

Meeting of the Planning Board of the Town of Lewisboro held at the Town Offices at Orchard Square, 20 Cross River Plaza, Lower Level, Cross River, New York on Tuesday, April 22, 2014 at 7:00 p.m.

Present: Jerome Kerner, Chairman
Robert Goett
Gregory LaSorsa
John O'Donnell
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Greg Monteleone, Esq., Special Counsel
David Sessions, RLA, AICP, Kellard Sessions Consulting, Wetland Inspector
Lisa Pisera, Planning Board Secretary

Absent: Ron Tetelman

Also in Attendance: Janet Andersen, Conservation Advisory Council (CAC).

The Chairman called the meeting to order at 7:00 p.m. and noted the emergency exits.

I. EXECUTIVE SESSION

On a motion made by Mr. Goett, seconded by Mr. LaSorsa, the Board entered into Executive Session with counsel for attorney/client privilege discussions at 7:02 p.m.

In Favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell.

Absent: Mr. Tetelman

On a motion made by Mr. LaSorsa, seconded by Mr. Goett, the Board exited Executive Session at 7:48 p.m.

In Favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell.

Absent: Mr. Tetelman

II. SKETCH PLAN REVIEW

Connie Plaehn, 14 Gilbert Street, South Salem – Application for Wetland Activity Permit Approval to install a 312 square foot floating dock and approximately 64 square foot garden shed at Lake Truesdale – Cal# 16-14WP

Michael Sirignano, Esq. represented the applicant. Jeri Barrett, RLA, was also present on behalf of the applicant.

Mr. Barrett stated that the house is up and the landscaping is in.

Mr. Barrett reviewed the project and displayed the plans submitted.

Mr. Barrett stated that the applicant is proposing a 62 ½ square foot shed with a shed roof, and a floating dock with a trellis leading from the existing concrete walk to the floating dock.

Mr. Barrett reviewed his letter dated March 24, 2014 (included in the April 22, 2014 Agenda Packet).

Mr. Barrett stated that the property previously had a dock. There are some angle iron supports in the wall that the applicant is proposing to reuse. The dock will be attached to the wall. A ± 6' x 20' gangway will hinge to the floating portion of the dock. The floating dock is approximately 12' x 16'. The total surface is ± 316 square feet. Trex material will be used. Poly floats will be on the bottom. The hinging will allow for up and down movement. Two chain anchors will be used to limit horizontal movement.

The trellis will be set on sonotubes.

The materials used on the proposed shed will match the house in terms of siding material and color. Roof shingles will match the house. The doors for the shed will be reclaimed from the original house. The applicant is proposing a light in the shed for storage purposes. A trench is shown to connect electricity to the shed.

Mr. Barrett acknowledged that comments had been received from Kellard Sessions and the CAC.

Mr. Barrett stated that he had spoken with Mr. Johannessen earlier in the day and that Mr. Johannessen confirmed receipt of the survey.

Mr. Barrett stated his opinion that the lot is a legally non-conforming lot. Permitted in this zone is 25% building coverage. Mr. Barrett stated that he calculated that the house, front porch and rear porch total approximately 1,528 square feet, or 23.5%. Mr. Barrett stated that he confirmed with the Building Inspector that while the shed is not considered a structure, it is considered a building. Therefore, when adding the 62.5 square feet, the total building coverage is 24.46%, making it compliant from a coverage point of view.

The Zoning Chart and limits of disturbance will be added to the revised plan.

A cross section detail of the pavers will be provided. The pavers will be the same pavers that are currently onsite. The pavers to be used are concrete pavers, approximately two inches thick, set on grade. The joints are butted with a 3/16 inch joint, making them permeable. The entire shed will sit on the pavers.

Planting details will be added to the plan.

Plantings have been shown around the shed which include grasses and evergreen shrubs.

Mr. Barrett stated that some in-water emergent plantings will be included at the base of the wall.

In response to concerns expressed by the CAC in the memo dated April 11, 2014 (included in the April 22, 2014 Agenda Packet), Mr. Barrett stated that the plants being used come bare root from the supplier and that the roots could be washed before being planted.

Mr. Barrett also addressed the concern of the CAC regarding the maximum allowable impervious surface coverage on the parcel. Mr. Barrett stated that he had reviewed this issue with Mr. Johannessen earlier in the day, and that the property is compliant from a building coverage point of view.

Mr. Sessions stated that the shed is within the side yard setback. Because the dock is floating and not attached to the lake bed, no NYS DEC permit is required.

Mr. Sessions stated that the applicant is proposing that the dock be anchored in an area not on the subject property.

Mr. Barrett responded that the wall to which the dock will be anchored is on common property.

Mr. Sessions asked that Mr. Barrett confirm that the owner is agreeable to the usage of the property.

Mr. Goett asked for comment as to what would be stored in the shed.

Mr. Sirignano responded that the shed is a garden shed. No gasoline products will be stored in the shed.

Mr. Sirignano stated that he is agreeable to a prohibited list of storage items, and proper containment of storage items, as defined by the Planning Board, being conditions of approval.

Ms. Andersen stated that Lake Truesdale is lowered in the fall in preparation for winter. Ms. Andersen suggested that the applicant be sure that there enough water is left so that the dock does not damage the wall to which it is anchored.

Mr. Barrett stated that it will be recommended to the owners that they enlist a dock company to winterize the dock.

Mr. Sessions stated that the bare root plants can be sensitive and questioned whether the applicant will replant should the initial planting not be successful.

Mr. Barrett responded that, in his experience, the plants tend to be very hearty.

Ms. Andersen expressed concern regarding spreading of the plants to neighbors.

Mr. Barrett stated the spreading can be managed, and a note could be put on the plan that the plants must be contained.

Mr. O'Donnell questioned the note on the plan referencing a stockade fence to be erected by others. Mr. Sirignano confirmed that there is an agreement with the other party involved.

Mr. O'Donnell stated that the applicant should receive permission before planting in the common area by the deck.

Mr. Barrett stated that when requesting permission to anchor into the wall, the planting area could be discussed as well.

A public hearing was set for May 20, 2014.

The filing deadline for submitting a revised plan is May 6, 2014.

In response to Mr. O'Donnell, Mr. Barrett stated that the highest point of the proposed shed is 12 feet. The shed on the neighbor's property is eight to nine feet. Mr. O'Donnell asked that the applicant consider matching the height of the neighbor's shed.

II. PROJECT REVIEW

Pound Ridge Stone & Landscaping, Inc., 2 West Road, Vista (David & Janet Moorman, owners of record) – Applications for Site Development Plan & Wetland Activity Permit Approvals to install new gravel parking lot, access to storage building, drainage, landscaping, water quality basin and signage – Cal# 8-13PB and Cal# 100-13WP

Jim DeLalla, ASLA was present on behalf of the applicant.

Mr. O'Donnell summarized the site walk which took place on April 19, 2014.

Present on the site walk were: Planning Board members; Jan Andersen, CAC co-chairperson; Joe Tansey, CAC member; Jim DeLalla, representing the applicant; and Joe Cermele, Kellard Sessions. Mr. Moorman, owner, was present for a portion of the site walk.

The new parking area would be gravel, with two handicapped spots. There is space for truck turning, and a three bay garage for vehicles and storage.

The proposal includes closing the Smith Ridge Road entry which exists on the property.

There was discussion about mitigation issues for work in the buffer and the adjoining property, sign and exterior appearance with respect to ACARC, and prior comments on prior plans that have been submitted in the past.

There was a suggestion that a hidden driveway sign be placed west of the driveway.

During the site walk, Mr. Goett had made comments regarding dust, noise and lighting.

It was explained that while there were no substantial drainage changes, water would flow into a bioretention system. A drainage easement for a small pipe may be needed.

There was discussion concerning the structure on the adjoining property that may require Building Department inspections due to safety issues.

Mr. O'Donnell concluded his site walk summary.

Mr. Sessions did not attend the site walk, but had discussed the site walk with Mr. Cermele. Mr. Sessions asked that Mr. DeLalla clarify that there is an existing low point in the driveway that is currently uncurbed. A curb is being added. Mr. Sessions questioned how the area would drain should a curb be added.

Mr. DeLalla reviewed the drainage. Mr. DeLalla stated that the entire site pitches in a southerly direction. There is an existing pipe from the roof leaders. Additional roof leaders at a lower level discharge onto a gravel area at the rear of the existing building. All runoff currently drains in a southerly direction. The proposed drainage includes the installation of drainage structures and collection of all the roof runoff into a basin, and directing additional runoff into a swale.

A large portion of the proposed parking area (which currently drains directly south), the existing building on the site, and the proposed building, will be discharged to a space with infiltration capability.

The applicant is proposing to re-grade away from the existing structures.

Mr. Sessions reviewed the Kellard Sessions memo dated April 15, 2014.

Mr. Sessions suggested that the applicant set up an appointment with Kellard Sessions to discuss the potential need for zoning variances.

Mr. Sessions stated that an ACARC referral from the Board is needed. Mr. DeLalla confirmed that architectural plans would be submitted.

Mr. Sessions asked for clarification on the Display Garden Area showed on the plans. Mr. Sessions stated that there are two types of public retail areas for which parking spaces have been allocated based on their square footage. Mr. Sessions suggested that if the Display Garden Area was a retail area, perhaps parking should be allocated for its square footage as well.

Mr. DeLalla stated that the Display Garden Area would be used by David Moorman to display fountains and sculptures in a garden setting. This area would differ from the area where the fountains and statues are stacked. No parking was assigned because the applicant did not consider the area to be retail.

Mr. Kerner stated that parking is allocated based on the square footage of the building, not the display area. Mr. Sessions responded that there is an outdoor retail component for which parking is clearly allocated.

Mr. Kerner expressed his opinion that the project has more parking spaces than necessary and it would be preferable if there was a way to pave less and save spots in reserve.

Mr. DeLalla responded that as part of an earlier approval, the applicant was directed to include the outdoor display areas as retail areas when determining parking spaces.

Mr. O'Donnell stated that the Display Garden Area, in his opinion, might be considered outdoor storage area, which may need to be enclosed, rather than a retail area.

Mr. Siebert stated that the Building Department needs to be included in the discussion between Pound Ridge Stone and Kellard Sessions to make a determination as to how areas are going to be classified from a zoning perspective, and how they would be treated once the applicant comes in for Building Department review.

In response to Mr. O'Donnell, Mr. DeLalla stated that there is no Special Use permit for the property.

Mr. Sessions stated that a Special Use permit had been obtained from a prior application. Subsequently, the property was separated. This should also be discussed with the Building Inspector.

Mr. O'Donnell questioned whether there were any violations currently on the site.

Mr. DeLalla responded that there were no current violations to his knowledge.

Mr. DeLalla stated that the applicant had previously come before the Planning Board and the Zoning Board for a change of use from retail to landscaping.

In 2003, the Zoning Board of Appeals issued a letter stating that all of the uses outlined by the applicant were permitted under the zoning ordinances.

In response to Mr. O'Donnell, Mr. DeLalla stated that all conditions of the 2010 resolution are being carried forward as part of the currently proposed project.

Mr. O'Donnell addressed Mr. Sessions, asking whether Kellard Sessions had access to the prior engineering and wetland inspection files.

Mr. Sessions responded that Kellard Sessions had a copy of the plans, but not the files of the former wetland inspector.

Mr. DeLalla stated that new engineering had been done specifically for the site.

Mr. O'Donnell suggested that Mr. Sessions view the prior engineering and wetland inspection files.

Mr. Kerner stated that there is a garage storage building of which one half is located within the wetland buffer. Mr. Kerner raised the possibility of moving the Display Garden to the south.

Mr. DeLalla stated that moving the garage storage further to the north would result in a loss of parking.

Mr. DeLalla stated that because the emphasis of the business has changed from planting to stone fabrication, fertilizer and plant materials would not be stored in the shed. The language was not omitted in the event that the business use shifted in the future.

Mr. Kerner suggested that some containment be built around the storage area, or that the foundation be raised up approximately six inches.

Mr. DeLalla stated that a drain with an oil separator could be brought back into the plan.

Mr. Goett asked for clarification on the lighting being proposed.

Mr. DeLalla responded that the applicant would like to maintain as much flexibility in the plan as possible. Should the use revert back to retail, as opposed to stone fabrication, the parking area

should have proper lighting. There is little need for lighting at night the way the business is currently run. Should the space be leased in the future, lighting will be needed. Wording from Town regulations was used.

Mr. DeLalla stated that he was agreeable to reducing the hours that the lights would be on, as well as considering a motion sensor.

Ms. Andersen expressed agreement with the idea of a floor drain.

Ms. Andersen stated that the CAC would like to see native plantings as opposed to Norway Spruce. Mr. DeLalla stated that he would look into other options, but was not in favor of America Holly, as suggested by the CAC.

Mr. DeLalla stated that he would look into the bamboo on the site which was noticed by Ms. Andersen on the site walk. Mr. Sessions stated that bamboo is highly invasive.

Mr. DeLalla stated that he would respond to the comments contained within the Kellard Sessions memo dated April 15, 2014, and resubmit to the Board.

III. DECISION

New York SMSA Limited Partnership d/b/a Verizon Wireless, applicant (Ash Tree Development, owner of record), 117 Waccabuc Road, Goldens Bridge – co-location – Amendment to Resolution granting Special Use Permit Approval and Wetland Activity Permit Approval, dated August 13, 2013 - Cal# 1-13-PB

Michael Sheridan, Esq. represented the applicant.

Mr. Sessions stated that the resolution was being amended to include a change from a 110 gallon diesel generator to a 210 gallon diesel generator. The resolution was also amended to reflect a running time of 30 minutes during testing, as opposed to a running time during testing of 20 minutes as stated in the original resolution.

Mr. Sheridan acknowledged that he was aware of the May 14, 2014 expiration date of the original resolution. Mr. Sheridan submitted mylars to the Planning Board Secretary prior to the start of the meeting. The mylars were given to Mr. Sessions for review.

The resolution being voted on includes the Negative Declaration.

On a motion made by John O'Donnell, seconded by Greg LaSorsa, the resolution dated April 22, 2014 granting Amendment to August 13, 2013 Resolution to New York SMSA Limited Partnership d/b/a Verizon Wireless, applicant (Ash Tree Development, owner of record), 117 Waccabuc Road, Goldens Bridge was adopted.

In Favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell

Absent: Mr. Tetelman

IV. DISCUSSION

Lakeside Association, Cove Road, South Salem – Application for Wetland Activity Permit Approval to do improvements to boat launch access road – Cal# 20-14WP

Neither the applicant nor a representative was present.

Mr. Sessions stated that the application was in order.

The Board members present determined that the proposed action would be handled administratively by the Town Wetland Inspector.

Oakridge Gardens (Smith Ridge Housing, LLC, owner of record), NYS Route 123, Vista – Application for Waiver of Site Plan Development Procedures for blasting, Amendment to the approval dated June 12, 2012, last amended September 24, 2012 – Cal# 2-14PB

Phil Pine was present on behalf of the applicant.

Mr. Pine stated that he was hopeful that the blasting would not be necessary.

Mr. Pine reviewed the plans displayed.

Mr. Pine stated that a hammer had been purchased which was able to remove some of the rock which was previously thought to require blasting.

Mr. Pine stated that there is an area on the north side, consisting of ten units, which is not part of Phase I, where blasting may be needed, however, it is estimated that this area will not be started until September. Phase I is approximately 70% complete.

Mr. Pine stated that he has been in touch with the management company, property manager, and Vista Tennis, as well as the Building Department with regard to complaints. The Building Department has received one or two complaints, but the overall reaction has been positive.

Mr. Pine stated that Oakridge Gardens would like to make a change to the colors previously approved by ACARC.

Mr. Pine stated that Oakridge Gardens is on the May 14, 2014 ACARC agenda.

Mr. Pine displayed the landscaping plan, requesting to make planting substitutions for screening purposes. Mr. Pine stated that he would like to use white pines for screening. Mr. Pine stated that because it is planting season, he would like to institute the changes as soon as possible.

Mr. Sessions stated that the changes requested sound reasonable and that he would go to the site with Mr. Pine.

The Board members present determined that the proposed action would be handled as a field change by the Town Wetland Inspector.

Mr. Pine discussed Phase II of the Oakridge Gardens project.

Mr. Pine stated that requests for master suites on the ground floor have been received.

Mr. Pine stated that the master does not work well with a two-car garage. 138 parking spaces were required. There are 199 parking spaces on the site. Mr. Pine stated that he would like to provide empty nesters with the option of having a one-car garage and a master on the first floor.

Mr. Pine stated that the architect for Phase II will be Cross River Architects.

Mr. Pine stated that no major changes are being made in Phase II; however, the elevation is very different than Phase I.

Bob Everts, Cross River Architects, addressed the Board. Mr. Everts stated that the D Unit, with a one-car garage, allows for a nicely sized kitchen. A car can still be parked in the driveway. Driveways will be wide enough for two cars.

Mr. Pine stated that he would like to start foundation work sometime in July.

Mr. Kerner stated that the Board would like to see an amended site plan.

On a motion by Mr. O'Donnell, seconded by Mr. LaSorsa, Oakridge Gardens, Phase II, was referred to ACARC for review of proposed architectural façade modifications, with respect to turning the two-car garage units into a one-car garage unit with additional living space on the first floor.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell

Absent: Mr. Tetelman

In response to Ms. Andersen, Mr. Pine stated that the change requested would apply to eight of the 14 end units.

Bike/and Pedestrian Plan – John Jay Cross Country Trail/Michelle Estates Trail Easement Project

Dan Welsh discussed the Cross Country trails at John Jay High School (JJHS). Tom Nohilly, Cross Country Coach, John Jay High School, was also present.

Mr. Welsh provided the Board with an outline of discussion items (Attachment A).

Mr. Welsh stated that JJHS was interested in updating the Cross Country trails to meet specifications required to hold meets.

Mr. Welsh reviewed the current course used by the Cross Country team. Mr. Welsh stated that the old course led students to the front of the campus, causing them to go in front of cars and busses.

The proposed course would lead them to the back of the campus, into the Michelle Estates easement, enabling the creation of a full course.

The new trail would enable residents of the Michelle Estates development to walk to the JJHS campus, rather than drive to the school.

Mr. Welsh indicated that the top photo on the outline submitted indicates activity to take place on the JJHS campus, under school processes. The bottom photo displays activity to take place on the Michelle Estates easement.

In response to Mr. O'Donnell, Mr. Welsh stated that he had not been in contact with anyone from the Michelle Estates Homeowners Association.

Mr. Nohilly stated that the Cross Country team does not run the trails as there are no existing trails on the property.

Mr. Welsh stated that he had informally met with Mr. Johannessen of Kellard Sessions.

The outline submitted by Mr. Welsh indicates that there will be bridges on the trail. There are currently no bridges on the property. Mr. O'Donnell stated that if bridges are needed, it is possible that a wetland permit would be required.

Mr. Nohilly stated that the open space indicated on the outline was originally designated as trails; however the trails never came to fruition.

The applicant was instructed to obtain a copy of the easement for submission to the Planning Board.

The applicant was also instructed to speak to the Michelle Estates Homeowners Association.

Ms. Andersen questioned whether the application would need to come from the property owner. Mr. Siebert responded that an affidavit of ownership is required for the application to be submitted under a new set of circumstances.

Mr. Kerner suggested that the Town attorney may be willing to review the easement with Mr. Welsh.

Mr. O'Donnell questioned whether the property had any connection to the Reservation. Mr. Nohilly responded that it would be necessary to cross Route 35, near the Yellow Monkey Village.

In response to Ms. Andersen, Mr. Welsh stated that there is an active Homeowners Association in Michelle Estates, with Katonah Management as the management company.

Mr. Welsh expressed his concern that although the trails are called for by the easement, the management company may not be cooperative.

Mr. Sessions stated that JJHS needs NYS DEC permits. JJHS is autonomous with regard to the Town, but not the NYS DEC.

Mr. Sessions suggested that Mr. Welsh set up a pre-application meeting with the NYS DEC before submitting a formal application.

Mr. Nohilly stated that the Cross Country team currently runs on the roads through Michelle Estates. There is a concern about the children running on the roads. However, it is not possible to run eight miles on the JJHS campus.

Mr. Nohilly stated that the plan would be presented to the School Board. Mr. Nohilly was instructed by the Athletic Director to put together a plan to be presented to the School Board at a later date.

Mr. Welsh requested to be placed on the May 20, 2014 Planning Board agenda to discuss the overall Bike/Pedestrian Plan. The Board agreed to Mr. Welsh's request.

South Salem Fire Department, Dry Hydrant, 233 Mead Street/Rampart Pass (Bilby, owner of record) – Application for Wetland Activity Permit Approval to install a dry hydrant – Cal# 15-14WP

Neither the applicant nor representative was present.

Mr. Sessions stated that he had reviewed the application. Mr. Sessions stated that a formal application, signed by the owners and representatives was received. A letter from the owners authorizing the hydrant on their property was also received.

Mr. Siebert stated that he had seen the letter from Mr. & Mrs. Bilby.

Mr. O'Donnell stated his concern that the bollards are on the Town right of way or on Town property. Mr. O'Donnell stated his opinion that the letter provided would not survive a change of ownership.

The Board members present determined that the proposed action would be handled administratively by the Town Wetland Inspector.

Mr. O'Donnell suggested that Mr. Sessions contact Mr. Siebert regarding the concerns stated.

Mead Street Stormwater Retrofit Project

Mr. Sessions stated that this project is part of a grant to the Town. The project is a water quality improvement project, which has received support from the NYC DEP and Westchester County Water Quality Investment Program.

Mr. Sessions stated that Kellard Sessions had been to the site in the summer of 2013 and flagged the property.

Mr. Sessions displayed the flow of stormwater on the plan displayed to the Board.

Mr. Sessions stated that a series of catch basins is being proposed to control the water and repair the eroding stream. The water will be discharged to a four bay. A created wetland/retention pond was indicated. Mr. Sessions stated that the process reviewed will control a one year storm. Anything in addition to a one year storm will be diverted and discharged to a control outlet, which will be riprapped. The design was reviewed by Nature Conservancy, who controls the property, and the NYC DEP. The project complies with their regulations and satisfies a requirement of phosphorous reduction in the watershed. Grant money will be used to fund the project.

Mr. Kerner questioned the source of the phosphorous. In response, Mr. Sessions stated that fertilizers and lawn applications are sources of phosphorous.

Ms. Andersen (speaking as a member of the Lakes Committee) stated that the Lakes Committee has been involved in several similar programs in Truesdale, Kitchawan, and Lake Katonah. Ms. Andersen pointed out on the plan displayed an area where there is a lot of erosion which has created a gully deep enough to stand in. The erosion carries phosphorous.

Ms. Andersen stated that by diverting the water away from Mead Street, Tarry A Bit Drive washes out during big storms. The project would lessen the erosion that carries dirt into the stream entering the Lake. During a major storm, there should be less of a problem at Tarry A Bit Drive.

Mr. Sessions stated that the entire project is outside of the wetland proper.

Mr. Sessions stated that the project will conform to the existing grades as much as possible. The area of depression will not be seen because the top slopes away from the road. The area will be maintained as a meadow.

Mr. Kerner questioned whether anyone is monitoring the phosphorous coming from the golf course.

Ms. Andersen stated that there had been a prior application before the Planning Board to redo the golf course. Ms. Andersen stated that it had been requested that more water be held in the two detention ponds, which she pointed out on the plan. This did not happen at the time. Ms. Andersen stated that Waccabuc Country Club has said that the Country Club does not use phosphorous fertilizer.

Mr. Sessions stated that the area does not seem to be overly impacted by phosphorous.

Mr. Sessions stated that the project will cut off a lot of stormwater on the top of Mead Street, catching stormwater coming from the direction of Chapel Road. Although this area is not the source of the Lake, it is a low point at Mead Street that collects a lot of stormwater.

Mr. Sessions stated that a Town Wetland Permit is required.

The project is a Town project funded by a NYC DEP grant of approximately \$312,500, which must be matched by the Town.

The project will go out to bid.

Mr. O'Donnell expressed his concern that Kellard Sessions is the consulting firm for the Planning Board, as well as the proponent of the proposal, and questioned who the Board should go to for an assessment of the proposed project.

Mr. Sessions stated that Kellard Sessions is working for the Town on a Town project, and that Kellard Sessions may still be utilized as consultants for the Board.

Mr. Kerner stated that the project has been analyzed by the NYC DEP and engineers.

Mr. Sessions stated that there is documentation that the project has been reviewed by the NYC DEP.

The Board members present determined that the proposed action would be handled administratively by the Town Wetland Inspector.

Mr. O'Donnell abstained.

Mr. O'Donnell requested that when items appear on the agenda for discussion, hard copies be provided to the Board at least one week in advance of the meeting.

Waccabuc Country Club – Golf Course

Mr. Kerner restated his concern regarding Waccabuc Country Club Golf Course being a contributor to phosphorous on the Lake.

Ms. Andersen stated her belief that the Waccabuc Country Club Golf Course resolution included that water quality testing results be provided to the Planning Board and an agreement not to use phosphorous fertilizer.

In response to Mr. Kerner, Ms. Andersen agreed to review the Planning Board file regarding the Waccabuc Country Club Golf Course.

Wolf Conservation Center, 7 Buck Run, South Salem

Mr. O'Donnell reminded the Board that a letter was sent to the Wolf Center approximately six months ago by the Chairman, to which there has been no response.

Mr. O'Donnell stated his belief that the lease for the Wolf Center might be close to expiration.

Mr. Kerner stated his belief that the Wolf Center had closed on the purchase of additional property and is waiting to include that portion of the acquisition in their master plan.

Mr. O'Donnell stated that prior counsel had indicated that the issue of the Wolf Conservation Center was now an enforcement issue, and a suggestion was made that a written letter would be preferable to enforcement. Six months have passed with no response.

Rui Ferreira Oliveira, 8 Brookside Trail, South Salem – Application for Wetland Activity Permit Approval to install retaining wall, landscaping walls and drywell – Cal. #'s 25-12 WP/1-10 WV

Mr. Sessions updated the Board on the status of Mr. Oliveira's work.

Mr. Sessions stated that all work was to be completed by April 1, 2014. In a phone conversation on April 1, 2014 with Kellard Sessions, Mr. Oliveira stated that due to weather he was unable to complete the work.

Seeding and mulching were to be completed by April 15, 2014. Kellard Sessions went to the site on April 17, 2014. The third wall was completed.

Mr. Oliveira was to provide a status update by April 18, 2014. (Town offices were closed on April 18, 2014). The status update was received on April 21, 2014 which included updated photos.

Mr. Sessions pointed out that once again, Mr. Oliveira has not met the deadlines set by the Board.

Full stabilization/vegetation is to be achieved by May 30, 2014.

Mr. O'Donnell stated his opinion that because the permit is administrative, the Board does not need to be involved at this point. The Board should become involved again if a violation is issued by Mr. Sessions, after consulting with Mr. Monteleone. The Planning Board should not be monitoring lack of compliance. The Board's involvement should resume when/if a violation is issued.

Mr. O'Donnell asked if Mr. Sessions was issuing a violation. Mr. Sessions stated that he was providing the Board with an update based on the dates that were set a previous meeting. Mr. Sessions stated that although Mr. Oliveira's work is not complete, he is well on his way to meeting the May 30, 2014 deadline.

Mr. Sessions suggested that a letter be drafted by Mr. Monteleone reminding Mr. Oliveira of the deadlines.

VII. MINUTES OF March 18, 2014

Mr. LaSorsa did not receive the minutes sent out on March 28, 2014.

On a motion made by Mr. Goett seconded by Mr. O'Donnell, the minutes of March 18, 2014 were adopted.

In Favor: Mr. Goett, Mr. Kerner, Mr. O'Donnell.

Abstain: Mr. LaSorsa

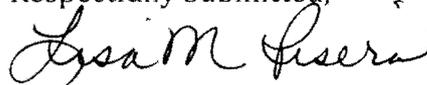
Absent: Mr. Tetelman

VII. ADJOURNMENT

On a motion made by Mr. LaSorsa, seconded by Goett, the meeting was adjourned at 9:42 p.m.

In Favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell.

Respectfully Submitted,



Lisa M. Pisera

Planning Board Secretary

Attachment A

John Jay Cross Country Trail / Michelle Estates Trail Easement Project Outline

The John Jay Cross Country team has run on a course which was entirely contained on the campus for years, but which necessitated crossing active school driveways. Furthermore, its condition has deteriorated to the point where it is not up to the specification required to hold meets. One way of solving the course routing challenge is to extend it into the Michelle Estates trail easement. This would have the added benefit of creating a better walking connection between the neighborhood and school, and the beginnings of the trail anticipated with the original easement.

KL School District Portion



Michelle Estates to TOL Trail Easement Portion

