

Meeting of the Planning Board of the Town of Lewisboro held at the Justice Court at 79 Bouton Road, South Salem, New York on Tuesday, December 18, 2018 at 7:30 p.m. The audio recording of this meeting is 181218_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 7:32 p.m. and noted the exits.

I. PUBLIC HEARINGS

Cal #06-18PB

(0:56 – 4:06)

King Lumber, Meadow Street, Goldens Bridge, NY 10526, Sheet 4A, Block 11111, Lot 2, Sheet 4A, Block 11113, Lots 7 & 9, Sheet 4A, Block 12035, Lot 5 (King Lumber Realty and King Meadow Street Realty – owners of record) - Application for Site Plan Review for lumber yard and U-Haul rental facility.

Warren Lockwood, owner; Michael Sirignano, Esq.; and Jeri Barrett, J. D. Barrett & Associates, were present.

The Chair announced the continuation of the public hearing and asked if there were any objections to the time, place or advertisement of the public hearing. No objections were raised.

Mr. Sirignano stated the Building Inspector has issued a decision that the current submission is zoning compliant. Mr. Kerner confirmed receipt of that memo.

Mr. Barrett stated the deck display was moved and Shed C was removed.

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

On a motion made by Mr. La Sorsa, seconded by Ms. Andersen, the public hearing was closed at 7:33 p.m.

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

Mr. Johannessen stated page 3 of the draft resolution included language related to the Building Inspector's memo and the applicant receiving variances from the ZBA. He recommended removing Condition #3 as the applicant is zoning compliant per the Building Inspector's memo.

On a motion made by Ms. Andersen, seconded by Mr. Sklarin, the resolution dated December 18, 2018 issuing Site Development Plan Approval, as amended, to King Lumber, Meadow Street, Goldens Bridge 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.

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

(4:07 – 27:29)

Hidden Point Farms, 153 Silver Springs Road, Wilton, CT 06897, Sheet 48, Block 10057, Lot 46 (Hidden Point Farms, LLC, owner of record) – Application for a pool, related structures, utilities and construction access road.

Erik and Sarah Antonson, owners; Amy Zabetakis, Esq., Rucci Law Group, LLC; Joseph Cerrone, Recreational Design and Construction; Matt Popp, ASLA, Environmental Land Solutions; Richard Regan, P.E. and Bryan French, P.E., D'Andrea Surveying & Engineering, P.C.; were present.

The Chair announced the commencement of the public hearing and asked if there were any objections to the time, place or advertisement of the public hearing. No objections were raised.

Prior to the start of the meeting, Ms. Zabetakis submitted the receipts for mailing the public hearing notices, affidavit of mailing and affidavit of sign posting to the Planning Board Administrator. Ms. Zabetakis stated that legal notices were sent to abutting neighbors (500' from the subject property) in both Wilton and Lewisboro.

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 stated the 1,600 sf of disturbance in the wetlands is temporary and will be restored to existing conditions at the end of the project. She noted there will be 5,000 sf of wetland enhancements and the size of the mechanical building has been reduced to under 600 sf so it no longer requires a variance.

Ms. Zabetakis stated the sole outstanding item from the Kellard Sessions memo was a written determination from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) as to archeological significance, if any. She noted that Ernest Wiegand, Hudson Highlands Environmental Consulting, will be conducting the study. The applicant agreed to provide that report upon receipt.

Ms. Zabetakis stated the SWPPP has been submitted and complied with all state and local regulations. She noted that while the pool is not subject of the wetland public hearing, she stated it is secluded, uses nanotechnology (not chemically treated) and the alarm system will alert the owner of any issues.

Ms. Andersen summarized the December 15, 2018 site visit by Mr. O'Donnell, Mr. Sklarin and herself. She noted a large wetland and small water course were visible. The Board members followed the mowed path through and beyond stone walls to the hill with the pool site. The pool site is in what appears to be second growth forest and she did not observe neighboring structures. Ms. Andersen stated the neighbor to the north should be notified as they will be affected during construction activity. Ms. Zabetakis stated the neighbor to the north has received project materials and has not expressed any objections. Mr. O'Donnell stated he could see the property to the north and many of the grounds walked were soggy.

Ms. Zabetakis stated she had seen a comment letter from James Hamren (21 Wakeman Road, South Salem) and noted she does not foresee any effect on the aquifer from this pool as the water is fresh water and there are systems in place to prevent catastrophic failure.

Mr. Cerrone stated the pool is not chlorinated nor is it a salt water pool. He noted CO₂, O₂ and O₃ are injected into the water from the pool floor and there is a small amount of chlorine in the pool to prevent animals from drinking the water. Mr. Cerrone stated the pool is equipped with a water-level alarm system that notifies the owner and manufacturer of any problems.

Mr. O'Donnell noted that Scotts Reservoir has not sent in comments.

Mr. Kerner asked if the purpose of the pool is surfing and would it be available to others outside the homeowner's family and their guests. Ms. Zabetakis stated the pool is for use of the family.

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

On a motion made by Mr. La Sorsa, seconded by Mr. Sklarin, the public hearing was closed at 7:54 p.m.

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

On a motion made by Mr. O'Donnell, seconded by Mr. La Sorsa, the Board determined that the construction of the access road through the wetlands and the pool and related structures/utilities at Hidden Point Farms, 153 Silver Springs Road, Wilton, CT, will be handled administratively under a permit issued by the Wetlands Inspector with the condition of reports from the Building Inspector and OPRHP.

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

II. SKETCH PLAN REVIEWS

Cal #10-17PB

(27:30 - 58:57)

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

Thomas Maoli, Mercedes Benz of Goldens Bridge; Stephen Spina, P.E., John Meyer Consulting (JMC); and Michael Sirignano, Esq.; were present.

Mr. Spina stated JMC has been working to address concerns from Kellard Sessions and outside agencies. He noted that the site plan approvals in 2015 called for a berm which he stated was a sufficient buffer.

Mr. Sirignano stated the proposed design was well received by Architecture and Community Appearance Review Council (ACARC) at its July 11, 2018 meeting and ACARC requested the applicant return with a landscape plan. The applicant agreed and is asking for a second referral to ACARC.

Mr. Kerner asked about the lot-line encroachment for the southeast corner of the new building. Mr. Sirignano stated they were waiting for the Building Inspector to provide a list of all variances.

Mr. O'Donnell asked about a licensing agreement between the Town Board and the applicant. Mr. Sirignano agreed to research the licensing agreement and whether it transfers to a subsequent owner.

Mr. Johannessen stated the landscape plans should mimic previous plans where 30' shade trees are shown not the 10' holly trees shown on the current plan. Mr. Kerner noted that trees planted near the building should be narrow such as a poplar. The applicant agreed to review the trees proposed and road visibility.

Mr. Spina stated he is waiting for comments from Westchester County Dept. of Health (DOH) on the revised the septic system plan.

Mr. Johannessen stated many of his outstanding comments are of a technical nature. He listed some open items: the review of the traffic report by an outside traffic engineer; supplementing the EAF, Part 3 to include more information on water and sewer; bulk storage of fuel; the lighting plan has 20 fc listings in the northeast corner and is proposing lighting the two upper lots all night. The applicant agreed to review the lighting plan.

Mr. Maoli stated motion detectors and night-vision cameras can be installed for security. He added that the back area can be fenced off at night and the lights can be turned off at 7 or 8 p.m.

Mr. Johannessen stated he received proposals from three capable/comparable outside traffic engineer firms to review JMC's traffic study; the firms are Adler (Chazen), F.P. Clark and Maris and the costs ranged from \$4,500 to \$10,000. He noted Clark stated the Board will receive a report prior to its next meeting.

On a motion made by Ms. Andersen, seconded by Mr. Sklarin, the Board retained F. P. Clark to review the traffic study submitted by Mercedes Benz of Goldens Bridge, 321 Main Street, Goldens Bridge, NY, with the understanding that a report will be received by the Board's January 15, 2019.

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

The Board reached consensus to have the applicant return to ACARC for comment and requests the Building Inspector provide the Board with a list of required variances.

Mr. O'Donnell stated current application materials should be on file at the local libraries. Mr. Spina stated he will provide local groups with the web site of plans. Mr. Maoli stated they could place an ad in the paper with the web address.

Mr. Siebert stated the Board needs to make its State Environmental Quality Review Act (SEQR) determination before the Town Board could address the applicant's request to change the zoning of two abutting properties.

III. WAIVER OF SITE DEVELOPMENT PLAN

Cal #09-18PB

(59:01 – 1:14:27)

Kulangara Residence, 25 Fairmount Road, Goldens Bridge, NY 10526, Sheet 7I, Block 11127, Lot 2 (Kulangara Trust, owner of record) – Application for Waiver of Site Development Plan for an existing deck.

Rose Kulangara, owner, was present.

Mr. Johannessen stated the site is a single-family attached residential unit and the previous owner added a rear deck (23" x 11") without a building permit. He noted the deck is close to the property line and at the time of site plan approval an at-grade patio was approved and is shown on an as-built survey. Mr. Johannessen stated when the current owner went to sell the unit the Building Inspector noticed the unapproved deck and advised the owner to legalize it. He noted that the unit is in a multi-family zone, requires Planning Board approval and the original Wild Oaks site plan/setbacks could not be located.

Mrs. Kulangara stated she purchased the unit with deck in 1987, her title insurance and mortgage includes a deck and there has been a Certificate of Occupancy for forty years. She noted the Building Inspector requested an as-built survey for the Building Dept. files. Mrs. Kulangara stated her buyer could not close because of the lack of survey with deck. She noted that her neighbors have never commented on the existing deck.

Mr. Siebert stated there is no record of the setbacks due to the lack of site plan. He noted the Board can grant a resolution Waiving Site Plan Requirements or Waiving Site Plan Approvals based on the recent survey that has been tendered.

On a motion made by Mr. Sklarin, seconded by Ms. Andersen, the resolution dated December 18, 2018 issuing Waiver from Site Development Plan Procedures, to the Kulangara Trust, 25 Fairmount Road, Goldens Bridge for an as-built deck was adopted. A copy of the Resolution is attached and is part of these minutes.

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

IV. WETLAND VIOLATIONS

Cal #01-18WV, #76-18WP

(1:14:36 – 1:36:30)

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

Jack Potz, owner, was present.

Mr. Johannessen stated the application has not received a technical review because the applicant has not submitted escrow. He noted there was never an approved plan nor authorization to begin remediation at the site. Mr. Johannessen stated he met with the applicant three times; once at the site, twice in the Town offices.

Mr. Siebert stated Mr. Potz has entered a guilty plea and submitted an incomplete wetland application, a complete application is necessary to move this forward.

Mr. Potz stated he thought he could spread out the wood chips to grade.

Mr. Kerner stated that per the Town Code wood chips are not to be stockpiled in the wetlands and once a violation is determined the violator must develop a mitigation plan for review by the Town's wetland consultant. Mr. Siebert added that the plan must be accompanied by a complete application including an escrow. The Board reached consensus that a \$500 escrow was appropriate for this application.

Mr. Potz stated he had contacted Jeri Barrett, RLA, who made a site visit and Mr. Barrett stated the wood chips were beneficial and keeping down the briars and brambles. Mr. Potz noted he had moved the wood chips by hand.

Mr. Johannessen stated he would make a site visit to review what work has been done and make a determination if additional work is necessary.

The Board reached consensus that the applicant is to return before the Board at its January 15, 2019 meeting.

Mr. Siebert stated he would write Mr. Potz outlining the next steps: establish \$500 escrow, site visit December 20, 2018 at 11:30 and attend the Board's January 15, 2019 meeting.

Cal #03-18WV, #70-18WP

(1:36:33 - 1:41:33)

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

Anthony and Nicholas Mendola, owners, were present.

Mr. Johannessen stated that Mr. Anthony Mendola entered a guilty plea, submitted a wetland application and Mr. Johannessen had a question about where the fence was extending to and the location of the winterberry plants.

The Board reached consensus that the public hearing be waived, the matter could be handled administratively and the applicant is to return before the Board at its May 21, 2019 meeting at which time a civil penalty, if any, will be determined.

On a motion made by Mr. Sklarin, seconded by Mr. O'Donnell, the Board determined that the wetland violation at the Mendola Residence, 1320 Route 35, South Salem, will be handled administratively under a permit issued by the Wetlands Inspector and the applicant is to return to the Planning Board May 21, 2019 meeting with an update.

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

Mr. O'Donnell recommended that another wetland violation, Jeff Lupiensi (23 Elmwood Road, South Salem, Cal #02-18WV), also return before the Board at its May 21, 2019 meeting.

Cal #04-18WV

(1:41:34 - 1:43:16)

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

The owner was not present for this application.

Mr. O'Donnell recused himself.

Mr. Siebert stated Ms. Lordi emailed the Board that she was not able to attend tonight's meeting and he recommended that this matter be placed on the January 15, 2019 agenda. He noted Ms. Lordi has not entered a plea nor submitted a wetland application and he will send her a written request that she appear at the Board's next meeting.

The Board reached consensus to adjourn the matter to its January 15, 2019 meeting.

V. CORRESPONDENCE

Cal #08-17PB, 16-17SW

(1:43:43 – 1:50:10)

Oakridge Commons, 450 Oakridge Commons, South Salem, NY 10590, Sheet 49D, Block 9829, Lot 10 (Smith Ridge Associates, owner of record) - Application for Site Plan Review for construction of a daycare and installation of a car wash.

Phil Pine, owner, was present.

Mr. Pine requested the Board consider his posting of a \$6,850.00 cash bond, in lieu of landscape plantings, as the plantings cannot be completed this time of year. He noted that these plantings are a condition of obtaining a Certificate of Occupancy (CO) for the daycare center. Mr. Pine added that the paving is complete and neither the proposed transformer pad nor rear sidewalk will be installed.

Mr. Siebert stated that Condition #23 of the Planning Board's February 27, 2018 Resolution required that all proposed improvements must be complete prior to the issuance of the CO.

Mr. Johannessen concurred that \$6,850.00 is an acceptable amount for the landscape bond. He noted the modifications to the site plan (removal of transformer pad and sidewalk section) can be handled as field changes.

On a motion made by Mr. Sklarin, seconded by Mr. O'Donnell, the resolution dated December 18, 2018 amending the Planning Board's February 27, 2018 Resolution granting Amended Site Development Plan Approval (Phase 4) (specifically, Condition #23) which stated that a Certificate of Occupancy would not issue for the child day care center "until all proposed improvements, both site and building related, are complete to the satisfaction of the Building Inspector and the Town's consultants"; to Smith Ridge Associates, 450 Oakridge Commons, South Salem, NY 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. REQUESTS FOR RELAXATION ON SEPTIC REQUIREMENTS PER PLANNING BOARD RESOLUTIONS AND WETLAND PERMITS

(1:50:19 - 1:52:48)

Ms. Conran stated that of the ten residents that had requested relaxation on septic requirements and were sent wetland applications to amend their existing permits one had picked up a blank application but not submitted and two other residents voiced their opinion that the amendment process was unfair.

Mr. Siebert stated he had discussed this matter with the Wetland Inspector and that violations would be issued to residents who are not compliant.

VII. DISCUSSION

2019 Meeting Dates and Deadlines

(1:52:49 – 2:11:49)

Mr. O'Donnell stated he is unavailable to meet on Wednesdays and suggested Thursdays. He recommended:

- the initial submission date match the regular monthly meeting date to avoid postage costs;
- an increase in the time between submissions and meetings allowing Kellard Sessions more time to review and prepare its memos;
- additional meetings to address wetland violations and septic compliance; and
- place smaller matters be at the top of the agenda.

Mr. La Sorsa stated there should be clearer instructions to applicants regarding submissions instead of holding additional meetings, the 11 p.m. curfew needs to be enforced and a limit on the number of public hearings during the same meeting.

Mr. Sklarin recommended prioritizing matters in such a way that agendas include substantive updates.

The Board reached consensus that it would not add one additional placeholder meeting per quarter and requested the Kellard Sessions memos a week earlier. Mr. Johannessen requested the resubmission deadline be three weeks before the meeting.

On a motion made by Mr. O'Donnell, seconded by Mr. La Sorsa, the regular 2019 Meeting Dates calendar dated October 3, 2018, amending the February meeting date from the 19th to the 26th, was adopted.

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

VIII. SITE DEVELOPMENT PLAN

Cal #08-18PB, #81-18WP, #10-18SW

(2: 11:50 – 2:34:21)

Waccabuc Country Club, 90 Mead Street, Waccabuc NY 10597, Sheet 22, Block 10802, Lots 61 & 37 (Waccabuc Country Club, owner of record) – Application for Waiver of Site Development Plan Procedures for a wash facility and bulk storage.

Ms. Andersen stated that while she is a member and President of the Three Lakes Council (TLC) and in the past there the TLC and the Waccabuc Country Club have worked together, she will not recuse herself from the Board's discussions on this matter.

Mr. Kerner stated that application was signed by Mark Weigel, his regular tennis partner. He will not recuse himself from the Board's discussions on this matter.

John Assumma, Waccabuc Country Club (WCC); and John Doyle, Doyle Coffin Architecture, were present.

Mr. Doyle stated the proposal is to install a chemical wash station and bulk storage building. He noted that his firm is working on a Master Plan for the WCC and one of the goals was to clean up the Carriage House Road area and reduce the number of curb cuts. Mr. Doyle stated the proposed location of the chemical wash station was selected for its flat ground and distance from a stream and Mead Street. He noted the installation of the chemical wash station would bring the golf club up to NYS Code; the building will house the chemical mixing, contain chemical spills, capture runoff from washed sprayers and mowers and recycle the water. Mr. Doyle stated this water is not tied to the septic but rather is a closed system. He noted the building's design is patterned after the chemical wash station at the Bedford Golf and Tennis Club. Mr. Doyle stated the manufacturer, Carbtrol Corp., will be part of the construction process.

Mr. Doyle stated the bulk storage shed will house sand and gravel piles, but no fertilizers. He noted the design is patterned after the WCC's existing paddock building which has an open front and is built into the hill.

Mr. Doyle stated at a later date, the WCC will return with plans to renovate the barn and this is mentioned on the plan as Phase 2.

Mr. Johannessen stated the approvals for this proposal include: site plan, wetland, stormwater, ACARC and Dept. of Environmental Protection (DEP). He noted the application should stay before the Board and a SWPPP will need to be prepared. Mr. Doyle stated they received an approval from ACARC last week.

Mr. Assumma stated the course's opening date is April 1, 2019. Mr. Siebert recommended the applicant submit the application to the Building Dept. as soon as possible in case there are any variances required.

The Board reached consensus for the applicant to return to its February 26, 2019 meeting and request a memo from the Building Inspector.

The Board took a four-minute recess.

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

(2:38:40 – 3:31:15)

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, was present.

Mr. La Sorsa stated the draft resolution is lacking important items and should address/include:

- Wilder Balter's continued management of the development;
- an accurate number of occupants;
- more information on insurance and well/septic levels;
- specific information on transportation;
- protection for the Town with regard to tax amounts;
- the developer should pay the increase in tax burden;
- outstanding issues from the Goldens Bridge Fire District (GBFD); and
- indemnification/ hold harmless provisions for: lawsuits brought against the Town and if the school children moving into the Katonah Lewisboro School District (KLSD) be higher than projected.

Mr. Siebert stated the Assessor will determine the assessment and the Board cannot place an impact fee on the applicant. He noted the KLSD will levy its tax and the amount will be apportioned across all the property owners in Town.

Mr. Johannessen stated the proposed mitigation includes the applicant paying for a post-construction signal analysis. He noted the Department of Transportation (DOT) has determined that signalization of the Route 22/ I-684 6A exit ramp

intersection is not warranted. Mr. La Sorsa stated that during the December 20, 2016 Board meeting he requested a scoping session and collection of anecdotal evidence related to the traffic in this area. The Board discussed prohibiting a left turn into the development for a vehicle travelling southbound on Route 22 during rush hour. Mr. Johannessen stated only the DOT has the authority to make that determination and the Town could petition the DOT.

Mr. Bainlardi stated the development will take 18 months to construct. He noted after the traffic counts and warrant analysis the plan was modified to include a right turning lane for vehicles travelling northbound on Route 22. Mr. La Sorsa disagreed with Mr. Bainlardi that the traffic increase was *de minimis* as there will be 27 additional left turns.

The following members of the public addressed the Board:

- Michael Begley (13 Shoshone Drive, Katonah) stated the traffic study is three years old, the traffic pattern is different now, drivers are using software navigation systems and mile-long backups are created by cars travelling from Routes 121 and 138 or Routes 35 and 22 to access I-684. Mr. Sklarin concurred that the traffic has increased on Route 138.

Mr. Begley asked about the maximum occupancy and noted that the U.S. Department of Housing and Urban Development (HUD) recommendation is two people per bedroom. He noted that this would result in 168 residents not the 105 cited in the EAF.

- Liz Agostino (203 Goldens Bridge Road, Goldens Bridge) discussed well testing and is concerned about blasting.

Mr. Johannessen stated the draft resolution includes modifications made after GBFD comments including the widened drive aisle, sprinklers and standpipes to the attic.

Mr. La Sorsa requested an executive session to discuss these items further.

Mr. O'Donnell requested a written opinion from Mr. Siebert on a number of topics:

- the Town of Huntington cases (1980 and 1989);
- noise from I-684;
- does meeting Town Code provisions preclude the Board from considering higher standards;
- was the Rutgers Study adopted;
- is Westchester County doing its own Rutgers-style Study;
- can affordable housing be spread throughout Lewisboro;
- does the Town have a Master Plan regarding affordable housing;
- items raised by the public during the public hearings;
- maintenance of the shuttle bus; and
- maintenance of the well/septic systems.

Ms. Andersen stated she had forwarded questions to Mr. Johannessen and Mr. Siebert regarding the shuttle bus; she will forward those questions on to the rest of the Board. Mr. Siebert stated the resolution could be wordsmithed to include subsequent owner or affiliate for operation of the shuttle bus and the completed development.

Mr. Siebert stated he would provide the Board memos regarding: the Town of Huntington cases, clarification of the Rutgers Study analysis and school impacts, this Board's ability (if any) to impose indemnification and does compliance with Town Code limit the Board adopting stricter standards. He noted that an item such as a two-year monitoring plan for the well/septic systems should not be folded into the site plan resolution.

The Board reached consensus to schedule a special meeting for this application January 24, 2019 at 7:30 p.m.

IX. DISCUSSIONS

(3:18:49 – 3:36:30)

Distribution of late materials to the Planning Board and its consultants

Mr. O'Donnell stated memos from the Building Inspector should reach the Board in advance of the meeting.

Ms. Conran stated she distributes materials to the Board even if they are received late.

Hardcopies of Materials

The Board reached consensus to keep the nine submissions as six full-size and three reduced/legible size.

Press Requests

Mr. Siebert stated he had reviewed guidelines for other municipalities and amended the Board's guidelines regarding Press Requests.

On a motion made by Mr. O'Donnell, seconded by Mr. Sklarin, the Planning Board's guidelines dated December 12, 2018 were adopted.

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

Adjournments and Wetland Violations

Ms. Conran stated control dates are set for alleged wetland violations and even if there are no new materials for the Board to review, she keeps the item on the agenda. Mr. O'Donnell agreed these items should remain on the agenda and not be adjourned. Mr. Siebert stated the Board does have the authority to determine fines but there is no mechanism to collect that fine. He noted he would follow up with the Town Board about the creation of a lien mechanism.

- X. 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; MINUTES OF August 21, 2018; MINUTES OF September 11, 2018; MINUTES OF October 16, 2018; and MINUTES OF November 20, 2018.**

The Board did not discuss the unapproved minutes.

XI. ADJOURNMENT

(3:36:31 - 3:36:33)

On a motion made by Mr. Sklarin, seconded by Ms. Andersen, the meeting was adjourned at 11:07 p.m.

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

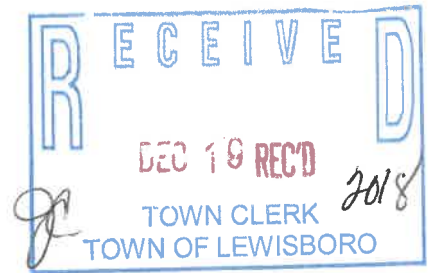
Respectfully Submitted,



Ciorsdan Conran
Planning Board Administrator

**RESOLUTION
LEWISBORO PLANNING BOARD**

**KING LUMBER
MEADOW STREET**



**NEGATIVE DECLARATION OF SIGNIFICANCE
SITE DEVELOPMENT PLAN APPROVAL**

**Sheet 4A, Block 11111, Lot 2
Sheet 4A, Block 11113, Lots 7 & 9
Sheet 4B, Block 12035, Lot 5
Cal. #06-18 P.B.**

December 18, 2018

WHEREAS, the subject property is located within the hamlet of Goldens Bridge and is comprised of several lots totaling ± 4.07 acres of land with the General Buisness (GB) Zoning District ("the subject property"); and

WHEREAS, the subject property is located at the end of Railroad Avenue, on Meadow Street, and is immediately west of the Metro-North Railroad tracks; and

WHEREAS, the subject property is owned by King Lumber Realty, LLC and King Meadow Street Realty, LLC ("the applicant") and is comprised of the following tax lots:

- a. Sheet 4A, Block 11111, Lot 2; and
- b. Sheet 4A, Block 11113, Lots 7 & 9; and
- c. Sheet 4B, Block 12035, Lot 5; and

WHEREAS, the subject property is nearly all developed and has historically been used as a lumber yard, known as King Lumber; and

WHEREAS, Tax Lots 7 and 9, which contain the main retail building and customer parking lot, were previously occupied by Westchester Ford Tractor, Inc. (a tractor dealership) and is the subject of an approved Site Development Plan, signed by the Planning Board Chairman on February 21, 1989; and

WHEREAS, reference is made to the site plan of record for Westchester Ford Tractor, Inc. entitled "Site Plan", prepared by Nickitas F. Panayotou, P.E., dated (last revised) January 19, 1989; and

WHEREAS, no site plan exists for Tax Lots 2 and 5; however, a lumber yard has been in operation on these lots for more than a century and this use/development predates zoning; and

WHEREAS, the applicant acquired Tax Lots 7 and 9 (formerly used as a tractor supply) in 2006 and began utilizing these lots as part of its lumber business without first obtaining site development plan approval (required for the change of use and modifications made to the site plan of record); and

WHEREAS, the applicant is currently operating an unauthorized U-Haul rental business on premises; and

WHEREAS, U-Haul trucks are rented and returned to the site and, after the close of business when the site secured and inaccessible, U-Haul trucks are left along Meadow Street within the Town right-of-way; and

WHEREAS, the Building Department issued the applicant a notice of violation for non-compliance with the site plan of record, thus triggering the applicant's application to the Planning Board; and

WHEREAS, the application includes an as-built site development plan of the entire site, along with modifications to accommodate the subsidiary U-Haul rental business ("the proposed action"); and

WHEREAS, the proposed action also includes, but is not limited to, the installation/reconfiguration of fencing and gates to allow U-Haul trucks to enter the site and park after business hours, while continuing to secure the remainder of the site. Further, the application includes the installation of protective bollards, the relocation of handicap and standard parking spaces, the relocation of a deck display, the installation of two (2) 275 gallon above-ground fuel tanks, and the removal of a noncomplying shed; and

WHEREAS, reference is made to an existing conditions survey entitled "Survey of Property prepared for King Lumber Realty, LLC and King Meadow Street Realty, LLC," prepared by H. Stanley Johnson and Company, dated February 21, 2018; and

WHEREAS, reference is made to review memorandums prepared by Kellard Sessions, the Town's professional consultants, dated August 8, 2018 and November 14, 2018; and

WHEREAS, reference is made to a review letter prepared by the Town Building Inspector, dated November 20, 2018; and

WHEREAS, the proposed action was referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law and reference is made to the County's August 31, 2018 response letter; and

WHEREAS, the proposed action has been referred to and reviewed by the Conservation Advisory Council (CAC); and

WHEREAS, reference is made to Parts 1 and 2 of the Short EAF, dated October 16, 2018; and

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

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

WHEREAS, a duly noticed public hearing was opened on November 20, 2018 and was adjourned to and closed on December 18, 2018, at which all interested parties were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board hereby determines that the proposed action is an Unlisted Action under SEQRA, 6 NYCRR Part 617 and a coordinated review was not conducted; and

BE IT FURTHER RESOLVED THAT, the Planning Board has compared the proposed with the Criteria for Determining Significance in 6 NYCRR 617.7(c) and determined that its implementation will not have a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED THAT, the Planning Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action, including other simultaneous or subsequent actions; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby issues the attached Negative Declaration of Significance; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants Site Development Plan Approval, subject to the below enumerated conditions; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves the following drawings, hereafter referred to as "the approved Site Development Plans", subject to the conditions listed below:

Plans Reviewed, prepared by J.D. Barrett & Associates, LLC, dated (last revised) November 28, 2018:

- Existing Conditions Site Plan (Sheet 1 of 2)
- Site Plan (Sheet 2 of 2)

BE IT FURTHER RESOLVED THAT, Site Development Plan Approval, defined as the signing of the approved Site Development Plans by the Planning Board Chairman, shall expire unless a Building Permit is applied for within one (1) year of the date of the signing of the plans or if all required improvements are not completed within three (3) years of the signing of the plans or if the construction or use shall cease for more than one (1) year; and

BE IT FURTHER RESOLVED THAT, the Planning Board may extend conditional approval and approval of the Site Development Plans by not more than two (2) additional periods of ninety (90) days each if, in the Planning Board's opinion, such extension is warranted by the circumstances; and

BE IT FURTHER RESOLVED THAT, any future phase or subsequent alterations, modifications, additions or changes to the approved and/or constructed improvements shall require the prior review and written approval by the Planning Board as a new, modified and/or amended application for Site Development Plan Approval; and

BE IT FURTHER RESOLVED THAT, failure to comply with the approved Site Development Plans or any of the conditions set forth herein shall be deemed a violation of Site Development Plan Approval, which may lead to the revocation of said approval or the revocation by the Building Inspector of any issued Building Permit or Certificate of Occupancy; and

BE IT FURTHER RESOLVED THAT, Conditions #1 - 6 must be fulfilled within six (6) months of the date of this Resolution (June 18, 2018). Should these conditions not be satisfied within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said 6-month period and granted by the Planning Board.

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

1. The Site Development Plans shall contain an updated revision date with notation stating "Planning Board Approval", shall contain an original seal and signature of the design professional and shall contain an original signature of the owner(s).
2. The applicant shall satisfy any written comments provided by the Town's professional consultants.

3. The applicant shall submit a "check set" (2 copies) of the approved Site Development Plans, prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
4. Following review and revision (if necessary) of the final plans, the applicant shall furnish the Planning Board with two (2) complete mylar sets of the approved Site Development Plans for final review by the Town's consultants and endorsement by the Town Engineer, Planning Board Chairman and Secretary.
5. The applicant shall provide a written statement to the Planning Board Secretary acknowledging that they have read and will abide by all conditions of this Resolution.
6. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding application and professional review fees.

Conditions to be Satisfied Prior to the Issuance of a Building Permit:

7. The applicant shall supplement its escrow account so that the balance of the account is no less than \$1,500.00 to cover any inspections or reports required of the Town's professional consultants during construction.
8. Following the endorsement of the approved Site Development Plans by the Town Engineer, Planning Board Chairman and Secretary, one (1) mylar set will be returned to the applicant for copying and the second mylar set will be retained by the Planning Board as a record copy.
9. Within ten (10) days after endorsement of the approved Site Development Plans by the Town Engineer, Planning Board Chairman and Planning Board Secretary, the applicant shall deliver to the Planning Board Secretary nine (9) printed sets of the signed plans, collated and folded.
10. No Building Permit shall be issued absent compliance with Town Code Section 220-75B(3).

Conditions to be Satisfied During Construction:

11. During construction, the Town's professional consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved Site Development Plans.
12. A copy of this Resolution and the approved Site Development Plans shall be kept on site at all times during construction.

Conditions to be Satisfied Prior to the Issuance of any Certificate of Occupancy/Compliance:

13. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved Site Development Plans. A final inspection report shall be prepared by the Town Consulting Engineer.
14. No Certificate of Occupancy/Compliance shall issue until all proposed improvements are complete to the satisfaction of the Building Inspector and the Town's consultants.
15. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Other Conditions:

16. No U-Hauls or other business-related vehicles shall be parked off-site overnight; all U-Haul trucks shall be parked on-site at all times and within designated parking spaces.
17. The number of U-Haul trucks shall not exceed the number of trucks identified on the approved site development plans (six (6) maximum).

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>
GREG LASORSA	<u>aye</u>
RICHARD SKLARIN	<u>aye</u>
JANET ANDERSEN	<u>aye</u>



Jerome Kerner

December 18, 2018

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

Date: December 18, 2018

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lewisboro Planning Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: King Lumber

SEQRA Status: ☐ Type 1
☒ Unlisted

Coordinated Review: ☐ Yes
☒ No

Conditioned Negative Declaration: ☐ Yes
☒ No

Description of Action: The subject property is located within the hamlet of Goldens Bridge and is comprised of several lots totaling ± 4.07 acres of land situated within the General Business (GB) Zoning District ("the subject property"). The subject property is located at the end of Railroad Avenue, on Meadow Street, and is immediately west of the Metro-North Railroad tracks. The subject property is nearly all developed and has historically been used as a lumber yard, known as King Lumber. Tax Lots 7 and 9, which contain the main retail building and customer parking lot, were previously occupied by Westchester Ford Tractor, Inc. (a tractor dealership) and are the subject of an approved Site Development Plan, signed by the Planning Board Chairman on February 21, 1989. No site plan exists for Tax Lots 2 and 5; however, a lumber yard has been in operation on these lots for more than a century and this use/development predates zoning. The applicant acquired Tax Lots 7 and 9 (formerly used as a tractor supply) in 2006 and began utilizing these lots as part of its lumber business without first obtaining site development plan approval (required for the change of use and modifications made to the site plan of record). The application includes an as-built site development plan of the entire site, along with modifications to accommodate a subsidiary U-Haul rental

business ("the proposed action"). The proposed action also includes, but is not limited to, the installation/reconfiguration of fencing and gates to allow U-Haul trucks to enter the site and park after business hours, while continuing to secure the remainder of the site. Further, the application includes the installation of protective bollards, the relocation of handicap and standard parking spaces, the relocation of a deck display, the installation of two (2) 275 gallon above-ground fuel tanks, and the removal of a noncomplying shed.

Location: Meadow Street, Goldens Bridge, Town of Lewisboro, Westchester County, New York

Reasons Supporting This Determination: The Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c).

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels; or a substantial increase in solid waste production. The proposed action will extend site plan approval to existing conditions and entail modest physical changes to the subject property.
2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources. Again, the proposed action involves minimal physical changes to existing conditions on the subject property.
3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).
4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources or the existing character of the community or neighborhood.
6. The proposed action will not result in a major change in the use of either the quantity or type of energy.
7. The proposed action will not create a hazard to human health.

8. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
9. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
10. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
11. The proposed action will not result in changes in two (2) or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
12. When analyzed with two (2) or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
13. The Planning Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

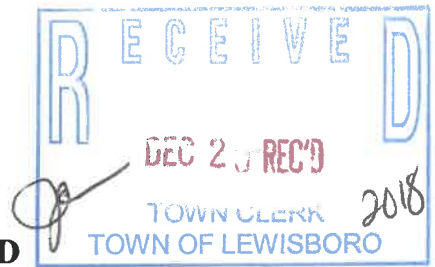
For further information, contact:

Ciorsdan Conran, Planning Board Secretary
79 Bouton Road, South Salem, NY 10590
Phone: (914) 763-5592
Fax: (914) 763-3637

This notice is being filed with:

Ciorsdan Conran, Planning Board Secretary
79 Bouton Road, South Salem, NY 10590
Phone: (914) 763-5592
Fax: (914) 763-3637

**RESOLUTION
LEWISBORO PLANNING BOARD**



**OAKRIDGE COMMONS SHOPPING CENTER
AMENDMENT NO. 1 TO
AMENDED SITE DEVELOPMENT PLAN APPROVAL (PHASE 4)**

**Sheet 49D, Block 9829, Lot 10
Cal. #08-17 P.B.**

December 18, 2018

WHEREAS, the subject property contains a shopping center, known as Oakridge Commons Shopping Center, consists of ± 10.3 acres of land, is located on Smith Ridge Road (NYS Route 123) in the hamlet of Vista, and is within the Retail Business (RB) Zoning District (“the subject property”); and

WHEREAS, Smith Ridge Associates, LLC (“the applicant”), has proposed a number of improvements to the subject property, which has been submitted and reviewed in a total of four (4) phases; and

WHEREAS, pursuant to a Resolution adopted on December 19, 2017, the Planning Board approved the following improvements on the subject property, both of which were deemed independent of future phases and Type II Actions under the State Environmental Quality Review Act (SEQRA):

1. Convert approximately 1,600 s.f. of former office space to a personal training/fitness center, known as Lakeside Fitness, LLC within an existing building referred to as Building #6 on the Site Development Plan (Phase 1); and
2. Installation and replacement of freestanding signs at the entrances and within the shopping center and installation of a freestanding sign at the entrance to the Lukoil gas station (Phase 2); and

WHEREAS, pursuant to a Resolution adopted on February 27, 2018, the Planning Board approved the following improvement on the subject property, which was accompanied by a Negative Declaration of Significance under SEQRA:

1. The construction of a 6,600 s.f., one-story building to house a child day care center, along with related improvements to that portion of the shopping center; and

WHEREAS, a condition of the aforementioned February 27, 2018 Resolution (specifically, Condition #23) stated that a Certificate of Occupancy would not issue for the child day care center “until all proposed improvements, both site and building related, are complete to the satisfaction of the Building Inspector and the Town’s consultants”; and

WHEREAS, these improvements have been substantially completed, but for the completion of landscape plantings, the cost of which (as set forth in a December 4, 2018 letter submitted to the Planning Board by the applicant) is estimated at Six Thousand Eight Hundred Fifty and No/100 (\$6,850.00) Dollars; and

WHEREAS, the applicant has requested that Condition #23, as set forth in the February 27, 2018 Resolution, be modified so as to permit the posting of performance security, in the form of a cash deposit to be held by the Town of Lewisboro, in the sum of \$6,850.00 until the landscape plantings are completed; and,

WHEREAS, due to seasonal constraints, the landscaping plantings cannot be completed until the Spring of 2019; and,

WHEREAS, the Planning Board has obtained a recommendation and guidance from Kellard Sessions with respect to the requested amendment and the posting of the proposed \$6,850.00 security in lieu of completion of landscape plantings prior to the issuance of a Certificate of Occupancy;

NOW, THEREFORE, BE IT RESOLVED, that Condition #23 of the aforementioned February 27, 2018 Resolution is hereby amended so as to permit, in lieu of completion of all proposed improvements, both site and building related, the placement of a cash deposit with the Town of Lewisboro, in the amount of \$6,850.00 with accompanying documentation acceptable to the Planning Board Attorney and Town Attorney, which will serve as security for completion of paving and landscape plantings to be installed on the subject property.

ADOPTION OF RESOLUTION

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

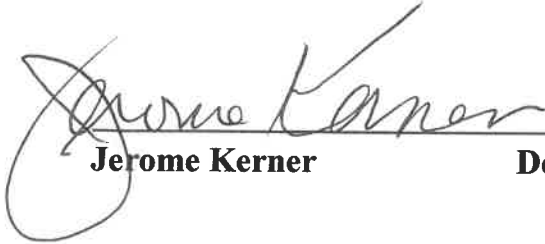
The motion was moved by: Richard Sklarin

The motion was seconded by: John O'Donnell

The vote was as follows:

JEROME KERNER
JOHN O'DONNELL
JANET ANDERSEN
GREG LASORSA
RICHARD SKLARIN

aye
aye
aye
aye
aye



Jerome Kerner

December 18, 2018