

Meeting of the Planning Board of the Town of Lewisboro held at the Town Offices at 79 Bouton Road, South Salem, New York on Tuesday, August 21, 2018 at 7:00 p.m. The audio recording of this meeting is 180821_001.

Present: Jerome Kerner, Chair
Janet Andersen
Greg La Sorsa
John O'Donnell
Rich Sklarin
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland Consultant
Ciorsdan Conran, Planning Board Administrator

Absent: John Wolff, Conservation Advisory Council (CAC)

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

I. SITE DEVELOPMENT PLAN (discussion from 7 – 9 p.m.)

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

(0:22 – 1:51:10)

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

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

Mr. Bainlardi stated updated floor plans have been submitted and the 72-hour pump tests had favorable results, demonstrating the wells can support 89 bedrooms and no impact on the monitored off-site wells or wetlands. He noted the water quality lab results are due in two weeks at which time the report will be submitted to the Board and Westchester County Dept. of Health (DOH).

Mr. Bainlardi stated the Lewisboro Land Trust (LLT); working with Susan Carpenter, Esq.; has agreed to take on the conservation easement. He noted the applicant has agreed to pay the LLT costs to document the open space and will create a fund for long-term management of the easement area.

Mr. Bainlardi stated the New York State Homes and Community Renewal (HCR) has approved the funding for 42 units (not the 46 proposed) resulting in a bedroom count of: 1 bedroom (10), 2 bedrooms (22) and 3 bedrooms (10); the 4 units to be removed are on the downhill side of Buildings 2 & 3. He noted HCR's goal is to have an average of two bedrooms per unit. Mr. Bainlardi stated Buildings 2 & 3 are proposed to be slab-on-grade with 8 units each and for the development to have a total of 84 bedrooms. Mr. Bainlardi stated the water and septic have been proofed for 89 bedrooms. He noted three of the five buildings will feature individual, Bridleside-style entrances. Mr. Bainlardi stated Town Code for this revised design requires 116 parking spaces but there are only 112 on the plan. He noted the next submission with demonstrate 116 spaces in order to be zoning compliant.

Mr. Bainlardi stated a chart with items such as impervious surface, fiscal impacts, population projections in the EAF will be updated to reflect the revised plan with the new bedroom count. He noted the projected number of school children will increase by one.

Mr. O'Donnell asked if the applicant was providing public parking at the playground and trail head.

Mr. Sklarin stated he had reviewed Jonathan Monti's July 26, 2018 email asking if he would be recusing himself on this matter. Mr. Sklarin stated he has lived in The Glen, a Wilder Balter development, for 20 years and works in a building where, up until last year, Wilder Balter Partners also had offices. He noted he reviewed the Code of Ethics and sees no

conflict in continuing to review this application. Mr. Sklarin stated he took an oath to be fair in his determination and he will be.

Mr. Bainlardi stated the Dept. of Environmental Conservation (DEC) State Pollutant Discharge Elimination System (SPDES) permit will need to be amended. He noted exploratory borings using an ATV-mounted drill rig began yesterday and this is to aid in the design of building foundations; no trees were cut.

Mr. Kerner read the Goldens Bridge Fire District (GBFD)'s August 9, 2018 written response to the Board's request for review of the Wilder Balter plans. A copy of the GBFD's letter (from George Roberts, Esq.) is attached and is part of these minutes. Mr. Kerner noted no members of the GBFD were present.

Mr. Kerner stated the International Code Council (ICC)'s standards are not bare-minimum standards, they are uniform and apply to all buildings. He noted the second set of plans sent to the GBFD is not substantially different from those the GBFD reviewed in June 2017 and that the applicant has revised the plans to incorporate the GBFD's comments (location of water storage tanks and hydrants). Mr. Kerner stated the final review is made by the Town Code enforcement officer and that is the Building Inspector.

Mr. Bainlardi stated the plans submitted to the GBFD in July 2018 are not that different in a firematic standpoint from those submitted June 2017. He noted at the GBFD's request (letter dated June 19, 2017), the plans were also submitted for review by the International Code Council (ICC). Mr. Bainlardi stated the plans were then revised and resubmitted to the Board and GBFD. He noted the current proposal exceeds the ICC requirements; the proposed road width of 24,' and the buildings are sprinklered.

Mr. La Sorsa stated it is bordering on negligence for this Board to disregard the GBFD's request (letter dated August 19, 2018), for more time to respond to the revised plans. He noted the 42-unit plan should be reviewed by the GBFD.

Mr. Bainlardi stated he welcomes comments from the GBFD and plans have been revised to include the GBFD comments such as: location of the underground fire-suppression tank, installation of Knox Boxes, truss placards, specific valves and hydrants. He noted the GBFD did not respond in a comprehensive way on the July 2017 plans. Mr. O'Donnell recommended Mr. Siebert contact the GBFD's counsel to schedule a meeting with Mr. Bainlardi and a subsequent Planning Board meeting. Mr. Siebert agreed. Mr. Bainlardi stated he will send Mr. Roberts hard copies of the revised plans.

Ms. Andersen requested the applicant attend the Board's September 11, 2018 meeting along with a representative of the GBFD, and if a representative is unavailable that the GBFD send in a comment letter.

The following members of the public addressed the Board:

- Carmine Valvano (195 Goldens Bridge Road, Goldens Bridge) stated it is difficult for a fire dept/dist to attend a meeting on September 11th due to memorial events.
- Liz Agostino (203 Goldens Bridge Road, Goldens Bridge) stated there should be discussion about correspondence from the applicant's counsel, Charles Martabano, to the Board's counsel.

Mr. Siebert stated a FOIL request has been received and is being processed.

Mr. Bainlardi stated the development will be developed/owned/guaranteed by Wilder Balter Partners, be built by Griffin Construction and managed by WB Residential Communities Inc. (WBRES) with the Housing Action Council (not-for-profit) overseeing marketing and annual audit.

The Board discussed the size of the clubhouse spaces with regard to heating/cooling stations during power outages. Mr. Bainlardi stated the clubhouse's generator would provide heat; the generators for the other buildings would provide lighting but not heat.

Mr. La Sorsa asked if the current parking count of 116 takes into account guests parking at the clubhouse. Mr. Bainlardi stated the clubhouse is not for private parties. Mr. Johannessen stated the parking count is calculated by 2 spaces per dwelling unit plus an additional space for each unit with 2 bedrooms or more ($84 + 32 = 116$).

Ms. Andersen stated comments shared at the public hearings should be listed, categorized and a determination made on what issues have been resolved and which are still outstanding. She noted a few items: well testing, traffic, wildlife, wetlands and the stream to Muscoot Reservoir. Mr. Kerner recommended Board members send their list of closed/open items, either from the application or raised during public hearings, to Mr. Johannessen. Mr. La Sorsa recommended the Board members' lists be sent to Mr. Siebert. Mr. Siebert agreed to circulate Ms. Andersen's list and compile the Board's lists of issues.

The Board discussed the two traffic studies; a traffic signal warrant analysis for the Route 22/ I-684 6A exit ramp intersection when the site is 50% occupied as possible mitigation; the Level of Service 'F,' at the Route 22/ I-684 6A exit ramp intersection, the steepness of the approach and pedestrian accessibility.

Mr. Bainlardi stated the two traffic studies (Maser and Adler) reached the same conclusions, additional traffic counts were done in May 2017 and confirmed the previous data, and proposed mitigation includes the applicant paying for a warrant analysis; the Department of Transportation (DOT) has determined that signalization of the Route 22/ I-684 6A exit ramp intersection is not warranted. He noted the DOT permit has been issued.

Mr. Bainlardi read from the Board's Negative Declaration of Significance (pp 6-7, paragraph c), dated December 20, 2016; a copy of same is attached and is part of these minutes. Mr. O'Donnell stated he had discussed the withdrawal of that Negative Declaration with Mr. Siebert. Mr. Siebert stated the Negative Declaration passed with a majority vote and can be changed only upon new information or substantial changes to the application that create significant impacts.

Mr. Sklarin stated the Adler traffic report (p. 4, paragraph 3) dated December 27, 2016 cited Levels of Service 'A,' 'B' and 'C.' Mr. Bainlardi stated those comments relate to turning into the development's driveway and Adler's representative [Michael O'Rourke] made a verbal report at the December 20, 2016 meeting.

Mr. Bainlardi requested the Board's consultants draft a resolution and create a list of conditions. Mr. Siebert stated that a review of the revised charts from the EAF and determining whether a substantial change has taken place should happen before drafting the resolution. He noted a substantial change could trigger another public hearing. Mr. Johannessen agreed to draft the list of conditions after the August 23 submission.

The Board discussed an additional meeting September 25th to discuss Wilder Balter and Mercedes Benz.

- Michael Begley (13 Shoshone Drive, Katonah) asked when the 62-day period ends. Mr. Kerner stated it is in flux as the plans have been modified. Mr. Siebert addressed the impact of the 62-day period and concurred.

II. PUBLIC HEARING, CONTINUED

Cal #01-13PB

(1:59:23 – 2:13:24)

Verizon Wireless at 117 Waccabuc Road, Goldens Bridge, NY 10526, Sheet 11, Block 11137, Lot 52 (Ashtree Development, owner of record) - Application for Special Use Permit renewal.

Leonard Cohen, Esq.; Snyder & Snyder, LLP; was present on behalf of the applicant. Manny Vicente, Homeland Towers; site owner, was also present.

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

Mr. Johannessen stated the Building Inspector and he made a site visit on July 26, 2018. Mr. Johannessen distributed photos from that site visit to the Board and noted that of the ten planted spruce trees two had died; he recommended their removal but not replacement. Mr. Johannessen stated the trees planted along Tomor Kendezi's (115 Waccabuc Road, Goldens Bridge) property line are in good shape. He noted the generator is in place, the access road is passable and there is a rear axle of a truck near the compound. Mr. Johannessen stated he witnessed Mr. Kendezi trespassing on Homeland Towers property and dumping organic debris. He noted Mr. Kendezi is building a fence on the cell tower property using the utility poles as posts.

Mr. Johannessen stated the Homeland Towers wetland mitigation appears to be satisfactory and the next wetland mitigation report is due December 1, 2018. He agreed to prepare a memo addressing the issues raised at the public hearing and his site visit. Mr. Vicente agreed the wetland mitigation report will be submitted by December. Mr. Johannessen stated the Building Permit has been issued and the Wetland Implementation Permit (#85-13WP) does not need to be amended.

Mr. Cohen stated Verizon Wireless is a co-locator on the tower. He noted that the plans have been revised to reflect the correct electric company, NYSEG, and he will give the Building Dept. a revised set of plans too. Mr. Cohen stated the generator has regular monthly maintenance.

There were no additional comments from the public.

On a motion made by Ms. Andersen, seconded by Mr. O'Donnell, the public hearing was closed at 9:10 p.m.

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

Mr. Siebert reviewed a draft resolution for a five-year renewal of Verizon Wireless' Special Use Permit with the new expiration date of August 21, 2023.

On a motion made by Mr. Sklarin, seconded by Mr. O'Donnell, the Resolution dated August 21, 2018 granting a five-year Special Use Permit Approval renewal to Verizon Wireless, 117 Waccabuc Road, Goldens Bridge, was adopted. A copy of the Resolution is attached and is part of these minutes.

Mr. Vicente stated the neighbor is having a negative impact on Homeland Towers' work at the site through his dumping and trespassing. Mr. Kerner stated the dumping should be reported to the Wetland and Building Inspectors. Mr. O'Donnell stated the trespassing should be reported to the police.

III. DECISION

Cal #2-16WV

(2:13:26 – 2:14:49)

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

Gustavo & Katie Palomino, owners, were present.

Mr. Siebert reviewed a draft resolution and gave a brief summary of the alleged wetland violation and the costs for site remediation.

On a motion made by Mr. Sklarin, seconded by Ms. Andersen, the Resolution dated August 21, 2018 disposing of a wetland violation to Gustavo and Katie Palomino, 292 Waccabuc Road, Goldens Bridge, NY 10526 (Sheet 7C, Block 12668, Lot 20) was adopted. A copy of the Resolution is attached and is part of these minutes.

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

IV. WETLAND PERMIT REVIEW

Cal# 36-18WP

(2:15:00 – 2:21:45)

Hunter Residence, 19 South Shore Drive, South Salem, NY 10590, Sheet 33D, Block Camp, Lot 15 (Graeme Hunter and Laurence Robin- Hunter, owners of record) – Application for a dock and weed harvesting.

Mr. Kerner and Mr. O'Donnell recused themselves.

Graeme Hunter, owner, was present.

The Board reached consensus to authorize Mr. La Sorsa to act as Chair on this matter.

Mr. Johannessen stated the one outstanding item cited in the Kellard Sessions Review Memo, dated August 8, 2018, had been met; Terry Bocklet (15 South Shore Drive) gave permission for Jerry Davis' weed harvesting equipment to travel across his property. Mr. Johannessen noted the applicant has amended the wetland permit application to include the aquatic weed harvesting and as-built dock.

Ms. Andersen reiterated the Three Lake Council's comments regarding inspection of the harvester and turbidity curtain for cleanliness before entering the lake.

On a motion made by Ms. Andersen, seconded by Mr. Sklarin, the Board determined that the installation of a floating dock and suction harvesting of aquatic plants will be handled administratively under the guidance of the Wetlands Inspector with the following condition: all equipment must be thoroughly cleaned prior to entering the lake.

All in favor: Ms. Andersen, La Sorsa and Mr. Sklarin.

V. DISCUSSIONS

Composting Toilets at Onatru Farm

(2:22:38 - 2:26:24)

Peter Parsons, Town Supervisor, was present on behalf of the Town.

Mr. Parsons stated the proposal is to install a composting toilet at Onatru Farm. He noted the toilet is similar to those installed in Town Park and it requires a Building Permit.

Mr. Johannessen stated the proposed location is not within the wetland buffer and the structure will require a waiver of site plan development procedures. He noted the Town Board needs to refer the matter to the Architecture and Community Appearance Review Council (ACARC).

Mr. Siebert stated he will prepare a resolution for the September 11, 2018 meeting.

Ridgefield Winter Club, 340 Peaceable Street, Ridgefield, CT

(2:26:26 – 2:35:10)

Peter Parsons, Town Supervisor, was present on behalf of the Town.

Mr. Parsons stated he will use Mr. Johannessen's comment memo on the proposed ice rink/event space to draft a letter to the Town of Ridgefield. Mr. Parsons noted his concerns include: noise, an increase in traffic at the Route 35/Route 123/Peaceable Street intersection and expanding the hours of operation. He stated the Lewisboro residents on Peaceable Street and the DOT have been notified about the proposal.

Mr. Johannessen stated the traffic studies show, if the proposal is built, the vehicle delay at the Route 35/Route 123 traffic light will go from a Level of Service of 'E' to 'F' - an additional 14.9 second delay per car.

Mr. O'Donnell asked if the Town has the authority to make its 100' section of Peaceable Street a one-way road. Mr. Parsons stated he did not know. Mr. O'Donnell requested the Kellard Sessions memo and FP Clark research.

Mr. Johannessen stated Cultec units and rain gardens are proposed and the ultimate discharge point is into the Mill River in Lewisboro. He noted the site does not abut DEC wetlands.

The Board discussed contacting the Norwalk or Stamford Watershed and whether (or not) the discharges include chemicals from the ice.

VI. WETLAND VIOLATIONS**Cal #02-18WV**

(2:35:22 – 2:36:41)

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

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

Mr. Sirignano stated Beth Evans, Evans Associates, had submitted a wetland delineation and that the DEC agrees with her delineation and the proposal that wood chips can be moved within the subject property.

The Board reached consensus to adjourn the matter to its September 11, 2018 meeting and directed Mr. Sirignano to contact Ms. Evans to appear.

Cal #03-18WV

(2:36:44 – 2:38:09)

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

No one was present on behalf of the owner.

Mr. Johannessen stated he recently met with the applicant and his engineer to review the required remediation but to date no wetland permit application or escrow has been submitted.

The Board directed Mr. Siebert to write the Mendolas advising them to appear the Board's September 11, 2018 meeting. Mr. Siebert agreed.

Cal #04-18WV

(2:38:10 – 2:47:05)

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

Mr. O'Donnell recused himself.

Marianne Lordi, owner; was present.

Ms. Lordi stated the DEC has confirmed the wetland delineation prepared by Beth Evans, Evans Associates. Ms. Lordi noted that some wood chips will require hand removal and will be trucked off the property. She stated she will have her property surveyed to document the property line and wetlands; she proposed installation of a fence at a later date.

Mr. Johannessen stated the survey will also clarify if work was done on the abutting Indian Hill subdivision open parcel. He noted that due to the tree removal the applicant is also expected to supply the Board with a landscape plan.

Ms. Andersen recommended a fence or monuments along the wetlands and/or property line to prevent encroachment on to the open space parcel. Mr. Johannessen stated he will discuss this further with Ms. Evans along with the September 27th submission deadline.

The Board reached consensus to adjourn the matter to its October 16, 2018 meeting after agreeing that this date would not be too late for mitigation plantings this year.

VII. DISCUSSIONS, CONTINUED**Requests for relaxation on septic requirements per Planning Board Resolutions and Wetland Permits.**

(2:47:06 – 3:33:23)

Mr. Siebert reviewed his March 21, 2017, March 15, 2017 and May 14, 2018 memos on septic requirements and the various levels of pumping requirements. He noted that all Lewisboro residences with a septic system are required to inspect and pump that system at least every five years. Mr. Siebert noted that the Building Inspector is the Town Code enforcement officer for septic violations and the fine is \$200 for every 14-day period a resident is in non-compliance. Mr. Siebert stated that all septic haulers are required to supply the DOH with a completed septic data form after pumping. Mr. Johannessen stated the DEC mandated towns within the East of Hudson watershed adopt this septic code; the five year requirement is not unique to Lewisboro.

Ms. Andersen stated Warren Lucas, North Salem Supervisor, developed a computer program to compare County and Town data to generate septic compliance correspondence. She noted the data was incomplete.

Mr. Johannessen stated he had contacted Sam Weir, GIS Coordinator for Westchester County, who confirmed that that department receives the septic data forms. He noted that on the GIS web site residents can check their pumping data but he noted the data there is not complete.

Mr. O'Donnell referenced the April 18, 2017 Planning Board meeting when Mr. Parsons stated the Building Inspector is the Town's septic enforcement officer. Mr. Johannessen stated Mr. Weir distributes septic data to various municipalities but he is unsure if it is a useable form. Ms. Andersen stated she requested Mr. Weir create the septic pumping map that hangs in the Building Dept. but noted it does not include 2018 data.

Mr. O'Donnell discussed directing Mr. Siebert to draft correspondence to Mr. Parsons regarding enforcing the septic requirements of the Town Code and/or having the CAC follow up plus who is responsible for tracking data forms. Mr. Siebert noted the Board is not charged with septic enforcement. He stated per the NY Wetland Code (Part 617) the Board

can impose stricter requirements than Town Code. Mr. Siebert stated there are approx. 50 sites in town that have specific septic requirements per Planning Board Resolutions and Wetland Permits. He stated areas for discussion include: enforcement, uniformity of standards, responses to relaxation requests, review of test cases, determine what is appropriate procedure, recording of a legal instrument with the County Clerk and patterns to relaxation requests (decrease in occupancy or system upgrades were made).

Mr. Kerner stated annual pumping can be problematic for the system but inspection then pumping, if necessary, makes the most sense. He noted the previous Board made thoughtful reviews/approvals of these sites and if a septic requirement was made by resolution it will need to be changed by resolution.

Mr. Siebert stated he had contacted Jim Nordgren, former Town Supervisor, and Aimee Hodges, former Planning Board Administrator, who concurred that each site was studied, visited and the approvals and conditions were tailored to the site.

Mr. Johannessen stated of the 50 sites some were proposals for additions where not much was known about the existing septic. Ms. Andersen added that some of the 50 sites are located close to a lake and while the bedroom count did not change the increase in pumping frequency was a type of mitigation.

Mr. La Sorsa stated the resolution should die when the property is sold.

Mr. Sklarin stated the resident making the request should demonstrate the need for relaxation. Mr. Johannessen stated the resident should submit an application along with the relaxation request.

Ms. Andersen stated that homeowners might feel annual inspection then pumping only, if necessary, is favorable but not if it means public hearings to amend the previous resolution.

Mr. O'Donnell stated the 50 homeowners should be provided with the information available in each case, submit an application and attend a public hearing to discuss any changes in circumstances since the Resolution or Wetland Permit was adopted.

Mr. Siebert recommended the Board write the property owners who submitted the first 5 cases noting the Board is entertaining their relaxation request, include a copy of the Resolution or Wetland Permit and the last received septic data form plus request they schedule a meeting with the Mr. Johannessen. Mr. Siebert stated he would circulate a draft letter for discussion at the September 11, 2018 meeting and recommended the first 5 cases appear at the October 16, 2018 meeting.

Mr. O'Donnell stated he has inquired about, but not found, relaxation ordinances in other towns.

Start time of September 11, 2018 meeting

(3:33:24 - 3:35:06)

The Board reached consensus to start the September 11, 2018 meeting at 7:30 p.m.

VIII. MINUTES OF January 16, 2018; MINUTES OF February 27, 2018; MINUTES OF March 20, 2018; MINUTES OF March 27, 2018; MINUTES OF April 17, 2018, MINUTES OF June 19, 2018, MINUTES OF July 21, 2018 and MINUTES OF August 14, 2018.

The Board did not discuss the unapproved minutes.

IX. ADJOURNMENT

(3:35:06 – 3:35:11)

On a motion made Mr. Sklarin, seconded by Mr. La Sorsa, the meeting was adjourned at 10:36 p.m.

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

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

GOLDENS BRIDGE FIRE DISTRICT
P. O. Box 409
Goldens Bridge, N. Y. 10526

August 9, 2018

Mr. Jerome Kerner, Chairman
Town of Lewisboro Planning Board
79 Bouton Road
South Salem, NY 10590

Re:
July 25, 2018 Letter
Application of Wilder Balter Partners, Inc.
NYS Route 22, Golden's Bridge, New York
(Cal #1-15 PB, #20-17 WP, #5-17 SW)

Dear Chairman Kerner,

In response to your letter of July 25, 2018 ("July 25 letter"), we extend our thanks to the Town of Lewisboro Planning Board ("Planning Board") for recognizing and acknowledging the importance of the expert input, assessment and recommendations of the Golden's Bridge Fire District ("Fire District") and Golden's Bridge Fire Department ("Fire Department") in the disposition process of the application of Wilder Balter Partners, Inc. ("Wilder Balter") – specifically, NYS Route 22/Golden's Bridge/NY/Cal #1-15 PB, #20-17 WP, #5-17 SW.

A residential housing project of this magnitude – the first of its kind proposed in the Golden's Bridge community – demands a comprehensive assessment of firematic aspects beyond the bare-minimum requirements of the International Code Council.

The Fire District fully intends to provide a complete and thorough written response to the Planning Board that addresses the points outlined in your July 25 letter, including your request for "other comments or recommendations relating to fire safety and prevention." The Fire District also welcomes the opportunity, as per the Planning Board's request in the July 25 letter, to attend a Planning Board public meeting "in order to present or elaborate upon the GBFD's comments and recommendations concerning the site plan."

However, the Fire District respectfully requests that your deadline date of Aug. 15, 2018 for the written submission, and the Fire District's attendance at the Planning Board's Aug. 21, 2018 public meeting, both be extended to later dates. The Fire District is seeking a new mutually agreed upon deadline date for the written submission – which, once established, would dictate the Planning Board public meeting the Fire District would attend as participants. The Fire District is requesting these extensions to later dates based on, but not limited to, the following reasons:

- Although the Fire District held two special executive work sessions last week for the sole purpose of a preliminary discussion and review of your July 25 letter, these sessions were limited in their scope because key officials were unable to attend due to planned vacations and other summer and workplace commitments.

- These limitations will continue through the balance of the summer – for example, planned summer vacations and commitments will prevent key members of the Fire District/Fire Department team from attending the Aug. 21, 2018 Planning Board public meeting.

- Imposing a 2-week deadline for the Fire District to produce additional, updated comprehensive firematic review, assessment and recommendations on a project of this size is unreasonable under any circumstances, summertime notwithstanding.

- Furthermore, a 2-week deadline is unrealistic because the Fire District received the Wilder Balter June 28, 2018 revised site plan for the first time with receipt of your July 25 letter. Your letter stated: "The enclosed site plan set (bearing last revision date June 28, 2018) has been revised by WBP from that previously submitted to the GBFD."

- It would be unreasonable to expect the Fire District to provide in the prescribed time period an updated, comprehensive assessment of a revised site plan that has been in its possession for approximately two weeks. Frankly, this would also be a disservice to applicant Wilder Balter.

Please advise on a mutually agreeable deadline extension to both the written submission date and the appearance before a Planning Board public meeting. These extensions will afford the Fire District the appropriate and necessary time to develop and present comprehensive and thorough review, analysis, assessment and recommendations that will assist in the Planning Board's disposition of the Wilder Balter application.

In addition, the Fire District requests that this letter of Aug. 9, 2018, be read aloud at the Planning Board's Aug. 21, 2018 public meeting, so that this letter becomes part of the minutes and record of the Aug. 21 meeting. Thank you.

Respectfully submitted,



Edward W. Brancati
Chairman
Board of Fire Commissioners
Golden's Bridge Fire District

cc:

Members, Town of Lewisboro Planning Board:

Janet Anderson
Greg LaSorsa
John O'Donnell
Richard Sklarin

Board of Fire Commissioners, Golden's Bridge Fire District:

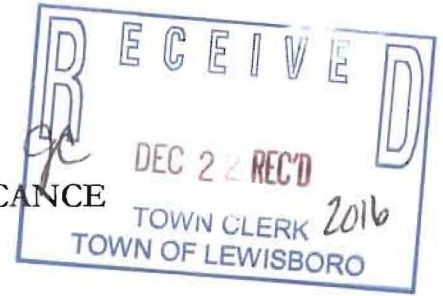
Joann Vasi, Secretary
Tom Beneventano
Robert Melillo
Joe Simoncini

Golden's Bridge Fire Department:

James McManus, Chief
Al Melillo, First Assistant Chief
Dennis Delborgo, Second Assistant Chief

George H. Roberts, Esq., Counsel, Golden's Bridge Fire District

**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

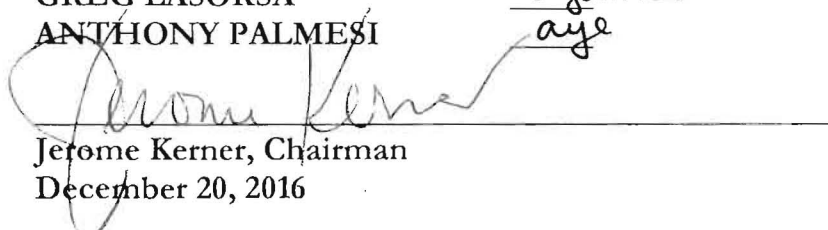
WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: Ron Tetelman

The motion was seconded by: Anthony Palmesi

The vote was as follows:

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


Jerome Kerner, Chairman
December 20, 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 gpd). 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 motorist 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 glonometry. 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 multiplies 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.

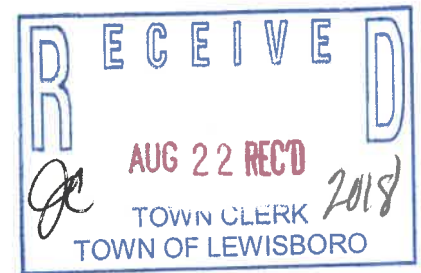
For further information contact:

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**



**SPECIAL USE PERMIT RENEWAL
NEW YORK SMSA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS
CO-LOCATED TELECOMMUNICATION FACILITY**

117 WACCABUC ROAD (NYS ROUTE 138)

**Sheet 11, Block 11137, Lots 35, 39 and 52
Cal. #1-13 P.B.**

August 21, 2018

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless (“Verizon”) maintains a co-located wireless telecommunication facility on certain real property owned by Ash Tree Development LLC, a portion of which is leased to Homeland Towers, LLC; and

WHEREAS, Homeland Towers, LLC is the owner of an existing and approved 154-foot monopole tower situated on this property, which support Verizon’s co-located wireless telecommunication facility, pursuant to a Special Use Permit issued by Resolution adopted by the Planning Board on December 11, 2012; and

WHEREAS, the property on which the tower and Verizon’s co-located facility are sited consists of three (3) tax parcels totaling ±11.46 acres of land, located at 117 Waccabuc Road (NYS Route 138) and identified on the Tax Maps of the Town of Lewisboro as Sheet 11, Block 11137, Lots 35, 39 and 52 (the “subject property”); and

WHEREAS, the subject property is located within the R2-A and R4-A Zoning Districts; and

WHEREAS, Verizon maintains its co-located wireless telecommunication facility on the subject property pursuant to a Special Use Permit issued by the Planning Board by Resolution adopted on August 13, 2013 (under Cal. #1-13 P.B.); and

WHEREAS, this Special Use Permit was thereafter amended by Resolution adopted by the Planning Board on April 22, 2014; and

WHEREAS, the Special Use Permit authorizing the co-located wireless telecommunication facility operated by Verizon on the subject property is effective for a term of five (5) years that commenced on the date of filing of the Planning Board’s August 13, 2013 Resolution with the Lewisboro Town Clerk; and

WHEREAS, this Resolution was filed with the Lewisboro Town Clerk on August 15, 2013, thereby rendering the Special Use Permit effective through August 14, 2018; and

WHEREAS, Verizon applied for a five (5) year extension of the Special Use Permit prior to the expiration of the Special Use Permit; and

WHEREAS, Verizon has also applied to the Building Department of the Town of Lewisboro for approval of modifications to its co-located telecommunication facility at the subject property as an “eligible facilities request” (as defined in 47 U.S.C. §1455) pursuant to §220-41.1H(1) of the Lewisboro Town Code; and

WHEREAS, Verizon’s request to extend the term of the Special Use Permit is categorized as a Type II action under the SEQRA regulations and thus exempt from SEQRA review; and

WHEREAS, materials submitted by Verizon with regard to the extension request have been referred to the Antenna Advisory Board (“AAB”); and

WHEREAS, Verizon has submitted a structural report dated April 6, 2018 and a supplemental letter prepared by Tectonic Engineering & Surveying Consultants, P.C. attesting to the structural integrity of the existing tower and the antenna mounted by Verizon thereon; and

WHEREAS, Verizon has submitted copies of licenses issued to it by the Federal Communications Commission confirming its ability to operate the co-located facility situated on the subject property; and

WHEREAS, Verizon has submitted a report dated April 11, 2018 entitled “Antenna Site FCC RF Compliance Assessment and Report” prepared by Pinnacle Telecom Group, which certifies that RF levels from the co-located facility on the subject property will comply with FCC regulations and limits pertaining to RF safety; and

WHEREAS, the Planning Board conducted a duly noticed public hearing on July 17, 2018 and August 21, 2018 with regard to the extension of the Special Use Permit for the co-located facility, at which all interested parties were afforded an opportunity to be heard; and

WHEREAS, in response to comments presented to the Planning Board during the July 17, 2018 public hearing session, the Town of Lewisboro Building Inspector and the Town Planning Consultant, Kellard Sessions, conducted an inspection of the subject property; and

WHEREAS, Kellard Sessions has advised the Planning Board that no Town Code or Special Use Permit violations were observed during this inspection;

NOW THEREFORE BE RESOLVED THAT, the Planning Board hereby grants a five (5) year extension to the Special Use Permit (Cal #1-13 P.B.), which shall be effective for the period beginning August 21, 2018 and ending August 21, 2023; and

•

BE IT FURTHER RESOLVED THAT, any work undertaken by Verizon to modify the co-located facility shall not commence unless it proceeds pursuant to a Building Permit issued by the Town of Lewisboro Building Inspector (for an “eligible facilities request”) or an amendment to the Special Use Permit for any modifications that do not constitute such an “eligible facilities request”; and

BE IT FURTHER RESOLVED THAT, any modified structural elements to be mounted on the tower shall be painted to match the color of the tower; and

BE IT FURTHER RESOLVED THAT, all conditions, restrictions and requirements of the Special Use Permit, as embodied in the aforementioned August 13, 2013 and April 22, 2014 Resolutions adopted by the Planning Board, remain in force and effect; and

BE IT FURTHER RESOLVED THAT, Verizon shall otherwise comply with all governing laws and regulations pertaining to the operation of the co-located wireless telecommunication facility on the subject property during the renewed term of the Special Use Permit; and

BE IT FURTHER RESOLVED THAT, the Planning Board has based this decision on the comments presented at the public hearing, together with the following documents and plans submitted by Verizon and the Planning Board’s consultants:

1. Letter dated April 12, 2018 from Michael P. Sheridan, Esq. of Snyder & Snyder, LLP on behalf of Verizon;
2. Town of Lewisboro Application Form dated April 11, 2018;
3. Memorandum In Support of Application dated April 11, 2018 prepared by Snyder & Snyder, LP on behalf of Verizon;
4. “Mount Analysis Evaluation Letter” dated April 6, 2018 prepared by Tectonic Engineering & Surveying Consultants, P.C. and signed under seal by Anthony A. Gualtieri, P.E.;
5. Copies of FCC Licenses;
6. Antenna Site FCC RF Compliance Report dated April 11, 2018 prepared by Pinnacle Telecom Group;
7. Memorandum from Kellard Sessions dated May 9, 2018;
8. Letter dated May 17, 2018 from Michael P. Sheridan, Esq. of Snyder & Snyder, LLP on behalf of Verizon;

9. "Mount Analysis Supplemental Letter" dated May 14, 2018 prepared by Tectonic Engineering & Surveying Consultants, P.C. and signed under seal by Anthony A. Gualtieri, P.E.;
10. Plans prepared by Tectonic Engineering & Surveying Consultants, P.C. dated (last revised) May 14, 2018:
 - "T-1 Title Sheet"
 - "C-1 Site Plan & Notes"
 - "C-2 Elevation, Antenna Plan & Details"

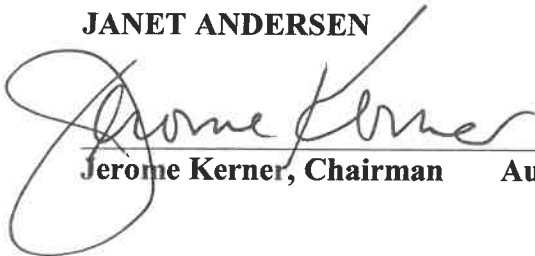
ADOPTION OF RESOLUTION

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

The motion was moved by: *Richard Sklarin*
The motion was seconded by: *John O'Donnell*

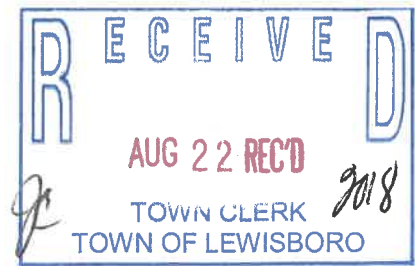
The vote was as follows:

**JEROME KERNER
JOHN O'DONNELL
RICHARD SKLARIN
GREGORY LASORSA
JANET ANDERSEN**



Jerome Kerner, Chairman August 21, 2018

**RESOLUTION
LEWISBORO PLANNING BOARD**



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

Mr. Gustavo Palomino

Cal. # 2-16 W.V.

August 21, 2018

WHEREAS, on July 18, 2016, a Notice of Wetland Violation was issued to Mr. Gustavo Palomino ("Mr. Palomino") with regard to land disturbance activity on property he owns located at 292 Waccabuc Road, Goldens Bridge, New York, which is identified as Sheet 7C, Block 12668, Lot 20 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. Palomino for the following offense:

Regulated activity conducted without benefit of a written wetland permit (Section 217-2 of the Wetlands and Watercourses Law)

Dumping, filling or depositing of material either directly or indirectly within the regulated wetland or buffer area;

WHEREAS, a Planning Board Summons was also issued by the Wetland Inspector on July 18, 2016 directing Mr. Palomino to appear before the Planning Board; and

WHEREAS, thereafter, Mr. Palomino appeared before the Planning Board, accompanied by his counsel, Matthew Mazzamurro, Esq., and on January 17, 2017 entered an admission and plea of guilty to the aforementioned violation; and

WHEREAS, Mr. Palomino thereafter obtained a Wetland Implementation Permit (under Permit # 53-17 W.P.) to conduct restorative work upon the Subject Property; and

WHEREAS, the Town Wetland Inspector has confirmed that the work performed under this permit has been satisfactorily completed; and

WHEREAS, a Wetland Certificate of Compliance was issued by the Wetland Inspector with regard to Wetland Permit # 53-17 W.P. on August 13, 2018, a copy of which is attached hereto; and

WHEREAS, Mr. Palomino appeared before the Planning Board on August 14, 2018, together with his consultant, Jeri Barrett, RLA, and it was established he incurred costs of

approximately \$46,015.00 in connection with the restorative work undertaken on the Subject Property; and

WHEREAS, the Planning Board entered into deliberations concerning the assessment of a civil penalty with respect to the violation of the Town Wetland Law at its August 14, 2018 meeting; and

WHEREAS, having heard from Mr. Palomino and Mr. Barrett, and having conducted such deliberations, and based upon the circumstances recited above, including the nature and extent of the restorative work conducted on the Subject Property, the cost of such work and the post-restoration condition of the Subject Property;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Planning Board has determined to forego the assessment of a civil penalty in recognition of the circumstances associated with the violation and the restorative work completed, and that this matter shall therefore be and 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: Richard Sklarin

The motion was seconded by: Janet Andersen

The vote was as follows:

JEROME KERNER	<u>aye</u>
JANET ANDERSEN	<u>aye</u>
GREGORY LASORSA	<u>abstain</u>
RICHARD SKLARIN	<u>aye</u>
JOHN O'DONNELL	<u>abstain</u>


Jerome Kerner, Chairman

August 21, 2018

WETLAND CERTIFICATE OF COMPLIANCE

TOWN OF LEWISBORO

**Town Offices
79 Bouton Road, South Salem, New York 10590
Phone: (914) 763-3060
Fax: (914) 533-0097**

Date: August 13, 2018

Permit #: 02-16 W.V. and 53-17 W.P.

Permit issued to: Gustavo Palomino
292 Waccabuc Road (Route 138)
Goldens Bridge, New York 10526

Project location: 292 Waccabuc Road (Route 138)

Sheet: 7C Block: 12668 Lot(s): 20

Date of Inspection: July 19, 2018

Comments: All work has been completed in substantial accordance with the Wetland Implementation Permit and the site is stabilized.

The above referenced parcel(s) has been inspected and a determination has been made that work conducted within the regulated area has been completed in substantial accordance with the issued Wetland Activity Permit and the provisions of Chapter 217 of the Town of Lewisboro Town Code.


Wetland Inspector

8/13/18
Date