

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, December 20, 2016 at 7:30 p.m. The audio recording of this meeting is 161220_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 7:31 p.m. and noted the exit.

I. PUBLIC HEARING

Cal# 3-13PB, 03-16WP

(0:2:05 – 1:29:58)

"Silvermine Preserve," Silvermine Drive & Lockwood Road, South Salem, NY, 10590 Sheet 48, Block 10057, Lot 15 and Sheet 51, Block 10051, Lot 104 (Ridgeview Designer Builders, Inc. & Daniel Higgins, owners of record)-
Applications for Subdivision, Wetland Activity and Stormwater Permits for the construction of a 13-lot subdivision.

Eric Moss, Susan Haft and Daniel Higgins, owners; Beth Evans, Evans Associates; Geraldine Tortorella, Esq., Hocherman Tortorella & Wekstein, LLP and David Emerson, Westchester Land Trust, were present.

The Chair announced the commencement of the public hearing. Several objections to the advertisement of the public hearing were raised and Mr. Kerner noted that this public hearing will remain open and resume another month.

Prior to the start of the meeting, Ms. Evans 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.

Ms. Evans, discussed the history of the proposed development, the current plan for 13 single-family homes plus 40 acres of open space on the 57.9 acre parcel and the Board's support of clustering the proposed houses.

Ms. Tortorella described a cluster subdivision as a tool under state and local law that authorizes a planning board to modify lot sizes to achieve a public purpose or benefit. She noted that the area is currently used by walkers/hikers and the Board would like to continue that use through clustering and a reduction of the lot sizes in this R-2A Zoning District. Ms. Tortorella stated the applicant proved through conventional subdivision planning that more than 13 lots complying with the Town Code could be built at this site and chose to develop 13 lots and transfer maintenance of the open space to the Westchester Land Trust (WLT).

Mr. Emerson stated that if the WLT takes ownership of the 40 acres of open space it would maintain, manage and make those lands available to the public as it does at its other preserves. He noted this open space area plus the east and west branches of the Silvermine River make up an important environmental corridor.

Ms. Tortorella stated that the applicant is prepared to donate the land to the WLT if the subdivision is approved. Mr. Emerson stated that the WLT Board has voted to accept the property.

Johann Wille of 109 Lockwood Road asked if the preserve is for the use of the neighborhood why have any parking spaces. He stated he is concerned about the water table, the road being proposed on a dangerous curve, the stop sign, the bus stop and the difficulty in making a right turn out of the new road.

Jerome August of 24 Silvermine Drive asked how use of the trails will be enforced, limiting it to walkers and prohibiting horses and ATVs. Ms. Tortorella stated the WLT would be responsible for monitoring the site. Mr. August asked about other clusters. Mr. Kerner noted Hunt Farm and Michelle Estates are cluster developments.

Jerry Bock of 11 Silvermine Drive asked if it possible to get input from the neighbors of other land trust preserves. He asked about the proposal's status. Ms. Tortorella stated the site will be developed. Mr. Siebert stated the property is eligible to be subdivided and the applicants are within their rights under state and local law to pursue clustering the houses while preserving open space.

Ms. Evans stated that during one of the Board's site visits it requested the applicant adjust lot lines to preserve existing stone walls and she offered to send any of the neighbors a copy of the site plan.

Susan Hunger of 4 Reservoir Road asked about the 2 Acre zoning.

Ann Alwood of 83 Lockwood Road asked the density of the proposed houses.

Raymond D'Urso of 107 Lockwood Road asked about the location of the three parking spots and the trail. He stated he is concerned about the proximity of the trail and a new house to his house as well as the dangerous curve. Mr. D'Urso stated he objects to the cluster housing and open space and would like the proposed trail screened from his property.

John McKay of 12 Reservoir Road asked about the proposed houses' bedroom counts.

Elizabeth Forbes of 9 Laurel Road asked about water drainage and strain on emergency services.

Rich Healy of 96 Lockwood Road asked if Lockwood Road is wide enough/will be able to handle the additional traffic created by 26 cars and he is concerned about the strip clearing and loose dirt flowing into his yard during construction. He stated there is a 12" pipe that moves stormwater runoff under Lockwood Road and into his property.

Peter Minio of 23 Silvermine Drive asked about the construction of and access to the trails from Silvermine Drive. Ms. Evans stated the open space will be marked by a split-rail fence and the trails will be blazed. Mr. Minio also asked for a description of the four proposed stormwater practices.

Linda Malichio of 20 Silvermine Drive asked about the price of the proposed houses.

Roy Trauber of 87 Lockwood Road asked about the proposed road possibly connecting Lockwood Road to Silvermine Drive. Ms. Evans stated that during the previous application neighbors raised concerns that the new road would become a through road. Mr. Johannessen noted a significant increase in elevation between Silvermine Drive and the subject property and obliteration of the wetland at the end of Silvermine Drive if it were connected to Lockwood Road. Mr. Trauber asked about the project's timeline.

Rob Gorman of 112 Lockwood Road asked about how the new homes' prices would affect the neighbors and he is concerned about the safety of the proposed entrance.

Barbara Holmes of 9 Reservoir Road was concerned about the sight distance coming out onto Lockwood Road and impacts on the area's water table. She asked about the proposed houses' bedroom counts/square footage and if a variance

is required for developing on an acre in a two-acre zone. Ms. Evans stated there is a chart on the plans that shows the bedroom counts and Westchester County Department of Health septic compliance.

Richard Ellrodt of 19 Laurel Road asked about parking at 105 Lockwood and possible pools depicted on the plans.

Barbara McKay of 12 Reservoir Road asked if the City of Norwalk has any oversight on this proposal, are the houses to be built at the same time or in phases and she noted the lack of a town newspaper.

Ellen Goldstein of 62 Lockwood Road asked how the development, besides another trail in Lewisboro, would impact Vista positively.

Lara Flynn of 7 Silvermine Drive asked about summer water shortages on Lockwood Road and drops in water pressure on Silvermine Drive.

Mr. Johannessen discussed the various agencies involved in reviewing the proposal.

Mr. O'Donnell requested the WLT materials be circulated among the Town's the Open Space and Preserves Advisory Committee (OSPAC), Parks and Recreation Advisory Council (PRAC) and Parks and Recreation Department.

Mr. Kerner noted that this public hearing will remain open and resume February 28, 2017.

II. CORRESPONDENCE AND GENERAL BUSINESS

2017 Meeting Dates

(1:28:11 – 1:28:33)

The Board agreed to move its February meeting from the 21st to the 28th due to Presidents' Day on February 20th.

Revision of Town Wetlands Law

(1:33:20 – 1:33:37)

The Board agreed to discuss the proposed revisions of the Town's Wetlands Law at the January 17, 2017 meeting.

III. EXTENSION OF TIME REQUEST

Cal #5-12 PB, #85-13 WP

(1:33:43 – 1:37:55)

Homeland Towers, LLC and New Cingular – 117 Waccabuc Road, Goldens Bridge, NY 10526, Sheet 0011, Block 11137, Lots 35 and 39 (Francis Coyle, owner of record) and Sheet 0011, Block 11137, Lot 52 (Ash Tree Development, owner of record) - Extension of time to submit Wetland Mitigation Status Report due December 1, 2016 per Condition #41 in resolution granting Special Use Permit and Wetland Activity Permit dated December 11, 2012

Manny Vicente, Homeland Towers, was present on behalf of the owner and requested an extension of time to submit the wetland monitoring report due December 1st.

Mr. Vicente indicated that the field work was completed.

On a motion made by Mr. Tetelman, seconded by Mr. O'Donnell, the Board granted a four-month extension of time to submit the Wetland Mitigation Status Report that was due December 1, 2016 per Condition #41 in resolution granting Special Use Permit and Wetland Activity Permit dated December 11, 2012. The Wetland Mitigation Status Report is now due on or before April 1, 2017.

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

IV. PROJECT REVIEW

Cal #52-16 WP

(1:37:58 – 1:44:44)

McPhillips Residence, 4 Robins Court, South Salem, NY 10590, Sheet 53, Block 9834, Lot 151 (David and Autumn McPhillips, owners of record) - Application for Wetland Activity Permit for renovation of a dry hydrant

Steve Woodstead and Brian Porco, Vista Fire Department, were present on behalf of the owner.

Mr. Porco stated the Vista Fire Department is proposing replacing and upgrading an existing dry hydrant at the McPhillips' house at 4 Robins Court.

Mr. Johannessen discussed the review memo and requested the owner sign off on the project, an easement for the hydrant and line over private property be filed with the County Clerk and determination if the site needs a NYSDEC/Army Corp of Engineers' wetland permit.

Mr. O'Donnell requested comment letters from the adjoining neighbors.

On a motion made by Mr. O'Donnell, seconded by Mr. Palmesi, the Board determined that the renovation of the applicant's dry hydrant at 4 Robins Court will be handled administratively under the guidance of the Wetlands Inspector. The easement is to be reviewed by Board counsel and an owner sign off obtained.

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

Cal #55-16 WP

(1: 44:45 – 1:45:47)

Lake Kitchawan Association, 166 Lake Kitchawan Drive, South Salem, NY 10590, Sheet 42, Block 10287, Lot 22 (Lake Kitchawan Association , owner of record) - Application for Wetland Activity Permit for renovation of a dry hydrant

Steve Woodstead and Brian Porco, Vista Fire Department, were present on behalf of the owner.

Mr. Porco stated the Vista Fire Department is proposing replacing and upgrading an existing dry hydrant at the Lake Kitchawan Association waterfront (166 Lake Kitchawan Drive).

Mr. Johannessen discussed the review memo and requested the owner sign off on the project, an easement for the hydrant and line over private property be filed with the County Clerk and determination if the site needs a NYSDEC/Army Corp of Engineers' wetland permit.

Mr. O'Donnell requested comment letters from the adjoining neighbors.

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman, the Board determined that the renovation of the applicant's dry hydrant at 166 Lake Kitchawan Drive will be handled administratively under the guidance of the Wetlands Inspector. The easement is to be reviewed by Board counsel and an owner sign off obtained.

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

Cal #1-15WV

(1:45:51 – 1:50:05)

Woodstead Residence, 18 Birch Spring Road, South Salem, NY 10590, Sheet 42A, Block 10545, Lot 22 (Steven and Kim Woodstead, owners of record)

Steve Woodstead, owner, and Barry Naderman, P.E., Naderman Land, Planning and Engineering were present.

Mr. Naderman stated an existing condition and topographical survey have been prepared. He stated the structural engineer is collecting data to aid in the retaining wall design and Mr. Naderman agreed to submit materials in time for the April 18th meeting.

Cal #58-16WP (previously Cal #56-13WP)

(1:50:08 – 1:59:29)

Weisberg Residence, 25 Benedict Road, South Salem, NY, Sheet 33, Block 11155, Lot 153 (Tracey Weisberg, owner of record) - Application for Wetland Permit Approval to replace wood dam with stone and concrete dam at same elevation

Jay Archer, Green Jay Landscaping and David Lombardi, JMC Planning, were present on behalf of the owner.

Mr. Lombardi stated the applicant is proposing to replace an existing wood dam with a concrete dam and to refurbish a wooden bridge.

Mr. Johannessen reviewed the permitting history at the site.

Ms. Andersen asked what time of year the pond is to be dewatered and is concerned this would affect the spawning of trout.

Mr. O'Donnell requested applicant notifies the adjoining and downstream neighbors.

On a motion made by Mr. O'Donnell, seconded by Mr. La Sorsa, the Board determined that the modification of the applicant's wooden dam to a concrete dam and restoration of the wooden bridge will be handled administratively under the guidance of the Wetlands Inspector and include special consideration to avoid dewatering during the trout spawning period.

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

V. SKETCH PLAN REVIEW**Cal #10-15 PB**

(1:59:33 – 3:18:56)

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 the Board is to discuss the revised noise assessment report and second opinion of the submitted traffic study plus possible adoption of the SEQR Full Environmental Assessment Form (EAF), Part 3, and/or the Negative Declaration with regard to SEQRA (neg dec).

Mr. O'Rourke stated his firm had reviewed the applicant's traffic impact study, a Goldens Bridge Shopping Center traffic study, site plans, Part 3 of the EAF and an executive summary dated September 28, 2016. He noted that Adler is finalizing its draft report and hopes to submit it by the end of the week.

Mr. O'Rourke reviewed Maser Consulting's methodology and findings. He noted a Level of Service of 'E' at North Street and Route 138, Level of Service of 'C' at the proposed development's entrance and a Level of Service of 'F' at the Route 684 exit ramp 6A. Mr. O'Rourke suggested further study of signalization at the exit ramp and Route 22 intersection. He discussed the site's 10% grade driveway, suggested locating the bus stop within the development and the possible inclusion of a bike lane and/or sidewalk on Route 22.

Mr. La Sorsa reviewed the findings of a 206 second (current/no build condition) and 242 second (build) delays at the exit ramp during the p.m. peak hour. He discussed the estimated wait time in 2020 of 6.5 minutes. Mr. O'Rourke stated that a signal at the exit ramp and Route 22 could bring the Level of Service up to 'A,' or 'B,' and delays would be closer to 20 seconds. Mr. O'Donnell asked about the NYS DOT's oversight as Route 22 is a state road and potential backups up the exit ramp and onto Route 684.

The Board discussed the shuttle bus to the train station; pedestrian access to the train station and stores; locating the bus stop within the development; the noise assessment report; bifurcation of the EAF, Part 3 review and adoption and neg dec plus the site plan review process.

Alfred LaPorta of 19 Deertrack Lane and Stephen Mangione 252 Increase Miller Road asked why there hasn't been a public hearing on this application. Mr. Kerner stated tonight's meeting is work session open to the public. Mr. Siebert stated that a public hearing on the proposed site plan will take place later in the process.

A resident raised concerns about traffic safety on Route 22.

Michael Begley of 13 Shoshone Drive questioned the Board holding a meeting so close to the holidays.

On a motion made by Mr. Tetelman, seconded by Mr. Palmesi, the State Environmental Quality Review Act. (SEQRA) Full Environmental Assessment Form (EAF), Part 3 for the Wilder Balter Partners' proposed development on NY State Route 22, Goldens Bridge was adopted.

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

The Board discussed holding a scoping session and the proposed development receiving funding from Westchester County.

Mr. La Sorsa stated he could not support the neg dec due to: the lack of public input, the noise level at test location L2, a 6.5 minute wait at the Level of Service 'F' exit ramp, the additional car trips of 90 cars in the p.m. hours posing safety issues, the proximity of the entrance of the development to the exit ramp, Route 22 being a fatal/dangerous road, lack of information on traffic accidents/violations, Route 22 not being safe to walk, the 10% slope of the entrance, the statement that Lewisboro has a 239 unit obligation in the Rutgers Study, the wells on site are below capacity, the site is within the wetland buffer, the CAC's concern about the use of glyphosate, the proximity to a cell tower, concerns over impact on fire services and the impact of new students on the Katonah-Lewisboro School District. He stated he could not give a Negative Declaration due to the environmental impact.

Mr. O'Donnell stated he concurred with Mr. La Sorsa and discussed the EAF's mention of the aesthetics and architectural character of the site, clustering of new residents thereby creating an isolated community, the irreversible nature of this development plus the lack of scoping and public participation.

Mr. Kerner noted the previously approved commercial projects at the site, the rezoning of the site by the Town Board and that the coordinated SEQRA review is still underway.

On a motion made by Mr. Tetelman, seconded by Mr. Palmesi, the resolution dated December 20, 2016 granting a Negative Declaration under the State Environmental Quality Review Act to the Wilder Balter Partners' proposed development on NY State Route 22, Goldens Bridge was adopted. A copy of the Resolution is attached and is part of these minutes.

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

Cal #7-16PB

(3:18:59 – 3:24:20)

Verizon at Leon Levy Preserve, 1411 Route 35, South Salem, NY, Sheet 40, Block 10263, Lot 62A (American Tower, owner of record) – Application for Special Use Permit for equipment and antenna upgrade

Michael Sheridan, Esq., Snyder & Snyder, LLP, was present on behalf of the applicant.

Mr. Sheridan stated the applicant proposes to install six new antennas, remove three existing antennas and make equipment upgrades at the existing cell tower in Leon Levy Preserve and also requests a public hearing be scheduled.

Mr. Johannessen discussed the review memo. Mr. Siebert noted that due to the current Town Code the Board cannot waive a public hearing as the bulk and volume increase is greater than 5%.

The Board agreed to schedule a public hearing for this application on January 17, 2017. Mr. O'Donnell requested the consultants prepare a resolution and the Antenna Advisory Board prepare a new report.

Cal# 8-16PB, Cal# 61-16WP

(3:24:23 - 3:30:30)

Wild Oaks Water System, Nash Road, Goldens Bridge, NY, Sheet 8, Block 11137, Lot 123 (New York American Water, owner of record) - Application for permanent installation of Well #4 and Well #6.

Richard Ruge, New York American Water; and Kristen Barrett, P.E., were present.

Ms. Barrett reviewed the drilling and permitting history of test wells #4 and #5 (Cal# 51-14WP) and test well #6 (Cal# 54-14WP) on Nash Road noting that well #5 is no longer going to be used.

The Board discussed bifurcating the application into its wetland permit and site plan.

Mr. Palmesi requested a more recent tax payment affidavit.

Cal# 61-16WP

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman, the Board determined the trenching and electrical work connecting wells #4 and #6 to the well house will be handled administratively under the guidance of the Wetlands Inspector with the condition that a more recent tax payment affidavit be submitted.

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

Cal# 8-16PB

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman, the Board determined to waive a public hearing pursuant to site plan approval for the trenching and electrical work connecting wells #4 and #6 to the well house.

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

Mr. O'Donnell requested the consultants prepare a resolution waiving a public hearing and granting site plan approval for the January 17, 2017 meeting.

VI. WETLAND VIOLATIONS

Cal #3-15WV

(3:30:34 – 3:31:43)

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

No one was present on behalf of the owner.

On a motion made by Mr. Tetelman, seconded by Mr. O'Donnell, the Resolution dated December 20, 2016 issuing a wetland violation penalty of \$200.00 to Kenneth Jacobson, 1208 Route 35, South Salem 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.

Cal# 2-13WV

(3:31:53 – 3:33:25)

Alderman Residence, 11 Birch Spring Road, South Salem, 10590 Sheet 42A, Block 10545, Lot 24 (Kenneth and Patricia Alderman, owners of record)

No one was present on behalf of the owner.

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman, the Resolution dated December 20, 2016 dismissing a wetland violation to Patricia and Kenneth Alderman, 11 Birch Spring Road, South Salem 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.

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

(3:33:35 – 3:37:18)

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

Art Mogil, owner, was present.

Mr. Sessions reviewed the violation and application history of the site.

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman, the Board determined that the remediation of the unpermitted work done by the applicant at his pond at 92 Waccabuc Road 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.

Cal#2-16WV

(3:37:19 – 3:38:28)

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

No one was present on behalf of the owner.

Mr. Siebert stated that Mr. Palomino's attorney, Mr. Mazzamurro, was at a proceeding in Orange County and could not attend tonight. The Board agreed to send letters to Mr. Palomino and Mr. Mazzamurro to appear at the January 17th meeting.

Cal#3-16WV

(3:38:30 – 3:45:58)

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

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

Mr. Sirignano stated the openings in the garage and shed have been closed to protect the two buildings from the winter weather. He noted that Jeri Barrett (J. D. Barrett & Associates) is preparing the wetland mitigation plan and reviewing the wetland delineation. Mr. Sirignano requested a site meeting with the Board's wetland consultants to discuss mitigation and agreed to resubmit for the January 17th meeting.

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 July 19, 2016; MINUTES OF August 16, 2016; MINUTES OF September 13, 2016; MINUTES OF September 20, 2016; MINUTES OF October 18, 2016; MINUTES OF October 25, 2016 and MINUTES OF November 15, 2016

(3:46:01 – 3:46:08)

The Board tabled approval of twelve sets of minutes.

Mr. La Sorsa left the meeting at 11:15.

VIII. EXECUTIVE SESSION

(3:46:09 – 3:46:55)

On a motion made by Mr. Tetelman, seconded by Mr. Palmesi, the Board entered into executive session at 11:15 p.m. for purposes of attorney-client consultation.

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

On a motion made by Mr. Tetelman, seconded by Mr. Palmesi, the Board adjourned the executive session at 11:22 p.m. and reopened the Planning Board meeting.

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

IX. ADJOURNMENT

On a motion made by Mr. Tetelman, seconded by Mr. Palmesi, the meeting was adjourned at 11:23 p.m.

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

Respectfully Submitted,

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

Ciorsdan Conran
Planning Board Administrator

**RESOLUTION
LEWISBORO PLANNING BOARD
NEGATIVE DECLARATION OF SIGNIFICANCE**

WILDER BALTER PARTNERS, INC.

**Sheet 5, Block 10766, Lots 19, 20 and 21
Cal. # 12-10 P.B.**

December 20, 2016

WHEREAS, Wilder Balter Partners, Inc. (“WBP”) proposes a 46-unit multifamily residential development comprised of five (5) buildings, a clubhouse, recreational facilities, an access road off of New York State Route 22, on-site parking for 92 vehicles and stormwater management (the “proposed action”) on ±35.4 acres of land located on the east side of New York State Route 22 north of the I-684 northbound exit (Exit 6A) ramp; and

WHEREAS, the proposed action is to be sited on property consisting of three (3) tax parcels identified on the Tax Map of the Town of Lewisboro as Sheet 5, Block 10776, Lots 19, 20 & 21 (“the subject property”), which is currently undeveloped and vacant; and

WHEREAS, WBP has applied to the Planning Board for Site Development Plan Approval, and the issuance of a Wetland Activity Permit and Town Stormwater Permit, authorizing the proposed action on the subject property; and

WHEREAS, the proposed action is an Unlisted Action under the State Environmental Review Act (“SEQRA”); and

WHEREAS, a coordinated review of the proposed action is underway and the Planning Board is serving as SEQRA Lead Agency for purposes of this review; and

WHEREAS, the Planning Board has received and reviewed application plans and materials, submissions, reports and verbal commentary from WBP and its consultants, submissions, comment letters and verbal commentary from the Planning Board’s consultants and SEQRA documentation developed as part of the SEQRA review process;

NOW THEREFORE BE IT RESOLVED THAT, the proposed action is an Unlisted Action under SEQRA and 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 hereby adopts and issues the attached Negative Declaration and Notice of Determination of Non-Significance, which is to be distributed as required under SEQRA and its implementing regulations.

ADOPTION OF RESOLUTION

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

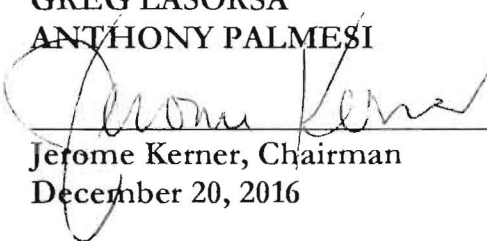
The motion was moved by: Ron Tetelman

The motion was seconded by: Anthony Palmesi

The vote was as follows:

JEROME KERNER
JOHN O'DONNELL
RON TETELMAN
GREG LASORSA
ANTHONY PALMESI

aye
abstain
aye
against
aye


Jerome Kerner, Chairman
December 20, 2016

STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF LEWISBORO

I, Ciorsdan Conran, Secretary to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 22nd day of December, 2016 and that the same is a true and correct copy of said original and of the whole thereof.


Ciorsdan Conran
Planning Board Secretary

Dated at Cross River, New York
This 22nd day of December, 2016

**State Environmental Quality Review
NEGATIVE DECLARATION**

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Date: December 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, as lead agency, 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: Wilder Balter Partners, Inc. – New York State Route 22

SEQRA Status: ☐ Type 1

☒ Unlisted

Conditioned Negative Declaration: ☐ Yes

☒ No

Coordinated Review: ☒ Yes

☐ No

Description of Action: The Planning Board is reviewing an application submitted by Wilder Balter Partners, Inc. (“the applicant”) for approval of a Site Development Plan, and the issuance of a Wetland Activity Permit and Town Stormwater Permit, authorizing the development of property located on the east side of New York State Route 22, just north of the I-684 northbound exit (Exit 6A) ramp. The property involved in this application consists of three (3) tax parcels identified on the Tax Map of the Town of Lewisboro as Sheet 5, Block 10776, Lots 19, 20 & 21 (“the subject property”). The subject property totals ±35.4 acres of land, is currently vacant, undeveloped and is not serviced by utilities. The subject property is predominantly wooded and contains wetlands that are jurisdictional to the Town of Lewisboro and the New York State Department of Environmental Conservation (NYSDEC). The subject property is located within the New York City Department of Environmental Protection (NYCDEP) East of Hudson Watershed.

The applicant is proposing a 46-unit multifamily residential development that will include five (5) buildings, a clubhouse, recreational facilities, an access road off of New York State Route 22, on-site parking for 92 vehicles and stormwater management facilities. The project will be served by on-site potable wells and a septic system. The development is proposed to comply with Westchester County's fair and affordable housing programs and policies and 45 of the units are proposed to be Affordable Affirmatively Furthering Fair Housing (AFFH) Units; one (1) unit will be devoted to a superintendent.

Location: East side of New York State Route 22, Town of Lewisboro, Westchester County, New York (Sheet 5, Block 10776, Lot 19, 20 & 21).

Reasons Supporting This Determination: The Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c). Reference is made to Parts 1, 2 and 3 of the Full Environmental Assessment Form (EAF) which is part of the record before the Planning Board.

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; a substantial increase in potential for erosion, flooding, leaching or drainage problems. Specifically:
 - a. The proposed building and use of the subject property will not result in emissions that will reduce ambient air quality.
 - b. The proposed action will not result in a substantial adverse change in the existing ground or surface water quality or quantity.
 - i. Reference is made to a Wetland/Watercourse Delineation Report and Assessment, prepared by Tim Miller Associates, Inc. (undated). The on-site wetland corridor is located along the southerly property line, downslope of the development area, and drains in an east-west direction to an adjacent property located to the south and owned by the NYCDEP. On-site wetlands were delineated by the applicant and confirmed and adjusted by the Town Wetland Consultant. The project will result in no direct impact to the wetland proper. Disturbances to wetland buffers on the subject property (14,500 s.f. of Town of Lewisboro wetland buffer; 7,000 s.f. of NYSDEC adjacent area) will be mitigated pursuant to a wetland mitigation plan. A preliminary wetland mitigation plan has been prepared by Tim Miller Associates, Inc., entitled "Wetland Buffer Restoration and Enhancement Plan," dated March 16, 2016. Mitigation efforts focus on the portion of the buffer located to the north of the wetland boundary, between the portion of the property to be developed and the wetland corridor. Invasive plant species will be removed during stormwater basin construction and the buffer will be planted with native plant

material that will regenerate and compete with the more aggressive invasive species that currently exist in these areas of the site. The wetland buffer restoration and enhancement plan to be employed by the applicant provides for the planting of trees, shrubs and herbaceous plants to enhance the existing vegetation. The proposed enhancement of the wetland buffer is intended to minimize any erosion from the developed site and maintain water quality. The removal of invasive species vegetation would include the limited application of "Rodeo" type glyphosate. This compound would only be used to curb the regrowth of phragmites following a first cut removal program. In addition, the stormwater management facilities will be planted with wetland vegetation (both woody and herbaceous) and overseeded with seed mixes appropriate for the transitional nature of the hydrology associated with storm basins. While the Town's wetland mitigation protocol established a 1:1 mitigation ratio, the applicant is proposing to restore 54,000 s.f. of the buffer which equates to a 7.7:1 mitigation ratio within the NYSDEC 100-foot wetland adjacent area and a 3.7:1 mitigation ratio within the Town's 150-foot wetland buffer. A final wetland mitigation plan will be developed during the site plan review and prior to final approval.

- ii. Mitigation for the proposed impervious surfaces resulting from the development will be provided by the proposed Stormwater Management Practices (SMP's) described in the preliminary Stormwater Pollution Prevention Plan (SWPPP) prepared by the applicant. The proposed SMP's will be designed to capture and treat runoff from the impervious surfaces associated with the proposed buildings, parking areas and access drive. Reference is made to the Preliminary SWPPP prepared by Insite Engineering, dated February 2, 2016. The final locations of the proposed SMP's and the Final SWPPP will be determined and developed during the site plan review and prior to final approval.
- iii. An Integrated Pest Management Plan (IPM) has been prepared and provides specific procedures and criteria for the limited future use of pesticides and herbicides at the development. Pesticides and herbicides will be used in the minimum quantities needed and only after other, non-chemical means of pest control are found to be ineffective. Reference is made to the IPM prepared by Tim Miller Associates, Inc., dated August 30, 2016. A final IPM will be developed during the site plan review and prior to final approval.
- iv. The development site is in the Muscoot Watershed Basin. This Reservoir is located in the New York City East-of-Hudson Croton Watershed, where the Environmental Protection Agency (EPA) has established a Total Maximum Daily Load (TMDLs) for

phosphorus. The burden for reducing current phosphorous loading to achieve the TMDL presently lies with the applicant, Town of Lewisboro and its regional partners. The program for phosphorous reduction has been established in the NYSDEC document entitled *Croton Watershed Phase II Phosphorous TMDL Nonpoint Source Implementation Plan* (TMDL Implementation Plan) dated January 14, 2009. The NYSDEC TMDL Implementation Plan clearly states that for simplicity and ease of local government administration, existing programs are to be utilized to achieve phosphorus reductions. The proposed SWPPP for the project is consistent with the TMDL Implementation Plan and applicable portions of the relevant TMDL programs. Through compliance with the General Permit for Construction Activity, which requires enhanced stormwater design in the NYC East of Hudson Watershed targeted at removing phosphorus, the project SWPPP is consistent with the TMDL Implementation Plan and other strategies for removing phosphorus from the watershed.

- v. The development will require grading, excavation and the construction of driveways, parking areas and buildings. Approximately 2.4 acres will be converted to impervious surface for the development. Mitigation for the proposed impervious surfaces resulting from the development will be provided by the proposed SMP's described in the SWPPP. The proposed SMP's will be designed to capture and treat runoff from the impervious surfaces associated with the proposed buildings, parking areas and access drive. The final locations of the proposed SMP's and the Final SWPPP will be determined and developed during the site plan review and prior to final approval.
- vi. The existing drainage patterns on the site will be maintained to the maximum extent practical in the proposed condition. As shown in the Post-Development Drainage Map submitted by the applicant, stormwater on the site will continue to flow from north to south towards lower elevations and will be directed to proposed stormwater basins located at the base of the slope. Treated stormwater will flow and infiltrate to the wetland in the southern portion of the site, similar to existing conditions. The existing wetland buffer provides additional water quality treatment and further minimizes the potential for erosion and sedimentation from the development. The final locations of the proposed SMP's and the Final SWPPP will be determined and developed during the site plan review and prior to final approval.
- vii. The proposed stormwater management system for the development has been designed to meet the requirements of local, city, and state stormwater ordinances and guidelines, including but not limited to

those of the Town of Lewisboro, the NYSDEC, and the New York City Department of Environmental Protection (NYCDEP). Since the subject development proposes the disturbance of more than one (1) acre, coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit No. GP-0-15-002 is required. In order to meet the requirements set forth by this permit, the latest edition of the NYSDEC *New York State Stormwater Management Design Manual* (NYSSMDM), including Chapter 10: *Enhanced Phosphorus Removal Standards* (Chapter 10), was referenced for the design of the proposed stormwater management system. Based upon NYCDEP rules and regulations in the watershed, NYCDEP review and approval of the proposed SWPPP is required for this project. The proposed stormwater management facilities are intended to minimize the potential for siltation, turbidity and degradation of water quality both during construction and on a long-term basis following construction.

- viii. The proposed development will require an estimated water demand of approximately 9,020 gallons per day (gpd), or 6.25 gallons per minute (gpm) based upon the total number of bedrooms and engineering estimates. New York State Department of Health (NYSDOH) requires new water supply systems to provide, with the best system well out of service, twice the average daily water demand. To meet this requirement, on-site wells must provide a combined rate of 12.5 gpm (18,040 gdp). While the subject property contains two (2) existing wells, according to the applicant, these wells will not be sufficient to serve the project demand and will need to be supplemented with an additional one (1) to two (2) wells (three (3) to four (4) wells total) to produce the development's water supply.

The Site Development Plan incorporates the use of a subsurface wastewater disposal system. The subsurface wastewater disposal system is designed per NYSDOH and Westchester County Department of Health Standards (WCDOH) to circulate the development's wastewater and return it to the ground. The system engineering design will be reviewed and approved by WCDOH. This subsurface waste water disposal is projected to return approximately 85 percent of the groundwater withdrawn from onsite wells back to the ground through percolation of the wastewater discharge. Thus, of the projected 9,020 gallons projected for daily use, approximately 7,670 gpd will be returned through subsurface discharge and percolation. This yields a consumptive water use of about 1,350 gpd for the project (9,020 gpd drawn less 7,670 returned via subsurface discharge). The calculated recharge estimate under both normal (18,330 gpd) and

drought (13,070 gpd) precipitation conditions significantly exceed the project's consumptive water use. Based upon the development demand and contributing recharge estimates, the water supply demand from the development is not expected to exceed safe and sustainable withdrawal capacity rates of the local aquifer. A 72-hour pump test will be required during the site plan review process as a condition of approval of the project, which will be accompanied by monitoring to ensure that project system wells will not cause a drawdown in static water of any existing wells in proximity of the subject property; the pump test will be performed to the satisfaction of the Planning Board, the Town Engineer and the Town's consulting hydrogeologist. Site plan review will also entail the implementation of a rigorous protocol for monitoring of off-site wells for drawdown impacts and specified mitigation in the event such impacts arise. Reference is made to the "Preliminary Engineer's Report-Water Facilities" and "Preliminary Wastewater Report," both prepared by Insite Engineering and dated February 2, 2016, and a "Hydrogeologic Assessment" report, prepared by Leggette, Brashears & Graham, Inc., last revised August 26, 2016, all of which were reviewed by the Town's Consulting Engineer and Hydrogeologist.

- c. Reference is made to a Traffic Study, Executive Summary-Traffic and Access Evaluation, and Conceptual Improvement Plan all prepared by Maser Consulting, Inc. Based upon the current record before the Planning Board, the proposed action will not create a significant adverse impact on traffic. The results of a capacity analysis indicate that the proposed action will not significantly change the overall Levels of Service at each of the studied intersections. Level of Service is a measurement of delay (that is, the length of time a vehicle must wait before making an intended movement) and does not necessarily correlate to an assessment of traffic safety. The I-684 and New York State Route 22 intersection experiences a Level of Service F in the AM and PM peak hours in the Existing Condition. They will continue to experience a Level of Service F with the proposed action. The delays that warrant a Level of Service F at this intersection are due to a high volume of traffic (562 vehicles during the peak PM hour) turning left upon exiting the I-684 off ramp. With the proposed action, as currently projected, the number of left turning vehicles is anticipated to increase by approximately 15 vehicles or approximately 2.5%. The projected 2.5% increase equates to one additional vehicle every four minutes. The overall change from the existing to proposed condition is not currently projected as significant, and Level of Service is not, in and of itself, a specification associated with traffic safety.

Sight distance has been maximized for vehicles entering and exiting the proposed driveway, including locating the site access approximately 250 feet north of the I-684 Exit 6A off ramp, pruning of vegetation to the north

of the site access and the proposed posting of “Intersection Ahead” signage.

The introduction of the access driveway will result in additional turning movements and potential traffic conflict. However, the sight distance for vehicles approaching the proposed access location is in excess of 1,000 feet with a required stopping distance of 500 feet. New York State Route 22 has paved shoulders of 8 to 10 feet in the area surrounding the access location and the applicant, as part of its Highway Work Permit (HWP) will, subject to NYSDOT approval, upgrade the shoulder and provide a separate right hand turn lane for entering traffic to remove vehicles making this turn from Route 22. The applicant will also coordinate with the Katonah- Lewisboro Union Free School District (KLUFSD) to provide for on-site pickup and drop-off of students residing at the site or to limit buses to use of the northbound New York State Route 22 lane only for pickup and drop-off of students.

During construction, as required as part of the NYSDOT Highway Work Permits, a Maintenance and Protection of Traffic Plan will be prepared to ensure that any impacts to the adjacent state highway are minimized during construction. These plans include appropriate signing, and limits of hours of any work within the State right-of-way associated with the project and also maintenance of the construction entrance to the site all in accordance with state standards and requirements.

Based upon the record before the Planning Board, the proposed action will not significantly change the overall levels of service at the New York State Route 22/I-684 northbound off ramp (Exit 6A) and the projected traffic will not exceed the capacity of the existing road network or significantly alter the present transportation patterns. The traffic impact associated with the project will continue to be examined by the Planning Board and the Town’s Consulting Traffic Engineer throughout the site plan review process and project measures will be employed to address impacts as part of any Planning Board approval.

To enhance safety and improve operation of the off ramp during peak hours, the proposed action includes the following improvements which are subject to approval by the Town of Lewisboro and NYS Department of Transportation:

- i. Install a luminaire in the vicinity of the I-684 off ramp either within the NYSDOT right-of-way or on the Applicant’s property.
- ii. Undertake a signal warrant analysis at the intersection of the I-684 off ramp (Exit 6A)/NYS Route 22 to establish whether or not a traffic signal is warranted. (This analysis would be

undertaken when the proposed action is 50% occupied and within one year of completion of the proposed action).

- iii. Install traffic calming signage ("Intersection Ahead") along Route 22 in the vicinity of the entrance warning motorists of the project's entrance/I-684 ramp.
 - iv. Install "School Bus Stop Ahead" on the approach to the project access drive.
 - v. Use of passenger shuttle bus on the site, so as to further reduce traffic generation.
 - vi. Install sidewalk along the site's New York State Route 22 frontage from the project's proposed entrance to the site's northern boundary.
- d. Construction of the development will require the grading of approximately 10 acres of the 35.4 acre property or 28 percent, with approximately 5 acres of grading on slopes of 15% or greater. Grading on such slopes is unavoidable, but has been minimized to the extent practical through the proposed layout of the buildings, parking areas, driveways and septic fields. Stabilization and erosion control techniques will be implemented by means of a Sediment and Erosion Control Plan to minimize the potential for resulting soil erosion. Regulated practices can permit environmentally sound disturbance of steep slopes if conducted in accordance with acceptable best management practices. Mitigation measures include:
- Areas of steep slopes will be stabilized during construction to avoid erosion.
 - Disturbance to vegetation will not occur more than 15 days prior to grading activities.
 - Temporary soil stabilization, such as mulching or geotextile installation, will be completed within two days of establishing final grade. Permanent stabilization will occur within 15 days of establishing final grade.
 - In areas of disturbance where final grade is not expected to be achieved within 60 days, temporary soil stabilization will occur within two days of disturbance.
 - Disturbance to steep slopes is being undertaken with consideration of soil limitations characterized by the Westchester County Soil

Survey.

- Soil will be stockpiled in level areas of the site to minimize erosion.

Bedrock outcrops are more prevalent in the eastern portion of the property and include a topographic ridge. Development on the eastern portion of the property is not proposed, with the possible exception of septic fields. The septic fields, as shown in the plans, are to be sited only on level portions of the subject property with sufficient soil cover above the bedrock. All major development is located on the western portion of the property. If bedrock is encountered during construction, mechanical means (i.e. ripping, chipping) will first be employed to avoid any unnecessary blasting. Development of the site for residential building pads, parking lots and the access drive is likely to encounter bedrock where bedrock is exposed or within 5 feet of the surface. The applicant has developed a preliminary grading plan, as well as a cut and fill map and analysis. According to the applicant, the earthwork calculation identifies a total cut of 24,000 c.y. and a total fill of 33,000 c.y., resulting in a 9,000 c.y. deficiency. As this deficiency will likely be made up by the swell of material excavated on-site, during the site plan review process the applicant will seek to better balance the earthwork (cut/fill). Based upon observation and preliminary soil testing, it is anticipated that grading for construction will require rock hammering and blasting. In limited circumstances, such as improper design or implementation, blasting has the potential to damage off-site foundations. The nearest existing off-site residences are located on Todd Road, south of the property and approximately 850 feet from the proposed area of potential blasting development

Reference is made to a Blasting Mitigation Plan, prepared by Tim Miller Associates, dated March 30, 2016. In the event blasting is required, the applicant will be required to obtain a Blasting Permit from the Building Inspector and demonstrate compliance with Section 91-17 of the Town Code.

The applicant will be required to comply with Section 220-60 of the Zoning Code which regulates noise levels as taken from the property line.

- e. A Sediment and Erosion Control Plan has been developed in accordance with the latest "*New York State Standards and Specifications for Erosion and Sediment Control*" manual. A Sediment and Erosion Control Management Program will be established for the project, beginning at the start of construction and continuing throughout its course. A continuing maintenance program will be implemented for the control of sediment transport and erosion control after construction and throughout the useful life of the project.

The sediment and erosion controls that will be used during the development of the site include silt fence, stabilized construction entrance, seeding, mulching and inlet protection. Until the site is stabilized, all sediment and erosion controls will be maintained in accordance with the notes and procedures depicted on the Site Development Plans. Maintenance will include inspections of all sediment and erosion controls at the end of each construction day and immediately following each runoff event. While a preliminary sediment and erosion control plan has been developed, a final plan will be prepared during the site plan review process.

- f. The subject property is not located within or adjacent to a 100-year or 500-year FEMA Floodplain. The proposed action will not be located in an area prone to flooding and will not exacerbate an existing flooding problem.
- g. Following project completion, it is anticipated that the facility will generate a total of 5.7 tons of solid waste per month. Refuse and recycling will be stored on-site and will be collected by a private hauler.
- h. The project site is located in close proximity to a major transportation corridor which has greater influence on ambient noise at the site than project-generated noise. A noise assessment has been prepared by the applicant to identify the ambient noise level at the property during peak periods of traffic on I-684 and NYS Route 22. Noise measurements were collected by Tim Miller Associates, Inc. on September 27, 2016 and on October 31st – November 1st (24 hour period) at three (3) locations. 1) near the southwestern corner of proposed Building 1, 2) at the crest of the bedrock outcrop above NYS Route 22 in the northwest portion of the site, and 3) in location of the proposed play area between Buildings 2 and 3. According to the applicant's study, average noise levels at the location of the proposed residential buildings are within noise standards adopted by the United States Department of Housing and Urban Development and the Federal Highway Administration. It is noted that while the Town of Lewisboro regulates noise under its Town Code, the Town Code provides specific exemptions for traffic generated noise. Reference is made to the applicant noise assessment report, prepared by Tim Miller Associates, Inc., dated November 8, 2016, which may require further modification during the site plan review process.

Noise will be generated during construction by construction related equipment and during excavation, rock removal, grading, and construction activities. Construction is expected to take 18 months to complete and all work will be conducted during time periods authorized under the Town Code. As stated previously, the site is adjacent to I-684 and NYS Route 22 to the west and undeveloped land to the north, east and south. The nearest existing off-site residences are located on Todd Road, south of the

property and approximately 850 feet from the proposed development.

Accordingly, based upon the existing record, the Proposed Action will not result in a significant adverse environmental impact regarding air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage.

2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; result in 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. Specifically:

a. The 35.4 acre subject site is a mix of wooded upland slopes and wetland/stream corridor, located between undeveloped lands to the north and east, undeveloped lands and large lot residential development along Todd Road to the south, and Route 22 and I-684 to the west. Vegetation on the site is characterized as second growth woodlands including sugar maple, red oak, white oak, white ash, and various birches. Beech, tulip poplar and black cherry were occasionally observed. The shrub and herbaceous layer are sparse due to heavy deer grazing. Where there are groundcovers, Christmas fern and Pennsylvania sedge are the most common.

b. Ten of the 35.4 acres are proposed for the construction of the new residences, parking facilities and stormwater management basins. The development will retain approximately 75 percent of the existing vegetation and wildlife habitat. The construction activities will occur primarily within the wooded upland areas of the site, in both the successional hardwood forest and the oak-tulip dominated forest. Based upon the anticipated clearing of 9 acres of woodland (out of the 10 acres total construction area), approximately 720 trees would be removed for construction. The project plan proposes to minimize disturbance, maintain perimeter buffer trees, and protect perimeter buffer trees during construction. It is also proposed to implement a landscaping plan for the project consisting of trees, shrubs and groundcover. At present, the site plan proposes to install 80 trees strategically located throughout the development, however, the final landscaping plan will be developed during the site plan review process. The proposed conversion of 10 acres of existing forest and wetland buffer to residential development, including landscaped area, will not affect any designated regional or locally important habitat. Tree protection notes and details will be provided in the plans to guide the contractors with appropriate measures to protect the root zones of trees outside of the limits of disturbance.

c. A list of observed plant and animal species is contained within the

Ecology section of the EAF. There are no known listed rare or threatened plant species on the site. The NYSDEC Environmental Resource Mapper did not identify the possible existence of a sensitive species in the immediate site vicinity (see attached Figure 3.5-4). However, NYSDEC Natural Heritage did notify the Applicant about a record of a bog turtle (*Glyptemys muhlenbergii*) being seen south of the site near Todd Road in 1978 (see letter from the NYSDEC Natural Heritage Program, dated January 22, 2016). Bog turtles are considered to be extirpated from Westchester County, and uncertainty exists as to their continued presence. In any event, the bog turtle was unlikely to come from the wetland site, which is generally a wooded wetland and does not meet the typical habitat criteria for this species.

According to the applicant, the subject property does not contain significant or unusual plant or animal habitat. Of the 35.4 acre site, 10 acres will be disturbed or lost due to the development, the majority of which is occurring on the western portion of site near I-684 and NYS Route 22. Given the fact that approximately 72% of the site will be preserved and as the site is positioned adjacent to other undeveloped tracts of land, the proposed development is not expected to substantially interfere with nesting, breeding, foraging or overwintering for the predominant species that use or occupy the site

Potential habitat for other species of conservation concern was also evaluated based on the site investigations. Ambystomid salamander species are not likely to be present due to the absence of vernal pools on or near the site. Timber rattlesnakes prefer rocky hilltops with southern sun exposure for over-wintering, which is not available on this site since the entire property is essentially a closed canopy. Winter hibernaculum for the Indiana bat and northern long-eared bat are not available or known on or near the site. The site is a significant distance from known maternity and roosting trees for these species.

Habitat does exist for several listed species of special concern, including the box turtle, hog-nosed snake and worm snake. Extensive areas of undisturbed woodlands and adjacent wetlands will remain after site development, and the long term potential for impacts to these species, if they exist on the site, is unlikely.

- d. The proposed plan incorporates a landscape program for all areas disturbed by construction around the perimeter of the buildings and parking lots; a final landscaping and planting plan will be prepared during the site plan review process. Any disturbed side slopes below the development on the south side will be seeded with a restoration mix of quick germinating grass cover crop and herbaceous perennials to establish vegetative stabilization of the soil. Additionally, the mix used for the

slopes will include seed for native grass and woody species that produce berries and seeds that will provide a food source for a greater diversity of animal species.

The stormwater management basins, which will serve to capture and treat stormwater runoff before it is discharged to receiving waters downstream of the site, will be planted with wetland vegetation (both woody and herbaceous) and overseeded with seed mixes appropriate for the transitional nature of the hydrology associated with storm basins. Additionally, a program of wetland and buffer restoration is proposed for transition areas immediately bordering the stormwater basin construction disturbance area. As mitigation for this disturbance, these transition areas will receive removal of invasive species during basin construction that will allow the native species to regenerate and compete with the more aggressive invasive species that currently occupy this part of the site.

Enhancement of the existing wetland and adjacent areas will provide an opportunity for the restoration of a more diverse and native vegetation community to that portion of the site, which will benefit a wider diversity of animal species, particularly birds.

Accordingly, based on the existing record, the Proposed Action will not result in a significant adverse environmental impact regarding removal or destruction of large quantities of vegetation or fauna; interference with the movement of resident or migratory fish or wildlife species; significant habitat area; threatened or endangered species of animal or plant, or the habitat of such species; or other natural resources.

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)), as the subject property is not located within or in the vicinity of a Critical Environmental Area.
4. The proposed action will not create a material conflict with the Town's current plans or goals as officially approved or adopted. Specifically:
 - a. The Town Master Plan outlines policies and goals formally adopted by the Town of Lewisboro in 1985 as a guide for land use and future development in the Town. The 1985 Town Master Plan speaks of a vision for land use in the I-684/Route 22 corridor that would provide for development of campus commercial land use that would also incorporate the preservation of open space. Campus commercial development was envisioned and planned for in the area bordering Route 22 including the subject site and paved the way for the subsequent rezoning to CC-20. As stated in the Master Plan relative to campus commercial facilities, adequate buffering between such use and adjacent residential areas would allow the two different types of land use to coexist, and reduce impacts to the natural environment resulting from development.

The Town's Master Plan cites general design principles to guide future public and private development in the Town to support the goals and objectives of the Town. These recommendations refer to landscape buffering of buildings and parking areas, minimization of disturbance on steep slopes where potential for erosion needs to be addressed, and provisions to minimize adverse visual impact on Town character and neighboring uses. The current goals and objectives of the Town are further supported by the 2015 amendment to the Town Code that permits multi-family housing at this site.

The applicant proposes to permanently preserve a portion of the undeveloped land as open space on the easternmost part of the property located in the R-4A zoning district. While there is no requirement in the Town's Master Plan or Zoning Code for a private property owner to preserve open space on its property, the applicant intends to dedicate at least 17 acres for open space preservation through restrictive covenants and/or a conservation easement, thereby providing a permanent buffer to the adjoining lands in the low-density R-4A district.

The Master Plan highlights the need for care in site planning of parcels containing steep slopes, wetlands and other open space resources to minimize the potential for impacts to the sensitive qualities of such areas as well as potential visual intrusions into the landscape of Lewisboro. The proposed development plan is intended to balance the environmental goals of open space resource preservation and utilization of the land, and will continue to be evaluated through the Site Development Plan review process.

The site plan will incorporate various conventional slope protection and wetland protection measures that will minimize the potential for soil erosion and surface water impacts. The plan will also incorporate tree preservation measures (particularly by minimizing the overall area of site disturbance) and proposed landscape plantings that will minimize visual intrusion and create an asset to the community. Moreover, the site plan will preserve an area located outside of the limits of disturbance in permanent open space.

The Town Code permits multi-family housing at this site and the proposed plan incorporates measures such as preservation of aesthetic buffers (described above), placement of buildings and other site elements that seek to reduce visibility from off-site, and permanent preservation of wooded open space. The general criteria applied under Section 220-48 of the Town Code for Site Development Plan review will further insure orderly development that is site sensitive. Site Development Plan review will focus on insuring the project will be consistent with the Statement of Purpose in the Lewisboro Zoning Code: "To preserve the natural beauty of

the physiography of the Town; to protect the Town against unsightly, obtrusive and obnoxious land uses and operations; to enhance the aesthetic aspect of the natural and man-made elements of the Town; and to ensure appropriate development with regard to those elements."

The proposed plan will be required to meet site plan standards set forth in Section 220-48, which the Planning Board will consider and implement through approval conditions in acting on the site plan application:

- (1) The proposed number, size, location, height, bulk, use, appearance and architectural features of all structures and facilities.
- (2) The overall building and site design shall enhance and protect the character and property values in the surrounding neighborhood.
- (3) Development shall be compatible with the architectural style and visual composition of the hamlet area in which it is located.
- (4) Development shall have a harmonious relationship with the natural terrain and vegetation on the site and on adjacent properties.

The proposed plan will address a housing need cited in the Town Master Plan. In its determination of significance adopted in 2015 when multi-family dwellings were added as a permitted use in the CC-20 district regulations, the Town Board stated the "...definition of AFFH Unit ... in addition to allowing multifamily housing within the Town's commercial zones, is consistent with the Goal and Policy set forth in the Town Master Plan, which recites that 'opportunities should be provided for a range of housing, including type, cost and character' (Town Master Plan, Goal 1C)."

The Westchester County Department of Planning supports the development of Affordable Affirmatively Furthering Fair Housing (AFFH) rental units in the Town of Lewisboro.

The Commissioner of the Westchester County Planning Board has stated this application is consistent with the Westchester County Planning Board's long-range planning policies set forth in *Westchester 2025 - Context for County and Municipal Planning and Policies to Guide County Planning* (adopted 2008 and amended 2010), and its recommended strategies set forth in *Patterns for Westchester: The Land and the People* (adopted 1995), which calls for increasing the range of housing types in Westchester County.

The applicant has acknowledged the Town's Complete Streets Policy adopted in 2011 and although the policy does not specifically address individual site plans, this development proposal will conform with the policy as it might be applied to the plan. The Planning Board will be guided by this policy in acting upon the site plan application.

The development includes a natural landscape buffer to public roads and nearby uses through the preservation of existing vegetation over much of the property (these buffers reflect what is depicted for the property in the Town's Master Plan map of 1985). In addition to the mixture of native and adaptive deciduous and evergreen tree and shrub species proposed on the landscape plan, natural topographic conditions render the development area of the site largely obscured from view from most off-site locations thereby avoiding potential impact on community character.

Accordingly, the Proposed Action will not result in a significant adverse environmental impact regarding the Town's current plans or goals as officially approved or adopted.

5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, or aesthetic resources or of existing community or neighborhood character. Specifically:

- a. Historical and archeological resources. Based on the results of the Phase 1A/1B Cultural Resources investigation, no historic or archeological resources have been identified on or near the subject property and none will be impacted. Accordingly, the Proposed Action will not result in any significant adverse environmental impacts on historic or archaeological resources. Reference is made to the Phase 1A Literature Review and Sensitivity Assessment and Phase 1B Archeological Fieldwork, prepared by STRATA Cultural Resource Management, LLC, dated March 2016.
- b. Aesthetic resources and neighborhood character. The proposed buildings and site improvements have been located on the site in order to utilize the topography of the site to minimize disturbance on steep slopes, provide landscape buffering surrounding the development area, and thereby reduce adverse visual impact on the character of Lewisboro and neighboring uses. The project will be referred to the Town's Architecture and Community Appearance Review Council (ACARC) during the site plan review process.

The streetscape character of the property frontage along Route 22 will be changed by the proposed driveway entrance, which will be the only disturbance of existing vegetation on the frontage and is to be landscaped in a manner to be addressed as part of Site Development Plan review. The existing rock outcrop and vegetation immediately above it will be preserved, thereby screening or buffering direct views into the site. This change in the streetscape is not anticipated to have an adverse visual impact and will be subject to continuing evaluation through Site Development Plan review.

The Route 22 frontage and the rear portion of the property (indicated on the Town's Master Plan map for buffers) are proposed to remain natural

landscape buffers that preserve opportunities for visual appreciation by the public of the Lewisboro landscape and the Route 22 corridor. The property frontage including the visually prominent rock outcrop is being preserved (with the addition of the access driveway which will be landscaped) and permanent open space will be preserved on the rear of the property in the proposed development plan.

The visibility of the project driveway as seen from a stationary vehicle stopped at the Exit 6A ramp will be mitigated, at a minimum, by the following factors: the section of driveway entering from Route 22 will create a narrow cut of between 50 and 80 feet wide (over the property frontage of some 785 feet) thereby retaining existing vegetation in the right-of-way on both sides of the driveway; the driveway will proceed into the property some 100 feet from the traveled way before turning uphill to the building area, thereby maintaining a 100 foot depth of existing vegetation both in the right-of-way and on-site; and the driveway construction will have between a minimum of 15 feet and over 40 feet on the site (outside the right-of-way) for the planting of trees and shrubs between the driveway and Route 22.

The view from the Exit 6A ramp to the proposed driveway will be at an angle from the straight-ahead view of a vehicle occupant at the stop sign, and will not become a prominent focal point of the view. To further screen the view, the Applicant will pursue approval of landscaping within the Route 22 right-of-way with the NYSDOT during the highway work permit application process.

The applicant conducted balloon flights at the property on January 21, 2016 and September 17, 2016. The balloons provided points of reference for investigating possible views to the proposed development from local area vantage points. During these balloon flights, two 3-foot red balloons were raised to the proposed thirty-five (35') foot height of the roof peaks of proposed buildings 1 and 3. In both locations, the balloons were situated well below the tops of the trees.

During these flights, one of the balloons could be seen from the Exit 6A stop sign location, although it was partially screened by trees. Observations while driving the area roads found that the balloons were visible from Route 22 and I-684 in very close proximity to the site (within approximately 800 feet of the proposed development area), demonstrating that the density of the existing tree cover on and off the property can be expected to provide buffering of views of the proposed buildings during winter months. In summer months, it is likely that there will be little or no visibility of the buildings from offsite other than from Route 22 between Exit 6A and the site driveway.

there will be no new direct views created from any nearby residence.

Site lighting for the development will entail street lighting designed with respect to pole height and light intensity as specified in §220-14 of the Town Code: All lighting in connection with all structures and uses shall be directed away from nearby streets and properties and shall not cause any objectionable glare observable from such street and properties. Exterior lights shall be placed or shielded so that no direct light source (i.e., bulb, lamp, tube) shall be visible at any property line at a height of more than four feet above grade. Exterior lights shall be mounted not more than 14 feet above adjacent finished grade or floor level. "Mounting height" is defined as the distance between the adjacent finished grade or floor level and the bottom of the luminaire (the light unit). The vertical dimension of a luminaire shall not exceed 36 inches.

Light levels at the lot line will generally not exceed 0.2 foot-candle at ground level. Energy efficient LED lighting is proposed. The specification of site lighting will take into account potential nighttime visibility from Route 22 and I-684 to avoid any glare or excessive intensity, and will be Dark Sky compliant.

All of the proposed buildings will be below the height of the tree line, and, while portions of buildings will likely be visible through the trees from vehicles passing the site, more so in winter than in summer, their presence will be compatible with the characteristics of the neighborhood and the Route 22 corridor, which includes glimpses of buildings in a wooded landscape. Mitigation will be imposed through the Site Development Plan review process to minimize visual impact of the views experienced by drivers on Route 22, I-684, or Exit 6A that connects these corridors.

In summary, the proposed housing development will create new openings in the tree canopy on portions of the existing wooded knoll, and to the greatest extent practicable will place new buildings below the tree line and behind a dense buffer of existing trees, resulting in limited visibility from off-site due to the extent of existing trees and understory vegetation proposed to remain on the site and the surrounding predominance of woodland cover.

The visual changes which will result from the development will not result in significant adverse impacts to identified aesthetic resources or vantage points with views to the subject site.

Accordingly, the Proposed Action will not result in a significant adverse environmental impact concerning the character or quality of important historical, archaeological, or aesthetic resources or of existing community or neighborhood character.

6. The proposed action will not result in a major change in the use of either the quantity or type of energy. Specifically:

- a. While electricity and oil consumption may increase as a result of the proposed action, this increase is not expected to result in an adverse impact. The Proposed Action will not result in any significant adverse environmental impact associated with the quantity or type of energy usage.
7. The proposed action will not create a hazard to human health. Specifically:
- a. Police. The Town of Lewisboro is served by the New York State Police, acting as the primary responders by providing 24/7 police protection services to properties within the 29 square mile area that comprises the Town of Lewisboro. The New York State Police are stationed on Route 100 in Somers, NY, approximately 3.2 miles (driving distance) northwest of the subject site. The NYS Police work in conjunction with the Lewisboro Town Police, whose headquarters is located at 20 North Salem Road, Cross River, NY, approximately 5.5 miles (driving distance) southeast of the development site.

The New York State Police and the Lewisboro Police Department provide police protection for the Town of Lewisboro including the hamlets of Cross River, Goldens Bridge, South Salem, Waccabuc and Vista.

The Lewisboro Police Department has a current force of twelve (12) officers and seven (7) vehicles. Four (4) officers are full-time and eight (8) are part time. The Town police patrol vehicles are dispatched by the New York State Police when Lewisboro officers are on duty. Police coverage is maintained 24 hours a day, 7 days per week by the NYS Police as needed. As reported to the Planning Board, The Lewisboro Police Department handled approximately 1,851 calls for service in 2015. The population data from the 2010 Census indicates there are 12,411 persons residing in the Town of Lewisboro. Based upon these figures, there is approximately one Town police officer for every 1,000 residents and annual average calls per capita equates to 0.15.

Sworn personnel are involved in various programs including Crime Prevention, Accident Investigation, STOP DWI, Commercial Vehicle Enforcement, Intelligence, and Youth Court.

As reported to the Planning Board, typical police response time to a residence in the proposed community is estimated to be five to ten minutes.

Based on planning standards contained in the Development Impact Assessment Handbook published by the Urban Land Institute, model factors for police protection recommend two (2) police personnel per 1,000 persons which further breaks down to 1.5 police personnel per 1,000

persons for residential uses and 0.5 police personnel per 1,000 persons for nonresidential uses. Based on this standard, 110 persons would increase police staffing needs by less than one quarter of a person which is not likely to impact the Town's police personnel ratio of 1.0 officer personnel per 1,000 residents. As discussed earlier, annual average calls per capita equates to 0.15, thus it can be expected that calls for service to the Police Department would increase by approximately 17 calls annually.

- b. Fire. The proposed development is within the Goldens Bridge Fire District and is served by the Goldens Bridge Fire Department (GBFD) which is a 100% volunteer fire department. There are currently 50 active members. The Goldens Bridge Fire Department currently operates 3 engines, 1 tanker truck, 1 light duty rescue vehicle, and 2 Chiefs' vehicles.

The Fire District covers an area of approximately 8 square miles in and around the hamlet of Goldens Bridge, which includes a mix of both business and residential areas, as well as a section of Interstate 684 and the Metro North Railroad. Serving a population of approximately 4,000 residents and countless number of commuters who use both Interstate 684 and Metro-North Railroad, the Fire Department provides coverage 24 hours a day, 365 days a year. The Goldens Bridge Fire Department typically responds to an average of approximately 275 fire related calls annually. In addition the GBFD is the first responder to calls for Emergency Medical Service (EMS), thus the total calls for service are approximately 750 annually. Based upon these figures, annual average calls per capita equates to 0.2.

The Department responds from a fire station at 254 Waccabuc Road in Goldens Bridge. The station is approximately 1.5 miles (driving distance) from the subject site. In 2015, the department responded to approximately 250 alarms. These alarms consisted of structural fires, motor vehicle accidents (MVA's), automatic alarms, vehicle fires, mutual aid, and various other calls for assistance. The Goldens Bridge Fire Department also responds (with the Lewisboro Volunteer Ambulance Corps [LVAC]) to medical emergency calls.

Based on planning standards published in the Development Impact Assessment Handbook, approximately 1.65 fire department personnel per 1,000 population is recommended to provide adequate fire protection service. One hundred ten new residents would generate demand for an additional 0.18 fire department personnel.

The proposed site access roads will be designed in accordance with Town road specifications which are designed to adequately accommodate emergency service vehicles. As discussed earlier, annual average calls per capita equates to 0.2, thus it can be expected that calls for service to the Goldens Bridge Department would increase by approximately 12 calls

annually.

Each of the proposed residential buildings will be equipped with fire sprinklers and the water system is designed to meet the combined peak flow for domestic and sprinkler use. Fire hydrants are not proposed given the use of sprinklers. The Applicant will provide emergency back-up water supply storage in underground tanks. The Applicant will work with the Goldens Bridge Fire Department regarding the final design for emergency back-up water supply.

- c. Ambulance and Health Services. The Lewisboro Volunteer Ambulance Corps (LVAC) provides emergency ambulance service to the project area. In 2013, LVAC responded to 416 ambulance calls. According to their records, 320 patients were transported to area hospitals. Based upon these figures, annual average calls per capita equates to 0.04.

Each ambulance response is staffed by a crew chief who is a New York State Certified Emergency Medical Technician, and a driver, who may or may not be an EMT. Most calls have a third crew member, referred to as the first aider, who also may or may not be an EMT. The crew chief is in charge of patient care decisions, including the selection of hospital to which a patient is transported.

The Town of Lewisboro is one of several towns in Northern Westchester County which are additionally served by a paramedic service, Westchester EMS. As reported to the Planning Board, average response time in Northern Westchester is approximately eight minutes. There are three paramedic fly cars in service at all times and one is paged out along with LVAC and GBFD on all calls. If the patient's condition warrants ALS, the paramedic will ride with the LVAC crew and provide advanced life support.

LVAC currently operates 2 ambulances, 67B1 and 67B2, the B standing for basic life support. LVAC also has a first response vehicle, a fully-equipped Chevrolet Tahoe. The LVAC has approximately 40 riding members. All members are trained to use AEDs (Automatic Electronic Defibrillators), the LVAC has 10 Lifepak AEDs. LVAC also participates in the Epipen program to administer epinephrine, is certified to use albuterol for the treatment of asthma, and trained to use glucometry. LVAC has added the Lucas device to all vehicles which is used to provide continuous CPR for any patients that require the treatment.

The primary hospital serving the project area is Northern Westchester Hospital in Mt. Kisco, which offers emergency services, ambulatory surgery, cardiopulmonary center, diagnostic imaging, mental health unit, MRI center, nutritional services, occupational therapy, pediatrics, physical therapy, prostate cancer treatment, alcohol & substance abuse, speech &

hearing, and a wound care center.

Although LVAC transports most patients to Northern Westchester Hospital in Mt. Kisco, depending upon the location of the nearest hospital or the type of specialized medical service needed, occasionally patients may be transported to Putnam Hospital in Carmel, Westchester Medical Center in Valhalla, and Danbury or Norwalk Hospitals in Connecticut.

Based on planning standards contained in the Development Impact Assessment Handbook, approximately 36.5 calls per 1,000 population are made annually. Based on this standard, the 110 residents would increase EMS calls by approximately four calls annually on average. The LVAC has sufficient capabilities to handle this increase. As discussed earlier, annual average calls per capita equates to 0.04, thus it can be expected that calls for service to the LVAC from the proposed development would be approximately 4 calls annually.

Based on planning standards contained in the Development Impact Assessment Handbook, four (4.0) hospital beds should be provided per 1,000 persons. Based on this standard, the projected population increase associated with the proposed residential development has the potential to increase the need for beds in hospitals serving the Northern Westchester County area by less than half of a bed. This is not considered a significant impact.

Accordingly, the Proposed Action will not result in a significant adverse environmental impact concerning 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. Specifically:
 - a. The subject property lies within the KLUFSD. Based upon demographic multipliers published by the Rutgers University Center for Urban Policy Research, it is projected that the proposed action will result in an additional 16 resident students. These students will enter a district with a 2015-16 student population of 3,204 students, thereby increasing this enrollment by less than half of 1%. It is anticipated that the students will be distributed among grade levels. As a result, the projected increase will not have a significant impact on instructional, administrative or capital needs of KLUFSD. The projected costs to KLUFSD, when offset by projected real property taxes to be levied upon the project at completion, will likely result in a marginal increase in the school tax rate.
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 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 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:

1. Town of Lewisboro Planning Board (as Lead Agency)
2. Town of Lewisboro Zoning Board of Appeals
3. Town of Lewisboro Architecture and Community Appearance Review Council
4. Town of Lewisboro Conservation Advisory Council
5. Town of Lewisboro Building Department
6. Town of Lewisboro Housing Committee
7. Goldens Bridge Volunteer Fire Department
8. Westchester County Department of Health
9. Westchester County Planning Board
10. Westchester County Board of Legislators
11. New York State Homes and Community Renewal (NYSHCR)
12. New York City Department of Environmental Protection
13. New York State Department of Environmental Conservation
14. New York State Department of Transportation
15. Environmental Notice Bulletin (ENB)
16. Wilder Balter Partners, Inc.

**RESOLUTION
LEWISBORO PLANNING BOARD**

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

Mr. Kenneth Jacobson

Cal. # 3-15 W.V.

December 20, 2016

WHEREAS, on July 15, 2015, a Notice of Wetland Violation was issued to Mr. Kenneth Jacobson with regard to activity taken upon property located at 1208 Route 35, South Salem, New York, which is identified as Sheet 31, Block 10805, Lot 42 on the Tax Map of the Town of Lewisboro (the "Subject Property"); and

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

REGULATED ACTIVITY CONDUCTED WITHOUT
BENEFIT OF WRITTEN WETLAND PERMIT (Section
217-2, definition of "Regulated Activity or Use" (Subsection 3)
and Section 217-5D(1)(a) of the Wetlands and Watercourses
Law);

WHEREAS, the violation arose from the deposit of fill and material within a wetland and wetland buffer on the Subject Property without having obtained a permit under Chapter 217, Wetlands and Watercourses, of the Town Code of the Town of Lewisboro (the "Town Wetland Law"); and

WHEREAS, as a result, a Planning Board Summons was issued on July 15, 2015 directing Mr. Jacobson to appear before the Planning Board; and

WHEREAS, on September 28, 2015, Mr. Jacobson entered an admission and plea of guilty to the aforementioned violation;

WHEREAS, Mr. Jacobson appeared before the Planning Board on November 17, 2015; and

WHEREAS, Mr. Jacobson obtained a Wetland Implementation Permit (under Permit # 19-16 W.P.) to conduct wetland buffer restorative work upon the Subject Property; and

WHEREAS, the Town Wetland Inspector has confirmed that the work under this permit has been satisfactorily completed and a Wetland Certificate of Compliance was issued on October 13, 2016; and

WHEREAS, a representative of Mr. Jacobson, Mr. Jay Fain, appeared before the Planning Board on November 15, 2016 and established that Mr. Jacobson had incurred costs of approximately \$23,700 in connection with this restorative work; and

WHEREAS, the Planning Board entered into deliberations concerning the assessment of a penalty in Executive Session on November 15, 2016; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, that a penalty of Two Hundred (\$200.00) Dollars is hereby assessed against Mr. Jacobson, to be paid by check made payable to the "Town of Lewisboro" and tendered to the Secretary of the Planning Board forthwith and that, with such payment, this matter shall be concluded and closed.

ADOPTION OF RESOLUTION

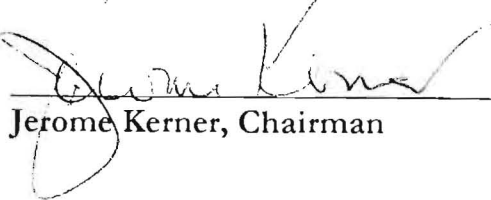
WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: Ron Tetelman

The motion was seconded by: John O'Donnell

The vote was as follows:

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


Jerome Kerner, Chairman

December 20, 2016

**STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF LEWISBORO**

I, Ciorsdan Conran, Secretary to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 22nd day of December, 2016 and that the same is a true and correct copy of said original and of the whole thereof.


Ciorsdan Conran
Planning Board Secretary

Dated at Cross River, New York
This 22nd day of December, 2016

**RESOLUTION
LEWISBORO PLANNING BOARD**

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

Patricia B. and Kenneth Alderman

Cal. # 2-14 W.V.

December 20, 2016

WHEREAS, on October 17, 2013, a Notice of Wetland Violation was issued to Ms. Patricia Alderman and Mr. Kenneth Alderman (the "Aldermans") with regard to activity taken upon property located at 11 Birch Street, South Salem, New York, which is identified as Sheet 42A, Block 10545, Lot 24 on the Tax Map of the Town of Lewisboro (the "Subject Property"); and

WHEREAS, this Notice of Wetland Violation was issued by the Wetland Inspector on account of the following offense:

A violation of section 217-5, particularly soil disturbance conducted within the regulated 150' wetland buffer associated with tree removal utilizing mechanical equipment without benefit of permit;

WHEREAS, the activity specified in this Notice of Wetland Violation caused wetland buffer disturbance on the Subject Property and was undertaken without a permit under Chapter 217, Wetlands and Watercourses, of the Town Code of the Town of Lewisboro (the "Town Wetland Law"); and

WHEREAS, as a result, a Planning Board Summons was issued on October 17, 2013 directing the Aldermans to appear before the Planning Board; and

WHEREAS, the Aldermans entered an admission and plea of guilty to the aforementioned violation and thereafter appeared before the Planning Board on December 17, 2013; and

WHEREAS, the Aldermans related to the Planning Board that machinery had been used to clear storm-damaged trees on the Subject Property, which led to the wetland buffer disturbance; and

WHEREAS, on January 28, 2014, the Planning Board adopted a Resolution by which it assessed a civil penalty of \$25 upon the Aldermans under the Town Wetland Law; and

WHEREAS, said Resolution directed the Aldermans to apply for a Wetland Implementation Permit for purposes of restoration of the affected wetland buffer; and

WHEREAS, the Aldermans paid the \$25 penalty within thirty (30) days of adoption of the January 28, 2014 Resolution; and

WHEREAS, no application for a Wetland Implementation Permit was submitted by the Aldermans; and

WHEREAS, the Town Wetland Consultant has inspected the Subject Property and reported to the Planning Board that the conditions giving rise to the wetland buffer disturbance have naturally abated, thus requiring no further remedial measures; and

WHEREAS, the Planning Board has duly deliberated whether further action relative to this violation is warranted under the circumstances presented; and

WHEREAS, having conducted such deliberations, and based upon the entered admission and plea of guilty, the levy and payment of the \$25 fine, the time that has transpired since the adoption of the January 28, 2014 Resolution and the fact that the offending condition on the Subject Property has resolved itself through natural processes;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Planning Board, in the interests of justice and in recognition that the purposes of the Town Wetlands Law have, under the circumstances presented, been fulfilled, hereby finds and determines that this matter is resolved and the above-referenced violation is hereby dismissed.

ADOPTION OF RESOLUTION

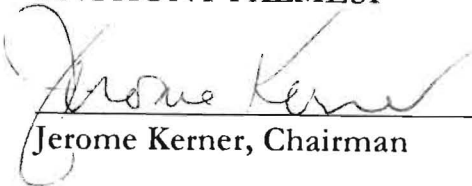
WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: John O'Donnell

The motion was seconded by: Ron Tetelman

The vote was as follows:

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


Jerome Kerner, Chairman

December 20, 2016

**STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF LEWISBORO**

I, Ciorsdan Conran, Secretary to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 22nd day of December, 2016 and that the same is a true and correct copy of said original and of the whole thereof.


Ciorsdan Conran
Planning Board Secretary

Dated at Cross River, New York
This 22nd day of December, 2016