

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, April 16, 2019 at 7:30 p.m. The audio recording of this meeting is 190416_001.

Present: Janet Andersen, Chair
Jerome Kerner
Greg La Sorsa
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 7:31 p.m. and noted the exits.

I. EXTENSION OF TIME REQUESTS

Cal# 3-13PB, 03-16WP

(0:35 – 1:50)

“Silvermine Preserve,” Silvermine Drive & Lockwood Road, South Salem, NY, 10590 Sheet 48, Block 10057, Lot 15 and Sheet 51, Block 10057, Lot 104 (Ridgeview Designer Builders, Inc. & Daniel Higgins, owners of record) - Applications for Subdivision, Wetland Activity and Stormwater Permits for the construction of a 13-lot subdivision.

Eric Moss, owner; and Beth Evans, Evans Associates; were present.

Ms. Evans stated the survey is complete, test wells have been dug and they are working with the Westchester County Dept. of Health (DOH) to finalize the subdivision plat; she requested a 6-month extension.

On a motion made by Mr. Kerner, seconded by Mr. La Sorsa, the Board granted one 6-month extension to the Resolution dated April 18, 2017 to the Silvermine Preserve Subdivision granting Preliminary Subdivision Plat Approval; the new expiration date is October 14, 2019.

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

Cal #8-12PB

(1:51 – 4:09)

Petrucelli/Badagliacca, Oscaleta Road, South Salem, NY 10590 Sheet 33B, Block 11157, Lot 46 (Steven Petrucelli and Teresa Badagliacca, owners of record) - Request for a 90-day Extension of Time to resolution granting Preliminary/Final Subdivision Plat, Negative Declaration Under SEQRA, dated October 21, 2014.

Michael Sirignano, Esq. was present on behalf of the owners.

Ms. Andersen recused herself.

Mr. Sirignano requested a 90-day extension due to legal issues that need to be resolved.

Mr. Kerner stated the escrow is deficient and payment of same should be a condition of an extension.

On a motion made by Mr. La Sorsa, seconded by Mr. Sklarin, the Board granted a 90-day extension to the Resolution granting Preliminary/Final Subdivision Plat dated October 21, 2014, with the condition that escrow payment be received by April 30, 2019; the new expiration date is July 8, 2019.

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

7:35 p.m. Ms. Andersen returned to the meeting.

II. REQUEST FOR RELEASE OF WETLAND MITIGATION BOND

Cal# 7-10PB

(4:26 – 8:20)

Brown's Reservoir Dam Rehabilitation, South Salem, NY 10590, Sheet 0051, Block 09835, Lot 1 (First Taxing District of the City of Norwalk, owner of record) - Request for release of wetland mitigation bond.

Don Ukers, P.E., First Taxing District Water Department, was present.

Mr. Johannessen reviewed the history of the required wetland mitigation and the posted bond. He stated the yearly monitoring reports had been submitted, reviewed, issues were addressed and final inspections confirmed viable plantings.

Mr. Siebert reviewed the draft resolution. He noted this type of security did not require release by the Town Board.

On a motion made by Mr. Sklarin, seconded by Ms. Maguire, the resolution dated April 16, 2019 for the release of the wetland mitigation bond at Brown's Reservoir Dam Rehabilitation, 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.

III. PUBLIC HEARINGS

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

(8:39 – 14:47)

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

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

Mr. John Assumma (General Manager) and Patrick Hagan (Golf Course Superintendent), Waccabuc Country Club (WCC); Abigail Adams, A2 Land Consulting; John Doyle, Doyle Coffin Architecture; and Peter Marchetti, Marchetti Engineering; were present.

Ms. Maguire recused herself from the project.

Mr. Johannessen stated the outstanding comments are of a technical nature related to the SWPPP.

Mr. Doyle stated they are on the ZBA's April 24, 2019 agenda as coverage area and setback variances are required. There were no comments from the CAC or the public.

Mr. Siebert stated the Board should keep the public hearing open until the ZBA has made its determination. He noted a draft resolution could be prepared for next month's meeting.

The Board reached consensus that the public hearing shall remain open and continue May 21, 2019, and asked Kellard Sessions to draft a resolution.

Mr. Doyle distributed new materials including revised site and mitigation plans, NOI, response letter to Kellard Sessions (dated April 16, 2019) and a list of local golf courses using Carbtrol products.

7:46 p.m. Ms. Maguire returned to the meeting.

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

(15:01 - 1:51:10)

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; Keith Staudohar, Cronin Engineering; Stephen Danzer, PhD; and Michael Sirignano, Esq. were present.

Prior to the meeting, Michael Sirignano submitted the receipts for mailing the public hearing notice, affidavit of mailing, green cards from the certified mailings, affidavit of sign posting and a photograph of the public hearing sign at the site 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. Valerie Johnson (156 Elmwood Road, South Salem) stated she had not received the public hearing notice. [A notice was sent certified, return receipt to her address March 28, 2019].

At the request of a member of the public, Ms. Andersen read the public hearing notice.

Mr. Sirignano stated the proposal is to develop this 2.001 acre parcel, in an SCR-2A zone, with a single-family home. He noted that the Assessor has the same acreage in her records and the proposal does not need any variances as it meets all setbacks and has 5.4% lot coverage where 9% is permitted. Mr. Sirignano stated the property contains locally-regulated wetlands, no state-regulated wetlands and per §217-5a of the Town Code, none of proposed activities are prohibited activities. He noted the parcel contains a Class AA-S stream, for which the Dept. of Environmental Conservation (DEC) issued a Protection of Waters Permit under Article 15. Mr. Sirignano stated the proposed action is a Type II Action (will not have significant adverse impacts on the environment) under the State Environmental Quality Review Act (SEQRA) and that the matter qualified for a nationwide blanket permit therefore no local U.S. Army Corps of Engineers (USACE) permit was required. He noted the well and septic plans have received DOH approval and due to the area of disturbance being under one acre no State Pollutant Discharge Elimination System (SPDES) permit is required. Mr. Sirignano stated this parcel is part of a 417-acre tributary drainage area that ultimately moves through a 48" culvert under Elmwood Road. He noted that in lieu of locating all the stormwater improvements on-site, the owners have agreed to contribute monetarily toward a more adequate road culvert. Mr. Sirignano stated the driveway bridge will have no impact on the existing stormwater drainage system and its location was chosen to be the narrowest part of the stream; there will be no work on the streambed itself. He noted the house design has received Architecture and Community Appearance Review Council (ACARC) approval and the Highway Superintendent has approved the sight distances of the new curb cut. Mr. Sirignano stated 72 trees are to be removed. He noted the 7,915-sf wildflower meadow (over the septic) will be mowed no more than twice per year.

Mr. Staudohar reviewed the plan and noted the three rain gardens will capture runoff from the roof and driveway.

The following members of the public addressed the Board:

- David McKeon (164 Elmwood Road, South Salem) stated he was concerned about blasting, the owner's qualifications to advise on blasting, the blacktop driveway, if this is a spec house and the CAC's comment not to build here.

Mr. Wolff stated the CAC did not say not to build here.

- Mary Noecker (164 Elmwood Road, South Salem) stated she was concerned about blasting, her above-ground propane tanks, vernal pools, protecting the wetlands, setting precedent for construction within the wetland buffer, regrading of steep slopes, the accuracy of the surveys (2.001 versus 1.928 acres), the CAC's comments and she read from the First Taxing District Water Department's email dated February 13, 2019, "The site seems to have too much intense development/disturbance almost all of which is within the wetlands or wetland setbacks, defeating the intent of having setbacks. As shown[,] we don't think it should be given a permit." She read from the Town Code's Wetland Chapter §217-8B regarding no feasible alternatives and suggested the applicants consider other vacant parcels for sale in town. She stated if the contribution toward culvert improvements does not go toward that project it is merely a pay off to the Town and does not make up for the lack of 1:1 mitigation on the site.
- Valerie Johnson (156 Elmwood Road, South Salem) stated she was concerned about runoff, water overtopping and road closures on Elmwood Road due to the 100-year storms. She noted the 1.928-acre property is a mosquito-infested swamp/aquifer and views the culvert improvements as a waste of money. She is concerned about the discrepancy of the surveys, the removal of 72 trees and noted there will be variances required as the parcel is under two acres and these wetlands do not fall under the USACE blanket permit. She requested surety bonds for which the adjacent neighbors would be the beneficiaries in case of abandonment during construction and higher property taxes to cover Elmwood Road reconstruction and stormwater management. She stated the project is not in keeping with the Elmwood Road aesthetics. She noted that 20-25% of the lot has a 90° vertical.
- Timi Parsons (157 Elmwood Road, South Salem) stated she opposes this proposal and is concerned about the steep rock slopes that don't absorb water well, the wetlands, the application of the wetland law, the impact on the neighbors and climate change.

Mr. Sklarin stated the Board members had made at least one site visit.

- Starr Katz (172 Elmwood Road, South Salem) stated she was concerned about an increase in flooding, blasting insurance, mosquitos and asked after the steep slopes are gone where will the water go?
- Jay and Leah Graygor (45 Laurel Road, South Salem) stated they are current neighbors of the Dedvukajs and noted they are great neighbors. Mrs. Graygor stated Mr. Dedvukaj upgraded their current house and improved drainage on Laurel Road.
- Dennis Lee (23 Lake Path Road, South Salem) stated he is a current neighbor of the Dedvukajs and he noted that they are excited to build and live in the house they are proposing and they are great neighbors. Mr. Lee noted that Mr. Dedvukaj's current lot was a swamp and he fixed the drainage and replaced a culvert at his own cost.
- Peter Parsons (157 Elmwood Road, South Salem) stated the flooding at Wakeman Road is happening more frequently due to climate change, a steady increase in impervious surfaces and tree removal along Elmwood Road. He noted he will supply the Board with the 2017 Kellard Sessions cost estimate to replace the culvert; he thought it was \$130,000 and noted the Town did not receive a State grant for the work.

Mr. Wolff stated he had been on both site walks and is concerned about materials going into the stream (both during construction and after occupancy), blasting, the lack of 1:1 mitigation and if the culvert will be built.

Mr. Johannessen stated there is a discrepancy in the lot's size as the survey shows two calculations for the acreage – 2.001 acres (survey) and 1.982 (deed description). He recommended the Board request comment from the Building Inspector regarding the non-conforming status. Mr. Siebert concurred that the Building Inspector will make the determination as to whether the lot is pre-existing non-conforming and a buildable lot. The Board reached consensus to send a memo to the Building Inspector requesting his opinion on the buildability of the lot.

Ms. Andersen gave the site visit report from March 30, 2019. She noted that in attendance were:

- Planning Board members – Janet Andersen, Maureen Maguire and Rich Sklarin;
- CAC members - Val Ondes, Joe Tansey and John Wolff;
- Zef and Yuliya Dedvukaj and their children;
- Tim Cronin, Cronin Engineering; and
- Tracy Chalifoux, RLA.

She stated they walked the site; noted the boundaries; viewed the house, septic and bridge sites; discussed fill, propane and generator locations and “beat the peak,” stormwater management. Ms. Andersen stated the applicant had said the house location was chosen due to the slope and could not be pushed further back into the lot. Ms. Maguire concurred that it is a challenging lot.

Mr. Staudohar reviewed the watershed map (Appendix F-1 in the SWPPP, dated November 20, 2018) and the 447 acres that drain into the 48” Elmwood Road culvert. He noted that currently one-year storms flood the road and if the Dedvukajs’ site were developed it would “beat the peak,” and be drained through the culvert before the stormwater from the rest of the 445 acres reached the culvert. Mr. Staudohar stated if the culvert were improved, a 7’ x 14’ box culvert should be able to convey the runoff from the entire 447 acres. He noted that the road acts as a weir and he will check if their simulations looked at sites downstream of the subject property (from the culvert to the reservoir).

Mr. Johannessen requested the applicant supply a written response to the First Taxing District Water Department’s email.

Mr. Staudohar reviewed a typical blasting permitting protocol. Mr. Sirignano stated the applicant would prefer chipping than blasting.

Dr. Danzer stated achieving the 1:1 mitigation is difficult with the wetland buffer being 150’ and that direct disturbance to the wetlands is 2,774 sf (primarily due to the bridge abutments). He noted the proposal includes 10,310 sf of wetland enhancements through plantings and the erosion plan features stabilization of slopes.

Mr. Siebert stated that the applicant’s contribution toward culvert repair could be a condition of a Planning Board Resolution requiring the money be earmarked for the culvert project, deposited into an escrow account, not the general fund. Mr. Sirignano encouraged neighbors to make similar contributions toward the culvert repair.

The Board reached consensus that the public hearing shall remain open and continue May 21, 2019.

IV. DISCUSSION OF TOWN BOARD PROPOSAL TO AMEND LEWISBORO TOWN CODE

Town Board to amend Section 220-43.6 – Amending the Town Code to provide Special Use permit provisions for gasoline service stations.

(1:51:12 – 2:14:56)

Mr. Siebert stated that the Town Board sent this proposed revision to the Zoning Chapter of the Town Code to the Planning Board for comment. He noted that chapter (§220-32E) has requirements for Special Use Permits but unlike dog kennels there is not a specific section outlining gasoline service station standards.

Mr. Kerner cited proposed sub-sections B – “The minimum lot area required for the establishment of a gasoline service station shall be one acre,” and E – “A gasoline service station use shall not be permitted within a distance of 200’ of another existing gasoline service station use,” and asked where those figures came from. Mr. Johannessen stated the 200’ came from Town Codes in North Salem, Bedford and Pound Ridge. He noted that except for Cross River Shell, most gas stations in Lewisboro are on at least an acre.

Mr. Kerner asked if alcohol will be sold and would in-ground gas tanks be characterized as noxious or toxic matter (§220-64). He recommended a funding mechanism to address spills and containment.

Ms. Andersen listed some items from North Salem's Town Code that the Town Board might consider: funding in place if there were a catastrophic spill and owner bankruptcy, no vehicle sales, queueing lanes must not back into traffic and bypass lanes must allow for movement between occupied pumps. She added that delivery trucks should not impede traffic or have to back into traffic and whether there could be a minimum 500' distance to a neighboring well or public water supply.

Mr. La Sorsa asked if this is spot zoning and should service stations have a larger acreage than gas stations. Mr. Johannessen stated gas stations are currently allowed in RB and GB zones via Special Use permits which limit the hours of operation. He listed provisions from other municipalities that the Town may consider limiting/prohibiting: canopy height, light levels, car repairs done out-of-doors, pumps with televisions, plus sale of motor vehicles, propane tanks and firewood. Mr. Johannessen stated a minimart would be an accessory retail use.

Ms. Andersen asked if stations should be required to have generators so operations can continue during power outages. Mr. La Sorsa stated that is a business decision and asked if existing stations would be required to install generators.

Mr. Siebert stated he will draft a response letter to the Town Board, including the recommendations mentioned tonight, for the Board to review at its May 21st meeting.

Peter Parsons, Town Supervisor, stated the new law should be written in order to grandfather existing gas stations. He noted the Town Board's draft local law was sent to this Board as well as Westchester County Planning Board (WCPB) and the Town Board will hold its public hearing on it April 22nd.

V. WETLAND VIOLATIONS

Cal #3-16WV, Cal #06-17WP, Cal #10-17SW

(2:14:57 – 2:37:24)

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

Jeri Barrett, J. D. Barrett & Associates; was present on behalf of the owners.

Mr. Barrett reviewed the project and distributed a Mitigation Planting Compliance Summary (dated April 10, 2019) noting a total planting cost of \$56,424.00. He stated that a third of an acre of grass has been replaced with deep-rooted tall prairie grasses that will act as a filtration system. Mr. Barrett apologized for moving some of the approved plantings closer to the eastern property line along the driveway. Mr. Barrett noted there are two items to be completed: the new vegetable garden and new patio and then a final inspection can be scheduled.

Mr. Johannessen stated the wetland and stormwater permits have been renewed once but will expire this month and requested an as-built survey (comparing what was approved versus what was planted) be submitted. He noted that the plantings along the property line, outside of the buffer, were not on the originally approved planting plan and are not mitigation. Mr. Johannessen stated the paddock was a prohibited use within the wetland buffer and moving it out of the buffer is not mitigation. He noted that the curved downslope area towards the western lot line is the most critical wetland area. While that area had been planted with grasses, the planned shrubs had not been planted in that area.

Ms. Andersen listed the next three steps: extending the permits, the applicant to work with Mr. Johannessen on the mitigation plan and the escrow be replenished.

On a motion made by Mr. Kerner, seconded by Mr. Sklarin, the Board granted a 6-month extension to the Wetland Implementation Permit and Stormwater Permit issued to Annette and Peter McGuinness at 17 Schoolhouse Road, Waccabuc, with the condition that escrow payment be received by April 30, 2019; the new expiration dates are October 30, 2019.

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

Cal#1-19WV

(2:37:25 – 2:37:56)

Mr. Siebert announced the matter but as no one responded it was adjourned to the May 21, 2019 meeting. He noted he would contact the homeowner again.

VI. SITE VISIT REPORT

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

(2:37:57 – 2:50:50)

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.

Joseph Riina, P.E., Site Design Consultants; was present on behalf of the owner.

Ms. Andersen gave the site visit report from March 30, 2019. She noted that in attendance were:

- Planning Board members – Janet Andersen, Maureen Maguire and Rich Sklarin;
- CAC members - Val Ondes, Joe Tansey and John Wolff;
- Bruce Donohue, RLA; and
- Joseph Riina, Site Design Consultants.

She stated the driveway and house sites were staked, the site was steep at the road and then leveled out, water was visible at the surface of the property, wetlands were flagged and the abutting back property was lawn; they viewed the stand of trees that the curved driveway proposes to avoid. She said the site was constrained and difficult. Ms. Andersen asked if the driveway and septic location could be swapped in order to get the septic out of the wetland buffer.

Mr. Sklarin stated there were many fallen trees through the property, which he felt could indicate roots had been limited by wet areas. Ms. Maguire concurred, adding that there was standing water in the root holes.

Mr. Wolff noted that only 5% of the property is out of the wetland buffer and the stand of trees could be between 60 – 100 years old.

Mr. Riina stated that if the 3-bedroom, 3,000 sf house were moved toward the road it would mean removal of that stand of historic trees. He noted that Mr. Donohue has started discussing mitigation with Mr. Johannessen. Mr. Riina stated the house could be moved toward the setback if the trees were removed and will resubmit.

Mr. Johannessen stated he had confirmed the DEC wetland boundaries.

VII. SKETCH PLAN REVIEWS

Cal# 3-19PB

(2:51:33 – 3:24:32)

7-Eleven/Gas Station, 873 Old Post Road, Cross River, NY 10618, Sheet 20, Block 10800, Lots 2 & 8 (GHI Real Estate Corp, owner of record) – Application for a 7-Eleven convenience store and a gas station.

Leo Napior, Harfenist Kraut & Perlstein; Zach Chaplin, Stonefield Perlstein; and Ed Glackin, Black Diamond Equity (applicant); were present on behalf of the owner.

Mr. Napior summarized the proposed 3,000 sf 7-Eleven convenience store and 6-fueling dispensers/12-fueling positions gas station. He noted he is in discussions with the Building Inspector as to whether (or not) the fueling positions count in the parking calculations (26 spaces total proposed). Mr. Napior noted the parcel is 0.7 acres, in an RB zone and the existing building and detached garage would be demolished. He stated the proposal includes 2 curb cuts (Route 35 and North Salem Road), stormwater improvements (bioretention area near the intersection) and requires a Special Use Permit. Mr. Napior noted that if adopted, the new Local Law pertaining to gas stations may impact the application with regard to variances. He stated this is Type II Action under SEQRA and requested the Board act as lead agency and refer the matter to the WCPB. Mr. Johannessen stated WCPB referral would take place after the Board determines if will act as lead agency as the WCPB would be an interested party.

Mr. Chaplin stated the fuel tanks proximity to wells/septic systems is regulated by the DOH and DEC. He noted the building is proposed for the SE corner of the site (away from the intersection) with a 15' vegetated buffer on the eastern property line. Mr. Chaplin stated there would be full vehicular circulation around the pumps, the underground fuel tanks would be double-walled, there would be 24/7 on and off-site monitoring and LED lighting (without spillage into the adjacent properties). He stated this is a sensitive DEP watershed area and a SWPPP will be submitted as well as a traffic study. Mr. Chaplin noted his firm is working on other 7-Elevens proposals in Elmsford, White Plains and Carmel.

Mr. Glackin stated the leases are held by 7-Eleven who would be the operator and the application would only proceed with a gas station included.

Mr. Sklarin noted this is a very congested area during the commuter/school bus hours. Mr. Chaplin stated the Department of Transportation (DOT) would be reviewing this proposal which includes right in and right out only on Route 35 and full access to North Salem Road. He noted the applicant is amenable to looking at pedestrian upgrades at the intersection.

Mr. Siebert stated this site is zoned RB and subject to a Special Use Permit standard which currently has no specific criteria for gas service stations. Mr. La Sorsa asked if this application was premature given the proposal zoning changes and recommended the applicant return in 60 days.

Ms. Andersen noted MTBE spills at Sal's and the Shell station plus remediation at the Meadows. Mr. Chaplin stated 7-Eleven uses state of the art technology and the DEC will be conducting testing.

Mr. Siebert stated that variances cannot be granted until after the SEQRA determination is made by this Board.

Mr. Chaplin stated there are no wetlands on the property and the EAF will be revised to reflect that. Ms. Andersen noted other areas for review in the EAF. Mr. Napior stated they are investigating other spills.

Mr. Chaplin stated the building is to be constructed of brick with a glass front.

Mr. Kerner recommended the applicant contact the local police for traffic/accident information.

VIII. WETLAND REVIEW

Cal #24-17WP, #6-17SW

(3:24:40 – 3:28:37)

Grigor/Pasicov Residence, 24 Gilbert Street, South Salem, NY 10590, Sheet 36F, Block 10806, Lot 22 (Stephanie Pasicov, owner of record) - Application to renovate a two-bedroom house.

Alex Grigor, owner's spouse, was present.

Ms. Andersen stated [that on July 18, 2017] the Board had determined that the proposed renovations could be handled administratively by the Wetlands Inspector however, there were modifications to the plan that warranted an informational update to the Board.

Mr. Grigor stated the new proposal is to square off the footprint, avoid the side setback and to include a second story on one portion of the house. He noted a decrease in impervious surfaces from 2,459 sf to 2,021 sf and the new proposal is DOH compliant.

Mr. Johannessen stated the house is now to be demolished, rebuilt and the revisions will not have an adverse impact on the wetlands. He noted due to the slight increase in the house's footprint the rain garden has been enlarged.

The Board reached consensus that the Grigor/Pasicov application could remain administrative.

IX. MINUTES OF January 15, 2019; MINUTES OF January 24, 2019; MINUTES OF February 26, 2019 and MINUTES OF March 19, 2019.

(3: 28:38 – 3:28:53)

The Board tabled discussion of minutes.

X. DISCUSSION

(3:28:57 - 3:29:51)

Mr. Siebert stated the Board has received an Article 78 action for its decision on the Wilder Balter development. He noted that in addition to the Board, Wilder Balter and Louis Dreyfus Group (property owner) were named.

Ms. Conran will place the petition and attachments in a DropBox file.

XI. ADJOURNMENT

(3:29:52 – 3:29:59)

On a motion made by Mr. Kerner, seconded by Ms. Maguire, the meeting was adjourned at 11:01 p.m.

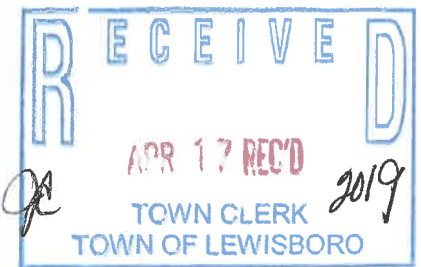
In favor: Ms. Andersen, Mr. Kerner, Mr. La Sorsa, Ms. Maguire and Mr. Sklarin.

Respectfully Submitted,



Ciorsdan Conran
Planning Board Administrator

**RESOLUTION
LEWISBORO PLANNING BOARD**



**RELEASE OF WETLAND MITIGATION BOND -
WETLAND ACTIVITY PERMIT**

**1st TAXING DISTRICT OF THE CITY OF NORWALK
BROWNS RESERVOIR DAM REHABILITATION**

**Sheet 51, Block 9835, Lots 1 and 2
Cal. #7-10 P.B.**

April 16, 2019

WHEREAS, the 1st Taxing District of the City of Norwalk (“1st Taxing District”) is the owner of Browns Reservoir (the “Reservoir”), which serves as a drinking water supply for the City of Norwalk, Connecticut; and

WHEREAS, the property on which the Reservoir is situated encompasses land in the Town of Lewisboro designated as Sheet 51, Block 9835, Lots 1 and 2 on the Tax Map of the Town of Lewisboro; and

WHEREAS, by Resolution adopted on June 28, 2011, the Planning Board granted Site Development Plan Approval and Wetland Activity Permit Approval to the 1st Taxing District authorizing the rehabilitation of the dam supporting the Reservoir to meet New York State Department of Environmental Conservation dam safety stability and design requirements, the rehabilitate and improve the low level outlet works and spillway and improve the operation and maintenance characteristics of the dam; and

WHEREAS, as part of the Wetland Activity Permit issued pursuant to this Resolution (specifically, Condition #11 thereof), the 1st Taxing District was required to post a bond to remain in effect for a five (5) year period as security for the installation, continued maintenance and survival of certain wetland mitigation, including wetland creation areas and plantings; and

WHEREAS, pursuant to said Resolution, the 1st Taxing District posted such a bond in the amount of \$100,000, which remains in place; and

WHEREAS, this bond was not required or posted for the purpose of securing the completion of “public work improvements” pursuant to §217-9 of the Lewisboro Town Code (Wetlands and Watercourses), but instead to insure completion of a wetland mitigation plan approved by the Planning Board as part of the Wetland Activity Permit; and

WHEREAS, as a result, the release of the bond posted by the 1st Taxing District under the Wetland Activity Permit is a matter within the jurisdiction of the Planning Board; and

WHEREAS, the Planning Board has received a report from Kellard Sessions Consulting, the Town Wetland Consultant, confirming that the five (5) year period specified in the June 28, 2011 Resolution has passed, that the required wetland mitigation has been satisfactorily completed and that all wetland monitoring requirements associated with the Wetland Activity Permit have been fulfilled;

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board finds that the installation, maintenance, and survival of wetland mitigation required under the aforementioned Wetland Activity Permit has been satisfactorily completed; and

BE IT FURTHER RESOLVED THAT, as a result of the passage of the five (5) year period specified in the Wetland Activity Permit, and the 1st Taxing District's fulfillment of wetland mitigation planting, monitoring and reporting requirements, the bond posted under Condition #11 of the June 28, 2011 Resolution is to be released; and

BE IT FURTHER RESOLVED THAT the Planning Board authorizes the release of this bond to the 1st Taxing District.

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:

The motion was seconded by:

The vote was as follows:

Richard Sklarin
Maureen Maguire

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

Janet Andersen
Janet Andersen, Chair

April 16, 2019