

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, July 19, 2016 at 7:30 p.m. The audio recording of this meeting is 160719_001.MP3.

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

Mr. Kerner called the meeting to order at 7:32 pm and noted the exit.

I. DECISIONS

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

(1:33 – 3:38)

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

The applicant was not present. Mr. Siebert noted he had written Mr. Zaia regarding tonight's meeting.

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

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman, the Resolution dated July 19, 2016 issuing a wetland violation penalty of \$50.00 to Christopher Zaia, 30 Benedict Road, South Salem, was adopted.

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

II. PUBLIC HEARINGS

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

(3:45 – 11:42)

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 Jamie LoGiudice, RLA, Insite Engineering were present.

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.

The Chair announced the commencement of the public hearing. There were no objections to the time, place or advertisement of the public hearing.

Prior to the start of the meeting, Ms. LoGiudice submitted the receipt for mailing the public hearing notice, affidavit of mailing, green cards from the certified mailings and a photograph of the public hearing sign at the site to the Planning Board Administrator.

Mr. Mackin noted the applicant's decision to demolish the current house due to its multiple additions and water damage. He stated the applicant is proposing a Cotswold-style house to be located at the base of a slope. Mr. Mackin stated the house's location was limited by wetland and building setbacks, steep slopes and existing septic. He noted that the proposed house site is overlapping with the existing house location and to be built on that area of disturbance.

Ms. LoGiudice stated soil testing was complete and she would supply those results to the Town. She noted that the ratio of the area of disturbance in the wetland buffer to the mitigation area is 1.2 to 1. Ms. LoGiudice noted they are proposing stormwater treatment where it previously did not exist and the creation of a more native environment. Mr. Lichtman noted on the EAF they checked that there was no negative impact to the environment as the area was pre-disturbed.

Mr. Johannessen stated he found the wetland mitigation plan to be adequate and that the applicant has some outstanding technical stormwater-related comments to address. He noted the applicant still needs approvals from the NYS Dept. of Conservation (DEC) and Westchester County Dept. of Health (WCDOH).

The CAC had no comments. The Board had no comments.

Gail Ascher (87 Mill River, South Salem) asked to see existing photographs of the house. Mr. Lichtman described the house as being "the one with the pyramid."

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the public hearing for the Lichtman residence at 192 Kitchawan Road, South Salem remained open until September 20, 2016. In favor: Mr. Kerner, Mr. La Sorsa, Mr. Palmesi and Mr. Tetelman. Abstained: Mr. O'Donnell.

Cal #4-14 WV, Cal #04-16 WP (demolition), Cal#25-16WP (construction), Cal #12-16SW
(11:49 – 25:10)

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.

James Sandler, owner, and Thomas Stalzer, Stalzer Architect, were present.

The Chair announced the commencement of the public hearing. There were no objections to the time, place or advertisement of the public hearing.

Prior to the start of the meeting, Mr. Stalzer submitted the receipt for mailing the public hearing notice, affidavit of mailing, green cards from the certified mailings and a photograph of the public hearing sign at the site to the Planning Board Administrator.

Mr. Stalzer reviewed the site and its previous wetland violation and subsequent fire. He stated he worked with Kellard Sessions on a stormwater management plan, notified the neighbors and prepared a Notice of Intent. Mr. Stalzer proposed the installation of a three-bedroom modular house, a gravel driveway and path to the house plus a rain garden and that the existing rear patio and septic are to remain.

Mr. O'Donnell asked for the location of the home owner who sent in the letter of support. Mr. Stalzer stated directly across the street; the neighbor to the rear was reluctant to comment in writing, the two other adjacent neighbors are out of town. Mr. Sandler stated he spoke to the neighbor above his property and he is in favor of the project. Mr. O'Donnell asked if this project required lake association approval. Mr. Sandler stated he lives within the Goldens Bridge Lake Association and he has their support as well; he does not know if this project needs their approval. Mr. O'Donnell asked

about approvals from the ZBA. Mr. Stalzer agreed to provide the Board with the ZBA approval for construction of a stair in a setback. The ZBA decision is attached to these minutes.

Mr. Tetelman noted the southern hill and asked how the house is protected from flowing water. Mr. Stalzer noted an existing retaining wall and grade changes. Mr. Sandler stated the hill is very absorbent and in his 18 years there he hasn't seen water pouring down that slope. Mr. Stalzer agreed to examine that area with a civil engineer.

Mr. Johannessen stated that all his comments have been addressed by the applicant.

Ms. Andersen asked if this house had an individual or community well. Mr. Stalzer stated a community well. The CAC had no further comments.

Mr. Johannessen noted that since the June 21st Planning Board meeting he has conducted a site visit and the demolition permit has been closed out. He suggested a control date of October 18, 2016 and an expiration date in November for the wetland permit.

No comments from the public.

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the public hearing was closed at 7:53 pm. All in favor: Mr. Kerner, Mr. La Sorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman.

Mr. O'Donnell asked if this matter could be handled administratively. Mr. Johannessen stated he had no objections to this matter being handled administratively.

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman the Board determined that the Wetland Permit for construction of a three-bedroom modular home will be handled administratively. All in favor: Mr. Kerner, Mr. La Sorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman.

Mr. O'Donnell directed Kellard Sessions to provide a progress report at the Board's October 18, 2016 meeting for the outstanding wetland violation. He noted that the applicant should submit the cost of remediation to Mr. Johannessen.

III. PROJECT REVIEW

Cal# 3-13PB, 03-16WP

(25:14 – 44:07)

"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.

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

Ms. Evans stated that last week the owners of the Silvermine subdivision purchased 105 Lockwood Road which allows the revised roadway better sight lines and avoids it being built in the DEC or Town wetland buffers. She noted that there will be a 13th building lot at 105 Lockwood Road with the existing house site moved; the rest of the subdivision remains the same including the 40 acres of open space given to the Westchester Land Trust. Ms. Evans stated that on Lot 7 a borrow pit that had been delineated as a wetland by Tim Miller Associates may no longer be used for stormwater management. She proposed relocating the 10,000 gallon fire-suppression tank from under the new proposed roadway to the borrow pit. Mr. Kerner clarified that the borrow pit is sloped, 10 – 15' deep, but holds just a few inches of water. Mr. Johannessen concurred that on his site visits he has not seen vegetation in the borrow pit and does not think it is a wetland. Mr. Tetelman suggested taking it off the plan. Ms. Evans stated she would be removing the borrow pit's wetland delineation from the plan.

Mr. O'Donnell reported on the July 16, 2016 site walk.

Present on the site walk were: three members of the Planning Board – Jerome Kerner, John O'Donnell and Tony Palmesi; Beth Evans and Alan Pilch from Evans Associates; and Eric Moss, owner, and his daughter.

A mitigation plan was received, and a copy is attached to these minutes. The visit began at the new acquisition, 105 Lockwood Road, and the proposed new road way and its improved site lines was discussed. The group walked a westerly path to the corner of the property and then retraced its steps to a ravine area with Silvermine Drive on the other side. The walk returned on an easterly path emerging behind the house at 105 Lockwood Road and then viewed the borrow pit. The group drove to Silvermine Drive and viewed the erosion. The proposed storm water management of the water channel off of Silvermine Drive was discussed.

Mr. Kerner added that the group discussed parking at the trail head and would be looking for that on the final plan. Ms. Evans agreed.

Mr. O'Donnell stated with the new driveway configuration 105 Lockwood Road would be a substandard lot and should be included in the conservation cluster.

Mr. O'Donnell concluded his site walk report.

Mr. Johannessen asked three questions about 105 Lockwood Road: if the house to be relocated, is the driveway to come off the new road and would it be part of the homeowners' association. Ms. Evans responded yes to the three previous questions. She stated that 105 Lockwood is proposed to be folded into the conservation subdivision and would be approx. 1.5 acres. Ms. Evans noted Lot 7's size will decrease due to the road shift but it is still over an acre.

Mr. Johannessen stated the site plan would have to be modified but the inclusion of the new parcel in the cluster subdivision makes sense, improves access and removes the driveway from the buffer.

Ms. Andersen asked about the access to and maintenance of the stormwater basins. Ms. Evans stated it was the responsibility of the homeowners' association and the Westchester Land Trust (WLT) will be maintaining its 40 acres.

Mr. O'Donnell asked the applicant to consider constructing an affordable housing unit on the newly acquired lot. He requested a copy of the WLT's Old Church Lane Preserve management plan. Ms. Evans noted that once the WLT acquires title to a property within six months they develop a management plan.

Mr. Johannessen asked for a survey of 105 Lockwood Road. Ms. Evans agreed to provide the survey and stated the applicant would likely be resubmitting for the Board's meeting on September 20, 2016.

Cal#11-15PB

(44:14 – 1:15:30)

Elegant Banquets, 1410 Route 35, South Salem, NY 10590, Sheet 39, Block 10549, Lot 17 (South Salem Owners, LLC, owner of record) - Application for Sketch Plan Review in connection with an addition to the existing building and modification to the existing site

Michael Sirignano, Esq.; Beth Evans, Evans Associates; Jan Goldfluss, Wesley Stout Associates; Timothy Cronin, P.E., Cronin Engineering; and Simon Curtis, Elegant Banquets, were present.

Mr. O'Donnell requested a printed copy of Cronin Engineering's Site Plan (SP-3.0) dated July 19th. Mr. Sirignano agreed.

Mr. Cronin updated the Board on soil testing stating 20 different holes had been dug at 12-14 different locations and Kellard Sessions had inspected them. He noted that those results, along with the infiltration tests, were very positive. Mr. Cronin stated he met with the Kellard Sessions consultants to develop the SWPPP, addressed their comments and tonight is presenting the first submission of a detailed stormwater management plan. He stated he has sent a submission to the WCDOH and is responding to their comments including the number of events per day. Mr. Cronin stated there would be further discussion with the WCDOH after the septic and grease tanks are inspected.

Mr. Cronin stated the DEP has agreed that the area of disturbance is less than 2 acres and the DEP will not need to review the SWPPP.

Mr. Kerner asked if this was a special use permit. Mr. Johannessen responded it was not, it is the expansion of an existing non-conforming use which has been approved by the ZBA. Mr. Kerner asked if there is any control over the use should there be a change in ownership. Mr. Johannessen noted that the conditions of an approved site plan stay with that site, also the Certificate of Occupancy will have a maximum occupancy number of 280. He stated if a subsequent owner wants to have an occupancy level of 281 they would have to go before the Board and WCDOH.

Mr. O'Donnell cited the applicant's business plan stating the site would host one event per day. Mr. Curtis replied not on Saturdays and he noted that traffic analysis included times for events both Saturday afternoon and evening.

Mr. Sirignano stated they have modified the proposal to follow Town Code and where they could not conform to the Code have received two variances from the ZBA. He noted that the application is on the next ZBA agenda for the planting of one tree for every ten parking spaces; a provision that can be waived by the Board. Mr. Sirignano explained that they couldn't afford to lose parking spaces due to this requirement and noted that the entire perimeter of the parking area is wooded. He asked if the Board would consider waiving this provision so as not to increase the area of disturbance in creating these islands in the proposed parking lot. Mr. Siebert noted that a formal waiver comes at the end of the review process and the Board will then have to give reasons why it is warranted.

Mr. Kerner polled the members. Mr. O'Donnell stated he might be persuaded but advised the applicant to stay on the ZBA's agenda. Mr. Tetelman stated he would give the applicant relief in that specific aspect on this specific project. Mr. La Sorsa stated he would not grant a waiver. Mr. Palmesi and Mr. Kerner stated they were in favor of granting a waiver.

Mr. Goldfluss stated that the lighting plan has been updated and more pole lights have been added.

Mr. O'Donnell asked if Mr. Siebert has received the driveway easement. Mr. Siebert stated he has received it but needs to review it.

Mr. Johannessen noted that the applicant's architects would have to address the comments from the State Historic Preservation Office (SHPO). Mr. O'Donnell noted the largest issue raised by SHPO was the razing of the trophy house and he suggested making it available to the Town Historian or a group like the JP Morgan Chase Museum. Mr. Curtis agreed.

Mr. Johannessen noted other open issues:

- WCDOH comments;
- DOT comments;
- maximum occupancy number from the Building Inspector;
- ADA compliance and fire code review from the Building Inspector;
- the applicant's responses to the Westchester County Planning Board's comments;
- wetland mitigation plan; and
- technical stormwater comments.

Mr. Sirignano stated he would get those issues resolved.

Ms. Evans noted the two areas of encroachment within the buffer: Parking Lots 2 & 3 and Wetland C. She proposed enhancement plantings for those parking areas and maintaining the lawn at Wetland C.

Mr. Palmesi asked about enhancement plantings in parking lots 2 & 3 to prevent lights from shining into the houses in CT. Ms. Evans stated they would be installing them there. Mr. Tetelman noted that they didn't have to be that tall just tall enough to block car headlights. He also cited that the plan shows two China girl holly bushes, and noted if you want berries applicant will need to plant a China boy.

Mr. Johannessen asked if the propane tank was under or above ground. Mr. Cronin stated the 1,000 g tank would be underground and bollards are proposed in front of the generator.

Mr. O'Donnell asked for copies of the ZBA and ACARC approvals. Mr. Sirignano stated he would provide those to the Board.

Mr. Sirignano noted that if the project doesn't break ground this fall then they will lose the entire 2017 wedding season. He requested a public hearing in August and a resolution in September potentially. Mr. Johannessen noted that an August public hearing is doable but with unknowns such as the WCHOD and SHPO decisions the public hearing could remain open into September. The Board agreed if the applicant can resubmit materials by July 28th there will be a public hearing on August 16, 2016.

Cal #28-16 WP

(1:15:45 – 1:19:40)

Jackson Residence, 39 Truesdale Lake Drive, South Salem, NY 10590, Sheet 36J, Block 10815, Lot 17 (Michael Jackson and Richard Lachey, owners of record) - Application for Wetland Activity Permit for installation of a floating dock.

Palley Jackson, was present on behalf of the owners.

Mr. Johannessen reviewed the Kellard Sessions review memo dated July 13, 2016. He noted the proposed dock and catwalk has received letters of support from the adjacent neighbors and approval from the Truesdale Estates Association (owner of the lake floor).

CAC had no comments.

Mr. Johannessen noted mitigation along the waterfront in the form of plantings would be appropriate as the property is sloped. Mr. O'Donnell asked if this matter could be handled administratively. The Board discussed this and the inclusion of plantings along the water's edge to improve the lake's water quality and slow runoff.

On a motion made by Mr. O'Donnell, seconded by Mr. La Sorsa, the Board determined that the installation of a floating dock will be handled administratively under the guidance of the Wetlands Inspector. All in favor: Mr. Kerner, Mr. La Sorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman.

IV. SKETCH PLAN REVIEW

Cal #10-15 PB

(1:19:50 – 1:34:53)

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. Kerner stated that the Board is in the process of finalizing the review of the applicant's EAF Part 3. Mr. Siebert noted that at the June 21st meeting the Board discussed sending its comments on the Part 3 to him and he has received several comments. He then forwarded those comments to the consultants at Kellard Sessions to facilitate a meeting with the applicant. Mr. Siebert noted this would move the Board closer to adopting a resolution on the EAF Part 3 either at its regularly scheduled August meeting or a specially scheduled meeting. The Board discussed blocking out two hours at the August 16, 2016 meeting for this application.

Mr. O'Donnell noted the request at the June 21st meeting for a pro forma that was submitted to the Westchester Planning Board. Mr. Bainlardi stated he would be happy to share the pro forma, he noted it is a public document. He noted that if there is proprietary information that would aid in the Board's review of the EAF he could supply that to the Board's counsel for circulation among the Board's members. Mr. O'Donnell suggested Mr. Bainlardi and Mr. Siebert discuss.

Mr. Bainlardi noted that a pro forma would be a draft as costs will rise especially since the next step is designing/engineering the buildings. He asked once the Board's comments have been addressed and it has the pro forma would it be in a position to adopt the Part 3 as he feels stuck in place and hears the ticking clock of the Settlement funds financing.

Mr. O'Donnell asked about the building heights and suggested a balloon test. Mr. Bainlardi stated the building heights are included in the plans submitted with the EAF. He noted the buildings would be 2-story on one side and 3-story on the other with a design very similar to the buildings in Bridleside. Mr. Johannessen stated that the Board could note in the Negative Declaration that it expects the applicant to address certain concerns, such as building heights, during site plan.

The Board scheduled a site visit for Saturday, September 17th.

Cal #04-16PB

(1:35:03 – 1:45:18)

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, was present.

Mr. Frey noted he had received a memo from the Building Inspector stating the two lots are zoning compliant. Mr. Johannessen explained he had asked the applicant to delineate the buildable area on the plan, which the applicant did, however there are areas shown that cannot be counted in contiguous buildable area. He stated that a perimeter segment less than 50', 15% slopes or greater and wetlands cannot be counted in contiguous buildable area. Mr. Johannessen asked the applicant to revise the plan but is confident that the lots will meet contiguous buildable area. He asked that the applicant review Lot 2 and revise the plan.

Mr. Johannessen also noted that many of Kellard Sessions comments have not been addressed. Mr. Frey noted that the pool and well sites have been added to the plan, the tree survey has been scheduled and the center lines of the driveways will be staked for a site visit.

The Board scheduled a site visit for 8 am on Saturday, August 20th.

Mr. Frey asked if he should hold off on test holes and the septic test. Mr. Johannessen said he could move forward on those and scheduling a stormwater inspection.

V. WETLAND VIOLATIONS

Cal #1-16WV

(1:45:21 – 1:49:33)

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 the DEC's May 21, 2016 stop work order for the tree removal and water runoff at his property. He stated he has had discussions with the Wetland Inspector and asked if the matter could be handled administratively.

Mr. Tetelman noted that before this matter could be handled administratively the applicant would need to submit a wetland permit. Mr. Kerner added that the applicant submit a sketch with the application and address the topic of remediation of the disturbed area. Mr. O'Donnell suggested the applicant speak with the Wetland Inspector to be guided through the process. Mr. Mogil agreed.

Mr. Johannessen suggested a control date of September 20th be set for a progress report. Mr. Mogil agreed.

VI. DISCUSSIONS/PROPOSED RESOLUTIONS/DECISIONS

AT&T at Leon Levy Preserve

(1:49:39 – 1:53:40)

Sheet 40, Block 10263, Lot 62 (American Tower Inc., owner of record) - request for relief from special permit application requirements in order to install an antenna upgrade.

Taylor Palmer, Esq., Cuddy & Feder, was present on behalf of the owners.

Mr. Siebert reviewed Cuddy & Feder's request on behalf of AT&T for the installation of an antenna upgrade on an existing tower at an approved telecommunication facility in the Leon Levy Preserve. He noted that for this type of upgrade, provided the size and bulk volume changes fall within a certain parameters, this Board can agree to waive the special use permit requirement. Mr. Siebert stated Tectonic Engineering's analysis has demonstrated those size and bulk volume criteria have been met. He noted he had prepared a resolution to approve the exemption. Mr. Siebert stated Kellard Sessions prepared a review memo dated July 13, 2016 on the request and the request was also forwarded to the Antenna Advisory Board (AAB) which endorsed the proposal.

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

Ms. Andersen raised two concerns about this application: potential impact on the trails and coordination of the use of the carriage road during the Black Mansion repairs. Mr. O'Donnell requested Mr. Palmer communicate the CAC's concerns to his client. Mr. Palmer agreed. Mr. O'Donnell requested Ms. Andersen share the CAC's concerns with the OSPAC and Superintendent of Parks and Recreation. Ms. Andersen agreed.

On a motion made by Mr. Tetelman, seconded by Mr. Palmesi, the Resolution dated July 19, 2016 granting New Cingular Wireless PCS, LLC (AT&T) an Exemption from Special Use Permit Requirements for an equipment upgrade at the tower facility at the Leon Levy Preserve, NYS Route 35 and NYS Route 123, South Salem, was adopted.

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

VII. CORRESPONDENCE AND GENERAL BUSINESS

Cal# 50-14WP and Cal# 7-14SW

(1:53:57 – 1:57:37)

Oakridge Pool and Recreation, 400 Oakridge Drive, South Salem, NY 10590, Sheet 049D, Block 09829, Lot 6.2 (Oakridge Condominium Association, owner of record) - Request to review landscaping bond for remaining landscaping and recommendation to Building Department for temporary CO for the pool.

Jamie LoGiudice, RLA, Insite Engineering was present.

Ms. LoGiudice presented photographs of the pool and requested the Board review a landscaping bond for the remaining landscaping, the elimination of the pergola from the site plan and to consider a waiver of site plan procedures to make these changes.

Mr. Johannessen stated he had reviewed the cost estimate and felt it acceptable; he noted the cost estimate was \$12,900.

Mr. Siebert reviewed a resolution amending the site plan approval for purposes of eliminating the pergola and allowing the posting of a landscaping bond. The Board had no additional comments.

On a motion made by Mr. La Sorsa, seconded by Mr. Tetelman, the Resolution dated July 19, 2016, granting the elimination of the pergola from the site plan and allowing the posting of a bond to insure completion of the landscaping outside the pool area to Oakridge Condominium Association (Oakridge Pool and Recreation), 400 Oakridge Drive, South Salem, was adopted.

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

VIII. EXTENSION OF TIME REQUEST

Cal# 8-12PB

(1:57:40 – 1:58:23)

Rudolph Petrucci, Oscaleta Road, South Salem, NY 10590, Sheet 33B, Block 11157, Lot 46 (Rudolph Petrucci, 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 applicant.

On a motion made by Mr. La Sorsa, seconded by Mr. Palmesi, the Board granted a 90-day extension to the resolution granting Preliminary/Final Subdivision Plat, Negative Declaration under SEQRA, dated October 21, 2014.

All in favor: Mr. Kerner, Mr. La Sorsa, Mr. O'Donnell and Mr. Palmesi.

Abstain: Mr. Tetelman.

IX. CORRESPONDENCE AND GENERAL BUSINESS, CONTINUED

Cal# 12-10PB

(1:58:26 – 2:01:15)

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)

Mr. Siebert gave an update on the Article 78 lawsuit brought by Adam Rose against this application. He stated the Town and the applicants have filed fully-submitted motions to dismiss the proceedings and they are now waiting for the Court's decision. Mr. Siebert noted Mr. Rose appeared before the Town Board on June 27, 2016 requesting an administrative warrant be issued compelling the Building Inspector to inspect the property.

Cal #24-16 WP

(2:01:16 – 2:01:47)

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.

No one was present on behalf of the owners.

Mr. O'Donnell stated the applicants have moved and withdrawn the application.

X. MINUTES OF March 15, 2016; MINUTES OF April 19, 2016; MINUTES OF May 4, 2016; MINUTES OF May 17, 2016 AND MINUTES OF June 21, 2016

(2:01:54 – 2:02:33)

The Board tabled approval of the five sets of minutes.

XI. EXECUTIVE SESSION

(2:02:36 – 2:02:50)

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the Board entered into executive session at 9:35 p.m. for purposes of attorney-client consultation.

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

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the Board adjourned the executive session at 10:10 p.m. and reopened the Planning Board meeting.

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

XII. ADJOURNMENT

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the meeting was adjourned at 10:11p.m.

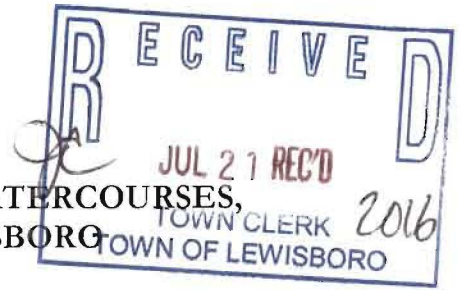
In favor: Mr. Kerner, Mr. La Sorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman.

Respectfully Submitted,



Ciorsdan Conran
Planning Board Administrator

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



Mr. Christopher P. Zaia

Cal. # 2-15 W.V.

July 19, 2016

WHEREAS, on July 7, 2015, a Notice of Wetland Violation was issued to Mr. Christopher P. Zaia with regard to activity taken upon property located at 30 Benedict Road, South Salem, New York, which is identified as Sheet 32, Block 10804, Lot 17 on the Tax Map of the Town of Lewisboro (the "Subject Property"); and

WHEREAS, this Notice of Wetland Violation was issued by the Wetland Inspector to Mr. Zaia for the following offense:

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

WHEREAS, the violation arose from tree removal and associated activity undertaken on the Subject Property following a storm event within a wetland buffer 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 July 7, 2015 directing Mr. Zaia to appear before the Planning Board; and

WHEREAS, thereafter, Mr. Zaia appeared before the Planning Board on August 18, 2015; and

WHEREAS, on August 18, 2015, Mr. Zaia entered an admission and plea of guilty to the aforementioned violation; and

WHEREAS, Mr. Zaia obtained a Wetland Implementation Permit (under Permit No. 56-15 W.P.) to conduct wetland buffer restorative work at the Subject Property; and

WHEREAS, the Town Wetland Inspector has confirmed that work under this permit has been satisfactorily completed; and

WHEREAS, Mr. Zaia appeared before the Planning Board on June 21, 2016 and established he had incurred costs of approximately \$11,272 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 June 21, 2016; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, that a penalty of Fifty (\$50.00) Dollars is hereby assessed against Mr. Zaia, 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

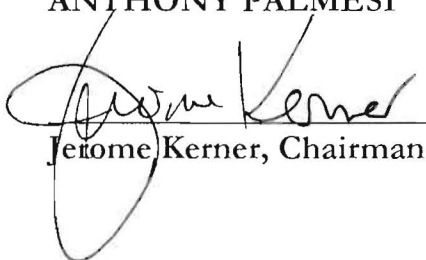
WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: John O'Donnell

The motion was seconded by: Ron Tetelman

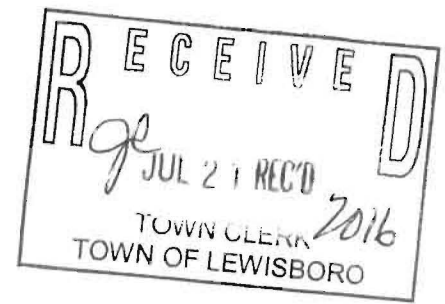
The vote was as follows:

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


Jerome Kerner, Chairman

July 19, 2016

**RESOLUTION
TOWN OF LEWISBORO
ZONING BOARD OF APPEALS**



**IN THE MATTER OF THE APPLICATION OF
James Marshall Sandler
FOR A VARIANCE OF
ARTICLE III, §220-9D (2)
ARTICLE IV §220-23(E)
of the Lewisboro Zoning Ordinance
CAL. NO. 17-16-BZ**

INTRODUCED BY: Board Member Krellenstein

SECONDED BY: Board Member Casper

DATE OF CONSIDERATION/ADOPTION: June 22, 2016

WHEREAS, James Marshall Sandler, represented by Thomas Stalzer, has made application to the Lewisboro Zoning Board of Appeals (the “ZBA”) for [1] a variance of Article III §220-9D and (2) for an area variance of Article IV, Section 220-23(E) of the Lewisboro Town Code, seeking a side yard setback variance to construct an outside staircase to the reconstructed residence on the subject premises located at 28 Lake Street, Goldens Bridge, New York, Tax Map Sheet 7F, Block 12663, Lot 5 (“the property”), where the Code requires a thirty foot (30’) side yard setback and the stairs are proposed twenty-one feet six inches (21’-6”) from the side yard lot line; and the applicant sought a variance of nine feet (9’), and

WHEREAS, this application for an area variance constitutes a Type II action under 6 NYCRR Part 617, and therefore, requires no further review under the State Environmental Quality Review Act (SEQRA), and

WHEREAS, a public hearing was held at the Town Offices at Orchard Square, 20 Cross River Shopping Plaza, Lower Level, 20 North Salem Road, Cross River, New York in this matter on June 22, 2016 and a site walk was conducted on June 18, 2016 to consider the application, after which a vote was taken with regard to the variance as forth above, and

WHEREAS, The Lewisboro Zoning Board of Appeals has given careful consideration to the facts presented in the application at the public hearing based upon the criteria set forth in Section 267-b(3)(b) of the Town Law of the State of New York, and finds as follows:

1. The property is an approximate 0.66 acre parcel in the R-1A zoning district owned by James Marshall Sanders, the applicant, and is a vacant parcel.
2. The applicant’s architect advised the members of the Board at the June 22, 2016 public hearing that the proposed stairs are actually proposed twenty-one feet one inch from the side yard lot line.
3. The applicant is rebuilding his residence which was destroyed by fire and wishes to construct an outside staircase in an area that would be located closer

than thirty feet (30') from the side lot line as required by Article IV, Section 220-23(E) of the Lewisboro Town Code, in that the applicant desires to construct the staircase twenty-one feet one inch (21'-1") from the side property line, thereby requiring a side yard setback variance of nine feet (9').

4. There will be no undesirable change in the character of the neighborhood or detriment to nearby properties.
5. There is no practical alternative to the variance requested.
6. The Board found that the variance is not substantial.
7. There will not be an adverse effect or impact to the physical or environmental conditions of the neighborhood.
8. The Board determined that the difficulty was self-created, but determined that the variance being sought was not great.

WHEREAS, pursuant to Section 267-b(3)(c), the ZBA hereby determines that the minimum area variance necessary in this application is a variance of nine feet (9') from the required thirty foot (30') side property line thereby permitting the staircase to be constructed twenty-one feet one inch (21'-1") from the side yard lot line.

NOW, THEREFORE BE IT RESOLVED, that the Lewisboro Zoning Board of Appeals hereby grants the [1] variance of Article III §220-9D (2) in the matter of an increase in non-conformity and [2] an area variance of nine feet (9') from the thirty foot (30') side property line requirement of Article IV, Section 220-23(E) of the Lewisboro Town Code, in order to permit the construction of the staircase twenty-one feet and one inch (21'-1") from the side yard lot line, which is located in the R-1A zoning district pursuant to Section 267-b(4) of the Town Law of the State of New York:

VOTE:

Board Member Krellenstein	-	In Favor
Board Member Rendo	-	In Favor
Chairman Price	-	In Favor
Board Member Mandelker	-	In Favor
Board Member Casper	-	In Favor

VOTE:

Resolution carried by a vote of 5 to 0.



Robin Price, Jr., Chairman

Dated in South Salem, New York
This 20 day of July, 2016

Expiration: The variance shall deemed to authorize only the particular use or uses specified in the decision, and unless other

provisions are set forth by the Zoning Board of Appeals in connection with its decision, shall expire if work is not initiated pursuant thereto within one (1) year of the date said decision is filed with the Office of the Town Clerk or if said use or uses shall cease for more than one (1) year. Applicants wishing to seek an extension are advised to make application therefore to the Zoning Board of Appeals sufficiently in advance of expiration so as to allow their request for extension to be calendared and heard by the Zoning Board of Appeals prior to the date of expiration. Any such application must include a chronological listing of work (which may include efforts to obtain other regulatory approvals) initiated pursuant to the variance.

STATE OF NEW YORK)

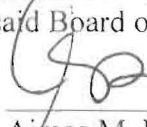
) ss.:

COUNTY OF WESTCHESTER

I, Aimee M. Hodges, Secretary of the Zoning Board of Appeals, do hereby certify that the above is an excerpt/summary/fair representation of the Resolution adopted by the Zoning Board of Appeals of the Town of Lewisboro at a meeting of said Board on June 22, 2016.

Dated: _____

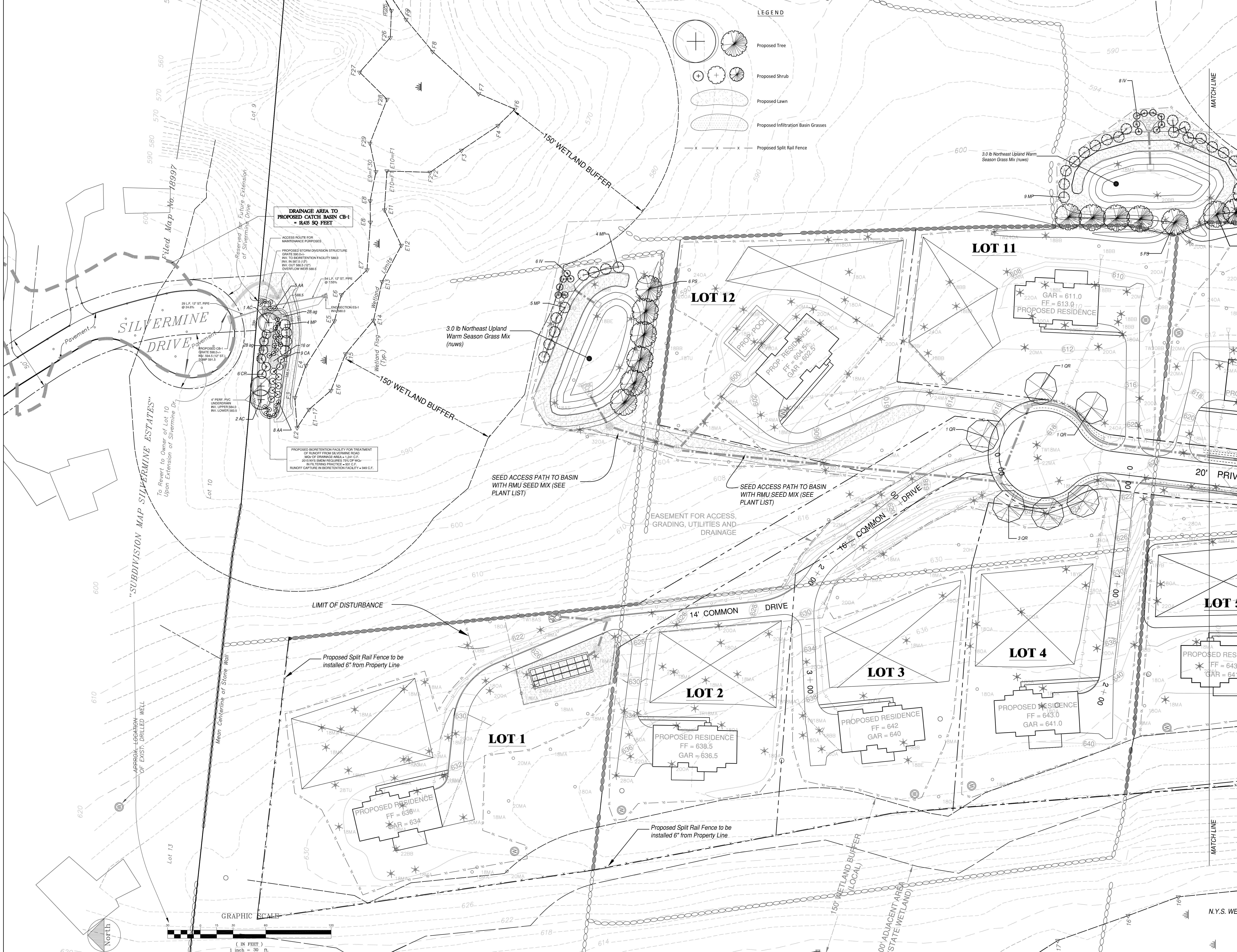
7/20/16



Aimee M. Hodges
Secretary Zoning Board of Appeals



MP-1



LEGEND

- Proposed Tree
- Proposed Shrub
- Proposed Lawn
- Proposed Infiltration Basin Grasses
- Proposed Split Rail Fence

CONSULTANTS:
BIBBO ASSOCIATES, L.L.P.
LOCAL TRAIL ENGINEERS AND PLANNERS
MILL FORD OFFICES
600 ROUTE 100, SUITE 303
SCARSDALE, NEW YORK 11763
TEL: 914.477.9800

ISSUED:
Revised at western property line & to include mtg. at end of Silvermine Rd 08/01/2016

OWNERSHIP AND USE OF DOCUMENTS
These drawings and specifications are the property of Evans Associates Environmental Consulting, Inc. No part thereof shall be copied, disclosed to others or used in connection with any work or project other than for which they have been prepared without the express written consent of the licensed professional who prepared the document.

SEAL:
REGISTERED LANDSCAPE ARCHITECT
PLAN L. PITCH
No. 000974
STATE OF NEW YORK

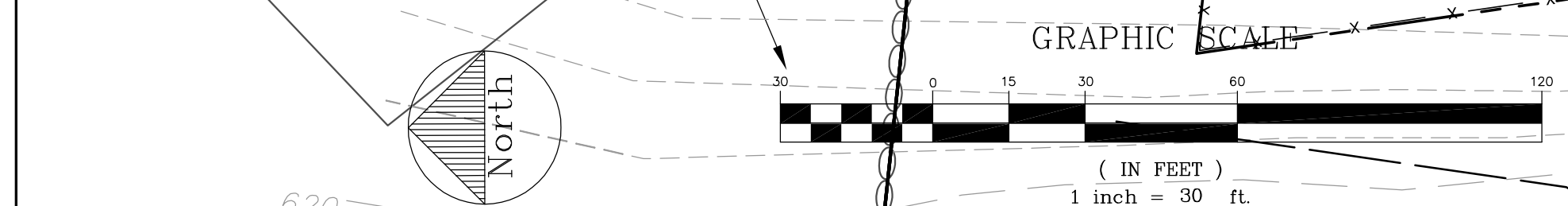
PROJECT NAME:
SILVERMINE PRESERVE
Silvermine Drive & Lockwood Road
Town of Lewisboro
Westchester County, NY

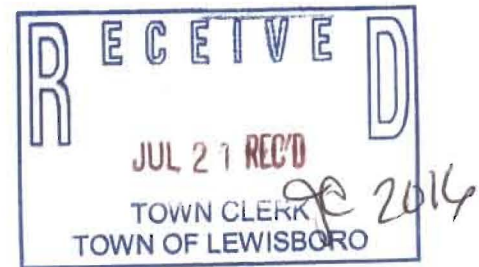
ENVIRONMENTAL CONSULTANT:
EVANS ASSOCIATES
205 Army Road
Bethany, Connecticut 06524
F: (203) 393-0196
email: evans.associates@eac-inc.com

Drawing Title:
Mitigation Planting Plan

Date: October 8, 2012
Dwn. by: tet
ID: EAEC-MitPlan_05-2016
EAEC Proj. No.: 809

MP-2





**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.

July 19, 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 NYS 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") obtained authorization to replace certain antennas on its tower-mounted installation and install two (2) remote radio head units per sector, one (1) GPS unit on the existing ice bridge and associated equipment in the ground-based equipment building, by a Resolution adopted by the Planning Board on October 15, 2013 exempting the antenna replacement and equipment installation from Special Use Permit requirements under §220-41.1H of the Town Code; and

WHEREAS, the Applicant obtained additional authorization to install a 50kW diesel generator within the existing fenced compound at the approved facility, by a Resolution adopted by the Planning Board on June 21, 2016 exempting the generator installation from Special Use Permit requirements under §220-41.1H of the Town Code; and

WHEREAS, the Applicant now proposes to alter this approved facility by replacing three (3) of the panel antennas on its tower-mounted installation, installing three (3) new remote

head units per antenna sector and placing additional equipment in the existing equipment building (the “proposed action”); and

WHEREAS, Section 220-41.1H of the Lewisboro Town Code provides that an exemption may be granted from Special Use Permit requirements for alterations to an approved communication facility and tower; and

WHEREAS, the Applicant has requested that such an exemption be applied so that it can proceed with the proposed action; 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 (“AAB”) and Conservation Advisory Committee (“CAC”); and

WHEREAS, comments have been provided by the AAB Chairman and the CAC, which have been considered by the Planning Board;

NOW, THEREFORE BE RESOLVED THAT, the Planning Board, in its discretion, hereby finds that the proposed action meets the criteria stated in §220-41.1H of the Lewisboro Town Code and is therefore exempt from the requirements for Special Use Permit Approval; and

BE IT FURTHER RESOLVED THAT, work undertaken as part of the proposed action shall not commence without the benefit of a Building Permit 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 Engineering dated (last revised) April 13, 2016;
 - Title Sheet (T01)
 - Site Plan & Notes (A01)
 - Equipment Plan (A02)
 - Elevation (A03)
 - Antenna Plan & Mounting Detail (A04)
 - Antenna & Equipment Details (A05)
2. Letter submitted by Cuddy & Feder, LLP dated June 21, 2016 on behalf of the Applicant.

3. Planning Board Resolutions adopted October 15, 2013, July 13, 2014 and June 21, 2016.
4. Application for Building Permit dated June 17, 2016.
5. Letter of Authorization dated May 24, 2016.
6. RF Exposure Analysis for Proposed Upgrade prepared by Sharo RF Services, LLC dated May 27, 2016.
7. Structural Evaluation dated March 15, 2016.
8. Bulk Volume Assessment prepared by Tectonic Engineering, signed under seal by Manojkumar Patel, P.E. and dated July 14, 2016.

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

aye

JOHN O'DONNELL

aye

RON TETELMAN

aye

ANTHONY PALMESI

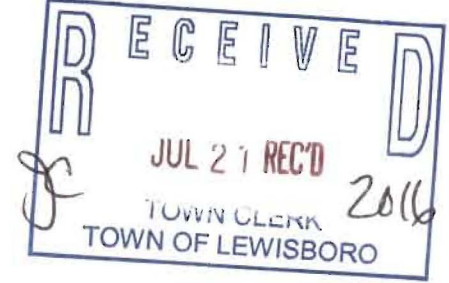
aye

GREG LASORSA

aye


Jerome Kerner, Chairman

July 9, 2016



**RESOLUTION
LEWISBORO PLANNING BOARD**

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

OAKRIDGE CONDOMINIUMS – POOL AND RECREATION AREA

Sheet 49D, Block 9829, Lot 6.2
Cal. #50-14WP and 7-14 S.W.

July 21, 2016

WHEREAS, the Planning Board, by Resolution adopted on November 18, 2014, granted a waiver of Site Development Plan application procedures under Section 220-47(A) (2) of the Zoning Code and further issued an Amended Site Development Plan Approval and Wetland Activity Permit authorizing modifications and improvements to the pool and recreation area associated with the Oakridge Condominium complex located on Oakridge Drive, off of Smith Road (NYS Route 123) and within the R-MF Zoning District; and

WHEREAS, the Planning Board extended the expiration date of said approval on May 20, 2015; and

WHEREAS, construction of the pool and recreation area modifications and improvements commenced in 2015, and is now substantially complete, but for the installation of proposed landscaping to be placed outside of the fenced-in pool area and construction of a proposed pergola; and

WHEREAS, the Applicant seeks to revise the Amended Site Development Plan so as to eliminate construction of the proposed pergola; and

WHEREAS, the applicant seeks to revise the conditions stated in the November 18, 2014 Resolution, so as to allow for the posting of a bond or other security to ensure the installation of the proposed landscaping outside of the fenced-in pool area; and

WHEREAS, the Applicant has provided cost estimates for completion of this landscaping, setting forth a projected cost of approximately \$12,900, which has been reviewed by the Town Engineer and Planning Board consultants; and

WHEREAS, a waiver of Site Development Plan procedures is requested for purposes of these requested amendments;

NOW THEREFORE BE IT RESOLVED THAT, the requested amendments are consistent with the pool modifications and improvements previously evaluated under the State Environmental Quality Review Act, and for which a Negative Declaration was adopted

by the Planning Board on November 18, 2014, the substance of which is reaffirmed by the Planning Board; and

BE IT FURTHER RESOLVED, that the Planning Board determines the amendments sought by the Applicant qualify for a waiver of Site Development Plan application procedures under Section 220-47A(2) of the Zoning Code; and

BE IT FURTHER RESOLVED, that the Planning Board grants an amendment to the November 18, 2014 Resolution, so as to (1) eliminate the proposed pergola from the Amended Site Development Plan and (2) allow the posting of a bond to secure completion of the landscaping outside the fenced-in pool area for purposes of the issuance of a certificate of occupancy for the pool; and

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

1. The owner/applicant shall submit a bond or other suitable security, in the amount of \$12,900 and in a form satisfactory to the Planning Board attorney and consultants, to secure completion of the landscaping outside the fenced-in pool area;

BE IT FURTHER RESOLVED THAT, except as amended herein, the terms and conditions of the Planning Board's November 18, 2014 Resolution shall remain in full force and effect.

ADOPTION OF RESOLUTION

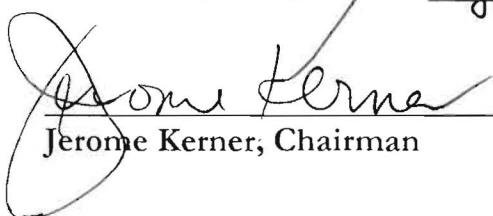
WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: Greg La Sorsa

The motion was seconded by: Ron Tetelman

The vote was as follows:

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


Jerome Kerner, Chairman

July 21, 2016