

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 20, 2016 at 7:30 p.m. The audio recording of this meeting is 160920\_01.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  
Bob Karpel, Conservation Advisory Council (CAC).

Mr. Kerner called the meeting to order at 7:34 p.m. and noted the exit.

## I. DECISION

### Cal #6-01PB

(0:22 – 5:26)

**T Mobile at Leon Levy Preserve, Sheet 40, Block 10263, Lot 62A (American Tower, owner of record) - Proposed Special Permit Renewal and antenna upgrade**

Cara Bonomolo, Esq., Snyder & Snyder, LLP, was present on behalf of the applicant.

Mr. Siebert reviewed a resolution regarding a Special Use Permit issued to Omnipoint, T Mobile's predecessor and exempting antenna upgrade from application requirements. The Board had no additional comments.

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman, the Resolution dated September 20, 2016 granting renewal of a Special Use Permit Approval and Exemption from Special Use Permit Requirements, to T Mobil Northeast, LLC, at NYS Route 35 and NYS Route 123 (Leon Levy Preserve), was adopted. A copy of the Resolution is attached and is part of these minutes.

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

Mr. O'Donnell asked who tracks special use permits' expiration dates and why a violation wasn't issued. Mr. Siebert stated the Building Department is responsible to track special use permits. Mr. Tetelman asked how many special permits there are. Mr. Siebert stated that currently when Planning Board approvals are given the expiration dates are added to the Planning Board's Outlook calendar and he will check with the Building Department to see how special use permits' expiration dates are tracked.

## II. PUBLIC HEARINGS

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

(5:28 – 10:24)

**Lichtman Residence, 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 five-bedroom house, garage, courtyard and modified driveway.**

Scott Blakely, P.E., Insite Engineering, was present on behalf of the owner.

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

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

Mr. Blakely updated the Board as to changes since the last public hearing in July. Since July, the applicant has: addressed comments from Kellard Sessions and the NYS Dept. of Conservation (DEC)'s Bureau of Habitat, revised the plans as requested, prepared a DEC submission and is waiting for the DEC permit. He noted the Westchester County Dept. of Health (WCDOH) witnessed testing of the relocated reserve area and found it acceptable; the site was previously approved for a 7-bedroom septic. Mr. Blakely stated he expects WCDOH approval in the next few weeks. He noted modifications to the plan – elimination of the second courtyard (this will reduce the impervious surface area by 2,500 sf), inclusion of a procedure for removal of invasive plants along the pond edge and the addition of an erosion blanket to be in place after removal of invasive species.

Mr. Blakely noted Kellard Sessions has acknowledged in writing that all its requested changes have been made and at this time he asked the Board to request Mr. Johannessen to prepare a resolution for the next meeting. Mr. Kerner stated the public hearing was held over in anticipation of the DEC and WCDOH approvals and asked if any members of the public had comments. No comments from the public.

Mr. Tetelman made a motion to close the public hearing then rescinded this motion pending the approvals from the DEC and WCDOH.

Mr. Kerner polled the Board members regarding preparation of a resolution to approve the plan as submitted based on the anticipation of the DEC and WCDOH approvals. Mr. Kerner, Mr. La Sorsa, Mr. Palmesi and Mr. Tetelman were in favor of preparation of a resolution. Mr. O'Donnell abstained from the discussion.

**Cal #11-15PB, Cal#04-16 SW, Cal#09-16 WP**

(10:28 – 57:28)

**Elegant Banquets, 1410 Route 35, South Salem, NY 10590, Sheet 39, Block 10549, Lot 17 (South Salem Owners, LLC, owner of record)** – Application for Site Plan Review, Wetland Activity Permit and Stormwater Permit in connection with an addition to the existing building and modification to the existing site.

Michael Sirignano, Esq.; Timothy Cronin, P.E., Cronin Engineering; Richard D'Andrea, P.E., PTOE, Maser Consulting; and Simon Curtis, Elegant Banquets, were present.

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

Mr. Tetelman asked why the public hearing remained open. Mr. Kerner stated the issue of the parking lot/tree island waiver remained open, the Board was waiting on the WCDOH's response and three neighbors (Joseph Ferrer, Monique Jaffre and Jane & Warren Ostroff) had raised comments during August's public hearing.

Mr. Curtis stated he had met with Mr. Ferrer and had conversations with the Ostroffs. Mr. Tetelman stated that Mr. Ferrer's concern was screening the new building. Mr. Curtis stated he was not offering any additional screening. Mr. Ferrer stated he met with Mr. Curtis for two hours and noted his concerns were the safety of his family and his property's value. Mr. La Sorsa asked if Mr. Ferrer had a specific concern. Mr. Ferrer answered traffic, people wandering outside, lighting and noise. Mr. O'Donnell asked if Mr. Ferrer's attorney had spoken to Mr. Siebert. Mr. Ferrer said yes and he stated the Ostroffs' attorney Mr. Lane had also spoken to Mr. Siebert. Mr. Ferrer stated that given possible uses of the property, the known was better than the unknown and gave the project his blessing.

Mr. O'Donnell noted that Ms. Jaffre's concern about the removal of the wall near Route 35 was allayed when she learned the wall to be removed was located not near her property but rather on the east side of Le Château's driveway.

Mr. O'Donnell asked for a driveway easement update. Mr. Siebert stated he and Town Attorney, Anthony Molé, had each reviewed the easement, deemed it an appropriate preliminary document and agreed it would be a requirement before a CO is issued. Mr. Sirignano noted an email from Phil Grealy (Maser Consulting) stating the State right of way is sufficient to provide the sight distances and the easement with the neighbor would allow for underbrush removal.

Mr. D'Andrea reiterated the 10' easement along Ms. Jaffre's property frontage to provide additional sight distance may not be required as all the site distance work is to be done in the State right of way. Mr. Sirignano stated he would pursue the driveway easement and have it fully executed prior to the issuance of a CO.

Mr. Cronin noted the WCDOH had responded via a letter dated August 24<sup>th</sup> stating the applicant can use the existing septic system (which is approved at 4,300 gpd), the daily total limit of guests is 268 (plus employees), daily water meter readings and log must be kept, the grease trap must be replaced and the applicant must obtain a food service establishment license.

Mr. Sirignano noted they have addressed the comments from the NYS Office of Parks, Recreation and Historic Preservation Office (OPRHP). Mr. O'Donnell asked if the DEC had signed off on the OPRHP Resolution dated July 29, 2016. Mr. Sirignano stated he did not believe so.

Mr. Sirignano asked if the Board would consider waiving the provision in the Town Code (Article VII, Sections 220-55E(3 & 5)) requiring the planting of one tree for every ten parking spaces so as not to increase the area of disturbance in creating these islands/ dividers in the proposed parking lot. He noted the area is wooded and the Town Board has given the Planning Board discretion in this area. Mr. Sirignano stated the most recent landscape plan shows ten new trees. Mr. Tetelman suggested the additional trees could be used as screening for the neighbors. Mr. Sirignano suggested that Mr. Goldfuss (Wesley Stout Associates) contact Mr. Johannessen regarding placement of 10 additional trees. Mr. Johannessen stated the requirement is one tree of at least 6" diameter per 10 parking spaces; in this case 136 parking spaces are proposed so 14 new trees would be required. Mr. O'Donnell asked if the applicant was still on the ZBA's September agenda. Mr. Sirignano stated yes and added that this was a Planning Board issue. Mr. Siebert explained for the Board to grant the waiver there has to be a unique situation that warrants the waiver and reiterated that the Code does give the Board this authorization. Mr. Kerner asked for a poll of the members on waiving the parking lot tree island requirement.

Mr. Palmesi asked if the windows in the main ballroom would be draped to prevent light shining out at night. Mr. Curtis stated they would be screened to prevent the sun from shining into the ballroom. Mr. Johannessen suggested plantings closer to the neighbors' property line could block the light from the new building. Mr. O'Donnell asked if Mr. Ferrer would be in favor planting trees closer to his property line. Mr. Ferrer stated he would not be against it. Mr. Kerner noted evergreens would shield the light year round and there could be a provision to ensure there is a five-year survival rate.

Mr. Johannessen noted there is a condition in the resolution prohibiting guests from the lower pond area.

The Board reached consensus of waiving the landscaped parking island requirement with the condition that 14 additional trees and/or shrubs be planted on- or off-site and reviewed by the Board's consultants.

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the public hearing was closed at 8:16 pm. In favor: Mr. Kerner, Mr. La Sorsa, Mr. Palmesi and Mr. Tetelman. Against: Mr. O'Donnell.

Mr. O'Donnell asked for the status on the stormwater permit. Mr. Cronin stated the SWPPP is 99.9% complete and revised plans have been sent to Kellard Sessions.

Mr. Palmesi asked if there was a time limit on recording the daily water readings. Mr. Cronin stated no.

Mr. Kerner polled the members on adopting a resolution. Mr. Siebert reviewed the Neg Dec and revised resolution noting the new Condition #5 which requires 14 additional trees.

On a motion made by Mr. Tetelman, seconded by Mr. Palmesi, the Resolution dated September 20, 2016 granting a Negative Declaration Of Significance, Site Development Plan Approval, Wetland Activity Permit Approval and a Town Stormwater Permit, to Elegant Banquets, at 1410 Route 35, South Salem (Le Château), was adopted. A copy of the Resolution is attached and is part of these minutes.

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

### III. PROJECT REVIEW

#### **Cal #6-02PB**

(57:37 – 1:24:08)

**Oakridge Gardens aka Laurel Ridge, 450 Oakridge Common, South Salem, NY 10590, Sheet 49L, Block 9830, Lots 279 - 314 (Smith Ridge Housing, LLC, owner of record)** – Proposed modifications to the Site Plan including curbing, fencing and number of bedrooms.

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

Mr. L'Hommedieu noted their August 23rd submission included a request for a release of \$26,151 from the three-phase performance bond for water and sewer improvements servicing the Laurel Ridge Townhome project. He stated the WCDOH sent a letter of support dated September 7, 2016 and that last time they made a similar request the Board sent a letter to the Town Board seeking that board's approval of another partial release of funds.

Mr. L'Hommedieu noted three proposed modifications to the site plan:

- substituting Belgium Block curbing (installed in concrete) for asphalt curbing in all areas of Phase II and Phase III;
- changing the material spec of the proposed screening fence along the easterly property line of Phase II from wood to PVC. The fence style (solid privacy panels), will be 6' high, with a spacing of 8' between posts; and
- changing the material specifications on the rear patios from poured concrete to concrete pavers or bluestone.

Mr. Kerner polled the members on the proposed changes. The Board reached consensus that the modifications were all acceptable.

Mr. Pine asked that the Board accept the proposed modifications so he could obtain his CO. Mr. Kerner noted a revised site plan would be needed first. Mr. Johannessen stated there would need to be a resolution and revised site plan but that would not prevent the applicant from getting COs.

Mr. L'Hommedieu stated the applicant would like to create a 3-bedroom model unit in Building Five. He noted this modification is market driven, would not change the buildings' square footage/footprints or effect the parking requirements. Mr. L'Hommedieu stated they would like to make 18 of Phase II's 27 units 3-bedroom. He noted that today he requested information from the Oakridge Sewer District to determine if these 18 additional bedrooms would exceed the district's capacity.

Mr. Johannessen stated the signed site plan and resolution note that the density unit count has been exhausted and there can't be an increase in the bedroom count. Mr. Pine asked if this could be referred to the ZBA. Mr. Johannessen requested more information. Mr. Siebert advised the applicant to start with the Building Department.

Mr. O'Donnell asked if the units had a bedroom on the first floor. Mr. Pine stated yes and those units went from having a 2- to a 1-car garage.



Mr. L'Hommedieu asked if swapping the design of the end units (B and E) in Building Eight would require this Board review. Mr. Kerner noted that if there is an exterior change then they would need ACARC approval. Mr. Pine stated that he would submit an ACARC application if there was a change in the number of egress windows but would go to ZBA first.

Mr. Tetelman asked if the Conant Valley residents would be affected by the additional 18 bedrooms. Mr. Pine stated no and he will have to prove there is enough water and sewer capacity. Mr. L'Hommedieu stated the actual 2015-16 usages are: 55,000 gpd (water) and 50-60,000 gpd (sewer discharge).

Mr. O'Donnell asked if a narrative of this project was ever submitted. Mr. Pine apologized for not supplying a narrative. Mr. O'Donnell asked if it is a requirement. Mr. Johannessen stated it was part of the site plan application process.

Mr. Kerner requested a separate letter for the partial bond release. Mr. Siebert stated this request would have to be referred to the Town Board for approval. Mr. Pine agreed.

**Cal #04-16PB, #16-16SW**

(1:24:13 – 1:37:22)

**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 plan was modified after the Board's August 20, 2016 site walk and one of the houses was relocated away from the road but is now slightly in the buffer. He referred to the Kellard Session memo which states that new house site is now outside of the contiguous buildable area and would need a zoning variance. Mr. Frey noted that the new site is a better plan. Mr. Karell asked if the Board would send a letter describing its recommendations to the ZBA. Mr. Siebert stated the applicant could relate to the ZBA that the site location was driven by the Planning Board's comments. Mr. Tetelman asked about mitigation and stated after the Board is satisfied it could refer this matter to the ZBA. Mr. Johannessen asked if there was a way to reconfigure the house's footprint, keeping it further away from the road but avoiding the steep slopes. Mr. Kerner suggested an L-shape. Mr. Frey asked if he pulled the house out of the buffer could he grade in that area and install a wall. Mr. Johannessen stated yes. Mr. Karell asked if there's grading in the buffer does that require mitigation. Mr. Johannessen stated yes and it must be a 1:1 mitigation ratio. Mr. Frey stated moving the house wouldn't be a problem.

Mr. Karell asked about moving the pool and keeping the area of disturbance under 1 acre. Mr. Johannessen stated they were 40 sf away from 1,000 sf of disturbance. Mr. Frey stated they were not building pools and showed them on the plan so that a future home owner could build it. Mr. Johannessen stated it is not an application requirement and the applicant can remove the pool(s) from the plans.

Mr. Karell asked if they could schedule the public hearing. Mr. Johannessen stated a public hearing could be scheduled but the Board would have to keep it open until all the information is submitted and reviewed. Mr. Palmesi asked if Mr. Frey had spoken to the neighbors. Mr. Frey left a message with one neighbor to do a site walk but hasn't heard back. Mr. Kerner polled the Board as to scheduling a public hearing. The Board reached a consensus to schedule the public hearing November 15th.

Mr. Johannessen stated he would like a meeting between the applicant and highway superintendent. The applicant agreed.

**Cal #91-08WP**

(1:37:27 – 1:54:20)

**Curra Residence, Main Street, South Salem, NY 10590, Sheet 36G, Block 10807, Lot 32 (Francis and Lisa Curra, LLC, owners of record) – Application for Wetland Activity Permit Approval to construct single family residence**

Peter Gregory, P.E., Keane Coppelman Gregory Engineers, PC, and Francis Curra, owner, were present.

Mr. Gregory stated the applicant is proposing a two-bedroom house on his half-acre Main Street property which is adjoining the 68 Lake Shore Drive lot where he resides. He noted that the applicant had applied for a wetland permit in 2008 but it was not granted because it didn't meet the contiguous buildable area requirement. Mr. Gregory stated the contiguous buildable area requirement had changed and that is why this project is being resurrected. He noted there is a 40' wide wetland that runs through the center of the property and drains out a Town-created ditch to a catch basin on Lake Shore Drive; Lake Truesdale is 100-200' away. Mr. Gregory stated the proposal is to build the new home, driveway, well and stormwater mitigation on the western part of the Main St. lot. He noted the septic would be on the eastern portion of the Main St. lot and connect to the house via a footpath. Mr. Gregory stated it would be through that footpath that the house would connect to the septic system. He stated that Mr. Curra would grant an easement through his Lake Shore Drive parcel for septic system installation and maintenance of the Main St. house's septic. Mr. Gregory stated along the northern border of the property is a paper road, Van Norden Road, and he will research its ownership and possibly obtaining a right of way. He noted that the WCDOH had previously witness the septic tests and there were good test results. Mr. Gregory stated the applicant was considering a smaller building footprint, moving the garage into the main part of the house. He noted that all of this proposed work is within the buffer.

Mr. Tetelman asked about neighboring properties. Mr. Gregory stated there are other vacant properties on Main Street and he does not know who owns them. He noted that there was a 1947 subdivision which was amended in 1956.

Mr. Kerner stated the project has several non-starters including the construction of the house within the buffer when the proposed mitigation falls short and locating a septic within a wetland. Mr. Johannessen cited Section 217-5A(1) which prohibits placement of a septic systems within a wetland. He noted that the proposed footbridge and force main crossing the wetland would have to be examined and a determination made.

Mr. Tetelman asked about another application that featured a similar footbridge, possibly an Oscaleta Road subdivision or project on Duffy's Bridge Road. Mr. Siebert noted that this application is under the wetland chapter and not an interpretation for the Building Inspector. Mr. Johannessen stated the application would need WCDOH review and possibly DEP approval of the SWPPP.

Mr. Kerner asked Mr. Gregory to point out the existing well on the Lake Shore property. Mr. Curra stated he was on a common well.

Mr. Gregory asked for a site walk. Mr. Tetelman stated it was too early to schedule a site visit adding that the wetland law and DEP's impervious surface limits must be examined. Mr. Siebert noted that Section 217-5A(5) & (6) need to be reviewed and he requested the CAC provide more information on a similar application referred to in its memo. Mr. Kerner suggested a work session to discuss mitigation and if the project is feasible. Mr. Johannessen stated he had reviewed Bruce Barber's (the previous Wetland Inspector) memos.

Mr. O'Donnell asked that the next submission include a map of the adjoining properties and an aerial of the site. Mr. Gregory agreed.

**Cal #36-16WP**

(1:54:23 – 2:00:05)

**Domoto Residence, 183 Journey's End, South Salem NY 10590, Sheet 52, Block 09837, Lot 8 (Jeffrey and Kathryn Domoto, owners of record) - Application to pave an existing gravel driveway within the regulated wetland buffer**

Beth Evans, Evans Associates, was present.

Ms. Evans stated the applicants are proposing to pave their existing gravel driveway which is located in both the Town and NYSDEC wetlands. She noted that the driveway runs along the property line and the proposal is to pitch the driveway away from the neighbor's property. Ms. Evans stated that Kellard Sessions' memo recommends a swale and

checkdams but she is instead proposing a series of smaller swales to retain the large trees along the driveway while still moving the stormwater into the woods. Mr. Kerner and Mr. Tetelman discussed mitigation to prevent untreated stormwater from entering the wetland. Mr. Johannessen stated for an area of disturbance under one acre they apply the 25-year storm threshold. He noted that a similar application was the Ehler application on Conant Valley where a vegetated checkdam would catch the water and filter it before moving into the wetland.

Mr. Tetelman asked if this matter could be handled administratively.

On a motion made by Mr. Tetelman, seconded by Mr. Palmesi, the Board determined that the paving of the applicants' driveway 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

(2:00:09 – 2:31:03)

**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 the Board is finalizing its review of the applicant's EAF Part 3.

Mr. Bainlardi stated he received the Board's most recent comments from Mr. Siebert and is working with Maser Consulting to address the Board's questions on the traffic report. He stated he prepared an executive summary, sections of which have been incorporated into the traffic section of the latest EAF. Mr. Bainlardi stated he confirmed with Stacy Stieber (Leggette, Brashears & Graham, Inc.) that Westchester County airport is the most appropriate source of precipitation data collecting due to its longevity. He noted an email from Michael Jumper (Assistant Superintendent for Business, Katonah-Lewisboro School District) dated September 15, 2016 stating school buses do enter private roads. Mr. Bainlardi stated he had received the CAC's memo.

Mr. Kerner noted that the Board made a site visit September 17<sup>th</sup> and asked for Board comments. Mr. Tetelman noted that it was difficult to see the balloons from offsite and requested another balloon test when the leaves are down. Mr. Bainlardi agreed.

Mr. Palmesi noted the steep drop off and asked about kids' safety. Mr. Bainlardi stated that at the appropriate places fences would be installed.

Mr. Tetelman cited the graphic on Page 3.6-14 (the view from I-684 Exit 6A) and asked if existing vegetation could be saved and could the walls be extended and terracing created. Mr. Bainlardi agreed and noted that trees 15 feet from the area of disturbance are protected. Mr. Kerner commented on the same graphic stating the Board preferred leaf tones for the buildings' exteriors instead of the light colors shown in the rendering.

Mr. Johannessen stated that during the site walk the applicant proposed that the drop off from Route 22 to the septic field, in the DOT right of way could be filled in and planted with large evergreens for screening. Mr. Bainlardi agreed to explore this.

Mr. Kerner stated it was the consensus of the Board to have a third party review the traffic report. Mr. La Sorsa stated he was surprised at the high level of traffic near Exit 6A on a Saturday morning. He noted he would like an analysis from a second traffic consulting firm, data from the state and local police and additional anecdotal information from people in the area regarding traffic volume, concerns and safety. Mr. O'Donnell requested violation data for the area. He also noted

the high noise level of I-684 and if it has caused a decrease in the number of birds in the area he asked about its impact on people, especially children playing outside.

Mr. Tetelman asked if the applicant would allow Dr. Collins or Dr. Grealy (Maser Consulting) to design a right-turning lane to improve the shoulder on Route 22 and safety at the development's entrance. Mr. Bainlardi agreed to commit money toward such a design. Mr. Kerner noted that while southbound vehicles are making a left turn into the development vehicles are making the left turn off of Exit 6A and possibly accelerating on Route 22. He asked if the location of the driveway 250' from the exit ramp is the safest location. The Board discussed cars going for the same gap in traffic and requested more information on potential solutions.

Mr. O'Donnell asked Mr. Tetelman to describe the evidence of hunting he found during the site walk. Mr. Tetelman stated he found some shotgun shells and a wildlife camera.

Mr. Karpel asked if the applicant and Board had received the CAC's September 16<sup>th</sup> memo. The Board and Mr. Bainlardi said yes.

Mr. Bainlardi asked if the Board would schedule a special meeting so the applicant does not lose a month and he can advise his consultants to begin applications to other agencies. Mr. Kerner stated a supplemental meeting might not be productive until the Board has the second traffic review. Mr. Bainlardi asked if there was a time limit for the second traffic review so that the Board can be productive at its October meeting. Mr. O'Donnell asked Mr. Siebert if the Board could adopt the EAF with a statement about the Board's concern over the traffic analysis and that it is requiring further analysis. Mr. Siebert stated that such language could be placed into the document. The Board discussed scheduling a special meeting in October. Mr. Bainlardi stated that funding from Westchester County is on hold until a Neg Dec is adopted. Mr. Johannessen stated he had solicited the review of a traffic engineer with a request that that firm's review be completed one week prior to the October 18<sup>th</sup> meeting. Mr. La Sorsa stated there is a disagreement between the Board and the applicant as to the impact of the additional traffic and asked when Maser collected its data. Mr. Johannessen stated there were two, 24-hour periods – 12/7/15 and 12/10/15.

Mr. Siebert stated the Board is in a position to vote on the EAF and asked if the Board wished the applicant to provide the EAF to the Highway Superintendent.

Mr. O'Donnell stated that this section of Route 22 is a special enforcement area where he has seen state and local police pull cars over for speeding. Mr. La Sorsa stated there were also fatalities in this area. Mr. Siebert asked the Board to submit its traffic-related concerns/questions to him for referral onto Mr. Johannessen and the second traffic consultant.

Mr. Kerner asked Mr. Johannessen to send him the instruction letter given to the second traffic consultant and he requested that that consultant and Maser offer suggestions on how to improving the safety near both the highway ramp and the development's driveway.

**Cal # 5-16PB**

(2:31:04 – 2:56:02)

**Sapientia Association, 111 Smith Ridge Road, South Salem NY 10590, Sheet 43 Block 10551, Lot 4 (Sapientia Association, Inc., owner of record) - Application for a Special Use Permit and Waiver of Site Development Plan Procedures in connection with a proposed house of worship**

Michael T. Liguori, Esq., Hogan & Rossi, was present on behalf of the applicant.

Mr. Liguori stated he met with Mr. Johannessen and had received the Kellard Sessions review memo. He noted that the site plan he had received from the owners was not the final site plan. Mr. Liguori stated he will have an as-built survey prepared and proposed no changes from the final site plan. He noted that the Sapientia is a religious association whose congregation is 120 people who reside in Westchester, Putnam and Fairfield counties. Mr. Kerner stated that the former owner, the Jewish Family Congregation (JFC), totaled 150 members. Mr. Liguori stated he will verify that figure.

Mr. Johannessen stated the use is a permitted use subject to a special use permit granted by the Board. He noted the JFC received its special use permit in 1992 and it was renewed indefinitely in 1995. Mr. Johannessen reviewed the Kellard Sessions review memo.

Mr. La Sorsa asked if this is a Catholic church and will there be a CCD program. Mr. Liguori stated Sapientia is not in the archdiocese but is similar to Roman Catholicism and there will be educational sessions between the two Sunday services to instruct parents on home schooling their children.

Mr. La Sorsa asked if they follow the Encyclicals of Pope John Paul II. Mr. Liguori stated yes and that there would be a caretaker and receptionist in the parish house regularly along with a Bishop-ordained clergy member on site periodically. Mr. Kerner asked if the parish house would be section of the main house. Mr. Liguori stated yes. Mr. La Sorsa asked if overnight guests are permitted. Mr. Johannessen stated it is zoned residential and parish houses are allowed. Mr. Liguori noted the Building Inspector will have a floor plan delineating the specific use of each area. Mr. La Sorsa asked about the plan to revisit this use in three years and does Sapientia plan to actively solicit members. Mr. Liguori stated Sapientia's goal is to hold mass seven days per week.

Mr. Kerner stated that for two weeks per year JFC had 500 members attending the High Holy Days services under a tent in the parking lot and parking was on the lawn. He noted that the proposed use is close to the previous use and one of the next steps it to confirm the number of attendees.

Mr. O'Donnell stated the addition of a parish house is a change of use and requested the applicant provide the Board with the original JFC resolution. Mr. Liguori agreed. Mr. O'Donnell asked if a new, wetland delineation is required. Mr. Johannessen stated if there are no physical site improvements being proposed then a new, wetland delineation is not required. He requested that the 150' buffer be shown on the survey. Mr. O'Donnell asked about receptions. Mr. Liguori will research what events are to be held. Mr. Kerner noted the JFC was required to obtain a tent permit during its High Holy Days. Mr. Liguori stated he reviewed the JFC's overflow parking plan and will not exceed that plan. Mr. Kerner noted the JFC was also required to have local police direct traffic.

Mr. O'Donnell asked if there are to be recreation areas on the property. Mr. Liguori stated the applicant will stick to the JFC site plan approvals. The Board discussed an *illegal* playground and nature walk at the site.

Mr. O'Donnell asked if Keane & Beane can advise the Board on this matter. Mr. Siebert stated that JFC was a client of Keane & Beane's during the special use permit process. He noted that JFC is no longer the owner so there is no conflict of interest for his firm.

Mr. O'Donnell suggested Frank Corso (Sapientia Association) attend the next time. Mr. Liguori agreed.

## V. WETLAND VIOLATIONS

### Cal #1-16WV

(2:56:08 – 2:57:18)

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

No one was present on behalf of the owner.

Mr. Siebert stated that this matter has been adjourned to the October 18th meeting. He noted that he had spoken to Mr. Mogil who will submit a wetland application.

Mr. O'Donnell stated that Mr. Siebert's comments had also been submitted in writing and are part of the record.

**Cal#2-16WV**

(2:57:19 – 2:58:15)

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

No one was present on behalf of the owner.

Mr. Siebert stated he had spoken with Mr. Palomino's attorney, Matthew Mazzamurro, and noted that Mr. Palomino has not entered a plea. He requested more time to speak with Mr. Mazzamurro and this matter was adjourned to the October 18th meeting.

Mr. O'Donnell stated that Mr. Siebert's comments had also been submitted in writing and are part of the record.

**VI. EXTENSION OF TIME REQUEST**

**Cal# 12-10PB**

(2:58:17 – 2:59:14)

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

No one was present on behalf of the owner.

Mr. Siebert stated that due to the pending Article 78 litigation the status of the approved subdivision is frozen but the applicant's attorney requested an extension as a precaution. Mr. Siebert recommended that the Board grant a 180-day extension.

On a motion made by Mr. La Sorsa, seconded by Mr. Tetelman, a 180-day extension to March 20, 2017 was granted for the Hayes/Stein Subdivision at 124 North Salem Road, Cross River to comply with the Resolution dated February 23, 2016 granting Preliminary and Final Subdivision Plat Approval.

**VII. CORRESPONDENCE AND GENERAL BUSINESS**

**Cal #10-16WP, 7-16SW**

(2:59:25 – 3:01:59)

**Goldens Bridge Fire Department, 254 Waccabuc Road, Goldens Bridge, NY, Sheet 8, Block 10778, Lot 31 (Goldens Bridge Fire District, owner of record)** – Application to rebuild fire-damaged fire house.

No one was present on behalf of the owner.

Mr. Johannessen noted the application had been before the Board on March 15, 2016 and the Board had made a determination that it could be handled administratively. He stated the Goldens Bridge Fire District (GBFD) had received wetland and stormwater permits, begun construction of the foundation but the applicant's existing septic was installed without WCDOH approval. Mr. Johannessen stated the WCDOH is requiring that system be removed and replaced with a conventional septic system, the location of which is within the wetland buffer due to the site's topography.

On a motion made by Mr. La Sorsa, seconded by Mr. Tetelman, the Board determined that the proposed action continue to be handled administratively by the Town Wetland Inspector.

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

**VIII. MINUTES OF March 15, 2016; MINUTES OF April 19, 2016; MINUTES OF May 4, 2016; MINUTES OF May 17, 2016; MINUTES OF June 21, 2016; MINUTES OF July 19, 2016; and MINUTES OF August 16, 2016.**

(3:02:06 – 3:09:13)

Mr. La Sorsa asked what the rules are on minutes if we have an audio recording and the previous minutes as submitted were subjective. Mr. Siebert stated that the audio cannot substitute for the minutes; they need to be kept, read and adopted. Mr. La Sorsa stated it would be a colossal waste of time to review the subjectively-produced minutes when the Board has the actual audio tape online. He asked about getting a transcription app. Mr. Johannessen stated another municipality uses software and then the administrator has to edit and insert the speaker's name. Mr. Johannessen asked which holds more weight in a court of law – adopted minutes or the recordings. Mr. Siebert stated the approved minutes are part of the certified record and do not have to be an exact recitation of what takes place at a meeting. He noted we keep the audio as a backup; they are subject to FOIL access. Mr. Siebert stated Adam Rose's attorneys made the argument that the minutes for the Hayes-Stein application were not verbatim and in response, the Board presented legal authority that a summary is adequate. He was able to provide the court with a flash drive containing all the meetings when the Hayes-Stein matter was discussed by the Board.

Mr. O'Donnell suggested the audio from tonight's meeting be processed by the app, edited by Ms. Conran and the Board can review it in its next executive session.

Mr. Siebert will meet with Mr. Johannessen regarding the software and cost.

Mr. Tetelman stated that Henri Wolfe approached him about video recording the Planning Board meetings. Mr. O'Donnell noted the Board had been videotaped for the cell town on Route 138 application.

The Board tabled approval of the seven sets of minutes.

**IX. EXECUTIVE SESSION**

(3:09:14 – 3:09:55)

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the Board entered into executive session at 10:40 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 11:02 p.m. and reopened the Planning Board meeting.

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

**X. ADJOURNMENT**

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the meeting was adjourned at 11:03 p.m.

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

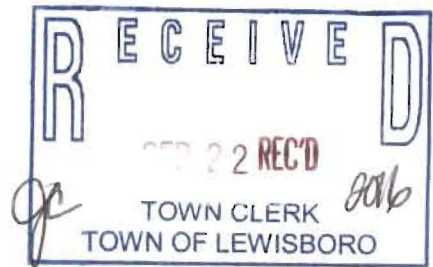
Respectfully Submitted,

A handwritten signature in black ink, reading "Ciorsdan Conran". The signature is written in a cursive, flowing style.

Ciorsdan Conran  
Planning Board Administrator

UNAPPROVED





**RESOLUTION  
LEWISBORO PLANNING BOARD**

**RENEWAL OF SPECIAL USE PERMIT APPROVAL AND EXEMPTION FROM  
SPECIAL USE PERMIT REQUIREMENTS**

**T MOBILE NORTHEAST, LLC  
TOWER FACILITY  
NYS ROUTE 35 AND NYS ROUTE 123**

Sheet 40, Block 10263, Lot 62  
Cal. # 6-01 P.B.

**September 20, 2016**

**WHEREAS**, by Resolution adopted on February 26, 2002, the Planning Board issued a Special Use Permit Approval to Omnipoint, Inc., predecessor to T Mobile Northeast, LLC ("T Mobile"), authorizing the installation and operation of a collocated telecommunications facility upon an approved telecommunications tower situated on a +/-4.0 acre landlocked parcel (owned by American Tower, Inc.), which is 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 collocated facility includes six (6) panel antennas mounted upon the +/- 125-foot lattice tower on the aforementioned premises, together with the accessory equipment placed inside a building within the fenced compound area at the base of this tower; and

**WHEREAS**, pursuant to the February 26, 2002 Resolution, the Special Use Permit Approval was for a term of five (5) years, and could be renewed based upon an application subject to the procedure, rules and regulations applicable to the issuance of a Special Use Permit Approval; and

**WHEREAS**, the Special Use Permit Approval issued pursuant to the February 26, 2002 Resolution has lapsed; and

**WHEREAS**, T Mobile has made application and seeks renewal of the Special Use Permit Approval, together with an exemption to allow it to alter the existing facility by replacing the six (6), tower-mounted panel antennas with six (6) panel antennas to be mounted on a

proposed 10' x <sup>2'</sup>2' pipe and replacing certain equipment in the building within the fenced compound (the "proposed alteration"); and

**WHEREAS**, under Section 220-41.1H(3) of the Lewisboro Town Code, the Planning Board may waive application submission requirements which, in its judgment of the specific circumstances of a particular application or site, are not requisite in the interest of the public health, safety and general welfare; and

**WHEREAS**, Section 220-46 of the Lewisboro Town Code, which is addressed, in part, to applications for Special Use Permit Approvals, provides that the Planning Board may waive a public hearing if it determines one is unwarranted in light of the scale of improvements or the record of prior reviews and public hearings; and

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

**WHEREAS**, T Mobile has requested that its application for renewal be accepted and processed without a public hearing, and that an exemption be applied so that it can proceed with the proposed alteration; and

**WHEREAS**, the renewal of the Special Use Permit Approval for an existing and operating facility, and the nature and scope of the proposed alteration, involves activity categorized as Type II under the SEQRA regulations and is exempt from SEQRA review; and

**WHEREAS**, materials submitted by T Mobile have been referred to both the Antenna Advisory Board ("AAB") and Conservation Advisory Committee ("CAC"); and

**WHEREAS**, comments concerning the proposed alteration have been provided by the AAB and CAC, which have been considered by the Planning Board; and

**WHEREAS**, T Mobile, by its attorney, Cara Bonomolo, Esq. of Snyder & Snyder, LLP, appeared before the Planning Board on August 16, 2016 and presented information pertaining to the existing facility and proposed alteration, which has been considered by the Planning Board; and

**WHEREAS**, the Planning Board's consultants, Kellard Sessions Consulting, P.C., provided written comments pertaining to the Special Use Permit Approval and proposed alteration in a Memorandum dated August 10, 2016, which has been considered by the Planning Board;

**NOW, THEREFORE BE RESOLVED THAT**, based upon the prior review conducted at the time of the issuance of the Special Use Permit Approval, and scope of the proposed alteration, the Planning Board, in its discretion, hereby finds that the application for renewal

of the Special Use Permit Approval may proceed based upon the materials submitted by T Mobile and without a public hearing; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board hereby renews the Special Use Permit Approval embodied in its February 26, 2002 Resolution for a period of five (5) years commencing upon the adoption of this Resolution; and

**BE IT FURTHER RESOLVED THAT**, the proposed alteration 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 alteration shall not commence without the benefit of a Building Permit issued by the Town of Lewisboro Building Inspector; and

**BE IT FURTHER RESOLVED THAT**, in addition to the comments, materials and information presented to the Planning Board and identified above, the Planning Board has based this decision on the following documents and plans submitted by T Mobile:

- Letter, prepared by Snyder & Snyder, LLP, dated July 7, 2016
- Letters, prepared by Infinigy, dated October 13, 2016
- Step I & Step II Applications for Renewal
- Short Environmental Assessment Form, dated January 18, 2016
- Structural Analysis Report, prepared by American Tower Corp., dated May 9, 2016
- Antenna Site FCC RF Compliance Assessment and Report, prepared by Pinnacle Telecom Group, dated November 20, 2015

**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 C' Donnell

The motion was seconded by:

Ron Tetelman

The vote was as follows:

**JEROME KERNER**

aye

**JOHN O'DONNELL**

aye

**RON TETELMAN**

aye

**ANTHONY PALMESI**

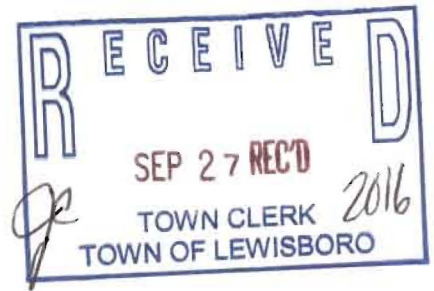
aye

**GREG LASORSA**

aye

Jerome Kerner  
Jerome Kerner, Chairman

September 20, 2016



**RESOLUTION  
LEWISBORO PLANNING BOARD**

**NEGATIVE DECLARATION OF SIGNIFICANCE  
SITE DEVELOPMENT PLAN APPROVAL  
WETLAND ACTIVITY PERMIT APPROVAL  
TOWN STORMWATER PERMIT**

**ELEGANT BANQUETS  
(A/K/A LE CHATEAU)  
1410 NYS ROUTE 35**

Sheet 39, Block 10549, Lot 17  
Cal. #11-15 PB, Cal. #9-16 WP & Cal. #4-16SW

**September 20, 2016**

**WHEREAS**, the subject property consists of ±24.2 acres of land and is located at 1410 NYS Route 35 within the R-4A Zoning District (“the subject property”); and

**WHEREAS**, the subject property is identified on the Town Tax Maps as Sheet 39, Block 10549, Lot 17; and

**WHEREAS**, the subject property is developed and contains a former restaurant and banquet hall use known as “Le Chateau”, which is now out of business; and

**WHEREAS**, reference is made to the submitted survey entitled “Topographic Survey Prepared for Elegant Banquets, Inc.”, prepared by RKW Land Surveying, dated October 13, 2015; and

**WHEREAS**, 1410 Route 35, LLC (“the applicant”), is proposing an addition to the banquet hall along with additional parking, landscape improvements, lighting, stormwater management facilities, etc. (“the proposed action”); and

**WHEREAS**, more specifically, the proposed action includes:

1. Demolition of an existing on-site residence (known as the “trophy house”), deck, shed and garage; and
2. An addition to the existing building to include a ballroom, modern bathrooms and handicap access; the lower floor will consist of storage and mechanicals (the addition will have a footprint of 7,730 s.f.); and
3. Internal upgrades to the existing building; and
4. Improvements to the existing driveway, including increasing the driveway width at specified locations; and

5. Driveway entrance and sight distance improvements; and
6. Construction of additional off-street parking spaces (99 spaces existing/136 spaces proposed); and
7. Associated grading, walkways, landscaping and lighting; and
8. Proposed on-site stormwater facilities, including underground stormwater infiltration practices; and
9. Wetland buffer mitigation; and

**WHEREAS**, the applicant has applied to the Planning Board and has submitted applications for Site Development Plan Approval, a Wetland Activity Permit, and a Town Stormwater Permit; and

**WHEREAS**, reference is made to the Statement of Use for Elegant Banquets, LLC (not dated) which is on file with the Planning Board; and

**WHEREAS**, reference is made to the following architectural floor plans and elevations presented to the Planning Board, prepared by KG&D Architects, P.C., dated (last revised) June 30, 2016:

- Cover Sheet
- Architectural Site Plan (A1.1)
- Lower Floor Plan (A2.1)
- Main Floor Plan (A2.2)
- Roof Plan (A2.3)
- Building Elevations (A3.1, A3.2)
- Building Sections (A3.3)

**WHEREAS**, the proposed facility will continue to operate as a banquet hall, specializing in wedding receptions but also hosting special events such as bat/bar mitzvahs, milestone events, corporate meetings, seminars, charitable fund raising gala and similar standalone events; and

**WHEREAS**, according to the applicant, all of the business will take place, almost exclusively, on weekends and will typically include a total of four (4) events per weekend (Friday evening, Saturday afternoon and evening and Sunday), each lasting approximately five (5) hours in duration; and

**WHEREAS**, according to the applicant, only one (1) event will be held at a time and events will not overlap; and



**WHEREAS**, the subject facility will not operate as a restaurant, either in conjunction with weddings/events or as a standalone restaurant and overnight accommodations will not be provided; and

**WHEREAS**, the applicant anticipates that the subject facility will average 160 events per year, with an average attendance of 150 guests per event; and

**WHEREAS**, the intended hours of operation will be Friday 6pm-11pm, Saturday 12pm-5pm and 6pm-11pm, and Sundays 2pm-7pm; the building will be open weekdays for sales, maintenance and kitchen preparation work; and

**WHEREAS**, the applicant intends on employing six (6) full time staff at the subject facility and events will be staffed on an as-needed basis (typically 20 staff for an event of 200 guests); and

**WHEREAS**, while the facility will offer outdoor wedding ceremonies in the south garden area, including temporary seating, musical accompaniment, cocktails, photography and related activity, the outdoor use of the facility will be limited and the applicant has stated that the windows of the building do/will not open and, therefore, sound will be contained; and

**WHEREAS**, the proposed use (banquet hall) is not a listed use within the Town's schedule of off-street parking requirements (Section 220-56D). Section 220-56E of the Zoning Code allows the Planning Board to specify reasonable and appropriate off-street parking requirements for unspecified land uses; and

**WHEREAS**, reference is made to the "Traffic and Parking Evaluation", prepared by Maser Consulting, P.A., dated April 26, 2016; and

**WHEREAS**, the former restaurant/banquet hall is considered an existing legal nonconforming use; and

**WHEREAS**, the applicant applied to the Zoning Board of Appeals for variances in connection with the expansion of a legal nonconforming use; reference is made to a Resolution of the Zoning Board of Appeals, dated April 25, 2016 (Cal. No. 6-16-BZ); and

**WHEREAS**, the applicant applied to the Zoning Board of Appeals for area variances concerning the width and grade of the existing driveways; reference is made to a Resolution of the Zoning Board of Appeals, dated June 20, 2016 (Cal. No. 13-16-BZ); and

**WHEREAS**, the adjacent residential parcel located immediately to the west of the subject property is presently owned by Monique Jaffre and Lenaick Loil-CEA and is identified on the Town Tax Maps as Sheet 39, Block 10549, Lot 21; and

**WHEREAS**, the above-mentioned adjacent lot is accessed via a common curb-cut and driveway located on the subject property; and

**WHEREAS**, in addition to other sight distance improvements required by the New York State Department of Transportation (NYSDOT) as part of its Highway Work Permit, the applicant is proposing to clear/prune vegetation within a 15'W x 85'L strip of land located on Tax Lot 21 and running along NYS Route 35; and

**WHEREAS**, the applicant is proposing a "Reciprocal Driveway/Sight Easement & Maintenance Agreement" between the owners of the subject property and the owners of Tax Lot 21; and

**WHEREAS**, the subject property is located within the New York City East of Hudson Watershed and is subject to the rules and regulations of the New York City Department of Environmental Protection (NYCDEP); and

**WHEREAS**, reference is made to a letter prepared by the NYCDEP, dated July 15, 2016, which states that the proposed action does not require NYCDEP approval; and

**WHEREAS**, the subject property contains wetlands that are jurisdictional to the Town of Lewisboro and a portion of proposed Parking Area #3, stormwater facilities located below Parking Areas #2 and #3, and driveway entrance improvements are located within the Town's 150-foot regulated buffer area; and

**WHEREAS**, reference is made to a "Wetland Delineation and Preliminary Vegetation and Wildlife Report", prepared by Evans Associates and dated (last revised) July 27, 2016; and

**WHEREAS**, the applicant has prepared a wetland mitigation plan consisting of wetland buffer enhancements, including the planting of native vegetation within a 6,300 s.f. area proximate to Parking Area #2 and #3 and within the buffer area associated with Wetland A; and

**WHEREAS**, while the existing on-site buildings are not presently listed on the State or National Register of Historic Places, the application has been reviewed by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP), which has determined that the proposed demolition of the ancillary buildings will have an adverse impact on these historic resources; and

**WHEREAS**, the OPRHP determined that the existing main building, gardens and associated ancillary buildings are eligible for the National Register of Historic Places; and

**WHEREAS**, reference is made to a "Letter of Resolution for Le Chateau", dated July 29, 2016, which includes stipulations to mitigate the adverse impact related to the proposed action; and



**WHEREAS**, in addition to required Planning Board Approvals and referrals to local and regional agencies, the applicant has obtained or requires approvals/permits from the Town of Lewisboro Zoning Board of Appeals, the Architecture and Community Appearance Review Council (ACARC), the Westchester County Department of Health (WCDH), the New York State Department of Environmental Conservation (NYSDEC), and the New York State Department of Transportation (NYSDOT); and

**WHEREAS**, the subject facility will utilize the existing previously approved septic system and potable water well; and

**WHEREAS**, reference is made to the “Approval of Change of Use” issued by the WCDH on August 24, 2016; and

**WHEREAS**, driveway entrance improvements within the NYS Route 35 right-of-way will require the approval of the NYSDOT; and

**WHEREAS**, while the applicant has met with representatives of the NYSDOT and the NYSDOT has determined the proposed improvements are, in concept, acceptable, the applicant will be required to obtain a Highway Work Permit from the NYSDOT prior to the commencement of site work within said right-of-way; and

**WHEREAS**, the proposed action was approved by the ACARC on May 11, 2016 (see Cal. No. 16-16-ACARC); and

**WHEREAS**, the proposed action exceeds land disturbance thresholds and the applicant will require coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002); and

**WHEREAS**, reference is made to the Stormwater Pollution Prevention Plan (SWPPP), prepared by Cronin Engineering, P.E., P.C. and dated (last revised) August, 2016; and

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

**WHEREAS**, reference is made to a comment letter from the Westchester County Planning Board, dated June 13, 2016; and

**WHEREAS**, the comments provided by the County have been considered by the Planning Board and have been addressed and/or incorporated to the extent practicable; and

**WHEREAS**, the project has been referred to the South Salem Fire District for review and the plans have been revised to address comments provided by the Fire District; and

**WHEREAS**, the application has been referred to the Conservation Advisory Council (CAC) for review and comment and the CAC has provided comment throughout the Planning Board review process; and

**WHEREAS**, the Planning Board conducted a site walk on April 24, 2016; and

**WHEREAS**, the applicant has prepared and submitted the Short Environmental Assessment Form (EAF), dated (last revised) April 27, 2016; and

**WHEREAS**, the Planning Board conducted a duly noticed public hearing which was opened on August 16, 2016 and closed on September 20, 2016, at which time all interested parties were afforded an opportunity to be heard; and

**WHEREAS**, the Planning Board is familiar with the subject property and has considered the submitted Site Development Plan Application; Wetland Activity Permit Application; Town Stormwater Permit Application; correspondence from outside agencies; other materials submitted by the applicant in support of its proposal; the written and verbal comments from the Board's professional consultants; the verbal commentary and written submissions made during Planning Board meetings and the public hearing; observations made at a Planning Board site visit; and the decisions, comments and recommendations of the other permitting agencies.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the proposed action has been determined to be an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617 and a coordinated review was not conducted; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7(c) and determined that the proposed action will not have a significant adverse impact on the environment; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board hereby issues the attached Negative Declaration of Significance; and

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

**BE IT FURTHER RESOLVED THAT**, given the size and nature of the subject property, its remote location and extensive open space, and its topographic and wetland

constraints, the Planning Board hereby waives the requirement to install landscaping islands as provided under Section 220-55E(3) and (5); and

**BE IT FURTHER RESOLVED THAT**, based on the applicant's submitted Statement of Use, historical parking data provided on a similar facility owned and operated by the applicant, studies and reports provided by the applicant's Professional Traffic Engineer, and the Planning Board's familiarity with the subject property, the Planning Board has determined that the proposed 136 off-street parking spaces will adequately serve the proposed use; and

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

**Plans, prepared by Cronin Engineering and dated (last revised) July 29, 2016:**

- Cover Sheet (CS-0.1)
- Existing Conditions (EX-1.1)
- Layout, Zoning, Coverage, Demo and Parking Plan (L-2.1)
- Paving Plan (L-2.2)
- Limit of Disturbance and Tree Plan (SP-3.0)
- Utility and Grading Plan (SP-3.1)
- Road, Traffic & Pedestrian Plan (SP-3.2)
- Stormwater/Drainage Plan (SP-3.3)
- Road Profiles (RP-4.1)
- Drainage Profiles (DP-4.2 and DP-4.3)
- Erosion and Sediment Control Plan (ESC-5.1)
- Erosion and Sediment Control Details (ESC-5.2)
- Construction Details (UD-6.1, UD-6.2, UD-6.3)
- Construction Details & Drainage Profiles (UD-6.4)

**Plan, prepared by Maser Consulting and dated (last revised) July 27, 2016:**

- Access Modification Plan and Sight Distance Profiles (1 of 1)

**Plan, prepared by Evans Associates and dated August 12, 2016**

- Wetland Buffer Enhancement Mitigation Planting Plan (LP-1.4)

**Plans, prepared by Wesley Stout Associates and dated (last revised) July 29, 2016:**

- Overall Planting Plan (LP-1.1)
- Planting Plan Enlargement (LP-1.2)
- Planting Details Legend, Notes (LP-1.3)
- Site Details (LP-1.4)

- Landscape Lighting Plan (LP-2.0)
- Landscape Lighting Photometric Plan (LP-2.1)

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

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

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

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

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

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

**BE IT FURTHER RESOLVED THAT,** this Wetland Activity Permit shall expire two (2) years from the date of this Resolution (September 20, 2018), unless a Wetland Certificate of Compliance has been obtained prior thereto; and

**BE IT FURTHER RESOLVED THAT,** a Town Stormwater Permit is required from the Planning Board in accordance with Section 189-5A of the Town of Lewisboro Town Code; and

**BE IT FURTHER RESOLVED THAT,** the submitted SWPPP has been prepared to comply with the requirements of the NYSDEC and the Town of Lewisboro; and

**BE IT FURTHER RESOLVED THAT,** the Planning Board finds that the applicant has complied with Chapter 189, Stormwater Management and Erosion and Sediment Control, of the Town Code of the Town of Lewisboro and a Town Stormwater Permit is hereby issued, subject to the conditions set forth below; and

**BE IT FURTHER RESOLVED THAT,** this Town Stormwater Permit shall expire upon completion of work and shall be valid for a period of two (2) years from the date of this Resolution (September 20, 2018); and

**BE IT FURTHER RESOLVED THAT,** Conditions #1 - #14 must be fulfilled within six (6) months of the date of this Resolution (on or before March 20, 2017). 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 Engineer 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 applicant shall prepare and submit a stormwater maintenance easement and agreement, prepared in accordance with Section 189-13A and B of the Town Code, for review and approval by the Town Engineer and Planning Board Attorney. Said easement and maintenance agreement shall be filed in the office of the Westchester County Clerk.
3. The "Access Modification Plan and Sight Distance Profiles" sheet shall be revised to illustrate the wetland boundary and buffer area associated with Wetland C. The following note shall be added to this plan: "The sight distance improvements proposed on adjacent Tax Lot 21 are located within the wetland buffer and shall not result in any land disturbance without the issuance of a wetland permit."
4. The applicant shall develop a Landscape Preservation Plan associated with the south and west garden areas to be approved by the NYS OPRHP (as required) and included within the approved Site Development Plan set. Any previously submitted/approved landscaping plans shall be revised to made consistent with said preservation plans and the limits of disturbance as illustrated on the approved Site Development Plans shall be revised accordingly, to the extent necessary.
5. The applicant shall develop and submit a landscaping plan, in revised form, that will include fourteen (14) additional trees (or a combination of trees and shrubs) to be placed on- or off-site, for review and approval by the Town's consultants.
6. The applicant shall satisfy all outstanding written comments provided by the Town's consultants.
7. The applicant shall submit the Notice of Intent (NOI) and MS4 SWPPP Acceptance Form to the Planning Board Secretary for review by the Town Engineer. Following the Town Engineer's review and approval of these documents, the Town's Stormwater Management Officer shall sign the SWPPP Acceptance Form. The applicant shall submit the completed MS4 SWPPP Acceptance Form, along with the Notice of Intent (NOI), to the NYSDEC, Division of Water and copy the Planning Board Secretary with same.
8. Each and every sheet of the approved Site Development Plans shall contain a common revision date with notation stating "Planning Board Approval"; shall contain an original seal and signature of the Design Professional; shall contain the Town's standard signature blocks; and shall contain an original signature of the applicant(s) and owner(s).
9. 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.

10. 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.
11. The applicant shall obtain a Wetland Implementation Permit, as issued by the Town Wetland Inspector.
12. The applicant shall provide a written statement identifying the person or firm responsible for mandatory SWPPP inspections required under the NYSDEC SPDES General Permit (GP-0-15-002). A copy of all inspection reports shall be submitted to the Planning Board, Town Engineer and Building Inspector during construction.
13. 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.
14. 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:**

15. 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.
16. 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.
17. All proposed retaining walls  $\geq 4$ -feet in height shall be fully designed to the satisfaction of the Town Consulting Engineer.
18. The applicant shall demonstrate that coverage has been obtained under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002).
19. If blasting is deemed necessary, the applicant shall obtain a Blasting Permit from the Building Inspector.



**Conditions to be Satisfied Prior to Commencement of Work:**

20. Prior to commencement of any site work or construction activity, a site visit shall be conducted with the applicant, contractor, design engineer, Building Inspector, and the Town's consultants. Prior to the site visit, all erosion and sedimentation controls shall be properly installed and the limits of disturbance shall be staked in the field by a licensed land surveyor as specified on the approved Site Development Plans.

**Conditions to be Satisfied Prior to the Commencement of Work within the NYSDOT Right-of-Way:**

21. The applicant shall obtain and submit all necessary permits and approvals from the NYSDOT, including a NYSDOT Highway Work Permit.

**Conditions to be Satisfied During Construction:**

22. The area of disturbance shall not exceed that illustrated and calculated on the approved Site Development Plans (1.87 acres).
23. 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.
24. A copy of this Resolution, approved Site Development Plans, Wetland Implementation Permit, and SWPPP shall be kept on site at all times during construction.
25. Building construction shall be consistent with the floor plans and elevations referenced herein.
26. All plant material shall be installed between April 1<sup>st</sup> and October 15<sup>th</sup>. Plant substitutions, if any, must be previously approved by the Town's consultants.
27. The applicant shall employ the services of a NYS Licensed Professional Engineer to supervise and inspect site work during construction.

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

28. The "Reciprocal Driveway/Sight Easement & Maintenance Agreement" shall be prepared to the satisfaction of the Town Engineer and Planning Board Attorney and filed in the office of the Westchester County Clerk. Proof of recording shall be provided.



29. 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.
30. 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).
31. An as-built plan of the stormwater management practices and associated improvements shall be submitted and shall be certified by a NYS Professional Engineer (four (4) copies).
32. Certification by a NYS Professional Engineer that all stormwater management practices and associated improvements have been installed in conformance with the approved Site Development Plans shall be submitted to the Building Inspector and Planning Board.
33. An as-built planting plan shall be prepared to the satisfaction of the Town's consultants and submitted to the Planning Board (four (4) copies).
34. The signal timing adjustments recommended in the Traffic Impact Study referenced herein shall be implemented and confirmation from either the applicant's Transportation Engineer or the NYSDOT confirming same shall be provided.
35. The applicant shall provide correspondence from the NYS OPRHP pertaining to the applicant's compliance with the Letter of Resolution as referenced herein.
36. The applicant shall demonstrate that it has obtained a Food Service Establishment Permit from the WCDH, as required.
37. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved Site Development Plans, Wetland Implementation Permit and this Resolution. A final inspection report shall be prepared by the Town Consulting Engineer.
38. The applicant shall obtain a Wetland Certificate of Compliance from the Town of Lewisboro Wetland Inspector.
39. The owner/operator shall submit a completed Notice of Termination (NOT) to the NYSDEC, Division of Water and the Planning Board Secretary.
40. The applicant shall obtain and submit any necessary certificates of compliance from the NYSDOT.

41. The applicant shall obtain any and all approvals from the ACARC relating to signage.
42. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

**Other Conditions:**

43. The maximum permitted occupancy shall be the lesser of that required by (a) the Town of Lewisboro Building Inspector or (b) the WCDH. While the Building Inspector has yet to establish a maximum occupancy, the WCDH has restricted the use to a maximum of 268 guests per day.
44. Any intensification of use resulting in a greater number of guests than allowed by the Building Inspector or WCDH, as it relates to the instant application, shall require Planning Board approval and a re-evaluation of the on-site parking.
45. There shall be only one (1) event held at the subject facility at a time and events shall not overlap.
46. The subject facility shall not operate as a restaurant, either in conjunction with weddings/events or as a standalone restaurant.
47. Overnight accommodations shall be prohibited.
48. The ordinary hours of event operations shall be Friday, between 6pm-11pm, Saturdays between 12pm-5pm and 6pm-11pm, and Sundays between 2pm-7pm; the building may be open weekdays for administration, sales, maintenance and kitchen preparation work, as needed.
49. Outdoor use of the facility shall be limited to wedding ceremonies in the south garden area, including temporary seating, light musical accompaniment, cocktails, photography and ceremony-related activity. The western garden area shall be limited to discrete seating and photography. No amplified music or announcements, sound systems or dancing shall be permitted outdoors.
50. The use of the facility shall be consistent with that described herein and within the applicant's submitted Statement of Use. Public or guest access to the grounds located to the west of the subject property, including the lower pond area, is expressly prohibited. Failure to operate in compliance with the Statement of Use referenced herein and/or the terms and conditions of this Resolution shall be considered a violation of Site Development Plan Approval. Should the Planning Board determine that the applicant is operating in a manner contrary to these statements and conditions, the applicant shall return to the Planning Board upon being noticed. To this end, upon request, the applicant shall provide the Planning

Board with the following information within thirty (30) days of the Planning Board's written request:

- Records of the number and type of functions per day and the number of guests attending each function, including dates and time for each event.
  - For events in excess of 150 guests, number of vehicles on premises during each event.
51. Valet parking shall be permitted; however, all vehicles shall be parked in a designed parking spaces as illustrated on the approved Site Development Plans and vehicles shall not be parked or stored in any driveway, parking lot access driveway, parking lot aisle, or in any public right-of-way.
  52. With the exception of security lighting, all exterior lighting shall be turned off during non-operating hours.
  53. Landscaping shall be maintained for the life of the facility and in accordance with the approved landscaping plan. The applicant shall be responsible for any re-grading, replanting, or irrigation necessary to ensure that the landscaping is installed and maintained in accordance with the approved plan.
  54. All signage, including within windows, shall be fully compliant with Chapter 185, Signs, of the Town Code of the Town of Lewisboro. No signs, lights or other materials or devices, except as approved and detailed on the approved plans, shall be permitted to be supported, hung, flown, or otherwise attached to site buildings, structures or the site grounds.
  55. The continued validity of a Certificate of Occupancy shall be subject to continued conformance with the approved Site Development Plans and the conditions of this Resolution.

**ADOPTION OF RESOLUTION**

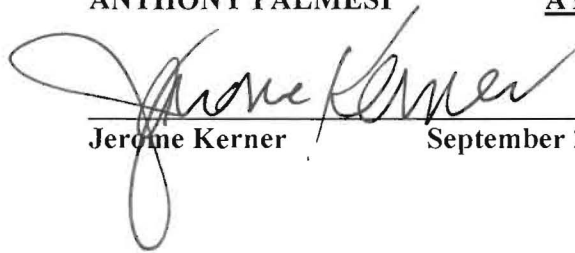
**WHEREUPON**, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: **RON TETELMAN**

The motion was seconded by: **ANTHONY PALMESI**

The vote was as follows:

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



Jerome Kerner

September 20, 2016

**State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

**Date:** September 20, 2016

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lewisboro Planning Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Elegant Banquets – A/K/A Le Chateau

**SEQRA Status:**     ☐ Type 1  
                              ☒ Unlisted

**Conditioned Negative Declaration:**   ☐ Yes  
   ☒ No

**Description of Action:** The subject property consists of ±24.2 acres of land and is located at 1410 NYS Route 35 within the R-4A Zoning District (“the subject property”). The subject property is developed and contains a former restaurant and banquet hall use known as “Le Chateau”, which is now out of business. 1410 Route 35, LLC (“the applicant”) is proposing an addition to the existing banquet hall along with additional parking, landscape improvements, lighting, stormwater management facilities, etc. (“the proposed action”). More specifically, the proposed action includes:

1. Demolition of an existing on-site residence (known as the “trophy house”), deck, shed and garage.
2. An addition to the existing building to include a ballroom, modern bathrooms and handicap access; the lower floor will consist of storage and mechanicals. The addition encompasses a 7,730 s.f. footprint.
3. Internal upgrades to the existing building.
4. Improvements to the existing driveway, including increasing the driveway width at specified locations.
5. Driveway entrance and sight distance improvements.

6. Construction of additional off-street parking spaces (99 spaces existing/136 spaces proposed).
7. Associated grading, walkways, landscaping and lighting.
8. Proposed on-site stormwater facilities, including underground stormwater infiltration practices.
9. Wetland buffer mitigation.

**Location:** 1410 NYS Route 35, Town of Lewisboro, Westchester County, New York

**Reasons Supporting This Determination:** The Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c).

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production.
  - The subject property is developed and contains a former restaurant and banquet hall use known as “Le Chateau”. This use was in existence for many years, and the restaurant/banquet hall is now out of business. The proposed facility will continue to utilize the subject property as a banquet hall, specializing in wedding receptions but also hosting special events such as bat/bar mitzvahs, milestone events, corporate meetings, seminars, charitable fund raising gala and similar standalone events.
  - The proposed facility is similar to the longstanding use of the subject property and the existing potable well and septic system have sufficient capacity to serve the use without the necessity of an upgrade or expansion. Reference is made to the “Approval of Change of Use” issued by the Westchester County Department of Health (“WCDH”) on August 24, 2016.
  - Reference is made to the “Traffic and Parking Evaluation”, prepared by Maser Consulting, P.A., dated April 26, 2016. The report is premised upon site study and Institute of Transportation Engineers (ITE) standards, and concludes that the proposed action will not have any significant negative impact on other external intersections with only minor increases in average vehicle delay. The future traffic conditions can be improved by implementing minor signal timing changes. Further, the report identifies other recommendations for improving sight distance, improving the site access driveway, improving the internal site driveway (width/grade) and parking requirements, all of which have been incorporated into the design.
  - The applicant is proposing modifications to the curb cut and sight distance improvements along with increasing the width of the site driveway in a

number of locations. Driveway entrance improvements within the NYS Route 35 right-of-way will require the approval of the NYSDOT.

- The proposed action exceeds land disturbance thresholds and the applicant will require coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). Reference is made to the Stormwater Pollution Prevention Plan (SWPPP), prepared by Cronin Engineering, P.E., P.C. and dated (last revised) August, 2016.
  - The subject property is located within the New York City East of Hudson Watershed and is subject to the rules and regulations of the New York City Department of Environmental Protection (NYCDEP). Reference is made to a letter prepared by the NYCDEP, dated July 15, 2016, which states that the proposed action does not require NYCDEP approval; and
  - The subject property contains wetlands that are jurisdictional to the Town of Lewisboro and a portion of proposed Parking Area #3, stormwater facilities located below Parking Areas #2 and #3, and driveway entrance improvements are located within the Town's 150-foot regulated buffer area. Reference is made to a "Wetland Delineation and Preliminary Vegetation and Wildlife Report", prepared by Evans Associates and dated (last revised) July 27, 2016. The applicant has prepared a wetland mitigation plan consisting of wetland buffer enhancements, including the planting of native vegetation within a 6,300 s.f. area proximate to Parking Area #2 and #3 and within the buffer area associated with Wetland A.
  - Solid waste production is not anticipated to change significantly and all refuse will be stored within appropriate enclosures and will be picked-up by a private carter.
2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources.
- The proposed action will result in 1.87 acres of land disturbance, the majority of which will occur on previously disturbed/developed portions of the site.
  - Reference is made to a "Wetland Delineation and Preliminary Vegetation and Wildlife Report", prepared by Evans Associates and dated (last revised) July 27, 2016. The report states that there are no unique or rare habitats on the subject property and there are no large wildlife corridors

associated with the property due to the surrounding residential development and road networks. Further, the report states that the ability of the subject property to support less disturbance-tolerant species that require large blocks of undisturbed land is greatly diminished. A December 11, 2015 letter from the NYSDEC Natural Heritage Program states that there are no known records of rare or state-listed animals or plants, significant natural communities, or other significant habitats on or in the immediate vicinity of the subject property. Further, the site does not support Federally-listed species, such as the Bog Turtle, Indiana Bat or Northern Long-eared Bat.

3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).
  - The subject property is not located within a Critical Environmental Area.
4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
  - The former restaurant/banquet hall is considered an existing legal nonconforming use. The applicant applied to the Town of Lewisboro Zoning Board of Appeals (ZBA) for variances in connection with the expansion of a legal nonconforming use, which was granted. Reference is made to a Resolution of the ZBA, dated April 25, 2016 (Cal. No. 6-16-BZ).
  - The applicant applied to the ZBA for area variances concerning the width and grade of the existing driveways, which was granted. Reference is made to a Resolution of the ZBA, dated June 20, 2016 (Cal. No. 13-16-BZ).
  - The proposed use (banquet hall) is not a listed use within the Town's schedule of off-street parking requirements (Section 220-56D). Section 220-56E of the Zoning Code allows the Planning Board to specify reasonable and appropriate off-street parking requirements for unspecified land uses. Based on the applicant's submitted Statement of Use, historical parking data provided on a similar facility owned and operated by the applicant, studies and reports provided by Maser Consulting, P.A., the applicant's Professional Traffic Engineer, and the Planning Board's familiarity with the subject property, the Planning Board has determined that the proposed 136 off-street parking spaces will adequately serve the proposed use.
  - Given the size and nature of the subject property, its remote location and extensive open space, and its topographic and wetland constraints, the



Planning Board has waived the requirement to install landscaping islands as provided under Section 220-55E(3) and (5).

5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources or the existing character of the community or neighborhood.
  - The subject property is located within a mapped archeological sensitive area; however, the subject property is developed and land disturbances and construction are mainly proposed on already disturbed and developed lands.
  - While the existing on-site buildings are not presently listed on the State or National Register of Historic Places, the application has been reviewed by the NYS Office of Parks, Recreation and Historic Preservation (“OPRHP”), which has determined that the proposed demolition of the ancillary buildings will have an adverse impact on these historic resources. The OPRHP determined that the existing main building, gardens and associated ancillary buildings are eligible for the National Register of Historic Places. Reference is made to a “Letter of Resolution for Le Chateau”, dated July 29, 2016, which includes stipulations to mitigate the adverse impact related to the proposed action.
6. The proposed action will not result in a major change in the use of either the quantity or type of energy.
7. The proposed action will not create a hazard to human health.
  - The proposed action includes transportation and traffic related improvements which will improve public safety. The project has been referred to the South Salem Fire District for review and the plans have been revised to address comments provided by the Fire District, including the installation of a 10,000-gallon underground water storage tank. Further, the applicant is proposing adequate site lighting and an emergency back-up generator.
8. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
9. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
10. The proposed action will not create a material demand for other actions that would result in one of the above consequences.

11. The proposed action will not result in changes in two (2) or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
12. When analyzed with two (2) or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
13. A conceptual plan for development of additional lands within the subject property was presented. However, the plan is conceptual in nature and no development is proposed on this portion of the property. The Planning Board has concluded that all impacts associated with such development can be effectively analyzed and addressed upon SEQRA review conducted if and when development of this portion of the property is formally proposed.
14. The Planning Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

**For further information, contact:**

Ciorsdan Conran, Planning Board Secretary  
Town Offices @ Orchard Square, Suite L (Lower Level)  
20 North Salem Road, Cross River, NY 10518  
Phone: (914) 763-5592  
Fax: (914) 763-3637

**This notice is being filed with:**

Ciorsdan Conran, Planning Board Secretary  
Town Offices @ Orchard Square, Suite L (Lower Level)  
20 North Salem Road, Cross River, NY 10518  
Phone: (914) 763-5592  
Fax: (914) 763-3637