B. RECEPTACLES (COUNTER HEIGHT) - 9" ABOVE COUNTER
C. RECEPTACLES (EXTERIOR) - 24" ABOVE FINISHED GRADE
D. COMMUNICATION OUTLETS - SAME AS RECEPTACLES
E. LIGHTING SWITCHES AND CONTROLS - 44" A.F.F.
F. PANELBOARDS AND CABINETS - 78" TO TOP OF ENCLOSURE
- 7.4 WHERE MULTIPLE SWITCHES AND RECEPTACLES ARE INDICATED AT THE SAME LOCATION, THEY SHALL BE MOUNTED BEHIND A COMMON FACEPLATE. TECHNOLOGY OUTLETS SHALL BE SEPARATED FROM AND BE PROVIDED WITH SEPARATE FACEPLATES FROM THE ASSOCIATED POWER RECEPTACLES.
- 7.5 RECEPTACLES SHALL BE ACCESSIBLE EXCEPT A DEDICATED RECEPTACLE MAY BE OBSTRUCTED BY THE REMOVABLE EQUIPMENT IT SERVES.
- 7.6 OUTLET BOXES IN EXISTING CONCRETE FLOORS WITH ACCESS FROM BELOW SHALL BE FIRE RATED, POKE-THROUGH TYPE FOR POWER AND LOW TENSION SERVICE. SERVICE FITTING HEADS SHALL BE ANODIZED ALUMINUM AND SHALL CONTAIN DEVICES AS SHOWN ON THE DRAWINGS. BOXES SHALL BE AS MANUFACTURED BY STEEL CITY OR HUBBELL.
- 7.7 SET BOXES SQUARE AND TRUE WITH BUILDING FINISH. INSTALL RECEPTACLE AND SWITCH OUTLETS IN ADVANCE OF FURRING AND FIREPROOFING. SECURE TO BUILDING STRUCTURE IN ACCORDANCE WITH NEC REQUIREMENTS.
- 7.8 FURNISH OUTLET BOXES WITH RAISED COVERS AND FIXTURE STUDS WHERE REQUIRED. WHERE NO FIXTURE OR DEVICE IS INSTALLED, PROVIDE OUTLET BOX WITH BLANK COVER. OFFSET BACK-TO-BACK OUTLETS WITH MINIMUM 6 INCH HORIZONTAL SEPARATION.

8. WIRING:

- 8.1 ALL WIRE SHALL BE COPPER WITH TYPE THHN/THWN 600 VOLT INSULATION, MINIMUM #12 AWG FOR POWER AND LIGHTING CIRCUITS AND #16 AWG FOR CONTROL CIRCUITS.
- 8.2 UNDER NO CIRCUMSTANCES SHALL FEEDERS BE SPLICED.
- 8.3 ALL COMPUTER CIRCUITS SHALL HAVE SEPARATE NEUTRAL CONDUCTORS. ALL OTHER CIRCUITS MAY SHARE GROUND AND NEUTRAL CONDUCTORS.
- 8.4 WHERE EQUIPMENT, LIGHTING FIXTURES AND WIRING DEVICES ARE SHOWN WITH CIRCUIT NUMBERS ONLY, THE MINIMUM BRANCH CIRCUITTING REQUIREMENTS SHALL BE AS FOLLOWS:
A. LIGHTING FIXTURES - (2)#12 & #12 GND.
B. RECEPTACLES - (2)#12 & #12 GND.
C. BRANCH CIRCUIT BREAKERS (120 VOLT) - 1P, 20A
D. HOMERUNS TO PANEL BOARDS SHALL CONTAIN NO MORE THAN THREE CIRCUITS.
E. WHERE LIGHTING SWITCH INDICATIONS ARE NOT SHOWN, SWITCHES SHALL BE CONNECTED TO CONTROL ALL SWITCHED FIXTURES WITHIN THE CORRESPONDING SPACE.
- 8.5 CONTRACTOR SHALL INCREASE SIZE OF CIRCUIT WIRING/CONDUCTORS TO COMPENSATE FOR VOLTAGE DROP.
- 8.6 WIRE SIZES SHALL BE INCREASED TO COMPENSATE FOR VOLTAGE DROP AS FOLLOWS:
A. 120V AND 208V CIRCUITS LONGER THAN 80' SHALL UTILIZE MIN. #10 AWG.
B. 208V CIRCUITS LONGER THAN 150' SHALL UTILIZE MIN. #10 AWG.

9. GROUNDING:

- 9.1 PROVIDE A COMPLETE EQUIPMENT GROUND SYSTEM FOR THE ELECTRICAL SYSTEM AS REQUIRED BY ARTICLE 250, OF THE NEC, AND AS SPECIFIED HEREIN.
- 9.2 ALL BRANCH CIRCUITS FOR POWER WIRING SHALL CONTAIN A COPPER GROUND WIRE. NO FLEXIBLE METAL CONDUIT OF ANY KIND OR LENGTH SHALL BE USED AS THE EQUIPMENT GROUNDING CONDUCTOR.
10. DEVICES:
- 10.1 THE CONTRACTOR SHALL VERIFY COLOR, LOCATION AND MOUNTING HEIGHT OF ALL DEVICES WITH ARCHITECT PRIOR TO INSTALLATION.
- 10.2 RECEPTACLES SHALL BE DUPLEX TYPE, 20 AMP, 125 VOLT RATING, WITH SIDE AND BACK WIRING. HUBBELL 5362 OR APPROVED EQUAL.
- 10.3 GROUND FAULT INTERRUPTERS SHALL BE SPECIFICATION GRADE. HUBBELL GF5362 OR APPROVED EQUAL.
- 10.4 SWITCHES SHALL BE SPECIFICATION GRADE, 20 AMP AT 120/277 VOLTS, QUIET, AC, SINGLE OR DOUBLE POLE, THREE OR FOUR WAY AS REQUIRED, ROCKER STYLE WITH BACK AND SIDE WIRING.
- 10.5 ALL RECEPTACLES MARKED WP SHALL BE GROUND FAULT PROTECTED AND WEATHER TIGHT WHILE IN USE.
- 10.6 THE COLOR OF FACEPLATES SHALL MATCH COLOR OF DEVICE WHICH IT COVERS. ALL PLATES SHALL BE METALLIC.

11. PANELBOARDS:

- 11.1 PANELBOARDS: SWITCHING UNITS SHALL BE 120/240V, 1-PHASE, 3-WIRE, 200A, 45KAIC. CIRCUIT BREAKER TYPE UNLESS OTHERWISE NOTED ON PANEL SCHEDULES. BUS BARS SHALL BE HARD DRAWN COPPER, MINIMUM 98% CONDUCTIVITY, AND SILVER OR TIN-PLATED JOINTS. CABINETS SHALL BE GALVANIZED SHEET STEEL BACK BOX, WITH DOOR AND TRIM AND LAPPED AND WELDED CORNERS. HARDWARE SHALL BE CHROME-PLATED WITH FLUSH LOCK/LATCH HANDLE ASSEMBLY (UP TO 48 IN. HIGH DOORS) OR VAULT HANDLE. LOCK AND 3-POINT CATCH (LARGER THAN 48 IN. HIGH DOORS). HINGES SHALL BE SEMI-CONCEALED, 5-KNUCKLE STEEL WITH NONFRERROUS PINS, 180-DEG OPENING, LOCATED A MAXIMUM 26 IN. ON CENTERS. PROVIDE DOOR-IN-DOOR CONSTRUCTION. MINIMUM GUTTER SPACES FOR LIGHTING PANELS SHALL BE 5- BOTTOM. DIRECTORY HOLDER SHALL BE METAL FRAME WITH CLEAR PLASTIC, TRANSPARENT COVER.
- 11.2 PROVIDE A NEW TYPE WRITTEN CIRCUIT DIRECTORY FOR EACH PANEL AFFECTED BY THIS PROJECT.
- 11.3 WHEREVER POSSIBLE, PANELBOARDS SHALL BE RECESSED IN WALL. SURFACE MOUNTED PANELBOARDS SHALL BE MOUNTED ON A PLYWOOD BACKBOARD. PLYWOOD SHALL BE MOUNTED ON TOP OF GYPSUM BOARD. PLYWOOD SHALL BE PAINTED ON ALL SIDES AND EDGES. COORDINATE WITH OWNER FOR COLOR.
- 11.4 PROVIDE LIGHTNING SURGE PROTECTION FOR MAIN SWITCHBOARD OR MAIN SERVICE PANEL BOARD. PROVIDE GROUNDING OF SURGE DEVICE PER THE NEC.
- 11.5 CIRCUIT NUMBERS SHOWN SHALL BE GENERALLY FOLLOWED. HOWEVER, CONTRACTOR IS RESPONSIBLE FOR BALANCING LOADS ON ALL PHASES AND MAY ALTER ASSIGNMENT OF CIRCUITS FOR BALANCING PHASES.
- 11.6 CIRCUIT SCHEDULES ARE INTENDED TO REPRESENT THE GENERAL WIRING NEEDS OF THE EQUIPMENT SERVICED FROM THE PANEL. THE EXACT CIRCUIT ARRANGEMENT WILL BE DETERMINED BY PANEL SHOP DRAWING AND ARRANGEMENT WILL BE DETERMINED BY PANEL SHOP DRAWING AND PANELS ACTUALLY FURNISHED.

12. LIGHTING:

- 12.4 PROVIDE LIGHTING FIXTURES AS SHOWN ON THE CONSTRUCTION DRAWINGS, COMPLETE WITH ALL STEMS, RODS, SUPPORTS, PLASTER FRAMES, ETC., NECESSARY FOR AN INSTALLATION IN OR ON THE MATERIAL FINISHES PROVIDED. PROVIDE ALL LAMPS FOR LIGHTING FIXTURES. FIXTURES SHALL HAVE ENERGY SAVING LAMPS, AND WHERE APPLICABLE, ENERGY SAVING BALLASTS WITH HIGH POWER FACTOR.

- 12.5 SEE DRAWINGS AND SPECIFICATIONS FOR FIXTURE REQUIREMENTS.

13. IDENTIFICATION:

- 13.1 PROVIDE BLACK PHENOLIC IDENTIFICATION PLATES, WITH WHITE LETTERS ON ALL ELECTRICAL EQUIPMENT FURNISHED IN THIS CONTRACT. ATTACH WITH SUITABLE ADHESIVE.
- 13.2 INSTALL NAMEPLATES ON ALL MAJOR EQUIPMENT, INCLUDE STARTERS, TRANSFORMERS, PANELBOARDS, DISCONNECT SWITCHES AND OTHER ELECTRICAL BOXES AND CABINETS INSTALLED UNDER THIS CONTRACT.
- 13.3 APPLY CABLE/CONDUCTOR IDENTIFICATION MARKERS ON EACH CABLE AND CONDUCTOR IN EACH BOX, ENCLOSURE OR CABINET.

14. RECORD DRAWINGS:

- 14.1 THE CONTRACTOR SHALL SUBMIT SIX (6) COPIES OF SHOP DRAWINGS. THE APPROVAL OF SHOP DRAWINGS SHALL ONLY BE CONSTRUED TO APPLY TO THE GENERAL LAYOUT AND CONFORMANCE TO THE DESIGN CONCEPT OF THE PROJECT AND FOR THE COMPLIANCE WITH THE GENERAL REQUIREMENTS OF THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL RETAIN THE RESPONSIBILITY FOR ANY DEVIATIONS FROM THE REQUIREMENTS OF THE CONTRACT DOCUMENTS.
- 14.2 PROVIDE SHOP DRAWINGS FOR THE LIGHTING FIXTURES, PANEL BOARDS, CIRCUIT BREAKERS, WIRING DEVICES, FIRE ALARM DEVICES AND SEALS FOR FIRE AND WATER STOPPING.
- 14.3 DURING CONSTRUCTION, THE CONTRACTOR SHALL MAINTAIN A RECORD SET OF INSTALLATION PRINTS. HE SHALL NEATLY AND CLEARLY RECORD ON THESE PRINTS ALL DEVIATIONS FROM THE CONTRACT DRAWINGS IN SIZES, LOCATIONS AND DETAILS.
- 14.4 UPON PROJECT COMPLETION, THE CONTRACTOR SHALL COMPLETE THE MARK UP OF ALL PROJECT DRAWINGS TO RECORD INSTALLED CONDITIONS.
- 14.5 REPRODUCIBLE "RECORD" DRAWINGS PREPARED IN CAD (AUTOCAD 2002) FORMAT SHALL BE PROVIDED TO VERIZON INDICATING THE AS INSTALLED CONDITIONS OF THE WORK. A FULL SIZE PRINT OUT OF THE "RECORD" DRAWING FILE SHALL BE PROVIDED TO VERIZON AFTER COMPLETION OF THE INSTALLATION.
- 14.6 UPON COMPLETION AND ACCEPTANCE OF WORK, THE CONTRACTOR SHALL FURNISH WRITTEN INSTRUCTIONS AND EQUIPMENT MANUALS AND DEMONSTRATE TO VERIZON THE PROPER OPERATIONS AND MAINTENANCE OF ALL EQUIPMENT AND APPARATUS FURNISHED UNDER THIS CONTRACT.

COM-Ex
ENGINEERING OF NY

309 BAILEY ROAD
PURLING, NEW YORK 12470
PHONE: 852.209.4300
FAX: 852.209.4301
COMEX ENGINEERING OF NY, PLLC, STATE OF NY
CERTIFICATE OF AUTHORIZATION # 27-3179723

T-Mobile

T-MOBILE NORTHEAST LLC

4 SYLVAN WAY
PARSIPPANY, NJ 07054
OFFICE: (973) 397-4000
FAX: (973) 292-8893

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SCHEDULE OF REVISIONS

7		
6		
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4		
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2		
1		
0	04/22/16	INITIAL SUBMISSION
REV. NO.	DATE	DESCRIPTION OF CHANGES

DRAWN BY:	AM
CHECKED BY:	NDB
SCALE:	AS NOTED
JOB NO:	16012-SMA

NICHOLAS D. BARILE
PROFESSIONAL ENGINEER - N.Y. LIC. NO. 060133

SITE #: NY09130A
SITE NAME: SMITH RIDGE ROAD
337 SMITH RIDGE ROAD
SOUTH SALEM, NY 10590
WESTCHESTER COUNTY

DRAWING TITLE:

ELECTRICAL
NOTES

DRAWING SHEET: 7 OF 10

E-1

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2		
1		
0	04/22/16	INITIAL SUBMISSION

DRAWN BY: AM
CHECKED BY: NDB
SCALE: AS NOTED
JOB NO: 16012-SMA

NICHOLAS D. BARILE
PROFESSIONAL ENGINEER N.Y. LIC. No. 096133

SITE #: NY09130A
SITE NAME: SMITH RIDGE ROAD
337 SMITH RIDGE ROAD
SOUTH SALEM, NY 10590
WESTCHESTER COUNTY

DRAWING TITLE:

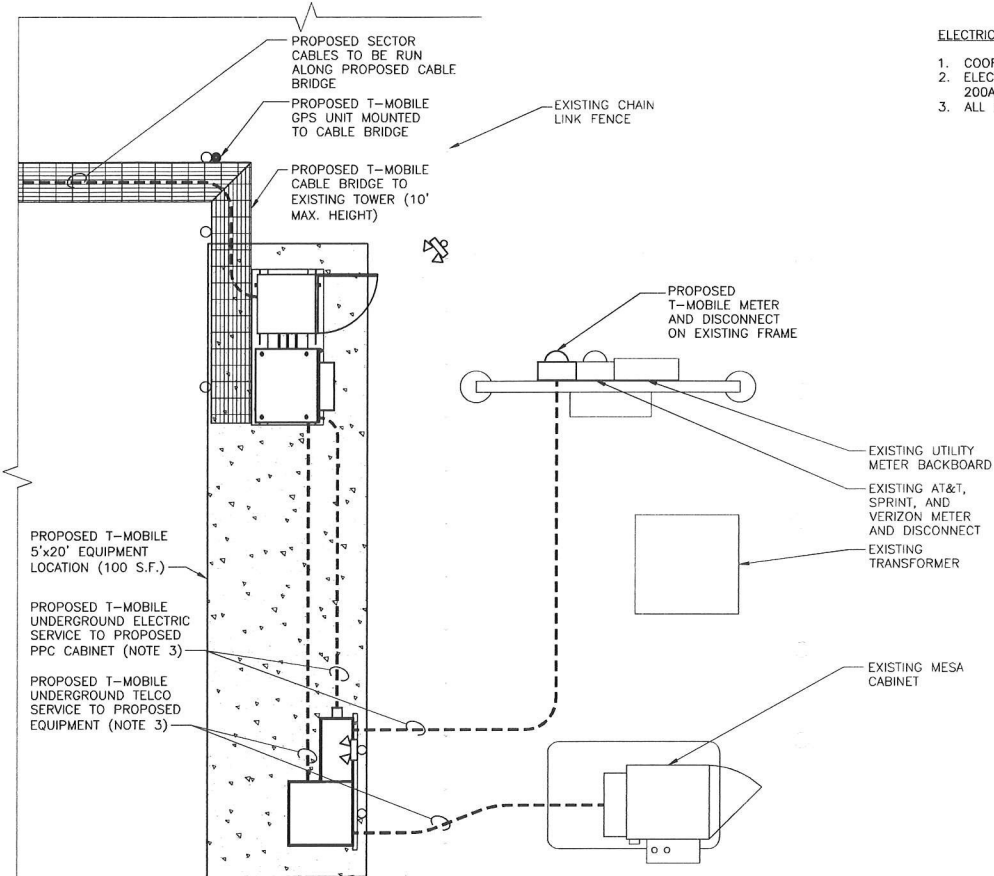
ELECTRICAL PLAN AND DETAILS

DRAWING SHEET: 8 OF 10

E-2

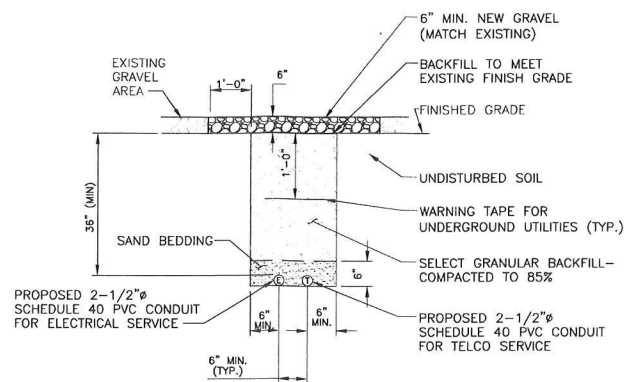
ELECTRICAL NOTES:

- COORDINATE WORK WITH UTILITY COMPANY.
- ELECTRICAL SERVICE TO THE NEW LOAD CENTER SHALL BE 200A, 120/240 VOLT, SINGLE PHASE, 3 WIRE.
- ALL ABOVE GROUND CONDUIT SHALL BE RGS.



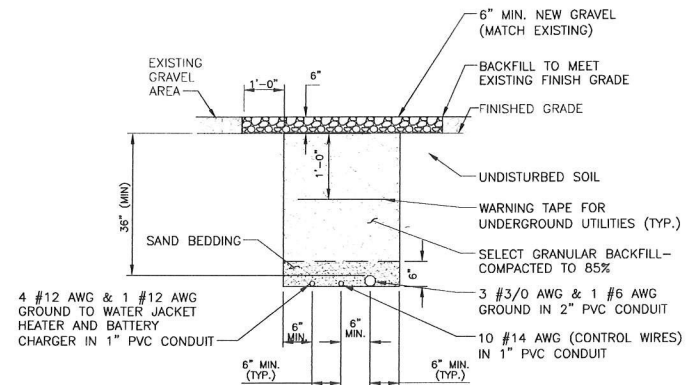
1 ELECTRIC & TELCO PLAN
E-2 SCALE: 3/16"=1'-0"

6' 2' 0' 6' 18'
3/16 Inch = 1 Foot



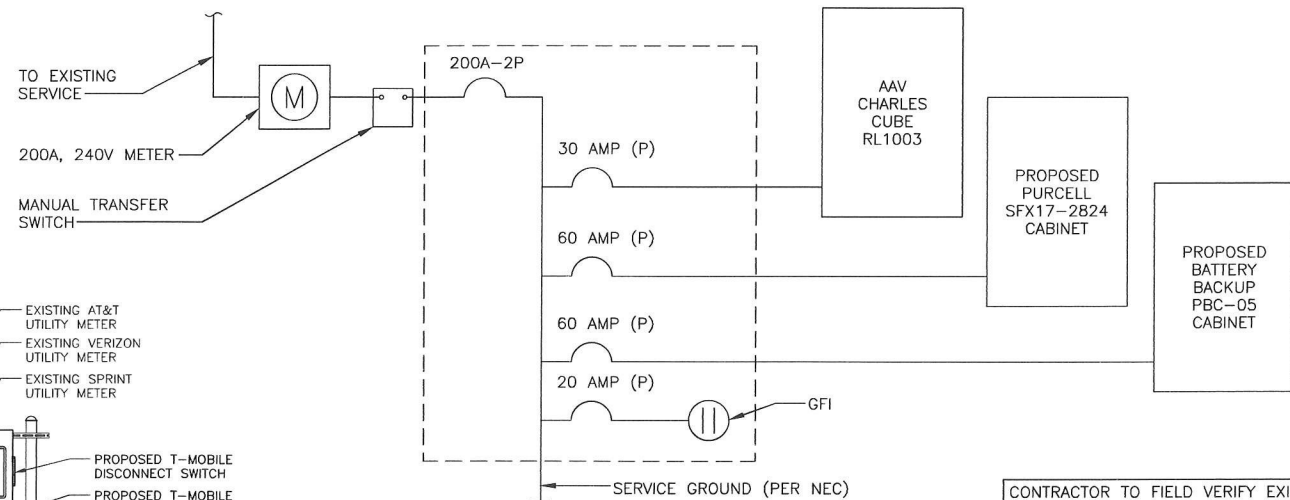
NOTE:
1. EXCAVATE EXISTING SUBGRADE AS REQUIRED TO INSTALL CONDUITS IN ACCORDANCE WITH OSHA AND ALL APPLICABLE CODES.

2 UNDERGROUND TRENCH DETAIL
E-2 N.T.S.



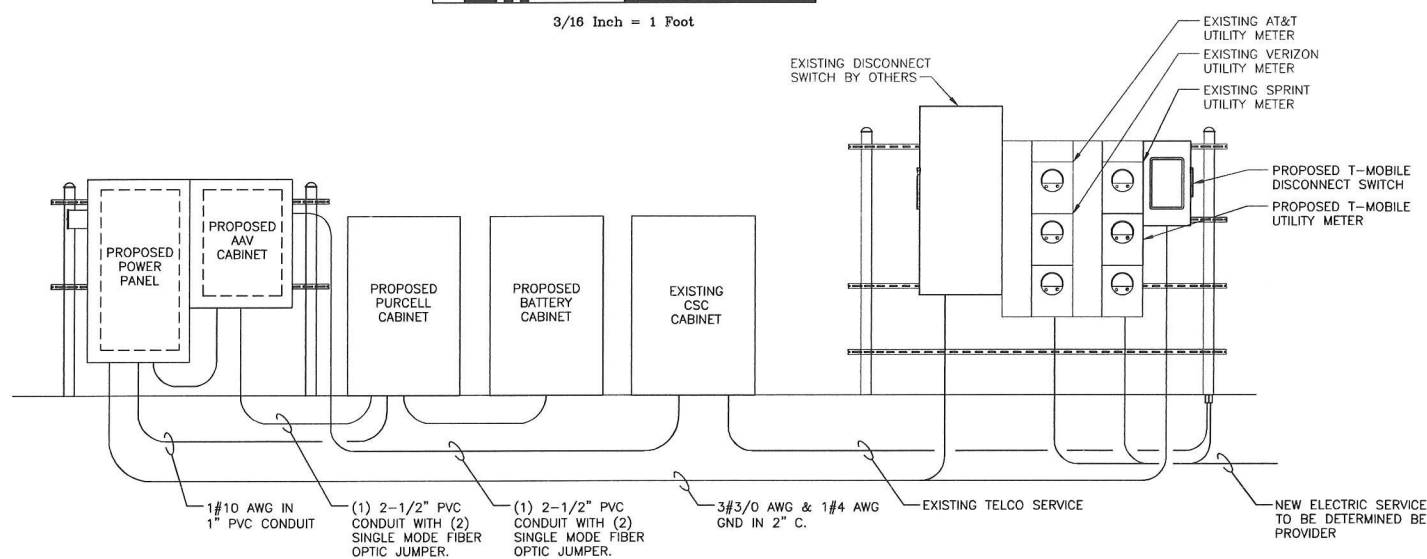
NOTE:
1. EXCAVATE EXISTING SUBGRADE AS REQUIRED TO INSTALL CONDUITS IN ACCORDANCE WITH OSHA AND ALL APPLICABLE CODES.

3 UNDERGROUND TRENCH DETAIL
E-2 N.T.S.

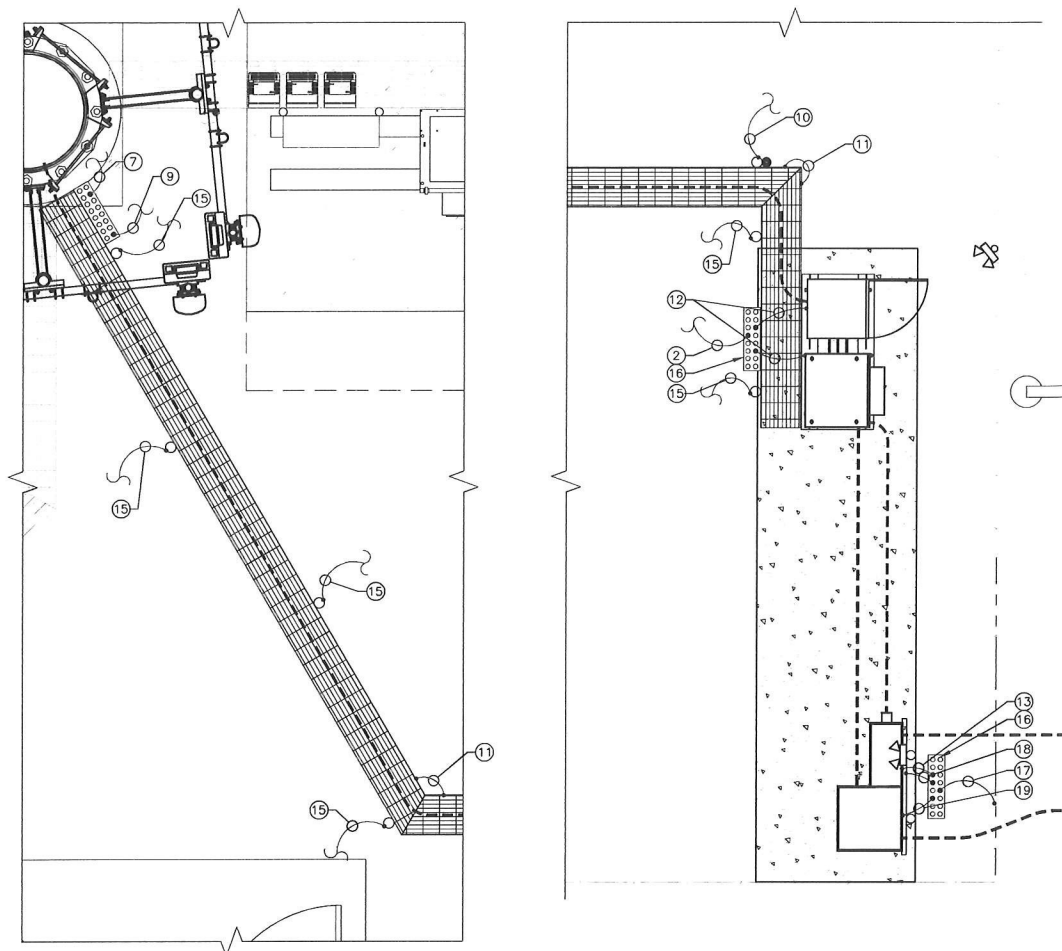


5 ONE-LINE POWER DIAGRAM
E-2 SCALE: N.T.S.

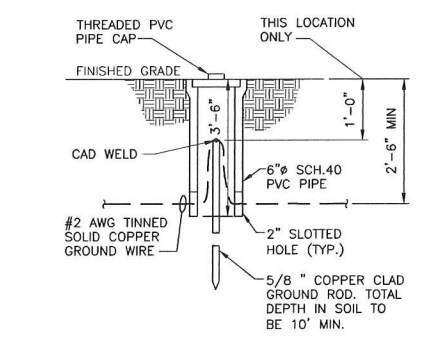
CONTRACTOR TO FIELD VERIFY EXISTING SERVICE. 200 AMP BREAKER REQUIRED. CONTRACTOR TO UTILIZE LICENSED ELECTRICIAN TO DESIGN, SECURE PERMITS FOR AND INSTALL UPGRADES AS NEEDED.



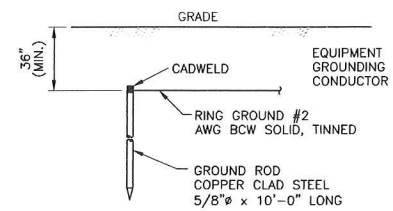
4 POWER & SERVICE ENTRY DIAGRAM
E-2 N.T.S.



1 EQUIPMENT GROUNDING PLAN
E-3 SCALE: 3/8"=1'-0"
3/8 Inch = 1 Foot



2 GROUND ROD INSPECTION WELL DETAIL
E-3 N.T.S.



3 GROUND ROD DETAIL
E-3 N.T.S.

GROUNDING NOTES:

- GROUND ROD INSPECTION WELL (TYP. 2)
- #2 AWG. SOLID TINNED CU. TO BOND MAIN GROUND BAR TO GROUND RING (TYP. 2)
- #2 AWG. SOLID TINNED CU. 30" BELOW GRADE (GROUND RING)
- 5/8" x 10' CU. CLAD GROUND RING (TYP. 6)
- MAIN GROUND BAR INSTALLED ON EQUIPMENT FRAME
- BASE GROUND BAR INSTALLED ON TOWER BELOW CABLE TRAY
- #2 AWG. SOLID TINNED CU. TO ANTENNAS HEIGHT, ROUTE ALONG CABLES
- #2 AWG. SOLID TINNED CU. TO BOND BASE GROUND BAR TO EXISTING TOWER GROUND RING (TYP. 2)
- #2 AWG. SOLID TINNED CU. TO BOND BASE GROUND BAR TO EXISTING TOWER (TYP. 2)
- #2 AWG. SOLID TINNED CU. TO BOND GPS MOUNT TO CABLE BRIDGE POST (TYP. 2)
- #2 AWG. STRANDED INSULATED CU. TO BOND CABLE BRIDGE SECTIONS (TYP.)
- #2 AWG. STRANDED INSULATED CU. TO BOND EQUIPMENT CABINETS TO MAIN GROUND BAR (TYP.)
- #2 AWG. SOLID TINNED CU. TO BOND POWER DISTRIBUTION CABINET TO GROUND RING
- 3/0 AWG. CU. SERVICE GROUND WIRE
- #2 AWG. SOLID TINNED CU. TO BOND PROPOSED CABLE BRIDGE TO GROUND RING (TYP.)
- MAIN GROUND BAR INSTALLED ON H-FRAME
- #2 AWG. SOLID TINNED CU. TO BOND GROUND BAR TO GROUND RING
- #2 AWG. SOLID TINNED CU. TO BOND PROPOSED H-FRAME TO GROUND BAR
- #2 AWG. SOLID TINNED CU. TO BOND OVP TO GROUND BAR (TYP.)

GROUNDING NOTES:

- THE EQUIPMENT BONDING JUMPER SHALL BE PERMITTED TO BE INSTALLED INSIDE OR OUTSIDE OF A RACEWAY OR ENCLOSURE. WHERE INSTALLED ON OUTSIDE, THE LENGTH OF THE EQUIPMENT BONDING JUMPER SHALL NOT EXCEED 6 FEET AND SHALL BE ROUTED WITH THE RACEWAY OR ENCLOSURE. REFER TO NEC 2008 - 250.102 (E)
- ALL GROUNDING DEVICES SHALL BE U.L. APPROVED OR LISTED FOR THEIR INTENDED USE.
- ALL WIRES SHALL BE AWG THHN/THWN COPPER UNLESS NOTED OTHERWISE.
- GROUNDING CONNECTIONS TO GROUND RODS, GROUND RING WIRE, TOWER BASE AND FENCE POSTS SHALL BE EXOTHERMIC ("CADWELDS") UNLESS NOTED OTHERWISE. CLEAN SURFACES TO SHINY METAL. WHERE GROUND WIRES ARE CADWELDED TO GALVANIZED SURFACES, SPRAY CADWELD WITH GALVANIZING PAINT.
- GROUNDING CONNECTIONS TO GROUND BARS ARE TO BE TWO-HOLE BRASS MECHANICAL CONNECTORS WITH STAINLESS STEEL HARDWARE (INCLUDING SCREW SET.) CLEAN GROUND BAR TO SHINY METAL. AFTER MECHANICAL CONNECTION, TREAT WITH PROTECTIVE ANTIOXIDANT COATING.
- GROUND COAXIAL CABLE SHIELDS AT BOTH ENDS WITH MANUFACTURER'S GROUNDING KITS.
- ROUTE GROUNDING CONDUCTORS THE SHORTEST AND STRAIGHTEST PATH POSSIBLE. BEND GROUNDING LEADS WITH A MINIMUM 12' RADIUS.
- INSTALL #2 AWG GREEN-INSULATED STRANDED WIRE FOR ABOVE GRADE GROUNDING AND #2 BARE TINNED COPPER WIRE FOR BELOW GRADE GROUNDING UNLESS OTHERWISE NOTED.
- GROUNDING CONNECTIONS SHALL BE EXOTHERMIC TYPE ("CADWELDS") TO ANTENNA MOUNTS AND GROUND RING. REMAINING GROUNDING CONNECTIONS SHALL BE COMPRESSION FITTINGS. CONNECTIONS TO GROUND BARS SHALL BE MADE WITH TWO-HOLE LUGS.
- EXOTHERMIC WELDS SHALL BE MADE IN ACCORDANCE WITH ERICO PRODUCTS BULLETIN A-AT.
- CONSTRUCTION OF GROUND RING AND CONNECTIONS TO EXISTING GROUND RING SYSTEM SHALL BE DOCUMENTED WITH PHOTOGRAPHS PRIOR TO BACKFILLING SITE. PROVIDE PHOTOS TO CARRIER'S CONSTRUCTION MANAGER.
- ALL GROUND LEADS EXCEPT THOSE TO THE EQUIPMENT ARE TO BE #2/0 TINNED. ALL EXTERIOR GROUND BARS TINNED COPPER.
- PRIOR TO INSTALLING LUGS ON GROUND WIRES, APPLY THOMAS & BETTS KOPR-SHIELD (TM OF JET LUBE INC.). PRIOR TO BOLTING GROUND WIRE LUGS TO GROUND BARS, APPLY KOPR-SHIELD OR EQUAL.
- ENGAGE AN INDEPENDENT ELECTRICAL TESTING FIRM TO TEST AND VERIFY THAT IMPEDANCE DOES NOT EXCEED FIVE OHMS TO GROUND BY MEANS OF "FALL OF POTENTIAL TEST". TEST SHALL BE WITNESSED BY AT&T REPRESENTATIVE, AND RECORDED ON CARRIER'S "GROUND RESISTANCE TEST" FORM.
- WHERE BARE COPPER GROUND WIRES ARE ROUTED FROM ANY CONNECTION ABOVE GRADE TO GROUND RING, INSTALL WIRE IN 3/4" PVC SLEEVE, FROM 1' BELOW GRADE AND SEAL TOP WITH SILICONE MATERIAL.
- PREPARE ALL BONDING SURFACES FOR GROUNDING CONNECTIONS BY REMOVING ALL PAINT AND CORROSION DOWN TO SHINY METAL. FOLLOWING CONNECTION, APPLY APPROPRIATE ANTI-OXIDIZATION PAINT.
- ANY SITE WHERE THE EQUIPMENT (BTS, CABLE BRIDGE, PPC, GENERATOR, ETC.) IS LOCATED WITHIN 6 FEET OF METAL FENCING, THE BGR SHALL BE BONDED TO THE NEAREST FENCE POST USING (2) RUNS OF #2 BARE TINNED COPPER WIRE.

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0	04/22/16	INITIAL SUBMISSION

DRAWN BY:	AM
CHECKED BY:	NDB
SCALE:	AS NOTED
JOB NO:	16012-SMA

NICHOLAS D. BARILE
PROFESSIONAL ENGINEER N.Y. LIC. No. 096133

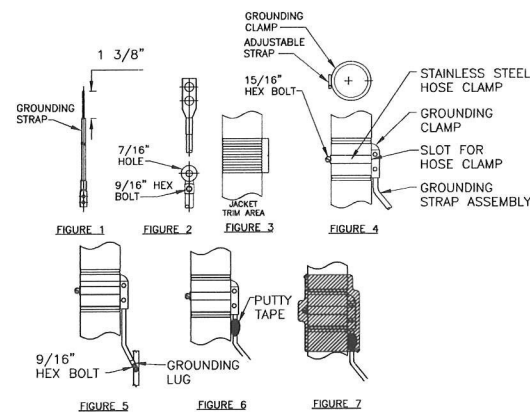
SITE #: NY09130A
SITE NAME: SMITH RIDGE ROAD
337 SMITH RIDGE ROAD
SOUTH SALEM, NY 10590
WESTCHESTER COUNTY

DRAWING TITLE:

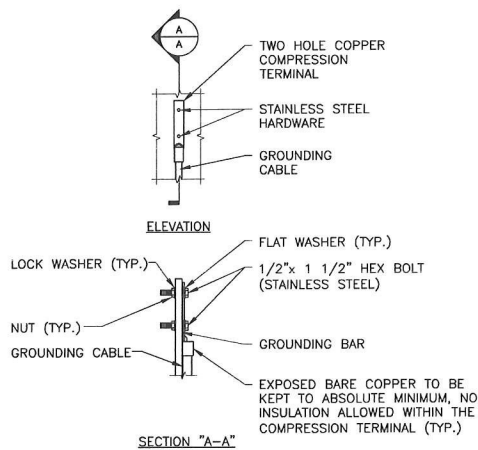
GROUNDING
PLAN
AND
DETAILS

DRAWING SHEET: 9 OF 10

E-3

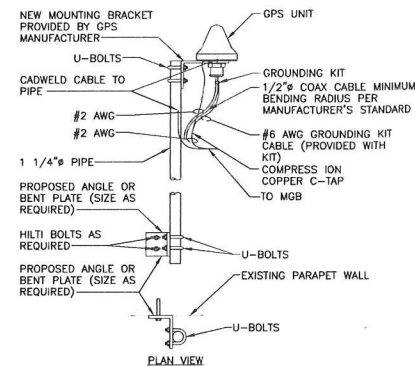


1
E-4
TYPICAL GROUNDING CONNECTIONS
N.T.S.



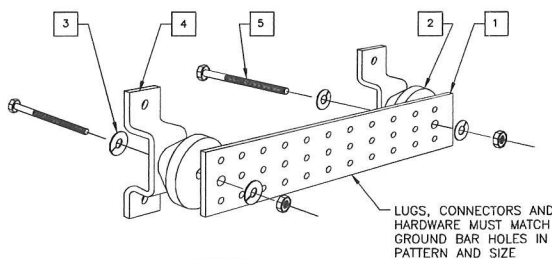
NOTE:
1. "DOUBLING UP" OR "STACKING" OF CONNECTIONS IS NOT PERMITTED.
2. OXIDE INHIBITING COMPOUND TO BE USED AT ALL LOCATIONS.

4
E-4
TYPICAL GROUNDING CONNECTIONS
N.T.S.



ITEM#	DESCRIPTION	QUANTITY (EACH)
1	1-1/4" SCH. 40 GALV. PIPE (A-53)	1
2	2"x3"-1/4" THREADED U-BOLT WITH DOUBLE HEX NUTS AND WASHER, GALV.	2
3	STD. U-BOLT FOR 1-1/4" PIPE WITH DOUBLE HEX NUTS AND WASHER, GALV.	2

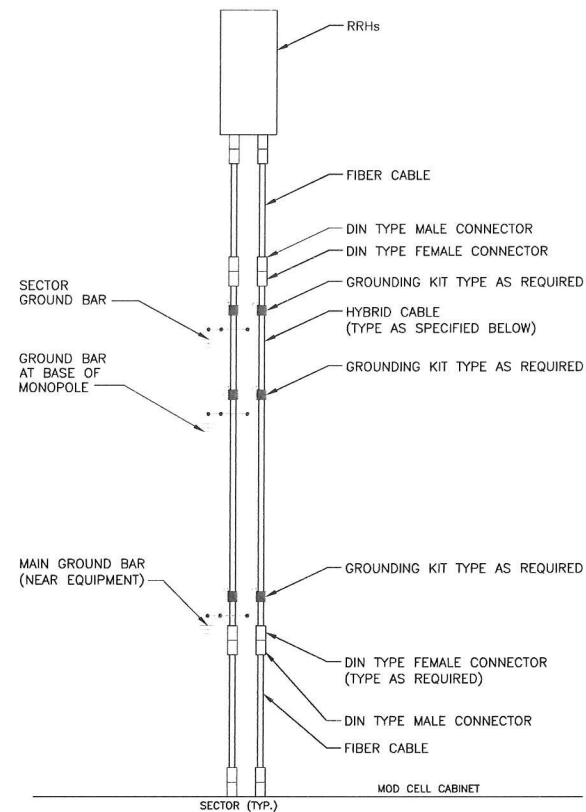
2
E-4
GPS GROUNDING DETAIL
N.T.S.



- LEGEND
1. COPPER GROUND BAR, 7/16"x 4" X 20", NEWTON INSTRUMENT CO. CAT. NO. B-6142. HOLE CENTERS TO MATCH NEMA DOUBLE LUG CONFIGURATION.
 2. INSULATORS, NEWTON INSTRUMENT CAT. NO. 3061-4.
 3. 5/8" LOCKWASHERS, NEWTON INSTRUMENT CO. CAT. NO. 3015-B.
 4. WALL MOUNTING BRACKET, NEWTON INSTRUMENT CO. CAT. NO. A-6056.
 5. 5/8-11 X 1" H.H.C.S. BOLTS, NEWTON INSTRUMENT CO. CAT. NO. 3012-1

GROUND BAR SCHEDULE				
TYPE	QTY.	MANUFACTURER	CAT. NO.	REMARKS
MGB	2	HARGER	GB14420TMGB	OR EQUAL
CGB	3	HARGER	GB14412TMGB	OR EQUAL

5
E-4
TYPICAL GROUND BAR DETAIL
N.T.S.



- NOTES:
1. SEE LAYOUT DRAWINGS FOR ANTENNA LOCATION.
 2. DO NOT INSTALL ANTENNA GROUND KIT ON CABLE BEND.

3
E-4
ANTENNA GROUNDING DETAIL
N.T.S.

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NICHOLAS D. BARILE
PROFESSIONAL ENGINEER, N.Y. LIC. NO. 096133

SITE #: NY09130A
SITE NAME: SMITH RIDGE ROAD
337 SMITH RIDGE ROAD
SOUTH SALEM, NY 10590
WESTCHESTER COUNTY

DRAWING TITLE:

GROUNDING DETAILS

DRAWING SHEET: 10 OF 10

E-4

Ciorsdan Conran

From: Carl Grossman <carl@carlgrossman.com>
Sent: Sunday, September 18, 2016 1:29 PM
To: TED SOHONYAY
Cc: Alan Cole; Neil Berman; Thomas LoBosco; Ciorsdan Conran
Subject: Re: T-Mobile - Exemption Filing - 337 Smith Ridge RD - T-Mobile Collocation

I'm on board.

Carl S Grossman
134 Lake Dr S
New Fairfield CT 06812
914 645-8619

Sent via iPhone 6

On Sep 18, 2016, at 1:20 PM, TED SOHONYAY <tedsohonyay@yahoo.com> wrote:

AAB Members,

I've reviewed the documentation that Ciorsdan sent us and find no reason to object to the filing for the following reasons:

1. The antenna center lines [~120-124 feet] are ~40' below the maximum height of the tower and would have minimal visual impact.
2. The other equipment [antenna lines, RF base equipment, etc.] similarly have minimal visual impact.
3. The collocation provision of our Town Law has been complied with.

Therefore, I recommend that this filing be endorsed by the AAB.

Should any of you have concerns or issues regarding this endorsement, please advise all addressees in this email communication and I shall endeavor to resolve them.

Regards,
Ted Sohonyay, Chair
Lewisboro Antenna Advisory Board

From: Ciorsdan Conran <Planning@lewisborogov.com>
To: 'Alan Cole' <colea@bestweb.net>; Carl Grossman <carl@carlgrossman.com>; 'Neil Berman' <nsberman@msn.com>; 'Ted Sohonyay' <tedsohonyay@yahoo.com>; 'Thomas LoBosco' <TLoBosco@usthq.com>

Sent: Friday, September 16, 2016 2:12 PM

Subject: FW: T-Mobile - Exemption Filing - 337 Smith Ridge RD - T-Mobile Collocation 12of 2

Good afternoon AAB members-

Part 2 of T Mobile at the Vista Fire house.

Thank you in advance for your comments and have a terrific weekend,

Ciorsdan

From: Frank Ferraro [<mailto:FrankF@ferrarostamos.com>]

Sent: Thursday, September 15, 2016 5:24 PM

To: planning@lewisborogov.com

Subject: RE: T-Mobile - Exemption Filing - 337 Smith Ridge RD - T-Mobile Collocation 12of 2

Part 2

Frank Ferraro, Esq.

Ferraro & Stamos, LLP

Rockleigh Business Center

22 Paris Avenue, Suite 105

P.O. Box 158

Rockleigh, New Jersey 07647-0158

Tel: 201-767-4122

Fax: 201-767-4223

Cell: 201-321-4992

frankf@ferrarostamos.com

www.ferrarostamos.com

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From: Frank Ferraro

Sent: Thursday, September 15, 2016 5:23 PM

To: 'planning@lewisborogov.com'

Subject: T-Mobile - Exemption Filing - 337 Smith Ridge RD - T-Mobile Collocation 1 of 2

Hello Ms. Conran, attached please find a pdf version of the filed exemption request.

Best Regards,

Frank

Frank Ferraro, Esq.

Ferraro & Stamos, LLP

Rockleigh Business Center

22 Paris Avenue, Suite 105

P.O. Box 158

Rockleigh, New Jersey 07647-0158

Tel: 201-767-4122

Fax: 201-767-4223

Cell: 201-321-4992

frankf@ferrarostamos.com

www.ferrarostamos.com

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TOWN OF NEW CANAAN

TOWN HALL, 77 MAIN STREET
NEW CANAAN, CT 06840

STEVE KLEPPIN, AICP
TOWN PLANNER/SR.
ENFORCEMENT OFFICER

TEL: (203) 594-3044
FAX: (203) 594-3127

Received
m 10/3/2016

September 28, 2016

Certified: # 7014 3490 0000 1449 3081

Town of Lewisboro
Ms. Janet Donohue, Town Clerk
P.O. Box 500
11 Main Street
South Salem, NY 10590

**RE: Amendment to the Zoning Regulations, Section 7.8 – Telecommunication
Facilities, to be heard October 25, 2016**

Dear Ms. Donohue:

In accordance with provisions of Section 8.7.d of the Connecticut General Statutes, you are hereby notified that the above Zoning Regulation Amendment Changes have been proposed. Enclosed is a copy of the proposed amendment changes for your review.

A Public Hearing regarding this Zoning Regulation Change will be conducted at the meeting of the Planning and Zoning Commission scheduled for October 25, 2016, in the Town Meeting Room, Town Hall, 77 Main Street at 6:00 p.m.

Please feel free to contact me if you have any questions or need additional information.

Respectfully,

Steve Kleppin,
Town Planner and Senior Enforcement Officer

Enclosures

SECTION 7.8. TELECOMMUNICATION FACILITIES

A. Purpose

The Planning and Zoning Commission (hereafter "Commission") finds that it is necessary and beneficial for the health, safety and welfare of the community to update the regulations for development of telecommunications facilities ("Facilities") in the Town in order to:

- promote the health, safety, and welfare of the public and minimize impacts of Facilities on surrounding land uses;
- establish standards for location, structural integrity, and compatibility;
- encourage the location and co-location of equipment on existing structures in order to reduce the need for new towers, thereby minimizing visual clutter, public safety impacts, and effects upon the natural environment and wildlife;
- accommodate the growing need and demand for telecommunications services while protecting the character of the Town and its neighborhoods;
- encourage the availability of affordable, high-speed internet and cellular telephone access for businesses and residents, acknowledging that a growing number of businesses are conducted in whole or in part from homes and/or on-the-go, that increasingly education incorporates on-line learning necessitating good home internet connections for students and faculty, and that government participation and emergency services to the general public are enhanced by fast and reliable cellular and home internet connectivity;
- encourage coordination between suppliers and providers of telecommunications services to maximize use of existing Facilities and structures;
- establish predictable and balanced regulations within the authority reserved for local land use determination;
- respond to the mandates of the Telecommunications Act of 1996, the Middle Class Tax Relief and Job Creation Act of 2012, and other applicable federal and state laws limiting local discretion to regulate location of personal wireless service facilities (PWSF);
- establish the Town's location preferences and siting criteria for consideration by the Connecticut Siting Council pursuant to C.G.S. 16-50x;
- ensure that applications are reviewed and acted upon promptly, without unreasonable discrimination between providers of functionally equivalent personal wireless services, and so as not to prohibit or have the effect of prohibiting personal wireless services;
- encourage concealed technologies and the use of public lands, buildings, and structures as locations for Facilities;

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- encourage affordable access to advanced technology and information, including but not limited to broadband facilities, which are critical to commerce, education, economic development, public safety and competitive participation in the global economy;

B. Telecommunications Facilities. This Section establishes standards and requirements for the locating of Telecommunications Facilities.

Definitions

Alternative Structure - A structure that is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted, such as buildings, water tanks, church steeples, and electric power transmission towers.

Amateur Radio Tower - A tower used for non-commercial amateur radio transmissions consistent with the "Complete FCC U.S. Amateur Part 97 Rules and Regulations" for amateur radio towers.

Ancillary Structure - For the purposes of this Section, any form of development associated with a telecommunications facility, including foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports, but excluding equipment cabinets.

Antenna - Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including telephonic, radio or television communications. Types of elements include omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas.

Antenna Array - A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna Element - Any antenna or antenna array.

ASR - THE ANTENNA STRUCTURE REGISTRATION NUMBER AS REQUIRED BY THE FAA AND FCC.

Base Station - Equipment and non-tower supporting structure at a fixed location that enable wireless telecommunications between user equipment and a communications network. Examples include transmission equipment mounted on a rooftop, water tank, silo or other above ground structure other than a tower. The term does not encompass a tower as defined herein or any equipment associated with a tower. "Base Station" includes, but is not limited to:

equipment associated with wireless telecommunications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul;

radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks);

any structure other than a tower that, at the time the application is filed under this Section, supports or houses equipment described in this definition that has been reviewed and approved under the applicable zoning or siting process, or under another Town regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

"Base station" does not include any structure that, at the time the application is filed under this Section, does not support or house wireless communication equipment.

Breakpoint Technology - The engineering design of a monopole, or any applicable support structure, wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

Broadband Facility - any infrastructure used to deliver broadband services or for the provision of broadband service.

Broadband Service - any technology identified by the US Secretary of Agriculture as having the capability to transmit data to enable a subscriber to the service to originate and receive high-quality voice, data, graphics, and video. Broadband service includes:

Cable Service - the one-way transmission to subscribers of video programming or other programming services and subscriber interaction required for the selection or use of such video programming or other programming service.

Telecommunications Service - The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Wireless Service - data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless service and common carrier wireless exchange access services, as all of these terms are defined by federal law and regulations.

Co-location - The mounting or installation of transmission equipment on an eligible support structure for the purposes of transmitting and/or receiving radio frequency signals for communications purposes so that installation of a new support structure will not be required.

Combined Antenna - An antenna or an antenna array designed and utilized to provide services for more than one (1) wireless provider, or a single wireless provider utilizing more than one (1) frequency band or spectrum, for the same or similar type of services.

Concealed - A tower, ancillary structure, or equipment compound that is not readily identifiable as a telecommunications facility and that is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site or in the neighborhood or area.

There are two types of concealed facilities: 1) Antenna Attachments, including painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure and 2) A freestanding concealed

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tower which looks like something else that is common in the geographic region such as a church steeple, windmill, bell tower, clock tower, light standard, flagpole with a flag that is proportional in size to the height and girth of the tower, or tree that grows naturally or is commonly found in the area.

COW – “Cellular on Wheels” – A temporary PWSF placed on property to provide short term, high volume telecommunications services to a specific location and which can be easily removed from the property.

DAS – Distributed Antenna System – A system consisting of: (1) a number of remote communications nodes deployed throughout the desired coverage area, each including at least one antenna for transmission and reception; (2) a high capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site; and (3) radio transceivers located at the hub site (rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through the antennas.

DAS Hub - Ancillary equipment usually contained in a shelter or other enclosure which does not have any wireless transmission or receive equipment contained therein but is utilized in the deployment and operation of wireless DAS receive/transmit infrastructure that is located elsewhere.

Development Area - The area occupied by a telecommunications facility including areas inside or under an antenna-support structure's framework, equipment cabinets, ancillary structures, and/or access ways.

Dual Purpose Facility – A banner pole, light stanchion, support tower for overhead electric lines, or other similar utility structure onto which one or more antenna(s) are or can be mounted or attached.

Eligible Facilities Request - Any request for modification of an existing tower or base station involving co-location of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment that does not Substantially Change the physical dimensions of such tower or base station.

Eligible Facility - Existing wireless tower or base station that has been approved through a local government land use review process prescribed for the tower or base station.

Eligible Support Structure - Any tower or base station existing at the time the application is filed with the Town.

Existing - A constructed tower or base station is “existing” for purposes of this Section if it has been reviewed and approved under an applicable Town land use review process. “Existing” also includes a tower that was lawfully constructed but not reviewed because it was not in a zoned area when it was built.

Equipment Compound- The fenced-in area surrounding, inside or under a ground-based wireless communication facility containing ancillary structures and equipment (such as cabinets, shelters, and pedestals) necessary to operate an antenna that is above the base flood elevation.

Equipment Cabinet- Any structure above the base flood elevation used exclusively to contain equipment necessary for the transmission or reception of communication signals.

Equipment Shelter – A self-contained building housing ancillary electronic equipment typically including a generator.

Feed Lines- Cables or fiber optic lines used as the interconnecting media between the base station and the antenna.

Flush-Mounted- Antenna or antenna array attached to the face of a support structure or building such that no portion of the antenna(s) extend(s) above the height of the support structure or building. The maximum flush-mounting distance, if prescribed, shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

Geographic Search Ring- An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

Handoff Candidate - A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

Least Visually Obtrusive Profile - The design of a telecommunication facility presenting the minimum visual profile necessary for proper function.

Non-concealed- A telecommunication facility that is readily identifiable as such (whether freestanding or attached).

OTARD – Over the air reception devices which are limited to either a "dish" antenna one meter (39.37 inches) or less in diameter designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, or an antenna that is one meter or less in diameter and is designed to receive video programming services via broadband radio service (wireless cable), or to receive or transmit fixed wireless signals other than via satellite or an antenna that is designed to receive local television broadcast signals.

Personal Wireless Service Facility ("PWSF")- Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other personal wireless communications, including commercial mobile services, unlicensed wireless services, wireless broadband services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996, and usually consisting of an antenna or group of antennas, transmission cables, feed lines, equipment cabinets or shelters, and may include a tower. Facilities may

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include new, replacement, or existing towers, replacement towers, co-location on existing towers, base station attached concealed and non-concealed antenna, dual purpose facilities, concealed towers, and non-concealed towers (mono-poles, lattice and guyed), so long as those facilities are used in the provision of personal wireless services as that term is defined in the Telecommunications Act.

Priority Site – A Site owned or controlled by the Town which the Town has identified through engineering analysis as being capable of immediately resolving a coverage gap in wireless service within the Town and which the Town is amenable to locating a personal wireless facility upon provided it meets certain design specifications.

Qualified Co-location Request – co-location of PWSF on a tower or base station that creates a Substantial Change in the facility but is entitled to processing within 90 days under 47 U.S.C. §332(c)(7).

Radio Frequency Emissions- Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment.

Radio Frequency Propagation Analysis- Computer modeling to show the level of signal saturation in a given geographical area.

Replacement- A modification of an existing tower to increase the height, or to improve its integrity, by replacing or removing one (1) or several tower(s) located in proximity to a proposed new tower in order to encourage compliance with this Section, or improve aesthetics or functionality of the overall wireless network.

Satellite Earth Station- A single or group of parabolic or dish antennas mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration, including the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

Site - For towers other than towers in the public rights-of-way, the boundaries of the leased or owned property on which the Facilities are or are proposed to be situated.

Small Cell Facility - means a wireless service facility that meets both of the following qualifications:

1. Each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of no more than three (3) cubic feet; and
2. Primary equipment enclosures are no larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

Small Cell Network - a collection of interrelated small cell facilities designed to deliver wireless service.

Stanchion - A vertical support structure generally utilized to support exterior lighting elements.

Streamlined Processing- Expedited review process for co-locations required by the federal government (Congress and/or the FCC) for PWSF.

Substantial Change - A modification or co-location constitutes a "substantial change" of an eligible support structure if it meets any of the following criteria:

1. A PWSF co-location or modification of an existing antenna-supporting structure not in a public right of way increases the overall height of the antenna-supporting structure, antenna and/or antenna array more than 10% or 20 feet, whichever is greater. A PWSF co-location on an existing antenna-supporting structure within a public right of way increases the overall height of the antenna-supporting structure, antenna and/or antenna array more than 10% or 10 feet, whichever is greater.
2. A PWSF co-location for towers not in a public right of way protrudes from the antenna-supporting structure more than 20 feet or the width of the structure at the elevation of the co-location, and for towers within a public right of way, protrudes from the antenna-supporting structure more than 6 feet.
3. A PWSF co-location on an existing antenna-supporting structure fails to meet current building code requirements (including wind-loading).
4. A PWSF co-location adds more than 4 additional equipment cabinets or 1 additional equipment shelter.
5. A PWSF co-location requires excavation outside of existing leased or owned parcel or existing easements.
6. A PWSF co-location defeats any existing concealment elements of the antenna-supporting structure.
7. A PWSF co-location fails to comply with all conditions associated with the prior approval of the antenna-supporting structure except for modification of parameters as permitted in this section.

Support Structure - Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Telecommunications Facility(ies) - At a specific physical location, one or more antenna, tower, base station, mechanical and/or electronic equipment, conduit, cable, and associated structures, enclosures, assemblages, devices and supporting elements that generate or transmit nonionizing electromagnetic radiation or light operating to produce a signal used for communication, including but not limited to all types of communication facilities defined further herein.

Temporary PWSF - A temporary tower or other structure that provides interim short-term telecommunications needed to meet an immediate demand for service in the event of an emergency or a public event where a permanent wireless network is unavailable or insufficient to satisfy the temporary increase in demand or when permanent PWSF equipment is temporarily unavailable or offline.

Transmission Equipment- Equipment that facilitates transmission of communication service (whether commercial, private, broadcast, microwave, public, public safety, licensed or unlicensed, fixed or wireless), such as radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply.

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Tower- Any support structure built for the primary purpose of supporting any antennas and associated facilities for commercial, private, broadcast, microwave, public, public safety, licensed or unlicensed, and/or fixed or wireless services. A tower may be concealed or non-concealed. Non-concealed towers include:

Guyed - A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Lattice - A self-supporting tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.

Monopole - A style of freestanding tower consisting of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

Tower Base- The foundation, usually concrete, on which the tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.

Tower Height- The vertical distance measured from the grade line to the highest point of the tower, including any antenna, lighting or other equipment affixed thereto.

Tower Site- The land area that contains, or will contain, a proposed tower, equipment compound, support structures and other related buildings and improvements

Wireless Service Facility – a telecommunications facility for the provision of wireless services.

C. Permit Required; Exemptions

1. No telecommunications facility shall be altered, added to, installed, constructed or permitted unless the applicant has shown compliance with all the requirements of this Section. The requirements of Section apply to all telecommunications facilities, whether concealed or not, whether above-ground or underground, including but not limited to existing towers, proposed towers, public towers, replacement of towers, ancillary structures and equipment, co-location on existing towers, base stations, temporary telecommunications facilities, PWSF facilities, DAS facilities, small cell sites and/or networks, and broadcast towers, except that the following are exempt and no permit is required:
 - a. An Amateur Radio Tower less than 70 feet in height that is used exclusively for non-commercial purposes and which may not be used to collocate commercial wireless services;

- b. A government-owned telecommunications facility erected for a state of emergency officially declared by a federal, state or local government and where the First Selectman or designee has made a written determination of public necessity for the facility, and only during the duration of the state of emergency;
 - c. A government-owned public safety facility;
 - d. Over-the-air reception devices (OTARD), including satellite earth stations, so long as the device does not require construction of a tower or other structure exceeding 12 feet above the home or building and the device is no more than one meter in diameter in a residential zone or two meters in any other zone district.
- 2. Telecommunication Facilities shall be located in accordance with the Use Table in Section F. One or more of several types of permits may be required for a given facility or group of facilities.
 - a. Zoning Permit (ZP). For those types of facilities that are allowed in the given zone district, for Town owned Priority Sites, and for qualified co-locations, an administrative permit (a permit issued by the Zoning Inspector) is required. The permit shall be processed and decided in accordance with this Section 7.8.
 - b. Site Plan (SI). For those types of facilities that require Site Plan approval (see Section F Use Table), the Zoning Inspector shall review the application and recommend approval to the Planning & Zoning Commission (provided the application meets all requirements) who shall hold a hearing on the application and who may approve, approve with conditions, or deny the application in accordance with this Section 8.1. (I NEED SOME GUIDANCE HERE ON HOW THE SITE PLAN APPROVAL PROCESS GOES).
 - c. Special Permit (SP). For those types of facilities that require a Special Permit (see Section F Use Table), the Zoning Inspector shall review the application and make a recommendation to the Planning & Zoning Commission who shall hold a hearing on the application and who may approve, approve with conditions, or deny the application in accordance with this Section.
 - d. Right-of-way work/use permit. Facilities / structures located in the public right-of-way shall be placed so as not to interfere with vehicular or pedestrian use of the rights-of-way or with traffic safety. Any/all work in the public right-of-way requires a separate permit pursuant to the Town's right-of-way management ordinance. The provider shall comply with all the provisions and terms of the right-of-way management ordinance and right-of-way work permit. As-built construction drawings shall be provided to the Town for all structures, equipment, cable, pipes and conduit located within the public right-of-way or within a public or Town-owned utility or multi-purpose easement, which must include, for fiber optic cable, the number of strands of fiber in the conduit.
 - e. Consolidated application/permit. For the following facility types, the applicant shall be allowed, at the applicant's discretion, to file a single, consolidated application for multiple facilities and receive a single review/permit/decision instead of filing separate applications for each facility (however, right-of-way work permit(s) may also be required):

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- (i) For small cell networks involving multiple individual small cell facilities within the Town;
 - (ii) For an applicant desiring to co-locate on several wireless service facilities within the Town.
 - f. Shadow conduit. For all telecommunications facility development/installation that involves trenching or excavation in the public right-of-way or in a public or Town-owned utility or multipurpose easement, the applicant shall notify the Town 30 days prior to commencing such excavation and provide the Town the opportunity to install conduit in the same trench / excavation area.
- 3. Siting of Telecommunications Facilities.
 - a. Compliance with Siting Preferences. For every application for siting of new Telecommunications Facilities on or above ground level (except temporary PWSF and co-locations), the applicant must submit an affidavit by a radio frequency engineer demonstrating compliance with the Siting Preferences of subsection (5) below. Where a lower ranking alternative is proposed, the affidavit must address why each of the higher ranked options are not technically feasible, practical, and/or justified.
 - b. Where the application is for siting of PWSF, whether for a new facility, modification of existing facility, replacement facility or co-location, and whether the permit is administrative or a SP, the following additional decision-making requirements apply:
 - (i) If the application is denied, the decision maker shall issue the decision in writing, including the bases for the denial, which must be supported by substantial evidence contained in a written record. The written bases for the decision must be issued contemporaneously with the decision.
 - (ii) The application cannot be denied, nor can conditions be applied or required, based upon considerations of radio frequency (RF) emissions safety, other than to require the applicant to demonstrate that all applicable FCC rules are satisfied.
- 4. Streamlined processing for co-location of PWSF.
 - a. If the applicant believes its co-location application is an Eligible Facilities Request or a Qualified Co-location Request, the applicant must submit:
 - (i) A complete co-location application specifically requesting streamlined processing and stating the applicable permitting time-frame (e.g., 60 days for Eligible Facilities Request or 90 days for Qualified Co-Location Request);
 - (ii) Documentation evidencing that any structure proposed to be replaced or modified has previously been subject to zoning / development approval by the Town;
 - (iii) Documentation evidencing the replacement/modification does not create a Substantial Change in the underlying support structure or tower, or a statement that it does create a Substantial Change;
 - (iv) Documentation that the proposed modifications will be used to provide personal wireless services.
 - b. The Zoning Inspector shall review and decide applications for co-location of PWSF.

- c. The Zoning Inspector will notify the applicant within thirty (30) days of submission (or within some other mutually agreed upon timeframe) if the submission is incomplete, identifying the specific deficiencies in the application which, if cured, would make the application complete.
- d. Upon notice of deficiency, the timeline for a decision shall be tolled until the applicant re-submits to correct such deficiency. The Zoning Inspector shall, within ten (10) days of re-submission, notify the applicant of continuing deficiencies or the application will be deemed complete. The timeline for a decision shall be likewise tolled during the additional re-submission deficiency period until the 2nd resubmission. Upon resubmitting of the revised application the Town Planner shall follow the process identified in this section, above, until all deficiencies identified are deemed cured.

If the Zoning Inspector fails to provide such notification, the application will be deemed complete.

The Zoning Inspector decision shall be in writing and shall be postmarked to the applicant within 60 days after the initial submission, excluding any tolling period, for an Eligible Facilities Request, or, for a Qualified Co-location, within 90 days after the initial submission, excluding any tolling period, or within some other mutually agreed upon timeframe.

If the Town does not respond in writing to an Eligible Facilities Request within the specified timeframe, the application shall be deemed approved. If the Town does not respond in writing to a request for a Qualified Co-location within the specified timeframe, the applicant may pursue its remedies established by federal or state law.

5. Timing for Review of New PWSF Tower Applications.

A new PWSF tower, whether concealed or non-concealed, shall be reviewed and a decision rendered within one hundred and fifty (150) days of receipt of the application, subject to any applicable tolling for application deficiencies and resubmissions as described in subsection (v) above, so long as the applicant demonstrates that the facilities will be used, immediately upon completion of construction, to provide personal wireless services, or within such other mutually agreed upon time. ("Spec" towers are not entitled to review and decision within 150 days, or to any of the other protections of the Telecommunications Act.) Construction permits issued for new PWSF towers shall be valid for a term of eighteen (18) months and shall lapse and be void if construction of the contemplated PWSF structure is not completed within that time.

6. Application and Fees.

- a. Application materials required for Telecommunications Facilities shall be in accordance with this Section. The application form and requirements are specific to the type of Telecommunications Facility.
- b. The Commission shall establish fees to cover or offset the processing cost of all permits under this Section which will be included in the development fee schedule. Every application for a Telecommunications Facility shall be accompanied by the full payment of the fee established for the type of facility requested. Payment of fees is required in order for an application to be considered complete. The fee shall not be, in whole or in part, deferred or waived.
- c. The Commission reserves the right to require, in its sole discretion, a supplemental review by experts for any application for a telecommunication facility where the complexity of the analysis requires technical expertise, and/or for any request to vary a standard under subsection (14) of

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this Section, and all the costs of such review shall be borne by the applicant, in addition to scheduled fees.

- d. Based on the results of the supplemental review, the Zoning Inspector may require changes to or supplementation of the applicant's submittal(s).
- e. The supplemental review may address any or all of the following:
 - i. The accuracy and completeness of the application and any accompanying documentation.
 - ii. The applicability of analysis techniques and methodologies.
 - iii. The validity of conclusions reached.
 - iv. Whether the proposed telecommunications facility complies with the applicable approval criteria and standards of the Zoning Regulations and other applicable law.

D. Abandonment / Discontinued Use.

1. All telecommunication Facility structures, equipment, fencing and devices shall be removed from the property and the site returned to its natural state and topography and vegetated consistent with the natural surroundings or current surrounding land uses at the property owner's and/or service provider's expense within 180 days of cessation of use, or within 90 days of cessation of use if the abandonment is associated with a replacement.
2. The Town may extend the time for removal and site restoration up to 60 additional days if the owner or service provider so requests and shows good and unique cause for the extension.
3. If removal and/or site restoration is not accomplished within the prescribed time, the Town may initiate removal and restoration within 30 days following written notice to the property owner, and the property owner and service provider shall be jointly and severally responsible for all costs associated with the removal and restoration.
4. Fiber optic conduit and cable, whether below or above ground, that is or has been abandoned or the use of which is discontinued for one year shall become the property of the Town of New Canaan. Easements for the maintenance of such conduit/cable shall also become the property of the Town of New Canaan, which shall have all the benefit and interest of the original easement holder with respect to installation, maintenance and repair of conduit/cable.

E. No Interference with Public Safety Communications.

1. Applicant shall, regardless of the type of facility, comply with "Good Engineering Practices" as defined by FCC regulations and shall provide a composite analysis of all users of the site to determine that the proposed facilities will not cause radio frequency interference with any governmental public safety communications and shall implement appropriate technical measures to prevent such interference.
2. When the Town notifies a wireless service provider that it believes the provider's antenna(s) or array(s) are creating such interference, the provider shall investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Enhanced Best Practices Guide," released by the FCC in Appendix D of FCC 04-168 (released August

6, 2004), including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time in any successor regulations.

3. If the provider fails to comply with this subsection (4), including but not limited to by initiating an appropriate response within 24 hours of the Town's notification, the provider and the property owner shall be jointly and severally responsible for reimbursing the Town for all costs associated with ascertaining and resolving the interference.

F. Use Table *

SI = Site Plan Application SP = Special Permit N = Not Permitted
ZP = Zoning Permit

Zoning District	Residence Zone Two Acre & Four Acres	All Other Residence Zones, including Apartment & Multi-Family	Retail A & B	Business A, B, C and D	Waveny District	Parks, Recreational and Open Spaces
Colocation/-Combined Facility#	SI	SI	ZP	ZP	ZP	ZP
Dual Purpose Facility	SP	SP	SI	SI	SP	SP
Replacement Facility	SP	SP	SI	SI	SP	SP
Concealed Base Station	SI	SI	SI	SI	SI	SI
Concealed Small Cell	SI	N	SI	SI	SP	SP
Non-concealed Small Cell	N	N	N	N	N	N
DAS - Attached	SI	SI	SI	SI	SI	SI
DAS - Freestanding	SP	SP	SI	SI	SP	SP
Non-Concealed Base Station	N	N	N	N	N	N
Concealed New Tower	N	N	N	SP	SP	SP
Non-concealed New Tower	N	N	N	N	N	SP
Broadcast Tower	N	N	N	SP	SP	SP

*Priority Sites require an Administrative Permit only irrespective of the applicable zoning district.

Eligible Collocations under 47 USC §1445 shall be administratively approved.

G. Siting Preferences For New Telecommunications Facilities.

Siting of new PWSF of any type shall be in accordance with the Siting Preferences below and with the Use Table in Section F. Where a lower ranked alternative is proposed, the applicant must demonstrate through relevant information including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed facilities, by clear and convincing evidence. The applicant must provide such evidence in its application in order for the application to be considered complete.

The Siting Preferences are, in order:

- a. Co-located or combined PWSF
- b. Dual Purpose Facility
- c. Replacement of existing Telecommunications Facility in any zoning district
- d. Concealed antenna(s) on a base station
- e. Distributed Antenna System

Attached

- i. Concealed on Town-owned property, right-of-way or public easement
- ii. Concealed on other public property
- iii. Concealed on non-public property
- iv. Non-concealed on Town-owned property, right-of-way or public easement
- v. Non-concealed on other public property
- vi. Non-concealed on non-public property

New Freestanding DAS Facility

- i. Concealed on Town-owned property, right-of-way or public easement
- ii. Concealed on other public property
- iii. Concealed on non-public property
- iv. Non-concealed on Town-owned property, right-of-way or public easement
- v. Non-concealed on other public property
- vi. Non-concealed on non-public property

- f. Concealed small cell site
- g. Non-concealed small cell site

- h. Non-concealed antenna(s) on a base station
 - a. On a Priority Site
 - b. On Town-owned property in any non-residential zoning district
 - c. On other public property in any non-residential zoning district
 - d. On non-public property in any Business Zone
 - e. Other zone districts in accordance with the Use Table in Section F
- i. Concealed freestanding towers
 - a. On a Priority Site
 - b. On Town-owned property in any non-residential zoning district
 - c. On other public property in any non-residential zoning district
 - d. On non-public property in any Business Zone other zone districts, in accordance with the Use Table in Section F.
- j. Preferred concealment type (wherever located)
 - a. Tree of a type naturally occurring or normally found in the geographic area
 - b. Church steeple
 - c. Bell or clock tower
- k. Non-concealed towers
 - a. On a Priority Site
 - b. On Town owned property in any non-residential zoning district
 - c. On other public property in any non-residential zoning district
 - d. On non-public property in any Business Zone
- l. Preferred tower type (wherever located)
 - a. Monopole
 - b. Lattice
 - c. Guyed

Broadcast towers are not subject to the siting preferences; they may be sited in accordance with the Use Table (Section F). Broadcast towers shall not be located on a Priority Site; those are reserved and planned for PWSF and public safety telecommunications facilities.

H. Temporary PWSF Specifications and Requirements

Development Standards. Temporary PWSF shall be permitted by the Town Planner in those zone districts specified in the Use Table in Section F where all of the following are met:

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- a. It will be in place for no more than 60 days (subject to a one time extension of an additional 60 days for good cause);
- b. Notification of construction is provided by the applicant to the FAA;
- c. It does not require marking or lighting by the FAA;
- d. It will be less than 200 feet in height;
- e. It does not involve any excavation (or excavation where prior disturbance exceeds proposed excavation by at least 2 feet).

I. Telecommunication Facility Co-Location and Combination

Development Standards. The Commission requires co-location and combining of Telecommunications Facilities on existing towers, existing Base Stations or existing alternative support structures (Dual Purpose Facilities) as a highest priority where such co-location is possible. A permit shall be required for co-location of facilities on an existing tower, existing Base Station or Dual Purpose Facility. Co-location or combination of Telecommunications Facilities requires an administrative permit, and is subject to the following:

- a. A co-located or combined antenna or antenna array shall not exceed the maximum height prescribed in the applicable land use permit or increase the height of an existing tower by more than 20 feet and shall not affect any tower lighting, except as provided for herein below. A PWSF co-location that does not create a Substantial Change in the tower or support structure shall be approved within 60 days (subject to tolling) in accordance with Section 7.8(2)(v).
- b. If the applicant who seeks to co-locate PWSF demonstrates a coverage gap that cannot be addressed by a co-location that meets (A) above, the applicant may request a variance of the height limitation in accordance with Section 7.8(14). If the co-location is a qualified co-location under 47 U.S.C. §332(c)(7), the Director shall render a decision within 90 days, subject to tolling, in accordance with Section 7.8(2)(v).
- c. New antenna mounts shall be flush-mounted onto existing structures, unless it is demonstrated through radio frequency (RF) propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
- d. The equipment cabinet shall be subject to the setback requirements of the underlying zoning district.
- e. When a co-located or combined antenna is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
- f. No signage shall be permitted on an antenna or antenna array that is combined with or co-located on an alternative support structure; however, the support structure may itself be an existing sign, so long as the sign was approved through a non-Telecommunications Facility development permit or sign permit.

J. New Base Stations: Concealed and Non-Concealed

Antennas and equipment may be mounted onto a structure which is not primarily constructed for telecommunications purposes in accordance with the Use Table of Section F. A permit is required for base station antennas and equipment mounted onto such an alternative structure. In residential districts, the following structures shall not be used as base stations or to support PWSF or commercial antenna(s): single-family dwelling, two-family dwelling, multi-family dwelling of fewer than three stories in height, group living facility, or day care.

Development Standards. Antenna(s) and equipment to be located on an alternative structure shall be subject to the following:

- a. If the facility is concealed, the top of antenna(s) shall not be more than 35 feet above the existing or proposed building or structure, except that antenna(s) located on the perimeter of the supporting structure shall not be more than ten feet above the supporting structure;
- b. If the facility is non-concealed, the top of the antenna shall not be more than 20 feet above the existing or proposed building or structure and shall not be located on the perimeter of the supporting structure;
- c. New antenna mounts shall be flush-mounted onto existing structures, unless it is demonstrated through radio frequency (RF) propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area;
- d. New antenna mounts shall meet the setbacks and height restrictions of the underlying zone district;
- e. When attached base station antenna(s) and equipment is/are to be located on a nonconforming building or structure, the existing permitted nonconforming setback or height shall prevail;
- f. Concealed base station attached antennas, feed lines and antennas shall be designed to architecturally match the façade, roof, wall, and/or structure on which they are affixed so that they blend with the existing structural design, color, and texture; and
- g. No signage shall be allowed on an antenna or antenna array that is located on an alternative structure; however, the alternative structure itself may have a sign that was otherwise approved as part of a non-Telecommunications Facility development application or sign permit.

K. Antenna Element Replacement or Modification

Development Standards. A permit is required for any replacement or modification of existing antenna(s) and associated equipment, and the replacement or modification must comply with the following:

- a. Height. The increase in height of a PWSF that is modified shall not create a "Substantial Change" in the PWSF.
- b. Equipment cabinets and Equipment Shelters. Electronic equipment shall be contained in either (a) equipment cabinets or (b) equipment shelters. Equipment cabinets shall not be visible from pedestrian and right-of-way views. Equipment cabinets may be provided within the principal building on the lot, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.
- c. Sounds. No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency generators are allowed. Sound levels

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shall not exceed .65 db as measured at the property boundaries for the facility.

- d. Signage. Commercial messages shall not be displayed on any concealed tower. Required noncommercial signage shall be subject to the following:
 - i. The only signage that is permitted upon a concealed tower, equipment cabinets, shelters or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
 - ii. If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: "HIGH VOLTAGE - DANGER."
 - iii. Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.
- e. Lighting. Lighting on concealed PWSF towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following.
 - i. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required with strobe during daytime and red flashing lights at night unless prohibited by the FAA.
 - ii. Lights shall be filtered or oriented so as not to project directly onto surrounding property or rights-of-way, consistent with FAA requirements.

L. Tower / Support Structure Replacement

A special permit is required for replacement of a tower and support structure. Applicant must demonstrate by clear and convincing competent evidence that replacement will accomplish at least one of the following:

- a. Reduction in the number of Telecommunications Facility support structures or towers;
- b. Replacement of a non-concealed tower with a concealed tower
- c. Significant reduction of the visual impact of a Telecommunications Facility;
- d. Replacement of an existing tower with a new tower so as to improve network functionality resulting in compliance with this Section; and/or
- e. Replacement of an existing support structure to increase the number of Personal Wireless Service Providers located on such structure.

Development Standards.

- a. Setbacks: A new tower approved for replacement shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being replaced. The intent is to encourage the replacement process, not penalize the tower owner for the change out of the old facility. (For example, if a new tower is replacing an old tower, the new tower is permitted to have the same setbacks as the tower being removed, even if the old tower had nonconforming setbacks.)
- b. Height: The height of the replacement tower or support structure shall not create a Substantial Change of the facility being replaced.
- c. Breakpoint technology: A replacement monopole tower shall use breakpoint technology in the design of the replacement facility.
- d. Visibility: Replacement towers or support structures shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots.
- e. All replacement towers shall be constructed and maintained to meet AN-SI/EIA/TIA Class III, Exposure C structural standards.

M. DAS & Concealed Small Cell Facilities1. Attached DAS Development Standards.

- a. Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building or structure to help in concealment. The top of the antenna(s) shall not exceed more than 7 feet above the tallest level of the structure on which it is attaching.
- b. Attached Equipment box and power meter shall be located on the pole at a height that does not interfere with pedestrian or vehicular traffic or visibility and where applicable shall not interfere with street name signs or traffic lighting standards.
- c. Freestanding equipment box and/or power meter not attached to an existing structure shall be located no farther than 2' from the base of the structure and shall not interfere with pedestrian or vehicular traffic. Screening materials may be required if the equipment box and/or meter are adjacent to a public right-of-way or along a pedestrian sidewalk or pathway.
- d. All cables and surface mounted wires shall be enclosed within conduit or a similar cable cover which should be painted to match the structure or building on which that DAS is mounted.

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2. New Freestanding DAS Facility & Concealed Small Cell Facility Development Standards.

- a. Height. The total height of DAS facility/Small Cell Facility including antenna shall not exceed one foot above the height of existing public utility poles for power or light in the same geographic area.
- b. Setbacks for DAS/Small Cell outside of the right-of-way shall meet the same setbacks of the underlying zoning district for similar structures.
- c. The use of foliage and vegetation around ground equipment may be required by the Town based on conditions of the specific area where the ground equipment is to be located. In order to avoid the clustering of multiple items of ground equipment in a single area, a maximum of two ground equipment boxes may be grouped together in any single location. In addition, such locations must be spaced a minimum of 500 linear feet of right-of-way apart from each other. Individual ground equipment boxes shall not exceed three feet wide by three feet deep by five feet high in size. The size and height of new freestanding DAS and concealed small cell facility poles shall be no greater than the size and height of any other telecommunications facility poles located in the same or similar type of rights-of-way in the Town.
- d. Visibility of new DAS/Small Cell poles
 - i. New DAS/Small Cell structures shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots. Concealment design is required to minimize the visual impact of wireless communications facilities.
 - ii. All cables, conduits, and surface mounted wires shall be enclosed within the structure.
 - iii. Small Cell facilities shall be no larger in size than what is specified in the Definitions (Section 7.8(1)).
 - iv. New DAS/Small Cell structures shall be located in non-residential roadway rights-of-way whenever possible. Placement of new DAS/Small Cell structures in rights-of-way other than non-residential roadways shall be justified by an engineering analysis from the applicant to the satisfaction of the Town engineer prior to the issuance of any permit. Whenever new DAS/Small Cell structures must be placed in a right-of-way with residential uses on one or both sides of the street, no pole, equipment, antenna or other structure may be placed directly in front of a residential structure. If a right-of-way has residential structures on only one side of the street, the new DAS/Small Cell structure shall be located on the opposite side of the right-of-way whenever possible. All new DAS/Small Cell structures shall be located such that views from residential structures are not significantly impaired. Newly installed poles for new DAS/Small Cell structures should be located in areas with existing foliage or other aesthetic features in order to obscure the view of the pole.
 - v. New DAS/Small Cell structures located in rights-of-way shall be constructed and maintained so as not to interfere with, displace, damage, inhibit or destroy any other utilities or facilities, including but not limited to sewer, gas or water mains or service lines,

storm drains, pipes, cables or conduits, or any other facilities lawfully occupying the right-of-way, whether public or private. All wireless communications facilities shall be placed and maintained so as not to create interference with the operations of public safety telecommunications service. The Town reserves the right to place and maintain, and permit to be placed or maintained, sewer, gas, water, electric, storm drainage, communications, and other utilities and facilities, cables or conduit, and to do, and to permit to be done, any underground and overhead installation or improvement that may be deemed necessary or proper by the Town in public rights-of-way occupied by the new DAS/Small Cell structure.

- e. Equipment cabinets. Equipment shelters or cabinets shall be consistent with the general character of the neighborhood and historic character if applicable. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with the surrounding backdrop.
 - i. Equipment Screening enclosures shall be allowed when the design is architecturally compatible with the building.
 - ii. Screening materials shall consist of materials and colors consistent with the surrounding backdrop and/or textured to match the existing structure.
 - iii. The use of foliage and vegetation around ground equipment may be required based on conditions of the specific area where the ground equipment is to be located.
 - iv. Small Cell equipment cabinets shall comply with the size requirements set forth in the Definitions above.
3. DAS Hub Development Standards.
- a. Setbacks for DAS hubs outside of the right-of-way shall meet the setback standards of the underlying zoning district.
 - b. DAS hub. Equipment shelters or cabinets shall be consistent with the general character of the neighborhood and historic character if applicable. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with the surrounding backdrop.
 - i. Screening enclosures shall be allowed when the design is architecturally compatible with the building.
 - ii. Screening materials shall consist of materials and colors consistent with the surrounding backdrop and/or textured to match the existing structure.
 - iii. The use of foliage and vegetation around ground equipment may be required based on conditions of the specific area where the ground equipment is to be located.

N. Concealed and Non-Concealed Telecommunications Towers (not including DAS or Broadcast Tower, which are addressed in other subsections)

1. A pre-application conference is required for a new telecommunications tower. A permit and a major site plan review shall be required for a new telecommunication tower. The permit required may be an administrative permit or a SP, depending upon the zone district (See Section F Use Table) and/or whether or not the site is a Priority Site.
2. No new tower shall be permitted unless the applicant demonstrates that no existing tower or support structure can accommodate the applicant's proposed use, or that co-location on such existing facilities would have the effect of prohibiting personal wireless services in the geographic search area to be served by the proposed tower.
3. **Development Standards.**
 - a. Height.
 - i. New concealed towers shall be limited to 110 feet in height. Height calculations shall be made in accordance with FAA standards, and shall include all appurtenances.
 - ii. New non-concealed (non broadcast) towers shall be limited to 85 feet in height.
 - b. Setbacks. A new concealed tower shall be subject to the setbacks described below for breakpoint technology:
 - i. If the concealed tower has been constructed using breakpoint design technology (see 'Definitions'), the minimum setback distance shall be equal to 110 percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the minimum side and rear yard requirements, whichever is greater. Certification by a registered professional engineer licensed by the State of Connecticut of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant. (For example, on a 100-foot tall monopole with a breakpoint at eighty (80) feet, the minimum setback distance would be twenty-two (22) feet (110 percent of twenty (20) feet, the distance from the top of the monopole to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district.)
 - ii. If the concealed tower is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed tower.
 - c. Equipment cabinets and Equipment Shelters. Electronic equipment shall be contained in either (a) equipment cabinets or (b) equipment shelters. Equipment cabinets shall not be visible from pedestrian and right-of-way views. Equipment cabinets may be provided within the principal building on the lot, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.
 - d. Fencing. All equipment compounds shall be enclosed with an opaque fence or masonry wall in residential zoning districts and in any zoning district when the equipment compound adjoins a public right-of-way. Alterna-

- tive equivalent screening may be approved through the site plan approval process described in Section 7.8(12) (E) below.
- e. Buffers. The equipment compound shall be landscaped with a minimum ten (10) foot wide perimeter buffer containing the following planting standards:
 - i. All plants and trees shall be indigenous to western Connecticut.
 - ii. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping as approved by the Zoning Inspector.
 - iii. One (1) row of evergreen trees with a minimum two (2) inch caliper, twenty-five (25) foot on center.
 - iv. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5) feet shall be planted, minimum three (3) gallon or twenty-four (24) inches tall at the time of planting, five (5) foot on center.
 - v. Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative locating on the entire subject property may be considered and approved by the Zoning Inspector, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.
 - f. Signage. Commercial messages shall not be displayed on any concealed tower. Required noncommercial signage shall be subject to the following:
 - i. The only signage that is permitted upon a concealed tower, equipment cabinets, shelters or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
 - ii. If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: "HIGH VOLTAGE - DANGER."
 - iii. Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.
 - g. Lighting. Lighting on concealed towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following.
 - i. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required with strobe during daytime and red flashing lights at night unless prohibited by the FAA.

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- ii. Lights shall be filtered or oriented so as not to project directly on-to surrounding property or rights-of-way, consistent with FAA requirements.
- h. Equipment Compound. The fenced-in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.
- i. Structural Standards. All new concealed or non-concealed PWSF towers on public property shall be constructed and maintained to meet AN-SI/EIA/TIA Class III, Exposure C structural standards.
- j. Visibility
 - a. Concealed:
 - i. New concealed towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.
 - ii. New antenna mounts shall be concealed and match the concealed tower.
 - iii. In residential zoning districts and in mixed use zoning districts that include residential uses, new concealed towers shall not be permitted on lots where the primary use or principal structure is single-family or two-family residential, group living, day care, or a multi-family structure of fewer than three stories. Examples of land uses/structure types in residential areas where the site may include a concealed tower are: school, religious assembly, fire station, stadium tower or stand, or other similar institutional / civic uses/structures.
 - b. Non-concealed: New antenna mounts shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
 - c. Concealed and Non-concealed:
 - i. New concealed and non-concealed towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.
 - ii. A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height and concealment solution of the PWSF. The applicant shall arrange to raise a red or orange colored balloon no less than three (3) feet in diameter at the maximum height of the proposed tower, and within twenty-five (25) horizontal feet of the center of the proposed tower. The applicant shall meet the following for the balloon test:
 - Applicant must inform the Zoning Inspector and abutting property owners in writing of the date and times, including alternative date and times, of the test at least fourteen (14) days in advance.
 - A 3' by 5' sign with lettering no less than 3 inches high stating the purpose of the balloon test shall be placed at closest major intersection of proposed site.

- The date, time, and location, including alternative date, time and location, of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven (7) but no more than fourteen (14) days in advance of the test date.
 - The balloon shall be flown for at least four (4) consecutive hours during daylight hours on the date chosen. The applicant shall record the weather, including wind speed during the balloon test.
 - Re-advertisement will not be required if inclement weather occurs.
- iii. Towers shall be constructed to accommodate antenna arrays as follows:
- Up to 120 feet in height shall be engineered and constructed to accommodate no fewer than four (4) antenna arrays.
 - All towers between 121 feet and 150 feet shall be engineered and constructed to accommodate no fewer than five (5) antenna arrays.
- iv. Grading shall be minimized and limited only to the area necessary for the new tower and equipment compound.
- v. Sounds. No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency generators are allowed. Sound levels shall not exceed 65 db as measured at the property boundaries.

O. Broadcast Towers

No new broadcast facilities shall be constructed or installed without a site plan review and a permit under this Section. No new broadcast facilities shall be permitted unless the applicant demonstrates that no existing broadcast tower can accommodate the applicant's proposed use. A pre-application conference shall be required for any new broadcast facility.

Development Standards.

- a. Height. Height for broadcast facilities shall be evaluated on a case-by-case basis; the determination of height contained in the applicant's FCC Form 351/352 construction permit or application for construction permit and an FAA determination of no hazard (FAA Form 7460/2) shall be considered prima facie evidence of the tower height required for such broadcast facilities.
- b. Setbacks. New broadcast facilities and anchors shall be setback a minimum of five hundred (500) feet from any single-family dwelling unit on same zone lot; and a minimum of 1 foot for every 1 foot of tower height from all adjacent lots of record.
- c. Equipment Cabinets. Except for AM broadcast facilities, cabinets shall not be visible from pedestrian views.

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- d. Fencing. All broadcast facility towers, AM antenna(s) towers, and guy anchors shall each be surrounded with an anti-climbing fence compliant with applicable FCC regulations.
- e. Buffers
 - i. Except for AM broadcast facilities, it is the intent that all pedestrian views from public rights-of-ways and adjacent residential land uses be screened from proposed broadcast facilities pursuant to Section 6.1. AM broadcast facilities shall, where practicable, use artificial screening devices in lieu of natural vegetation for screening its ground equipment located at the base of AM tower(s).
 - ii. Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative siting on the entire subject property on which the proposed facility is projected may be considered and approved by the Planning & Zoning Department, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.
- f. Signage.
 - i. Commercial messages shall not be displayed on any tower.
 - ii. The only signage that is permitted upon an antenna support structure, equipment cabinets, or fence shall be informational, and for the purpose of identifying the antenna support structure (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility; i.e. the address and telephone number, security or safety signs, and property manager signs (if applicable).
- g. If more than two hundred twenty (220) volts are necessary for the operation of the facility, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters (minimum height of each letter four (4) inches) the following: "HIGH VOLTAGE - DANGER".
- h. Lighting.
 - i. Lighting on towers shall meet and not exceed the FAA minimum standards.
 - ii. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding property, consistent with FAA requirements.
- i. Equipment Compound. The fenced in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor

storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.

- j. Grading shall be minimized and limited only to the area necessary for the new tower and equipment.
- k. Sounds. No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency generators are allowed. Sound levels shall not exceed 65 db as measured at the closest property boundaries for the facility.
- l. Parking. One parking space is required for each tower development area. The space shall be provided within the leased area, or equipment compound or the development area as defined on the site plan.

**RESOLUTION OF THE
TOWN OF NORTH SALEM PLANNING BOARD**

PRELIMINARY SUBDIVISION PLAT APPROVAL

Hawley Woods Subdivision

Three (3) Residential Lots Accessed by a Common Driveway

**Hawley and Post Roads, North Salem, Westchester County, New York
Assessor Sheet 47, Block 1155, Lot 1**

ADOPTED SEPTEMBER 7, 2016

WHEREAS, the Planning Board of the Town of North Salem ("Planning Board"), located in Westchester County, New York, is considering applications from Hawley Woods Ltd. ("owner/applicant") for Preliminary Subdivision Plat, Wetland Permit and Stormwater Permit approvals, in accordance with the Code of the Town of North Salem, Chapter 200 Subdivision, Chapter 250 Zoning, Chapter 107 Freshwater Wetlands and Chapter 193, Stormwater and Erosion Control (hereinafter referred to as the "proposed action"); and

WHEREAS, the proposed action also involves consideration of other State, County and local permits and approvals needed to implement the project; and

WHEREAS, the subject property (396-404 Hawley Road) consisting of approximately 48.4466 acres within an R-4 Rural Density Residence Zoning District is located on the southerly side of Hawley Road with approximately 315 feet of street frontage and on the easterly side of Post Road with approximately 1,131 feet of street frontage ("site" or "subject property"); and

WHEREAS, the southern site boundary coincides with the municipal boundary shared with the Town of Lewisboro; and

WHEREAS, the elevation of the subject property ranges from approximately 454 feet at the northeast corner near Hawley Road to a high point of approximately 724 feet at the southeast corner of the property (an overall change in elevation of approximately 286 feet); and

WHEREAS, the majority of the primarily forested (Appalachian Oak-Hickory Forest) subject property (slightly less than 70%) consists of steep slopes of 15% or more, considerable portions of which consist of shallow depth to bedrock; and

WHEREAS, the subject property is located within a phosphorus restricted basin within the New York City Watershed (Titicus Reservoir and Croton River Basins); and

WHEREAS, flowing through the subject property are two (2) wetland/intermittent stream systems, one of which starts at a vernal pool. Both streams eventually flow to Crook Brook, a Class C(t) NYSDEC classified stream, which then flows into the Titicus Reservoir; and

WHEREAS, the new lots are proposed to be served by a single private common driveway with a curb cut access from Hawley Road; and

WHEREAS, no access is proposed via Post Road due to extensive interceding steep slopes and wetlands/streams; and

WHEREAS, the new lots are proposed to be divided across the site from Hawley Road as follows:

- Lot 1 - 9.0967 acres with frontage on Hawley Road;
- Lot 2 - 14.5016 acres with frontage on Post Road;
- Lot 3 - 24.8483 acres with frontage on Post Road; and

WHEREAS, the proposed action includes dedication of a conveyance strip for highway widening purposes along the length of the site's Hawley Road street frontage and a portion of the Post Road street frontage; and

WHEREAS, the new lots are proposed to be served by private on-site individual water supply wells and subsurface septic disposal systems; and

WHEREAS, on and off site stormwater drainage improvements are proposed, including improvements to be installed in the bed of Hawley Road proposed to be conveyed to the Town of North Salem, and which connect with existing drainage improvements out-letting into Crook Brook; and

WHEREAS, each new residence will be equipped with one (1) proposed 10,000 gallon underground storage tank to provide a supply of water for firefighting purposes, which tank will be installed, owned and maintained (including filled at all times) by the lot owners, or in the alternative a code compliant fire protection sprinkler system within each of the individual homes; and

WHEREAS, materials submitted in support of the proposed action include:

Documents and Correspondence

- ▶ Application for Approval of Subdivision, 02/15/01;
- ▶ Stormwater Pollution Prevention Plan, Alan L. Pilch, PE, RLA, Evans Associates, 04/14/15 (rev.);
- ▶ Letters to the Planning Board by Peter J. Gregory, PE, Keane Coppelman Gregory, 10/15/14, 01/16/15 & 04/14/15;
- ▶ Full Environmental Assessment Form, Part 1 and Expanded Information for EAF, VHB, 12/12, revised 10/15/14;
- ▶ Responses to NYCDEP Comments by Alan L. Pilch, PE, RLA, Evans Associates, 06/28/13;
- ▶ OPRHP Letter, 01/03/13;
- ▶ Natural Resources Assessment Report, Evans Associates, 10/09, revised 04/15;
- ▶ Draft Declaration of Fire Department and Emergency Service Access;
- ▶ Draft Stormwater Control Facility Maintenance Access Agreement;
- ▶ Draft Declaration of Common Driveway Easement Rights and Responsibilities;
- ▶ Draft Declaration of Limited Disturbance Area;
- ▶ Draft Town of North Salem Drainage Easement with Hawley Woods;
- ▶ Draft Conveyance of Stormwater Utilities to Town of North Salem;
- ▶ Baseline Survey Protocols for Flow of Intermittent Watercourse into 397 Hawley Road;
- ▶ Driveway Entrance/Wall Simulation Images (3), no date;
- ▶ Letter to the Planning Board, Keane Coppelman Gregory, 06/14/16;
- ▶ Graphic Simulation of Driveway Entrance;
- ▶ Photos of Falcon Ridge Road Clearing and Exposed Rock, Lewisboro, NY;

PLANS

- ▶ TS-0 - Title Sheet (1/24), Keane Coppelman Gregory, 12/14/00, revised 02/15/16;
- ▶ SP-1 - Preliminary Subdivision Plat (2/24), Welsh Engineering & Land Surveying, P.C., 04/10/15;
- ▶ OS-1 - Overall Site Plan (3/24), Keane Coppelman Gregory, 12/14/00, revised 02/15/16;
- ▶ EX-1 - Existing Conditions (4/24), Keane Coppelman Gregory, 12/14/00, revised 12/15/14;
- ▶ SM-1 - Soils Map (5/24), Keane Coppelman Gregory, 12/14/00, revised 12/15/14;
- ▶ SA-1 - Slope Analysis (6/24), Keane Coppelman Gregory, 12/14/00, revised 12/15/14;
- ▶ GP-1 - Site Plan - 40 Scale (Sheet 1) (7/24), Keane Coppelman Gregory, 12/14/00, revised 02/15/16;
- ▶ GP-2 - Site Plan - 40 Scale (Sheet 2) (8/24), Keane Coppelman Gregory, 12/14/00, revised 02/15/16;
- ▶ SW-1 - Stormwater Pollution Prevention Plan (9/24), Keane Coppelman Gregory, 03/15/11, revised 02/15/16;
- ▶ EC-1 - Erosion Control Plan 1 (10/24), Keane Coppelman Gregory, 12/14/00, revised 02/15/16;
- ▶ EC-2 - Erosion Control Plan 2 (11/24), Keane Coppelman Gregory, 12/14/00, revised 02/15/16;
- ▶ PR-1 - Common Driveway & Lot 3 Driveway Profile (12/24), Keane Coppelman Gregory, 12/14/00, revised 12/15/14;
- ▶ PR-2 - Sight Line Diagrams & Turning Movement Diagrams (13/24), Keane Coppelman Gregory, 06/10/11, revised 12/15/14;
- ▶ PR-3 - Site Cross Sections, Lot 1&2 Driveway Profiles & Drainage Profiles (14/24), Keane Coppelman Gregory, 06/10/11, revised 02/15/16;
- ▶ CF-1 - Cut / Fill Plan (15/24), Keane Coppelman Gregory, 02/27/09, revised 02/15/16;

- ▶ MP-1 – Overall Landscape / Mitigation Plan (16/24), Keane Coppelman Gregory, revised 04/20/16;
- ▶ MP-2 – Landscape / Mitigation Planting Plan 1 (17/24), Keane Coppelman Gregory, revised 04/20/16;
- ▶ MP-3 – Landscape / Mitigation Planting Plan 2, (18/24), Keane Coppelman Gregory, revised 04/20/16;
- ▶ MP-4 – Landscape / Mitigation Planting Plan 3, (19/24), Keane Coppelman Gregory, revised 04/20/16;
- ▶ DR-1 - Pre-Development Site Drainage (20/24), Keane Coppelman Gregory, 12/14/00, revised 12/15/14;
- ▶ DR-2 - Post-Development Site Drainage (21/24), Keane Coppelman Gregory, 12/14/00, revised 12/15/14;
- ▶ DS-1 - Construction Details, Sheet 1 (22/24), Keane Coppelman Gregory, 12/14/00, revised 04/10/15;
- ▶ DS-2 - Construction Details, Sheet 2 (23/24), Keane Coppelman Gregory, 12/14/00, revised 04/10/15;
- ▶ DS-3 - Stormwater Management Practices Cross Sections & Details, (24/24), Keane Coppelman Gregory, 10/12/12, revised 12/15/14;
- ▶ Figure 1 - Properties within 1,000-feet, Evans Associates, 02/29/16;
- ▶ Road Testing Plan, Keane Coppelman Gregory, 07/24/15, revised 04/25/16;
- ▶ Sections Plan 1, Keane Coppelman Gregory, 02/15/16;
- ▶ Sections Plan 2, Keane Coppelman Gregory, 02/15/16;
- ▶ Sections Plan 3, Keane Coppelman Gregory, 02/15/16;
- ▶ Sections Plan 4, Keane Coppelman Gregory, 06/01/16; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 for which the Planning Board, as lead agency, conducted a coordinated environmental review and issued a SEQR Determination of Non-Significance (Negative Declaration) by Resolution dated August 3, 2016; and

WHEREAS, the Planning Board held several sessions of a duly noticed public hearing, which hearing was held to obtain commentary from the public and other involved and interested agencies regarding the proposed action;

PRELIMINARY SUBDIVISION FINDINGS

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby confirms the following findings with regard to the proposed action:

- A. The proposed subdivision layout conforms with the standards and requirements for building lots as stated in the Town of North Salem Code Chapter 250 Zoning and Chapter 200 Subdivision. As noted on the Preliminary Subdivision Plat, the applicant has imposed a limitation that "**No Further Subdivision of any Lot**" shall be permitted;
- B. Activities in regulated Controlled Areas (Town of North Salem Code Chapter 107 Freshwater Wetlands) are limited to site grading, road access, utility and stormwater drainage improvements and landscaping as shown on the construction plans. Wetland Permit plans and mitigation measures will be refined prior to issuance of a Wetland Permit concurrent with a subsequent application for Final Subdivision Plat Approval.
- C. Stormwater drainage improvements have been designed according to the standards and requirements as set forth in the Town of North Salem Code Chapter 193, Stormwater) to control increased site runoff and to prevent the flooding of site driveways and the proposed roadways, which controls and details will be refined concurrent with a subsequent application for Final Subdivision Plat Approval;
- D. The subject property is located within a protected watershed area regulated by the New York City Department of Environmental Protection (NYCDEP), and pertinent site improvements relating to stormwater control and subsurface sewage disposal systems will be required to comply with applicable NYCDEP permitting requirements;

- E. Due to the sensitive site resources of the property (wetlands, steep slopes, shallow depth to bedrock), restrictive clearing and grading limits have been proposed on each new lot in the form of lot specific development envelopes for clearing, grading and construction activities.
- F. Through extensive study and evaluation, the Planning Board has determined that a single private common driveway is necessary to minimize site and neighborhood impacts given the extent of sensitive site resources and the limitations they pose for construction activities. No access to Post Road is deemed appropriate, nor shall such be authorized.
- G. The addition of three (3) new single-family residences will contribute to the existing unmet need for additional park and recreational facilities in the Town, which cannot be met on the subject property consistent with the provisions of Subdivision of Land §200-32F(1) given its size and characteristics, and on that basis, the Planning Board has determined that the best interests of the Town and the future residents of the proposed subdivision will be better served by requiring a cash payment in lieu of onsite reservation of land for park, playground and/or other recreational purposes;

PRELIMINARY SUBDIVISION PLAT APPROVAL

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Preliminary Subdivision Plat Approval of the subject property into three (3) single-family residential lots access via a common driveway, subject to the following conditions:

1. This Preliminary Subdivision Plat Approval shall expire unless a revised plat in final form in accordance with §200-9 of the Land Subdivision Regulations of the Town of North Salem is submitted within six (6) months of the date of this Resolution, unless such time has been extended by the Planning Board; no other Board or Agency may extend the time frames set forth in this Resolution.
2. Signature on the proposed Subdivision Plat by the Westchester County Health Department is hereby waived as a submission requirement of an application for Final Subdivision Plat Approval.
3. With submission of an application for Final Subdivision Plat Approval, the applicant shall also address the following:
 - a. Any outstanding professional review fees shall be paid to the Town of North Salem.
 - b. Final draft proposed legal instruments associated with the subdivision shall be submitted for review and approval, including the noted revisions thereto as set forth below:
 - (1) Draft Declaration of Fire Department and Emergency Service Access
 - (2) Draft Stormwater Control Facility Maintenance Access Agreement
 - There does not appear to be a corresponding easement instrument provided which establishes the stormwater control facility easements containing the stormwater management features, which the three proposed lots will be mutually responsible for.

- The draft appears to say each individual owner is responsible for the inspection, maintenance, repair and upkeep of those facilities on their respective lots, except they shall equally share in the maintenance and repair costs of the Storm Water Mitigation Areas identified on the subdivision map. However, it does not appear that the instrument actually grants the lot owners cross easements to access or maintain the stormwater areas in a collective manner.
 - The term "property" as used in Paragraph 7 is not defined.
 - The terminology for the referenced "Storm Water Mitigation Areas" as used in Paragraph 7 differs from that used on the Subdivision Plat.
- (3) Draft Declaration of Common Driveway Easement Rights and Responsibilities
- This proposed instrument still does not include any specific mention of the stormwater collection or treatment facilities, noting that aspects of the stormwater system are located within the common driveway easement area and nearly all common driveway runoff is directed into the separate defined easement areas containing the proposed stormwater infiltrator facilities.
 - Said shall also address landscaping, as well as the rock cut or rock walls.
- (4) Draft Declaration of Limited Disturbance Area
- (5) Draft Town of North Salem Drainage Easement with Hawley Woods
- It remains unclear why the Town would grant the applicant a drainage easement over a portion of the Hawley Road right-of-way. The applicant should be granting the Town an easement back to the inlet of the proposed drainage improvements in the Town's road right-of-way.
 - Paragraph #1, second page still refers to an "attached exhibit" which is not attached (the attachment provided appears to be that which relates to the separate Stormwater Maintenance Agreement).
- (6) Draft Conveyance of Stormwater Utilities to Town of North Salem
- Reference shall be included to the Subdivision Plat and Construction Plans detailing the location and content of the stormwater piping improvements, as well as to a required As-Built to be provided and certified prior to acceptance of formal conveyance.
- (7) Conveyance of Road Widening Strip
- A draft proposed Warranty Deed for the conveyance of the road widening strip shown along Hawley Road on the Subdivision Plat shall be provided.
 - Said Warranty Deed shall include reference to the Subdivision Plat and shall include a metes and bounds description of the conveyance road widening strip parcel.

- c. The 5-Year Vernal Pool Monitoring Plan and 3-Year Landscaping and Basin Monitoring Plan, as well as other wetland mitigation measures, shall be finalized, which shall also address any outstanding revisions pursuant to the Memorandum comments of the Town Planning Consultant dated May 4, 2015.
 - d. A final proposed Stormwater Pollution Prevention Plan (SWPPP) shall be submitted.
 - e. Detailed sequencing of excavation and onsite materials processing shall be provided to ensure that the duration of same remains as short as possible and does not extend for multiple years.
 - f. The applicant shall finalize its plans in regard to providing a subsurface water storage tank facility for fire fighting purposes on each lot, or in the alternative a code compliant fire protection sprinkler system within the individual homes.
 - g. The applicant shall provide a detailed completion bond cost estimate for review by the Town Consultant Engineer and Planning Board related to the subdivision improvements pursuant to the standards and requirements set forth in Subdivision of Land §200-15, including but limited to:
 - Common driveway excavation, rock cut, construction and paving;
 - Common stormwater management improvements;
 - Utility line improvements over common driveway alignment, including fire protection water storage tanks (if such alternative is included);
 - Wetland buffer disturbance and mitigation measures;
 - Hawley Road utilities and sight line improvements;
 - Hawley Road right-of-way conveyance and lot monuments;
 - SWPPP measures and erosion controls; and
 - Landscaping associated with the common driveway, common stormwater management improvements.
4. The following shall be included, among others as may be deemed appropriate, as conditions of a subsequent Final Subdivision Plat Approval:
- a. Access to the new lots shall be provided via a single private common driveway connecting with Hawley Road only (no access to Post Road shall be authorized), which access driveway shall be required to be constructed prior to individual lot development.
 - b. All associated legal instruments shall be required to be recorded along with any subsequent approved and Planning Board Chair endorsed Final Subdivision Plat.
 - c. The applicant shall be responsible for all arrangements and costs associated with related subdivision construction traffic control and utility improvements within and/or affecting Hawley Road.
 - d. All work affecting Hawley Road shall be required to be performed according to the Town of North Salem requirements for street opening permits. Any subdivision construction related damage to Hawley Road shall be required to be fixed to the satisfaction of the Town of North Salem.

- e. Prior to any road disturbance, the applicant shall be required to perform a pre-construction survey of the condition of Hawley Road, as well as establish the pre-construction baseline condition through observation of the watercourse and pond located on the neighboring parcel (N/F Kurtzman and Sula) to the north, across Hawley Road opposite the site (subject to access permission by the owner).
- f. As proposed, restrictive clearing and grading limits on each lot shall be required to establish lot specific development envelopes for clearing, grading and construction activities. The clearing and grading limit lines shall be described by metes and bounds on any subsequent approved and recorded Final Subdivision Plat so future homeowners know of their existence and limitations. Limited activities shall be allowed beyond the limit lines, and any changes to the restrictive limit lines shall require prior Planning Board review and approval.
- g. The proposed tree and shrub plantings as detailed in the subdivision construction plans shall be completed prior to issuance of any Certificate of Occupancy.
- h. As proposed, no lights shall be installed or permitted along the length of the common driveway consistent with the recommendations of the Town Comprehensive Plan to minimize light pollution and maintain dark-sky conditions.
- i. An interactive construction process by which site grading, rock cut removal, subsequent planting and site stabilization measures can be adjusted in coordination with the Planning Board during the site grading and planting implementation phase of the proposed action shall be required. Such process shall provide a means for the Planning Board to review and approve adjustments, and if warranted, alternative solutions in response to actual site conditions resulting from site excavation in order to ensure mitigation of the visual and grading impacts associated with the driveway construction.
- j. Existing stone walls within the subdivision property shall be preserved where possible; stone walls noted for removal on the proposed subdivision plans shall be required to be reconstructed on the subject property.
- k. Blasting shall be utilized to expedite site preparation activities and in order to minimize excavation related impacts on area neighbors. All blasting shall be required to be conducted in accordance with the Code of the Town of North Salem, Chapter 48, "Blasting and Explosives."
- l. Prior to any site disturbance, the limits of disturbance shall be required to be field located and contained with appropriate erosion controls and other appropriate measures utilized to stake the limits of disturbance and prevent encroachment into areas which are to remain undisturbed.
- m. Individual water storage tanks for fire protection or in-home sprinkler systems, as the case may be, shall be required to be owned by each respective lot/homeowner, with all responsibility for installation, maintenance, accessibility, operation, and tank filling.
- n. Inspection fees and a monitoring escrow shall be required consistent with Subdivision of Land §200-14 and Freshwater Wetlands §107-10.1 and §107-11.

- o. A completion bond in an amount as recommended by the Town Consultant Engineer shall be required consistent with Subdivision of Land §200-15.
- p. A recreation fee in lieu of onsite reservation of land for park, playground and/or other recreational purposes shall be required to be paid.

BE IT FURTHER RESOLVED, that any subsequent Final Subdivision Plat Approval, Wetland Permit Approval and subsequent development of the subject property, shall conform to the intent, statements, findings, requirements and mitigation measures set forth in the project EAF, the Negative Declaration, the approved Subdivision Plat and Construction Plans, this Resolution of Approval, and any subsequent Resolution granting Final Subdivision Plat Approval and Wetland Permit Approval; and

BE IT FURTHER RESOLVED, that a copy of the adopted Resolution of Approval shall be circulated to the Applicant, the Town Clerk, the Town Director of Planning, Planning Consultant and the Planning Board's Consulting Engineer;

ADOPTION OF RESOLUTION

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

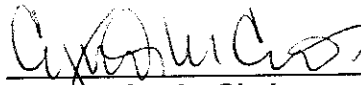
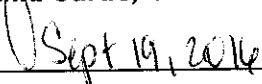
The motion was moved by **CYNTHIA CURTIS**.

The motion was seconded by **GARY JACOBI**.


The vote was as follows:

CYNTHIA CURTIS
CHRIS BROCKMEYER
BERNARD SWEENEY
GARY JACOBI
CHARLOTTE HARRIS

AYE
AYE
AYE
AYE
ABSENT


Cynthia Curtis, Chair

Sept 19, 2016
Date

Certified as adopted by the North Salem Planning Board on September 7, 2016.


Dawn Onufrik, Secretary

**RESOLUTION OF THE
TOWN OF NORTH SALEM PLANNING BOARD**

**SEQR LEAD AGENCY
NEGATIVE DECLARATION
UNLISTED ACTION**

Hawley Woods Subdivision

Three (3) Residential Lots Accessed by a Common Driveway

**Hawley and Post Roads, North Salem, Westchester County, New York
Assessor Sheet 47, Block 1155, Lot 1**

AUGUST 3, 2016

WHEREAS, the Planning Board of the Town of North Salem ("Planning Board"), located in Westchester County, New York, is considering applications from Hawley Woods Ltd. ("owner/applicant") for Preliminary Subdivision Plat, Wetland Permit and Stormwater Permit approvals, in accordance with the Code of the Town of North Salem, Chapter 200 Subdivision, Chapter 250 Zoning, Chapter 107 Freshwater Wetlands and Chapter 193, Stormwater and Erosion Control (hereinafter referred to as the "proposed action"); and

WHEREAS, the proposed Unlisted action also involves consideration of other State, County and local permits and approvals needed to implement the project; and

WHEREAS, the subject property (396-404 Hawley Road) consisting of approximately 48.4466 acres within an R-4 Rural Density Residence Zoning District is located on the southerly side of Hawley Road with approximately 315 feet of street frontage and on the easterly side of Post Road with approximately 1,131 feet of street frontage ("site" or "subject property"); and

WHEREAS, the southern site boundary coincides with the municipal boundary shared with the Town of Lewisboro; and

WHEREAS, the elevation of the subject property ranges from approximately 454 feet at the northeast corner near Hawley Road to a high point of approximately 724 feet at the southeast corner of the property (an overall change in elevation of approximately 286 feet); and

WHEREAS, the majority of the primarily forested (Appalachian Oak-Hickory Forest) subject property (slightly less than 70%) consists of steep slopes of 15% or more, considerable portions of which consist of shallow depth to bedrock; and

WHEREAS, the subject property is located within a phosphorus restricted basin within the New York City Watershed (Titicus Reservoir and Croton River Basins); and

WHEREAS, flowing through the subject property are two (2) wetland/intermittent stream systems, one of which starts at a vernal pool. Both streams eventually flow to Crook Brook, a Class C(t) NYSDEC classified stream, which then flows into the Titicus Reservoir; and

WHEREAS, the new lots are proposed to be served by a single private common driveway with a curb cut access from Hawley Road; and

WHEREAS, no access is proposed via Post Road due to extensive interceding steep slopes and wetlands/streams; and

WHEREAS, the new lots are proposed to be divided across the site from Hawley Road as follows:

- Lot 1 - 9.0967 acres with frontage on Hawley Road;
- Lot 2 - 14.5016 acres with frontage on Post Road;
- Lot 3 - 24.8483 acres with frontage on Post Road; and

WHEREAS, the proposed action includes dedication of a conveyance strip for highway widening purposes along the length of the site's Hawley Road street frontage and a portion of the Post Road street frontage; and

WHEREAS, the new lots are proposed to be served by private on-site individual water supply wells and subsurface septic disposal systems; and

WHEREAS, on and off site stormwater drainage improvements are proposed, including improvements to be installed in the bed of Hawley Road proposed to be conveyed to the Town of North Salem, and which connect with existing drainage improvements out-letting into Crook Brook; and

WHEREAS, each new residence will be equipped with one (1) proposed 10,000 gallon underground storage tank to provide a supply of water for firefighting purposes, which tank will be installed, owned and maintained (including filled at all times) by the lot owners, or in the alternative a code compliant fire protection sprinkler system within each of the individual homes; and

WHEREAS, materials submitted in support of the proposed action include:

Documents and Correspondence

- ▶ Application for Approval of Subdivision, 02/15/01;
- ▶ Stormwater Pollution Prevention Plan, Alan L. Pilch, PE, RLA, Evans Associates, 04/14/15 (rev.);
- ▶ Letters to the Planning Board by Peter J. Gregory, PE, Keane Coppelman Gregory, 10/15/14, 01/16/15 & 04/14/15;
- ▶ Full Environmental Assessment Form, Part 1 and Expanded Information for EAF, VHB, 12/12, revised 10/15/14;
- ▶ Responses to NYCDEP Comments by Alan L. Pilch, PE, RLA, Evans Associates, 06/28/13;
- ▶ OPRHP Letter, 01/03/13;
- ▶ Natural Resources Assessment Report, Evans Associates, 10/09, revised 04/15;
- ▶ Draft Declaration of Fire Department and Emergency Service Access;
- ▶ Draft Stormwater Control Facility Maintenance Access Agreement;
- ▶ Draft Declaration of Common Driveway Easement Rights and Responsibilities;
- ▶ Draft Declaration of Limited Disturbance Area;
- ▶ Draft Town of North Salem Drainage Easement with Hawley Woods;
- ▶ Draft Conveyance of Stormwater Utilities to Town of North Salem;
- ▶ Baseline Survey Protocols for Flow of Intermittent Watercourse into 397 Hawley Road;
- ▶ Driveway Entrance/Wall Simulation Images (3), no date;
- ▶ Letter to the Planning Board, Keane Coppelman Gregory, 06/14/16;
- ▶ Graphic Simulation of Driveway Entrance;
- ▶ Photos of Falcon Ridge Road Clearing and Exposed Rock, Lewisboro, NY;

PLANS

- ▶ TS-0 - Title Sheet (1/24), Keane Coppelman Gregory, 12/14/00, revised 02/15/16;
- ▶ SP-1 - Preliminary Subdivision Plat (2/24), Welsh Engineering & Land Surveying, P.C., 04/10/15;
- ▶ OS-1 - Overall Site Plan (3/24), Keane Coppelman Gregory, 12/14/00, revised 02/15/16;
- ▶ EX-1 - Existing Conditions (4/24), Keane Coppelman Gregory, 12/14/00, revised 12/15/14;
- ▶ SM-1 - Soils Map (5/24), Keane Coppelman Gregory, 12/14/00, revised 12/15/14;
- ▶ SA-1 - Slope Analysis (6/24), Keane Coppelman Gregory, 12/14/00, revised 12/15/14;
- ▶ GP-1 - Site Plan - 40 Scale (Sheet 1) (7/24), Keane Coppelman Gregory, 12/14/00, revised 02/15/16;
- ▶ GP-2 - Site Plan - 40 Scale (Sheet 2) (8/24), Keane Coppelman Gregory, 12/14/00, revised 02/15/16;
- ▶ SW-1 - Stormwater Pollution Prevention Plan (9/24), Keane Coppelman Gregory, 03/15/11, revised 02/15/16;
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- ▶ EC-2 - Erosion Control Plan 2 (11/24), Keane Coppelman Gregory, 12/14/00, revised 02/15/16;

Lead Agency SEQR Unlisted Negative Declaration

- ▶ PR-1 - Common Driveway & Lot 3 Driveway Profile (12/24), Keane Coppelman Gregory, 12/14/00, revised 12/15/14;
- ▶ PR-2 - Sight Line Diagrams & Turning Movement Diagrams (13/24), Keane Coppelman Gregory, 06/10/11, revised 12/15/14;
- ▶ PR-3 - Site Cross Sections, Lot 1&2 Driveway Profiles & Drainage Profiles (14/24), Keane Coppelman Gregory, 06/10/11, revised 02/15/16;
- ▶ CF-1 - Cut / Fill Plan (15/24), Keane Coppelman Gregory, 02/27/09, revised 02/15/16;
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- ▶ DR-2 - Post-Development Site Drainage (21/24), Keane Coppelman Gregory, 12/14/00, revised 12/15/14;
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- ▶ Sections Plan 2, Keane Coppelman Gregory, 02/15/16;
- ▶ Sections Plan 3, Keane Coppelman Gregory, 02/15/16;
- ▶ Sections Plan 4, Keane Coppelman Gregory, 06/01/16; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 for which the Planning Board, as lead agency, conducted a coordinated environmental review; and

WHEREAS, the Planning Board held several sessions of a duly noticed public hearing, which hearing was held to obtain commentary from the public and other involved and interested agencies regarding the proposed action; and

WHEREAS, the Planning Board has considered the Full Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, written comments of the Board's professional consultants made via memoranda (which memoranda are incorporated herein by reference), as well as verbal commentary made during the Planning Board's meetings and public hearings pertaining to the review and evaluation of the proposed action;

SEQR DETERMINATION OF SIGNIFICANCE

Coordinated Review and Issuance of Lead Agency Negative Declaration

NOW THEREFORE BE IT RESOLVED, that the Planning Board, as lead agency, hereby determines in accordance with SEQR 6 NYCRR Part 617 that the proposed Unlisted action, as described herein, will not have a significant adverse effect on the environment and further determines that preparation of an Environmental Impact Statement will not be required; and

BE IT FURTHER RESOLVED, that the Planning Board, as lead agency, has relied upon the facts and information contained in its record file regarding the proposed Unlisted action, as well as discussions with and mitigation measures proposed by the owner/applicants, in making the above SEQR determination of non-significance (Negative Declaration); and

BE IT FURTHER RESOLVED, that the Planning Board, as lead agency, relies on the following reasons to support its SEQR determination of non-significance:

1. The proposed action subdivision layout conforms with the standards and requirements for building lots as stated in the Town of North Salem Code Chapter 250, Zoning, and Chapter 200, Subdivision. As noted on the proposed subdivision plat, the applicant has imposed a limitation that "no further subdivision of any lot" shall be permitted;

2. The proposed action does not include any new roads or road extensions (a road widening strip dedicated to the Town is proposed along Hawley Road). Access to the new lots will be provided via a single private common driveway, which access driveway will be constructed prior to individual lot development. The common driveway plan includes adequately designed areas for pull-off and emergency vehicle turnaround (hammerhead design at points of individual lot driveways). A Common Driveway Access and Utility Easement and Maintenance Agreement is proposed and will be required to be recorded along with the proposed subdivision plat;
3. Added traffic will be relatively minimal, both during temporary construction activities and subsequent occupation of the new residential lots. Impacts to traffic flow along Hawley Road will occur during the installation of proposed drainage improvements in the right-of-way affecting a portion of Hawley Road for approximately 350 feet by reducing traffic flow to one lane during construction activities but such impacts will be temporary and of relatively short duration;
4. All work affecting Hawley Road will be required to be performed according to the Town of North Salem requirements for street opening permits. Prior to any road disturbance, the applicant will be required to perform a pre-construction survey of the condition of Hawley Road, as well as establish the pre-construction baseline condition through observation of the watercourse and pond located on the neighboring parcel (N/F Kurtzman and Sula) to the north, across Hawley Road opposite the site (subject to access permission by the owner). Traffic will be controlled by flagmen provided by the contractor performing the work. There will be no adverse impacts to Hawley Road as it relates to trench excavation and pavement alteration and restoration. At the completion of construction, any construction related damage to the roadway will be required to be fixed to the satisfaction of the Town of North Salem;
5. Restrictive clearing and grading limits are proposed on each new lot, which will establish lot specific development envelopes for clearing, grading and construction activities. The clearing and grading limit lines have been shown on the proposed subdivision plans and will be described by metes and bounds on the recorded Final Subdivision Plat so future homeowners know of their existence and limitations. Limited activities will be allowed beyond the limit lines, and any changes to the restrictive limit lines will require prior Planning Board review and approval. The proposed limits of tree removal will also help maintain the integrity of the site's forest and wetland resource, as well as minimize interference with the movement of resident and migratory wildlife species on and through the subject property;
6. Proposed site excavation and grading, as well as visual and community character impacts associated with the development of the proposed common driveway will be mitigated by the installation of extensive tree and shrub plantings. Also, no lights are proposed along the length of the common driveway consistent with the recommendations of the Town Comprehensive Plan to minimize light pollution and maintain dark-sky conditions. Detailed sequencing of excavation and onsite materials processing will be required to be detailed on the final subdivision plans to ensure that the duration of same remains as short as possible and does not extend for multiple years;
7. An interactive construction process is proposed by which site grading, rock cut removal, subsequent planting and site stabilization measures can be adjusted in coordination with the Planning Board during the site grading and planting implementation phase of the proposed action. Such process will provide a means for the Planning Board to review and approve adjustments, and if warranted, alternative solutions in response to actual site conditions resulting from site excavation in order to ensure mitigation of the visual and grading impacts associated with the driveway construction;

8. No direct wetland or stream disturbances are proposed. The above described restrictive clearing and grading limits will contain proposed site disturbances to upland areas of the site, substantially outside of 100-foot wetland buffer areas of the subject property, thereby preserving site wetland/stream corridors as unbroken habitat and retaining travel corridors for wetland/stream dependent species. Through such conservation of contiguous undeveloped areas of the site, the proposed subdivision plan minimizes potential impacts to species of conservation concern (including threatened or endangered flora or fauna species), sensitive habitat resources, including forest interior species of breeding birds and amphibian species utilizing the vernal pool on the site;
9. With regard to the vernal pool specifically, the proposed action complies with the management goals and recommendations outlined in Best Development Practices: *Conserving Pool-Breeding Amphibians in Residential and Commercial Development in the North Eastern United States* (Calhoun and Klemens, MCA Technical Paper Series #5, 2002) by preserving the vernal pool envelope (the wetland and the area within 100 feet of the pool) and at least 75% of the critical terrestrial habitat (the area within 100 – 750 feet of the pool) surrounding the pool on the site;
10. Proposed 100-foot buffer regulated activities are minimal in scope and limited to Hawley Road access and utility improvements, as well as a portion of the proposed onsite subsurface stormwater management facilities located closest to Hawley Road. However, these activities are not anticipated to cause significant adverse affects upon the natural function and benefits of such resource areas;
11. A 5-Year Vernal Pool Monitoring Plan and 3-Year Landscaping and Basin Monitoring Plan are proposed, as well as other wetland mitigation measures as detailed on the proposed action development plans. The proposed Wetland Permit plans and mitigation measures will be refined prior to any subsequent approval and issuance of a Wetland Permit concurrent with a subsequent application for Final Subdivision Plat Approval;
12. Proposed residences and associated site development activities, including the planned common driveway, have been sited to minimize tree clearing, site grading and rock cut. However, although considerable rock cutting is anticipated to provide an appropriately safe sloped common driveway, equally considerable planning has been undertaken to ensure a driveway design which minimizes related site impacts. Further, existing stone walls throughout the site are proposed to be preserved where possible; stone walls noted for removal on the proposed subdivision plans are proposed to be reconstructed on the subject property;
13. Blasting is proposed to expedite site preparation activities in order to minimize excavation related impacts and the duration of site preparation related impacts on neighbors. All blasting will be required to be conducted in accordance with the Code of the Town of North Salem, Chapter 48, "Blasting and Explosives" and processing of excavated materials is proposed onsite in order to minimize the extent of otherwise needed construction traffic to and from the site;
14. Prior to disturbance of the proposed lots, the limits of disturbance as described above will be field located and contained with appropriate erosion controls and other appropriate measures utilized to stake the limits of disturbance and prevent encroachment into areas which are to remain undisturbed;
15. Each lot will include a subsurface water storage tank facility for fire fighting purposes, or in the alternative a code compliant fire protection sprinkler system will be provided within the individual homes. Individual tanks (or sprinkler systems) will be owned by each respective lot/homeowner, with all responsibility for installation, maintenance, accessibility, operation, and tank filling.

16. A comprehensive Stormwater Pollution Prevention Plan (SWPPP) is proposed and will be required to be followed and monitored. The proposed stormwater drainage improvements have been designed to ensure increased site runoff does not lead to flooding of the site, common driveway or downslope areas. The peak rate and volume of runoff from the proposed development have been reduced to at least pre-development rates and volumes;
17. Common and individual stormwater management provisions are proposed to ensure that site runoff is appropriately controlled and treated prior to discharge back into the ground or downstream. Stormwater runoff will be collected and treated via a series of subsurface collection, detention and treatment controls pursuant to the proposed detailed SWPPP. With timely adherence and proper maintenance, the use of erosion and sediment controls on-site for the duration of the proposed activities, along with strict adherence to the stormwater management and inspection sequencing, the integrity of affected site areas will be protected against degradation and/or pollution of site and downstream resources;
18. Portions of the proposed stormwater management measures, as well as substantial portion of proposed site landscaping will be commonly maintained pursuant to the above noted Common Driveway Access and Utility Easement and Maintenance Agreement;
19. The proposed subdivision will contribute to the existing unmet need for additional park and recreational facilities in the Town. As this cannot be met on the subject property given its characteristics, a cash payment to be earmarked for park, playground and/or other recreational purposes will be required. Input from the State Office of Parks, Recreation and Historic Preservation (OPRHP) has indicated that the proposed action does not include potential environmental impacts to New York State Parkland;
20. Significant adverse environmental impacts on agricultural resources, energy, historic and archeological resources (OPRHP has also indicated that the proposed action will not have impacts upon cultural resources in or eligible for inclusion in the State and Natural Register of Historic Places), municipal and community services (provisions for Fire Department access easements to individual lot firefighting storage tanks are proposed), and open space are not anticipated;
21. The proposed action will not encourage or attract a large number of people to the area, will not create a material demand for other actions, will not create a hazard to human health, and will not cause a major change in the use of either the quantity or type of energy resources presently used;
22. Proposed site development and the future new residents of the lots will generate related solid wastes similar to other area residential development but such is not anticipated to be substantial. The proposed action will not result in any impacts on the growth and character of the community or surrounding neighborhood, nor on any areas designated as a Critical Environmental Area; and

BE IT FURTHER RESOLVED, that the Planning Board, as lead agency, hereby authorizes the filing and circulation of a Notice to involved and interested agencies regarding this SEQR Determination of Non-Significance (Negative Declaration);

ADOPTION OF RESOLUTION

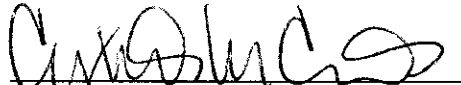
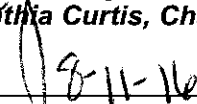
WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of North Salem as follows:

The motion was moved by **CYNTHIA CURTIS**.


The motion was seconded by **CHRIS BROCKMEYER**.

The vote was as follows:

CYNTHIA CURTIS	<u>AYE</u>
CHRIS BROCKMEYER	<u>AYE</u>
BERNARD SWEENEY	<u>ABSENT</u>
GARY JACOBI	<u>AYE</u>
CHARLOTTE HARRIS	<u>AYE</u>


Cynthia Curtis, Chair

Date

Certified as adopted by the North Salem Planning Board on August 3, 2016.


Dawn Onufrik, Secretary

**TOWN OF NORTH SALEM PLANNING BOARD
UNLISTED ACTION - COORDINATED ENVIRONMENTAL REVIEW**

NOTICE TO INVOLVED and INTERESTED AGENCIES

HAWLEY WOODS SUBDIVISION

**Three (3) Residential Lots Accessed by a Common Driveway
Hawley and Post Roads, North Salem, Westchester County, New York
Assessor Sheet 47, Block 1155, Lot 1**

LEAD AGENCY SEQR NEGATIVE DECLARATION

AUGUST 3, 2016

PLEASE TAKE NOTICE, that on August 3, 2016, the Town of North Salem Planning Board, as SEQR lead agency for the coordinated (SEQRA) environmental review of the proposed Hawley Woods Subdivision, an Unlisted Action, has determined in accordance with SEQR 6 NYCRR Part 617 that the proposed Unlisted action, as described below, will not have a significant adverse effect on the environment and further determined that preparation of an Environmental Impact Statement will not be required.

[See Attached Lead Agency SEQR Negative Declaration for Further Details](#)

PROPOSED ACTION

Hawley Woods Subdivision - A proposed three (3) lot residential subdivision with access via a single common driveway connecting to Hawley Road, requiring Preliminary Subdivision Plat, Wetland Permit and Stormwater Permit approvals from the Town of North Salem Planning Board, as well as other State, County and local permits and approvals.

SEQR CLASSIFICATION

Unlisted Action - Coordinated Environmental Review
Lead Agency - Town of North Salem Planning Board

PROJECT LOCATION

396-404 Hawley Road, Town of North Salem, Westchester County, consisting of approximately 48.4466 acres within an R-4 Rural Density Residence Zoning District located on the southerly side of Hawley Road with approximately 315 feet of street frontage and on the easterly side of Post Road with approximately 1,131 feet of street frontage.

LEAD AGENCY CONTACT INFORMATION

Dawn Onufrik, Planning Board Secretary
Town of North Salem
266 Titicus Road
North Salem, New York 10560

TEL: (914) 669-4393 FAX: (914) 669-8460 Email: donufrik@northsalemny.org

EASEMENT LIST

NOTE: EASEMENTS SHOWN BELOW ARE TO BE FILED BY THE OWNER IN THE OFFICE OF WESTCHESTER COUNTY CLERK, DIVISION OF LAND RECORDS, FOLLOWING ACCEPTANCE OF SUBDIVISION BY TOWN

- EASEMENT FOR STORMWATER MANAGEMENT IMPROVEMENTS & MAINTENANCE (MITIGATION AREA 1)
- EASEMENT FOR STORMWATER MANAGEMENT IMPROVEMENTS & MAINTENANCE (MITIGATION AREA 2, 3a-2)
- EASEMENT FOR STORMWATER MANAGEMENT IMPROVEMENTS & MAINTENANCE (MITIGATION AREA 3a-1)
- EASEMENT FOR STORMWATER MANAGEMENT IMPROVEMENTS & MAINTENANCE (MITIGATION AREA 4a)

EASEMENT FOR INGRESS/EGRESS COMMON DRIVEWAY/SITE UTILITIES

WELSH ENGINEERING & LAND SURVEYING, P.C.
343 MANVILLE ROAD
PLEASANTVILLE, N.Y. 10570 (914) 773-1701

LEGEND

EDGE OF PAVEMENT	
EXISTING BUILDING	
CHAIN LINK FENCE	
PROPERTY LINE	$S\ 42^{\circ}\ 33'\ 30''\ E$ 135.78'
PROPOSED PROPERTY LINE	$S\ 42^{\circ}\ 33'\ 30''\ E$ 251.47'
ADJOINING PROPERTY LINE	
LIMITED DISTURBANCE AREA LIMIT LINE	
SET-BACK LINE	
EASEMENT LINE	
WETLAND LINE	
BUFFER LINE	
WETLAND SYMBOL	
APPROX. NEW RESIDENCE/APPROX. FOOTPRINT	

PROJECT NOTES

- STORMWATER IMPROVEMENTS WITHIN THE HAWLEY ROAD RIGHT-OF-WAY SHALL BE DEDICATED TO THE TOWN OF NORTH SALEM.
- "AS BUILT" PLANS OF THE PROPOSED IMPROVEMENTS SHALL BE SUBMITTED TO THE TOWN ENGINEER & BUILDING INSPECTOR FOR REVIEW PRIOR TO THE ISSUANCE OF BUILDING PERMITS AND/OR RELEASE/REDUCTION OF PERFORMANCE BOND. IMPROVEMENTS SHALL INCLUDE, BUT NOT LIMITED TO COMMON DRIVEWAY, DRAINAGE, UTILITIES AND STORMWATER SYSTEMS AS DESCRIBED IN PHASE 1 OF THE CONSTRUCTION SEQUENCE (SEE NOTE #5).
- SHOULD ROCK BLASTING BE REQUIRED, THE OWNER/APPLICANT SHALL SUBMIT AN APPLICATION IN ACCORDANCE WITH CHAPTER 48-BLASTING AND EXPLOSIVES OF NORTH SALEM TOWN CODE FOR REVIEW/APPROVAL.
- THE COMMON DRIVE CONSTRUCTION IS TO BE INSPECTED IN STAGES AS DESCRIBED IN THE CONSTRUCTION SEQUENCE ON SHEET EC-1 FOR COMPLIANCE WITH THE APPROVED SUBDIVISION CONSTRUCTION PLANS ON FILE WITH THE TOWN OF NORTH SALEM.
- REFER TO SHEET EC-1 FOR A DETAILED CONSTRUCTION SEQUENCE.
- THERE SHALL BE NO FURTHER SUBDIVISION OF ANY LOT.
- ALL EASEMENTS, INCLUDING APPROPRIATE REFERENCE TO CONSTRUCTION PLANS DELINEATING EASEMENT BOUNDARIES AND DETAILING ALL RELATED IMPROVEMENTS, SATISFACTORY IN FORM TO THE TOWN ATTORNEY, SHALL BE PRESENTED TO THE TOWN OF NORTH SALEM PLANNING BOARD, AND REFERRED TO AND ACCEPTED BY THE TOWN OF NORTH SALEM PLANNING BOARD PRIOR TO FILING OF THE SUBDIVISION PLAT. THE EASEMENTS SHALL BE FILED SIMULTANEOUSLY WITH THE FILING OF THE SIGNED FINAL PLAT IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK, DIVISION OF LAND RECORDS.
- THE DECLARATION OF LIMITED DISTURBANCE AREA ASSOCIATED WITH THE LIMITED DISTURBANCE AREA LIMITS DESCRIBED ON THIS PLAN SHALL BE FILED WITH THE FILING OF THE SIGNED FINAL PLAT IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK, DIVISION OF LAND RECORDS.

FIREFIGHTING PROVISIONS

- EACH RESIDENCE SHALL BE EQUIPPED WITH ONE (1) 10,000 GALLON UNDERGROUND STORAGE TANK TO PROVIDE A SUPPLY OF WATER FOR FIREFIGHTING PURPOSES.

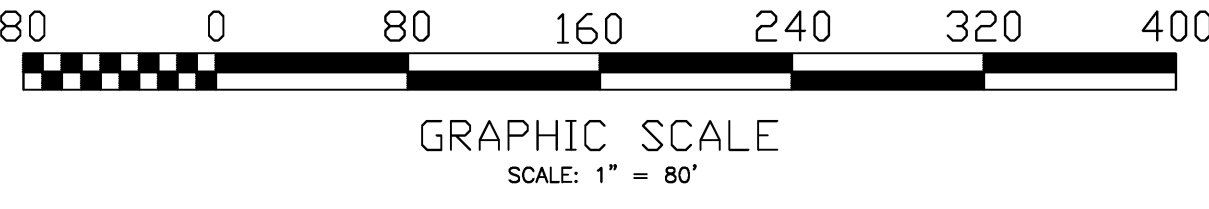
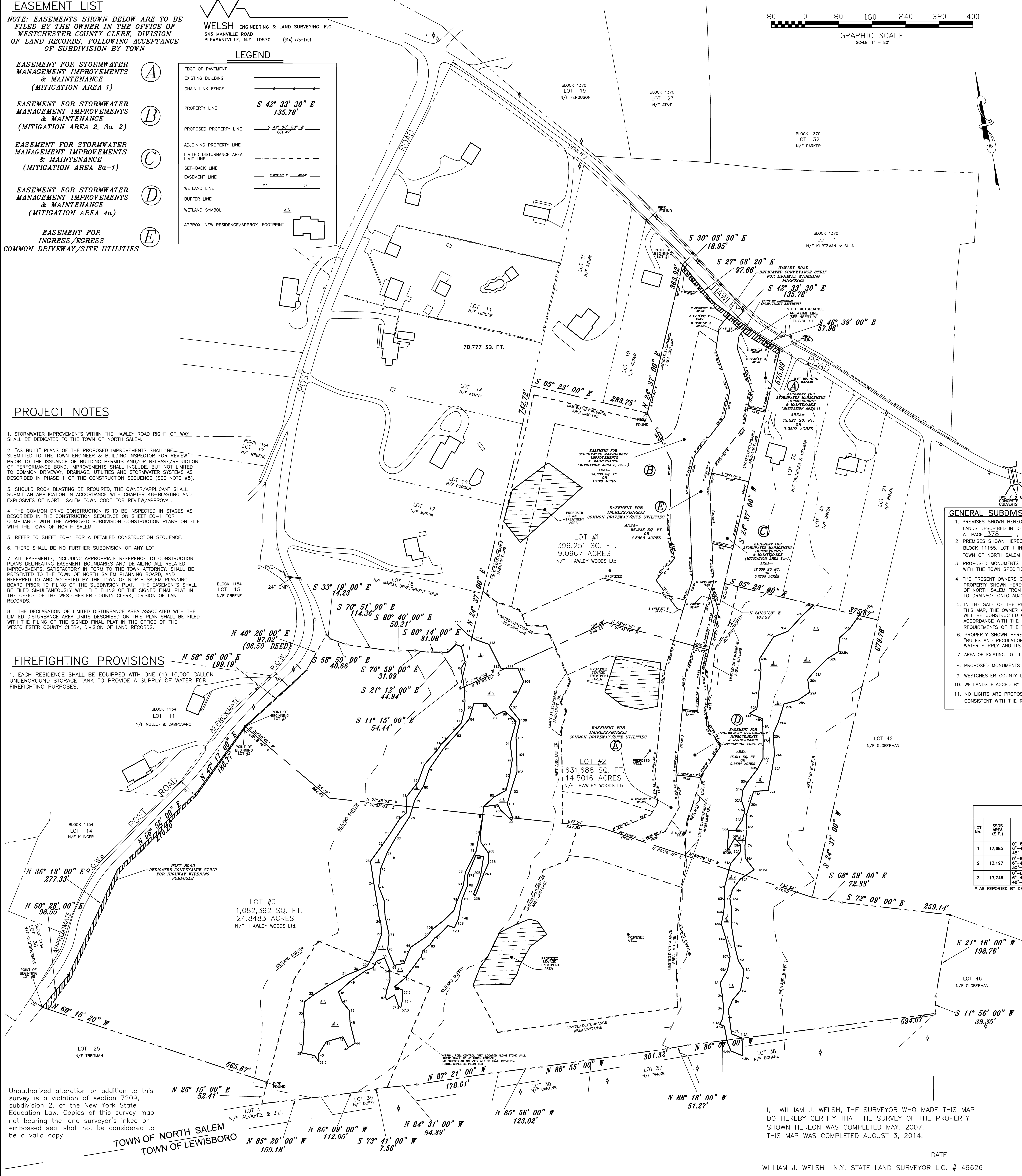


TABLE OF BEARINGS & DISTANCES		
FOR LIMITED DISTURBANCE AREA		
LINE	BEARING	DISTANCE
A.	$S30^{\circ}01'20''\ E$	18.95'
B.	$S27^{\circ}53'20''\ E$	97.66'
C.	$S42^{\circ}33'30''\ E$	135.78'
D.	$S46^{\circ}39'00''\ E$	57.96'
E.	$S24^{\circ}37'00''\ W$	575.09'
F.	$S65^{\circ}23'00''\ E$	32.87'
G.	$S24^{\circ}33'30''\ W$	88.50'
H.	$S40^{\circ}13'25''\ W$	67.46'
I.	$S19^{\circ}05'15''\ W$	161.36'
J.	$S02^{\circ}07'36''\ W$	32.86'
K.	$S23^{\circ}09'57''\ E$	50.03'
L.	$S44^{\circ}01'58''\ W$	82.83'
M.	$S28^{\circ}16'27''\ W$	77.65'
N.	$S39^{\circ}01'08''\ W$	37.93'
O.	$S16^{\circ}57'34''\ W$	52.94'
P.	$S06^{\circ}56'51''\ W$	30.41'
Q.	$S19^{\circ}23'36''\ W$	62.72'
R.	$S16^{\circ}57'23''\ W$	105.08'
S.	$S12^{\circ}57'25''\ W$	116.57'
T.	$S09^{\circ}29'58''\ W$	78.74'
U.	$N86^{\circ}55'55''\ W$	432.44'
V.	$N16^{\circ}20'39''\ W$	127.30'
X.	$N32^{\circ}42'58''\ E$	45.88'
Y.	$N46^{\circ}52'41''\ E$	31.83'
Z.	$N37^{\circ}19'35''\ E$	63.13'
A1.	$N74^{\circ}49'20''\ E$	46.54'
B1.	$N37^{\circ}21'34''\ E$	143.45'
C1.	$N80^{\circ}00'13''\ E$	61.08'
D1.	$N28^{\circ}46'28''\ E$	88.85'
E1.	$N72^{\circ}33'02''\ W$	38.05'
F1.	$N10^{\circ}43'36''\ E$	150.86'
G1.	$N09^{\circ}47'08''\ E$	66.69'
H1.	$N25^{\circ}06'37''\ E$	53.24'
I1.	$N27^{\circ}17'29''\ W$	22.51'
J1.	$N35^{\circ}33'22''\ E$	56.34'
K1.	$N12^{\circ}15'44''\ W$	145.68'
L1.	$N78^{\circ}08'32''\ W$	44.70'
M1.	$N16^{\circ}25'58''\ W$	42.91'
N1.	$N59^{\circ}27'49''\ W$	62.40'
O1.	$N30^{\circ}54'18''\ W$	25.58'
P1.	$N24^{\circ}37'00''\ E$	486.64'
Q1.	$S85^{\circ}23'00''\ E$	273.75'
R1.	$N24^{\circ}37'00''\ E$	383.92'

GENERAL SUBDIVISION NOTES

- PREMISES SHOWN HEREON IS COMPRISED OF LANDS DESCRIBED IN DEED LIBER 63563 AT PAGE 378, RECORDED 02-18-1983.
- PREMISES SHOWN HEREON WAS KNOWN AND DESIGNATED AS BLOCK 1155, LOT 1 IN ACCORDANCE WITH THE TOWN OF NORTH SALEM TAX ASSESSMENT ROLL (SHEET 44--BLOCK 1155--LOT1).
- PROPOSED MONUMENTS TO BE SET IN ACCORDANCE WITH THE TOWN SPECIFICATIONS.
- THE PRESENT OWNERS OR OWNER OF THE PROPERTY SHOWN HEREON RELIEVES THE TOWN OF NORTH SALEM FROM ANY DAMAGE DUE TO DRAINAGE ONTO ADJOINING PROPERTIES.
- IN THE SALE OF THE PROPERTY SHOWN ON THIS MAP, THE OWNER AGREES THAT THE BUILDINGS WILL BE CONSTRUCTED ON THE PLOT IN ACCORDANCE WITH THE BUILDING AND ZONING REQUIREMENTS OF THE TOWN OF NORTH SALEM.
- PROPERTY SHOWN HEREON IS SUBJECT TO THE "RULES AND REGULATIONS OF THE NEW YORK CITY WATER SUPPLY AND ITS SOURCES".
- AREA OF EXISTING LOT 1 IS 2,110,408 SQ. FT. OR 48.4483 ACRES.
- PROPOSED MONUMENTS ARE CROSS CUTS IN STONE OR CONCRETE POSTS.
- WESTCHESTER COUNTY DESIGNATION: SHEET 47, BLOCK 11155.
- WETLANDS FLAGGED BY MARY JAEHNG ON APRIL, 2007.
- NO LIGHTS ARE PROPOSED ALONG THE LENGTH OF THE COMMON DRIVEWAY CONSISTENT WITH THE RECOMMENDATIONS OF THE TOWN COMPREHENSIVE PLAN.

TABLE OF LOT AREAS		
LOT NUMBER	LOT AREA (SQ. FT.)	LOT AREA (ACRES)
1	396,252.25	9.0967
2	631,689.70	14.5016
3	1,082,391.95	24.8483
TOTAL	2,110,333.90	48.4466

S.S.D.S. CHART*												
LOT NO.	S.S.D.S. AREA (S.F.)	TEST PIT DESCRIPTION	SLOPE S.S.D.S. AREA (S.F.)	PERCENT RAIN RATE	WATER LEVEL	WATER LAYER	LENGTH OF FIELDS	BANK RUN FILL	CURTAIN DRAIN	REMARKS		
1	17,685	0'-6" Topsoil 48"-84" Brown Medium Sandy Loam 48"-84" Grey Med. Coarse Sand w/ Stones	3.0	10	-	7'-0"	560	112	-	-	-	Pumping Required
2	13,197	0'-6" Topsoil 0'-42" Brown Sandy Loam 30"-84" Brown Med. to Fine Sand	9.85	4	-	5'-6"	420	84	2'-0"	1,350	-	Pumping Required
3	13,746	0'-6" Topsoil 0'-64" Brown Medium Sandy Loam 45"-84" Grey Med. Coarse Sand w/ Stones	9.85	6	-	7'-0"	500	100	-	-	-	Pumping Required

* AS REPORTED BY DESIGN ENGINEER

Approved by resolution of the Planning Board of the Town of North Salem

Chairman Date

Secretary Date

Owner:
HAWLEY WOODS LTD.

Owner Date

PERMITTED NUMBER OF DWELLINGS--4 ACRE ZONE			
AREA (ACRES)	X	DENSITY FACTOR	PERMITTED NUMBER OF DWELLINGS
48.44		0.25	12.11 (12)

WESTCHESTER COUNTY DEPARTMENT OF HEALTH
NORTH SALEM, NEW YORK

APPROVED PURSUANT TO CHAPTER 873, ARTICLE X, SECTIONS 873.951 AND 873.1021 AND ARTICLES VII AND VIII OF THE WESTCHESTER COUNTY SANITARY CODE SUBJECT TO THE PROVISION OF WATER SUPPLY AND SANITARY SEWER FACILITIES TO SERVE EACH HABITABLE BUILDING HEREINAFTER CONSTRUCTED. THESE FACILITIES ARE TO BE INSTALLED IN ACCORDANCE WITH LAND IMPROVEMENT PLANS AND SPECIFICATIONS APPROVED BY AND FILED IN THIS OFFICE PRIOR TO THE CONSTRUCTION OF SUCH BUILDING.

EACH PURCHASER OF PROPERTY SHOWN HEREON SHALL BE FURNISHED A TRUE COPY OF THIS PLAT SHOWING THIS ENDORSEMENT. ANY ERASURES, CHANGES, ADDITIONS OR ALTERATIONS OF ANY KIND, EXCEPT THE ADDITION OF SIGNATURES OF OTHER APPROVING AUTHORITY AND THE DATE THEREOF MADE ON THIS PLAN AFTER THIS APPROVAL, SHALL INVALIDATE THIS APPROVAL.

APPROVED BY:
ASSISTANT COMMISSIONER OF HEALTH ON BEHALF OF THE
DEPARTMENT OF HEALTH

PRELIMINARY SUBDIVISION PLAT

SURVEY PREPARED FOR:		PROJECT NO.	
HAWLEY WOODS LTD.		09047/M505.00	
DATE: 12/1/14		JOB NO.	
CHK BY: W.J.W.		M50502	
DRAWN BY: J.H.		SHEET NO.	
SCALE: 1" = 80'		1 OF 1	
		CAD FILE:	
		M50502_SUB14.DWG	

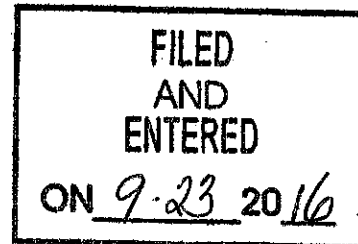
I, WILLIAM J. WELSH, THE SURVEYOR WHO MADE THIS MAP DO HEREBY CERTIFY THAT THE SURVEY OF THE PROPERTY SHOWN HEREON WAS COMPLETED MAY, 2007. THIS MAP WAS COMPLETED AUGUST 3, 2014.

DATE:

WILLIAM J. WELSH N.Y. STATE LAND SURVEYOR LIC. # 49626

Rev: 4/10/15

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER



-----X
In the Matter of the Application of

ADAM ROSE, as a taxpayer in
The Town of Lewisboro

Plaintiff/Petitioner,

DECISION & ORDER
INDEX NO. 1614-2016

-against-

TOWN OF LEWISBORO PLANNING BOARD,
TOWN OF LEWISBORO, JOCELYN HAYES,
CHRISTOPHER HAYES and JANET STEIN

Defendants/Respondents,
-----X

MINIHAN, J.

The following papers numbered 1 to 15 were considered on this petition:

Summons/Verified Petition & Complaint /Exhibits	1-3
Affirmation of Darius P. Chafizadeh, Esq.	4
Affidavit of Adam Rose/Memorandum of Law in Opposition	5-6
Certified Record of Proceedings	7
Notice of Motion/Motion to Dismiss/Reply Affirmation and Reply Memorandum of Law by Town of Lewisboro Planning Board and Town of Lewisboro	8-11
Notice of Motion/Motion to Dismiss/Reply Affirmation and Reply Memorandum of Law by Jocelyn Hayes, Christopher Hayes and Janet Stein	12-15

Upon the foregoing papers, for the reasons articulated hereinafter, the petition/complaint is denied and dismissed insofar as the petitioner has failed to demonstrate standing to challenge the resolution dated February 23, 2016 (Petition, Exhibit "A") passed by the respondent Town of Lewisboro Planning Board.

Factual and Procedural Background

Petitioner, as a taxpayer, brings this combined Article 78 proceeding and declaratory action pursuant to CPLR 3001 and NY Town Law § 268 (2) seeking to annul the resolution dated February 23, 2016 (Petition, Exhibit "A") passed by the respondent Town of Lewisboro Planning Board that granted a preliminary division plat approval and final subdivision plat approval to respondents, Jocelyn Hayes and Janet Stein ("applicant-respondents"), approving a subdivision of 67.5 acres of property located at N. Salem Rd. (NYS Route 121) and Todd Road designated as sheet 15, block 10533, lots 7, 8 and 9 ("the premises").

The petitioner is the owner of property located at 188 North Salem Road, Cross River, New York in the Town of Lewisboro which lies adjacent and contiguous to lot 7 of the premises. Petitioner is also the owner of property located at 161 North Salem Road, Cross River, New York (also referred to as the "AP Farm") in the Town of Lewisboro which lies across the street from the premises. Petitioner owns approximately 56 acres of property in total. Respondents Christopher Hayes and Jocelyn Hayes are the owners of lot 29 which lies adjacent to the premises also designated on the Town of Lewisboro Tax Map as sheet 15, block 10533, lot 29 (see deed dated October 2, 2008 at Exhibit "C").

Petitioner claims that the resolution passed by the Board granting a preliminary division plat approval and final subdivision plat approval for the premises a "3-lot subdivision;" is in fact an illegal 4-lot subdivision since it includes a substandard/non-conforming lot (lot 29) that only consists of 2.126 acres falling short of the required minimum 4-acre zoning within the R-4A zoning district.

According to petitioner lots 7, 8, 9 and 29 are tax lots and not zoning lots. As such, tax lots are created by deed and never subdivided for zoning purposes and thus cannot be zoning lots. Petitioner contends that the applicant-respondents sought subdivision approval for years and points to a letter dated June 22, 2015 explaining the history of the project which was initially submitted to the Board in connection with the construction of a dance studio/pool house addition to an existing on-site accessory structure on lot 9 (see Exhibit "C"). The letter states that it was determined that lot 9 was originally created by deed and never formally subdivided hence the applicants were before the Board to formally subdivide the property and reposition the lot lines (see Exhibit "C").

According to petitioner, lots 7 and 8 consist of vacant land; lot 9 contains a single-family residence and lot 29 consisting of 2.126 acres (as opposed to the required 4-acre minimum) contains a single-family residence with other improvements. Petitioner alleges that the applicant-respondents realized that the tax lots were not legal zoning lots and proposed a 3-lot subdivision failing to identify lot 29 as a separate lot (the non-conforming zoning lot) but rather merging it as part of the subdivision application in a clear attempt to avoid the requirements of the Town Code.

By letter dated July 5, 2006, respondents submitted the initial application for preliminary review to the Board apparently in order to achieve the setbacks for an accessory pool house structure located on lot 9. The Board determined that in order to effectuate a lot line change as opposed to seeking variance relief respondents would need an approved subdivision plat demonstrating that lots 7, 8 and 9 were previously subdivided by deed. The Board's consultants met with the respondents' architect which eventually led to the Board conducting a site walk of the premises on June 17, 2010.

On September 22, 2015, applicant-respondents submitted the application for a preliminary subdivision plat approval to the Board, which was set down for a public hearing. An application for final subdivision plat approval (step III) dated October 29, 2016 was submitted to the Board. On November 17, 2015, public hearings commenced and were closed on December 15, 2015.

On February 23, 2016, by a vote of 3 to 0, the Board issued a State Environmental Quality Review Act ("SEQRA") negative declaration which determined that the subdivision had no significant environmental impact. The negative declaration noted that the resulting subdivision and lot line reconfiguration would result in a zoning compliant side yard setback associated with the detached garage and recreation building on lot 9. On February 23, 2016, the Board approved the resolution of preliminary subdivision plat approval and final subdivision plat approval.

Petitioner contends that the resolution "creates, yet ignores lot 29" as a zoning lot and that any reasonable review of the approved subdivision demonstrates that lot 29 is most certainly part of the "3-lot subdivision application." Petitioner argues that because the Board is governed by the provisions of the NY Town Law § 267 and § 268 (2), Town of Lewisboro Code § 195 including the zoning code, the Board was required to reject the application because the plat fails to comply with the zoning law. Petitioner argues that in this case, the Board had no power to waive the 4-acre minimum lot zoning requirement as it relates to lot 29. Petitioner points to the "existing conditions map" which he states demonstrates that the land-locked lot 9 is directly adjacent to the land-locked lot 29, referred to as "N/F Levine" on the map (*see* "existing conditions map" at sheet one, Petition, Exhibit "B"). Petitioner claims without the proposed easement lot 29 would have no access to Route 121 so therefore the easement further demonstrates that the applicants as well as the Board analyzed and approved an easement with an eye toward lot 29 as a separate lot.

Petitioner claims that the resolution similarly ignores identifying lot 29 as a separate lot as it is merely referenced as: "existing driveway that serves lot 9 and also serves an adjacent developed lot located immediately to the east of lot 9 and adjacent to NYS Route 121 (Jocelyn Hayes and Christopher Hayes, record owners)" (Petition, Exhibit "A", p. 2). Petitioner claims that the "adjacent developed lot" referred to in the resolution is in fact lot 29 which is actually owned by the applicant-respondents' family despite their protestations¹.

¹Petitioner claims that lot 29 is really owned by the same family so to say that it is separately owned and not part of the subdivision is disingenuous. Petitioner argues that the applicant-respondents have falsely claimed in a letter to the Board that lot 29 (referred to on the

Petitioner brings three causes of action: 1) seeking to overturn the resolution in that it is illegal, arbitrary and capricious; 2) seeking a declaratory judgment declaring that the resolution is a legal and an *ultra virus* act which illegally usurped the authority and power of the Town of Lewisboro Zoning Board of Appeals since the Board was without the power to approve a subdivision, which includes a non-conforming lot absent variances granted by the Zoning Board of Appeals which variances have not been granted in this case; and 3) and that the resolution must be annulled as arbitrary and capricious since there are multiple violations on the premises.

By motion to dismiss, respondents Jocelyn Hayes, Janet Stein and Christopher Hayes move to dismiss the petition pursuant to CPLR 7804 (f), 3211 (a)(1), (3) and (7) on the grounds that petitioner lacks standing as he fails to allege any actual harm different from that of the public at large and fails to state a cause of action. Respondents first maintain that petitioner, as a taxpayer, has suffered no injuries as he has failed to demonstrate any direct harm that is different from the public at large. Respondents claim that the modest redrawing of lot lines for lots which were originally created by separate deeds dating as far back as the 1930s was simply to render one of these lots zoning compliant without the need for any variance relief by the Town Zoning Board of Appeals.

Respondents Jocelyn Hayes, Christopher Hayes and Janet Stein argue that the Board did not abuse its authority by granting subdivision approval and the approval is not for the construction of any building or improvement and does not alter the land. Should respondents choose to erect any structures in the future, it would be subject to the planning board process which is a condition of the resolution (*see* Resolution at Petition, Exhibit "A") where petitioner would have an opportunity to submit objections and be heard at public hearings. Even if petitioner could overcome the standing issue, respondents claim he fails to state a claim since the only lots subject to the subdivision application, which merely sought to adjust lot lines, were those created by deed (lots 7, 8 and 9) and are owned by respondents Jocelyn Hayes and Janet Stein (Exhibit "C"). Contrary to petitioner's allegations identifying lot 29 as the "4th lot," lot 29 was not created by the subdivision, but rather is separately owned by respondents Jocelyn Hayes and Christopher Hayes (husband-and-wife), the latter of whom did not make an application to the Board. Respondents dispute that lot 29 is not zoning compliant in any event and argue that it is irrelevant since it was not part of any subdivision application and has no bearing to this proceeding.

Respondents also contend that petitioner's argument that the Board was without authority to approve the subdivision based on alleged existing violations is without merit. Respondents state that the Board found that the alleged violations did not exist concerning lots 7, 8 and 9, and in any event, petitioner has failed to exhaust his administrative remedies by appealing the building inspector's ruling to the Board, so therefore this issue is not properly raised in this proceeding.

subdivision map as the "N/F Levine premises") not part of the subdivision application (*see* Exhibit "F") and this theory is without merit.

By motion to dismiss, the Town of Lewisboro and the Town of Lewisboro Planning Board join in the co-respondents' dismissal application and move to dismiss the petition pursuant to CPLR 7804 (f), 3211 (a)(3), (5) and (7) on the grounds that petitioner lacks standing and fails to state a cause of action. The Board maintains that petitioner has failed to proffer let alone establish that he will incur direct or tangible harm as a result of the subdivision approval that is different to the public at large. The Town seeks dismissal of the petition for failing to state a cause of action since the actions complained of are exclusive to the Planning Board and as a result no relief lies against the Town.

By affidavit, petitioner opposes the respondents' pre-answer motions to dismiss the combined article 78 proceeding and declaratory judgment action and argues that because he is the owner of the property that is directly adjacent and contiguous to the proposed subdivision and the owner of the AP Farm that lies across the street he will be uniquely, substantially and adversely affected by the illegal subdivision of the premises as approved by the resolution. Specifically, petitioner contends that he has standing as he will suffer harm different than the public at large simply by the fact that he owns property contiguous to the illegal subdivision. Petitioner alleges that he set forth the harm in more detail at the hearings and requests that the transcripts from the hearings be submitted by the Town prior to any decision to be rendered on standing.

Generally, petitioner contends that the record demonstrates that the subdivision will require an increased width driveway that will service the premises, which will impact him differently than anyone else in Town. Petitioner also points to aerial photos (Affidavit in Opposition, Exhibit "G") which he believes contain pictures of a minimum of 6-9 illegal residential units which the resolution fails to address. To that end, he maintains that the record supports that the applicant-respondents have a long history with the Town of performing construction work without proper building permits creating multiple illegal dwellings and units on lot 9 that fly in the face of the only certificate of occupancy for this lot. As a result of the illegal subdivision and other illegal dwellings on the premises, the value of petitioner's property will be negatively impacted. Furthermore, petitioner states that the illegal subdivision will result in increased noise, increase traffic and degradation of the immediate neighborhood. Thus, petitioner contends that he has standing to challenge the resolution.

Legal Analysis

In determining a motion to dismiss for lack of standing, a court is limited to examining the petition and all of the allegations contained therein are to be deemed true (*Matter of John John, LLC v Planning Bd. of Town of Brookhaven*, 15 AD3d 486 [2d Dept 2005]); see also *10 East Realty LLC v Incorporated Village of Valley Stream*, 17 AD3d 472, 473 [2d Dept 2006]; *Manzi v Town of Riverhead*, 17 AD3d 590, 594 [2d Dept 2005]). Moreover, in the determination of such a motion, the petitioner is to be accorded the benefit of every possible inference (*10 East Realty LLC v Incorporated Village of Valley Stream*, 17 AD3d 472, 473 (2d Dept 2006)).

Whether a person seeking relief is a proper party to request an adjudication is an aspect of justiciability which, when challenged, must be considered at the outset of any litigation (*Matter of Dairylea Cooperative, Inc. v Walkley*, 38 NY2d 6, 9 [1975]). Standing is a threshold determination and the issue as to whether the person seeking relief is a proper party must be considered at the outset of a proceeding (*Society of Plastics Indus. v County of Suffolk*, 77 NY2d 761, 769 [1991]). The burden to establish standing is on the party seeking review and that an issue may be a "vital public concern" does not automatically entitle a party to standing (see *Society of Plastics Indus. v County of Suffolk*, 77 NY2d 761, 769 [1991]; see also *Matter of Long Island Pine Barrens Soc., Inc. v Planning Bd. of the Town of Brookhaven*, 213 AD2d 484, 485 [2d Dept 1995]).

To establish taxpayer standing in a proceeding pursuant to CPLR Article 78, a petitioner must show that he will suffer an injury in fact that is distinct from that of the general public (see *Matter of Transactive Corp. v New York State Dept. of Social Servs.*, 92 NY2d 579, 587 [1998]; see also *Society of Plastics Indus. v County of Suffolk*, 77 NY2d 761, 774 [1991]; *Matter of Meehan v County of Westchester*, 3 AD3d 533 [2d Dept 2004]). "The existence of an injury in fact--an actual legal stake in the matter being adjudicated--ensures that the party seeking review has some concrete interest in prosecuting the action which casts the dispute 'in a form traditionally capable of judicial resolution' "(*Society of Plastics Indus. v County of Suffolk*, 77 NY2d 761, 773 [1991]). Thus, a private citizen who does not show any special rights or interests in the matter, other than those common to all taxpayers and citizens, has no standing to sue (see *Kadish v Roosevelt Raceway Assocs.*, 183 AD2d 874 [1992]); see also *Matter of Meehan v County of Westchester*, 3 AD3d 533 [2d Dept 2004]). However, "standing principles . . . should not be heavy-handed; in zoning litigation in particular, it is desirable that land use disputes be resolved on their own merits rather than by preclusive, restrictive standing rules" (*Matter of Sun-Brite Car Wash, Inc. v Bd. of Zoning and Appeals of the Town of N. Hempstead*, 69 NY2d 406, 413 [1987]; *Zupa v Paradise Point Assoc.*, 22 AD3d 843, 844 [2d Dept 2005]).

In land use matters where the petitioner's property is in close proximity to the property that is the subject of the administrative action, this close proximity alone may give rise to an inference of damage to petitioner without pleading and proving special damage (*Matter of Sun-Brite Car Wash, Inc. v Bd. of Zoning and Appeals of the Town of N. Hempstead*, 69 NY2d 406, 414 [1987]; *Zupa v Paradise Point Assoc.*, 22 AD3d 843, 844 [2d Dept 2005]; *Rediker v Zoning Bd. of Appeals of the Town of Philipstown*, 280 AD2d 548, 550 [2d Dept 2001]). Merely being an adjacent landowner does not automatically provide standing in every instance (*Matter of Sun-Brite Car Wash, Inc. v Bd. of Zoning and Appeals of the Town of N. Hempstead*, 69 NY2d 406, 413 [1987]; *Zupa v Paradise Point Assoc.*, 22 AD3d 843, 844 [2d Dept 2005]). A neighbor must also demonstrate that his or her interest is within the "zone of interest" protected by the zoning laws to establish standing to enjoin a zoning ordinance violation (see *Matter of Sun-Brite Car Wash v Board of Zoning & Appeals of Town of N. Hempstead*, 69 NY2d 406, 410 [1987]; *Matter of Long Island Business Aviation Assoc., Inc. v Town of Babylon*, 29 AD3d 794, 795 [2d Dept 2006]; *Zupa v Paradise Point Assoc.*, 22 AD3d 843, 844 [2d Dept 2005]).

The test is whether the neighbor is close enough to suffer some harm other than that experienced by the public generally and “even where petitioner's premises are physically close to the subject property, an ad hoc determination may be required as to whether a particular petitioner itself has a legally protectable interest so as to confer standing” (*Matter of Sun-Brite Car Wash, Inc. v Bd. of Zoning and Appeals of the Town of N. Hempstead*, 69 NY2d 406, 414 [1987]; *Matter of Harris v Town Bd. Of Town of Riverhead*, 73 AD3d 922 [2d Dept 2010]).

Accepting petitioner's allegations as true, which this court must on the motions to dismiss, petitioner's claim of standing based on the proximity of his property is unavailing. Although “an allegation of close proximity alone may give rise to an inference of damage or injury that enables a nearby owner to challenge a ... board decision without proof of actual injury” (*Matter of Sun-Brite Car Wash, Inc. v Bd. of Zoning and Appeals of the Town of N. Hempstead*, 69 NY2d 406, 414 [1987]), “[t]he status of neighbor does not ... automatically provide the entitlement, or admission ticket, to judicial review in every instance” (*Id* at 414). Here, petitioner has not articulated that he is within close enough proximity to the subdivided premises nor has he alleged any specific concrete injuries that he will suffer different from the public at large based solely on the proximity to the premises particularly in light of the fact that the properties owned by him total approximately 56 acres (Petition, ¶ 19)(*Radow v Board of Appeals of Town of Hempstead*, 120 AD3d 502 [2d Dept 2014])(Petitioners residing .69 miles away from the subject beach club were not entitled to a presumption of injury); *Rediker v Zoning Bd. of Appeals of the Town of Philipstown*, 280 AD2d 548, 550 [2d Dept 2001])(Petitioners living approximately one-third of a mile from the proposed cell tower were not entitled to an inference of injury).


Petitioner contends that the AP Farm is located across the street from the subdivision however he fails to articulate how far it is from the subdivision or any specific harm that he would suffer different from the public at large as a result of the subdivision. So too, petitioner fails to articulate specific harm that he would suffer as to his property located at 188 North Salem Road. Although 188 North Salem Road lies adjacent and contiguous to lot 7 of the premises, petitioner fails to allege where his residence is located within the 56 acres of property in relation to the subdivision or that his property lies close enough to the subdivision to be impacted (*Matter of Harris v Town Bd. Of Town of Riverhead*, 73 AD3d 922 [2d Dept 2010]; cf. *Matter of McGrath v Town Bd. of the Town of N. Greenbush*, 254 AD2d 614, 616 [3d Dept 1998] (presumption of injury established where petitioner's property was within 500 feet of subject site). Petitioner's arguments concerning standing merely based on proximity would essentially negate the element of a distinct injury, and such a strained interpretation of the requirement finds no support in the case law (*Rediker v Zoning Bd. of Appeals of the Town of Philipstown*, 280 AD2d 548, 550 [2d Dept 2001]). In sum, the proximity of petitioner's properties to the proposed subdivision is insufficient, without more, to confer standing; actual injury must be shown (*Matter of Sun-Brite Car Wash, Inc. v Bd. of Zoning and Appeals of the Town of N. Hempstead*, 69 NY2d 406, 409-410 [1987]).

To that end, petitioner has failed to demonstrate any improvements that have been proposed or granted by the resolution that will impact the noise, traffic flow or his property values as no change to the land itself has been demonstrated. The speculative harm that petitioner claims that will result from the increased noise and traffic generated by the subdivision do not afford standing, for they are no different in kind or degree from that suffered by all in the general vicinity (*Eastview Properties, Inc. v Town of Chester Planning Board*, 138 AD3d 838 [2d Dept 2016]; *Park v Town of New Windsor Zoning Bd. of Appeals*, 26 NYS3d 588 [2d Dept 2016]; *CPD N.Y. Energy Corp. v Town of Poughkeepsie Planning Bd.*, 139 AD3d 942 [2d Dept 2016]; 24 Carmody-Wait 2d § 145:244 and § 145:1498 [2016]). Even if petitioner's allegations are true, he has not substantiated that he will incur any specific particularized concrete injury distinguishable to him resulting from the creation of the subdivision as approved by the terms of the resolution (*Matter of Harris v Town Bd. Of Town of Riverhead*, 73 AD3d 922 [2d Dept 2010]). To that end, his specious claims of proposed harm are not ripe since the resolution specifically provides that any improvement or building will be subject to administrative review and approval. Similarly, petitioner has not demonstrated any particularized harm resulting from lot 29 insofar as he asserts injuries for standing in that he has failed to demonstrate that lot 29 is part of the resolution.

It is hereby ORDERED, since petitioner has failed to establish standing, the petition cannot proceed to the merits and the combined Article 78 and declaratory judgment causes of action are dismissed. It is further ORDERED that respondents' motions to dismiss as to standing are granted (*Matter of Harris v Town Bd. Of Town of Riverhead*, 73 AD3d 922 [2d Dept 2010]).

The foregoing constitutes the opinion, decision and order of this Court.

Dated: White Plains, New York

 SEPTEMBER 23 2016


Honorable Anne E. Minihan, A.J.S.C.

TO:

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TOWN OF LEWISBORO
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PETER H. PARSONS, SUPERVISOR

September 15, 2016

Preet Bharara, United States Attorney
David J. Kennedy, Assistant U.S. Attorney
Tara LaMorte, Assistant U.S. Attorney
U.S. Department of Justice
86 Chambers Street
New York, New York 10007

Dear Mr. Bharara, Mr. Kennedy and Ms. LaMorte:

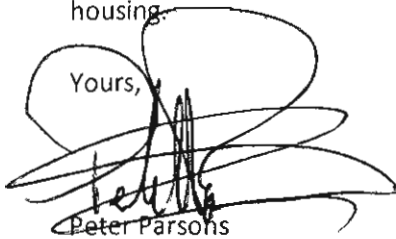
Attached are the Town of Lewisboro's responses to your letter of June 30, 2016, requesting information on the Town's Zoning code and specifically on opportunities for affordable housing in the Town.

Recent developments worthy of note are:

1. **On September 16, 2016, the Town Board passed a zoning amendment intended to permit the establishment of Accessory Apartments as-of-right.** The Board believes that this will expand the potential creation of accessory apartments in line with the Federal Monitor's comments on Lewisboro in his April 28, 2016, report.
2. **Progress in the creation of Affordable Units.** Six units are currently on offer by the Affordable Action Council, and ten others are under active consideration. This progress is consistent with our prediction in my June 18, 2013, letter to the Monitor that the most likely way forward for affordable units in Lewisboro was via conversion of existing housing stock.
3. **Expansion of the area zoned to allow multi-family housing as of July 13, 2015, to include a significant amount of undeveloped land.** This was recognized in the Monitor's April 28, 2016, report in which it was stated "that Lewisboro should be given substantial credit for this". It should be noted that the Planning Board is currently considering an application to build 45 affordable units in the re-zoned area.
4. **In addition, there is an implication on Page 125 of the Monitor's report filed on September 13, 2013, that Accessory Apartments are not permitted over retail businesses.** In fact, they have been permitted for many years and can be found on the second floor of more than a few stores in Town. One was recently approved at 475 Smith Ridge Road in Vista.

I will make myself available at your convenience to discuss Lewisboro's progress in creating affordable housing.

Yours,

A large, stylized handwritten signature in black ink, appearing to read 'Peter Parsons', is written over the 'Yours,' and extends into the name and title below.

Peter Parsons
Supervisor

cc: James E. Johnson, Monitor
Robert Meehan, Esq., County Attorney
Carolyn Stevens, Esq. .

Requests # 1 & #2

- A.** The Zoning regulations for Lewisboro can be found in Chapter 220 of the Town Code which is linked to the Town's website at: www.lewisborogov.com
- B.** The most recent Zoning Map of the Town can also be found in the Town Code. The map does not reflect the 7/13/15 amendment to the code which expanded the Multi-Family Zone to include Commercial and Business areas.
- C.** Attached is Local Law #7 -- 2015 which expanded the area in which Multi-Family housing is permitted to include all Retail Business, General Business, Service Utility and Commercial Districts.
- D.** Attached is Local Law #3 -- 2015 which permitted Bed-and-Breakfast establishments as special uses.
- E.** Attached is the amended Accessory Apartment law passed on 09/12/2016. This is the only Local Zoning Law not included in the version available on the Town website.
- F.** The most recent Town Master Plan completed on May 24, 1985 can be searched for under "Master Plan" on the Town website.

TOWN OF LEWISBORO

LOCAL LAW NUMBER 7-2015 OF THE TOWN OF LEWISBORO

AMENDMENT TO CHAPTER 220, SECTIONS 220-2, 220-24, AND 220-26 OF THE
LEWISBORO TOWN CODE

BE IT ENACTED by the Town Board of the Town of Lewisboro, Westchester County, New York, as follows:

Section 1. Chapter 220, Section 220-2(B), entitled "Definitions and word usage," is hereby amended to add the following definition to read as follows:

§ 220-2. Definitions and word usage.

B. For the purposes of this chapter only, certain words and terms used herein are defined as follows:

AFFORDABLE AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) UNIT – A for-purchase housing unit that is affordable to a household whose income does not exceed 80% of the area median income (AMI) for Westchester as defined annually by the U.S. Department of Housing and Urban Development (HUD) and for which the annual housing cost of a unit including common charges, principal, interest, taxes and insurance (PITI) does not exceed 33% of 80% AMI, adjusted for family size. A rental unit that is affordable to a household whose income does not exceed 60% AMI and for which the annual housing cost of the unit, defined as rent plus any tenant paid utilities, does not exceed 30% of 60% AMI adjusted for family size.

Section 2. Chapter 220, Subsections A(1), B(1), C(1), and D(1) of Section 220-24, entitled "Schedule of regulations for nonresidential districts," is hereby amended to read as follows:

§ 220-24. Schedule of regulations for nonresidential districts.

A. Permitted uses in CC-20 Districts.

- (1) Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter. Permitted principal uses are as follows:
 - (a) Any principal use, including special permit uses, permitted in the R-4A District as regulated therein.
 - (b) Multifamily dwellings, subject to the requirements of §220-26 of this chapter.
 - (c) Separate dwelling unit or units on floors above any permitted principal nonresidential use if separated by un-pierced fire walls and ceilings and provided with an exterior entrance separate from the nonresidential use.
 - (d) Office buildings for business, governmental or professional use.

- (e) *Research laboratories.
- (f) *Manufacturing, fabricating, finishing or assembling or products.

NOTE: * Indicates special permit uses subject to special permit review and approval procedures in § 220-32 and to requirements specified in Article V.

B. Permitted uses in SU Districts.

- (1) Permitted principal uses. All uses must be conducted from fully enclosed structures except as may be otherwise expressly provided in this chapter or as may be approved by the Planning Board as part of site development plan review. Permitted principal uses are as follows:

- (a) Any principal use, including special permit uses, permitted in the R-4A District as regulated therein.
- (b) Multifamily dwellings, subject to the requirements of §220-26 of this chapter.
- (c) Any facility required for transmission, treatment or temporary storage of electricity, gas, water, sewage, steam, refuse, cable television, telephone service and telegraph service, except a communication facility as defined in this chapter. Such facilities shall include but not be limited to electric transformers, pumping stations and reservoir structures.

C. Permitted uses in RB Districts.

- (1) Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter. Permitted principal uses are as follows:

- (a) Stores and shops for the conduct of retail businesses, but excluding automobile service.
- (b) Multifamily dwellings, subject to the requirements of §220-26 of this chapter.
- (c) Full-service restaurants and taverns, excluding fast-food restaurant establishments and outdoor counter, drive-in or curb service.
- (d) Limited-service carry-out restaurants including 10 or fewer seats.
- (e) *Limited-service carry-out restaurants including more than 10 seats.
- (f) Grocery stores, food markets, health-food stores and supermarkets.
- (g) Personal service businesses, such as but not limited to, hairdressers, shoemakers and tailors, serving the public directly.
- (h) Professional, banking, governmental and business offices.
- (i) Indoor recreation facilities.
- (j) Separate dwelling unit or units on floors above any permitted principal nonresidential use if separated by un-pierced fire walls and ceilings and provided with an exterior entrance separate from the nonresidential use.
- (k) Any principal use, including special permit uses, permitted in the R-2F-10 District as regulated herein.
- (l) *Laundry, dry-cleaning, furniture stripping/refinishing and photo/printing

- processing establishments.
- (m) *Gasoline service stations.
- (n) Child day care provided that child day care shall at all times comply with any applicable New York State laws and regulations. All child day-care centers, group family day-care homes, family day-care homes and school-age child-care programs shall register with and furnish proof of current New York State approval to the Building Department of the Town of Lewisboro.

NOTE: * Indicates special permit uses subject to special permit review and approval procedures in § 220-32 and to requirements specified in Article V.

D. Permitted uses in GB Districts.

- (1) Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter. Permitted principal uses are as follows:

- (a) Any principal use, including special use permit uses, permitted in the RB District as regulated therein.
- (b) Multifamily dwellings, subject to the requirements of §220-26 of this chapter.
- (c) Sales and service agencies for motor vehicles, provided that any outdoor storage or display of vehicles offered or intended for sale complies with the requirements for accessory outdoor storage or display. Overnight outdoor storage of vehicles awaiting servicing shall be limited to the number of parking spaces designated for such use on an approved site development plan.
- (d) Landscape nurseries.
- (e) Storage and sale of building materials, provided that any outdoor storage or display complies with the requirements for accessory outdoor storage or display.
- (f) *Commercial kennels.
- (g) *Fast-food establishments.
- (h) *Manufacturing, fabricating, finishing or assembling of products and research laboratories.

NOTE: * Indicates special permit uses subject to special permit review and approval procedures in § 220-32 and to requirements specified in Article V.

Section 3. Chapter 220, subsections A, B(1), B(2), B(5), D, D(3), and E(2) of Section 220-26, entitled "R-MF Multifamily residence District," are hereby amended to read as follows:

§ 220-26. R-MF Multifamily Residence District.

- A. Minimum site area. The lot upon which multifamily dwellings are to be constructed shall have a gross lot area of not less than 15 acres, except when located within the CC-20, SU, RB or GB zoning districts, in which case the minimum gross lot area shall be five (5) acres. When the lot in question is located within and served by a public water and sewer district of the Town of Lewisboro, the minimum gross lot area shall be 15,000 square feet, regardless of the underlying zone.
- B. Development density.
- (1) The average gross density shall not exceed two (2) density units per acre of net lot area. The area of any wetlands, water bodies, watercourses or steeply sloped land, as defined by § 220-21 of this chapter, shall first be identified and multiplied by a factor of 0.75. The resulting number shall then be deducted from the gross total lot area to yield the net total lot area to be used in calculating the maximum allowable development density.
 - (2) The Planning Board may authorize an increase in permitted density by not more than 50% if the applicant constructs at least 1/3 of the additional density units as middle-income dwelling units and/or affordable affirmatively furthering fair housing (AFFH) units, as defined in this chapter. The Planning Board shall base its determination of the appropriate number of additional density units upon consideration of the location and environmental suitability of the specific site and the proposed development design to accommodate such an increased density.
 - (5) The site plan for multifamily dwellings proposed to be constructed on property immediately adjacent to land located in a single-family residence district shall incorporate a density transition area. For purposes of this subsection, the "density transition area" is defined as land in an R-MF district, or a district in which multifamily dwellings are a permitted use, located within a prescribed distance of the boundary line between the R-MF district or other district in which multifamily dwellings are a permitted use, and a single-family residence district not located along a street right-of-way. The distance shall be equal to the minimum lot width applicable in the adjacent single-family residence district. Within such an area, the average gross development density shall not exceed one (1) density unit per acre of land area. The Planning Board may modify this requirement if existing features or land use reduce the need or substitute for the density transition area.
- D. Open space and recreation area. With the exception of lots located within the CC-20, SU, RB or GB zoning districts, at least 30% of the gross lot area shall be preserved as permanent open space, free of buildings and parking areas, and shall be landscaped or left in its natural state in accordance with plans approved by the Planning Board.
- (1) Character. Such areas shall encompass land having meaningful ecological, aesthetic and recreational characteristics, with access, shape, drainage, location, topography

and extent of improvements suitable, in the opinion of the Planning Board, for the intended purposes.

- (2) **Preservation.** Permanent preservation of such areas shall be legally assured, to the satisfaction of the Planning Board and the Town Attorney, by the filing of appropriate covenants, deed restrictions, easements or other agreements or the creation of a park district. Except for developments comprised solely of rental units and except where all or parts of such open space areas are deeded to and accepted by the Town of Lewisboro or a recognized conservation organization, ownership of such open space areas shall be divided equally among all property owners within the development, and a property owners association, membership in which shall be mandatory for all owners in the development, shall be incorporated, which association shall be responsible for maintenance, liability insurance and local taxes. Such association shall be empowered to levy assessments against property owners to defray the cost of maintenance, and to acquire liens, where necessary, against property owners for unpaid charges or assessments. In the event that the property owners' association fails to perform the necessary maintenance operations, the Town of Lewisboro shall be authorized to enter on such premises for the purpose of performing such operations and to assess the cost of so doing equally among all affected property owners.
- (3) **Recreation.** Except as provided below and regardless of the underlying zoning district, the project site shall be improved with common recreational facilities, such as swimming pools; tennis, basketball, volleyball and shuffleboard courts; playground equipment, etc., for the use of the residents of the premises and their guests, which facilities shall not be operated for profit. The minimum size of the recreation area shall total not less than 300 square feet per density unit. Where the Planning Board determines that a suitable recreation area of adequate size cannot be properly located on the project site, or is otherwise not practical, the Board may require as a condition of approval of any site development plan, a payment to the Town of a sum which shall constitute a trust fund to be used by the Town exclusively for neighborhood park, playground or recreation purposes, including the acquisition of property. Such sum shall be determined in accordance with a fee schedule established by resolution of the Town Board, and which shall be filed in the Office of the Town Clerk.

E. **Required parking.**

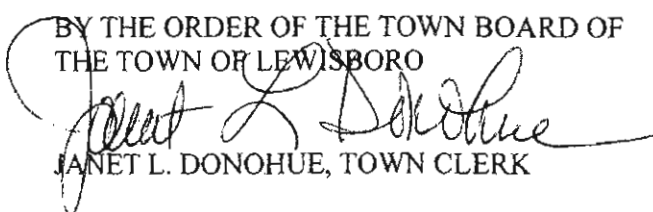
- (1) Parking spaces shall be provided in number and design according to the provisions of Article VII of this chapter.
- (2) The Planning Board may require, if deemed appropriate, the provision of a suitable screened parking area solely for the storage of boats, motor homes and similar recreational vehicles belonging to inhabitants of the development.

Section 4. If any provision of this Local Law is declared illegal, unconstitutional or unenforceable by a court of competent jurisdiction, the remainder of this Local Law shall be declared to have been separately adopted and shall remain in full force and effect.

Section 5. This local law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

Dated: July 13, 2015

BY THE ORDER OF THE TOWN BOARD OF
THE TOWN OF LEWISBORO



JANET L. DONOHUE, TOWN CLERK

Adopted: July 13, 2015
Published: July 16, 2015
Filed: July 31, 2015
Effective: July 31, 2015

LOCAL LAW NUMBER __-2015 OF THE TOWN OF LEWISBORO

SECTION 1: TITLE

This Local Law shall be known as 2015 amendment of Section 220-2(B), enactment of Sections 220-23(A)(18), 220-24(A)(1)(e), 220-24(B)(1)(c), 220-24(C)(1)(n), 220-24(D)(1)(h), and enactment of Section 220-43.3 of Chapter 220: Zoning.

SECTION 2: ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law __-2015 that this law shall take effect immediately upon its passage:

SECTION 3:

Section 220-2(B) of Chapter 220: Zoning, is hereby amended to add the definition of bed and breakfast establishments to read as follows:

§220-2. Definitions and word usage.

- B. For the purposes of this chapter only, certain words and terms used herein are defined as follows:

BED AND BREAKFAST ESTABLISHMENTS -- An owner occupied dwelling in which no more than three bedrooms are available as overnight accommodations paying, transient guests to whom a morning meal may be served.

SECTION 4:

Section 220-23(A)(18) of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-23. Schedule of regulations for residential districts.

- A. Permitted principal uses in R-4A, R-2A, R-1A, R-1/2A and R-1/4A Districts are as follows:

(18) *Bed and breakfast establishments.

SECTION 5:

Section 220-24(A)(1)(e) of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-24. Schedule of regulations for nonresidential districts.

A. Permitted uses in CC-20 Districts.

1. Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter. Permitted principal uses are as follows:

- (f) *Bed and breakfast establishments in existing residential buildings used for residential purposes, in accordance with §220-43.3.

SECTION 6:

Section 220-24(B)(1)(c) of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-24. Schedule of regulations for nonresidential districts.

B. Permitted uses in SU Districts.

1. Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter or as may be approved by the Planning Board as part of site development plan review. Permitted principal uses are as follows:

- (d) *Bed and breakfast establishments in existing residential buildings used for residential purposes, in accordance with §220-43.3.

SECTION 7:

Section 220-24(C)(1)(n) of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-24. Schedule of regulations for nonresidential districts.

C. Permitted uses in RB Districts.

1. Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter. Permitted principal uses are as follows:

- (n) *Bed and breakfast establishments in existing residential buildings used for residential purposes, in accordance with §220-43.3.

SECTION 8:

Section 220-24(D)(1)(h) of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-24. Schedule of regulations for nonresidential districts.

D. Permitted uses in GB Districts.

1. Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter.

Permitted principal uses are as follows:

- (h) *Bed and breakfast establishments in existing residential buildings used for residential purposes, in accordance with §220-43.3.

SECTION 9:

Section 220-43.3 of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-43.3. Bed and Breakfast establishments.

A. Purpose. It is the specific purpose and intent of this provision to address the need of residents to locate convenient accommodation for visitors, to provide local accommodation for short-term visitors to the community, to encourage preservation of large older dwellings by providing a cost-effective alternate or adaptive use that can relieve the maintenance burden on the owners of such buildings and to encourage the preservation of large residential lots and their open space character by permitting an alternative use consistent with the residential character of the community. Furthermore, it is the purpose and intent of this provision to provide economic support for present resident families, to protect and preserve property values, to ensure healthy and safe living conditions and to have more effective regulation and control of Town growth and development. In furtherance of these purposes, specific conditions are set forth herein for bed and breakfast establishments.

B. Bed and breakfast establishments shall be special uses as follows:

- (1) In addition to the specific requirements set forth herein, the property and the principal and accessory structures located thereon shall conform to the lot area, yard and other requirements for the zoning district in which the property and structures are located unless a variance therefor shall have been granted by the Board of Appeals.
- (2) The building housing a bed and breakfast establishment shall be an existing, detached single-family dwelling and its use as a bed and breakfast establishment shall not conflict with its appearance or function as such.
- (3) The minimum lot size on which a bed and breakfast establishment may be located is two (2) acres. A bed and breakfast establishment may be permitted

on a lot with a smaller area only if such lot is located in a nonresidential district, the Planning Board finds that a bed and breakfast establishment can be adequately accommodated within the existing principal dwelling building, that it will not overburden the property, and that it will be a use compatible with the surrounding properties.

- (4) The owner of the lot upon which the bed and breakfast establishment is to operate shall occupy and maintain the bed and breakfast establishment as his/her primary legal residence. The owner of the lot must reside in the premises at the time rooms are being used by guests.
- (5) The maximum number of bedrooms that may be available to overnight guests shall be three (3) bedrooms. The Planning Board shall be responsible for determining and limiting the number of bedrooms in each dwelling in connection with its review of the special use permit application.
- (6) Guests in such bed and breakfast establishment may reside in such establishment for a maximum of three (3) nights. The maximum occupancy of each guest room in the bed and breakfast establishment shall be two (2) adults and their minor children, as long as such occupancy is in compliance with the New York State Uniform Fire Prevention and Building Code.
- (7) Meal service shall be limited to a morning meal served to overnight guests of the bed and breakfast establishment only.
- (8) There shall be one price per night for overnight guests of the bed and breakfast establishment, which price shall include the morning meal.
- (9) No less than one (1) off-street parking space shall be provided per bedroom designated as available for overnight guests. Said parking shall be in addition to the parking required by this chapter for the single-family dwelling use. The Planning Board shall be responsible in connection with its review of the special use permit application for determining that the required number of parking spaces can be provided in a safe manner on the subject lot so as to not establish a nuisance or burden for adjacent and surrounding lots.
- (10) Evidence of the approval of the proposed method and adequacy of water supply and sewage disposal shall be obtained from the Westchester County Department of Health.
- (11) The special use permit shall be granted for a period of three (3) years and may be renewed for additional three (3) year periods. An application, and a renewal, of the special use permit shall be made to the Building Department on a form provided by the Building Department for such purpose, and by payment of a fee in an amount set forth in a Fee Schedule as adopted and as may be amended from time to time by resolution of the Town Board. The

Building Department, after receiving the completed application and fee, shall reissue the special use permit if inspection of the premises finds it to be in compliance with all applicable codes including the New York State Uniform Fire Prevention and Building Code, the requirements of this section and the provisions of the original special use permit approval. If the Building Department finds that the property is not in compliance with all applicable codes including the New York State Uniform Fire Prevention and Building Code, the requirements of this section and the provisions of the original special use permit approval, then the Building Department shall refer the application to the Planning Board for action.

- (12) Each property for which a special permit has been issued for use as a bed and breakfast establishment is subject to periodic inspections by the Building Department and Fire Inspector to ensure continued compliance with all applicable codes including the New York State Uniform Fire Prevention and Building Code, the requirements of this section and the provisions of the original special use permit approval. Such inspections shall be conducted at least annually, and may be conducted more frequently if the Building Department or Fire Inspector reasonably suspects that more frequent inspections are necessary to ensure the safety of the bed and breakfast establishment.
- (13) If any inspection of the property and dwelling by the Building Department or Fire Inspector for the purpose of ensuring compliance with the provisions of this section is refused by the owner, when said inspection occurs at any reasonable time during daylight hours, or if the continuing conditions of the special use permit are violated, the special permit shall be subject to revocation after a hearing by the Planning Board at which the permit holder is provided an opportunity to be heard.
- (14) When during the review of an application the Planning Board finds that significant site work will be required to increase parking areas, to enlarge subsurface sewage disposal areas or to otherwise alter the physical site conditions, the Planning Board shall require the submission of a site plan which shall be processed concurrently with the application for a special use permit. In all other situations, site plan approval by the Planning Board shall not be required.
- (15) In addition to the special standards described above, bed and breakfast establishments shall comply with any other requirements of this chapter and any special requirements deemed appropriate by the approving agency in accordance with the requirements of Section 220-32 herein.

SECTION 10: HOME RULE

Nothing in this Local Law is intended, or shall be construed to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 11: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town of Lewisboro hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 12: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated:

BY THE ORDER OF THE TOWN BOARD
OF THE TOWN OF LEWISBORO

JANET DONOHUE, TOWN CLERK

TOWN OF LEWISBORO

LOCAL LAW NUMBER 6-2016 OF THE TOWN OF LEWISBORO

AMENDMENT TO CHAPTER 220, SECTIONS 220-23(D) AND 220-40 OF THE
LEWISBORO TOWN CODE

BE IT ENACTED by the Town Board of the Town of Lewisboro, Westchester
County, New York, as follows:

Section 1. Chapter 220, Section 220-23(D), entitled “Schedule of regulations for
residential districts,” is hereby amended to read as follows:

§ 220-23. Schedule of regulations for residential districts.

- D. Permitted accessory uses. Uses or structures customarily incidental to any permitted principal use are permitted, provided that such accessory use shall not include any activity commonly conducted for gain, except as hereinafter excepted, or any private way or walk giving access to such activity. Permitted accessory uses are as follows:
- (11) An accessory building containing up to 600 square feet in total floor area may be approved after the principal building has been built or coincident with the construction of the principal building.
 - (12) Accessory apartments subject to Section 220-40 of this chapter.
 - (13) Accessory residence dwelling subject to Section 220-40.1 of this chapter.

Section 2. Chapter 220, Section 220-40, entitled “Accessory apartments,” is
hereby amended to read as follows:

§ 220-40. Accessory apartments.

It is the specific purpose and intent of this section to allow accessory apartments on one-family parcels of minimum size of ½ acre to provide the opportunity for the development of affordable

housing, AFFH units as defined in Section 220-2(B) of this chapter, or to meet the needs of the elderly, the young, persons of middle income, or the relatives or domestic employees of the owners of the principal residence. It is also the purpose of this provision to allow more efficient use of the Town's existing dwellings and accessory buildings, and to afford existing residents the opportunity to remain in large, underutilized houses by virtue of the added income produced by accessory apartments, and to protect and preserve property values in the Town of Lewisboro. To help achieve these goals to promote the other objectives of this chapter and of the Town Development Plan, the following specific standards and limitations are set forth for such accessory apartment use.

A. Occupancy.

- (1) The owner(s) of the one-family lot upon which the accessory apartment is to be located shall occupy and maintain as his or her legal full-time residence at least one of the dwelling units on the lot.
- (2) The maximum occupancy of the accessory apartment is four persons.

B. Location and number of units.

- (1) An accessory apartment may be located in the principal dwelling building or in a permitted accessory building, such as a barn or garage, and may include existing, new, or expanded structure construction.
- (2) There shall be no more than one accessory apartment permitted per one-family building lot.
- (3) An accessory apartment is not permitted on any single lot where more than one dwelling unit already exists, regardless of whether the additional dwelling is a prior nonconforming dwelling unit or not. The property owner's right to subdivide his or her property shall be deemed to be waived if there is an accessory apartment in an accessory building, unless the proposed subdivided lots still meet all of this section's requirements without a variance.

C. Size.

- (1) The minimum floor area for an accessory apartment located within a principal dwelling building shall be 300 square feet, but in no case shall it exceed 25% of the total floor area of the dwelling building in which it is located.
- (2) For an accessory apartment located in an existing accessory building, the minimum floor area shall also be 300 square feet.
- (3) Each accessory apartment, whether in a principal dwelling unit or an accessory building, shall be limited to a maximum of two bedrooms.

D. Other requirements.

- (1) Exterior appearance. Principal buildings containing an accessory apartment shall have only one front or principal entry to the building, and the accessory apartment shall be located, designed, constructed, and landscaped so as to preserve the appearance of the principal building as a single-family residence to the maximum extent feasible and further to enhance and not detract from the single-family character of the principal building and the surrounding neighborhood. An accessory apartment may have a separate, distinct entry as long as said entry, in the opinion of the permitting agency, does not detract from the single-family character of the principal building.
- (2) Off-street parking. Off-street parking requirements shall be that two off-street parking spaces must be provided for each dwelling unit on the property of the applicant. Additional parking areas shall be paved only when proven necessary and shall be screened and buffered from adjacent properties to the extent possible.
- (3) Approval of utilities. Prior to the issuance of a building permit for the establishment of an accessory apartment in a principal dwelling or the

conversion of an existing accessory building to an accessory apartment use, all septic systems and wells must be approved by the Westchester County Department of Health. In addition, the Department of Health must approve both the location and adequacy of septic systems and wells and any change in the number or location of bedrooms. NOTE: This section may be waived by the Building Inspector if there is no addition to the existing residence or the basic bedroom count and location remain the same.

E. Inspections.

- (1) Accessory apartments shall be subject to inspection by the Building Department every two years to verify that the units remain as approved. A fee for this inspection, the amount of which is to be set by the Town Board, may be charged for each inspection.
- (2) At the time of the biennial inspection, a registration form shall be completed by the owner of the accessory apartment and returned to the Building Department within 10 days of receipt. This form shall include the basic facts about the accessory apartment, including owner's name(s), tenant's names(s), location, size, and percentage of the principal building it occupies. Registration forms must be signed by the property owner and notarized. Registration forms for middle-income or AFFH unit accessory apartments shall include the amount of monthly rent paid by the tenant and the annual gross income of the tenant, as reported on federal income tax forms for the previous year.

F. Assessment. The property which contains any accessory apartment shall be assessed in the manner authorized by the State of New York. If the owner of an

accessory apartment has agreed to register the apartment as a middle-income apartment and to limit the monthly rent to the amount set forth in §220-26(F)(4) of this chapter, or if the accessory apartment is an AFFH unit, the assessor shall take the limitation on rental income into account in determining the amount, if any, the accessory apartment will add to the assessed value of the property.

G. Administration. The Housing Committee and the Housing Administrator shall monitor middle-income and AFFH unit accessory apartments in the Town and, through the Building Department, shall oversee the regulations pertaining thereto. Specifically, the Housing Committee and Housing Administrator shall be responsible for:

- (1) Maintaining a list of available middle-income and AFFH unit accessory apartments.
- (2) Determining a prospective renter's eligibility for renting a middle-income or AFFH unit accessory apartment.
- (3) Maintaining a list of eligible renters of middle-income and AFFH unit accessory apartments.
- (4) Monitoring the turnover in the owners of middle-income and AFFH unit accessory apartments.
- (5) Monitoring the turnover in the renters of middle-income and AFFH unit accessory apartments.
- (6) Establishing policies and procedures, as well as the requisite forms required, to review income and eligibility requirements and rents charged.

H. Other provisions.

- (1) A fee shall be paid in an amount set forth in a fee schedule established by resolution of the Town Board.
- (2) Rent. The rent for any middle-income accessory apartment shall not

exceed the permitted rentals for middle-income dwelling units, as described in §220-26(F)(4) of this chapter.

- (3) If any middle-income unit shall become vacant, the owner shall inform the Housing Administrator of the vacancy. The Housing Administrator shall inform the eligible middle-income persons on his or her waiting list of the vacancy.
- (4) The owner of a unit may list his or her unit as a middle-income unit. The unit, once listed as a middle-income unit, will be eligible for assessment as provided in §220-40(F) of this chapter and shall be subject to the rent limitations and other rules established for middle-income housing units.
- (5) Occupancy. The occupants of a middle-income accessory unit must qualify as members of a middle-income family, as defined in §220-2(B) of this chapter.
- (6) Term. Once an accessory apartment is listed as a middle-income unit, it must remain as a middle-income unit for the full term of its permit.
- (7) The owner of a middle-income accessory apartment shall have the right to choose any tenant from the list of eligible tenants that is maintained by the Housing Administrator and Housing Committee Chairman.
- (8) Exemptions. In the event that no middle-income family is on the Housing Committee's list for a middle-income accessory apartment, or in the event that no family on the waiting list agrees to rent the accessory apartment, the Housing Committee may exempt the accessory apartment from the above middle-income requirements for the term of the next lease or occupancy.

Section 3. If any provision of this Local Law is declared illegal, unconstitutional or unenforceable by a court of competent jurisdiction, the remainder of this Local Law shall be

declared to have been separately adopted and shall remain in full force and effect.

Section 4. This local law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

Dated: September 12, 2016

BY THE ORDER OF THE TOWN BOARD OF
THE TOWN OF LEWISBORO

JANET L. DONOHUE, TOWN CLERK

**Town of Lewisboro – Planning Board response to Preet Bharara, United States Attorney
letter dated July 6, 2016**

#3 - List of Applications to build affordable housing in Lewisboro since August 1, 2009

Address	S-B-L	Zoned	Owner/ <i>Applicant</i>	Description	
Route 22, Goldens Bridge	5 – 10776 - 19, 20 & 21	CC-20	Wilder Balter	46 unit MF development of which 45 would be Affordable on a ±35.4 acre parcel	
<p>Planning Board application received 10/20/15. Planning Board resolves its intent to be lead agency 1/26/16. Planning Board approved Part 2 of the Environmental Assessment Form 5/17/16.</p>					
1437 Route 35, South Salem	40 – 10552 -3, 4 & 5	R-4A	Pasquale Popoli and Angelo Sicuranza/ <i>group out of Ridgefield, CT</i>	6-lot subdivision on a ±54.765 acre parcel	
<p>Application Notes:</p> <p>8-02PB, 6-10WV, 8-11WP and 100-12WP</p> <p>“There was a brief discussion with former Supervisor Ed Brancati regarding the possibility of requiring one of the proposed homes in the Popoli subdivision as affordable. This was never discussed by the Planning Board nor was it a part of the Planning Board’s application for a subdivision.” (per Aimee Hodges, Building Department secretary via email 7/12/16)</p> <p>Jerome Kerner (Planning Board Chair) and Peter Parsons (Town Supervisor) discussed with the developers an increase in density if a few affordable units were included (per Peter Parsons).</p> <p>Further action on this was precluded by the classification of the Mill River by CT as Class A (per Peter Parsons).</p> <p>To date, no construction at site.</p>					

2 Spruce Road, South Salem	45F-10274-027	R-1/2A	Housing Action Council	2,300 square foot, three bedroom, single-family house and a one-bedroom, income-generating accessory apartment in another building on the property.	
<p>No application to Planning Board. Building Permit 2016-0252 issued 8/16/16.</p> <p>...“the property owner of #2 Spruce Rd submitted an application for repairs in November, 2015. The plans were submitted and stamped by the Building Inspector. The permit cannot be issued until the applicant supplies the contractor’s licenses and insurance certificates.” (per Aimee Hodges, Building Department secretary via email 7/12/16)</p>					
106 Lake Kitchawan, South Salem	42B-10287-013	R-1/4A	County of Westchester	1,000 square foot single-family house with three bedrooms	
<p>Application Notes:</p> <p>No application to Planning Board. Building permit app. received, no fees received, not reviewed yet.</p> <p>The Town Supervisor does not believe a building permit is required for #106 Lake Kitchawan Drive.</p>					
34 Bittersweet Lane, South Salem	49F-09830-034	R-MF	Housing Action Council	1,408 square foot two bedroom	
<p>Application Notes:</p> <p>No applications to Planning Board or Building Department</p>					
114 Spring St., South Salem	30-10542- 6	SC-RB	<i>A-Home</i>	Building behind the Market on Spring	
<p>Application Notes:</p> <p>No application to Planning Board</p> <p>“Jan Johannessen and I met with A-Home representative at site.” (per Jerome Kerner, Planning Board chair)</p> <p>Town Supervisor notes significant wetland problems at the site.</p>					

Goldens Bridge			4/3/02 Purchased property from the Masiellos	on a 7 acre parcel	
<p>Application Notes:</p> <p>Have not found an application. No formal application to Planning Board (per Jan Johannessen ,Town Planner, 9/28/10 Planning Board minutes)</p> <p>“The property owners had submitted applications to the Town Board to change the zoning from R2A to RMF. The first application filed by Masiello was denied I believe in the late 1980’s or early 1990’s, and to the best of my knowledge the Town Board made no determination on the subsequent application of Brian Stein.” (per Aimee Hodges, Building Department Secretary via email 7/12/16)</p> <p>5/14/02 Planning Board advised “Town Board to decline to entertain... the proposed zoning petition,” citing ten reasons among them: wetlands, steep slopes, encroaching on rear setbacks, environmental impacts and inconsistency with Town Master Plan,</p> <p>42-08WP was issued for demolition of buildings deemed unsafe.</p> <p>To date, no construction at site.</p>					
28 Fairmount Road, Goldens Bridge	7-11137-025	R-2A	Anna and Domenic Masiello	20 units in 1989 on a 7 acre parcel	
<p>Application Notes:</p> <p>Have not found an application; information found in a pending file</p> <p>Sketch plan for 20 units drawn by Keane Coppelman 8/30/89.</p> <p>12/12/89 Town Board refers the Masiellos petition to rezone from R-2A to R-MF to the Planning Board. 4/23/90 Planning Board conducts a site visit. 4/27/90 Planning Board advised Town Board no reason to rezone. 7/16/90 Planning Board advised Town Board of the steep slopes at site and cites 6/28/90 letter from Westchester County Department of Health questioning “the capacity of the Wild Oaks Sewage Treatment Plant to serve the project.”</p> <p>09/10/93 petition from owner to rezone from R-2A to R-MF. 9/27/94 Town Board resolves not to further entertain the application to rezone.</p>					

Item #4 of the Monitor's Analysis in his Berenson Report of September 13, 2013 and the Monitor's Analysis in his Huntington Report of September 8, 2014 while taking into Account the Issues Raised in the United States Letter dated October 24, 2014

- A. The Town Board has passed a zoning amendment on statutory language concerning objective criteria for establishing accessory apartments without application to the Zoning Board. The accessory apartment amendment is often termed "as-of-right." The amendment includes Certificates of Occupancy for accessory apartments issued by the Building Inspector. The amendment is included in our response to Item #2.
- B. Recent Affordable Home Development includes six units on offer by the Affordable Action Council and ten others under active consideration.
- C. The Court Appointed Monitor's reports have argued that Lewisboro needs to increase the area of the Town zoned to allow multi-family housing. Since these reports were issued **we have done so**. The revisions increase the geography where multi-family housing may be built to include all commercial and business zones. This includes a large undeveloped area. Since then a 45 unit affordable housing development has been proposed to take advantage of this change and is currently being considered by the Planning Board.
- D. **The single largest restraint on any form of development in Lewisboro is the Town's position in the watersheds providing drinking water to the region – specifically New York City, Norwalk and Stamford:**
 - Lewisboro is unique in Westchester in that more than 50% of the Town's land is in the Filtration Avoidance Determination (FAD) Basin for New York City's water supply. No other Westchester municipality approaches this percentage. In this area the City is allowed to use the water as part of its drinking supply without any form of filtration. The hamlets of South Salem, Cross River and Waccabuc are in this basin where there is a substantial premium on reducing phosphorous entering the reservoirs.
 - A primary obstacle and development issue regarding the potential for increased site density within the Town of Lewisboro is the lack of public sanitary sewer and drinking water infrastructure. Approximately 75% of the overall land area within the Town limit is located in the NYC East-of-Hudson Watershed and tributary to various reservoirs within the NYCDEP Watershed Area and drinking water supply. The NYCDEP imposes heightened restrictions and regulations for the treatment and disposal of wastewater within the New York City Watershed for the protection of their drinking water supply. These regulations specifically prohibit point-source discharge of sewage treatment plant effluent. Treated wastewater effluent is required to be discharged to a subsurface, on-site wastewater treatment system (OWTS) typical of community-type septic systems. The Westchester County Department of Health requires a minimum of one acre of land access for conventional development of single residential lots with OWTS and private wells. It is not uncommon to require more than the minimum to meet regulatory setbacks and sizing requirements. This minimum required lot area also assumes that there are no additional environmental constraints such as unsuitable soils, steep slopes, shallow depth to bedrock and groundwater, and setbacks from wetlands and watercourses; all very common environmental factors prominent throughout the township. These added constraints commonly result in the necessity for 2-3 acres of land to accomplish the same goal. As a result it is impractical to expect high density development where community infrastructure cannot be supported.
 - The remaining area within the Town is tributary to drinking water reservoirs for portions of the State of Connecticut including Brown's and Scott's reservoirs which are inside the

Town's boundaries. The restrictions within this area are real. When a developer in 2015 wanted to buy an area with an approved development application in the extreme east of Lewisboro on condition that he could increase the density and was also prepared to make some of the units for low or moderate income, they withdrew when Connecticut made it clear that it would oppose such a move due to proximity to a Class A stream.

- E. **A further restraint on development in Lewisboro is the Town's role in providing resources for passive recreation for the region.** 27% of the Town's area is designated open space or parkland attracting hikers and campers from a wide area including New York City. 14% consists of lakes, reservoirs, wetlands or streams. 17% consists of steep slopes.

June 16, 2016

JUDSON K. SIEBERT
Principal Member

VIA FIRST CLASS MAIL

Anthony Mole', Esq.
Herodes & Mole', P.C.
888 Route 6
Mahopac, New York 10541

Re: Open Wetland Violation Matters

Dear Anthony:

I write as a follow-up to our conversation concerning certain wetland violations handled by the Planning Board.

As discussed, there are several violations previously addressed by the Planning Board in which its jurisdiction and enforcement powers have been exhausted. These matters include:

- *Cambareri, Rocco*, Sheet 39, Block 1054, Lot 34 (Planning Board Case Nos. 10-04 WV, 11-04 WV, 12-04 WV, 13-04 WV, 16-04 WV and 35-04 WV);
- *East Street Partners*, Sheet 53, Block 985, Lot 1 (Planning Board Case Nos. 4-06 WV and 21-10 WP); and
- *Gennimi, Wendy*, Sheet 12, Block 10819, Lot 15 (Planning Board Case Nos. 7-04 WV).

In each of these matters, guilty pleas were entered in response to summonses issued with respect to the underlying violations. Thereafter, pursuant to the Town Code, Chapter 217, Wetlands and Watercourses, the Planning Board assessed civil penalties and authorized the commencement of restorative work.

In *Cambareri*, an \$8,000 civil penalty was imposed of which \$1,500 remains unpaid. In *East Street Partners*, a \$1,500 penalty was assessed and paid, yet restorative work has evidently not proceeded. In *Gennimi*, a series of civil penalties were imposed, including two penalties of \$5,000 each for the depositing of fill and \$7,500 on account of the willful violation of Chapter 217's provisions, all of which remain unpaid.

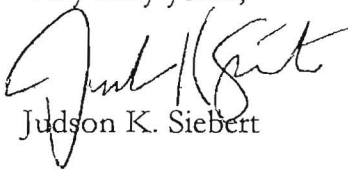
Anthony Mole', Esq.
Herodes & Mole', P.C.
June 16, 2016
Page 2

Although the Planning Board may assess a civil penalty, under the Lewisboro Town Code, pursuit of these fines cannot be sought by the Planning Board. Instead, under §217-11(E)(2)(c) of the Town of Lewisboro, an action must be brought by the Town of Lewisboro. Moreover, the Planning Board is without authority to seek equitable relief in the form of a self-executing order directing restorative work.

Accordingly, at the request of the Planning Board, I am forwarding the files to you as counsel for the Town Board and Town for further disposition.

I am, of course, available to answer any questions you may have regarding these matters.

Very truly yours,



Judson K. Siebert

JKS/pe

cc: Hon. Jerome Kerner, Planning Board Chairman