

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, September 11, 2018 at 7:30 p.m. The audio recording of this meeting is 180911_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
John Wolff, Conservation Advisory Council (CAC)

Mr. Kerner called the meeting to order at 7:30 p.m. and announced a moment of silence for those who perished on September 11, 2001. Jack Potz also requested we remember Jeff Giordano, a member of the FDNY and South Salem Fire District (SSFD) who died September 11, 2001.

I. REQUESTS FOR RELAXATION ON SEPTIC REQUIREMENTS PER PLANNING BOARD RESOLUTIONS AND WETLAND PERMITS

(4:13 – 12:02)

Mr. Siebert reviewed the draft correspondence to be sent to the first five permit holders who have requested relaxation on the annual pumping requirements cited in either a Planning Board Resolution or Wetland Permit. He noted the proposed letter requests the resident submit a complete wetland permit application including: a narrative supporting the request for relaxation, any information on updates to the septic system, specific pumping frequency requested, past septic pumping data forms and an \$1,000.00 escrow. Mr. Siebert stated the applicant can review his/her file and he found the minutes very helpful. He noted that he would confer with the Wetland Inspector if no responses are received as to potential action.

Mr. Kerner stated the previous Board made thoughtful reviews/approvals of these sites and this Board will use the same degree of examination in its review of the relaxation requests.

The Board reached consensus to authorize Ms. Conran to send out the first five pieces of correspondence and to identify the next batch of residents requesting septic relaxation.

II. WETLAND PERMIT REVIEWS

Cal #56-18WP, #09-18SW

(12:03 – 44:47)

Hidden Point Farms, 153 Silver Springs Road, South Salem, NY 10590, Sheet 48, Block 10057, Lot 46 (Hidden Point Farms, LLC, owner of record) – Application for a pool, related structures, utilities and construction access road.

Amy Zabetakis, Esq., Rucci Law Group, LLC; Joe Cerrone, Recreational Design and Construction; and Brian French, P.E., D'Andrea Surveying & Engineering, P.C.; were present on behalf of the applicant.

Ms. Zabetakis stated the property consists of 11 acres; approx.. 2 acres in Wilton, CT (including a 4-bedroom house) and approx. 8.8 acres in Lewisboro (site of the proposed 75' x 182' therapy pool). She noted there is an existing access road that crosses the wetlands and the pool would not be located within the wetland buffer. Ms. Zabetakis cited Otto Theal's Wetland Investigation Report, dated August 9, 2018, and noted there would be a temporary 1,600 sf of disturbance along the access road within the wetlands. She stated the pool is not for commercial use, will remain filled and heated year round and the SWPPP will be submitted shortly. Ms. Zabetakis noted the septic forcemain and culvert are to be protected during construction and will be inspected before, during and after pool construction; there will be a temporary pull-off area on the access road during construction.

Mr. French stated the stormwater will be retained and filtered before discharge; there will be trench and patio drains as well as 22 (4' x 4' x 4') stormwater detention galleys. He noted the stormwater management is calculated to 25-year storm levels, the residential well will supply water after the initial filling and the applicant will resubmit for the October 16th meeting.

Dana Mayclim, Superintendent of Parks & Recreation, stated the lap lanes at the Town Park pool are 75' x 300'.

Mr. Cerrone stated the initial fill will require 140 truckloads of water and temporary steel plates plus granite will be added to the access road in order to protect the culvert. He noted there is a zero grade-entry and pool deck at the north end and the south end (9' deep) will have a pool deck and mechanical room as part of an inaccessible service area. Mr. Cerrone stated the water is filtered by a high-capacity drum filter system using a CO₂-injected nanobubble technology, very little chlorine and it creates little backwash. He noted there would not be a toilet near the pool but perhaps an outdoor shower. Mr. Cerrone stated the fans and blowers will not create noise heard by the neighbors; there will be a 2-million BTU heater, so the pool water will not freeze during the winter; lighting is limited to in-pool lighting and there is currently no path lighting. He noted this is the first-of-its-kind project; it is not a wave pool for lap swimming or a whirl pool with jets.

Mr. O'Donnell requested the applicant supply notes/comment memos from the Lewisboro Building Inspector and Wilton's Building and Zoning offices. The applicant agreed.

Mr. Johannessen requested sections of the deep end and more information on the retention of the water from the outdoor shower. Mr. Cerrone agreed.

Mr. O'Donnell requested the applicant review the proposal with the abutting neighbors. Mr. Kerner requested the neighbors be shown on the next submission. Ms. Zabetakis agreed to provide an aerial map and noted the area surrounding the pool is forested.

Mr. Johannessen stated a Wetland Permit before this Board would require a public hearing.

Cal #58-18WP

(44:49 – 1:02:55)

Boublik Residence, 58 Mead Road, Waccabuc, NY 10597, Sheet 22, Block 10802, Lot 71 (Michael and Miriam Boublik, owners of record) – Application for a pool cabana.

Barry Naderman, Naderman Land Planning and Engineering, was present on behalf of the applicant.

Mr. Naderman stated the proposal is to replace an existing 300 sf pergola with a 600 sf cabana with toilet and outdoor shower located near the pool. He noted the house and pool are approx. 20 years old and there are two existing 15' x 50' stone flow spreaders that capture discharged water. Mr. Naderman stated the project is within the Town-regulated wetland buffer and the septic forcemain located within the wetland buffer triggered this Board's review. He noted the area of disturbance is 4,700 sf and it is greater than 50' away from the wetlands. Mr. Naderman agreed to consider having the shower drain attached to the septic system. He also agreed to investigate any environmental impacts of lead covered copper hardware.

Mr. Johannessen stated that the address is within a Special Character District but the cabana location is not within the district.

There were no comments from the CAC.

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

On a motion made by Mr. O'Donnell, seconded by Mr. Sklarin, the Board determined that the proposal for construction of a 600 sf cabana with a toilet and outdoor shower will be handled administratively under a permit issued by the Wetlands Inspector.

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

III. SITE DEVELOPMENT PLAN

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

(1:02:58 – 2:05:03)

Wilder Balter Partners, NY State Route 22, Goldens Bridge, NY 10526, Sheet 5, Block 10776, Lots 19, 20 & 21 (Property Group Partners, LLC, owner of record) – Application for a 42 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 reviewed the updates to the revised site plan: a decrease from 46 to 42 units; an increase from 72 to 84 bedrooms (1 bedroom [10], 2 bedrooms [22] and 3 bedrooms [10]); the removal of 4 units from the downhill side of Buildings 2 & 3; added parking to achieve the zoning required 116 spaces; Bridleside-style direct-access entrances and the removal of exterior staircases.

Mr. Bainlardi noted the 72-hour pump test report will be completed this week and submitted to this Board and the Westchester County Dept. of Health (DOH). He noted he will send the DOH an amended sewer application this week and the Board will receive revised floor plans as part of the next submission.

Mr. Bainlardi stated the clubhouse is 2,600 sf and the next submission will highlight common areas with crosshatching. He noted that sf figure is 500 sf over the minimum required recreation space and he agreed to supply the maximum occupancy of the clubhouse.

Mr. Bainlardi noted the residential buildings will have emergency lighting and they are considering installation of a generator in the elevator-equipped Building 5. He stated that during a power outage, the clubhouse will be accessible to residents during the day.

The following member of the public addressed the Board:

- Liz Agostino (203 Goldens Bridge Road, Goldens Bridge) asked if the wells/septic can support the revised bedroom count and usage.

Mr. Bainlardi stated the water report will demonstrate the wells meet/exceed the demand from the 84 bedrooms.

Mr. Bainlardi noted residents can use the club space for private parties.

Mr. Kerner requested the applicant reconsider the planting of 10 oaks and 5 red maples along the access road; this was a form of single-entry mitigation. Mr. Bainlardi agreed and will consider shrubs to avoid windfall and road blockage; he suggested a site visit to confirm which trees should remain/be removed.

Mr. La Sorsa reviewed the 116 parking spaces noting it is calculated by 2 spaces per dwelling unit plus an additional space for each unit with 2 bedrooms or more ($84 + 32 = 116$). Mr. Johannessen stated there is not a separate zoning requirement for guest parking; parking requirements are driven by unit and bedroom counts. Mr. Bainlardi agreed to identify guest parking. Mr. Contelmo identified on the revised plan the location of the newly added four spaces as well as three over-sized spaces. Mr. Bainlardi agreed to explore locating an over-sized space near the under-ground fire-suppression water storage tank for firetruck proximity.

The Board discussed the revised impact comparison table. Mr. Johannessen stated the school-aged children estimates were derived from the Rutgers Study and that the Katonah Lewisboro School District (KLSD) demographer concurred. Mr. La Sorsa asked if the number of units went from 82 to 84 how did the population projection go from 110 to 105. Mr. Bainlardi agreed to supply the calculation.

Mr. Siebert stated he hand delivered a set of the revised plans to George Roberts, Goldens Bridge Fire District (GBFD) attorney, and was told the next GBFD meeting was September 6th. Ms. Conran stated Ed Brancati, Fire Commissioner of the GBFD, would check if representatives could attend meetings of this Board on either September 25th or October 16th.

The Board directed Ms. Conran to place the correspondence binder in the Katonah and Lewisboro Libraries. She agreed.

The Board discussed reviewing the public comments garnered from the public hearings and the drafting of the resolution conditions. Mr. Siebert stated he had received a list of comments from Mr. Kerner and Ms. Andersen. He agreed to circulate the preliminary list of issues to the entire Board. Mr. Bainlardi stated he reviewed the Town Planner's draft memo of resolution conditions, requested the Board discuss the list of issues and reminded the Board of the 62-day time frame. Mr. La Sorsa stated he wanted to hear from the GBFD before drafting a resolution.

Ms. Andersen listed items for further discussion: traffic, impact on neighboring wells, wildlife and wetland protection, wetland laws, the stream to Muscoot Reservoir, blasting, lack of a secondary access road, repair of Route 22 and GBFD concerns.

Mr. Contelmo listed the GBFD concerns that had been addressed, including: Knox Boxes, truss placards, road width and review by the International Code Council (ICC). He noted the one GBFD comment that was not feasible was the construction of a secondary access road. Mr. Bainlardi stated he will contact the GBFD to schedule a technical review meeting. Mr. O'Donnell recommended Mr. Siebert contact Mr. Roberts and Ms. Conran contact Mr. Brancati, to request representatives from the GBFD attend the October 16th meeting at 9 p.m.

The Board reached consensus that it would not hold a special meeting on September 25, 2018 and directed the Town Planner to expand his previous conditions memo to include the history of the proposal and its review. The Board acknowledged that this was not a resolution but rather a preliminary document to be used as an outlining tool that will continue to be augmented for example, after comments are received from the GBFD.

IV. WETLAND PERMIT REVIEWS, CONTINUED

Cal #66-18WP

(2:05:19 – 2:15:42)

Gaga Pit at Town Park, 1065 Route 35, South Salem, NY 10590, Sheet 21, Block 1054, Lot 5 (Town of Lewisboro, owner of record) – Application from an Eagle Scout for a Gaga Pit.

Ryan Comstock, Eagle Scout candidate, and Dana Mayclim, Superintendent of Parks & Recreation, were present on behalf of the Town.

Mr. Comstock stated for his Eagle Scout project he is proposing a moveable octagonal gaga pit made of pressure-treated wood near the playgrounds and pavilion at the Town Park. He noted at its meeting tonight, the Town Board approved the project. Mr. Comstock stated he will construct the gaga pit with the aid of his fellow troop members/leaders and parents; use of power tools will be limited to adults.

Ms. Mayclim stated Mr. Comstock will present to the Architecture and Community Appearance Review Council (ACARC) on September 11th, the Open Space and Preserves Advisory Committee (OSPAC) on September 27th and the Town will assume responsibility for the future maintenance of the completed gaga pit.

Mr. Johannessen stated the Building Inspector determined the gaga pit does not require a building permit however its proposed location is 120' from a wetland and being within the wetland buffer triggered this Board's review.

Mr. Kerner asked about wheelchair access. Mr. LaSorsa suggested a ramp or removable piece to allow for easier access.

There were no comments from the CAC.

On a motion made by Mr. O'Donnell, seconded by Mr. La Sorsa, the Board determined that the proposal for construction of a wooden gaga pit at Town Park will be handled administratively under a permit issued by the Wetlands Inspector, with the conditions that the applicant receives approvals from ACARC, OSPAC and the Boy Scouts of America, and a requirement that power tools employed as part of the Eagle Scout project are only utilized by adults.

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

V. DECISION

Cal #07-18PB

(2:15:45 – 2:22:09)

Composting Toilet at Onatru Farm, 99 Elmwood Road, South Salem, NY 10590, Sheet 44, Block 10057, Lot 5 (Town of Lewisboro, owner of record) – Application for a composting toilet.

Dana Mayclim, Superintendent of Parks & Recreation, was present on behalf of the Town.

Mr. Wolff asked instead of proposing composting toilets why isn't the Town tying into the existing septic and does the proposal negate the need of renting port-a-johns. Ms. Mayclim stated there is a well issue at Onatru and organizations renting the facilities also rent port-a-johns. She noted the composting toilets at Town Park have been a success and are used by the 500 campers/staff during summer camp. Ms. Mayclim stated the vendor conducts quarterly maintenance and annual pumping.

Mr. Johannessen reviewed the resolution and noted a typo on page 2, paragraph 2 and he suggested removal of the words, "written and."

On a motion made by Ms. Andersen, seconded by Mr. Sklarin, the resolution as amended, dated September 11, 2018, granting installation of a composting toilet at Onatru Farm, 99 Elmwood Road, South Salem, NY 10590, Sheet 44, Block 10057, Lot 5 was adopted. A copy of the Resolution is attached and is part of these minutes.

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

VI. WETLAND VIOLATIONS

Cal #01-18WV

(2:22:27 – 2:45:25)

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

Mr. Kerner recused himself.

Jack Potz, owner, was present.

Mr. Potz thanked the Board for volunteering and apologized for placing wood chips in the wetlands; he was unaware of wetlands on his property and he won't add any more wood chips. He stated that since the summons he has moved 20 wheel barrow loads from the alleged violation location and that three of his trees came down during Hurricane Sandy. Mr. Potz stated he is retired and worried about expenses to be incurred. He stated he met with Mr. Johannessen and walked the site with him and Jeri Barrett, JD Barrett & Associates. Mr. Johannessen distributed photos from the March 1, 2018 site visit to the Board noting the location of the watercourse and wood chips. He stated the wood chips need to be removed (possibly by Mr. Potz's contractor over the course of a few days with machinery), the slope is unstable and restoration of the site could be achieved by spreading grass seed.

Mr. Johannessen stated a sketch plan and/or narrative needs to be submitted with the application.

Mr. O'Donnell reviewed the next steps: entering a plea, submitting a complete wetland permit application with a plan drawn on the aerial; consultation with a contractor and Mr. Johannessen; the Board will determine the amount (if any) of the civil penalty to be imposed and if this matter can be handled administratively under review of the Wetlands Inspector.

The Board reached consensus to have Mr. Potz return to its November 20th meeting with either an update or a resolution.

After inquiry from Mr. Siebert, Mr. Potz entered a guilty plea. A signed plea was submitted to the Planning Board Administrator.

Cal #03-18WV

(2:45:26 – 3:05:40)

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

Anthony Mendola, owner, was present.

Mr. Mendola distributed printouts from the Dept. of Environmental Conservation (DEC) GIS mapping web site which identifies general locations of DEC wetlands. Mr. Johannessen stated the DEC wetland across the road from Mr. Mendola's property is much closer to Route 35 than shown in Mr. Mendola's handouts.

Mr. Johannessen stated the DEC wetlands are visible from Route 35, he has walked them and to date, the DEC has not issued any violation. Mr. Mendola requested a site visit.

Mr. Johannessen distributed photos from the March 1, 2018 site visit to the Board and noted that wood chips have been deposited within the Town-regulated wetlands. He stated that Mr. Mendola has a Special Use Permit to operate a contractor's yard on his property; there is an off-site pond; and wood chips have gone down the slope into the Department of Transportation (DOT) right of way.

Mr. Mendola stated the March 2018 storms pushed the wood chips down the hill and asked where the wetland buffer starts. Mr. Johannessen stated a wetland scientist makes the determination for wetlands and he is sure Mr. Mendola has placed wood chips in the buffer and he is concerned about the stability of the slope. He noted the DOT has been contacted but they said it should be reviewed at the local level. Mr. Johannessen stated the wood chips need to be removed and the slope stabilized; the removal can take place from above using machinery.

Mr. O'Donnell reviewed the next steps: entering a plea, submitting a complete wetland permit application; consultation with Mr. Johannessen to review an engineering plan; a wetland delineation; the Board will determine the amount (if any) of the civil penalty to be imposed and if this matter can be handled administratively under review of the Wetlands Inspector. Mr. Johannessen stated the DOT would also have to be contacted as there is work that is to be done within the right of way.

Mr. Mendola stated he has removed the material.

The Board reached consensus to have Mr. Mendola return to its November 20th meeting with an update.

After inquiry from Mr. Siebert, Mr. Mendola entered a guilty plea. A signed plea was submitted to the Planning Board Administrator.

VII. DISCUSSIONS

(3:05:50 - 3:15:13)

Press Requests

Mr. O'Donnell stated he had been contacted by a member of the press regarding the Wilder Balter application and he would like the Board to consider establishing a policy for communications between the Board and the press.

Distribution of late materials to the Planning Board and its consultants

Mr. O'Donnell stated he has noticed some slippage in when materials are received and he would like to discuss increasing the time between submission deadlines and meeting dates. He noted tonight's agenda had two applications from the Town there were received just a few days prior to the regularly scheduled meeting.

Adjournments and Wetland Violations

Mr. O'Donnell stated recently several adjournment requests have been received very close to meeting time. Mr. Sklarin stated there should be a standard for adjournments. Mr. Kerner stated during meetings updates need to be informative and an applicant adjourns at his/her own peril. Mr. La Sorsa stated adjournment requests should be received 48-72 hours before the meeting. Mr. Siebert will draft guidelines that can be included on the web site/application instructions.

Mr. O'Donnell requested wetland violations be placed earlier in the agendas.

Hardcopies of Materials

Mr. Kerner asked the Board to consider how many hard copies members need if they are reviewing materials solely via the online agenda packet. Mr. Sklarin requested one email instead of many emails regarding separate applications.

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 MINUTES OF August 14, 2018 and MINUTES OF August 21, 2018.

The Board did not discuss the unapproved minutes.

IX. ADJOURNMENT

(3:15:14 – 3:15:30)

On a motion made Mr. O'Donnell, seconded by Mr. La Sorsa, the meeting was adjourned at 10:45 p.m.

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

Respectfully Submitted,



Ciorsdan Conran
Planning Board Administrator



**RESOLUTION
LEWISBORO PLANNING BOARD**

**WAIVER OF SITE DEVELOPMENT PLAN APPLICATION REQUIREMENTS AND
SITE DEVELOPMENT PLAN APPROVAL
COMPOSTING TOILETS AT ONATRU FARM**

**99 ELMWOOD ROAD
Sheet 44, Block 10057, Lot 5
Cal # 7-18 PB**

September 11, 2018

WHEREAS, the subject property consists of ± 32 acres of land, located at 99 Elmwood Road, and is known as Onatru Farm ("the subject property"); and

WHEREAS, the subject property is owned by the Town of Lewisboro and contains municipal offices, Town maintenance facilities, civic space, and recreational facilities; and

WHEREAS, the subject property is located within the R-4A Zoning District and is within the Special Character Overlay Zone; and

WHEREAS, the Town of Lewisboro Town Board ("the owner/applicant") is proposing the installation of composting toilets to be contained within a $\pm 11' \times 10'$ single-story building ("the proposed action"); and

WHEREAS, the applicant has identified two (2) potential locations for the composting toilets on the subject property, both of which are centrally located and positioned adjacent to, and on the south side of, the main gravel parking lot; and

WHEREAS, both locations currently consist of lawn area and are both located outside of the Town's 150-foot regulated wetland buffer area; and

WHEREAS, the proposed composting toilets will be similar to those that exist at the Town Park, located on NYS Route 35; and

WHEREAS, in accordance with Section 220-47A of the Zoning Code, the application qualifies for a waiver of Site Development Plan application procedures; and

WHEREAS, the Planning Board is familiar with the subject property and the general surrounding area; and

WHEREAS, the proposed use will not result in a zoning nonconformity; and

WHEREAS, the Planning Board has considered the submitted Site Development Plan Application, materials submitted by the applicant in support of its proposal, ~~the written and~~ verbal comments from the Board's professional consultants, the verbal commentary made during Planning Board meetings, and testimony of the applicant. *JA*

NOW THEREFORE BE IT RESOLVED THAT, the proposed action is a Type II Action under the State Environmental Quality Review Act (SEQRA); and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby determines that the proposed action qualifies for a waiver of Site Development Plan application procedures under §220-47A of the Zoning Code; and

BE IT FURTHER RESOLVED THAT, given the limited scale of the proposed action and in accordance with Section 220-46D of the Zoning Code, the Planning Board hereby waives the requirement for a public hearing; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby finds that either proposed location presented by the applicant will be acceptable and, therefore, the Planning Board hereby grants Site Development Plan Approval, as presented and subject to approval by the ACARC.

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: Janet Andersen

The motion was seconded by: Richard Sklarin

The vote was as follows:

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


Jerome Kerner

September 11, 2018