

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, September 13, 2016 at 7:30 p.m. The audio recording of this meeting is 160913_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
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

Mr. Kerner called the meeting to order at 7:30 p.m. and noted the exits.

I. SKETCH PLAN REVIEW

Cal #10-15 PB

(1:00 – 1:22:34)

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; Jeff Contelmo, P.E., Insite Engineering; and Jon Dahlgren, Tim Miller Associates, were present.

Mr. Kerner stated that the Board convened this meeting to continue its review of the applicant's EAF Part 3.

Mr. O'Donnell stated that during the Board's July meeting a special meeting to be held in September on this application was discussed and a site visit was scheduled for September 17th. He noted that neither of these topics was discussed during the Board's August meeting and the Board's meetings and site walks should be scheduled in public sessions. Mr. La Sorsa stated that he was surprised that this was an open meeting; he thought it was to be an executive session.

Mr. Tetelman asked if the site walk (and balloon tests) is still scheduled for September 17th.

Mr. Bainlardi noted that since the August meeting the EAF has been revised to include the Board's corrections.

Mr. O'Donnell listed his comments and proposed edits of the document:

- Page 3.5-3 he referenced the impact of noise on wildlife and asked about the impact of traffic noise on humans;
- Page 1-3 he noted there are no existing utilities on site;
- Page 3.4-5 he suggested the applicant reconsider the installation of emergency generators for the residential units;
- Page 3.4-2 and Appendix E (Figure 3) he questioned what the trace map demonstrates;
- Page 3.4-2 he noted that the closest airport for National Weather information would be Danbury not Westchester County airport.

Mr. Tetelman noted that on Page 3.9.4 the name of the Police Chief needs to be updated to read Charles Beckett.

Mr. Kerner stated in Part 1 of the EAF, Page 3 of 13 (Question C.4.d) should read Lasdon Park and Arboretum, not Larson.

Mr. O'Donnell noted that the Katonah-Lewisboro School District's Transportation Office will determine the bus routes and appropriate drop-offs and the applicant probably won't have as much input as cited on Page 3.9-12. He asked if there has been further contact with the school district since Michael Jumper's letter dated April 25, 2016. Mr. Dahlgren stated there have been further discussions with the school district and the updated EAF incorporated those comments.

Mr. Kerner cited the September 8, 2016 letter from the Goldens Bridge Fire District (GBFD) correcting membership, response, impact and equipment data. Mr. Bainlardi noted that the Fire Chief identified the fire district information that was corrected and it is now in the revised EAF. For example, on Page 3.9-7 the word 'partially,' was inserted in paragraph one as the estimated annual property tax revenue from the proposed development would "partially offset an additional demand."

Mr. La Sorsa asked what incorrect information the applicant drew from the GBFD's web site. Mr. Bainlardi stated membership and equipment. Mr. La Sorsa asked where the information on heavy rescue units came from and if it is a requirement for a development of this density. Mr. Dahlgren stated he did not know.

Mr. La Sorsa asked for more information on the location of the water tanks. Mr. Bainlardi stated the Fire Chiefs preferred a location close to Route 22.

Mr. La Sorsa asked if the number of parking spaces on the site plan is 92 or 124. Mr. Contelmo stated 92 spaces. Mr. La Sorsa asked if the applicant doesn't receive a parking variance will they have to revise the site plan. Mr. La Sorsa noted that if they don't get the variance they will need to find 30 more spaces.

Mr. Kerner asked what the 'significant issues,' are that need to be resolved before the GBFD can continue its review mentioned in its September 8, 2016 letter. Mr. Bainlardi stated water tank location and roadway design to meet equipment turning radius.

Mr. O'Donnell cited the NYS DEP's undated letter and the Insite response to it dated March 4, 2016 and asked if there had been further discussions with the DEP. Mr. Contelmo stated there was the site walk with the DEP and the subsequent determination of a reservoir stem.

Mr. O'Donnell cited Mr. Bainlardi's letter of May 17, 2016 outlining the demographics of the residents at Bridleside and asked why the number of Bridleside residents and the number of occupations does not match. Mr. Bainlardi stated he would check on this.

Mr. O'Donnell noted that the traffic study continues to say no impact even though there are additional cars at a site with an existing Level of Service of F. He asked what is meant by 'horizontal and vertical road alignment controls,' as seen on Page 3 of the Maser Traffic Impact Study. Mr. O'Donnell read from Page 5 of the traffic study "accidents occurring in the vicinity of the I-684 – Exit 6A northbound off ramp are primarily due to failure to yield right of way." He asked about the possibility of an increase in potential accidents in that area if there are additional cars and traffic. For these reasons, plus the regular and late school bus runs, Mr. O'Donnell stated he believes that there will be a traffic issue. Mr. O'Donnell asked the Wilder Balter consultants to contact the Lewisboro Police Department to obtain violation data, specifically speeding, for this area.

Mr. Bainlardi stated that during the peak hour there will be 15 additional cars making the left turn off of the 6A Exit, an increase of 2.5%. He noted that there would not be an impact to safety or a back-up on the ramp. Mr. Bainlardi stated the Maser consultants used a speed of 55 mph in their report and the posted speed limit is 45 mph. He noted that the EAF now includes mitigation practices such as installation of a light pole and advance warning signs.

Mr. La Sorsa stated that 15 additional cars coming off the exit and 23 cars making a turn into the development is not a *de minimis* impact.

Mr. O'Donnell pointed out an inconsistency between Page 3.8-1 which notes Route 22's speed limit as 45 mph whereas Page 3.8-3 which describes Route 22 as having varied speed limits of 40 and 45 mph. Mr. Bainlardi stated he would confirm which statement is accurate.

Mr. Kerner stated that an increase in cars under 5% is *de minimis*.

Mr. Tetelman stated the EAF must state that the increase in cars is an impact and will affect the Level of Service.

Mr. Palmesi noted that the school district will determine if children will debus inside the development or on Route 22 and if the children have to cross Route 22 that will also have an impact on the traffic. Mr. O'Donnell noted that this bus stop will be near the only exit from the Interstate in the town. Mr. Bainlardi reminded the Board that this development is an approved use for this site, that the EAF has been modified 5 or 6 times to reflect the Boards' and its consultants' comments, and that he is willing to continue to work with the Board to make modifications to the EAF and it is time for the Board to make a determination. Mr. O'Donnell stated that may occur at the next meeting depending on the documents that are presented at that time.

Mr. O'Donnell noted that on Page 3.6-4 the "streetscape character of the property frontage along Route 22 will not be significantly changed by the development," and asked how this can be as this section of Route 22 is currently undeveloped woodland. Mr. Bainlardi stated they are working to preserve as many trees as possible to screen the buildings. He noted that this area is zoned CC-20 and could contain a 60' commercial building. Mr. O'Donnell cited Page 3.5-2, "the site is [in] a large open space corridor...of undeveloped [wooded] properties;" and Page 3.6-1, "the visual character...is dominated by [] Route 22 [and I]-684." He continued to refer to Page 3.6-1 noting that knolls and trees are prominent in the landscape and that a driver using Exit 6A would be "stationary for a short interval," whereas Dr. Grealy of Maser Consulting reported a wait of up to four minutes. Mr. O'Donnell stated these statements were inconsistent. He cited the photograph on Page 3.6-14 and Page 3.6-2 which states "[d]uring the winter months it is possible to see in the site several hundred feet," and he added that preservation of trees at the back of the property have no impact the view from Route 22. Mr. O'Donnell cited Page 3.6-4 that "buildings 2, 3 and 4 will be visible," and he asked if the parking areas would be visible. Mr. Bainlardi stated plantings would screen the parking areas and only the upper floors would be visible. Mr. La Sorsa asked if the photograph on Page 3.6-14 was accurate. Mr. Bainlardi stated there could be additional landscaping.

Mr. La Sorsa cited on Page 1-1 "[t]he proposed AFFH apartments will also count towards the Town of Lewisboro's substantially unmet 'fair share obligation' to create 239 units of affordable housing as established by the County's Affordable Housing Allocation Plan (Allocation)." He stated he didn't believe the Town has that obligation as there hasn't been a Court Order. Mr. Siebert stated that figure was drawn from the County review. Mr. O'Donnell asked if Lewisboro is part of Westchester County's 2009 affordable housing Settlement with the U.S. Dept. of Housing and Urban Development (Settlement). Mr. Siebert stated there was no precise legal mandate. Mr. Bainlardi stated the Settlement and Allocation are separate and asked if Lewisboro was part of Westchester County. He noted that in the County's study 10,000 units of affordable housing were necessary throughout the County. Mr. La Sorsa stated that that study was superseded by the 750-unit agreement in the Settlement. Mr. Bainlardi stated this application is relying on a zoning change that went through the full process and laws of the Town. He noted that there was no challenge from any of the Town boards, a Public Hearing was held and that it wasn't until after this property was rezoned that Wilder Balter looked at this property. Mr. Bainlardi stated a year has passed since the property was rezoned, the applicant has invested \$300,000 in this project and now they are in jeopardy of losing County funding and will have to pursue State funding/tax credits instead. He stated that this could result in less dollars being invested in the community. Mr. La Sorsa and Mr. O'Donnell asked what those items were. Mr. Bainlardi stated they could make funding available for improvements around the Goldens Bridge train station. Mr. O'Donnell asked what improvements they had made at Bridleside. Mr. Bainlardi stated they had made funding available for a new highway garage and helped with the renovation of the old highway garage into justice court and police department.

Mr. O'Donnell asked about timing of the approvals at Bridleside. Mr. Bainlardi stated that development was originally a market rate project and received its site plan approvals after 18 months. He noted when the proposed development became affordable housing the site plan approvals had to be amended as did the Environmental Impact Statement. Mr. O'Donnell asked if there was scoping. Mr. Bainlardi responded yes and noted the entire approval process took approximately 36 months.

Mr. La Sorsa asked about the subsurface water disposal return described in Appendix E. Mr. Sessions explained that with stormwater and septic practices there is recharge, some water is returned to the soil. He noted that the demand here is 9,020 gpd (gallons per day) and the applicant needs to prove that they can pump twice that (18,040 gpd) with their best well out of service. Mr. Bainlardi noted that 85% of the water drawn goes back into the system. Mr. Contelmo explained how water is taken out of and also added to the aquifer. He noted that the aquifer needs to meet the residents' demand during drought times. Mr. Contelmo stated the water drawn will have to meet New York State Department of Health volume and safety regulations. He stated that Leggett, Brashears & Grapham's analysis shows the water balance and impact on the aquifer is a very insignificant impact. Mr. Contelmo stated SEQRA guidelines use phrases like insignificant impact and potentially significant impact and that is why this EAF features that language. Mr. La Sorsa asked when making an assessment about the well's capacity is it the amount needed or the actual. Mr. Bainlardi stated the wells will have to pump 18,040 gpd and right now the wells they have pump 14,000 and do not meet the requirement.

Mr. La Sorsa asked about the applicant's proposal to have a stormwater catch basin in the wetland buffer as opposed to installation of a hydrodynamic separator. Mr. Sessions stated that a stormceptor can take the place of other pretreatment practices and isn't a main treatment to deal with the stormwater; the DEC has a rule book with 10 different practices to meet their standards. Mr. La Sorsa asked if there is another practice that could be used and would be outside of the wetland. Mr. Sessions stated that, based on gravity and the topography, there was none. Mr. La Sorsa cited Page 3.3-2 regarding "an alternative to this design would be to provide subsurface storage of stormwater for quantitative purposes and install a pretreatment hydrodynamic separator and eliminate the surface basin. This would allow the infiltration practice to be moved uphill to reduce the wetland buffer disturbance." He asked if this is feasible and what is its cost. Mr. Contelmo explained that a hydrodynamic separator is just one part in the stormwater management process and that there would be two practices: a lower one for infiltration and an upper one is quantitative. He noted that if the upper basin were moved north and placed underground then the second catch basin could be moved out of the buffer. Mr. Contelmo stated they had to consider the benefits of an open basin with biologicals and plantings plus the restoration of the buffer that is currently an old farm field with invasives versus a buried system without any impacts to the wetland buffer. Mr. Kerner stated the proposal enhances the buffer. Mr. Sessions noted that the quality of a buffer must be considered and will an improved buffer offer more opportunities for native species and wildlife combined with the removal of invasives. Mr. Johannessen stated Kellard Sessions had prepared a review memo of the stormwater and agreed with the proposed mitigation. Mr. Sessions stated the plans are reasonable and the DEP and the DEC will review the SWPPP. Mr. Tetelman stated that pending agency review the practices presented are what would be done in his office. Mr. Johannessen stated following this plan the wetland buffer will be improved. Mr. O'Donnell asked if the Board has approved work such as this in the buffer when it is new construction. Mr. Kerner noted this area is forest that goes to field that goes to wetland and the logic is to treat it as proposed thereby improving the buffer area. Mr. Bainlardi noted that a hydrodynamic separator would cost \$100,000 and that at Bridleside they continue to remove invasives and have planted in order to create a healthier wetland buffer. Mr. La Sorsa asked if the CAC had weighed in on this. Mr. Johannessen stated the CAC supports the proposal. He noted that accepting an EAF or a Neg. Dec. does not preclude changes to the site plan.

Mr. O'Donnell asked if the channel's course had been found. Mr. Contelmo stated the water goes to Route 22 under I-684 and to the reservoir.

Mr. Tetelman cited Summary 3.9.6 on Page 3.9-13 "Lewisboro has a responsibility to provide its share of the regional need for affordable housing," and stated the first two paragraphs should be removed. Mr. La Sorsa noted that similar language should be removed from Page 1-1. Mr. Sessions suggested recap of the Board's requested changes. Mr.

Bainlardi requested the text modifications come through either Kellard Sessions or Keane & Beane. Mr. Siebert agreed to collect and forward the Board's comments via email. Mr. Bainlardi asked about the site walk on September 17th and confirmed staking of buildings 1, 2 and 3 and the lower parking lot. The Board agreed the site walk will be at 9 a.m. and requested the balloons remain up until Monday (9/19/16). Mr. Bainlardi agreed.

II. EXECUTIVE SESSION

(1:22:35 – 1:22:56)

On a motion made by Mr. Tetelman, seconded by Mr. O'Donnell, the Board entered into executive session at 8:50 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. O'Donnell, the Board adjourned the executive session at 9:48 p.m. and reopened the Planning Board meeting.

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

III. ADJOURNMENT

On a motion made by Mr. Tetelman, seconded by Mr. Palmesi, the meeting was adjourned at 9:49 pm.

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

Respectfully Submitted,



Ciorsdan Conran
Planning Board Administrator