

Present: Janet Andersen, Chair
Paul Fusco
John Gusmano
Bruce Thompson
Jud Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Jan Johannessen, AICP, KSCJ Consulting, Town Planner
Ciorsdan Conran, Planning Board Administrator
Kevin Kelly, Building Inspector
John Wolff, Conservation Advisory Council (CAC)

Absent: Charlene Indelicato

Ms. Andersen opened the meeting at 7:30 p.m., noted the exits and informed the audience that the agenda would be taken out of order.

I. DISCUSSIONS

(2:03 – 6:39)

Public Hearing Notice process

Ms. Andersen stated that the Town has been paying for the publication of the public hearing notices but now that there is a new paper of record (*The Journal News* replaced *The Bedford Record Review*) those costs have tripled. She noted that other towns require the applicant to pay that cost.

Mr. Siebert stated that it is not unusual for the applicant to handle the publication of the legal notice. He added that an applicant already submits affidavits for mailing the legal notice to the abutters and posting the sign, this will mean one more affidavit that comes from the applicant. Mr. Johannessen and Mr. Kelly concurred that this was their experience in other towns.

On a motion made by Mr. Gusmano, seconded by Mr. Fusco, the Board agreed that the cost of public hearing notices will be the applicant's responsibility. In favor: Ms. Andersen, Mr. Fusco, Mr. Gusmano and Mr. Thompson. Absent: Ms. Indelicato.

On a motion made by Mr. Thompson, seconded by Mr. Gusmano, the Board authorized the Chair to send a letter to the Town Board stating that the Planning Board will now require applicants to place and pay for publication of public hearing notices. In favor: Ms. Andersen, Mr. Fusco, Mr. Gusmano and Mr. Thompson. Absent: Ms. Indelicato.

II. CONTINUATION OF PUBLIC HEARING

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

(6:40 – 7:59)

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 7:36 p.m.

No members of the public commented on the application tonight.

Ms. Andersen stated that the applicant requested an adjournment to next month; they will be on the ZBA's March 27, 2024 agenda and the pump test needs to occur.

The Board reached consensus that this public hearing will continue April 16, 2024.

III. EXTENSION OF TIME REQUEST

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

(8:00 – 20:47)

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.

Rocco Triglia was present on behalf of the owner.

Mr. Triglia stated the owner is securing the financing to develop the site. He noted that they are still pursuing the daycare/office use or possibly residential. Ms. Andersen noted that the applicant had been on the Board's October 19, 2021 agenda to discuss construction of residential units instead of the daycare/office building. Mr. Johannessen stated that if the owner proposes building anything other than a daycare/office building, then the applicant would have to return for a change of use. He added that the streetscape work has been completed but the improvements to the façade and construction of the new building to the north have not. Mr. Johannessen requested Mr. Kelly monitor the site for tidiness.

On a motion made by Mr. Thompson, seconded by Mr. Fusco, two 90-day extensions of time to the Resolution for Site Development Plan Approval, Wetland Activity Permit Approval and Town Stormwater Permit dated January 21, 2020 for the construction of a new building at the Goldens Bridge Village Center, NYS Route 22, Goldens Bridge was granted, with the condition that the applicant return this summer with an updated proposal. In favor: Ms. Andersen, Mr. Fusco, Mr. Gusmano and Mr. Thompson. Absent: Ms. Indelicato. The new expiration date for those approvals is Monday, July 22, 2024.

IV. CORRESPONDENCE

Cal #02-20PB

(20:48 – 24:33)

Mandia Residences, 65 Old Bedford Road, Goldens Bridge, NY 10526 Sheet 4A, Block 11112, Lot 2 (Town of Lewisboro, owner of record) - Request for final release of the apartments' construction performance bond.

Bruce Mandia, owner, was present.

Ms. Andersen stated that the applicant converted an existing building into four market-rate apartments; all units are rented, and site improvements have been completed.

The Board reached consensus to request Mr. Johannessen inspect the site and prepare a draft resolution.

On a motion made by Mr. Thompson, seconded by Mr. Gusmano, the Board authorized the Chair to sign a memo to the Town Board stating that the Planning Board requests permission to conduct a public hearing for the final release of the apartments' construction performance bond. In favor: Ms. Andersen, Mr. Fusco, Mr. Gusmano and Mr. Thompson. Absent: Ms. Indelicato.

The Board reached consensus to schedule the public hearing for April 16, 2024; applicant will send out the abutters mailings, submit the legal notice to the *Journal News* and post the public hearing sign. Mr. Mandia agreed.

V. SPECIAL USE PERMIT RENEWAL

Cal #6-01PB

(24:34 – 26:59)

T-Mobile Wireless Telecommunications at Leon Levy Preserve, NYS Route 35 AND NYS Route 123, South Salem, NY 10590; Sheet 40, Block 10263, Lot 62 (American Towers, Inc., owner of record) – Application for a Special Use Permit Approval renewal for T-Mobile facility at an existing cell tower.

David Kenny, Esq., was present on behalf of the owner.

Mr. Kenny stated this is a reapproval of the Special Use Permit and there are no changes to the facility are proposed.

Mr. Johannessen stated updated radio frequency compliance and structural reports plus as-builts are to be submitted. Mr. Kenny agreed.

The Board reached consensus to request Mr. Johannessen inspect the site and prepare a draft resolution.

Per the applicant's request, the Board reached consensus to schedule the public hearing for May 21, 2024.

VI. SITE DEVELOPMENT PLAN REVIEWS

Cal #18-22PB

(27:00 – 27:47)

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 offices and outdoor storage of flatbed trucks).

No one was present on behalf of the owner.

Ms. Andersen stated the applicant received the Building Inspector's memo which had the determination that the proposed use is not zoning compliant, as a result the applicant requested an adjournment to next month to prepare a rebuttal.

Cal #02-24PB

(27:48 – 37:54)

Taconah Cantina at Goldens Bridge Village Center, NYS Route 22, Goldens Bridge, NY 10526, Sheet 4, Block 11126, Lot 07 (Stephen Cipes, owner of record) – Application for a change of use from retail to restaurant.

David Chiong, Taconah Cantina owner, was present on behalf of the property owner.

Mr. Chiong stated that his proposal is to have a 25-seat 1,600 sf no reservation Mexican-food restaurant where the video store had been. He noted this is a change of use and he has received Dept. of Health approval. Mr. Chiong stated the restaurant will have full-service with a counter serve as well and operate 10 a.m. to 10 p.m.

Ms. Andersen stated that if this is a full-service restaurant the Board does not have to hold a public hearing. Mr. Kelly stated that this is a full-service restaurant.

Mr. Johannessen stated the applicant's engineer needs to submit a parking analysis of the entire shopping center. He noted that restaurant has a greater parking demand than a retail store and the resubmission deadline is March 26, 2024.

The Board reached consensus to instruct the consultants to draft a resolution for the April 16, 2024 meeting.

Cal #06-23PB

(37:55 – 1:13:56)

Double H Farm/Reid Subdivision, 20 Boutonville Road - South, Cross River, NY 10518; Sheet 18, Block 10526, Lot 10 (Double H Farm LLC, owner of record) and 45 Route 121 - South, Cross River, NY 10518; Sheet 18, Block 10526, Lot 4 (Felicia & Kevin Reid, owners of record) – Application for a subdivision and private riding academy.

Charles Martabano, Esq.; and Rich Williams, P.E.; were present on behalf of the owners.

Mr. Martabano stated the existing horse farm property is ±61 acres (±44 ac in Lewisboro and 17.2 ac in Pound Ridge) and the first proposal is a lot-line change that does not create any new lots but rather merges a total of 6.9 acres of the subject property with the co-applicants' 17.2-acre property located at 45 Cross River Road. He noted that the Reids will merge their existing lot with the two subdivided lots that flank it.

Mr. Martabano stated the second proposal is for a private riding academy which will have an eight-person staff and show horses at the site from May to November, and from December to April the horses will be in Wellington, Florida and a skeleton crew will remain in Cross River. He noted there are to be 22 stalls, 12-15 horses will be owned by Double H Farm and the rest will be owned by clients. Mr. Martabano stated that the business is for training the horses, not riding lessons, there will be little traffic, and the owners will live on the Pound Ridge part of the parcel.

Mr. Williams stated that these Olympic-caliber horses are not bred here, nor are events hosted here; the horses could make two trips per month to compete off site. He noted that the applicants are also proposing phased modifications to the horse farm:

Phase 1 (three months)- construction of a new outdoor horse-riding ring and a grand prix horse riding field; and

Phase 2 - removal of the existing barn and construction of a new barn and indoor riding ring in the same location; plus upgrades to the paddocks, house, septic and maintenance building; construction of a new:

- well;
- manure housing structure;
- caretaker's cottage;
- hot walker;
- irrigation pond; and
- farrier shop.

Mr. Williams stated in Phase 1 there will be 5.6 acres of disturbance, no wetland disturbance, but there is 8/10 of an acre buffer disturbance, 1/100 of an acre steep slope disturbance, no new pervious surfaces being created, and 12 trees are to be removed.

Mr. Williams stated in Phase 2 there will be 9.6 acres of disturbance, and the subdivision will follow an existing stone wall located on the eastern border of the Reids' property. He noted that he will request the Dept. of Health to make a determination as to whether this is a non-transient non-community water system. He noted that there are fewer than 25 people at the site.

Ms. Andersen requested a business plan on Double H Farm, LLC letterhead. Mr. Martabano agreed to contact his clients to prepare that.

Mr. Johannessen reviewed the KSCJ Consulting memo and discussed: agricultural districts exemptions, site plan approval for Phase 2, SEQR thresholds, and outside agencies (NYSDEC, Dept. of Health).

Mr. Siebert stated that the Town of Pound Ridge will also sign the subdivision plat.

The Board reached consensus to schedule a site visit Saturday, April 13, 2024 and refer this matter to the Building Inspector (zoning compliance) and South Salem Fire Department (firematics).

On a motion made by Mr. Gusmano, seconded by Mr. Thompson, the Board declared its intent to be lead agency for the coordinated environmental review of Double H Farm/Reid Subdivision, 20 Boutonville Road - South, Cross River under the State Environmental Quality Review Act. In favor: Ms. Andersen, Mr. Fusco, Mr. Gusmano and Mr. Thompson. Absent: Ms. Indelicato.

VII. WETLAND PERMIT REVIEWS

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

(1:13:57 – 1:21:40)

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, and Fabio Valencia, owners, were present.

Mr. Valencia stated their consultant; Tracy Chalifoux, RLA; is revising the plan to address the comments in the KSCJ Consulting memo. Mr. Johannessen stated there are just a few outstanding comments to be addressed: clarify the stonewall design on the plan, list the seed mix and contact the neighbor to the east about work to be done on their property. The applicants agreed.

On a motion made by Mr. Fusco, seconded by Mr. Thompson, the Board determined that the review of Merchan and Valencia Residence, 1324 Route 35, South Salem, will be handled administratively by a permit issued by the Wetlands Inspector. In favor: Ms. Andersen, Mr. Fusco, Mr. Gusmano and Mr. Thompson. Absent: Ms. Indelicato.

The Board reached consensus to set a control date for the applicant to return September 17, 2024.

Cal #01-24PB, Cal#06-24WP, Cal #02-24SW

(1:21:41 – 1:25:39)

Mayer and Raiffe Residence, 29 Todd Road, Katonah, NY 10536; Sheet 5, Block 10776, Lot 37 (Jaime Mayer & Daniel Raiffe, owners of record) - Application for septic expansion.

Gregory Caccioppoli, P.E. was present on behalf of the owners.

Mr. Caccioppoli stated the proposal is for a second-story addition that sits on the existing footprint but adds bedrooms. He noted that a new septic system will be outside of the wetland buffer and the DEC and Dept. of Health witnessed deep hole tests today and water was hit at 96".

Mr. Johannessen stated it is preferred to have both the primary septic and expansion area outside of the buffer but if one has to be in the buffer, it is better to have the expansion area in the buffer.

VIII. DISCUSSIONS, CONTINUATION

(1:25:40 – 1:30:43)

Schedule a special meeting to review the zoning changes to the Town Code as drafted by the Comprehensive Plan consultants.

Ms. Andersen stated the Town Board will be referring the proposed zoning changes to the Town Code to the Planning Board and discussions could start and be conducted during a special meeting with Ms. Monstra, Mr. Johannessen, and Mr. Siebert in attendance.

The Board reached consensus to schedule a special meeting on April 3, 2024 to start at 6:30 p.m.

The next regular meeting is to be held at 7:30 p.m. in the 79 Bouton Road courtroom / commons on April 16, 2024.

IX. MINUTES OF February 20, 2024.

(1: 30:44 – 1:31:04)

On a motion made by Mr. Fusco, seconded by Mr. Thompson, the Board approved the minutes of the February 20, 2024 meeting, as submitted. In favor: Ms. Andersen, Mr. Fusco, and Mr. Thompson. Absent: Ms. Indelicato. Abstain: Mr. Gusmano.

X. ADJOURN MEETING.

(1:31:05 – 1:31:29)

On a motion made by Mr. Gusmano, seconded by Mr. Fusco, the meeting was adjourned at 9:01 p.m. In favor: Ms. Andersen, Mr. Fusco, Mr. Gusmano and Mr. Thompson. Absent: Ms. Indelicato.

Respectfully submitted,



Ciorsdan Conran
Planning Board Administrator