

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, March 19, 2019 at 7:30 p.m. The audio recording of this meeting is 190319\_001.

Present: Janet Andersen, Chair  
Jerome Kerner  
Greg La Sorsa – arrived at 7:35 p.m.  
Maureen Maguire  
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)

Ms. Andersen called the meeting to order at 7:30 p.m., noted the exits and thanked Mr. Kerner for serving as chair of this board since 2010 and for his continued service as a member of the board.

## I. DECISION

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

(1:42 – 4:08)

**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 not present.

Mr. Siebert reviewed a resolution disposing of a wetland violation with the assessment of a \$25.00 civil penalty. A copy of the resolution will be forwarded to the Potzs.

Ms. Andersen stated the resolution has been updated to reflect that she has been appointed chair.

On a motion made by Mr. Sklarin, seconded by Ms. Maguire, the amended resolution dated March 19, 2019 disposing of a wetland violation to Jack and Karen Potz, 1178 Route 35, South Salem, NY was adopted. A copy of the Resolution is attached and is part of these minutes.

In favor: Ms. Andersen, Mr. Kerner, Ms. Maguire and Mr. Sklarin. Absent: Mr. La Sorsa.

## II. PUBLIC HEARING

### Cal #08-17PB

(4:10 – 40:05)

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

Phil Pine, owner; and Bob Eberts, R.A., Cross River Architects; were present.

No one from VRI (the firm operating the water and wastewater plants) or Delaware Engineering (the Town's consultants on the water and wastewater plants) 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. There were no comments from the public.

Mr. Johannessen reviewed Delaware Engineering's letter dated March 11, 2019 and stated it 'hit the mark,' and was more detailed than previous comment letters.

Mr. Wolff stated the CAC wants to be sure of what is coming out of the car wash and that proper monitoring is conducted, especially during the winter months.

Ms. Maguire noted that Delaware Engineering has reviewed the manufacturer's data sheets. She agreed that monitoring is required and asked what happens if the level of effluent is above the estimates. Mr. Kerner stated there could be a condition in the resolution that if that were to happen the car wash would be shut down until remedied. Ms. Andersen reviewed the draft resolution's quarterly monitoring and recommended that if the car wash fails an effluent monitoring report that it is retested within 30 days.

Mr. Wolff stated that 20% of the water leaves the system untreated and 80% is recycled and he asked why 100% of the water isn't being recycled.

Mr. Johannessen stated the applicant has provided the manufacturer's data sheets and Delaware Engineering has reviewed the product list and determined they are biodegradable and can go through the plant, break down and not effect water quality. He noted that there will be monitoring and within 30 days we will know the contents of the effluent. Ms. Andersen stated another concern is materials carried in on the cars.

On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the public hearing was closed at 7:45 p.m.

In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa, Ms. Maguire and Mr. Sklarin.

Ms. Andersen recommended the draft resolution needed the following changes:

- Conditions 1 – 7 (page 5, last paragraph) changed to Conditions 1 – 8;
- quarterly monitoring reports should be sent to the Building Inspector, Wetland Inspector and the Westchester County Dept. of Health (DOH); and
- accelerating the testing time after a high level of car wash effluent is detected.

Mr. Kerner recommended the applicant establish a \$1,500 escrow to cover the consultants' time reviewing the quarterly monitoring reports. Mr. Siebert and Mr. Johannessen likened this escrow to when an applicant has wetland mitigation reports reviewed by consultants. Mr. La Sorsa stated this Board is setting a high bar and questioned why the applicant should have to pay for the monitoring review. He stated if the Town finds any non-compliance the applicant will have to fix the problem. Mr. Sklarin asked if the conditions highlight potential issues and if there are too many questions should it be approved. He asked if the public could be notified that monitoring is taking place.

Mr. Pine agreed to pay for testing of the effluent and paying to fix any subsequent problems.

Mr. Johannessen stated monitoring would take place over the life of the project and recommended the resolution reflect that the applicant is responsible to pay for the consultants' review of the monitoring reports and remediation proposals (if any).

The Board reached consensus that the resolution is to be amended to include the applicant will pay the consultants' claims within 30 days of receipt, the DOH will receive copies of all monitoring reports and if the monitoring detects excess levels in the effluent the owner/applicant will resample within 30 days.

On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the amended resolution dated March 19, 2019 for the installation of a car wash at the existing gas station at Oakridge Commons, 450 Oakridge Common, 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, Ms. Maguire and Mr. Sklarin.

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

(40:15 – 55:34)

**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.**

Ms. Maguire recused herself from the project.

Mr. John Assumma (General Manager), Patrick Hagan (Golf Course Superintendent) and Frank Connelly, Esq. (Attorney); Waccabuc Country Club (WCC); and John Doyle, Doyle Coffin Architecture; Peter Marchetti, Marchetti Engineering; were present.

Prior to the start of the meeting, Mr. Assumma submitted the receipt for mailing the public hearing notices, affidavit of mailing and proof of sign posting to the Planning Board Administrator.

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. There were no comments from the public.

Mr. Doyle stated the wash facility is proposed for 5 Carriage House Road, away from wetlands. He stated the building is to store pesticides and fertilizers, house chemical mixing and capture runoff from washed sprayers and mowers in tanks. Mr. Doyle stated the wash facility is to be surrounded by pavement and there is to be mitigation (removal of invasives and planting of native species) near the open watercourses by 8 Carriage House Road. He noted this proposal is part of the best management practices for NYS golf courses.

Mr. Marchetti stated rainwater will be captured in a series of four catch basins, which will be connected to an infiltrator system designed for a 25-year storm; the stormwater is separate from the wash facility's spill drains.

Mr. Doyle noted the building's design is patterned after the chemical wash station at the Bedford Golf and Tennis Club and has two open bays, three closed bays. He noted a curbed floor surrounds the chemical mixing area.

Mr. Hagan stated the wash facility will have an impervious floor that flows into a sloped drain to contain any spills. He noted the Carbitrol system recycles the water and is a closed system.

Mr. Johannessen stated the applicant has a few outstanding items, such as curbing around the sand trap sand storage area, these may be addressed in the resubmission dated March 19<sup>th</sup>.

Mr. Doyle stated a ZBA application has been submitted, as area variances are required and they may be on the ZBA's April agenda. He noted the application has been reviewed and approved by ACARC (Resolution dated January 4, 2019).

Ms. Andersen asked about the note on the plans showing the floor was to be replaced in the existing barn. Mr. Doyle stated that is not part of this application.

There were no comments from the CAC.

The Board reached consensus to continue the public hearing at its April 16, 2019 meeting.

8:25 p.m. Ms. Maguire returned to the meeting.

**III. SKETCH PLAN REVIEWS****Cal #10-17PB**

(55:37 – 1:38:15)

**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.

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

Mr. Sirignano stated he had appeared before the Town Board regarding rezoning the soon-to-be-purchased guitar shop property (307 Main Street) from RB to GB. Mr. Spina stated when acquired, the existing building (guitar shop) would be demolished and the notch in the proposed parking structure would be squared off, resulting in a 3,500-sf addition to the footprint and 7,000 sf of additional building space. He noted that 209 parking spaces are required per Code, 150 are proposed and the Building Inspector has deemed some parking spaces non-compliant. Mr. Spina stated the above-ground oil tank and trash enclosures are to be located within the building footprint and screened. He noted the building's SE corner is not to be redesigned away from Green Hill Road.

Mr. Spina reviewed delivery truck access and noted the revised design would have a better slope in the loading area.

Mr. Sirignano stated the application is on the ZBA's March agenda and a revised site plan will be submitted to this Board for its April 16<sup>th</sup> meeting.

Ms. Andersen requested a north-south cross section showing how visible the stackables are from the parcel to the north. Mr. Spina agreed to supply that cross section.

Mr. Kerner stated he is concerned about the visibility from Green Hill Road and the viability of plantings meant to soften the three-story parking garage but planted alongside that building. Mr. Spina stated he and the landscape architect will look at that landscape buffer again. Mr. Johannessen stated there will need to be a license agreement between the applicant and the Town to guarantee the health of plantings.

Ms. Maguire stated she read Melanie DiNicola's (353 Route 22, Goldens Bridge) letter dated March 18, 2019 regarding continued flooding coming from the applicant's upper parking lot and is concerned that nothing has been done and Ms. DiNicola will now have a view of the stackables. Mr. Sirignano stated the Town required the applicant to install the berm. Mr. Spina stated the 2014 berm was installed to slow the water but water will still percolate through the berm. He noted the current proposal includes a curb in front of the berm, regrading of the parking lot and piping water down to the south. Mr. Johannessen confirmed the berm was constructed as screening and to slow down the water entering the property to the north. He noted that drainage is part of Phase 1.

In response to a question by Mr. Sklaren, Ms. DiNicola stated she would like drainage addressed first and noted that the location for the proposed car stackers is an illegal parking lot, built without approvals and that the buffer was removed in 1999 and never restored. Mr. Spina stated the 2014 approved site plan included demolition of the two houses, construction of the berm and brought the site into compliance.

Mr. Sirignano stated this Board needs to make its SEQRA determination before the Town Board can act on the rezoning petition or the ZBA can vote on the requested variances.

Mr. La Sorsa requested a scoping session. Mr. Siebert stated a scoping session is required if this Board issues a Positive Declaration under the State Environmental Quality Review Act (SEQRA) as part of the EIS process. He noted if the Board issues a Negative Declaration (Neg. Dec.) there would be a public hearing. Mr. Johannessen added the public hearing could start before a Neg. Dec. is issued.

The Board discussed scheduling the public hearing, reviewing revised site plans, receiving preliminary feedback from the ZBA and Town Board and when is the ZBA site walk.

Mr. Johannessen stated there was feedback from the Department of Transportation (DOT) and he requested the applicant respond to those prior to the next meeting. He also requested an updated zoning analysis and revised plans including the

guitar shop property. Mr. Kerner requested additional information on landscaping feasibility near Green Hill Road and confirmation that the 24" pipe is not proposed in that buffer.

The CAC stated its concerns were impervious surfaces, drainage and what is coming off the cars.

**Cal# 1-19PB, 2-19WP, and 2-19SW**

(1:38:17 – 1:59:33)

**Goncalves vacant land, Duffy's Bridge Road, Katonah, NY 10536, Sheet 2, Block 10516, Lot 001 (Manuel Goncalves, owner of record)** – Application for construction of a single-family residence on an undeveloped lot.

Mr. Johannessen and Mr. Siebert recused themselves from the project.

Anthony Molé, Esq.; and Rich Williams, P.E.; were present on behalf of the Town.

Manuel Goncalves, owner; Dan Holt, P.E.; and Teo Siguenza, AIA; were present.

Mr. La Sorsa gave the site visit report for the walk that took place March 16, 2019 at 9 a.m.; a copy of which is attached to these minutes.

Mr. Williams stated a meeting with Peter Ripperger, Town Highway Superintendent, and the applicant would be helpful to discuss a list of items related to the driveway, Duffy's Bridge Road and the emergency access road that connects to a Boulder Pines subdivision in Bedford. He noted exiting Duffy's Bridge Road is difficult, as a driver cannot see right to make the left turn.

Ms. Maguire stated it is a challenging site with a hill and a ridge and the septic is pumped a long distance.

Mr. Siguenza stated the encroachments into the buffer are small and the water drains away from the wetlands.

Ms. Andersen stated the slopes near the ridge are dramatic and asked about the current path. Mr. Siguenza stated the path will be the construction road and will be restored after the driveway is completed. He stated he will study the driveway and parking/passing area further with regard to fire truck access. The Board reached consensus to refer the new driveway design to the Goldens Bridge Fire District (GBFD).

Ms. Andersen stated she was okay with the area of disturbance. Mr. Siguenza stated a rock wall down slope will contain the lawn and repositioning the house would result in cutting into the ridge more.

The Board discussed referring this matter to be handled administratively as well as waiting for a response from the GBFD. Mr. Molé stated that the matter could have an administrative review and as a condition of the wetland permit, the GBFD requirements must be met. He noted if the design is drastically changed it would return to this Board for review.

On a motion made by Mr. La Sorsa, seconded by Ms. Maguire, the Board determined that the proposal for construction of a single-family residence off of Duffy's Bridge Road will be handled administratively under a permit issued by the Wetlands Inspector.

In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa, Ms. Maguire and Mr. Sklarin.

9:31 p.m. Mr. Kerner and Mr. Sklarin took a three-minute recess.

9:34 p.m. Mssrs. Johannessen and Siebert returned to the meeting.

#### IV. WETLAND PERMIT REVIEWS

##### Cal #66-17WP, Cal #12-17SW

(1:59:34 – 2:36:30)

**Dedvukaj vacant land, 170 Elmwood Road, South Salem, NY 10590, Sheet 47, Block 10056, Lot 38 (Yuliya and Zef Dedvukaj, owners of record)** – Application for a single-family residence, driveway, septic system and well.

Zef and Yuliya Dedvukaj, owners; Tim Cronin, Cronin Engineering; Tracy Chalifoux, RLA; Stephen Danzer, PhD; and Michael Sirignano, Esq. were present.

Ms. Andersen stated that while she was chair of the CAC, a memo critical of this project was released. She noted she will not recuse herself from this Board's discussions.

Mr. Cronin reviewed the history of the application beginning with the initial submission in November 2017, the April 2018 site walk and subsequent flooding north along Elmwood Road at the Spencer property. He noted the site plan consists of a septic up the hill, a house built into the slope and the asphalt driveway (with 2.5% slope) crossing the wetland at its narrowest location. Mr. Cronin stated the site is 2 acres, which is less than 0.5% of a 447-acres drainage basin. He noted a SWPPP has been submitted and Dept. of Environmental Conservation (DEC) and U.S. Army Corps of Engineers' (USACE) permits obtained; the DOH septic approval has been renewed. He noted the proposed bridge is 25' wide and 4' high and the Town Highway Superintendent has approved the driveway sight distance.

Mr. Cronin stated the 48" pipe at the Spencer property is inadequate at 2-year storm levels and the 48" pipe under the road is inadequate at 1-year storm levels. He noted he calculated that a 7' high x 14' wide culvert would address the drainage from the 447-acres basin. Mr. Cronin stated the Spencers' detention pond fills up fast, the 48" pipe fills up and the overflow covers their driveway. He noted a similar scenario occurs on Elmwood Road. Mr. Cronin explained the "beat the peak," approach of moving stormwater from a site during a hurricane prior to the water coming from the remainder of the drainage basin. Mr. Johannessen stated the stormwater is going through a practice and being treated but not being retained to avoid exacerbating problems at the culvert.

Mr. Kerner stated this application is before the Board for work in the wetland buffer and mitigation. He noted the GIS map illustrates that the flooding problem originates north of this property.

Ms. Chalifoux reviewed the mitigation planting plan which includes a wildflower meadow that is to be mowed once per year. She noted the majority of the mitigation plantings are near the stream crossing and down the slope from the house. Ms. Chalifoux noted there will be 270 perennials within the three rain gardens; and 33 trees, 70 shrubs, 70 additional perennials and a row of evergreens for privacy/habitat are also proposed as well as removal of invasives.

Mr. Johannessen stated the 1:1 mitigation on the site has not been met and he noted off-site possibilities, such as a contribution to the culvert repair, have been discussed with the applicants. He estimated the cost of the culvert project would start at \$110,000.

Mr. Sirignano stated the proposal is zoning compliant and the Dedvukajs are willing to contribute to the cost of a new culvert.

Mr. Johannessen reviewed the Kellard Sessions memo, dated March 14, 2019 and highlighted outstanding items: submitting applications to the Architecture and Community Appearance Review Council (ACARC) and for the Town driveway permit plus responding to the City of Norwalk First Taxing District and neighbor letters and raising the mitigation ratio.

The CAC stated its concerns relate to blasting and construction run-off entering the stream. Mr. Cronin stated they are trying to avoid blasting and the house has been moved into the rock slope. Mr. Dedvukaj stated he will remove the rock without blasting.

Mr. Sirignano requested a public hearing be scheduled. The Board reached consensus to open the public hearing April 16, 2019.

The Board scheduled a site visit for Saturday, March 30<sup>th</sup> at 9 a.m.

**Cal #09-19WP, Cal #05-19SW**

(2:36:36 – 2:59:35)

**Kranz vacant land, Elmwood Road, South Salem, NY 10590, Sheet 43, Block 10302, Lot 23 (Alexander Kranz, owner of record)** – Application for a single-family residence, driveway, septic system and well.

Bruce Donohue, RLA; and Joseph Riina, P.E., Site Design Consultants; were present on behalf of the owner.

Mr. Riina stated the vacant property is just under 3.5 acres and the wetlands on the site have been delineated and confirmed by the DEC and Kellard Sessions. He noted the project is within the wetland buffer, an application has been submitted to DEC and after that approval they can apply to the DOH. Mr. Riina stated the septic is near the road and the well and stormwater retention basin are past the 3-bedroom (1,600 sf) house with attached garage. He noted they are trying to keep the stand of trees, will conduct a tree survey and they can explore moving the house to the side setback.

Mr. Donohue stated the mitigation does not meet the Town's 1:1 requirement and the mitigation includes plantings around the catch basin. He noted that a fence is proposed to discourage subsequent homeowners from mowing the planted filter strip. Mr. Donohue stated in order to remove invasives without ground disturbance they are proposing cutting them at the ground and applying systemic herbicide.

Mr. Johannessen reviewed the Kellard Sessions memo, dated March 14, 2019, stating it is a Type II Action under SEQRA and highlighted outstanding permits and approvals: Town driveway permit, DOH for well and septic, the State Pollutant Discharge Elimination System (SPDES) and ACARC. He stated that his office had confirmed the wetland delineation, the wetland line has been verified by the DEC and he requested a tree survey be performed. Mr. Johannessen stated the mitigation ratio falls short of the 1:1 requirement and noted that plantings related to the stormwater practices, such as the filter strip and around the bioretention basin, cannot be part of the that wetland mitigation ratio.

The Board scheduled a site visit for Saturday, March 30<sup>th</sup> at 9:30 a.m. Mr. Riina stated the site will be staked.

Ms. Andersen questioned if the average homeowner could maintain the stormwater practices.

The CAC had no comments.

**Cal# 2-19PB, Cal #6-19WP, Cal #4-19SW**

(2:29:37 – 3:3:01:33)

**Ryan Residence, 40 Old Pond Road, South Salem, NY 10590, Sheet 33C, Block 11155, Lot 16, 17 & 44 (John and Kira Ryan, owners of record)** – Application for the renovation of a three-bedroom single-family residence, construction of a new garage, septic system, sky bridge, driveway and pool.

Prior to the meeting, Jeri Barrett, J. D. Barrett & Associates; requested an adjournment to the April 16, 2019 meeting.

Ms. Maguire requested the applicant not cut any trees until further along in the review process.

Mr. Johannessen noted that his memo cited referral to the Building Inspector for this and the previous application.

The Board reached consensus to refer the application to the Building Inspector.

**V. WETLAND VIOLATION****Cal #04-18WV, Cal #14-19WP**

(3:02:50 – 3:12:55)

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

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

Ms. Evans stated tree cutting had occurred on Lordi and Town property and woodchip piles had been created in the wetlands. She noted the woodchips have been moved out and a mitigation plan proposed.

Mr. Johannessen stated the wetland violation stemmed from tree removal within the wetlands and buffer. He noted the proposed mitigation plan is acceptable. Mr. Johannessen stated there will need to be a license agreement between the applicant and the Town to guarantee the health of the plantings. He recommended monuments and/or a no-mow zone to prevent future encroachment into the wetlands. Ms. Evans stated they are proposing a 20' meadow area with a fence. She noted that planting costs were submitted and total \$7,800.00 installed.

On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board determined that review of the mitigation of the Lordis' wetland violation will be handled administratively under a permit issued by the Wetlands Inspector, with the condition of a return date of June 18, 2019 to receive an update and discuss the civil penalty.

In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa, Ms. Maguire and Mr. Sklarin.

The board had some questions on the ownership of the parcel adjacent to the Lordi parcel. Ms. Conran agreed to supply Mr. Siebert with ownership information of the open parcels in the Indian Hill subdivision.

**VI. MINUTES OF January 15, 2019; MINUTES OF January 24, 2019 and  
MINUTES OF February 26, 2019.**

(3:12:56 – 3:15:33)

Mr. La Sorsa stated he would supply Ms. Conran with edits of the February 26<sup>th</sup> minutes.

Mr. Siebert stated there is no legal obligation to approve the minutes; they are to be prepared and reviewed.

Mr. Kerner made a motion, seconded by Ms. Maguire, to approve the January 15, 2019 and February 26, 2019 minutes. The motion did not pass.

The Board reached consensus that the 2019 unapproved minutes be placed in a DropBox for review.

Ms. Andersen asked: how this Board should proceed when an application is received on a non-conforming lot. Mr. Siebert stated the Board has to apply the wetland and stormwater regulations as they exist.

Some board members indicated difficulty hearing the applicants, consultants, and fellow board members. The Board discussed amplification of the applicants or a u-shape table arrangement.



**VII. ADJOURNMENT**

(3:23:23 – 3:23:30)

On a motion made by Mr. Kerner, seconded by Mr. Sklarin, the meeting was adjourned at 10:54 p.m.

In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa, Ms. Maguire and Mr. Sklarin.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ciorsdan Conran". The signature is fluid and cursive, with the first name "Ciorsdan" and last name "Conran" clearly distinguishable.

Ciorsdan Conran  
Planning Board Administrator

**RESOLUTION  
LEWISBORO PLANNING BOARD**

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

**Siegfried and Karen Potz**

**Cal. #01-18 W.V.**

**March 19, 2019**

**WHEREAS**, on March 12, 2018, a Notice of Wetland Violation was issued to Mr. Siegfried Potz and Ms. Karen Potz with regard to land disturbance activity on property located at 1178 Route 35, South Salem, New York, which is identified as Sheet 27, Block 10805, Lot 29 on the Tax Map of the Town of Lewisboro (the "Subject Property"); and

**WHEREAS**, the Subject Property is owned by Mr. Siegfried Potz and Ms. Karen Potz; and

**WHEREAS**, this Notice of Wetland Violation was issued by the Wetland Inspector to Mr. Siegfried Potz and Ms. Karen Potz for the following offense:

Regulated activity consisting of dumping, filling, or depositing material either directly or indirectly, without the benefit of a Wetland Activity Permit (Section 217-2 of the Wetlands and Watercourse 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 March 12, 2018 directing Mr. Siegfried Potz and Ms. Karen Potz to appear before the Planning Board; and

**WHEREAS**, Mr. Siegfried Potz appeared before the Planning Board, and entered an admission and plea of guilty to the aforementioned violation on September 11, 2018; and

**WHEREAS**, Mr. Potz thereafter obtained a Wetland Implementation Permit (under Permit # 76-18 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 the Subject Property stabilized; and

**WHEREAS**, a Wetland Certificate of Compliance was issued by the Wetland Inspector with regard to Wetland Permit # 76-18 W.P. on January 22, 2019, a copy of which is attached hereto; and

**WHEREAS**, Mr. Potz appeared before the Planning Board on February 26, 2019 and it was established he incurred costs of approximately \$950.00 in connection with the restorative work undertaken on the Subject Property, and that he further undertook restorative work on his own; 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 February 26, 2019 meeting; and

**WHEREAS**, having heard from Mr. Potz, 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 a civil penalty of Twenty-Five and No/100 (\$25.00) Dollars is hereby assessed against Mr. Potz, to be paid by check made payable to the "Town of Lewisboro" and tendered to the Secretary of the Planning Board on or before April 16, 2019, together with satisfaction of any outstanding escrow obligation to the Town of Lewisboro associated with Wetland Implementation Permit # 76-18 W.P. and that, with such payment, this matter shall be concluded and 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: Rich Sklarin

The motion was seconded by: Maureen Maguire

The vote was as follows:

<b>JEROME KERNER</b>	<u>aye</u>
<b>JANET ANDERSEN</b>	<u>aye</u>
<b>GREGORY LASORSA</b>	<u>absent</u>
<b>RICHARD SKLARIN</b>	<u>aye</u>
<b>MAUREEN MAGUIRE</b>	<u>aye</u>

Jerome Kerner  
**Jerome Kerner, Chairman**      **March 19, 2019**  
JANET ANDERSEN *JA*

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

I, Ciorsdan Conran, Administrator to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 19<sup>th</sup> day of March, 2019 and that the same is a true and correct copy of said original and of the whole thereof.

Ciorsdan Conran  
Ciorsdan Conran  
Planning Board Administrator

Dated at South Salem, New York  
This 20<sup>th</sup> day of March, 2019

**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: January 22, 2019

Permit #: 76-18 W.P. & 1-18 W.V.

Permit issued to: Siegfried and Karen Potz  
1178 Route 35

Project location: 1178 Route 35

Sheet: 27 Block: 10805 Lot(s): 29

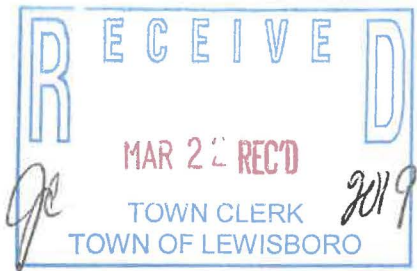
Date of Inspection: December 20, 2018

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

1/22/19 Date



**RESOLUTION  
LEWISBORO PLANNING BOARD**

**OAKRIDGE COMMONS SHOPPING CENTER  
AMENDED SITE DEVELOPMENT PLAN APPROVAL – CAR WASH (PHASE 3)  
TOWN STORMWATER PERMIT**

**Sheet 49D, Block 9829, Lot 10  
Cal. #08-17 P.B. and #16-17 S.W.**

**March 19, 2019**

**WHEREAS**, the subject property contains a shopping center, known as Oakridge Commons Shopping Center, consists of  $\pm 10.3$  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**, via resolution dated 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 existing 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**, following approval of Phases 1 and 2, the applicant advanced the design drawings and supplemental reports prepared in connection with Phases 3 and 4, described below:

1. Phase 3 - The construction of a 17.3' x 36' car wash to adjoin the existing gas station building, along with an expansion and reconfiguration of the parking lot and related signage, lighting, and landscaping; and

2. Phase 4 - The construction of a 6,600 s.f., one-story building to house a proposed child day care center, along with related improvements to that portion of the shopping center; and

**WHEREAS**, pursuant to a SEQRA, the Planning Board reviewed Phases 3 and 4 collectively and issued a SEQRA Negative Declaration on February 27, 2018 with regard to Phases 3 and 4; and

**WHEREAS**, the Planning Board thereafter granted Site Development Plan Approval and a Town Stormwater Permit for Phase 4 by Resolution adopted on February 27, 2018, which Resolution was amended by the Planning Board on December 18, 2018; and

**WHEREAS**, Phase 4 has been constructed, a Certificate of Occupancy has been issued, and the child daycare center is in operation; and

**WHEREAS**, during construction of Phase 4, the applicant advanced the design and drawings of associated with Phase 3, the proposed car wash facility; and

**WHEREAS**, for the purposes of this Resolution, Phase 3, as described herein, shall be considered "the proposed car wash"; and

**WHEREAS**, the proposed car wash is a permitted use within the underlying RB Zoning District; and

**WHEREAS**, during the course of reviewing the proposed car wash, the Planning Board has evaluated all pertinent potential environmental concerns associated with its operation, including traffic, sight distance, lighting, landscaping, parking, water usage, water capacity, discharge concentrations and flow rates from the car wash facility to the Oakridge Wastewater Treatment Plant (WWTP), which is owned and maintained by the Town of Lewisboro, and the ability of the WWTP to treat the carwash effluent; and

**WHEREAS**, while not a complete list of materials submitted, reference is made to the following plans and documents submitted by the applicant in support of its application:

- a) Transmittal from Cross River Architects, dated June 28, 2018, with attachments; and
- b) MSDS Safety Data Sheets (for applicable car wash products); and
- c) Oakridge Car Wash-Anticipated Car Wash Water Use Calculations, dated February 7, 2018; and
- d) Site Engineering Report-Oakridge Commons Phase III Car Wash, prepared by Redniss & Mead, dated February 7, 2018; and
- e) Analysis of Water & Sewer Capacity for Oakridge Shopping Center Car Wash; and
- f) New York State Department of Health-Water Systems Operation Reports (various dates); and
- g) Annual Drinking Water Quality Report for 2017-Oakridge Water System; and

- h) Plans prepared by Cross River Architect, dated June 27, 2018 (5 Sheets); and
- i) Plans prepared by Redniss & Mead, dated June 27, 2018 (3 Sheets); and
- j) Map and Plan 202(b) Report – Oakridge Water District Improvements, prepared by Delaware Engineering, D.P.C., dated August 2018; and
- k) Email correspondence from the Westchester County Department of Health (WCDH), dated July 27, 2018 and October 15, 2018
- l) Letter report from Tim Miller Associates (parking study), dated October 30, 2018; and
- m) Letter report from Tim Miller Associates (sight distance study), dated October 31, 2018; and
- n) Report entitled “Oakridge Phase III Car Wash, 2015-2018 Water and Sewer Daily Volumes,” dated (last revised) October 31, 2018; and
- o) Transmittal from Cross River Architects, dated October 31, 2018, with attachments; and
- p) Transmittal from Cross River Architects, dated December 28, 2018, with attachments; and
- q) Letter from Bibbo Associates, LLP, dated December 28, 2018; and
- r) Specifications from Purwater Water Recovery Systems; and
- s) Purwater reclaim design letter; and
- t) Purwater reclaim effluent quality estimate for Purwater Reclaim System; and
- u) Letter from Delaware Engineering, D.P.C., dated March 11, 2019; and

**WHEREAS**, reference is made to a resolution of the Lewisboro Town Board, dated April 24, 2018, authorizing connection of the Phases 3 and 4 to the Oakridge Water and Sewer District; and

**WHEREAS**, reference is made to the Declaration of Shared Parking Facilities, dated May 3, 2018, which was required as part of the Planning Board’s February 27, 2018 Resolution; and

**WHEREAS**, Phases 3 and 4 were referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law; and

**WHEREAS**, reference is made to a letter from the Westchester Planning Board, dated December 18, 2017, submitted in response to the referral referenced above; and

**WHEREAS**, the Planning Board has considered the comments contained within the County letter and the applicant has addressed said comments to Planning Board’s satisfaction; and

**WHEREAS**, Phases 3 and 4 were referred to the Architecture and Community Appearance Review Council and approved on January 10, 2018 (see Cal. No. 15-17 ACARC/PB); and

**WHEREAS**, the proposed car wash was referred to and reviewed by the Vista Fire Department and reference is made to a letter from the Board of Fire Commissioners, dated November 16, 2018; and

**WHEREAS**, the proposed car wash has been referred to and reviewed by the Conservation Advisory Council (CAC) throughout the review process and reference is made to comment memoranda from the CAC of various dates; 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, comments received by the CAC, the verbal commentary made during Planning Board meetings, the decision of the ACARC, the statements of residents who spoke at the public hearings conducted with regard to the proposed car wash (which are referenced below) and testimony of the applicant; and

**WHEREAS**, a Town Stormwater Permit is required from the Planning Board in accordance with Section 189-5A of the Town of Lewisboro Town Code; and

**WHEREAS**, the submitted SWPPP complies with the requirements of the NYSDEC and the Town of Lewisboro; and

**WHEREAS**, a duly noticed public hearing was opened on October 16, 2018 and was adjourned to and reconvened on November 20, 2018, January 15, 2019, February 26, 2019 and March 19, 2019, at which times all interested parties were afforded an opportunity to be heard; and

**WHEREAS**, the public hearing was closed on March 19, 2019.

**NOW THEREFORE BE IT RESOLVED THAT**, the Planning Board hereby grants Amended Site Development Plan Approval for Phase 3, subject to the below 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 Prepared by Cross River Architects, LLC, dated June 27, 2018:

- Site Plan Phase 3 – Car Wash (SP/1C)
- Enlarged Car Wash Site & Landscape Plans (SP/2C)
- Signage (SP/3C)
- Site Details (SP/4C)
- Car Wash Lighting Plan and Details (SP/5C)



Plans Prepared by Redniss & Mead, dated (last revised) June 27, 2018:

- Site Grading, Erosion Control & Utility Plan (SE-1D)
- Notes & Soil Data (SE-2D)
- Details (SE-3D)

**BE IT FURTHER RESOLVED THAT,** Site Development Plan Approval for Phase 3, defined as the signing of the approved Site Development Plan 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 improvement associated with the proposed car wash 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 Plan by not more than two (2) additional periods of 90 days each if, in the Planning Board's opinion, such extension is warranted by the circumstances then presented; 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 Plan 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,** the Planning Board finds that the applicant has complied with Chapter 189, Stormwater Management and Erosion and Sediment Control, of the Town Code of the Town of Lewisboro and a Town Stormwater Permit is hereby issued, subject to the conditions set forth below; and

**BE IT FURTHER RESOLVED THAT,** this Town Stormwater Permit shall expire upon completion of work and shall be valid for a period of two (2) years from the date of this Resolution (March 19, 2021); and

**BE IT FURTHER RESOLVED THAT,** Conditions #1 - 8 must be fulfilled within six (6) months of the date of this Resolution (September 19, 2019). 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 submit to the Planning Board Secretary an engineering/inspection fee equal to 5% of the estimated cost of construction (Phase 3 only). Said estimate shall be prepared by a Licensed Professional Engineer and shall include unit costs, total costs and quantities for all proposed site improvements; said estimate shall be provided by the applicant, in writing, and approved by the Town Engineer.
3. The applicant shall satisfy any written comments provided by the Town's consultants and the WCDH.
4. The applicant shall obtain approval from the New York State Department of Transportation (NYSDOT) for any disturbance or work proposed within the NYS right-of-way.
5. 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.
6. 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.
7. 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.
8. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

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

9. Following the endorsement of the approved Site Development Plan 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.

10. Within 10 days after endorsement of the approved Site Development Plan 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.
11. No Building Permit shall be issued absent compliance with Town Code Section 220-75B(3).

**Conditions to be Satisfied Prior to Commencement of Work:**

12. Prior to commencement of any site work or construction activity, a site visit shall be conducted with the applicant, contractor, design engineer, Building Inspector, and the Town's consultants. Prior to the site visit, all erosion and sedimentation controls shall be properly installed and the limits of disturbance shall be staked in the field by a licensed land surveyor as specified on the approved Site Development Plans.

**Conditions to be Satisfied During Construction:**

13. During construction, the Town's consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved Site Development Plans.
14. A copy of this Resolution and the approved Site Development Plan shall be kept on site at all times during construction.
15. All plant material shall be installed between April 1<sup>st</sup> and October 15<sup>th</sup>. Plant substitutions, if any, must be previously approved by the Town's consultants.
16. The applicant shall employ the services of a NYS Licensed Professional Engineer to supervise and inspect site work during construction. Inspection reports shall be submitted to the Building Inspector, Planning Board and Town Engineer.

**Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy:**

17. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved Site Development Plan. A final inspection report shall be prepared by the Town Consulting Engineer.
18. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

19. No Certificate of Occupancy shall be issued until all proposed improvements, both site and building-related, are complete to the satisfaction of the Building Inspector and the Town's consultants.
20. Submission of an as-built survey, prepared by a NYS Licensed Land Surveyor and to the satisfaction of the Town Engineer, demonstrating compliance with the approved Site Development Plan shall be submitted to the Building Inspector and Planning Board (four (4) copies).
21. An as-built plan of the stormwater management practices and associated improvements shall be submitted and shall be certified by a NYS Professional Engineer (four (4) copies).
22. Certification by a NYS Professional Engineer that all water, sewer and stormwater management practices and associated improvements have been installed in conformance with the approved Site Development Plans shall be submitted to the Building Inspector and Planning Board.
23. The applicant shall obtain any and all approvals from the ACARC relating to signage.

**Other Conditions:**

24. A separate water meter shall be installed to serve the car wash facility to determine compliance with the water capacity analysis submitted by the applicant and referenced herein (347 gallons per day). The applicant/owner shall submit bi-annual water meter readings (specifically for the car wash) to the Planning Board, Building Inspector and Water/WWTP operator (such reports to be submitted on April 1<sup>st</sup> and December 1<sup>st</sup> of each year the car wash is in operation). The applicant shall be responsible for maintaining water usage within these limits. At any point in time, should the water usage (gallons per day) exceed 10,410 gallons within a 30-day period, the applicant/owner shall make application to the Planning Board for continued review; failure to do so may result in a violation. While the applicant has the ability to submit an application at any time, an application must be submitted by the applicant/owner within 45 days' notice by the Planning Board or Building Inspector of an exceedance of 347 gpd/10,410 gpm limitation.
25. The applicant/owner shall cause the proposed solids handling tanks to be evacuated and the contents disposed of properly at an appropriate off-site disposal facility at a minimum frequency of once every six (6) months. Proof of completion shall be submitted to the Planning Board Secretary and Building Inspector. Failure to do so may result in a violation.
26. The applicant/owner shall be responsible for sampling the car wash effluent every quarter or once every three (3) months and submitting a sampling report to the

Planning Board, Building Inspector and Water/WWTP Operator and Westchester County Department of Health ("WCDOH"). The first report shall be due thirty (30) days after the car wash is open for operation. Thereafter, these reports shall be submitted on April 1<sup>st</sup>, July 1<sup>st</sup>, October 1<sup>st</sup> and January 1<sup>st</sup> of each year the car wash is in operation. Sampling shall be a six-hour representative composite sample collected per "EPA Standard Methods" or latest acceptable method and analyzed in an ELAP certified laboratory. The samples shall be collected by a certified wastewater/water operator, professional engineer or other appropriate professional as determined acceptable by the Town Engineer. The parameters to be tested shall include Free Oils and Grease (FOG), Total Suspended Solids (TSS), Biological Oxygen Demand (BOD), ammonia, total phosphorus and chlorides; the upward limits acceptable are as follows:

FOG – 25 mg/l  
TSS – 100 mg/l  
BOD – 50 mg/l  
Ammonia – 25 mg/l  
Phosphorus – 0.2 mg/l  
Chlorides – 200 mg/l

The applicant/owner shall be responsible for maintaining car wash effluent within these parameters. Should a required sampling report demonstrate, at any point in time, an exceedance of any of the parameters listed above, the applicant/owner may undertake a re-sampling of car wash effluent within thirty (30) days of the exceedance(s) and immediately submit the results of such re-sampling to the Planning Board, Building Inspector, Water/WWTP Operator and WCDOH. If the results of this re-sampling meet the above-listed parameters, no additional sampling will be required until the next quarterly sampling report is due. Should such re-sampling continue to demonstrate an exceedance of any parameter(s) listed above, the applicant/owner shall be subject to a violation and may make application to the Planning Board for continued review of this site development approval. In the event such re-sampling is not undertaken, the applicant/owner shall be subject to a violation.

27. The applicant/owner shall be responsible for payment of any fees incurred by the Town of Lewisboro associated with the review of the reports to be submitted under Conditions #24 and #26 by its professional consultants. Payment of any such fees shall be made by the applicant/owner within thirty (30) days of its receipt of an invoice and written request for payment from the Town of Lewisboro. The failure to pay such fees shall be deemed a violation of this site development approval.
28. This resolution and the conditions contained herein shall be binding on the applicant and owner, including his/her successors and assigns.

**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: Greg La Sorsa

The vote was as follows:

JANET ANDERSEN	<u>aye</u>
JEROME KERNER	<u>aye</u>
GREG LASORSA	<u>aye</u>
RICHARD SKLARIN	<u>aye</u>
MAUREEN MAGUIRE	<u>aye</u>

Janet Andersen  
Janet Andersen                      March 19, 2019

Site Walk notes Saturday, March 16, 2019

**Cal# 1-19PB, 2-19WP, and 2-19SW**

**Goncalves vacant land, Duffy's Bridge Road, Katonah, NY 10536, Sheet 2, Block 10516, Lot 001 (Manuel Goncalves, owner of record) – Application for construction of a single-family residence on an undeveloped lot.**

On 3/19/2019 11:02 AM, Gregory La Sorsa wrote:

Present on behalf of the Town:

Jan Andersen, Gregory La Sorsa, Maureen McGuire and Rich Sklarin (Planning Board members)  
Tony Goncalves (Town Board), Peter Ripperger (Town Highway Superintendent), John Wolff (CAC)  
and Kathleen Snyder, R.L.A. (Insite Engineering).

Present on behalf of the applicant:

Manny Goncalves (owner), Dan Holt, P.E. and Teo Siquenza, AIA.

Site walk began at the approximate location of a proposed new driveway entrance. Roadway at that point was noted to be 12 feet across. Mr. Ripperger highlighted some of the improvements that the landowner will be required to make with respect to road maintenance and snow clearance.

A discussion and inspection of the proposed driveway at this point took place. The site was definitely steep. The applicant indicated that the driveway would be cut and fill that would largely even out. A retaining wall no higher than 4' would contain the driveway.

We moved further down the road and observed the proximity of the Bedford Town line and the neighbor's property. It was noted that inasmuch as this was not a through street, there was a plastic chain across the roadway, put there by said neighbor. Mr. Goncalves, the owner, advised that the neighbor was totally cooperative and would allow emergency passage by vehicles. This was a condition of the development in Bedford when it was put in place.

We then moved up an incline that was adjacent to the house site itself. This is near the prior driveway path, which goes through the wetland buffer and also is steeper than desired for a driveway. One question is whether this access would be used for construction. The Insite memo calls for this access to be restored to original condition. We climbed up approximately 40+feet and observed the house site as it was staked out. We were advised by Mr. Holt that in the new orientation, the front of the house points to a wooded area with a more scenic view than the previous orientation, with pointed toward 684. We observed the area for the proposed driveway turnaround. It was a tight area. It was noted that an approximately 100 square foot area would have to be flattened to a point to present a level foundation, and when standing in the approximate middle of the first floor of the building would be approximately 3-4 higher than the ground where we were standing, so extensive filling would be involved. There would be an outside lawn to the south of building. The wetland buffer was pointed out, as was the proposed disturbance. The amount of buffer intrusion could be reduced with a smaller lawn. We will have to determine if mitigation is necessary. Mitigation is necessary for the wetland buffer intrusion and needs to be discussed.

The building was at least 200 feet away from the nearest visible structure to the east. We were advised that the area between the building and the eastern property would be extensively cleared of trees in order to accommodate the septic fields and expansion area, which needs some fill.