

Meeting of the Planning Board of the Town of Lewisboro held at the Town Offices at Orchard Square, 20 Cross River Plaza, Lower Level, Cross River, New York on Tuesday, October 18, 2016 at 7:30 p.m. The audio recording of this meeting is 161018\_02.MP3.

Present: Jerome Kerner, Chairman  
Greg La Sorsa  
John O'Donnell  
Tony Palmesi  
Ron Tetelman  
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel  
David J. Sessions, RLA, AICP, Kellard Sessions Consulting, Town Wetland Consultant  
Joseph Cermele, P.E., CFM, Kellard Sessions Consulting, Town Engineer  
Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland Consultant  
Ciorsdan Conran, Planning Board Secretary  
Janet Andersen, Conservation Advisory Council (CAC).

Mr. Kerner called the meeting to order at 7:31 p.m. and noted the exit.

## I. PUBLIC HEARING

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

(0:10 – 4:33)

**Lichtman Residence, 192 Kitchawan Road, South Salem, NY 10590, Sheet 45, Block 10300, Lot 012 (Aaron Lichtman, owner 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 six-bedroom house, garage, courtyard and modified driveway.

Aaron Lichtman, owner, and Scott Blakely, P.E., Insite Engineering, were present.

The Chairman announced the continuation of the public hearing and asked if there were any objections to the time, place or advertisement of the public hearing. No objections were raised.

Mr. O'Donnell noted he did not attend the Board's site walk as it was rescheduled outside of the Board's regular monthly meeting and would be abstaining from the discussion.

Mr. Blakely stated the project had received approval from the Westchester County Department of Health (DOH) and a notice of complete application from the Department of Environmental Conservation (DEC). He added that the DEC approval was expected by the end of October.

Mr. Johannessen confirmed that all comments were satisfied.

There were no comments by the public.

On a motion made by Mr. Tetelman, seconded by Mr. Palmesi, the public hearing was closed.

In favor: Mr. Kerner, Mr. LaSorsa, Mr. Palmesi and Mr. Tetelman. Mr. O'Donnell abstained from the discussion.

On a motion made by Mr. Tetelman, seconded by Mr. Palmesi, the resolution dated October 18, 2016 granting Wetland Activity Permit approval and Town Stormwater Permit approval to Aaron Lichtman for 192 Kitchawan Road was adopted.

In favor: Mr. Kerner, Mr. LaSorsa, Mr. Palmesi and Mr. Tetelman. Mr. O'Donnell abstained from the discussion.

## II. EXTENSION OF TIME REQUEST

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

(4:40 – 9:10)

**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.

Robert Lauria, property manager of North County Shopping Center, was present on behalf of the owner.

Mr. Lauria requested a 90-day extension for the Site Plan, Wetland Activity and Stormwater Permits Approvals.

Mr. Johannessen stated the mylars were at Kellard Sessions for review, the engineering and inspection fee has been submitted and the one outstanding item is the filing of the stormwater declaration between the applicant and the Town with the Westchester County Clerk.

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman, the Board granted a 90-day extension to the Resolution granting a Negative Declaration of Significance, Site Development Plan Approval, Wetland Activity Permit Approval and Town Stormwater Permit Approval dated April 19, 2016.

All in favor: Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman.

### Cal# 8-12PB

(9:11 – 9:20)

**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.

No one was present on behalf of the owner. No discussion took place.

## III. PROJECT REVIEW

### Cal# 3-13PB, 03-16WP

(9:30 – 25:22)

**“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 13-lot subdivision.

Eric Moss and Susan Haft, owners, and Beth Evans, Evans Associates, were present.

Ms. Evans reviewed the updates to the proposed subdivision plan following the June 2016 purchase of 105 Lockwood Road.

Mr. Johannessen concurred that the inclusion of 105 Lockwood Road in the subdivision did improve access and stated the application was ready for a public hearing and potentially a negative declaration. He noted that after a negative declaration the applicant could then seek the Town Board's approval for a conservation subdivision.

A discussion took place regarding the homeowners' association agreement, stormwater management plan and easement, parking at the trailhead, the role of the Westchester Land Trust (WLT) and the possibility that 105 Lockwood Road could be affordable housing.

Mr. O'Donnell requested a copy of the WLT's management plan and suggested it be sent to the Open Space and Preserves Advisory Committee (OSPAC) and Parks and Recreation Advisory Council (PRAC) for comment prior to a public hearing.

The consensus of the Board was to hold the public hearing, after reviewing the easements and WLT documents, perhaps on December 20, 2016.

**Cal# 32-16WP**

(25:25 - 25:39)

**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

On October 14<sup>th</sup>, the applicants' representative emailed the Planning Board a request to be placed on next month's agenda. No discussion took place. The project will be on November 15, 2016 agenda.

**Cal #43-16 WP**

(25:43 – 38:08)

**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.

Clifford Wallach, owner, was present.

Mr. Wallach reviewed the proposal to continue the existing 100' sea wall and additional 70'.

Mr. Johannessen requested professionally-prepared construction drawings of the proposed wall, existing conditions boundary and partial topographical survey. He stated this project may need permits from the DEC and Army Corps of Engineer. Mr. Wallach agreed.

The Board will conduct a site visit after receiving the drawings.

Ms. Andersen suggested the applicant not wait for a Truesdale Lake management plan.

Mr. O'Donnell stated that the fully-developed proposal also be sent to the Three Lakes Council and associations on Truesdale Lake. He requested more comments from the neighbors and lake associations. Mr. Tetelman requested a planting plan. Mr. Wallach agreed.

#### **IV. WETLAND VIOLATIONS**

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

(38:21 – 43:28)

**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.

Thomas Stalzer, Stalzer Architect, was present on behalf of the owner.

Mr. Stalzer stated the installation and waterproofing of the foundations is complete and delivery of the modular home is November 15th.

A discussion took place regarding the installation of the rain garden soon after the house is in place and a control date for the wetland violation was set for June 20, 2017.

Mr. O'Donnell requested the applicant to provide a cost estimate for the stormwater mitigation.

**Cal #1-15WV**

(43:36 – 46:44 and 1:39:30 – 1:37:58)

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

Steven and Kim Woodstead, owners; and Barry Naderman, P.E., Naderman Land, Planning and Engineering were present.

Mr. Woodstead stated an existing condition and topographical survey have been ordered. Mr. Naderman stated the structural engineer is collecting data to aid in the retaining wall design.

Mr. Kerner requested a written timetable be submitted to Mr. Johannessen. Mr. Naderman agreed to submit materials in time for the December 20<sup>th</sup> meeting.

**Cal#2-16WV**

(46:46 – 46:56)

**Palomino Residence, 292 Waccabuc Road, Goldens Bridge, NY 10526, Sheet 7C, Block 12668, Lot 20 (Gustavo Palomino, owner of record) - Wetland Violation issued for regulated activity conducted without benefit of a written Wetland Activity Permit**

No one was present on behalf of the owner.

Mr. Siebert stated he had spoken with Mr. Palomino's attorney today and the matter is adjourned to the November 15th meeting.

**Cal #1-16WV**

(46:56 – 47:22 and 1:46:33 – 1:49:20)

**Mogil Residence, 92 Waccabuc Road, Goldens Bridge, NY 10526, Sheet 10, Block 11152, Lot 6 (Arthur Mogil and Mary McCarty Mogil, owners of record) - Wetland Violation issued for regulated activity conducted without benefit of a written Wetland Activity Permit**

No one was present on behalf of the owner.

Mr. Johannessen stated that this matter has been adjourned to the November 15th meeting. Ms. Conran stated Mr. Mogil submitted a wetland application today.

Mr. O'Donnell requested Mr. Mogil attend the October 25<sup>th</sup> meeting. Ms. Conran stated she would contact Mr. Mogil.

**Cal #10-15 PB**

(47:26 – 1:35:27)

**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.**

John Bainlardi, Wilder Balter Partners, was present.

A discussion took place regarding adopting the EAF, obtaining a second opinion on the Maser traffic study, whether to issue a negative or positive declaration, holding an informal SEQRA hearing or a public hearing.

Mr. Bainlardi noted that the EAF with traffic impact study was first submitted in February and over the course of seven months the traffic study has been amended four times. He stated the EAF is complete and requested the Board make a decision, noting that if the Board were to accept the EAF it could be rescinded or revised.

Mr. O'Donnell proposed holding an additional meeting in November. The Board agreed that Mr. Siebert discuss with Mr. Bainlardi how best to proceed and the Board will hold a special meeting on October 25, 2016.

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

(1:39:58 – 1:46:28)

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

Patricia Caban, owner, and Barry Naderman, P.E., Naderman Land, Planning and Engineering were present.

Mr. Naderman reviewed the stabilization of the site and stated the site was 95% ready for an inspection from the Wetlands Inspector.

Mr. Johannessen stated the Wetland Implementation Permit would need a second extension as it will expire October 31, 2016. Mr. Naderman agreed.

Mr. O'Donnell requested the applicant return to the April 18, 2017 meeting with an update. Mr. Naderman agreed.

**V. CORRESPONDENCE AND GENERAL BUSINESS**

**Cal #6-02PB**

(1:49:22 - 1:57:07)

**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**

Phil Pine, owner, and Gary L'Hommedieu, project manager, were present.

Mr. Kerner reviewed the applicant's request for a partial bond release. Mr. Siebert stated this request would have to be referred to the Town Board for approval prior to setting the public hearing date.

On a motion made by Mr. Tetelman, seconded by Mr. Palmesi, the Board referred the partial bond release of \$26,151.00 from the performance bond currently in place for Laurel Ridge Subdivision to the Town Board and in anticipation of the Town Board approval the Board scheduled a public hearing on this matter November 15, 2016.

In favor: Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman.

Mr. L'Hommedieu requested an additional 18 bedrooms and stated this matter will go before the ZBA.

Mr. Johannessen suggested the proposed changes to the approved site plan be bifurcated into:

- the change in curbing to Belgian block and the proposed white, vinyl fence; and
- an increase in the density unit count.

He stated he could prepare a resolution for the curbing and fence for the November meeting. Mr. Johannessen stated the applicant should submit a letter requesting bifurcation of the application and submit revised plans. Mr. L'Hommedieu agreed. Mr. O'Donnell requested Mr. Johannessen prepare the curbing and fence resolution.

Mr. Pine noted that the Board has the ability to give a 50% density bonus for middle income units. Mr. Johannessen stated the density calculation is currently being reviewed. Mr. O'Donnell asked if the applicant's attorney would be

submitted a letter requesting the bonus in December. Mr. Pine responded he hoped the letter would reach the Board in November. Mr. L'Hommedieu stated he would provide a narrative.

**Cal #pending**

(1:57:09 – 2:00:40)

**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

No one was present on behalf of the owner.

Mr. Siebert reviewed the letter from T Mobile's attorney citing changes in federal law and the memo prepared by Keane and Beane on the subject. He noted that T Mobile's attorney has a point that the local Code is outdated and due to the federal statutes an application like this could bypass the Board and go directly to the Building Dept.

Mr. Siebert stated he had spoken with T Mobile's attorney about attending a public hearing on November 15<sup>th</sup> requesting a special use permit.

Mr. Johannessen stated Kellard Sessions and the Antenna Advisory Board had reviewed the T Mobile plans and he requested the applicant submit a structural analysis and an RF Report.

**Cal #N/A**

(1:58:09 – 1:58:18 and 1:59:35 – 2:00:15)

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

Mr. Siebert stated in response to the changes in federal law the Town of New Canaan is revising its Code and he suggested the Town of Lewisboro do the same.

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman, the Board authorized Mr. Seibert to forward the memo prepared by Drew Gamils at Keane and Beane to the Town Board with the recommendation that local law be modified as suggested.

In favor: Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman.

**Cal# 12-10PB**

(2:01:08 – 2:02:08)

**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.

Mr. Siebert reported that the court rendered a decision in favor of the Board. He stated the time to appeal that decision expires November 1<sup>st</sup>. Mr. Siebert stated he had reviewed the declarations for the two lots and the easement and Mr. Johannessen was reviewing the subdivision plat so the final filings with the County should take place next month.

Mr. Siebert stated he will provide an update at next month's meeting.

**Cal #N/A**

(2:02:10 – 2:05:43)

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

A discussion took place regarding the proposed, three-lot subdivision at Post Road and Hawley Road in North Salem, north of Mead Street in Lewisboro.

Mr. Johannessen stated that if the Board had any concerns they should be sent to North Salem's Planning Board. He and Mr. Siebert concluded that the Board did not have to take any action on this application.

**Cal #N/A**

(2:05:45 – 2:06:54)

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

Mr. O'Donnell stated the U.S. Attorney and the Southern District of New York sent a request to the Town of Lewisboro and in the Supervisor's response there were materials on behalf of the Planning Board which he had not previously seen, found very interesting and wished to discuss in either an executive session for the purposes of attorney-client consultation tonight or after the next meeting.

**Cal #N/A**

(2:06:56 – 2:07:24)

**Wetland Violations Update**

Mr. O'Donnell suggested that wetland violations be discussed in an executive session for the purposes of attorney-client consultation after the next meeting.

**VI. 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 July 19, 2016; MINUTES OF August 16, 2016; MINUTES OF September 13, 2016 and MINUTES OF September 20, 2016**

(2:07:25 – 2:15:30)

A discussion took place about having the minutes transcribed by an app, the Board secretary or a combination of both.

Mr. LaSorsa asked what the rules are on minutes if we have an audio recording and the previous minutes as submitted were subjective.

Mr. Siebert stated that the Open Meetings Law required the Board to have minutes, those minutes do not have to be formally adopted or verbatim but there must be a written record of the Board's actions. He stated he will check on whether time markers can be inserted in an agenda-like set of minutes that reference an audio recording.

The Board tabled approval of the nine sets of minutes.

**VII. EXECUTIVE SESSION**

(2:15:30 - 2:17:06)

On a motion made by Mr. Tetelman, seconded by Mr. Palmesi, the Board entered into executive session at 9:48 p.m. for purposes of attorney-client consultation.

In favor: Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the Board adjourned the executive session at 9:48 p.m. and reopened the Planning Board meeting.

In favor: Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman.

**VIII. ADJOURNMENT**

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the meeting was adjourned at 10:32 p.m.

In favor: Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman.

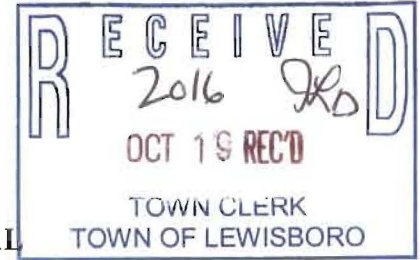
Respectfully Submitted,

A handwritten signature in cursive script that reads "Ciorsdan Conran".

Ciorsdan Conran  
Planning Board Secretary



**RESOLUTION  
LEWISBORO PLANNING BOARD  
WETLAND ACTIVITY PERMIT APPROVAL  
TOWN STORMWATER PERMIT**



**LICHTMAN RESIDENCE  
192 KITCHAWAN ROAD**

Sheet 45, Block 10300, Lots 12, 23, 26 and 44  
Cal #1-16WP and 1-16SW

**October 18, 2016**

**WHEREAS**, the subject property consists of  $\pm 26.3$  acres of land located on Kitchawan Road within the R-4A Zoning District (“the subject property”); and

**WHEREAS**, the subject property is identified as Sheet 45, Block 10300, Lots 12, 23, 26 and 44 on the Town of Lewisboro Tax Maps; and

**WHEREAS**, the subject property is developed with a residence, detached studio, in-ground pool, pool house, septic system, and driveway with two (2) curb cuts off of Kitchawan Road; and

**WHEREAS**, Aaron Lichtman (“the applicant”) is proposing the following improvements which are collectively referred to hereafter as “the proposed action”:

1. Demolish the existing residence, studio and portions of existing driveway; and
2. Construct a new residence along with a new garage, new asphalt driveway, and associated gravel parking areas and courtyard areas; and
3. Install stormwater drainage improvements and wetland mitigation; and
4. Associated grading, tree removal, and landscaping; and
5. The existing barn/garage/studio and bunker and the existing pool and pool house are to remain; and

**WHEREAS**, reference is made to architectural elevations and floor plans, prepared by Ralph R. Mackin, Jr. Architect (Sheets A.1, A.2 and A.4), dated November 21, 2015 and submitted to the Planning Board for review; and

**WHEREAS**, the applicant owns an adjacent parcel identified as Sheet 45, Block 10300, Lot 45 which is not part of the subject property; and

**WHEREAS**, reference is made to a plan entitled “Area Map” (AM-1), prepared by Insite Engineering and dated (last revised) June 2, 2016, which illustrates and identifies the applicant’s contiguous holdings and the adjacent parcels and residences; and

**WHEREAS**, the subject property contains wetlands that are jurisdictional to the Town of Lewisboro and the New York State Department of Environmental Conservation (NYSDEC) and work is proposed within the Town’s 150-foot wetland buffer. Specifically, a portion of the new house, proposed driveway and parking areas, grading, stormwater management, wetland mitigation, and demolition is proposed within the Town’s 150-foot wetland buffer; and

**WHEREAS**, on-site wetlands were delineated by Stephen W. Coleman Environmental Consulting, LLC on August 12, 2015 and December 15, 2015 and later confirmed and verified by the Town Wetland Inspector and the NYSDEC; and

**WHEREAS**, reference is made to a “Wetland Delineation Report”, prepared by Stephen W. Coleman Environmental Consulting, LLC, dated June 8, 2016; and

**WHEREAS**, reference is made to a report entitled “Wetland Mitigation Plan Narrative-Lichtman Residence”, prepared by Insite Engineering, dated June 30, 2016; and

**WHEREAS**, the applicant is proposing 49,970 s.f. of total land disturbance, 30,165 s.f. of which is proposed within the Town’s regulated wetland buffer area; and

**WHEREAS**, much of the land disturbance proposed within the wetland buffer area includes the demolition and removal of existing impervious surfaces, which is considered in itself mitigation; and

**WHEREAS**, the proposed action will result in a net reduction of impervious cover within the wetland buffer (17,057 s.f. existing/15,477 s.f. proposed); and

**WHEREAS**, the applicant is proposing the following wetland mitigation measures:

1. Removal of impervious cover associated with the existing studio and portions of the existing asphalt driveway; restore areas with native vegetation; and
2. Eliminate existing traveled way and chicken coops in proximity to wetland/pond; provide a “no-mow zone” with walking path; and
3. Removal of invasive species along the wetland/pond edge; restore areas with native vegetation; and

**WHEREAS**, the project has been designed to reduce impacts to the wetland and wetland buffer to the extent practicable and new construction and areas of disturbance within the wetland buffer are located on lands that have been previously disturbed; and

**WHEREAS**, consideration was given to pushing the proposed residence further outside of the wetland buffer; however, under this scenario and according to the applicant, the project would result in the removal of 10 additional mature trees, the removal of 800 c.y. of rock and soil, potential blasting, and 2,600 s.f. of additional disturbance to steep slopes; and

**WHEREAS**, reference is made to a plan entitled “Constraints Map” (CM-1), prepared by Insite Engineering and dated (last revised) June 2, 2016; and

**WHEREAS**, given the existing site constraints (including zoning, wetlands, steep slopes) and the fact that all of the proposed wetland buffer disturbance is proposed on previously disturbed and/or developed lands, the Planning Board has determined that the proposed house location is the most practical option and that there is no reasonable alternative; and

**WHEREAS**, the proposed action will result in disturbance within the NYSDEC 100-foot Wetland Adjacent Area and an Article 24 Freshwater Wetland Permit is required from the NYSDEC; and

**WHEREAS**, reference is made to the NYSDEC Notice of Complete Application, dated September 27, 2016; and

**WHEREAS**, the subject property is located within the Long Island Sound Watershed; and

**WHEREAS**, given the extent of proposed land disturbance, the proposed action requires coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002); and

**WHEREAS**, reference is made to a report entitled “Stormwater Management Report for Lichtman Residence”, prepared by Insite Engineering, dated August 31, 2016; and

**WHEREAS**, work proposed within the Kitchawan Road right-of-way will require a driveway opening permit from the Town of Lewisboro Highway Superintendent; and

**WHEREAS**, the Westchester County Department of Health (WCDH) must approve use of the existing 7-bedroom septic system and modifications to the existing system and expansion area; and

**WHEREAS**, reference is made to review memorandums, prepared by Kellard Sessions Consulting, P.C., dated January 20, 2016, April 14, 2016, June 15, 2016, July 13, 2016, and September 14, 2016; and

**WHEREAS**, the application was referred to and reviewed by the Conservation Advisory Council (CAC), which provided comments to the Planning Board; and

**WHEREAS**, the proposed action has been determined to be a Type II Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617.5; and

**WHEREAS**, the Planning Board conducted a duly noticed public hearing which was opened on July 19, 2016 and closed on October 18, 2016, at which time all interested parties were afforded an opportunity to be heard; and

**WHEREAS**, the Planning Board has considered the submitted Wetland Activity Permit Application, the submitted Town Stormwater Permit Application, other materials submitted by the applicant in support of its proposal, the written and verbal comments from the Board's professional consultants, written and verbal comments provided by the CAC, testimony of the applicant, observations made during the Board's site walk, and verbal comments made by the public.

**NOW THEREFORE BE IT RESOLVED THAT**, in comparing the magnitude of the proposed action and impacts to the wetland and wetland buffer to the extent and quality of mitigation offered by the applicant, the Planning Board has determined that the proposed action will not result in an adverse impact to on or off-site wetlands and watercourses; and

**BE IT FURTHER RESOLVED THAT**, in the granting of this Wetland Activity Permit, the Planning Board has considered/evaluated wetland and wetland buffer functions and the role of the wetland and wetland buffer areas in the hydrologic and ecological system and has determined that the impact of the proposed action upon the public health and safety; special concern, rare, threatened and endangered species; water quality and wetland and wetland buffer functions has been avoided or minimized to the maximum extent practicable. In this determination, the Planning Board has taken into account the factors listed under Section 217-8A of the Wetland and Watercourse Law; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board has reviewed the criteria listed under Section 217-8B of the Wetland and Watercourse Law and has determined that any impacts to the affected wetland buffer are necessary and unavoidable and have been minimized to the maximum extent practicable; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board hereby finds that the Wetland Activity Permit Application pertaining to the proposed action is consistent with the provisions and policies of Chapter 217 of the Code of the Town of Lewisboro and said permit is hereby approved, subject to the conditions set forth below; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board hereby approves the following drawings ("the approved plans"), prepared by Insite Engineering and dated (last revised) September 1, 2016, subject to the conditions set forth below:

- Overall Plan (OP-1)
- Existing Conditions, Topographic Survey & Demolition Plan (EX-1)
- Layout & Landscape Plan (SP-1)

- Grading & Drainage Plan (SP-2)
- Erosion & Sediment Control Plan (SP-3)
- Details (D-1)
- Wetland Mitigation Plan (WM-1)

**BE IT FURTHER RESOLVED THAT,** all work associated with this Wetland Activity Permit shall be conducted in strict compliance with the plans approved herein; and

**BE IT FURTHER RESOLVED THAT,** no work shall commence until a Wetland Activity Implementation Permit is issued by the Town Wetland Inspector; and

**BE IT FURTHER RESOLVED THAT,** this Wetland Activity Permit shall expire without further written notice if the requirements of this Resolution are not completed, as set forth herein. As provided pursuant to the Town Wetlands and Watercourses Law, this Wetland Activity Permit is subject to revocation should the applicant not comply with the terms and conditions of this Resolution; and

**BE IT FURTHER RESOLVED THAT,** this Wetland Activity Permit shall expire two (2) years from the date of this Resolution (October 18, 2018); and

**BE IT FURTHER RESOLVED THAT,** in consideration of the above and in accordance with Chapter 189-7B of the Town Code, the Planning Board hereby issues a Town Stormwater Permit, subject to the below-listed conditions; and

**BE IT FURTHER RESOLVED THAT,** the Town Stormwater Permit shall expire upon completion of work and shall be valid for a period of two (2) years from the date of this Resolution (October 18, 2018), unless extended by the Planning Board in accordance with Section 189-7G of the Town Code; and

**BE IT FURTHER RESOLVED THAT,** Conditions #1 through #12 must be fulfilled within 180 days of the date of this Resolution (April 17, 2017). 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 period and granted by the Planning Board.

**Conditions to be Satisfied Prior to the Signing of the Plans by the Secretary and Chairman:**

1. The approved plans shall contain an updated and 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.
2. The applicant shall obtain an Article 24 Freshwater Wetland Permit as issued by the NYSDEC and all required approvals from the WCDOH; copies of said permits/approvals shall be submitted to the Planning Board. In the event that said permit(s) results in any modification to the plans approved herein, a determination

shall be made by the Town's consultants and Town Wetland Inspector as to whether the modification(s) is substantive and should be returned to the Planning Board for review.

3. The applicant shall obtain and submit a driveway opening permit from the Town of Lewisboro Highway Superintendent.
4. The applicant shall submit to the Planning Board Secretary an engineering/inspection fee equal to 5% of the estimated cost of construction (site work costs); said estimate shall be prepared by a NYS Professional Engineer and approved by the Town Engineer.
5. The applicants shall satisfactorily address any outstanding written comments provided by the Town's consultants.
6. All proposed plant material/seed mixes shall be specified on the plans, to the satisfaction of the Town's consultants.
7. The applicant shall submit the Notice of Intent (NOI) and MS4 SWPPP Acceptance Form to the Planning Board Secretary for review by the Town Engineer. Following the Town Engineer's review and approval of these documents, the Town's Stormwater Management Officer shall sign the SWPPP Acceptance Form. The applicant shall submit the completed MS4 SWPPP Acceptance Form, along with the Notice of Intent (NOI), to the NYSDEC, Division of Water and copy the Planning Board Secretary with same.
8. The applicants shall submit a "check set" of the approved plans (two (2) sets), prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
9. Following review and revision (if necessary) of the final plans, the applicant shall furnish the Planning Board with four (4) original copies of the final plans, complete with signatures, for final review by the Town's consultants and endorsement by the Town Engineer, Planning Board Chairman and Secretary.
10. The applicant shall obtain a Wetland Implementation Permit, as issued by the Town Wetland Inspector.
11. 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.
12. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

**Conditions to be Satisfied Prior to the Commencement of Work or Issuance of a Building Permit**

13. Conditions #1 - #12 specified herein shall have been satisfied.



14. Prior to commencement of any site work or construction activity, a site visit shall be conducted with the applicant, contractor, Building Inspector, and the Town's consultants. Prior to the site visit, all erosion and sedimentation controls shall be properly installed by the applicant, the limits of disturbance shall be staked in the field and construction fencing shall be installed as specified on the approved plans.
15. The applicant shall demonstrate proof of coverage under the NYSDEC SPDES General Permit GP-0-15-002.
16. No Building Permit shall be issued absent compliance with Town Code Section 220-75B(3).

**Conditions to be Satisfied During Construction:**

17. During construction, the Town Engineer and/or the Town Wetland Inspector may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved plans.
18. A copy of this Resolution, the approved final plans, the Wetland Implementation Permit, the approved SWPPP, and the NYSDEC NOI shall be kept on site at all times.

**Conditions to be Satisfied Prior to the Issuance of a Certificate of Compliance**

19. The applicant shall submit an as-built survey, prepared by a NYS Licensed Land Surveyor, demonstrating compliance with the approved plans.
20. The applicant shall submit the NYSDEC Notice of Termination (NOT) to the Planning Board Secretary for review and approval by the Town Engineer and Stormwater Management Officer.
21. Certification by a NYS Professional Engineer that all stormwater management practices and associated improvements have been installed in conformance with the approved plans.
22. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved plans.
23. The applicant shall obtain a Wetland Certificate of Compliance from the Town of Lewisboro Wetland Inspector.
24. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

**Conditions of the Wetland Activity Permit**

25. All plants shall be installed between April 1<sup>st</sup> and October 15<sup>th</sup>; plant substitutions, if any, must be previously approved by the Town Wetland Inspector prior to installation.
26. Except for newly established lawn areas during the first growing season, the applicant, owner or future owner(s) shall not apply any lawn fertilizer on the subject property that is labeled as containing phosphorus or other compound containing phosphorus, such as phosphate. No lawn fertilizers shall be used between December 1<sup>st</sup> and April 1<sup>st</sup> or within the Town's 150-foot wetland buffer.

**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. Tetelman

The motion was seconded by: Mr. Palmesi

The vote was as follows:

JEROME KERNER  
JOHN O'DONNELL  
RON TETELMAN  
GREG LASORSA  
ANTHONY PALMESI

aye  
abstained  
aye  
aye  
aye

  
Jerome Kerner, Chairman

10/18/16  
October 18, 2016