

Meeting of the Planning Board of the Town of Lewisboro held at the Commons / Courtroom at 79 Bouton Road, South Salem, New York on Tuesday, February 20, 2024 at 7:30 p.m. The audio recording of this meeting is Lewisboro Planning Board 240220_001.MP3

Present: Janet Andersen, Chair
Paul Fusco
John Gusmano
Charlene Indelicato
Bruce Thompson
Jud Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Joseph Cermele, P.E., KSCJ Consulting, Town Engineer
Ciorsdan Conran, Planning Board Administrator
John Wolff, Conservation Advisory Council (CAC)

Absent: None.

Ms. Andersen opened the meeting at 7:30 p.m., noted the exits and stated that the January 16, 2024 meeting had been cancelled due to inclement weather. She thanked Susan Gerry for her service to this Board and wished her well in her role as Deputy Mayor of Yonkers. Ms. Andersen welcomed Paul Fusco to the Board.

I. CONTINUATION OF PUBLIC HEARINGS

Cal #06-17PB, Cal #43-23WP, Cal #18-23SW

(3:00 – 4:19)

Wolf Conservation Center, Buck Run, South Salem, NY 10590; Sheet 21, Block 10803, Lots 3, 65, 67, 81, 82, 83, 86 & 88 (Wolf Conservation Center, owner of record) - Application for a Site Development Plan Approval, Special Use Permit Approval, Wetland Activity Permit Approval and Stormwater Permit Approval for a private nature preserve.

No one was present on behalf of the owner.

The public hearing was reopened at 7:37 p.m.

No members of the public commented on the application tonight.

Ms. Andersen stated this public hearing was opened in November 2023, continued in December and carried over to tonight. She noted that the applicant requested an adjournment to next month.

The Board reached consensus that this public hearing will continue March 19, 2024.

Cal #03-23PB, Cal #05-23SW

(4:20 – 15:13)

19 Mark Mead Road LLC parking, 19 Mark Mead Road, Cross River, NY 10518; Sheet 20, Block 10800 Lot 1 (19 Mark Mead Road LLC, owner of record) – Application for construction of 12 parking spaces for Bacio restaurant employees and four residential spaces.

Antonio Abbate and Antonio Coppola, owners; Joseph Riina, P.E., Site Design Consultants; and Michael Sirignano, Esq. were present.

The public hearing was reopened at 7:40 p.m.

Ms. Andersen stated this public hearing was opened in October 2023, continued in November, and carried over to tonight.

Mr. Riina stated the current proposal is to install 12 dedicated staff parking spaces and four dedicated tenant spaces in a new gravel lot; there is an existing two-family house on the parcel. He noted that the existing garage will be removed.

Mr. Riina stated that at the Bacio restaurant lot (12 North Salem Road) a dozen new spaces (3 gravel, 9 either asphalt or porous surface) will be added, including an additional ADA accessible parking space. He noted that there is a slight encroachment on the septic, they are working with the WCDOH to amend those approvals and as a result the restaurant's water system will need to be upgraded.

Mr. Riina stated that the east side of the parking lot will have planted screening and there will be additional plantings along North Salem Road.

Julio Orellana (27 Mark Mead) asked for clarification on the new parking spaces at 12 North Salem Road and 19 Mark Mead Road. Mr. Riina reviewed the new spaces.

George Eggleston (54 Mark Mead) asked if there will be a new curb cut on Mark Mead Road. Mr. Riina stated no, the access to the new parking lot will be the existing driveway on North Salem Road.

Mr. Cermele stated the stormwater plan has been improved and the gravel lot will have no impact. He noted that a SWPPP is required.

On a motion made by Ms. Indelicato, seconded by Mr. Gusmano, the Board closed the public hearing for the 19 Mark Mead Road LLC's gravel parking lot at 19 Mark Mead Road, Cross River at 7:47 p.m.; In favor: In favor: Ms. Andersen, Mr. Fusco, Mr. Gusmano, Ms. Indelicato and Mr. Thompson. Absent: None.

The Board reached consensus to instruct the consultants to draft a resolution for the March 19, 2024 meeting.

II. EXTENSION OF TIME REQUESTS

Cal #03-13PB, Cal #03-16WP, Cal #19-21SW

(15:14 – 18:25)

“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) – Request for two 90-day extensions of time to the Resolution granting Final Subdivision Plat Approval, Wetland Activity and Stormwater Permits, dated August 16, 2022 for the construction of 13 single-family houses; the current expiration date is February 14, 2024.

Tim Allen, Bibbo Associates; was present on behalf of the owner.

Mr. Allen requested two 90-day extensions and stated that the road and drainage basins have been installed and the stormwater catch basins and piping are being installed. He noted that no work has begun at lot 13.

On a motion made by Mr. Gusmano, seconded by Mr. Thompson, two 90-day extensions of time to the Resolution granting Final Subdivision Plat Approval, Wetland Activity and Stormwater Permits, dated August 16, 2022 for the construction of 13 single-family houses at “Silvermine Preserve,” Silvermine Drive & Lockwood Road, South Salem was granted. In favor: Ms. Andersen, Mr. Fusco, Mr. Gusmano, Ms. Indelicato and Mr. Thompson. Absent: None. The new expiration date for those approvals is Monday, August 14, 2024.

Cal #08-14PB, Cal# 95-14WP, Cal# 20-14SW

(18:26 – 20:52 and 1:43:27 - 1:44:05)

Goldens Bridge Village Center, NYS Route 22, Goldens Bridge, NY 10526; Sheet 4, Block 11126, Lot 07 (Stephen Cipes, owner of record) – The Planning Board Resolution for Site Development Plan Approval, Wetland Activity Permit Approval and Town Stormwater Permit granted on January 21, 2020 for modifications to the existing shopping center; the current expiration date was January 22, 2024.

No one was present on behalf of the owner.

Ms. Andersen stated this applicant had received approval for a new building (daycare facility and office space) at the north end of the parcel. She noted that the site was cleared but construction had not begun, and that the applicant also discussed apartments at the village center location.

With the agreement of the Board, Ms. Andersen stated this matter will be adjourned to March 19, 2024 and Ms. Conran is to contact the applicant to ask that they attend that meeting to update the Board in person.

III. SITE DEVELOPMENT PLAN REVIEW

Cal #18-22PB

(20:53 – 28:04)

Bichon LLC, 876 Route 35, Cross River, NY 10518; Sheet 20, Block 10801, Lot 2 (Bichon LLC – owner of record) – Application for a change of use from residential to commercial (professional office).

Patrick Croke, AIA; Michael Sirignano, Esq.; were present on behalf of the owners.

Mr. Sirignano stated the current proposal is a mixed use with a tenant renting the former-residential building for office use and at the northeast corner 3 flatbed trucks used for a 24-hour towing service would be stored without the disabled cars. He noted that for many years, the neighbor had encroached on the property with auto storage.

Mr. Croke stated that 1,250 sf of macadam are to be removed and replaced with topsoil and grass. He noted that a new fence is to be installed along the southern border and no trees are to be cut down.

Ms. Andersen requested turning radius and landscaping plans be submitted. The applicants agreed.

The Board reached consensus to refer this proposal to the Building Inspector for a determination of use compliance before further discussion of the site plans.

IV. WETLAND PERMIT REVIEW

Cal #22-23WP, Cal #02-23WV

(28:05 – 41:49)

Merchan and Valencia Residence, 1324 Route 35, South Salem, NY 10590; Sheet 39, Block 10543, Lot 22 (Lina Merchan and Fabio Valencia, owners of record) - Application for remediation of wetlands.

Lina Merchan, owner; and Tracy Chalifoux, RLA; were present.

Ms. Andersen stated that the Board had made a site visit October 14, 2023 and Mr. Fusco could arrange one with the applicants if he wished.

Ms. Chalifoux stated that to stabilize the cracking driveway, the applicant had placed fill on the southern edge of the driveway, created a long shoulder but that some of that fill crossed the property line and entered the wetlands. She noted that a 3' wide lawn shoulder is proposed south of the driveway which will be lined with boulders or a dry stacked stone wall and with the neighbors' permission, the fill will be removed from the wetlands. Ms. Chalifoux stated at the curve in the driveway boulders have been placed to create a guard rail and those are to remain. She noted that brush piles, railroad ties, concrete blocks and some fill on the subject property are to be removed. Ms. Chalifoux stated that work near tree trunks will be done by hand and 18 native shrubs are to be planted.

Ms. Merchan stated that the fill was introduced to prevent erosion as well as cars from slipping off the driveway; she added that no trees were removed. Ms. Andersen acknowledged that at the site walk the Board noted that the driveway is steep, curved and drops off.

Ms. Andersen stated the Board's consultants will prepare a memo on this restoration plan for the March 19, 2024 meeting.

Cal #29-23WP, Cal #09-23SW

(41:50 – 1:15:09)

Bernabo Residence, 96 Post Office Road, Waccabuc, NY 10597; Sheet 25, Block 10812, Lot 3 (Alex Bernabo, owner of record) – Application for a new well, septic and house.

Alex and Faus Bernabo, owners; and Peder Scott, AIA; were present.

Ms. Andersen stated the application was first before the Board in August 2023 and a site visit was held on October 14, 2023.

Mr. Scott distributed a mitigation plan dated February 10, 2024, along with undated renderings. He noted that the proposed house design was revised from a single-story 2,400 sf to a two-story 1,700 sf home and items along the wetland line include two rain garden planters flanking a cantilevered pervious deck that sits atop 1-2 posts. Mr. Scott stated the house's foundation is 6' from the wetland line. He discussed the well/septic locations and separations. Mr. Fusco asked if the split-rail fence could be along the wetland line instead of 6' into the wetlands.

Mr. Scott stated that the wetland impact area is 1,055 sf and the total impact area is 14,639 sf. He noted that the total of the three mitigation areas is 15,707 sf and would include barberry removal and planting of native species with 430 sf being off site. Mr. Wolff asked how the owner will control the off-site mitigation. Mr. Scott stated that off-site mitigation is no longer being proposed but trees are being planted on the northern neighbor's property. Much of the mitigation activities will be in the wetland area.

Mr. Cermele stated soil testing needs to be scheduled and the tree survey needs to be added to the plan. Mr. Scott agreed.

Mr. Thompson stated he had visited the site recently and asked if an alternate septic technology could be considered. Mr. Scott stated the application has received DEP and DOH approval and for an initial septic system it must be a traditional system. Ms. Andersen stated Erika Pierce, our Westchester County Legislator, has been trying to get alternate septic technologies approved by the County but so far has not had success.

Mr. Siebert recommended the applicant meet with Mr. Johannessen prior to the next submission.

Cal #32-23WP, Cal #10-23SW

(1:15:10 – 1:21:22)

Gecaj Residence, 926 Route 35, South Salem, NY 10590; Sheet 20, Block 10801, Lot 156 (Xhafer Gecaj, owner of record) – Application for a new well, septic and house.

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

Ms. Andersen stated the application was first before the Board in October 2023 and a site visit held on November 10, 2023.

Mr. Wolff stated that the CAC would like more trees planted to recreate the cover that had been removed.

Mr. Cermele requested raingarden details. Mr. Fusco asked about herbaceous understory plantings and matching the number of cut trees (58) with new trees (48 are proposed). The applicant agreed that more trees and understory plantings could be added to the plan and raingarden details will be submitted.

Mr. Cermele recommended a planting bond.

On a motion made by Mr. Fusco, seconded by Mr. Gusmano, the Board determined that the review of the Gecaj Residence at 926 Route 35, South Salem, will be handled administratively by a permit issued by the Wetlands Inspector on the conditions that there are 58 new trees planted, understory plantings added, and a planting bond established. In favor: Ms. Andersen, Mr. Fusco, Mr. Gusmano, Ms. Indelicato and Mr. Thompson. Absent: None.

Cal #01-24WP

(1:21:23 – 1:22:07)

Wilson Residence, 55 Benedict Road, South Salem, NY 10590; Sheet 33, Block 11155, Lot 87 (Susan and Christopher Wilson, owners of record) – Application for an addition and rain garden.

Ms. Andersen stated the applicant received the KSCJ Consulting memo and asked for an adjournment while they revise their application. This matter is adjourned until after the resubmission.

V. DISCUSSIONS

(1:22:08 – 1:32:59)

Supervisor's response to Planning Board's inquiry about capacity and additional connections at the Oakridge Water District and Oakridge Sewer District facilities relating to this proposal:

Cal #12-22PB, Cal #36-22WP

Villas at Vista, 920 Oakridge Common, South Salem, NY 10590 Sheet 49D, Block 9829, Lot 10 (Smith Ridge Associates, owner of record) - Application for construction of 14 additional housing units.

Jeff Pine; and Michael Sirignano, Esq.; were present on behalf of the owner.

Ms. Andersen stated that this matter is on for discussion because a complete application has not been submitted. She noted that there was correspondence between the Town Board and this Board regarding the possibility of new connections to the existing Oakridge Water District and Oakridge Sewer District facilities.

Ms. Andersen thanked Ms. Conran for researching Laurel Ridge and during that 2008 development Ms. Andersen noted that Delaware Engineering commented on the quality and quantity of the water. Ms. Andersen stated that any new units would need similar reporting from Delaware Engineering.

Mr. Pine stated that a new six-unit building had been proposed but is no longer being proposed.

Mr. Siebert requested the applicant submit a complete application.

Cal #05-22PB

(1:33:00 – 1:37:04 and 1:44:07 - 1:48:14)

The Boro Café, 873 Route 35, Cross River, NY 10518, Sheet 20, Block 10800, Lots 2 & 8 (Swertfager Realty, LLC & Gecaj Associates Holding, LLC; owners of record) - Application for a liquor license.

No one was present on behalf of the owners.

Ms. Andersen stated the owners applied for a liquor license with the County and the application referenced the basement and the Board would like clarification on what use is taking place in the basement as the approved site plan did not include the basement. Ms. Indelicato stated that the business plan has hours of operation ending at 5 p.m. plus special events and beer and wine can be served.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board authorized the Chair to sign a letter to the applicants to clarify the use of the basement at the Boro Café, 873 Route 35, Cross River. In favor: Ms. Andersen, Mr. Fusco, Mr. Gusmano, Ms. Indelicato and Mr. Thompson. Absent: None. [Subsequent in-person discussion meant no letter was sent to the applicants.]

Mr. Siebert stated he spoke to the Building Inspector who speculated that the basement use was for storage and beer taps and not serving of patrons.

Skaz Gecaj and John Swertfager, owners, arrived at the meeting at 9:17 p.m.

Ms. Andersen asked the applicants if the use of the basement requires amending previous Board approvals. Mr. Gecaj stated the basement is only used for storage, there will not be patrons in the basement. He noted that they will only be serving beer and wine and except for special event nights closing is 5 p.m.

Discussion of the Lewisboro Comprehensive Plan 2024 Timeline

(1:37:05 – 1:40:01)

- Nelson Pope Voorhis (NPV) to conduct office hours for residents' specific concerns – March 4 and 8, 2024
- Town Board to conduct public hearing(s) regarding Comprehensive Plan and zoning amendments to the Town Code (tentatively scheduled for April or May 2024)

Mr. Gusmano left the meeting at 9:11 p.m.

Ms. Andersen stated the Board should schedule a one-hour special meeting to discuss the proposed zoning amendments.

Ms. Indelicato thanked Mr. Siebert for his work on drafting some of the zoning amendments and local laws.

Mr. Siebert thanked Ms. Indelicato and Ms. Andersen for their work on the Comprehensive Plan Steering Committee. He noted that the Town Board selected the right person when Katherine McGinn was appointed the Comprehensive Plan Steering Committee Chair and information on the process of updating the Comprehensive Plan can be found at: <https://www.lewisborogov.com/cmpsc>

VI. CORRESPONDENCE

(1: 40:02 – 1:43:26)

Referral from North Salem, NY Planning Board - Application for a two-lot subdivision at 234 Hawley Road, North Salem, NY.

Ms. Andersen stated this matter is a referral from North Salem's Planning Board and is a subdivision at 234 Hawley Road. She noted that while the majority of the property is in North Salem there is a small portion in Lewisboro.

Mr. Siebert stated he will check if Lewisboro should have been listed as an Interested Party under SEQR.

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board authorized the Chair to sign a letter to the North Salem Planning Board stating that our Board acknowledges that the proposed plat must include a signature line confirming Lewisboro Planning Board approval and that the applicant must obtain plat authorization (in the form of an approval or potential waiver of jurisdiction). In favor: Ms. Andersen, Mr. Fusco, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano.

VII. MINUTES OF December 19, 2023.

(1:48:15 – 1:48:28)

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board approved the minutes of the December 19, 2023 meeting, as submitted. In favor: Ms. Andersen, Ms. Indelicato and Mr. Thompson. Abstain: Mr. Fusco. Absent: Mr. Gusmano.

VIII. NEXT MEETING DATE: March 19, 2024.

(1:48:29 - 1:48:36)

Ms. Andersen stated the next meeting is to be held in the 79 Bouton Road courtroom / commons on Tuesday, March 19, 2024.

IX. ADJOURN MEETING.

(1:48:37 – 1:48:53)

On a motion made by Mr. Fusco, seconded by Ms. Indelicato, the meeting was adjourned at 9:21 p.m. In favor: Ms. Andersen, Mr. Fusco, Ms. Indelicato and Mr. Thompson. Absent: Mr. Gusmano.

Respectfully submitted,



Ciorsdan Conran
Planning Board Administrator