

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, November 15, 2016 at 7:30 p.m. The audio recording of this meeting is 161115_001.MP3.

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

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

I. DECISION

Cal #6-02PB

(0:43 – 10:05)

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)

Phil Pine, owner, was present.

Mr. Johannessen reviewed the resolution and the proposed changes to the previously approved site plan:

- the change in curbing from asphalt to Belgian block in Phase II;
- the proposed 6' fence along the easterly property line is to be white vinyl instead of stockade;
- on-grade patios formerly proposed as concrete are to be bluestone or brick pavers; and
- an increase in the density unit count, 18 units to be modified from 2 to 3 bedrooms.

Mr. Johannessen listed conditions of this resolution:

- receipt of fully-executed ZBA variance granting the increase in the density unit count;
- ACARC review of the change in fenestration;
- written approval from the Oakridge Water and Sewer District regarding capacity.

Mr. O'Donnell asked if this modification requires Westchester County Department of Health (WCDOH) approval. Mr. Pine stated that the Town needs to hire an engineer to inspect the site. Mr. Johannessen suggested amending Condition #5 to include WCDOH approval.

Ms. Andersen asked if the tenants' water usage was metered. Mr. Pine stated yes.

On a motion by Mr. Tetelman, seconded by Mr. Palmesi the proposed Amendment of the Resolution dated October 12, 2010 (last amended June 21, 2016) for 18 additional bedrooms; the installation of Belgian block curbing; a white, vinyl fence; and requiring written approval from the Westchester County Department of Health if necessary 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.

II. PUBLIC HEARINGS

Cal #6-02PB

(10:10 – 14:38)

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)

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

Prior to the start of the meeting, Mr. Pine submitted the receipt for mailing the public hearing notice, affidavit of mailing and a photograph of the public hearing sign at the site to the Planning Board Administrator.

Phil Pine, owner, was present to request a bond reduction for Phase II of the Oakridge Gardens development.

Mr. Cermele reviewed the history of the required performance security and subsequent partial releases that took place as different phases of construction were completed. He noted that Kellard Sessions had inspected the site.

There were no comments from the public.

On a motion made by Mr. La Sorsa, seconded by Mr. Tetelman, the public hearing was closed at 7:44 p.m.

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

Mr. Siebert reviewed the process to release this portion of the security in the amount of \$26,151.00.

On a motion by Mr. Tetelman, seconded by Mr. La Sorsa the resolution dated November 15, 2016 granting Partial Release of Performance Security in the amount of \$26,151.00 for Smith Ridge Housing, LLC, 450 Oakridge Commons was adopted. A copy of the Resolution is attached and is part of these minutes.

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

Cal #6-16PB

(14:40 – 29:58)

T Mobile, 377 Smith Ridge Road, South Salem, NY, Sheet 50A, Block 9834, Lots 84, 88, and 94 (Vista Fire District, owner of record)

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

Prior to the start of the meeting, Mr. Ferraro, Esq. (Ferraro & Stamos, LLC) submitted the receipt for mailing the public hearing notice, affidavit of mailing, green cards from the certified mailings and a photograph of the public hearing sign at the site to the Planning Board Administrator.

Nick Barile, P.E.; Com Ex Consultants; was present on behalf of the applicant.

Mr. Barile reviewed the proposal to collocate eight antennas, one dish antenna and twelve remote radio heads on an existing monopole and the installation of a 5' x 20' concrete equipment pad, three equipment cabinets, one GPS antenna and a cable bridge within an existing fenced compound.

Mr. Johannessen reviewed the resolution noting the existing compound is located in both the Town and New York State Department of Environmental Conservation (NYSDEC) wetlands and will need a Town wetland permit and perhaps a

DEC wetland permit. He stated the application had received positive feedback from the Antenna Advisory Board, been referred to the Westchester County Planning Board but not to ACARC as that council had reviewed and approved the original application. He stated that paragraph 4 on page 1 the resolution would be revised to include twelve remote radio heads.

Allan Rothman (Lex Holding Company/Smith Ridge Road) owns 17 acres behind the site and asked if there is a way to make the cell tower look better. Mr. Barile stated the new antennas will be painted to match existing. Mr. Johannessen stated the new equipment at the base will be behind the existing fence and 16' white spruce trees. Mr. O'Donnell suggested Mr. Rothman contact the tower's owner InSite Towers.

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the public hearing was closed at 7:50 p.m.

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. Palmesi, the amended resolution dated November 15, 2016 granting a Negative Declaration of Significance and Special Use Permit approval to T Mobile Northeast, LLC at 377 Smith Ridge Road, South Salem (Vista Fire Department), and referring the wetland permit for administrative handling, was adopted. A copy of the Resolution is attached and is part of these minutes.

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

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

(30:13 – 1:20:08)

SSEL Corp., Boway/Woodway, South Salem, NY 10590, Sheet 38, Block 10808, Lot 1 (SSEL Corp, owner of record)

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

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

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

Mr. Johannessen reviewed Kellard Sessions' memo and outstanding items.

Mr. O'Donnell stated there had not been a site report from the Board's site visit on August 20, 2016. Mr. Tetelman noted that as a result of the site walk the Board had few comments on the Lot II house and had concluded the house on Lot I was too close to the proposed house on Lot II and the existing house across the street. Mr. O'Donnell added that the sites were sloped. Mr. Kerner added that the walk included a vernal pool at the rear of the property.

Tom Christopher (45 Boway) stated he moved to Boway for peace and quiet and wants to challenge the subdivision because one house is right near the road and along deadman's curve. He noted his main concerns were noise, congestion and traffic. Mr. Christopher stated he could see one house at this site but not two and is also concerned about the impact on wildlife such as foxes, wild turkeys and owls.

Dana Weneck (27 Woodway) noted her husband Spencer has sent the Board two letters recently with concerns over the project and the two proposed houses were so close to each other. Ms. Weneck stated her biggest concern was loss of tranquility in the neighborhood. She added she was concerned about water runoff, the length of construction and blasting.

Betsy Barnett (35 Woodway) stated one house would be satisfactory and that the site's steep slopes are causing the littler house to feel crowded. She noted that during the site visit tree removal was also discussed.

Dawn Christopher (45 Boway) stated she is concerned about the house on Lot I being so close to the road and the loss of integrity of this area with its dirt road, trees and wildlife.

Colleen McLafferty (25 Boway) stated she is concerned about the disturbance and the proposed wells affecting her pond and well.

Mssrs. Frey and Karrell responded to many of those concerns.

The Board agreed to keep the public hearing open and adjourned the matter until its January 17, 2017 meeting.

Ms. Andersen stated the CAC had no comments.

Mr. O'Donnell requested the next submission include a neighborhood plat including distances of the houses to road and the McLafferty's pond. He stated he would like to see an aerial photo and a black-and-white drawing. Mr. Kerner asked that large trees (both remaining and to be cut) be shown on the drawing.

I. EXTENSION OF TIME REQUEST

Cal # 1-14PB, Cal# 7-14WP, Cal# 1-14SW

(1:20:15 – 1:23:57)

Pinheiro Subdivision, 930 Old Post Road (Route 35), Cross River, NY, Sheet 20, Block 10801, Lot 13 (Fernando Pinheiro & Maria Manuela, owners of record)

Fernando Pinheiro, owner, and Tim Cronin, Cronin Engineering, were present.

Mr. Johannessen reviewed the status of the subdivision stating it has received Preliminary Subdivision Plat Approval, Final Subdivision Plat Approval, Wetland Activity Permit Approval Stormwater Permit Approval; the plat was filed with the Westchester County Clerk; but the building had not begun within the two year expiration date.

Mr. Tetelman noted he had seen a For Sale sign at the site. Mr. Pinheiro stated the property had been on the market due to economic problems.

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the Board granted a two (2) year extension of time to the Pinheiro Subdivision's Wetlands Activity Permit (7-14WP) and Stormwater Permit (1-14SW); the new expiration dates for both permits are Monday, November 19, 2018.

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

Cal# 8-02PB

(1:23:58 – 1:25:24)

Popoli Subdivision, 1437 Route 35, South Salem, NY 10590 Sheet 0040, Block 10552, Lot 003 (Pasquale Popoli & Angelo Sicuranza, owners of record)

Jim DeLalla, ASLA, DeLalla & Associates, LLC, was present on behalf of the owner requesting an extension of time of 90 days. Mr. DeLalla noted that he spoke to Pat Popoli last week and Mr. Popoli said the bank and the potential buyer had set a price. Mr. DeLalla stated he hopes the sale will close before the end of the year.

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the Board granted a 90-day extension to the resolution granting Preliminary/Final Subdivision Plat, Negative Declaration under SEQRA, dated October 21, 2014; the new expiration date is March 5, 2017.

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

Cal# 8-12PB

(1:25:26 – 1:29:44)

Rudolph Petruccelli, Oscaleta Road, South Salem, Sheet 33B, Block 11157, Lot 46 (Rudolph Petruccelli, owner of record)

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

Mr. Siebert explained that at the October 25, 2016 meeting the Board reached a consensus on granting the extensions but did not formally make a motion to do so.

On a motion made by Mr. La Sorsa, seconded by Mr. Palmesi, the Board granted two (2) 90-day extensions to the resolution granting Preliminary/Final Subdivision Plat, Negative Declaration under SEQRA, dated October 21, 2014; the new expiration date is April 10, 2017.

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

II. PROJECT REVIEW

Cal# 32-16WP

(1:29:50 – 1:30:08 and 2:57:09 – 2:57:56)

Martini Residence, 152 Elmwood Road, South Salem NY 10590, Sheet 47, Block 10056, Lot 44 (Anthony and Mari Martini, owners of record) – Application to install an in ground pool

No one was present on behalf of the applicant, application was adjourned to December 20th meeting.

The Board agreed to remove the application from the December 20th meeting; applicant is to resubmit.

Cal #53-16 WP

(1:30:10 – 1:34:40)

Hoyt Street floating dock, South Salem NY 10590, Sheet 36A, Block 11172, Lot 24 (Truesdale Lake Property Owners Association, owners of record)

Daniela Infield, Truesdale Lake Property Owners Association board member, was present.

Ms. Infield reviewed the application to replace an existing, storm-damaged floating dock. She noted that Dennis Doyle (48 Hoyt Street) supports the proposed dock and that she is waiting on comments from the other adjoining neighbor, Ellen Taus (52 Hoyt Street).

Mr. Johannessen stated the proposed dock is a like replacement (same size) made of aluminum with cedar decking which is to be wheeled in and out of the water and there would be no ground impact or permanent disturbance.

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman, the Board determined that the replacement of the applicant's floating dock will be handled administratively under the guidance of the Wetlands Inspector.

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

Mr. O'Donnell suggested the Wetlands Inspector consider some lakefront plantings as a form of mitigation and confirm receipt of the second neighbor's comments.

Ms. Andersen stated the CAC had no comments.

III. SKETCH PLAN REVIEW

Cal #10-15 PB

(1:34:46 – 1:56:48)

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)

John Bainlardi, Wilder Balter Partners, was present.

Michael O'Rourke, P.E., P.T.O.E. of Adler Consulting, consultant to the Town, was also present.

Mr. Kerner stated that as a result of the scoping at the Board's Special Meeting on October 25th, the Board's counsel prepared a request for proposal for a traffic consultant to perform a second opinion of the submitted traffic study.

Mr. O'Rourke stated his firm's first step would be to read the report then decide if it is sufficient and within 3-4 weeks submit to the Board its recommendations including whether (or not) additional information/data collection is required.

The Board discussed specific areas of concern: impact on Route 22 around Exit 6A, the definition of ½ mile, was the previous data collection done at appropriate times during the year/day (school bus times).

On a motion made by Mr. Tetelman, seconded by Mr. Palmesi, the Board authorized Adler Consulting to proceed per their proposal dated November 11, 2016 and conduct a review of Maser Consulting's *Traffic Impact Study of WBP AFFH Multi-Family Development* (dated April 22, 2016).

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

Mr. Johannessen stated he had received a supplemented noise assessment report (dated November 8, 2016) from the applicant and will provide the Board with comments on the revised report.

Mr. O'Donnell questioned Mr. Bainlardi regarding the state and the amending process of the EAF, Part III. Mr. Bainlardi stated he had responded to all the written comments submitted to him via the Board's counsel and that the EAF has been modified 7 or 8 times. Mr. O'Donnell asked Mr. Bainlardi to clarify what he said/meant at the October 18th meeting when he said that the EAF's current imperfections were insignificant and the document should be finalized. Mr. Bainlardi noted that at some point the Board will have to make a determination on the EAF, Part III. Mr. Kerner stated that the Board would not act on the EAF, Part III until after reviewing the second opinion of the traffic study and its consultants' comments on the revised noise assessment report.

IV. SPECIAL DISCUSSION

Cal# 4-15PB, Cal# 51-15WP

(1:56:50 – 2:13:05)

Wild Oaks Water System, Nash Road, Goldens Bridge, NY, Sheet 8, Block 11137, Lot 123 (New York American Water, owner of record)

Kristen Barrett, P.E., and Ross Diamond, Hazen and Sawyer, were present with an emergency request.

Ms. Barrett reviewed the June 2015 drilling and permitting of test wells #4 and 5 (Cal# 51-14WP) on Nash Road. She noted that well #5 failed its 72-hour pump test so work on test well #6 (Cal# 54-14WP) began and it was drilled in May 2016. Ms. Barrett stated that the Board's Resolution had expired in December 2015. She noted that there was a drop in water quality and quantity for existing wells #1 and #2 during the summer and they were granted emergency authorization from the NYSDEC and WCDOH to use well #4. Ms. Barrett stated well #4 is currently connected to the treatment system via an on grade hose and they are proposing to replace it with a permanent pipe.

Mr. Johannessen concurred with Ms. Barrett's summary and recommended that the connection of well #4 be handled administratively acknowledging some of the work was performed without authorization. He stated that the applicant be required to submit site plan and wetland applications for well #6. Mr. Johannessen noted that when well #5 failed the applicant should have come before the Board to amend the previous resolution for wells #4 and #5 to be for wells #4 and #6.

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the Board determined the trenching and electrical work connecting well #4 to the well house will be handled administratively under the guidance of the Wetlands Inspector and required the applicant to submit site plan and wetland applications for well #6 for discussion at the December 20th meeting.

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

V. WETLAND VIOLATIONS

Cal #3-15WV

(2:13:10 – 2:16:35)

Jacobson Residence, 1208 Route 35, South Salem, NY 10590 Sheet 31, Block 10805, Lot 42 (Kenneth Jacobson, owner of record)

Jay Fain, Jay Fain Associates, was present.

Mr. Fain stated the applicant has cured the violation. Mr. Sessions confirmed this stating a Wetland Certificate of Compliance was issued. He noted a cost estimate had been submitted, reviewed and found appropriate.

Mr. O'Donnell summarized the applicant's invoices. Mr. Kerner noted that the civil penalty would be determined in executive session.

Cal#1-16WV

(2:16:40 – 2:17:30)

Mogil Residence, 92 Waccabuc Road, Goldens Bridge, NY 10526, Sheet 10, Block 11152, Lot 6 (Arthur Mogil and Mary McCarty Mogil, owners of record)

No one was present on behalf of the owner.

Mr. Johannessen stated the reason this application was on the agenda was to discuss Kellard Sessions review memo however no application fee or escrow have been received.

The matter was adjourned to the December 25, 2016 meeting.

Cal#2-16WV

(2:17:32 – 2:20:43)

Palomino Residence, 292 Waccabuc Road, Goldens Bridge, NY 10526, Sheet 7C, Block 12668, Lot 20 (Gustavo Palomino, owner of record)

Matthew Mazzamurro, Esq.; and Gustavo Palomino, owner, were present.

Mr. Siebert stated the Wetland Inspector had issued a Notice of Summons in July 2016, Mr. Palomino attended the August 16th meeting and at that time said that he wanted to retain counsel. Mr. Siebert noted that Mr. Palomino has retained Mr. Mazzamurro.

Mr. Mazzamurro stated Mr. Palomino entered a plea of not guilty and will appear at the December 20th meeting.

Cal#3-16WV

(2:20:48 – 2:56:58)

McGuinness Residence, 17 Schoolhouse Road, Waccabuc, NY 10597, Sheet 22, Block 10802, Lot 35 (Annette & Peter McGuinness, owners of record)

Michael Sirignano, Esq., and Peter McGuinness, owner, were present.

Mr. Sessions stated a wetland violation was issued due to an addition and plumbing built in an existing garage without a permit plus an animal pen built within the wetlands and vegetation removed within the wetland buffer.

Mr. Johannessen stated the applicants had previously received an administrative wetland permit for a small mudroom addition and patio resurfacing. He noted that during the same time that work was being done the additional work was done without permits: the existing garage was removed, rebuilt with a second story, a rear patio was expanded, underground utilities were dug and installed, paddock fencing installed and a fire pit installed.

Mr. Sirignano stated the demolished garage and shed were rebuilt in the same footprints. He noted that the applicants relied on their contractor to file for the appropriate demolition, building and wetland permits. Mr. Sirignano noted that while the two outbuildings are shingled they do not have windows and doors. He stated Jeri Barrett (J. D. Barrett & Associates) has been retained to prepare a wetland mitigation plan and asked that the stop work order be lifted and the garage and shed be handled administratively in order to winterize the buildings. Mr. Sirignano stated Mr. and Mrs. McGuinness enter a plea of not guilty.

Mr. Johannessen stated the two buildings will require a Planning Board wetland permit and septic review from the WCDOH. He suggested the Board authorize a partial release of the stop work order in order to protect the buildings from winter damage.

Mr. McGuinness stated he did not know that his contractor had not applied for building permits for the shed.

On a motion made by Mr. O'Donnell, seconded by Mr. La Sorsa, the Board agreed the openings in the garage and shed should be closed to protect the two buildings from the winter weather.

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

Mr. Sessions requested the applicant submit a formal application and establish a \$2,000 escrow.

VI. CORRESPONDENCE AND GENERAL BUSINESS

Revision of Town Wetlands Law

(2:58:00 - 2:58:58)

The Board agreed to discuss the proposed revision to the Town's Wetlands Law at the December 20th meeting.

Mr. Johannessen stated Kellard Sessions wrote the amendments based on Town Board recommendations.

Mr. O'Donnell observed there were other significant proposed amendments.

Mr. Kerner stated the key change was the Board's removal from adjudication and fine setting.

Cal# 12-10PB

(2:59:05 – 3:00:48)

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.

Mr. Siebert reported that following a denial from the ZBA a notice of appeal was filed in the Adam Rose Article 78 litigation. He noted that his review of the declarations for the two lots and the easement plus Mr. Johannessen's review of the subdivision plat could continue.

VII. 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 August 16, 2016; MINUTES OF September 13, 2016; MINUTES OF September 20, 2016; MINUTES OF October 18, 2016; and MINUTES OF October 25, 2016

(3:00:49 – 3:04:26)

On a motion made by Mr. La Sorsa, seconded by Mr. Tetelman, the Board approved the minutes of October 18, 2016.

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

The Board tabled approval of the remaining nine sets of minutes requesting Ms. Conran to reformat them to include the times from the audio recordings.

III. EXECUTIVE SESSION

(3:04:33 – 3:05:15)

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the Board entered into executive session at 10:35 p.m. for purposes of attorney-client consultation.

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

On a motion made by Mr. Tetelman, seconded by Mr. La Sorsa, the Board adjourned the executive session at 11:05 p.m. and reopened the Planning Board meeting.

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

IV. ADJOURNMENT

On a motion made by Mr. La Sorsa, seconded by Mr. Palmesi, the meeting was adjourned at 11:05 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, appearing to read "Ciorsdan Conran". The signature is fluid and cursive, with the first name "Ciorsdan" and the last name "Conran" clearly distinguishable.

Ciorsdan Conran
Planning Board Administrator

**RESOLUTION
LEWISBORO PLANNING BOARD**

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

**LAUREL RIDGE
(AKA OAKRIDGE GARDENS)**

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

November 15, 2016

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

WHEREAS, the Planning Board granted amendments to the Site Development Plan Approval by Resolution adopted on July 11, 2011, June 12, 2012, August 14, 2012, September 24, 2012, September 17, 2013, July 15, 2014, November 18, 2014, February 17, 2015 and June 21, 2016; and

WHEREAS, Laurel Ridge Development, Inc. ("the applicant") has submitted a written request to further amend the previously approved Site Development Plan; and

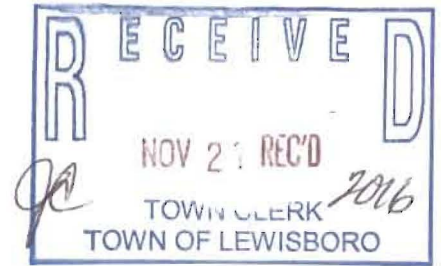
WHEREAS, the originally approved development consisted of a total of 46 two-bedroom dwelling units, equating to an approved density of 26 density units; and

WHEREAS, the previously approved density was the subject of a Zoning Board of Appeals variance which was granted on September 27, 2006 (Cal. No. 46-05-BZ); and

WHEREAS, the development was approved by the Planning Board with the following condition: "each unit is approved to include two (2) bedrooms only. No increase or decrease in the number of bedrooms shall be permitted, as the approved site plan exhausts the density unit potential for the property"; and

WHEREAS, the applicant has requested the following amendments to the previously approved Site Development Plan, collectively referred to hereafter as "the proposed action":

1. Convert 18 units from two (2) to three-bedroom units and modify the approved density from 23 to 26 density units. Units 20, 25, 29, 30, 31, 34, 35, 36, and 37 through 46 are proposed to include three-bedrooms; and



2. Install belgium block curbing in lieu of previously approved concrete or asphalt curbing in Phases 2 and 3; and
3. Install a 6-foot solid board vinyl fence along the easterly property line in lieu of the previously approved 6-foot stockade fence; and
4. Modify the existing surface material of on-grade patios from concrete to either bluestone or brick pavers; and

WHEREAS, the Zoning Board of Appeals has granted a variance to increase the density units from 23 to 26 density units, subject to Amended Site Development Plan Approval from the Planning Board (see Cal. #30-16-BZ); and

WHEREAS, the Planning Board has referred the application to the ACARC and to the Oakridge Water and Sewer District for review and approval; and

WHEREAS, reference is made to letters from Robert Eberts, RA of Cross River Architects, dated October 27, 2016 and from Philip Pine of Laurel Ridge Development, Inc., dated October 27, 2016; and

WHEREAS, reference is made to the following submitted floor plans and elevations prepared by Cross River Architects, LLC, dated August 17, 2016:

- Laurel Ridge – C-MB1-3 (Sheet 1 of 4)
- Laurel Ridge – C-MB2-3 (Sheet 2 of 4)
- Laurel Ridge – D-MB1-3 (Sheet 3 of 4)
- Laurel Ridge – E-MB2-3 (Sheet 1 of 4)
- Laurel Ridge – Exterior Elevations (A/6)

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

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants Amended Site Development Plan Approval, authorizing the changes encompassed in the proposed action, subject to the below conditions; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves the following drawings (hereafter referred to as “the approved Site Development Plans”) prepared by DeLalla & Associates, LLC, dated (last revised) October 14, 2016, subject to the below conditions:

- Site Layout Plan South Parcel (SP-2a)
- Site Layout Plan North Parcel (SP-2b)

BE IT FURTHER RESOLVED THAT, Conditions #1 - #15 must be fulfilled within six (6) months of the date of this Resolution (on or before May 14, 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; and

BE IT FURTHER RESOLVED THAT, unless specifically amended herein, all other conditions and requirements set forth in prior approving resolutions shall remain in full force and effect.

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

1. The applicant shall satisfy all outstanding written comments provided by the Town's consultants.
2. Any reference to Kellard Sessions Consulting, P.C. shall be removed from the plans.
3. The applicant shall submit a fully endorsed and filed copy of the Zoning Board of Appeals variance.
4. The applicant shall obtain ACARC approval; a copy of the ACARC decision shall be submitted.
5. The applicant shall obtain written approval from the Oakridge Water and Sewer Districts, to the satisfaction of the Town Consulting Engineer, and Westchester County Department of Health (WCDH) approval, if required.
6. The Site Density Calculation on Sheet SP-2a shall be replaced with the following:

Previously approved:

(46) 2-bedroom dwelling units/2.0 density units = 23 density units

Proposed

(28) 2-bedroom dwelling units/2.0 density units = 14 density units

(18) 3-bedroom dwelling units/1.5 density units = 12 density units

Total = 26 density units proposed

7. The note below the Site Density Calculation shall remain but shall be updated to reflect the most recent density unit variance.

8. Note #3 (referring to the number of proposed bedrooms) on Sheets SP-2a and SP-2b shall be revised to identify the number of two and three-bedroom units and maximum density units.
9. An at-grade patio construction detail shall be provided; this detail shall identify the patio surface material as being either bluestone or brick pavers.
10. The existing fence along the easterly property line shall be shown to be removed.
11. 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).
12. 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.
13. 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.
14. 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.
15. 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:

16. 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.
17. Within ten (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.

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

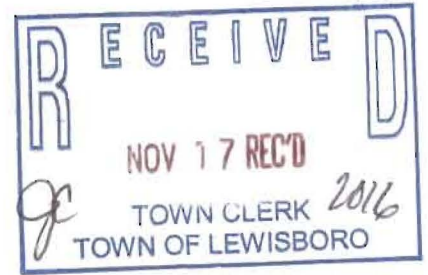
The vote was as follows:

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



Jerome Kerner

November 15, 2016



**RESOLUTION
LEWISBORO PLANNING BOARD**

**PARTIAL RELEASE OF PERFORMANCE SECURITY -
SMITH RIDGE HOUSING, LLC
450 OAKRIDGE COMMONS, SOUTH SALEM, NY**

**Sheet 49L, Block 9830, Parcels 279-314
Sheet 49M, Block 9830, Parcels 315-324
Cal. #6-02 P.B.**

November 15, 2016

WHEREAS, Smith Ridge Housing, LLC (“Smith Ridge”) is the owner of certain property located on the northerly and westerly side of Oakridge Drive (a private access road within the Oakridge condominium complex located on the westerly side of Smith Ridge Road [NYS Route 123] in the Hamlet of Vista, Town of Lewisboro, Westchester County, New York), which is designated Sheet 49L, Block 9830, Parcels 279-314 and Sheet 49M, Block 9830, Parcels 315-324 on the Tax Map of the Town of Lewisboro; and

WHEREAS, by Resolution adopted on October 2, 2010, the Planning Board granted Wetland Activity Permit Approval, Stormwater Permit Approval and Site Development Plan Approval authorizing the construction of a multifamily housing development now known as Laurel Ridge Townhomes; and

WHEREAS, the Planning Board thereafter amended these Site Development Plan Approval by Resolutions adopted on July 11, 2011, June 12, 2012, August 14, 2012, September 24, 2012, September 17, 2013, July 15, 2014, November 18, 2014, February 17, 2015, June 21, 2016 and November 15, 2016; and

WHEREAS, the approval, as amended, requires Smith Ridge to construct certain water and sewer mains, laterals and the necessary valves, hydrant fittings and appurtenances, which are to be conveyed to the Oakridge Water District and Oakridge Sewer District in accordance with plans approved by the Planning Board; and

WHEREAS, pursuant to Condition SP39 of the Resolution adopted by the Planning Board on September 24, 2012, amending these approvals, Smith Ridge was required to post a bond or letter of credit in the amount of \$243,770 as performance security for the cost of the water and sewer improvements to be conveyed to the Oakridge Water District and Oakridge Sewer District; and

WHEREAS, pursuant to said Resolution, Smith Ridge executed an undertaking, entitled “Smith Ridge Housing LLC Security Agreement for Construction of Water and Sewer Improvements to be Conveyed to Oakridge (*sic*) Water and Sewer Districts,” on August 27, 2013; and

WHEREAS, upon the execution of this undertaking, Smith Ridge tendered the sum of \$243,770 by check payable to the Town of Lewisboro drawn on the account of Laurel Ridge Development, Inc.; and

WHEREAS, these cash proceeds were maintained by the Town of Lewisboro as performance security for completion of the water and sewer improvements; and

WHEREAS, pursuant to the terms of this undertaking, and in accordance with a Resolution duly adopted by the Planning Board on February 17, 2015 following a public hearing authorized by the Town Board, the Town of Lewisboro released the sum of \$190,281 of this performance security on account of the installation of water and sewer improvements for Phase I of the Laurel Ridge Townhome project; and

WHEREAS, the remaining \$53,489 in performance security remains, in the form of cash proceeds, with the Town of Lewisboro; and

WHEREAS, by letter dated October 5, 2016, from Mr. Philip G. Pine of Laurel Ridge Development, Inc., Smith Ridge requested the release of \$26,151 on account of the completion of the Phase II sewer main; and

WHEREAS, upon receipt of this request, the Planning Board adopted a motion at its October 18, 2016 meeting to notify the Lewisboro Town Board of this application for partial release of the aforementioned performance security; and

WHEREAS, upon receipt of notification from the Planning Board, the Lewisboro Town Board, pursuant to Section 195-17(I) of the Lewisboro Town Code, authorized the Planning Board to conduct a public hearing so that it could entertain and act upon the requested partial release of performance security; and

WHEREAS, on November 15, 2016, the Planning Board conducted a duly noticed public hearing with regard to the request for partial release of this performance security; and

WHEREAS, said public hearing was opened and closed on November 15, 2016, at which time all interested parties were provided an opportunity to be heard; and

WHEREAS, the Planning Board has received confirmation from Kellard Sessions Consulting, P.C., the Town Engineering Consultant, that installation of the sewer main extension associated with Phase II of the Laurel Ridge Townhome project has been satisfactorily completed, surveyed and tested under the supervision of the Town Engineer and the Westchester County Department of Health ("WCDOH"); and

WHEREAS, WCDOH has issued a Completed Works Certificate dated September 7, 2016 permitting operation of the Phase II sewer main in connection with the Laurel Ridge Townhome project; and

WHEREAS, the Planning Board received comments from its counsel and consultants with regard to the request for partial release of the performance security and duly considered same.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board finds that the construction and installation of the Phase II sewer main of the Laurel Ridge Townhome project have been completed to its satisfaction; and

BE IT FURTHER RESOLVED THAT, the Planning Board authorizes the release of \$26,151 of the cash proceeds held by the Town of Lewisboro as performance security pursuant to the aforementioned undertaking; and

BE IT FURTHER RESOLVED THAT, in accordance with the aforementioned undertaking, the Planning Board's authorization to release this \$26,151 is conditioned upon final and unconditional acceptance of the Phase II sewer main improvements by the Oakridge Sewer District, which shall be memorialized and confirmed to the satisfaction of the Town Attorney and Planning Board Attorney; and

BE IT FURTHER RESOLVED THAT, all terms and conditions of the aforementioned undertaking remain in full force and effect, notwithstanding the partial release authorized by the Planning Board ; and

BE IT FURTHER RESOLVED THAT, the Secretary of the Planning Board is directed to file this Resolution with the Town Clerk of the Town of Lewisboro.

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:

Mr. Tetelman

The motion was seconded by:

Mr. La Sorsa

The vote was as follows:

JEROME KERNER

aye

JOHN O'DONNELL

aye

RON TETELMAN

aye

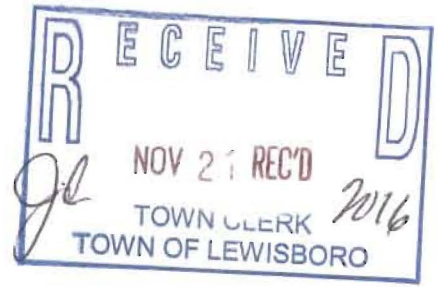
ANTHONY PALMESI

aye

GREG LASORSA

aye


Jerome Kerner, Chairman November 15, 2016



**RESOLUTION
LEWISBORO PLANNING BOARD
SPECIAL USE PERMIT APPROVAL**

**T-MOBILE NORTHEAST, LLC
CO-LOCATION
377 SMITH RIDGE ROAD**

Sheet 50A, Block 9834, Lots 84, 88, 94
Cal. #6-16 P.B.

November 15, 2016

WHEREAS, the subject property consists of ±5.95 acres of land, owned by the Vista Fire Department, located at 377 Smith Ridge Road in the R-1A Zoning District (“the subject property”); and

WHEREAS, the subject property is developed with a 154-foot monopole telecommunications tower currently owned by InSite Towers, LLC and leased to and occupied by Sprint/Nextel, AT&T Wireless and Verizon Wireless, each of which maintains an equipment shelter and related equipment within an existing compound area; and

WHEREAS, T-Mobile Northeast, LLC (“the applicant”) is proposing to co-locate on the existing tower (“the proposed action”) at 120-feet Above Ground Level (AGL); and

WHEREAS, more specifically, the applicant is proposing eight (8) panel antennas, twelve (12) Remote Radio Heads (RRHs), one (1) dish antenna, one (1) GPS antenna, an antenna mounting platform, a 5’ x 20’ concrete equipment pad, equipment cabinets, and a cable bridge; and

WHEREAS, the proposed antennas will be painted to match the color of the tower and any cables will be installed and run through the existing monopole tower; and

WHEREAS, the proposed facility meets all of the Special Permit criteria set forth in Section 220-41.1 of the Zoning Code, certain criteria being waived under Section 220-41.1H(3); and

WHEREAS, reference is made to a structural report, prepared by Bennett & Pless Engineering, dated May 25, 2016; and

WHEREAS, reference is made to a Radio Frequency (RF) Site Compliance Report, prepared by Site Safe RF Compliance Experts, dated October 18, 2016; and

WHEREAS, the proposed action will not result in land disturbance outside of the originally approved 4,000 s.f. fenced compound area; and

WHEREAS, the existing gravel compound area is located within the Town of Lewisboro 150-foot regulated wetland buffer and within the New York State Department of Environmental Conservation (NYSDEC) 100-foot Wetland Adjacent Area and the installation of the proposed 5' x 20' concrete equipment pad will require a Town of Lewisboro Wetland Activity Permit and may require an Article 24 Freshwater Wetland Permit from the NYSDEC; and

WHEREAS, the Planning Board referred the subject application to the Antenna Advisory Board; and

WHEREAS, the Chairman of the Antenna Advisory Board endorsed the proposed action via email dated September 18, 2016; and

WHEREAS, the previously approved and installed tower was reviewed and approved by ACARC; and

WHEREAS, since the proposed action is consistent with the originally approved plans, the Planning Board has determined that referral to ACARC is not necessary; and

WHEREAS, in accordance with Section 239-m of the General Municipal Law, a "notification only" referral was made to the Westchester County Planning Board; and

WHEREAS, the proposed action is an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617.4; and

WHEREAS, the applicant has submitted the Short Environmental Assessment Form (EAF), dated October 26, 2016; and

WHEREAS, the Planning Board conducted a duly noticed public hearing which was opened and closed on November 15, 2016 at which time all interested parties were afforded an opportunity to be heard; and

WHEREAS, the Planning Board has considered the submitted Special Use Permit Application, other materials submitted by the applicant in support of its proposal, the written and verbal comments from the Board's professional consultants, and the verbal commentary and written submissions made by the applicant.

NOW THEREFORE BE IT RESOLVED THAT, the proposed action is an Unlisted Action under SEQRA and the Planning Board hereby issues the attached Negative Declaration of Significance; and

BE IT FURTHER RESOLVED THAT, the proposed action meets the purpose and intent described under Section 220-41.1A of the Zoning Code, the proposed action has been designed to satisfy the regulatory compliance standards identified under Section 220-41.1B of the Zoning Code, the proposed facility has been designed and sited to comply with Section 220-41.1C and Section 220-41.1E of the Zoning Code, and the

applicant has submitted to the Planning Board for its review, the application materials required by Section 220-41.1D of the Zoning Code, certain criteria being waived under Section 220-41.1H(3); and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby makes the following findings in connection with the Special Use Permit:

1. The location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that the proposed action complies with all special requirements for such use established in Section 220-32, Zoning. Specifically:
 - The proposed antennas will be mounted on an existing approved tower which was designed to accommodate multiple carriers. The antenna will match the color of the tower and cables will be run internally through the monopole.
 - Land uses within the general vicinity of the subject property are comprised of retail, service business, office, and residential uses. Oakridge Shopping Center is located across the street as is Rings End Lumberyard. The adjacent property to the south is currently being used as a landscaping nursery, the adjacent property to the east is an undeveloped wooded lot, and the adjacent parcel to the north is residential.
 - While the existing tower and the proposed antennas will be visible from various locations within Vista and beyond, the Planning Board has determined that the antennas mounted at 120 feet will not interfere with or reduce the public's enjoyment and/or appreciation of the appearance of an inventoried resource. The benefit of cell coverage will outweigh the visual impacts of the antennas.
 - An already approved perimeter fence and a multitude of trees and shrubs will reduce the visibility of the proposed equipment shelter.
2. The location, nature and height of buildings, walls and fences and the nature and extent of existing or proposed planting on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings. Specifically:
 - The proposed action will not hinder or discourage the appropriate development of adjacent lands. The proposed antennas will be mounted on an existing approved tower and the proposed equipment shelter will be located within an already approved 4,000 s.f. fenced compound area.

3. Operations in connection with the Special Use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operation of any permitted use not requiring a Special Permit. Specifically:
 - Following construction, the proposed use will not generate objectionable amounts of noise, fumes, or vibration. Further, the applicant has prepared an assessment of radiofrequency (RF) levels and associated FCC compliance for the proposed facility.
4. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum and adequate safety. Specifically:
 - The facility will be accessed via an existing approved 12-foot wide gravel driveway, which will extend from the existing parking lot serving the Vista Volunteer Fire Department to the facility. The proposed action will not generate significant amounts of traffic. The compound area has been developed to accommodate two (2) vehicles, with adequate space to maneuver/turn-around a vehicle.

BE IT FURTHER RESOLVED THAT, given the fact that the proposed action is a co-location on a previously approved tower and the proposed action is consistent with previously approved plans for said tower, the Planning Board hereby waives the following submission requirements in accordance with Section 220-41.1H(3) of the Zoning Code:

- A verifiable list of complaints provided to the Public Service Commission for interruptions of service (Section 220-41.1B(7)).
- Demonstration that adequate coverage cannot be achieved by locating the facility on a lot which is not or does not abut a residential district (Section 220-41.1B(8)).
- A review of at least three alternatives for providing coverage (Section 220-41.1E(2)).

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants Special Use Permit Approval, subject to the below conditions and compliance with the conditions specified below; and

BE IT FURTHER RESOLVED THAT, the following drawings, which shall be referred to as “the Special Use Permit Plans”, prepared by Com-Ex Engineering of NY and dated (last revised) August 23, 2016, are hereby approved, subject to the below conditions and compliance with the conditions specified below:

- Title Sheet (T-1)

- Final Site Plan & Notes (C-1)
- Proposed Equipment Plan & Antenna Plan (C-2)
- Elevation (C-3)
- Details (C-4 and C-5)
- Electrical Notes (E-1)
- Electrical Plan and Details (E-2)
- Grounding Plan and Details (E-3)
- Grounding Details (E-4)

BE IT FURTHER RESOLVED THAT, this Special Use Permit shall be deemed to authorize only the particular Special Permit Use described herein and illustrated on the approved Special Use Permit Plans referenced herein and shall expire if work is not initiated pursuant thereto within one (1) year of this Resolution, or if all required improvements are not completed within two (2) years from the date of this Resolution, or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use, except that the Planning Board may, upon request, extend the above time periods as determined appropriate; and

BE IT FURTHER RESOLVED THAT, Conditions #1-10 must be completed within six (6) months of the date of this Resolution. Should the below-listed conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six (6) month period and granted by the Planning Board.

Conditions to be Satisfied Prior to the Signing of the Special Use Permit Plans by the Secretary and Chairman:

1. The applicant shall satisfy any outstanding written comments provided by the Town Professional Consultants.
2. The signature blocks provided on Sheet T-1 for the construction manager, RF Engineer, etc. shall be removed.
3. The following note shall be added to Sheets C-1, C-2 and C-3: "The color of the proposed antennas and associated mounting platforms shall match the color of the tower."
4. The applicant shall obtain a Wetland Implementation Permit, as issued administratively by the Town Wetland Inspector.
5. The applicant shall coordinate with the NYSDEC to determine the extent of their jurisdiction. The applicant obtain and submit all required permits from the NYSDEC or provide written communication from the NYSDEC that a permit is not required.

6. Each and every sheet of the approved Special Use Permit 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).
7. The applicant shall submit a "check set" (2 copies) of the approved Special Use Permit Plans, prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
8. 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 Special Use Permit Plans for final review by the Town's consultants and endorsement by the Town Engineer, Planning Board Chairman and Secretary.
9. 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.
10. 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:

11. Following the endorsement of the approved Special Use Permit 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.
12. 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.

Conditions to be Satisfied During Construction:

13. During construction, the Town's Professional Consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved Final Special Use Permit Plans.
14. A copy of this Resolution and approved Final Special Use Permit Plans shall be kept on site at all times.

Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy and/or Use:

15. Submission of an as-built survey, prepared by a NYS Licensed Land Surveyor, demonstrating compliance with the approved Special Use Permit Plans shall be submitted to the Building Inspector and Planning Board (4 copies).
16. The Building Inspector and Town's Professional Consultants shall conduct a site visit to determine conformance with the approved Final Special Use Permit Plans and this Resolution.
17. The owner/applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Special Use Permit Conditions:

18. The color of the proposed antennas and associated mounting platforms shall match the color of the tower.
19. All exterior lights shall be on motion detection.
20. Within 45 days of initial operation, the applicant shall submit to the Building Inspector a written certification by a Professional Engineer, with the qualifications set forth in Section 220-41.1D of the Zoning Code, that the operating facility is in compliance with the application submitted, the conditions of this Resolution, and Section 220-41.1 of the Zoning Code, in order to continue operations past the 45 day period.
21. The Town may confirm and periodically reconfirm compliance as necessary to ensure that the provisions of Section 220-41.1 of the Zoning Code, including NIER level thresholds, are in compliance.
22. If the proposed communication facility is found not to be in compliance with the approved Special Use Permit Plans, said facility shall immediately cease operation.
23. This Special Use Permit shall be valid for a period not to exceed five (5) years from the date of the filing of this Resolution with the Town Clerk, except as may be extended by the Planning Board pursuant to the review and approval of an application for renewal. Any subsequent renewal application shall be subject to the same procedure, rules and regulations applicable to an original application, unless superseded by a change in governing Town Code provisions; however, the Planning Board may waive, upon the request of the applicant and subject to

appropriate circumstances, the application submission requirements as per Section 220-41.1H(3) of the Zoning Code.

24. The continued validity of this Special Use Permit and a Certificate of Occupancy and/or Use shall be subject to continued conformance with the approved Final Special Use Permit 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:

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



Jerome Kerner

November 15, 2016

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

Date: November 15, 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: T-Mobile Northeast, LLC - Co-Location

SEQRA Status: ☐ Type I
 ☒ Unlisted

Conditioned Negative Declaration: ☐ Yes
 ☒ No

Description of Action: The subject property consists of ±5.95 acres of land, owned by the Vista Fire Department, located at 377 Smith Ridge Road in the R-1A Zoning District (“the subject property”). The subject property is developed with a 154-foot monopole telecommunications tower currently owned by InSite Towers, LLC and leased to and occupied by Sprint/Nextel, AT&T Wireless and Verizon Wireless, each of which maintains an equipment shelter and related equipment within an existing compound area. T-Mobile Northeast, LLC (“the applicant”) is proposing to co-locate on the tower (“the proposed action”) at 120-feet Above Ground Level (AGL). More specifically, the applicant is proposing eight (8) panel antennas, twelve (12) Remote Radio Heads (RRHs), one (1) dish antenna, one (1) GPS antenna, an antenna mounting platform, a 5’ x 20’ concrete equipment pad, equipment cabinets, and a cable bridge.

Location: 377 Smith Ridge Road, 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 proposed antennas will be mounted on an existing approved tower,

which was designed to accommodate multiple carriers.

- The proposed action will not result in land disturbances outside the originally approved fenced compound area.
 - The installation of the antennas and the construction of the equipment shelter will not result in emissions that will reduce ambient air quality.
 - Following construction, the proposed use will not generate objectionable amounts of noise, fumes, or vibration.
 - The proposed facility will result in a negligible increase in traffic.
 - The proposed action will not generate solid waste and therefore no impact will result.
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 not result in land disturbances outside the originally approved fenced compound area; the proposed action is consistent with the originally approved plans.
 - In the absence of land disturbance outside the compound area, no additional wetland mitigation, beyond that originally approved, is required.
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).
4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
- The proposed action is a co-location on a previously approved and installed monopole tower. The Town's wireless law encourages co-location over the construction of multiple towers.
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 does not contain and is not located in proximity to a State or Nationally-listed historic site, building or Archaeological Sensitive Area.
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.
 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. 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