

Meeting of the Planning Board of the Town of Lewisboro held at the Increase Miller Elementary School (IMES) at 186 Route 138, Goldens Bridge, New York on Tuesday, June 19, 2018 at 7:00 p.m. The audio recording of this meeting is 180619\_001.

Present: Jerome Kerner, Chair

Janet Andersen

Greg La Sorsa

John O'Donnell

Rich Sklarin \*arrived at 7:03 p.m.

Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel

David J. Sessions, RLA, AICP, Kellard Sessions Consulting, Town Wetland Consultant

Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland Consultant \*arrived at 7:39 p.m.

Ciorsdan Conran, Planning Board Administrator

John Wolff, Conservation Advisory Council (CAC)

Mr. Kerner called the meeting to order at 7:01 p.m. and noted the exits.

## **I. WETLAND PERMIT REVIEW**

### **Cal# 78-17WP, 15-17SW**

(0:33 – 1:21 and 23:58 – 33:40)

**Iannuzzi Residence, 199 North Salem Road, Cross River, NY 10518, Sheet 12, Block 10802, Lot 129 (Ruth Merns, owner of record)** – Application for a single-family residence, driveway, septic system and well.

Chris and Kerrie Iannuzzi, contract vendees, and Todd Atkinson, Folchetti Associates, were present on behalf of the applicants.

Mr. Atkinson updated the Board on changes since the April meeting: the area of impervious surface was decreased from 13,290 sf to 8,573 sf by decreasing the size of the patio, eliminating the pool and hot tub and using pervious pavers. He noted the South Salem Fire District (SSFD) and Department of Transportation (DOT) have both approved the driveway as submitted and if accepted by this Board it would reduce local and NYS wetland disturbance by 1,300 sf. Mr. Atkinson requested a public hearing and stated he had received a letter from the Dept. of Environmental Conservation (DEC) today stating the permit is being finalized.

The Board reached consensus to waive a public hearing and refer the matter to the Wetlands Inspector.

Mr. O'Donnell asked about an area flanking the driveway that could be used should a fire truck need to pass another vehicle. Ms. Andersen concurred and recalled a need for such an area in case two vehicles travelling in opposite directions met as it is a long driveway to back up. Mr. Atkinson stated there is a flat area (2-3% grade) that he has used at the site. Mr. Sessions stated it is a condition that should be incorporated into the permit.

Ms. Andersen asked about dog fencing and should that be shown on the plan. Mr. Iannuzzi stated they are proposing a 10' x 20' dog room without fencing.

Mr. O'Donnell asked Mr. Sessions if the proposed mitigation is adequate. Mr. Sessions agreed. Mr. O'Donnell recited recent favorable correspondence from the DEC, SSFD, Westchester County Dept. of Health (DOH), DOT, U.S. Army Corps of Engineers (USACE) plus two neighbor letters and recommended the public hearing be waived.

The Board reached the consensus that the public hearing be waived and the matter could be handled administratively.

On a motion made by Mr. O'Donnell, seconded by Mr. La Sorsa, the Board determined that the proposal for construction of a single-family residence, driveway, septic system and well will be handled administratively under a permit issued by the Wetlands Inspector with the following condition: a flat, car pull-off area along the driveway be added to the plan.

In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa, Mr. O'Donnell and Mr. Sklarin.

## II. SKETCH PLAN REVIEWS

### Cal #6-17PB

(1:25 - 6:34)

**Wolf Conservation Center, Buck Run, South Salem, NY 10590, Sheet 21, Block 10803, Lots 3, 65, 81, 82, 83, 86 & 88 (Wolf Conservation Center, owner of record)** - Application for a Subdivision and Special Use Permit associated with a private nature preserve.

Janet Giris, Esq., DelBello Donnellan Weingarten Wise & Wiederkehr, LLP; Ed Delaney, Bibbo Associates; and Spencer Wilhelm, Wolf Conservation Center (WCC) were present.

Ms. Giris stated the applicant is preparing a cost/benefit analysis related to purchasing an additional parcel adjacent to the subject property. She noted that if the WCC purchased the additional parcel it will affect the layout of the entire project and she is uncertain if revised drawings will be ready in time for the July meeting. Ms. Giris stated Ed Delaney (Bibbo Associates) is working on retaining a wetland consultant, Michael Lynch (SSFD) made a site visit and with the additional parcel no new variances would need to be issued. She added that they will schedule a meeting with the Building Dept. and the proposed fences do require variances.

Mr. O'Donnell stated he had witnessed children boarding school buses on Route 35.

Ms. Andersen asked if anything has changed in the DOH requirement. Ms. Giris stated that has been a requirement all along.

The applicant will return for either the July 17<sup>th</sup> or August 21<sup>st</sup> 2018 meeting.

### Cal #10-17PB

(6:35 - 23:39)

**Mercedes Benz of Goldens Bridge, 321 Main Street, Goldens Bridge, NY 10526, Sheet 4E, Block 11135, Lots 1, 2, 3, 4, 5, 6, 7 & Block 11137, Lot 42 (Charisma Holding Corp., owner of record)** – Application for Site Plan Review for additions to existing auto showroom and service buildings, additional parking spaces and construction of a parking garage.

Stephen Spina, P.E., John Meyer Consulting (JMC); and Michael Sirignano, Esq.; were present on behalf of the owner.

Mr. Spina updated the Board with recent submissions to the DOH, Dept. of Environmental Protection (DEP) and the Goldens Bridge Fire District (GBFD). He noted the GBFD has verbally stated that all of their comments have been satisfied; applicant is waiting on written confirmation. Mr. Spina requested referral to the ZBA and reviewed the changes on the revised plan: wider driveways and roadways, increased turning radii (which will accommodate Croton Halls' ladder truck), the six water storage tanks (total capacity 25,000 gal) for the showroom building's sprinkler system are shown on the plan, as is the 10,000 gal underground, fire-suppressant tank which is connected to a dry hydrant.

Mr. O'Donnell asked for an explanation of monolithic curbing. Mr. Spina stated the curb is poured in one pour not in sections; the shape of the curb is a DOT requirement.

Mr. Kerner noted the consultants' comment about accessibility to the upper (service) parking lot. Mr. Spina stated the middle parking lot was studied, the GBFD determined that two access roads were not required as it is to be used as a gated overflow/inventory lot. Mr. O'Donnell requested confirmation from the applicant on the frequency of use of the roadway to the overflow lot as it is close to the Green Hill Road residential area. Mr. Spina agreed to provide this information.

Mr. O'Donnell noted receipt of renderings of other dealerships and asked which of the area dealerships have a similar appearance to what is proposed here. Mr. Spina agreed to provide that information.

Mr. O'Donnell requested a status update on the rezoning of the parcels in contract. Mr. Sirignano stated the Town Board has not yet scheduled a public hearing on the matter. Mr. O'Donnell requested a copy of Mr. Sirignano's petition to the Town Board. Mr. Sirignano agreed.

Mr. O'Donnell asked what variances are being requested. Mr. Sirignano stated there are the variances previously granted with the former application and a few new ones. He noted they will be meeting with the Building Inspector to review the required variances.

Mr. O'Donnell asked for an update on septic and the DEP. Mr. Spina stated they have submitted and are awaiting DOH comments and will be resubmitting to the DEP. He requested referral to the ZBA.

Mr. O'Donnell asked if Mr. Sirignano had seen the correspondence between Mickey DiNicola (353 Route 22, Goldens Bridge) and the Board. Mr. Sirignano had not but he would visit the Town web site. Mr. Kerner stated there were ongoing violations of the previous site plan approval and hopes the new site work will take care of these violations.

The Board reached consensus to refer the applicant to ACARC, ZBA (after Building Inspector makes the determination of what variances are required) and Westchester County Planning Board (WCPB). Mr. O'Donnell asked the applicant to discuss parking on Route 22 and the grassy area with the Building Inspector.

### III. WETLAND VIOLATIONS

Mr. O'Donnell asked for clarification on why wetland violations are not identified on the agenda, why are no documents shared with the Board and is this illegal. Mr. Siebert stated this has been the Board's practice, this can be changed and summons/letters can be placed in the Board's packets.

#### Cal #01-18WV (36:48 – 38:14)

**Potz Residence, 1178 Route 35, South Salem, NY 10590, Sheet 27, Block 10805, Lot 29 (Siegfried and Karen Potz, owners of record)**

No one was present on behalf of the owners.

Mr. Siebert stated the summons was issued on March 12, 2018 and Mr. Potz was advised to attend the May 15<sup>th</sup> meeting which was cancelled. Mr. Siebert noted Mr. Potz has met with Mr. Johannessen and contacted a wetland consultant.

The Board reached consensus to have this matter on the July 17, 2018 agenda.

#### Cal #02-18WV (38:15 – 43:54)

**Lupinski Residence, 23 Elmwood Road, South Salem, NY 10590, Sheet 43, Block 10067, Lots 23 & 24 (Jeffrey Lupinski, owner of record)**

Jeffrey Lupinski, owner; Beth Evans, Evans Associate; and Michael Sirignano, Esq.; were present.

Mr. Siebert stated the summons was issued on May 7, 2018 and the alleged violation is the deposit of cut wood and wood chips at the site.

Mr. Sirignano stated the owner is in the tree business, this is his first appearance and the next steps are to confirm the wetlands and create a mitigation plan to remove the wood chips.

Ms. Evans stated she has assessed the site of the wood chips (3' – 6' deep) and it is both local and state-regulated wetlands. She noted there are areas where wetland plants have grown through the chips indicating that restoration of the wetlands is possible.

Mr. Sessions shared a photograph and site plan with the Board noting the area of disturbance is one-half acre.

Mr. O'Donnell stated he would provide Mr. Siebert information related to a similar case on Tri-Brook Drive.

Mr. Sirignano entered a plea of not guilty.

The Board reached consensus to have this matter on the August 21, 2018 agenda.

**Cal #03-18WV**  
**(43:56 – 50:33)**

**Mendola Residence, 1320 Route 35, South Salem, NY 10590, Sheet 39, Block 10543, Lot 39 (Anthony and Anne Marie Mendola, owners of record)**

Anthony Mendola, owner, was present.

Mr. Siebert stated the site is a contractor yard for which the ZBA has issued a Special Use Permit and the alleged violation is a deposit of wood chips and contractor excess. He noted the summons was issued on May 7, 2018 and this is Mr. Mendola's first appearance. Mr. Siebert stated Mr. Mendola has met with Mr. Johannessen regarding remediation.

Mr. Mendola stated he has piled wood chips on the hill and planted forsythia as a screen/sound barrier from Route 35. He noted that this winter's weather caused the wood chips and bushes to slide down the hill 5' – 6'. Mr. Mendola stated the Wetland Inspector's photos are accurate and he had previously received a Stop Work Order. Mr. Siebert stated there was a previous wetland violation (#24-12WV) and wetland permit was issued on June 26, 2012 for remediation of deposited logs and stumps.

Mr. Johannessen stated Mr. Mendola should retain an engineer. Mr. Sessions noted the severity of the slope, some of which is in the DOT right-of-way, needs to be stabilized.

Mr. O'Donnell recommended Mr. Mendola and his engineer meet with Mr. Johannessen and develop a plan.

Mr. Siebert stated no plea has been entered.

The Board reached consensus to have this matter placed on the August 21, 2018 agenda.

**Cal #04-18WV**  
**(50:34 – 53:27)**

**Lordi Residence, 2 Cheyenne Court, Katonah, NY 10536, Sheet 10, Block 11152, Lot 140 (William and Marianne Lordi, owners of record)**

Mr. O'Donnell recused himself.

Marianne Lordi, owner; and Beth Evans, Evans Associates; were present.

Mr. Siebert stated the summons for unpermitted tree removal was issued on May 7, 2018 and this is Ms. Lordi's first appearance.

Mr. Sessions shared photographs with the Board noting the area of disturbance, some of which is located in the wetlands.

Ms. Evans stated her firm will prepare a survey and wetland delineation.

Mr. Siebert stated no plea has been entered.

The Board reached consensus to have this matter on the August 21, 2018 agenda.

The Wetland Inspector left the meeting at approx. 8 p.m.

**Cal #3-16WV, 06-17WP**

**(53:28 – 55:55)**

**McGuinness Residence, 17 Schoolhouse Road, South Salem, NY 10590, Sheet 22, Block 10802, Lot 35 (Annette and Peter McGuinness, owners of record)**

No one was present on behalf of the owners.

Mr. Johannessen stated he had spoken to the applicant's consultant, Jeri Barrett, and the applicant has retained a contractor and the remediation is well under way; Phase 1 is complete.

This matter is to be placed on the July 17, 2018 agenda.

**Cal #2-16WV**

**(54:30 - 55:55)**

**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 owners.

Mr. Johannessen stated this matter is nearly complete and the applicant's consultant, Jeri Barrett, will make a more substantial update at the July meeting.

This matter is to be placed on the July 17, 2018 agenda.

**IV. DISCUSSION AND REVIEW**

**Cal #03-18PB**

**(55:56 – 59:05)**

**Sprint Spectrum at Leon Levy Preserve, 1411 Route 35, South Salem, NY 10590, Sheet 40, Block 10263, Lot 62 (American Tower, owner of record) – Application for Sprint equipment upgrade at Leon Levy Preserve.**

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

Mr. Kerner stated this matter is now exempt for review from the Board due to a change in local law.

Mr. Siebert stated the local law has been sent to the Secretary of State, will be effective shortly and upon confirmation of the filing date. He noted the revision of the local law is to conform with changes in federal law and adds to the jurisdiction of the Building Inspector; the applicant can determine whether (or not) to submit an eligible facilities request to the Building Dept.

Mr. Siebert stated at the time this and the Verizon Wireless at 117 Waccabuc Road (Cal #01-13PB) applications were submitted they were considered to fall within the eligible facilities request exemption as they featured minor equipment upgrades. He noted the Building Inspector determines whether (or not) to refer to this Board.

Mr. Johannessen stated the Building Inspector was cc'd on the Kellard Session Review Memo.

**Cal #01-13PB**

**(57:58 – 1:00:54)**

**Verizon Wireless at 117 Waccabuc Road, Goldens Bridge, NY 10526, Sheet 11, Block 11137, Lots 35 and 52 (Francis Coyle, owner of record) - Application for Verizon equipment upgrade and Special Use Permit renewal.**

See discussion above (Cal #03-18PB) on revision of the local law and eligible facilities request exemption.

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

The Board reached consensus to schedule a public hearing for the Special Use Permit renewal and directed Mr. Siebert to prepare a resolution for the July 17, 2018 meeting.

Mr. Johannessen stated the Building Inspector was cc'd on the Kellard Session Review Memo.

**V. CONTINUATION OF PUBLIC HEARING**

**Cal #10-15 PB, Cal #20-17WP, Cal #5-17SW**

**(1:01:09 – 3:30:54)**

**Wilder Balter Partners, NY State Route 22, Goldens Bridge, NY 10526, Sheet 5, Block 10776, Lots 19, 20 & 21 (Property Group Partners, LLC, owner of record) – Application for a 46 unit MF development on a ±35.4 acre parcel.**

The Chair announced the continuation of the public hearing and noted that this was the sixth public hearing, approximately 75 people have spoken and the Board has received 50 written comments.

John Bainlardi, Wilder Balter Partners; and Jeff Contelmo, P.E., Insite Engineering, were present.

The following members of the public addressed the Board:

- Barry Roberts (105 Todd Road, Katonah) spoke on behalf of the nine households (D. & L. Stewart, B. & M. Roberts, K. & S. Sullivan, J. Zimmerman & L. Behrman, J & J Adler, J. & G. Oyen, A. & H. Fisher, B. van Gerbig, C. & G. Bryan) who jointly wrote the Supervisor and this Board. He read from the group's June 19<sup>th</sup> letter and raised concerns about safety, access/road safety, school population, environmental safeguards, litigation protection, coordination of Town departments, quality of life and sustainability. He concluded that "our expectation is for the Planning Board to evaluate each of the concerns and recommendations. Where there are areas outside of the Planning Board's scope, that these are raised and resolved with Mr. Parsons and the Town of Lewisboro Board, before any formal vote takes places [sic]. Should these concerns be believed to be addressed, public and open communication on the agreed remediations should be published to the community these Boards serve."

- Fred Margolies (24 Hillside Avenue, Goldens Bridge) spoke on behalf of the Goldens Bridge Community Association which is in favor of this project. He commented that 20 years ago he was a member of the Town Board and heard the same concerns of traffic and septic raised during a public hearing on a group home for brain injury patients.
- Mike Gordon (37 Twin Lakes Road, South Salem) read from his June 19<sup>th</sup> letter noting the community will be enriched by diversity and the developer has addressed the Board's and community's concerns. He is worried the Town will be exposed to legal action due to slow response.
- Liz Agostino (203 Goldens Bridge Road, Goldens Bridge) stated affordable housing should be spread across the town and she encouraged people to walk the site and see the steep grades. She is concerned about blasting, damage to neighboring wells, decibel levels, outstanding comments from the GBFD, wetlands that haven't been surveyed and suggests the applicant purchase JT Farm (Route 35) instead.
- Joe DeCaminada (11 Wild Oaks Road, Goldens Bridge) wanted to confirm the bedroom count as: 1 bedroom (26), 2 bedrooms (14) and 3 bedrooms (6) which indicates there could be 26 children. He wanted to know the tax ramifications and maximum occupancy.

Mr. Bainlardi confirmed the current bedroom count and stated the maximum occupancy is: 1 bedroom – 2 people, 2 bedrooms – 4 people (minimum 2 people) and 3 bedrooms – 6 people. He noted 13 school-age children could potentially live in this development.

- Mike Begley (13 Shoshone Drive, Katonah) noted the Rutgers Study projections for the number of school-aged children at Bridleside was off by 100%. He asked how the applicant's property tax payment was calculated and has it been verified. Mr. Begley stated he met with the North Salem Assessor to review how Bridleside's taxes were calculated and they discussed fixed rates for the first few years of Bridleside's development. He stated the 9% cap rate was absurd and requested the Board review that. Mr. Begley read from a June 14, 2018 Letter to the Editor in the *Katonah-Lewisboro Times* cosigned by 125 residents in support of the development. He questioned the statement that there won't be environmental damage and is concerned about the GBFD's list of open items. Mr. Begley stated that this site promotes segregation/discrimination and it will get the Town sued, noting that Hempstead's situation is similar to the Route 22 site. He stated Bedford prevented minorities from applying and is now paying a settlement fine.

Mr. Johannessen stated at the time of the SEQRA review the KLSD demographer did review the potential school-aged children and concurred with the applicant's projection.

Mr. Bainlardi stated the taxes have been derived on an income approach based on projected incomes of the development. He noted the total cost of construction as \$20 million (hard and soft costs) and that an Assessor works with the developer on the first year budget and in subsequent years she reanalyzes the assessment.

- Jane Lindau (65 Knapp Road, South Salem) stated she had worked for WRO, the company that sued Bedford over its use of preferences. She noted that other affordable housing developments such as: Chappaqua Station (located near the train tracks and the Sawmill River Parkway) and Palmer Ave in Larchmont are more isolated and there have not been law suits over segregation. Ms. Lindau stated Lewisboro is one of the few towns in Westchester that has not adopted the Model Ordinance. She supports the development and noted that many Bridleside residents chosen by the lottery were local people.
- Sandra Semenetz (191 Goldens Bridge Road, Goldens Bridge) stated this was a project of low-income people. She noted she is not opposed to affordable housing but this is going to ruin the area.
- Kenneth Sullivan (5 Duffy's Bridge Road, Goldens Bridge) stated he has walked the property and this site is woods on the side of a hill and not the place for affordable housing.

- Carmine Valvano (195 Goldens Bridge Road, Goldens Bridge) stated he is a first responder in Mt. Kisco and noted that large developments overburden first responders. He noted there are always issues with a concentration of homes plus this site is very steep. Mr. Valvano stated that when a 911 call comes the fire dept. must respond.

Mr. Bainlardi stated new construction is hard wired directly to the fire dept. and the Town can assess a charge for multiple false fire or carbon monoxide alarms. He noted at Bridleside (as documented in the EAF) there were 51 calls for the year.

Mr. O'Donnell asked Mr. Valvano if any of the residents in Mt. Kisco's multi-family housing developments were first responders. Mr. Valvano did not know. Mr. Bainlardi stated he did not know if there were any first responders residing at Bridleside.

Mr. Bainlardi reviewed the process of correcting the GBFD's information in the EAF in September 2016. He met with the fire commissioners in July 2017 and noted that the plan was reviewed and deemed in compliance by the International Code Council (ICC) and would go under additional scrutiny by the Building Inspector. Mr. Bainlardi stated that sprinklered buildings in New York do not require two separate access roads until there are 200 units. He noted the proposed road is 24' wide and the cul-de-sac has a 90' diameter (these dimensions exceed ICC requirements and allow a firetruck to turn around). Mr. Bainlardi stated the plan complies with the Town and State Building Codes and the plans note the Knox Boxes, required placards and underground fire-suppression tank at the top of the roadway. He stated a technical meeting with the GBFD has not been scheduled and the last face-to-face contact with the GBFD was July 2017. Mr. Bainlardi noted the July 27, 2017 submission addressed all the GBFD comments.

Mr. Johannessen concurred that the applicant has addressed the majority of the GBFD's comments, with the exception of dual access, which is not required by Code but is an issue that this Board can determine is a requirement.

- Jamie D'Albenzio (18 Green Hill Road, Goldens Bridge) reviewed correspondence from the GBFD and requested a status update. She is concerned about the lack of coordination between this Board and the Katonah Lewisboro School District (KLSD) and noted that IMES is reaching capacity (a 4<sup>th</sup> kindergarten is being added, class sizes growing from 18 to 21 and an OT room being lost). Ms. D'Albenzio asked what if 30 students move in and can there be preference for local residents. She stated it is not an accurate statement to say that this development will benefit seniors.
- Laura Schwartz (6 Boulder Lane, Goldens Bridge), stated "those people," should be viewed as "our neighbors." She noted she lived in North Salem while Bridleside was being proposed and the residents there have been great neighbors. Ms. Schwartz notes a lot of steep driveways throughout North Salem and Lewisboro. She asked how to keep the people walking on Route 22 safe and noted that Interstate 684 is getting worse.
- Jeff Zimmerman (29 Todd Road, Goldens Bridge) stated he is also concerned about people walking on Route 22 and the challenges faced by first responders with a steep, single access road.
- Greg Oyen (24 Todd Road, Katonah) stated he would like the developer to make this project beneficial to the community. He noted that area seniors could be disappointed when they learn more about the lottery. He would like provisions for first responders, teachers, young adults and seniors. He believes the number of school-aged children could be higher than projected as the maximum number of occupants could be over 190 people. He is concerned about school redistricting and longer bus rides. He asked about the public funding the development is receiving and could this be a mixed-use development instead of an isolated pocket of lower income people in this wealthy community.
- Paul Ottaviano (203 Goldens Bridge Road, Goldens Bridge) asked how the Town's consultants are paid.



Mr. Kerner stated that through an escrow the Town's consultants are paid by applicants. Mr. Johannessen noted his firm sends the Town an invoice.

- Al LaPorta (19 Deertrack Lane, Goldens Bridge) stated a great number of people in town believe affordable housing is destructive, creates a culture of dependency and is a social engineering program. He stated the kids likely to get in trouble in North Salem live at Bridleside. Mr. LaPorta asked why taxpayer money should subsidize newlyweds to live in this development. He is concerned about safety, ecology and how the development will affect Lewisboro. Mr. LaPorta noted that residents have been denied the opportunity to vote on affordable housing and asked about the tax implications, the number of school children added to the system and why are these rentals and not owned units. He is concerned that the Town does not have a policy on affordable housing and recommended an open discussion in town regarding these units.
- Jamie Thomas (34 Deer Track Lane, Goldens Bridge) thanked the Board and stated many of us moved to this town because of the value of the schools. She noted the elementary schools are taxed and there are different experiences at the schools; MPES has 2 sections of kindergarten (14 students each) while IMES has 4 sections with 21 students each. She stated KES is at capacity and students in need are being bused to either IMES or MPES.
- Robert Kelly (11 Green Hill Road, Goldens Bridge) thanked the Board and asked if the GBFD has to approve this proposal.

Mr. Siebert stated the GBFD is not an approving/disapproving authority, but it can offer comments. Mr. Kerner noted the Building Inspector is trained by NYS, he will review this application and previously this matter was reviewed by the ICC. He added that the Board will continue to look at the GBFD's concerns. Mr. Johannessen concurred that area planning boards refer large scale projects to the local fire district for comment. Mr. Valvano concurred stating a fire district only makes recommendations on safety, roadways, turning radii, egress but no voting power. Mr. O'Donnell noted that for two other applications – Iannuzzi and McGuinness – the Board had received comment letters from the SSFD stating conditions had been met.

- Geraldine Kelly (11 Green Hill Road, Goldens Bridge) stated she is concerned about the number of students and noted she grew up with her parents and siblings (six people total) in a one bedroom. She noted it is hard for the Building Dept. to enforce maximum occupancy levels.

Mr. O'Donnell stated there cannot be a preference for local residents and every site has its own lottery.

Mr. Bainlardi stated at Bridleside, 25% of the residents were from North Salem/Purdys and 75% were from Westchester County; there were 1,000 applicants for 65 units.

Mr. Siebert stated the funding source prohibits preference being given to local applicants.

Mr. O'Donnell recommended a work session on how to proceed with this application and he asked if the Board will continue to take public comment without the benefit of a public hearing. Ms. Andersen requested more information on closing the public hearing. Mr. O'Donnell stated there are errors in the record that need clearing up. Mr. Siebert stated if new information (project change or change in circumstance) is presented outside the scope of the public hearing the Board can revisit it. Mr. Kerner stated the public hearing can be reopened if the Board determines that new information warrants it and the Board will continue to review outside agencies responses including the GBFD.

Mr. O'Donnell noted the first letter sent to the Board's counsel was not shared with the public and all members of the Board.

There were no additional comments from the CAC or the public.

On a motion made by Mr. Sklarin, seconded by Ms. Andersen, the public hearing was closed at 10:28 p.m.

In favor: Ms. Andersen, Mr. Kerner and Mr. Sklarin. Against: Mr. La Sorsa and Mr. O'Donnell.

## **VI. DISCUSSION AND REVIEW, CONTINUED**

### **Proposed cell tower behind LVAC**

(3:30:57 – 3:53:05)

Mr. Siebert stated the Board received a May 11, 2018 notification letter from WCPB regarding the proposed cell tower behind LVAC and the Town's intent to act as lead agency on the application and as it is on municipally-owned property it may be exempt from the Zoning Code through a Monroe hearing/Monroe balancing test. He noted the Board can offer comments.

Mr. Johannessen stated the Town Board would approve the project without review by the ZBA, ACARC and this Board; outside agencies, such as the DEC and DEP, would still review the project.

Mr. Sklarin asked if there are other viable sites to be considered. Mr. Johannessen stated the applicant submitted an exhaustive list of 50-100 other potential sites (both publicly and privately owned).

Mr. O'Donnell asked if either the Town Board or Town Attorney asked this Board to do anything. Mr. Johannessen stated no formal request for comment has been sent to this Board.

Mr. O'Donnell asked if this will provide coverage in the gap at Routes 121 and 138. Mr. Johannessen could not answer the question but noted there would be coverage at the high school. Mr. O'Donnell asked about lack of response by the KLSD.

Mr. Johannessen stated the Antenna Advisory Board (AAB) has been in touch with the Town Board regarding this location.

Mr. O'Donnell noted the impact on an historic area. Mr. Johannessen stated the State Historic Preservation Office (SHPO) has sent a Review Memo and the applicant has submitted a long-form EAF and done a Phase 1 and Phase 2 cultural resource survey.

Mr. O'Donnell noted this site is an entrance way to the Town and previously he had suggested gateway signage.

Mr. Johannessen stated the proposed tower is 170' (the one at Town Park is 160') and the goal is to provide coverage at the high school and along Route 35 (south of Route 121). He noted that he prepared a Review Memo to the Town Board on this proposal and that future colocations/equipment upgrades would be reviewed by the Building Dept.

Ms. Andersen stated the Board has a lot of experience reviewing cell towers (color, generator noise,...) and the Town Board should consider referring the matter to this Board for a Special Use permit. Mr. Kerner concurred that the matter should be before this Board. Mr. Johannessen clarified that he was advising the Town Board on this application.

Mr. Siebert stated the Town Board has opened the public hearing on this matter and it will remain open until June 26<sup>th</sup>.

The Board reached consensus that Mr. Siebert prepare a letter to the Town Board noting that should the Town Board issue an exemption or find that the balancing test warrants an exemption that this Board is ready to provide comments on the proposal, and has questions about coverage area/gaps, town gateway appearance, nearby historic structures and comments from the KLSD.

The Board discussed revenue from the tower, coverage to Route 138, the LVAC support for this proposal as well as LVAC's need for radio boosters.

**Requests for relaxation on septic requirements per Planning Board resolutions and wetland permits**  
(3:53:18 – 3:53:30)

The Board reached consensus to have this matter on the July 17, 2018 agenda.

Mr. Siebert requested this matter be on the top of the next agenda. The Board agreed.

**I. MINUTES OF January 16, 2018; MINUTES OF February 27, 2018; MINUTES OF March 20, 2018; MINUTES OF March 27, 2018 and MINUTES OF April 17, 2018**

(3:53:07 – 3:54:15)

The Board reached consensus that the unapproved 2018 minutes be posted on the Town web site.

**II. ADJOURNMENT**

(3:54:19 – 3:54:28)

On a motion made Mr. La Sorsa, seconded by Ms. Andersen, the meeting was adjourned at 10:55 p.m.

In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa, Mr. O'Donnell and Mr. Sklarin.

Respectfully Submitted,



Ciorsdan Conran  
Planning Board Administrator