

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, June 21, 2016 at 7:30 p.m. The audio recording of this meeting is 160621_001.MP3.

Present: John O'Donnell, Acting Chair
Greg La Sorsa
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
Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland Consultant
Ciorsdan Conran, Planning Board Administrator

Also in Attendance: Janet Andersen, Conservation Advisory Council (CAC).

Mr. Kerner, Chair, was absent from the meeting. On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the Board agreed that Mr. O'Donnell act as Chair for tonight's meeting.

In favor: Mr. La Sorsa, Mr. Palmesi and Mr. Tetelman. Absent: Mr. Kerner Abstain: Mr. O'Donnell

Mr. O'Donnell called the meeting to order at 7:32 pm and noted the exit.

I. DECISIONS

Cal#1-15PB, Cal# 25-15WP, Cal# 6-15SW

(1:19 – 3:14)

Copia Home and Garden Center, 469 & 475 Smith Ridge Road and 5 East Street, South Salem, NY 10590, Sheet 0053, Block 09834, Lots 35, 36 and 48 (Organic Choice, Inc., owner of record) - Application for Waiver of Site Development Plan; proposed Site Development Plan Amendment.

David Coffin, AIA, was present on behalf of the owners.

Mr. Johannessen reviewed the resolution. The Board had no additional comments.

On a motion made by Mr. Tetelman, seconded by Mr. Palmesi, the Resolution dated June 21, 2016 granting Amended Site Development Plan Approval, Amended Wetland Activity Permit Approval and Amended Town Stormwater Permit Approval to Copia Garden Center, 469 & 475 Smith Ridge Road, and 5 East Street, South Salem, was adopted.

In favor: Mr. La Sorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman.

Absent: Mr. Kerner

Cal #03-16 PB

(3:15 – 6:33)

Oakridge Commons (outdoor seating and bank drive through), 450 Oakridge Common, South Salem, NY 10590, Sheet 49D, Block 9829, Lot 10 (Smith Ridge Associates, owner of record) - Application for Site Plan Review for outdoor seating at Teatro's Café and the Willows, infill at Building #4 and bank drive through at Building #1.

Phil Pine, owner and Bob Eberts, R.A., Cross River Architects were present.

Mr. Johannessen reviewed the resolution. The Board had no additional comments.

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the Resolution dated June 21, 2016 granting Amended Site Development Plan Approval to Oakridge Commons Shopping Center, 450 Oakridge Common, South Salem, was adopted.

In favor: Mr. La Sorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman.

Absent: Mr. Kerner.

Cal# 6-02PB

(6:35 – 9:29)

Oakridge Gardens aka Laurel Ridge, 450 Oakridge Common, South Salem, NY 10590, Sheet 49D, Block 9830, Lots 279 & 325 (Smith Ridge Housing, LLC, owner of record) – Proposed Amendment to the Resolution dated October 12, 2010, last amended July 15, 2014.

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

Mr. Johannessen reviewed the resolution. The Board had no additional comments.

On a motion made by Mr. La Sorsa, seconded by Mr. Tetelman, the Resolution dated June 21, 2016 granting Amended Site Development Plan Approval, Amended Wetland Activity Permit Approval and Amended Town Stormwater Permit Approval to Laurel Ridge (aka Oakridge Gardens) Oakridge Drive, South Salem, was adopted.

In favor: Mr. La Sorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman.

Absent: Mr. Kerner.

Cal #4-15WV, 68-15WP

(9:37 – 11:39)

Childs, Ted, 19-11, Lost Nations Road, Pound Ridge, NY 10567, Sheet 45A & 46, Block 9825, Lot 21 (Ted Childs, owner of record)

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

Mr. Siebert reviewed the resolution. The Board had no additional comments.

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the Resolution dated June 21, 2016 issuing a wetland violation penalty of \$250.00 to Ted Childs, 19-11 Lost Nations Road, Pound Ridge, was adopted.

In favor: Mr. La Sorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman.

Absent: Mr. Kerner.

II. WETLAND VIOLATIONS

Cal #1-15WV

(11:48 – 19:20)

Woodstead, Steven and Kim, 18 Birch Spring Road, South Salem, NY 10590, Sheet 42A, Block 10545, Lot 22 (Woodstead, Steven and Kim, owners of record) – Wetland Violation issued for regulated activity conducted without benefit of a written Wetland Activity Permit

Steven and Kim Woodstead, owners, were present.

Mr. Siebert reviewed the year-old wetland violation. He noted the Woodsteads entered an admission on May 26, 2015 and appeared at the June 2015 meeting at which time they were instructed to submit a wetland application and establish an escrow but no action has taken place since then. Mr. Siebert stated that at the direction of the Board he contacted the Woodsteads and asked that they appear at the June 21, 2016 meeting.

Mr. O'Donnell asked if the Woodsteads agreed with this summary and what they intended to do now. Mr. Woodstead stated he did agree and that he was in contact with Mr. Johannessen (Kellard Sessions) and Bill Canavan (Hydro Environmental Solutions) and he will contact Barry Naderman (Naderman Land Planning & Engineering) about restoration of the wall.

Mr. Johannessen estimated the time for the two consultants to prepare the wetland delineation plan, survey and retaining wall design as 1-2 months.

Mr. O'Donnell asked if the type of permits the Woodsteads would need to obtain are ones that could be handled administratively. Mr. Johannessen stated yes.

Mr. Siebert advised that the Board review the first set of plans and request the Woodsteads appear at the August meeting. He noted that at that meeting the Board could then determine whether or not to send the application to the Wetland Inspector to be handled administratively.

Mr. Sessions noted that the Woodsteads' consultants should submit an environmental questionnaire, a wetland permit application and establish a \$2,000 escrow to cover the Planning Board consultants' review of the wetland violation and remediation.

Cal #2-15WV, Cal #56-15WP

(19:24 – 21:55)

Zaia, Christopher, 30 Benedict Road, South Salem, NY 10590, Sheet 0032, Block 10804, Lot 17 (Zaia, Christopher, owner of record) - Wetland Violation issued for regulated activity conducted without benefit of a written Wetland Activity Permit

Christopher Zaia, owner, was present.

Mr. Siebert reviewed this wetland violation. He noted Mr. Zaia entered an admission on August 18, 2015.

Mr. Zaia stated his yard had storm damage leaving several trees down or snapped in half. He noted that the tree work cost \$11,000, equipment rental was \$3,000 - \$4,000 and the total site remediation was \$15,000.

Mr. Tetelman noted the site was restored pretty quickly. Mr. O'Donnell asked Mr. Sessions if the remediation work has been done satisfactorily. Mr. Sessions stated yes.

Mr. Siebert advised that the Board close this discussion and deliberate over the penalty in executive session.

Mr. O'Donnell stated that Mr. Zaia will receive notice of the penalty via US mail.

III. PROJECT REVIEW

Cal# 3-13PB, 03-16WP

(22:18 – 28:35)

“Silvermine Preserve,” Silvermine Drive & Lockwood Road, South Salem, NY, 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.

Alan Pilch, Evans Associates, was present on behalf of the owners requesting a site visit be scheduled.

Mr. O'Donnell noted that materials received by the Westchester Land Trust (WLT) to date were sparse and he would like to have more documentation prior to the Board's site visit. Mr. Pilch stated the Board will receive the materials in two or three weeks.

The Board discussed scheduling the site visit on Saturday, July 16th. Mr. Tetelman asked Mr. Siebert if the entire Board should attend this site walk or is it just to familiarize its new member, Tony Palmesi, with the project. Mr. Siebert stated that due to the passage of time and changes to the development it would be worthwhile for all five members to attend.

Mr. Tetelman asked Mr. Johannessen to prepare a short summary about cluster development or refer the Board to the section of the Town Code that describes this type of site plan. Mr. Johannessen said certainly.

The Board agreed that it would review the WLT materials prior to the July 16th site visit.

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

(28:40 – 33:51)

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

Aaron Lichtman, owner; Ralph Mackin, AIA , Ralph R. Mackin Architects, PLLC; and Scott Blakeley, P.E., Insite Engineering were present.

Mr. O'Donnell noted he did not attend the Board's site walk and asked Mr. Tetelman to lead the discussion.

Mr. Johannessen stated he reviewed the site plan and wetland mitigation plan and attended a site visit. He noted that the Board agrees on the house location after it conducted its site visit. Mr. Johannessen stated the wetland mitigation ratio is acceptable and the Board has enough information to schedule a public hearing for July. He noted that a decision from the Board was premature as the applicant does not have approvals from the NYS Dept. of Conservation (DEC) or Westchester County Dept. of Health (WCDOH).

Ms. Andersen noted that the no-mow areas were not shown on some of the plans. She also stated the CAC would like to see more permanent no-mow zones monuments such as a split-rail fence or cedar posts. Mr. Lichtman agreed to address the Board's and CAC's requests.

The Board discussed scheduling a public hearing. The Board agreed to hold a public hearing on this application at its July 19th meeting.

Mr. Johannessen asked if the applicant would be sending responses to be reviewed at the July meeting. Mr. Blakeley agreed.

On a motion made by Mr. La Sorsa, seconded by Mr. Tetelman, the public hearing for the Lichtman residence was scheduled for July 19th. In favor: Mr. La Sorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman. Absent: Mr. Kerner.

Cal #24-16 WP

(33:52 – 42:42)

Viggiano, 5 Duffy's Bridge Road, Katonah, NY 10536, Sheet 2, Block 10773, Lot 2 (Mark and Jill Viggiano – owner of record) - Application for rear addition to existing house and expansion of front porch.

Joseph Plouffé, architect, was present on behalf of the owners.

Mr. Plouffé reviewed the project - a rear addition, expansion of the front porch and a finished basement for a 1870s Victorian house. Mr. O'Donnell asked the applicant to discuss the project's effect on the wetlands. Mr. Tetelman noted that the plans show a town wetland buffer of 200' instead of 150' and asks that the plans be corrected.

Mr. Plouffé stated that the other buildings on site are to remain, that the wetlands (at the site and across the street) are being delineated and that the septic (located in the northern part of the site) needs to be confirmed; he stated there are no WCDOH records for the septic.

Mr. O'Donnell noted that the application went before the ZBA because the porch addition is located closer to the front lot line (38.3' proposed where 50' is required) and requested a copy of that board's decision. Mr. Plouffé stated the ZBA approved the porch location and he will supply the Board with a copy of the ZBA Resolution.

Mr. Johannessen noted that this application will need to an updated wetland delineation report, a stormwater mitigation plan, WCDOH approval and that Kellard Sessions will verify the wetland boundary line prior to the Board's decision.

Mr. Tetelman asked if the project includes the buffer could some of the outbuildings in the buffer be removed.

Ms. Andersen asked about the well. Mr. Plouffé stated the decorative 1870 structure is being relocated to the front of the house and the well pump stays where it is.

Mr. O'Donnell suggested waiting on scheduling a site visit.

Mr. Sessions asked who did the flagging of the wetland boundary line. Mr. Plouffé stated Mary Jaehnig had done the flagging and Paul Jaehnig had done the survey.

IV. SKETCH PLAN REVIEW

Cal #10-15 PB

(42:46 – 1:00:08)

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.

Mr. Sessions stated that at the last meeting the Board approved the EAF Part 2. He noted that he had 4-5 editorial comments on the updated Part 3.

Mr. Palmesi asked about the project financing. Mr. Bainlardi stated a capital project request was approved at the June 2nd meeting of the Westchester County Planning Board which will refer the project to the Westchester County Board of Legislators. He noted that the Legislators will refrain from acting on it until the Board makes its environmental determination. Mr. Palmesi asked if the applicant could provide the Board information on the project's hard and soft

costs. Mr. Bainlardi stated that they usually don't share performance information but he could supply a summary as it is public information.

Mr. La Sorsa stated he had questions about the Part 3 and would like to discuss it in more detail. He noted the EAFs have different numbers of ground water required varying from 4,500 to 9,000 gals/day. Mr. Bainlardi stated the design requirement is 9,000 gals/day and that actual use would be lower. Mr. Tetelman noted the rate is typically 100 gals/day/person. Mr. Bainlardi stated at Bridleside (65 units in North Salem) the usage is 12,000 gals/day. Mr. La Sorsa stated he wants to discuss this and the wells' capacities in more detail when the Chair returns. He also objected to the characterization that the additional 43 trips off of the 684 exit at the peak hour would not have a significant impact on local traffic; he would like to discuss this further. Mr. Sessions noted that ultimately the permit will come from the NYS DOT and if they determine if the situation warrants road improvements they will make that clear.

Mr. O'Donnell stated he had about 50 items to correct/clarify and proposed the Board send its comments to Mr. Siebert for distribution to the applicant and that Tim Miller & Associates meet with the Kellard Session consultants to discuss those comments. The Board agreed to send in comments for discussion.

Mr. Bainlardi acknowledged receipt of the Kellard Session memo dated June 15, 2016 and their comments have been forwarded on to Tim Miller & Associates. He noted receiving a No Effect letter from the State Historic Preservation Office (SHPO) dated June 16, 2016. Mr. La Sorsa asked for clarification on the area examined by the SHPO. Mr. Johannessen stated the SHPO found no historical/cultural resources or impact within the proposed project's area of disturbance. He noted that if there are additional areas of disturbance the SHPO would have to study those also.

Mr. Tetelman suggested the applicant hold off on resubmitting until the Board submits its comments and those along with Kellard Sessions' comments can be addressed simultaneously.

Mr. O'Donnell called for a brief recess at 8:31 p.m.; the meeting resumed at 8:32 p.m.

Cal #04-16PB

(1:00:09 – 1:16:30)

SSEL Corp., Boway/Woodway, South Salem, NY 10590, Sheet 38, Block 10808, Lot 1 (SSEL Corp – owner of record) – Proposed two-lot subdivision on an approx. 9 acre lot.

Scott Frey, owner, and John Karell, P.E. were present.

Mr. Karell stated the proposal is to divide the lot into two, five-acre parcels in order to construct two new houses. He noted that the wetlands have been flagged and the home sites are outside of the 150' buffer.

Mr. Johannessen stated he has confirmed the wetland delineation and that the applicant must obtain preliminary and final subdivision approval and also a stormwater permit as the area of disturbance is over 5,000 sf. He noted that the way the houses are located currently they are not encroaching on the wetland buffer and would not need a wetland permit. Mr. Johannessen noted this was Step 1 of a three-part application and the proposal would need:

- approvals from the Town Highway Dept for curb cuts;
- approvals from the WCHD for the wells and septic;
- a DEC SPDES permit;
- a tree survey ; and
- a wetland delineation report.

Mr. Johannessen requested that the revised sketch plans include sight line profiles, well locations, a grading plan and a short EAF plus a memo from the Building Inspector reviewing the two sites for zoning compliance. He stated the applicant should meet with Joe Cermele (Town Engineer) at Kellard Sessions to discuss the SWPPP requirements and contact the DEC regarding state jurisdiction over the wetland. Mr. Johannessen stated the house corners should be

marked prior to a Board site visit. Mr. Sessions suggested the applicant think about future uses at the sites, such as tennis courts and number of bedrooms, and design the house with a large footprint as it is easier to decrease its size later.

Mr. Johannessen noted that this site is not within any of the Town's Special Character Districts but he asked the style of the proposed homes and requested that a rendering be provided to the Board. Mr. Frey stated they are to be Colonial in style similar to a house he built at 261 Kitchawan Road and he will send a photo of that one to the Board.

Mr. O'Donnell asked if the sites would have driveway slope issues. Mr. Johannessen said no and that the applicant had provided driveway profiles.

Ms. Andersen stated the CAC will defer to the zoning compliance to the Building Inspector and noted the area is a number of older homes and open space and is concerned about adversely affecting the character of the community. She noted that a site walk would help determine how the proposed homes would fit into the neighborhood and whether there are ground water issues. Mr. Frey noted that this site is unusual in that the proposed homes lie below the wetlands. Ms. Andersen noted that the buffer is there for habitat consideration as well as water flow. Mr. Tetelman noted the two areas are connected hydrologically and that he doesn't want to see anything built in the wetland buffer.

Mr. Johannessen asked if the applicant had tested for septic and considered flipping the house and septic locations in Lot 1. Mr. Karell stated they could look at that.

Mr. O'Donnell asked the applicant to a narrative of the project along with the memo from the Building Inspector in his next submission. Mr. Frey agreed.

V. WETLAND VIOLATIONS

Cal #4-14 WV, Cal #04-16 WP (demolition), Cal#25-16WP (construction), Cal #12-16SW
(1:16:33 – 1:33:29)

James Sandler, 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 and reviewed the site and its previous wetland violation and subsequent fire. He stated the proposed, modular home would not have a wood burning stove and the owner will remove all cut wood from the property. Mr. Stalzer noted that the asphalt driveway is to be removed and a new, gravel driveway installed. He stated there would be off street parking near the road and a rain garden installed.

Mr. Johannessen stated that the wetland mitigation included removing debris and the old driveway. He asked the applicant if he had a determination from the Building Inspector or WCDOH as to whether or not the existing septic can be reused. Mr. Stalzer stated the WCDOH had approved a three-bedroom house and would forward that information on to Mr. Johannessen.

Mr. Johannessen stated the proposal would need:

- a DEC SPDES permit;
- a stormwater permit as the area of disturbance is over 5,000 sf.; and
- soil testing.

Ms. Andersen has questions about the accessory apartment with regard to zoning and the well and septic. Mr. Johannessen noted that prior to the fire the house had a legal, accessory apartment in it. Ms. Andersen asked, if at a fire-damaged site, does one view it as a vacant lot? Mr. Johannessen stated the owner has a certain time period in which to rebuild.

Mr. Tetelman asked if this matter could be handled administratively. Mr. O'Donnell explained this property has three separate matters: a pending wetland violation, a soon-to-close demolition permit being handled administratively and a construction proposal requiring wetland and stormwater permits. He suggested a control date of the October 18th meeting to get a status report and perhaps close out the violation and assess a penalty plus close out the demolition permit. Mr. Tetelman asked if this fits the applicant's time frame. Mr. Stalzer stated the owner would like to have the factory start fabrication of the modular home in July.

Mr. Siebert asked if the Board would rather retain jurisdiction over the construction and hold a public hearing or does it wish to have the construction handled administratively. Mr. O'Donnell asked if there was a homeowners association who would have to approve this at an annual meeting. He stated he would like the neighbors to have a chance to comment before possibly going administratively. Mr. Stalzer stated he would confirm if there is a lake board of directors or neighborhood group that would review this project.

Mr. Johannessen asked if the Board should schedule a public hearing for July. Ms. Andersen asked if a comment letter from the Timberlake Association would be helpful. Mr. O'Donnell responded it might be. Mr. Johannessen asked if comment letters from the neighbors would be in lieu of a public hearing. The Board scheduled a public hearing for July 19th.

VI. DISCUSSIONS/PROPOSED RESOLUTIONS/DECISIONS

AT&T at Vista Fire Department

(1:33:30 – 1:40:35)

377 Smith Ridge Road, South Salem, NY 10590, Sheet 50A, Block 9834, Lots 84, 99 & 94 (Vista Fire District, owner of record) -Md7, LLC request for relief from special permit application requirements in order to install a 50 kW diesel generator.

Eric Moskowitz (Md7, LLC) was present on behalf of the owners.

Mr. Siebert reviewed Md7's request on behalf of AT&T for the installation of ground-based generators within existing fenced compounds at two approved telecommunication facilities, Leon Levy Preserve and Vista Fire House. He noted the Town Code encourages exemptions from special permit applications for this type of upgrade, provided this Board agrees. Mr. Siebert stated Kellard Sessions prepared review memos dated June 15, 2016 on the requests and the requests were also forwarded to the Antenna Advisory Board (AAB) which endorsed the proposals.

Mr. Johannessen stated he felt the request for exemption from a special permit application was in order.

Ms. Andersen asked if there was spill protection for the double-walled fuel tank's intake valve. She noted that there were no lips around the generator bed. Mr. Moskowitz stated AT&T would do everything it could to contain diesel spills while refueling. He stated he would review the plans.

Mr. Siebert noted he had prepared a resolution and asked that the CAC share its concerns with the Building Inspector.

Mr. Johannessen noted a curbing could be installed on the bed. Ms. Andersen stated the CAC would contact the Building Inspector about the addition of a lip on the generator bed to contain possible spills while refueling.

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the Resolution dated June 21, 2016 granting New Cingular Wireless PCS, LLC (AT&T) an Exemption from Special Use Permit Requirements at the tower facility at Vista Fire Department, 377 Smith Ridge Road, South Salem, was adopted.

In favor: Mr. La Sorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman. Absent: Mr. Kerner.

AT&T at Leon Levy Preserve

(1:40:36 – 1:46:52)

Sheet 40, Block 10263, Lot 62 (American Tower Inc., owner of record) - Md7, LLC request for relief from special permit application requirements in order to install a 50 kW diesel generator.

Eric Moskowitz (Md7, LLC) was present on behalf of the owners.

[For a summary of the request for an exemption from special permit application see Mr. Siebert's first comment during the preceding application.]

Ms. Andersen outlined three concerns on this application:

- the same spillage containment issue raised during the Vista Fire discussion;
- the scheduling of the generator's exercise time so as not to disturb the wildlife and hikers; and
- will the diesel truck cause ruts in the carriage road.

Mr. Moskowitz stated AT&T will address these comments. He noted that the fueling truck comes infrequently and related to hurricane preparedness. Mr. O'Donnell recommended AT&T consider dry weather visits when sending maintenance vehicles to the site.

Mr. Tetelman reviewed Detail C5 which shows a level 10" slab. He recommended turning up the corners to contain diesel spills. Mr. Moskowitz stated he would forward that request on to AT&T. Mr. O'Donnell asked that the CAC share its concerns with the Building Inspector. There was a discussion about road maintenance as an enforcement issue.

Mr. Palmesi asked about the testing frequency and duration. Ms. Andersen cited the request stated testing would be during business hours. Mr. Moskowitz didn't have information on specific times, frequency or duration at hand.

On a motion made by Mr. Tetelman, seconded by Mr. Palmesi, the Resolution dated June 21, 2016 granting New Cingular Wireless PCS, LLC (AT&T) an Exemption from Special Use Permit Requirements at the tower facility at the Leon Levy Preserve, NYS Route 35 and NYS Route 123, South Salem, was adopted.

In favor: Mr. La Sorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman. Absent: Mr. Kerner.

(1:46:58 – 1:47:33)

Ms. Andersen introduced Betsy Barnett who lives near the SSEL application site.

VII. WETLAND VIOLATIONS, CONTINUED**Cal #1-16WV**

(1:47:36 – 2:02:34)

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

Arthur Mogil, owner, was present.

Mr. Mogil described an April snow storm that brought down several trees near a pond in his yard. He stated he started the clean-up and used an excavator to remove other dead trees on his property. Mr. Mogil stated neighbors called the DEC and the DEC issued a stop work order for the tree removal and water runoff in the road on May 11, 2016. He stated the DEC required a swale be built and during that construction a neighbor called the Town Wetland Inspector. Mr. Mogil noted that Mr. Sessions visited the site and issued a wetland violation on June 15, 2016. Mr. Mogil asked for permission to remove the dead trees along Route 138 describing them as a safety hazard and also install a waterfall. Mr. Sessions

asked the applicant about the dredging. Mr. Mogil stated he did not do any dredging but rather fixed up the rocks; he removed the dead trees along Route 138 and replanted there as well.

Mr. Sessions confirmed receiving a call regarding regulated activity conducted within the 150' wetland buffer. He stated he made a site visit and took photographs of the debris piles and exposed soil. Mr. Sessions stated he was unaware of the DEC's involvement and recommended installation of a silt fence to contain the exposed soil. He noted the next step would be for Mr. Mogil to submit an environmental questionnaire and perhaps a wetland permit to remediate the disturbed area. Mr. Mogil noted after speaking with the DEC he was told to reseed the area which he has done.

Mr. Tetelman asked how sediment was cleared from the pond. Mr. Sessions stated it is a man-made pond without any inlets or outlets. Mr. Mogil said the pond now had algae and he would like to aerate.

Mr. O'Donnell noted another application where the DEC was involved and the applicant obtained an administrative permit for the initial phase of stabilizing the site. He went on to say the applicant could return in July with a full set of plans that this Board could review and then issue an administrative permit for the rest of the work. Mr. Sessions stated this was a good idea.

Ms. Andersen noted that the CAC doesn't usually comment on wetland violations.

Mr. Siebert discussed the summons and the plea with Mr. Mogil. [Mr. Mogil entered an admission by executing the summons.] Mr. Sessions stated he will contact the DEC to ensure both the State and Town are in agreement on the remediation plan.

Mr. O'Donnell suggested a control date of July 19th. Mr. Sessions stated the clean-up could be done in July and at its July meeting the Board could determine if the matter would be handled administratively. Mr. Mogil agreed to work with Mr. Sessions and come back for the July meeting; he noted that he would be contracting his consultant, Hickory Homes.

VIII. MINUTES OF March 15, 2016;; MINUTES OF April 19, 2016; MINUTES OF May 4, 2016 and MINUTES OF May 17, 2016

(2:02:56 – 2:03:11)

The Board tabled approval of the four sets of minutes and discussed uploading mp3 recordings of the meetings on the Town web site.

IX. CORRESPONDENCE AND GENERAL BUSINESS

Affordable Housing in Westchester County

(2:03:15 – 2:04:43)

Mr. O'Donnell noted that Carolyn Stevens, the Monitor's community liaison, was in the audience tonight. She had called Mr. O'Donnell on May 26th regarding the status of the Wilder Balter project and during that call he invited her to attend tonight's meeting. He noted that she is an attorney working for the court-appointed Monitor, James Johnson, who is reporting on affordable housing in Westchester County.

Town Board authorizes Judson Siebert, Esq. of Keane & Beane P.C. to represent the Town regarding the Article 78 related to the Hayes/Stein Planning Board matter.

(2:04:43 – 2:06:08)

Mr. O'Donnell stated that the Town Board agreed that Mr. Siebert should represent the Town with regard to Adam Rose's recent lawsuit. Mr. Siebert noted the Town has made a motion to dismiss the proceedings and he received opposition papers from Mr. Rose's attorneys. Mr. Siebert will submit reply papers by June 30th and then wait for the Court's decision.

On a motion made by Mr. La Sorsa, seconded by Mr. Palmesi, the Board took a recess at 9:38 p.m.

In favor: Mr. La Sorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman. Absent: Mr. Kerner

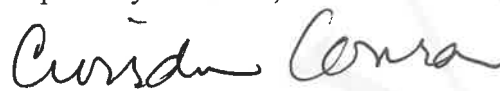
X. ADJOURNMENT

(2:06:44 – 2:07:10)

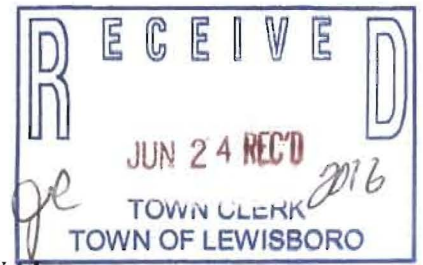
On a motion made by Mr. La Sorsa, seconded by Mr. Palmesi, the meeting was adjourned at 9:47p.m.

In favor: Mr. La Sorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman. Absent: Mr. Kerner

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ciorsdan Conran".

Ciorsdan Conran
Planning Board Administrator



**RESOLUTION
LEWISBORO PLANNING BOARD**

**AMENDED SITE DEVELOPMENT PLAN APPROVAL
AMENDED WETLAND ACTIVITY PERMIT APPROVAL
AMENDED TOWN STORMWATER PERMIT**

**COPIA HOME AND GARDEN CENTER
469 & 475 SMITH RIDGE ROAD AND 5 EAST STREET**

Sheet 53, Block 9834, Lots 33, 35, 36, 48
Cal. # 1-15 PB, Cal. # 25-15 WP & Cal. # 6-15 SW

June 21, 2015

WHEREAS, the project site consists of the following lots, which shall be collectively referred to hereafter as “the subject property”:

- The rear portion of 469 Smith Ridge Road which is being leased by the applicant for the purposes of a private vegetable garden. This parcel is included for the purposes of the Town Stormwater Permit only and is identified as Sheet 53, Block 9834, Lot 33 on the Town Tax Maps; and
- 475 Smith Ridge Road consisting of ± 1.16 acres of land and identified on the Town tax maps as Sheet 53, Block 9834, Lots 35 and 48. These lots are zoned GB and are developed with a 2-story commercial retail building, including a landscape nursery business known as Copia Home and Garden Center and a dwelling unit on the second floor. These lots also contain an existing asphalt parking lot, greenhouses, plant storage and display areas, a septic system, a potable water well, and other improvements ancillary to the landscape nursery business; and
- 5 East Street consisting of ± 0.72 acres of land and identified on the Town Tax Maps as Sheet 53, Block 9834, Lot 36. This Lot is zoned GB and contains an existing single-family residence, detached garage, shed, garden, asphalt driveway off of East Street, a septic system and a potable water well; and

WHEREAS, Jennifer and Pietro Cipriano (“the applicant”) proposed the following improvements:

- Modify the curb cuts on East Street to improve traffic and delivery truck circulation; and
- Demolish the existing greenhouses and trellis and construct a new 78’ x 63’ greenhouse, to be attached to the existing two-story building; and

- Relocate five (5) existing parking spaces, which extend off-site and into East Street right-of-way, so that they are positioned entirely on the subject property; and
- Modify and expand the existing internal parking lot and driveways; and
- Expand plant storage areas onto 5 East Street (Tax Lot 36); and
- Remove and install various fencing and gates; and
- Install permanent landscaping along East Street and the easterly property line; and
- Install drainage features to mitigate for the proposed added impervious cover; and
- Eliminate the common property line and merge Tax Lots 35, 36 and 48 into one lot/parcel; and

WHEREAS, by a Resolution adopted on July 21, 2015, the Planning Board granted Site Development Plan Approval, a Wetland Activity Permit and a Town Stormwater Permit to the applicant; and

WHEREAS, the applicant satisfied the conditions contained within the Planning Board's July 21, 2015 Resolution, the Site Development Plans were signed by the Planning Board Chairman, and construction is currently underway; and

WHEREAS, the applicant has submitted an application to amend the approved Site Development Plan and is proposing to increase the width of the roof connection between the existing building and the proposed greenhouses; the previously approved connector measured $\pm 10' \times 8'$ and the proposed roof will measure $\pm 10' \times 60'$, an increase of ± 520 s.f. The area below the proposed roof will continue to be used as storage and overhead doors are proposed at each end of the connector; and

WHEREAS, the applicant has demonstrated that the proposed amendment will not result in a zoning nonconformity and runoff from the roof area will be directed to the approved stormwater facility; and

WHEREAS, the application has been referred to and approved by the ACARC (Cal. No. 18-16-ACARC/PB); and

WHEREAS, the application has been referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law (Notification Only Referral); and

WHEREAS, the Planning Board finds that the proposed amendment represents a minor and beneficial change to the approved Site Development Plan.

NOW THEREFORE BE IT RESOLVED THAT, the proposed action has been determined to be a Type II Action and is categorically exempt from the New York State Environmental Quality Review Act (SEQRA); and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby determines that the proposed amendment qualifies for a waiver of Site Development Plan application procedures under §220-47A(2) of the Zoning Code; and

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

BE IT FURTHER RESOLVED THAT, given the limited scale of the proposed action and in accordance with Section 220-46D of the Zoning Code, the Planning Board hereby waives the requirement for a public hearing; and

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

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves the following drawing, hereafter referred to as “the approved amended site plan” and

Plan, prepared by David W. Coffin, Jr. Architect, dated (last revised) April 2, 2016:

- “Step 2: Site Development Plan” (G.1)

BE IT FURTHER RESOLVED THAT, Conditions #1- #3 must be fulfilled within six (6) months of the date of this Resolution (December 21, 2016). Should these conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six (6) month period and granted by the Planning Board; and

BE IT FURTHER RESOLVED THAT, all other previously approved plans, designs, conditions, requirements, expiration dates and time frames shall remain in full force and effect.

Conditions to be Satisfied Prior to the Signing of the Approved Amended Site Plan by the Secretary and Chairman:

1. The applicant shall furnish the Planning Board with two (2) complete mylar drawings of the Approved Amended Site Plan for final review by the Town’s consultants and endorsement by the Town Engineer, Planning Board Chairman and Secretary.

2. 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.
3. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Conditions to be Satisfied Following the Signing of the Plan:

4. Following the endorsement of the Approved Amended Site Plan by the Town Engineer, Planning Board Chairman and Secretary, one (1) mylar set will be returned to the applicant for copying and the second mylar set will be retained by the Planning Board as a record copy.
5. Within 10 days after endorsement of the Approved Amended Site 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 approved plans, collated and folded.

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: Tony Palmesi

The vote was as follows:

JEROME KERNER	<u>absent</u>
JOHN O'DONNELL	<u>aye</u>
RON TETELMAN	<u>aye</u>
GREG LASORSA	<u>aye</u>
ANTHONY PALMESI	<u>aye</u>

John O'Donnell
 John O'Donnell
 Acting Chair

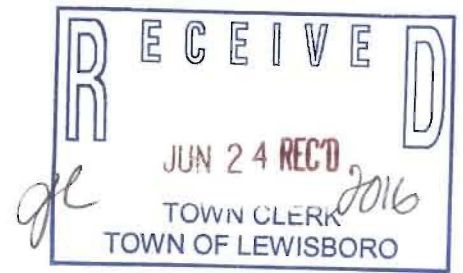
6/21/2016
 June 21, 2016

**RESOLUTION
LEWISBORO PLANNING BOARD**

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

Sheet 49D, Block 9829, Lot 10
Cal. #3-16 P.B.

June 21, 2016



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

WHEREAS, the applicant, Smith Ridge Associates, LLC (“the applicant”), is proposing the following improvements, collectively referred to hereafter as “the proposed action”:

1. The establishment of a bank and associated drive-thru to be located at the north end of Building #1; and
2. Outdoor seating associated with Teatro’s Café (12 outdoor seats) to be situated on an existing outdoor patio located on the south side of Building #2; and
3. Outdoor seating associated with the Willows (48 outdoor seats) to be situated on two (2) existing elevated decks located on the west side of Building 9B; and
4. The construction of an elevated walkway which shall connect the two (2) existing decks referenced above; and
5. The infill and enclosure of an existing $\pm 1,600$ s.f. walkway associated with Building #4 and to be used for retail purposes; and

WHEREAS, the proposed use(s) are permitted uses within the underlying RB Zoning District; and

WHEREAS, reference is made to an existing conditions survey entitled “ALTA/NSPS Land Title Survey Depicting Parcel 2, Map 22, 420 WCCO”, prepared by Redniss & Mead, dated April 28, 2016; and

WHEREAS, the proposed elevated walkway associated with the Willows is located within the regulated wetland buffer area; however, no ground disturbance will result and, therefore, a wetland permit is not required; and

WHEREAS, the applicant has demonstrated that the proposed outdoor seating areas comply with Section 220-16, Seasonal Outdoor Restaurant Seating, of the Zoning Code; and

WHEREAS, the number of existing parking spaces (321 spaces) provided at the shopping center does not meet the required number of spaces specified under Section 220-56C of the Zoning Code (456 spaces); and

WHEREAS, more specifically, when the current parking multipliers are applied to the existing and proposed uses located within the shopping center a deficiency in the overall number of parking stalls is realized; and

WHEREAS, while a parking deficiency exists, the Planning Board has the ability to reduce the number of parking spaces required when shared parking among multiple uses is proposed on one lot and when the Board finds that parking capacity will meet parking demand by reason of variation in probable time and use (see Section 220-55B(1) of the Zoning Code); and

WHEREAS, the site plan of record for the subject property includes 70 “land-banked” parking spaces, which have been set aside for future use if determined necessary; and

WHEREAS, the Planning Board finds that based on the current variety of existing and proposed uses and their variation in peak demand and operating hours that sufficient parking capacity exists on the subject property to satisfy the present demand; and

WHEREAS, the proposed action has been reviewed and approved by the ACARC (Cal. No. 19-16-ACARC/PB); and

WHEREAS, the proposed action has been referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law (Notification Only Referral); and

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

WHEREAS, the Planning Board has considered the submitted Site Development Plan Application, materials submitted by the applicant in support of its proposal, the verbal comments from the Board’s professional consultants, the verbal commentary made during Planning Board meetings, and testimony of the applicant.

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

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

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves the following drawings, hereafter referred to as “the approved Site Development Plans”, subject to the below conditions:

Plan prepared by DeLalla & Associates, LLC, dated (last revised) May 17, 2016:

- Amended Site Development Plan” (SP-0b)

Plans prepared by Cross River Architects, LLC, dated May 16, 2016:

- Teatro’s Café Outdoor Seating Plan-BLDG 1 (A/1)
- SR Catering (Willows) Outdoor Seating Plan-BLDG 9B (A/2)
- SR Catering (Willows) Deck Plans (A/2.1)
- SR Catering (Willows) Outdoor Seating Area Details (A/2.2)
- Proposed Bank Space-BLDG 1 (A/3)
- Proposed Retail Space-BLDG 4 (A/4)

BE IT FURTHER RESOLVED THAT, Site Development Plan Approval, defined as the signing of the approved Site Development Plans by the Planning Board Chairman, shall expire unless a Building Permit is applied for within one (1) year of the date of the signing of the plans or if all required improvements are not completed within three (3) years of the signing of the plans or if the construction or use shall cease for more than one (1) year; and

BE IT FURTHER RESOLVED THAT, the Planning Board may extend conditional approval and approval of the Site Development Plans by not more than two (2) additional periods of 90 days each if, in the Planning Board’s opinion, such extension is warranted by the particular circumstances; and

BE IT FURTHER RESOLVED THAT, any subsequent alterations, modifications, additions or changes to the approved and/or constructed improvements shall require the prior review and written approval by the Planning Board as a new, modified and/or amended application for Site Development Plan Approval; and

BE IT FURTHER RESOLVED THAT, failure to comply with the approved Site Development Plans or any of the conditions set forth herein shall be deemed a violation of Site Development Plan Approval, which may lead to the revocation of said approval or the revocation by the Building Inspector of any issued Building Permit or Certificate of Occupancy; and

BE IT FURTHER RESOLVED THAT, Conditions #1 - #8 must be fulfilled within six (6) months of the date of this Resolution (on or before December 21, 2016). Should these conditions not be satisfied within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) with said 6-month period and granted by the Planning Board.

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

1. The applicant shall submit to the Planning Board Secretary an engineering/inspection fee equal to 5% of the estimated cost of construction. Said estimate shall be prepared by a

Licensed Professional and shall include unit costs, total costs and quantities for all proposed site improvements; said estimate shall be provided by the applicant, in writing, and approved by the Town Engineer.

2. The Site Development Plans shall contain an updated 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).
3. The applicant shall satisfy any written comments provided by the Town's consultants.
4. The Town's standard signature blocks shall appear on all plan sheets.
5. The applicant shall submit a "check set" (2 copies) of the approved Site Development Plans, prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
6. Following review and revision (if necessary) of the final plans, the applicant shall furnish the Planning Board with two (2) complete mylar sets of the approved Site Development Plans for final review by the Town's consultants and endorsement by the Town Engineer, Planning Board Chairman and Secretary.
7. 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.
8. 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:

9. Following the endorsement of the approved Site Development Plans by the Town Engineer, Planning Board Chairman and Secretary, one (1) mylar set will be returned to the applicant for copying and the second mylar set will be retained by the Planning Board as a record copy.
10. Within 10 days after endorsement of the approved Site Development Plans 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.
11. No Building Permit shall be issued absent compliance with Town Code Section 220-75B(3).

Conditions to be Satisfied During Construction:

12. During construction, the Town's consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved Site Development Plans.
13. A copy of this Resolution and the approved Site Development Plans shall be kept on site at all times during construction.

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

14. No Certificate of Occupancy shall issue until all proposed improvements, both site and building related, are complete to the satisfaction of the Building Inspector and the Town's consultants.
15. Submission of an as-built survey, prepared by a NYS Licensed Land Surveyor and to the satisfaction of the Town Engineer, demonstrating compliance with the approved Site Development Plans shall be submitted to the Building Inspector and Planning Board (four (4) copies).
16. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved Site Development Plans. A final inspection report shall be prepared by the Town Consulting Engineer.
17. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Other Conditions:

18. Unless approved by the Planning Board, the existing and proposed tenants/uses shall not increase in size, utilization or intensity so as to increase the parking requirement as specified on the approved Site Development Plans.
19. Provisions for outdoor seating shall not increase the seating capacity of the restaurant.
20. The seasonal outdoor restaurant seating facility shall be operated by the subject restaurant and shall have all food and beverages prepared inside the related restaurant.
21. Existing and proposed landscaping which provides screening for the outdoor seating area must be maintained by the restaurant owner for the life of the facility.
22. The seasonal outdoor restaurant seating facility shall not be expanded upon without Planning Board approval and shall be limited to a maximum outdoor floor area equal to or less than 25% of the total gross floor area of the inside restaurant seating area.

23. All lights relating to seasonal outdoor seating area shall be minimized and designed to match existing facilities and the surrounding neighborhood character. Lighting shall be directed downward and inward to the site, so that the light source is not visible from an adjacent property.
24. Sound amplification and public address systems and equipment is prohibited. The seasonal outdoor restaurant seating area shall not be utilized for live performances or recorded audio transmissions.
25. Permissible hours of operation and use of the seasonal outdoor restaurant seating facility shall be 8:00 a.m. to 10:00 p.m. daily.

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>absent</u>
JOHN O'DONNELL	<u>aye</u>
RON TETELMAN	<u>aye</u>
GREG LASORSA	<u>aye</u>
ANTHONY PALMESI	<u>aye</u>

John O'Donnell 6/21/16
Jerome Kerner June 21, 2016
John O'Donnell
Acting Chair

**RESOLUTION
LEWISBORO PLANNING BOARD**

**AMENDMENT TO APPROVALS
WETLAND ACTIVITY PERMIT
TOWN STORMWATER PERMIT
SITE DEVELOPMENT PLAN**

**LAUREL RIDGE
(AKA OAKRIDGE GARDENS)**

Sheet 49D, Block 9830, Parcels 1-A-8 and 1-A-9
Cal. #6-02 P.B.

June 21, 2016

WHEREAS, on October 12, 2010, the Town of Lewisboro Planning Board granted Wetland Activity Permit Approval, Stormwater Permit Approval and Site Development Plan Approval pertaining to the construction of a 46-unit multifamily development known as Oakridge Gardens (AKA Laurel Ridge); and

WHEREAS, the Planning Board granted amendments on July 11, 2011, June 12, 2012, August 14, 2012, September 24, 2012, September 17, 2013, July 15, 2014, November 18, 2014 and again on February 17, 2015; and

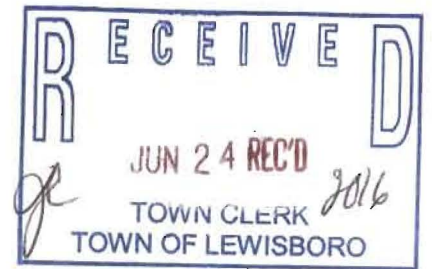
WHEREAS, Smith Ridge Housing, LLC ("the applicant") has submitted a written request to further amended certain conditions of the Planning Board's approving Resolution(s) that pertain to the sequence of construction; and

WHEREAS, the Planning Board's July 15, 2014 Resolution (Amendment #6), requires the following:

Condition #3: Prior to the issuance of the first Certificate of Occupancy for Phase 1, the binder course of asphalt for Road A shall be completed from Station 7+00 to Oakridge Drive (Station 14+27) and a 6-inch subbase shall be installed from Oakridge Drive (Station 0+00) to Station 7+00, all to the satisfaction of the Town Engineer.

Condition #4: Prior to the issuance of the first Certificate of Occupancy for Phase 1, all landscaping shall be completed from Station 7+00 to Oakridge Drive (Station 14+27), as approved and to the satisfaction of the Town Planner.

Condition #6: Prior to the issuance of the first Certificate of Occupancy for Phase 2, the binder course of asphalt for the remainder of Road A (from Station 0+00 to Station 7+00) shall be completed, to the satisfaction of the Town Engineer.



Condition #7: Prior to the issuance of the first Certificate of Occupancy for Phase 2, all landscaping shall be completed along the remainder of Road A (from Station 0+00 to Station 7+00), to the satisfaction of the Town Planner.

Condition #8: Prior to the issuance of the final Certificate of Occupancy for Phase 2, the final course of asphalt for Road A and the previously approved limits of Oakridge Drive shall be completed, to the satisfaction of the Town Engineer.

WHEREAS, Phase 1 is substantially complete and the binder course of asphalt and required landscaping has been installed from Station 7+00 to Oakridge Drive (Station 14+27) and a 6-inch subbase has been installed from Oakridge Drive (Station 0+00) to Station 7+00, as required; and

WHEREAS, the applicant has stated Building #5 is scheduled to be completed by mid-summer 2016; however, that the foundations, water service laterals and curb stops (valves) for Buildings #7 and #8 will likely not be in place prior to the completion of Building #5; and

WHEREAS, the applicant has requested that the Planning Board amend the approved sequence of construction so that the asphalt binder course need not be installed in front of Buildings #7 and #8 until such times as the foundations, water service laterals and curb stops (valves) associated with these buildings have been completed; and

WHEREAS, the requested change will facilitate the orderly and efficient sequencing of construction without affecting overall site development;

NOW THEREFORE BE IT RESOLVED THAT, Conditions #6 and #7 of the Planning Board's July 15, 2014 Resolution is hereby eliminated and replaced with the following:

New Condition #6: Prior to the issuance of a certificate of occupancy for any building (Buildings #5-#8), the binder course of asphalt shall installed to a point 20 feet beyond the last driveway associated with that building (referring to the building in which the certificate of occupancy is requested).

New Condition #7: Prior to the issuance of the last certificate of occupancy for Phase 2, all landscaping shall be completed along Road A (from Station 0+00 to Station 7+00), to the satisfaction of the Town Planner.

BE IT FURTHER RESOLVED THAT, the applicant and contractor shall make reasonable efforts to reduce dust during construction, including implementation of dust control measures, such as:

- Vegetate and mulch disturbed areas which do not receive vehicle traffic, including soil stockpiles; and

- Apply appropriate gravel or rock sub-base on driveway and road surfaces which receive vehicle traffic; and
- Spray water on un-vegetated areas which receive vehicle traffic; and

BE IT FURTHER RESOLVED THAT, all other conditions and requirements shall remain in full force and effect.

ADOPTION OF RESOLUTION

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

The motion was moved by: Greg La Sorsa

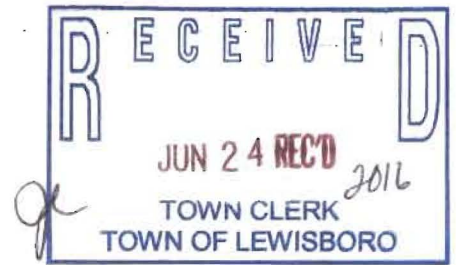
The motion was seconded by: Ron Tetelman

The vote was as follows:

JEROME KERNER	<u>absent</u>
JOHN O'DONNELL	<u>aye</u>
RON TETELMAN	<u>aye</u>
GREG LASORSA	<u>aye</u>
ANTHONY PALMESI	<u>aye</u>

<u>John O'Donnell</u>	<u>6/21/16</u>
Jerome Kerner	June 21, 2016
John O'Donnell	
Acting Chair	

**RESOLUTION
LEWISBORO PLANNING BOARD**



**VIOLATION OF CHAPTER 217, WETLANDS AND WATERCOURSES,
OF TOWN CODE OF THE TOWN OF LEWISBORO**

Mr. Ted Childs, Jr.

Cal. # 4-15 W.V.

June 21, 2016

WHEREAS, Ted Childs, Jr. is the record owner of property located at 19-11 Lost Nations Road, Pound Ridge, New York, which is identified as Sheet 45A and 46, Block 9825, Lot 21 on the Tax Map of the Town of Lewisboro (the "Subject Property"); and

WHEREAS, on October 7, 2015, a Notice of Wetland Violation was issued by the Wetland Inspector to Mr. Childs for the following offense:

Regulated activity conducted without benefit of a written wetland permit (Section 217-2, definition of "Regulated Activity or Use" (Subsection 1, 2, 3, and 6) and Section 217-5 of the Wetlands and Watercourses Law);

WHEREAS, the violation arose from the construction of a gravel access driveway, land disturbance, excavation and modification of materials and natural features, filling and depositing of material, all located within regulated wetland and wetland buffer on the Subject Property, without having obtained a permit under Chapter 217, Wetlands and Watercourses, of the Town Code of the Town of Lewisboro (the "Town Wetland Law"); and

WHEREAS, as a result, a Planning Board Summons was issued on October 7, 2015 directing Mr. Childs to appear before the Planning Board; and

WHEREAS, thereafter, Mr. Childs and his attorney, Michael Sirignano, Esq., appeared before the Planning Board on November 17, 2015; and

WHEREAS, on November 17, 2015, Mr. Childs entered a written admission and plea of guilty to the aforementioned violation; and

WHEREAS, Mr. Childs obtained a Wetland Implementation Permit (under Permit No. 68-15 W.P.) to conduct wetland and wetland buffer restorative work at the Subject Property; and

WHEREAS, the Town Wetland Inspector issued a Wetland Certificate of Compliance on April 26, 2015 confirming that work under this permit has been completed; and

WHEREAS, Mr. Sirignano appeared before the Planning Board on May 17, 2016 and advised that Mr. Childs incurred costs of \$7,740 in connection with this restorative work; and

WHEREAS, the Planning Board entered into deliberations as to the assessment of a penalty in Executive Session on May 17, 2016; and

WHEREAS, having conducted such deliberations, and based upon the circumstances recited above, including the nature of activity giving rise to the violation, the restorative work conducted by Mr. Childs and the cost of such work;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that a penalty of Two Hundred and Fifty (\$250.00) Dollars is hereby assessed against Mr. Childs, to be paid by check made payable to the "Town of Lewisboro" and tendered to the Secretary of the Planning Board forthwith and that, with such payment, this matter shall be concluded and closed.

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 forza

The vote was as follows:

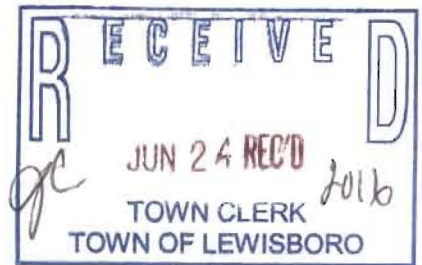
JEROME KERNER	<u>absent</u>
JOHN O'DONNELL	<u>aye</u>
RON TETELMAN	<u>aye</u>
GREG LASORSA	<u>aye</u>
ANTHONY PALMESI	<u>aye</u>

John O'Donnell

John O'Donnell, Acting Chairman

6/21/16

June 21, 2016



**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

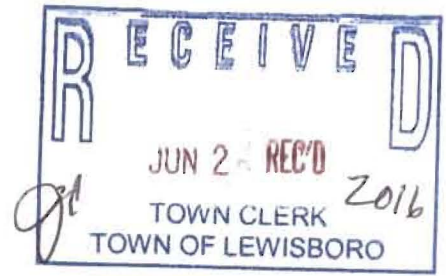
JOHN O'DONNELL aye

RON TETELMAN aye

ANTHONY PALMESI aye

GREG LASORSA aye

John O'Donnell
John O'Donnell, Acting Chairman June 21, 2016



**RESOLUTION
LEWISBORO PLANNING BOARD**

EXEMPTION FROM SPECIAL USE PERMIT REQUIREMENTS

**NEW CINGULAR WIRELESS PCS, LLC (AT&T)
TOWER FACILITY
NYS ROUTE 35 AND NYS ROUTE 123**

Sheet 40, Block 10263, Lot 62
Cal. # ____ P.B.

June 21, 2016

WHEREAS, an approved telecommunications facility is located on a +/-4.0 acre landlocked parcel owned by American Tower, Inc., identified as Sheet 40, Block 10263, Lot 62 on the Tax Map of the Town of Lewisboro; and

WHEREAS, this property is surrounded by lands known as the Leon Levy Preserve, is accessed from RNYS Route 35, and is located in the R-4A Zoning District; and

WHEREAS, the approved facility included a +/- 125-foot lattice tower, a +/- 75' x 35' equipment building and a +/- 2,900 square foot fenced equipment compound area; and

WHEREAS, a Special Use Permit Approval was previously granted by the Planning Board, on July 13, 2004, to AT&T Wireless for the installation and operation of antennas and associated equipment at this facility; 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 and Conservation Advisory Committee; and

WHEREAS, the proposed action has been endorsed by the AAB and the CAC has offered 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 Leon Levy Preserve);
 - Title Sheet
 - Partial Site Plan
 - Equipment Layout Plans
 - Generator Details & Notes
 - Automatic Transfer Switch & Notes
 - ATS Alarm Relay
 - Details
 - EH & S Details
 - 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:

Tony Palmesi

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