

Meeting of the Planning Board of the Town of Lewisboro held at the Town Offices at Orchard Square, 20 Cross River Plaza, Lower Level, Cross River, New York on Tuesday, October 25, 2016 at 7:30 p.m. The audio recordings of this meeting are 161025\_01.MP3 (before executive session) and 161025\_02.MP3 (after executive session).

Present: Jerome Kerner, Chair  
Greg La Sorsa  
John O'Donnell  
Tony Palmesi  
Ron Tetelman  
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel  
Ciorsdan Conran, Planning Board Administrator

Mr. Kerner called the special meeting to order at 7:33 p.m. and noted the exit.

## I. WETLAND VIOLATION

### Cal #1-16WV, 51-16WP

(0:10 – 10:26)

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

Arthur Mogil, owner, was present.

Mr. Siebert stated this matter was adjourned from the September to the October meeting with the understanding that the applicant would submit a wetland permit application. He noted that a control date of October 18<sup>th</sup> was set and the application was also submitted on October 18<sup>th</sup>. Mr. Siebert stated he had spoken to Mr. Johannessen (Kellard Sessions) and Mr. Johannessen suggested setting a new control date of December or January's meeting.

Mr. O'Donnell stated the materials submitted made it difficult to determine whether or not this matter can be handled administratively. He requested a report from Kellard Sessions addressing if the application is sufficient and if this matter should be handled administratively.

Mr. Tetelman asked for a site summary. Mr. Mogil stated in the early spring of 2016 a snow storm took down a large tree near his pond and he also removed a few dead trees by the roots. He noted he would like to fix the existing stone wall that was damaged in that storm, to install a waterfall stone at the pond's edge and dig one of his two wells deeper to feed the pond. Mr. Mogil stated consultants from Kellard Sessions had visited the site in May and advised mitigation in the form of planting grass seed, which Mr. Mogil stated he has done. He stated he is unsure if Kellard Sessions has inspected the mitigation and there are three additional trees he would like to remove.

Mr. Tetelman requested that Mr. Johannessen give the Board an update at the November 15<sup>th</sup> meeting and stated Mr. Mogil did not have to attend.

Mr. Kerner raised a concern over the method of the additional work specifically wheeled equipment and how that would affect the wetland.

Mr. Tetelman stated he had reviewed an aerial photo of the site and noticed a grassy area around the pond and concluded the area is disturbed already and the wetland is just the pond.

The Board asked that Mr. Mogil appear at its December 20<sup>th</sup> or January 17<sup>th</sup> meeting. Mr. Siebert stated that the Board can expect comments from Kellard Sessions at the November 15<sup>th</sup> meeting.

## II. EXTENSION OF TIME

### Cal# 8-12PB

(10:29 – 13:38)

**Rudolph Petruccelli, Oscaleta Road, South Salem, Sheet 33B, Block 11157, Lot 46 (Rudolph Petruccelli, owner of record)** - Request for a 90-day Extension of Time to resolution granting Preliminary/Final Subdivision Plat, Negative Declaration Under SEQRA, dated October 21, 2014.

Michael Sirignano, Esq., represented the applicant.

Mr. Sirignano noted that Mr. Petruccelli had passed away October 23<sup>rd</sup>.

Mr. O'Donnell suggested a control date of January 17, 2017 to allow for substitution or a determination by an executor or an administrator. Mr. La Sorsa asked if an executor needs to be appointed to proceed. Mr. Siebert stated the request for a 90-day extension was submitted (September 29, 2016) prior to the resolution's expiration date and the applicant's passing and the Board is in a position to grant an extension.

The Board discussed and by consensus (with the exemption of Mr. Tetelman, who abstained) granted two 90-day extensions to the resolution granting Preliminary/Final Subdivision Plat, Negative Declaration under SEQRA, dated October 21, 2014 and a control date of April 18, 2017 was set.

## III. EXECUTIVE SESSION

(13:39 – 14:15 of recording 161025\_01.MP3

and 0:05 – 0:22 of recording 161025\_02.MP3)

On a motion made by Mr. La Sorsa, seconded by Mr. Tetelman, the Board entered into executive session at 7:44 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 8:15 p.m. and reopened the Planning Board meeting.

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

### Cal #10-15 PB

(0:25 – 25:03)

**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.

No one was present on behalf of the applicant.

Mr. Kerner stated the Board is conducting an interview of a traffic consultant for the purpose of a second opinion of the submitted traffic study. He introduced Michael O'Rourke, P.E., P.T.O.E. of Adler Consulting.

Mr. La Sorsa asked what Mr. O'Rourke knew about the project. Mr. O'Rourke stated he knew of the proposed project of 46 units off of Route 22 near Exit 6A. He noted he hasn't reviewed the Wilder Balter reports but looked at them briefly to prepare his proposal.

Mr. Kerner asked for an overview of Adler Consulting and its work in this area. Mr. O'Rourke stated Adler Consulting has been in business since 1991 and its founder, Bernie Adler, is a licensed engineer in several states who has 50 years of experience and was the Commissioner of Traffic for the City of White Plains. Mr. O'Rourke stated he is a licensed professional engineer in NY, NJ and CT with 35 years of experience in traffic and transportation engineering and planning. He noted that twenty years ago he had worked on the parking plans on the Route 138 side of the Goldens Bridge train station; Metro North was the client. Mr. O'Rourke stated he has worked on urban and suburban venues both preparing and reviewing traffic engineering studies.

Mr. Tetelman asked if Adler Consulting did traffic design. Mr. O'Rourke stated his firm does design traffic signals, signs and markings, conceptual designs for intersections but not pavement (thickness) designs.

Mr. Kerner asked if Adler Consulting was ever asked to supply second opinions. Mr. O'Rourke stated his firm has prepared second opinions before and reviews traffic impact studies. He noted this analysis would include a question like - did the traffic counts take place on Friday afternoon and was data collected for the highway peak am/pm hours as well as school peak am/pm hours.

Mr. La Sorsa summarized that Adler could review and render an opinion of the previous traffic study and make recommendations for gathering additional information. Mr. O'Rourke agreed.

Mr. Kerner stated that the review process would be two-stage, first asking was data collection done properly and reviewing the previous conclusions followed by recommendations or if data collection was not done properly recommending new counts. Mr. O'Rourke added that part of his review was to determine if the applicant's consultants met the Board's scope. Mr. Kerner noted that the Board did not assign the scope. Mr. O'Rourke stated he would work with the Board on the scope.

Mr. La Sorsa asked about the significance of Friday traffic data collection. Mr. O'Rourke stated data is typically collected Tuesday, Wednesday and Thursday and Friday is generally considered non-typical due to early business closures.

Mr. La Sorsa asked about Mr. O'Rourke's previous work at the Goldens Bridge train station. Mr. O'Rourke noted he worked on that project prior to Adler and did not have access to that traffic data.

Mr. Kerner asked what Mr. O'Rourke needed to know to further clarify the scope of the review. Mr. O'Rourke stated he would want to know the Boards' concerns related to traffic and parking.

Mr. O'Donnell asked if Mr. O'Rourke looks at violation data in the area. Mr. O'Rourke stated he looks at accident data but not violation data.

Mr. O'Donnell asked if Mr. O'Rourke makes an assessment of public transportation resources in the area. Mr. O'Rourke stated he would collect bus route and frequency information and if the Board requested bus load information he would contact the bus companies for that. Mr. O'Donnell asked if Mr. O'Rourke makes an assessment of the viability of the public transportation resources in the area. Mr. O'Rourke stated general accepted standards are that people won't walk more than a ½ mile for a reason. He noted this distance depends on the clientele and how transit dependent they truly are. Mr. O'Rourke stated his firm has conducted pedestrian studies.

Mr. O'Donnell asked who the contact person should be if the Board retained Adler Consulting. Mr. O'Rourke stated it could be Board's chair, counsel or another designee.

Mr. Tetelman reiterated concerns including traffic at school bus hours, accident data, movements from Exit 6A to Route 22 and he stated he would like to see a rough schematic/line drawing mitigating the additional cars the project is introducing, perhaps a longer deceleration lane, a lit intersection or possible improvements to Exit 6A or Route 22. Mr. O'Rourke stated that once he sees volumes and operating conditions he could recommend improvements.

Mr. La Sorsa discussed a desire to know if the project had fewer units how that would impact traffic.

Mr. Palmesi asked if Adler Consulting has engaged in any job assignments with the applicant or its affiliates. Mr. O'Rourke stated that to his knowledge Adler Consulting has not had a business relationship with Wilder Balter or the Town of Lewisboro.

Mr. O'Donnell asked about the timeline for a more defined proposal and the recommended scope/activities/cost plus the timeframe for the completed report. Mr. O'Rourke stated 1-2 weeks after receiving a letter from Mr. Siebert a proposal could be prepared. Mr. O'Rourke stated that after inspection and review he could present his preliminary thoughts 3-4 weeks after they have been approved to do the work.

Mr. O'Donnell asked if the Board retained Adler Consulting during its November 15<sup>th</sup> meeting is a proposal by the December 20<sup>th</sup> a reasonable expectation. Mr. O'Rourke stated yes assuming the scope is reasonable.

Mr. Kerner asked how long it would take to conduct additional traffic counts. Mr. O'Rourke stated counts usually take a couple of weeks and are not typically conducted from Thanksgiving to early January due to holiday shopping and parties.

#### **IV. CORRESPONDENCE AND GENERAL BUSINESS**

(25:10 – 25:49)

Mr. O'Donnell stated, with respect to the Wilder Balter application, he has received various communications from government officials including the Deputy County Attorney and the Chair of the Housing Action Council and had some contact with town officials from North Salem. He noted he will make a more detailed statement at the Board's next regularly scheduled meeting.

#### **V. ADJOURNMENT**

(25:57 – 26:06)

On a motion made by Mr. La Sorsa, seconded by Mr. Tetelman, the meeting was adjourned at 8:41p.m.

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

Respectfully Submitted,



Ciorsdan Conran  
Planning Board Administrator