

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, May 20, 2014 at 7:30 p.m.

Present: Jerome Kerner, Chairman  
Robert Goett  
Gregory LaSorsa  
John O'Donnell  
Ron Tetelman  
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel  
Greg Monteleone, Esq., Special Counsel  
Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland Consultant  
Lisa Pisera, Planning Board Secretary

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

The Chairman called the meeting to order at 7:31 p.m. and noted the emergency exits.

## I. PUBLIC HEARING

### **Hazelnut Farm, 21 Waccabuc River Lane, South Salem, New York (Lynn Bygott, owner of record), Application for Waiver of Site Development Plan Procedures to construct a covered riding ring, Cal # 7-13PB**

The Chairman announced the commencement of the Public Hearing. There were no objections to the time, place or advertisement of the public hearing. The Chairman asked whether anyone wanted the notice to be read. No one present responded affirmatively.

Lynn, Bygott, owner, was present. Andy Cheung, AC Engineering, PLLC, was also present.

Ms. Bygott gave a brief description of the project. The applicant is proposing a covered riding arena along side of the existing uncovered sand ring. This will enable riding year-round.

Phyllis Marcus, 23 Waccabuc River Lane, South Salem, stated that she lives next door to Ms. Bygott and has no problem with the proposed project. Ms. Marcus stated that Ms. Bygott has beautified the area and takes immaculate care of the farm.

Ms. Andersen restated the concern of the CAC regarding the uncovered manure container.

Ms. Andersen stated her belief that the trail which runs from Bouton Road to the Old Fields Preserve is no longer accessible to the public. The CAC became aware of the closing through letters that were submitted from the public on the Hazelnut Farm project. The CAC would appreciate the re-opening of the trail.

The CAC has been in contact with the Open Space Committee (OSPAC) who is in agreement that the trail is important in maintaining connectivity of the various fields and preserves, without having to use Route 35.

Mr. Cheung stated that the Watershed Agricultural Council (WAC) is responsible for nominating Hazelnut Farm into the program. As part of the program, WAC has implemented approximately \$75,000 of improvements on the property because of Hazelnut's agricultural status and its proximity to a

watercourse. WAC helps local farms to properly manage wastewater and stormwater. Mr. Cheung stated that the original plan included enhancements to the trail because, over the years, rainfall has eroded the trail. Because there are horses that travel the trail, improvements were included in order to reduce erosion and manure going into the Waccabuc River. During the construction process, it was realized that the trail was within the NYS DEC 150 foot wetland buffer; construction ceased at this point. Mr. Cheung stated that no one was ever directed to close the trail. The contractor was told to stop construction. A silt fence was put up.

In response to Mr. O'Donnell, Mr. Cheung clarified that specifications for work on the trail were contained in the submission received by the Board. Mr. Cheung stated that part of the design included nine inches of item 4, and three inches of 1 inch minus. When it was realized that the trail was within the 150 setback of the wetland, improvements to the trail were eliminated from the contract.

Mr. Kerner pointed out that ceasing improvements differs from closing the trail.

Klaus Selmayr, 201 Todd Road, founding member of the Lewisboro Horseman's Association (LHA), stated that the LHA had put together a trail system that connects the trails in North Salem, Pound Ridge, and Bedford. Because the trail at Hazelnut Farm is closed, the trails are no longer connected, leaving Lewisboro without a trail system. Mr. Selmayr stated that the LHA has volunteers who can help fix the trail, and requested that the trail be reopened.

Mr. Tetelman asked what needs to be done to reopen the trail. In response, Ms. Bygott discussed the condition of the trail. Ms. Bygott stated that there are three large divots in the trail caused by the truck which had started doing the work and the riprap. It is not suitable to have horses on the trail due to the trenches and the water runoff. Ms. Bygott stated that the truck doing the work caused the divots in the trail. The trail remains in the condition it was in when work was halted. Ms. Bygott stated that she cannot have horses on the trail in its current condition; therefore, she closed the trail.

Mr. Johannessen stated that the trail is within both the NYS DEC and Lewisboro wetland buffers.

Ms. Bygott stated that the trail goes onto Jim and Peggy Nordgren's property, over a bridge and up and around onto Ms. Bygott's property.

Mr. Johannessen stated his belief that the introduction of the item 4 is what triggered the need for a wetland permit, and that simple maintenance of the trail may not require a permit.

Anne Marie Nordgren Stewart, previous owner of Hazelnut Farm and Gilbert Farm (on the opposite side of the Waccabuc River as Hazelnut Farm), founding member of the LHA, addressed the Board. Ms. Stewart stated that in 1992, she had purchased Gilbert Farm and later purchased vacant land on the other side of the Waccabuc River, and built a bridge. The bridge completely transformed the riding system. For 20 years, the trails existed without any erosion issues. Ms. Stewart stated her opinion that the erosion taking place is due to the vast clearing of trees. Ms. Stewart stated that there are steep slope issues. Ms. Stewart stated that she had built what is now Hazelnut Farm from scratch and was very aware of the 150 foot setback. No fencing, horses, or structures or any kind were near the setback. Ms. Stewart shared her belief that there has been a lot of encroachment on the wetlands and neighboring properties. Ms. Stewart expressed concern for the river and the trail system.

In response, Ms. Bygott stated that the existing posting for the fence is what had been put in by Ms. Stewart.

Ms. Marcus stated that one of Ms. Bygott's barns had been on Ms. Marcus's property, but the barn has been moved to the proper distance off of Ms. Marcus's property. There is no further encroachment on the Marcus property.

Ms. Stewart stated that there are encroachments on the flag lots. Ms. Stewart shared her belief that the riding ring is over the property line, and that the riding ring was expanded after the property had been sold to Ms. Bygott.

Ms. Bygott responded that the fence line has never been changed.

Repair methods for the trail were discussed.

Mr. Kerner stated that there are two issues: implementation; and cooperation with other community groups.

Mr. O'Donnell stated that the WAC money that has already been appropriated should be considered as it may provide for a more thorough repair and strengthening of the trail.

Mr. Cheung responded that the original plan was to have a geotextile material under the item 4. Mr. Cheung stated that he was present during the construction process and monitored what was being done by the contractor. If the divots were made by the contractor, Mr. Cheung would have asked the contractor to fill the divots. Mr. Cheung suggested that a site walk be scheduled in order to determine the cause of the divots. It was Mr. Cheung's opinion that if the divots were caused by the contractor and are something that WAC should be responsible for, WAC may be agreeable to paying for the cost of repair. It would be the responsibility of Ms. Bygott to obtain the necessary NYS DEC and Town wetland permits.

There was discussion of the liability to property owners with regard to the trails on private property. Robyn Musicant, LHA Board Member, stated that the LHA is insured. Mr. O'Donnell suggested that this topic does not pertain to the Planning Board and that concerned property owners have a conversation with the LHA Board.

Ms. Musicant indicated that the LHA Board is open to discussion on the repair of the trails, and is appreciative of Ms. Bygott's concern for safety.

Mr. Johannessen stated that the plans have been revised to the satisfaction of Kellard Sessions and all comments have been addressed.

Mr. Cheung reviewed the design of the vegetative treatment (VTA) area as discussed at the March 18, 2014 Planning Board meeting. Mr. Cheung stated that the only time WAC puts a roof on top of the pad is when a VTA cannot be installed. Out of the 74 farms that have been worked on by "East of Hudson", only three have required a dumpster cover.

Mr. O'Donnell stated that the concerns of the Planning Board are site specific: the Waccabuc River flows into a reservoir; there are relatively steep slopes; there is erosion around the buffer; and there are some non-native species that may have resulted from some of the erosion. Mr. O'Donnell referred to a letter submitted by Jim Nordgren, dated April 17, 2014 addressing some of these issues. (Ms. Bygott and Mr. Cheung acknowledged receipt of Mr. Nordgren's letter.)

Mr. Cheung stated that his background does not qualify him to address the issue of native species.

Mr. O'Donnell suggested that the issues raised in Mr. Nordgren's letter be discussed at the future site walk, particularly the slope of the shoreline along the Waccabuc River.

Jane Brady, Board member of the LHA, stated that the LHA would be agreeable to do what is needed to keep the trail open.

Ms. Bygott stated that should approval be granted for the covered riding ring, she would be willing install a covered manure dumpster.

In response to Mr. Johannessen's question regarding the height of the covered dumpster, Mr. Cheung stated that the height is typically 10 – 14 feet. Mr. Johannessen suggested that the applicant verify with the Building Inspector any height restrictions.

In response to Mr. Tettleman, Ms. Bygott stated that the dumpster is emptied approximately once per month. Ms. Bygott stated that if the number of horses on the property were increased to fourteen, the frequency of dumping may need to be increased by one week.

Mr. O'Donnell stated that he appreciated the photo submitted by Ms. Bygott showing that the fence had been removed. Mr. O'Donnell suggested that during the future site walk, Ms. Bygott point out to Kellard Sessions the location of the fence prior to its removal, as well as any encroachment of fencing and paddocks on neighboring property.

Ms. Bygott stated that Ms. Stewart's original paddock line remains and that she has never increased the riding arena. Mr. O'Donnell suggested that this be pointed out to Kellard Sessions.

Mr. O'Donnell asked what path is taken by the horses at the road end of the trail. Ms. Bygott stated that there are options for the houses in order to avoid crossing Route 35.

There was discussion of manure on the road. Ms Bygott stated that she cleans up after her horses.

Ms. Stewart stated that pasture management is very important. Because a lot of the horses are on steep slopes, manure left in the pasture could run into the Waccabuc River.

Ms. Bygott confirmed that there is a process in place to pick up manure. Soil is tested twice per year.

Mr. O'Donnell suggested that if pasture management is not included in the Horse Management Plan, that the topic be addressed.

On a motion made by Mr. Tetelman, seconded by Mr. Goett, the Public Hearing for Hazelnut Farm was closed.

All in favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

Mr. Johannessen stated that should the enhancement of the trail include Item 4, a wetland permit would be required, and a public hearing needed.

Mr. Kerner stated that the trail would be handled separately; it is not part of this application. If the NYS DEC signs off, then the wetland permit could most likely be handled administratively.

Mr. Kerner stated that the Board would deliberate and perhaps have a resolution prepared for the June 17, 2014 meeting.

**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, architect, was present on behalf of the applicant.

The Chairman announced the commencement of the Public Hearing. There were no objections to the time, place or advertisement of the public hearing. The Chairman asked whether anyone wanted the notice to be read. No one present responded affirmatively.

David Sachs, President, Truesdale Lake Property Owners Association (TLPOA), expressed his dissatisfaction with the procedure regarding the noticing of public hearings. Mr. Sachs stated that although the Planning Board was aware of this project since March, 2014, no one in the lake community was made aware until a few weeks prior to the May 20, 2014 meeting.

Mr. Kerner clarified that once a project gets to the public hearing stage, it is the responsibility of the applicant to send out the notices.

There was discussion of notification procedures.

Mr. Kerner stated that the CAC is present during Planning Board meetings to represent the Lakes.

Ms. Andersen stated that no one from Lake Truesdale is on the CAC. Ms. Andersen suggested that she and Mr. Sachs discuss methods to better improve communication between the Lake Truesdale community and the CAC, perhaps by designating a contact person.

Robert Friedland, 11 Gilbert Street, South Salem, stated that the property has been under construction for approximately three years. Mr. Friedland paraphrased his letter to the Planning Board, dated May 8, 2014.

Mr. Barrett stated that he had gotten involved with the project as the construction on the house was ending.

Mr. Barrett stated that since the last meeting, Mr. Sirignano has determined, through a series of deeds, that the project property extends into the lake.

Mr. Barrett reviewed the project, stating that the shed would be modeled after the house. The shed will store garden tools, and perhaps garden furniture. Dimensions of the shed are 6 ½ feet wide, 10 feet long, and 8 feet tall. The proposed shed will be positioned on the side lot line and will back up to an existing shed which is 7 feet wide, 10 feet long, and 6 feet tall. The shed will be set on grade, on concrete pavers. The shed will be free standing; no excavation is required.

Mr. Barrett stated that the 16 feet x 20 feet floating dock will be connected to the shoreline by an existing wall.

The gangway will be connected to the wall and will be connected to the dock. The dock will be the floating portion. Mr. Barrett stated that the dock is open underneath and will not disrupt the flow of water.

Mr. Barrett stated that a limit line of disturbance has been added to the plan, as requested.

A cedar arbor, approximately 2 feet long, 6 feet wide, and 7 feet tall, will be installed over the walk, making an entry to the dock. The arbor will be set on sonotubes.

A trench from the house to the shed will be dug in order to put a light and/or plug in the shed.

Plantings around the shed are being proposed. Emergent plantings around the base of the wall are also being proposed. A note has been included on the plan to address concern of plants spreading. Mr. Barrett stated that the plantings can be easily managed to stay in front of the property simply by pruning, or removal with a rake if needed.

A plant list has been added to the plan, as well as a detailing of installation of the plants.

A zoning table to indicate the zoning conformity of the lot was added to the plan.

Mr. Sirignano stated that Ms. Plaehn is sensitive to the concerns of the neighbors.

Mr. Barrett estimated the time frame of the proposed project to be approximately one month.

Mr. Sirignano stated that Ms. Plaehn has moved into the house, and that some finishing work is being completed. A Certificate of Occupancy has been issued.

Mr. Johannessen stated that Kellard Sessions comments have been satisfied.

Ms. Andersen stated that the CAC is concerned about what will be stored in the shed. Mr. Kerner responded that storage contents will be a condition of the resolution.

Mr. Tetelman asked Mr. Sachs for his opinion as to how the size of the proposed dock conforms to the other docks on the lake. Mr. Sachs referred to his memo to the Planning Board, dated 5-20-14 (Attachment A). Mr. Sachs stated that some neighbors had gone out in a boat and measured existing docks on the lake. Most of the walkways are 10 – 15 feet in length, not 20 feet as proposed by the applicant. Most of the docks are either 8x8 or 10x10, not 12x16 as proposed by the applicant.

Mr. Tetelman asked that the applicant reconsider the size of the dock.

Mr. Sachs expressed concerns about the proximity of the proposed gangway and dock to the TLPOA property. Mr. Sachs stated that the TLPOA floats its own dock in the summer. There is concern among TLPOA members that should the Plaehn dock be constructed, boat traffic would be disrupted because there would be little distance between the TLPOA dock and the Plaehn dock.

Mr. Sachs stated that he has discussed this issue with Ms. Plaehn and they are in agreement that they would like to find a solution.

Mr. Sachs stated that there is not enough frontage on Ms. Plaehn's property to move the gangway and dock further away from the TLPOA property and dock.

Mr. Sachs noted the concern of the TLPOA regarding the water flow and algae issues. The TLPOA spends approximately \$25,000 per year to treat the lake for weeds and algae.

Mr. Sachs referred to a Truesdale Estates Association (TEA) document, liber 5638, page 119, which states: "No structure, dock, pier or encroachment from the shore line into the lake shall be built without the prior written consent of the First Party or its assigns thereto." TLPOA is not part of TEA, however, TEA owns the entire lake bottom. This prohibits plantings in the lake without TEA consent.

Mr. Sachs acknowledged that Ms. Plaehn is trying to be a good neighbor, and requested that a compromise be met on the size of the dock.

Mr. O'Donnell stated that the Board will ask its attorney for an opinion on the legal documents to which Mr. Sachs referred. Mr. O'Donnell requested that Mr. Sachs send the documents submitted and referenced to the Mr. Sirignano and Mr. Siebert.

Mr. Kerner stated that scale is an important aspect of this project, with respect to both size and time frame of the project.

Mr. Sirignano stated that he has the authority to reduce the size of the gangway to 15 feet, and the size of the dock to 12 feet x 12 feet, and that he is prepared to amend the application.

Mr. Sirignano stated his opinion that the issue of whether Ms. Plaehn needs the consent of any association or other entities is outside the scope of the Planning Board. Mr. Siebert confirmed that the requirement of any other approval from a private association or a neighboring property owner would be considered private rights that fall outside of the purview of the Planning Board.

The location of the gangway was discussed. Mr. Barrett stated that a decision was made to center the gangway, arbor and dock.

Mr. Tetelman stated that he would like to see the dock made smaller than 12 feet x 12 feet.

Peter Simon, 15 Gilbert Street, South Salem, addressed the Board. Mr. Simon stated that he has experienced several trucks parking in the beach parking lot on a daily basis for many years. Mr. Simon stated that there is a large amount of work being done in the driveway and garage. Noise is a problem.

It was confirmed that the same builder that was used for the construction work on the house will be used for the proposed project.

Mr. Simon stated his belief that the contractor is using the property as a workshop, under the guise of doing ongoing construction.

Susan Hamilton, daughter of Nancy Law who resides at 16 Gilbert Street, addressed the Board. Ms. Hamilton stated that for over three years, her mother has not been able to enjoy her outdoor patio due to noise and stone dust. Ms. Hamilton questioned the amount of time remaining on the current construction being done.

Ms. Hamilton expressed her concerns regarding the size of the dock, and the disruption of water flow, particularly with how it relates to the spread of algae and weeds. It was noted that the applicant stated

agreement to reducing the size of the dock. Mr. Barrett confirmed that the gangway does not sit on the water; there is air between the water surface and the bottom of the gangway.

The size of the dock was further discussed. The dock, as currently proposed, is 192 square feet. The smallest dock observed by Mr. Sachs is 64 square feet. Mr. Kerner stated his opinion that the maximum size of the dock should be 10 feet by 10 feet.

Ms. Hamilton stated her concern regarding the plantings proposed; her research shows that pickerel and arrow arum spread easily. These plants can seed themselves and can become invasive. Seeds will travel on the water and in the air.

Mr. Sirignano stated that the emergent plantings were viewed as an enhancement to the plan, however, the applicant has no problem eliminating them from the plan, should the Board prefer that they not be planted.

Judy Farrell, 11 Gilbert Street, stated that she has been living with the construction on the Plaehn property for the past four years. Stone dust is on her cars, and in her screens. It has been difficult to enjoy the beach in the summer time due to the dust. Trucks are taking up several spots in the beach parking lot; therefore, cars are parking in front of Ms. Farrell's home, making it difficult for her to exit her driveway.

Ms. Farrell also expressed concern that should the plantings be washed in the driveway, the runoff would go directly into the lake because of the slope of the property.

Mr. Johannessen stated that the sump pump drain that goes to the lake handles ground water. This is the only pipe that should go into the lake.

Mr. Johannessen stated that a Wetland Certificate of Compliance, and a Certificate of Occupancy (CO) from the Building Department, have been issued. Because of this, Mr. Johannessen suggested that issues regarding the work being done be raised with the Building Department.

Mr. Kerner stated that these issues are beyond the scope of the Planning Board. The Planning Board does not deal with means and methods, or compliance with local laws. Mr. Kerner suggested that these issues be reported to the Police or Building Department.

Mr. Friedland stated that he had gone to the Building Department and was told that a CO was issued and the project was complete. Mr. Friedland stated his concern that the project will go on for months or years. Mr. Friedland also expressed concern over the contractor being used, and that he may extend the length of the project longer than necessary, perhaps because of the limited number of men working on the project. Mr. Friedland suggested that the current work be completed, and the proposed project be started at a later date.

Ms. Farrell echoed Mr. Friedland's suggestion, adding that perhaps the applicant could reapply for the proposed project and start work in the fall, enabling residents to enjoy the beach to the fullest extent during the summer months.

Mr. Simon expressed his agreement with Mr. Friedland and Ms. Farrell, stating that this would be a show of good faith. Mr. Simon suggested that in the interim, an end be put to what the builder is currently doing.

On a motion made by Mr. LaSorsa, seconded by Mr. Tetelman, the Public Hearing for Connie Plaehn, 14 Gilbert Street, was closed.

All in favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

Mr. Sirignano stated that he would speak to Ms. Plaehn and submit a letter to the Board addressing concerns that were raised.

It was confirmed that the plantings in the water should be removed from the plan.

Mr. Sachs agreed to submit all documents to the Planning Board Secretary for distribution to consultants and counsel.

## II. SKETCH PLAN REVIEW

### **Pinheiro Subdivision, 930 Old Post Road (Route 35), Cross River – Application for Sketch Plan Review of a two lot subdivision - Cal # 1-14PB**

Krista Yacovone, Esq., Zarin-Steinmetz, represented the applicant. Tim Cronin, P.E., Cronin Engineering, was present on behalf of the applicant. Fernando Pinheiro, applicant was present.

Ms. Yacovone stated that a site walk had taken place on April 19, 2014, at which time an informal sketch plan, redesigned based on comments made at the March 18, 2014 meeting, was provided to individuals present. Subsequently, the sketch plan was formally submitted to the Planning Board Secretary and Board members.

Mr. Cronin reviewed the sketch plan submitted. Mr. Cronin stated that the plan consists of a two lot subdivision with an existing house to remain in the front and a flag lot with the proposed house in the rear. In response to concerns that had been raised with the previous plan, the entire septic system and expansion area will be placed outside of the wetland buffer. The house will be in the wetland buffer. Based on comments by Steve Coleman, wetland consultant for the applicant, mitigation is being provided along the NYS DEC buffer.

Mr. Cronin stated that the Westchester County Department of Health (WCDH) has witnessed the deep soil testing that was done. The tests were satisfactory. Soil percolation tests are being scheduled. Results of the soil percolation tests will determine the final number of bedrooms proposed. It is expected that test results will allow for three to four bedrooms. The houses will be served by individual septic systems, and private potable water wells.

Ms. Yacovone stated that the applicant is in the process of pinpointing the exact location of Mr. Pinheiro's existing septic system. Data from the WCDH is being sent to Mt. Kisco from Yonkers.

Mr. Tetelman suggested that the next plan include landscaping to provide screening of the neighbor's property.

Mr. O'Donnell reported on the April 19, 2014 site walk.

Present on the site walk were: all members of the Planning Board; Ms. Yacovone; Keith Staudohar, Cronin Engineering; Steve Coleman, wetland consultant for the applicant; Janet Andersen and Joe Tansey, CAC; Joe Cermele, Kellard Sessions; and Fernando Pinheiro, owner, and his daughter.

An updated aerial and sketch plan were received. There was conversation concerning trees to be preserved. The property had been staked. Discussion took place regarding plantings along the driveway alignment on the west side of the property, in order to provide screening from the adjoining property.

The proposed house realignment had also been staked, and was viewed.

The current location of the septic system for the existing residence was discussed (also discussed previously during this meeting).

The current electric dog fence, which had been discussed at the March 18, 2014 Planning Board meeting, was viewed.

The current fence on the west side and the current pool were viewed.

Route 35 was walked. The current driveway location and the driveway location of the adjoining property were viewed.

Relocating the driveway to the east side of the property was discussed. This would have a greater impact on the wetlands, and has a steeper slope.

Also discussed was placement of the driveway between the existing buildings. This was not feasible due to the probable location of the existing septic field.

A general discussion of mitigation strategies took place.

Mr. O'Donnell concluded his site walk report.

Mr. Kerner stated that placement of the septic outside of the buffer is appreciated.

Mr. Johannessen questioned whether the septic shown on the plan is for a four bedroom house.

Mr. Cronin responded that the septic shown is 770 linear feet of fields. The perc rate will determine the number of bedrooms.

Ms. Yacovone stated that the responses to comments contained within the Kellard Sessions memo dated March 11, 2014 will be provided along with the next submission.

Ms. Andersen stated that a fair amount of invasives were seen on the site walk. Ms. Andersen noted that the property became wetter in the back.

Ms. Andersen stated that there may be an opportunity to skew the property line once the septic of the existing house is located.

Mr. Goett stated that a vegetation barrier that would be present year-round may be preferable. Mr. Cronin responded that because evergreens require more sunlight than currently comes through, some existing trees would need to be removed. Mr. Cronin stated his willingness to comply with the Board's wishes.

Mr. Kerner pointed out that because of the proximity of the driveway to the property line, no substantial evergreens can be planted. The driveway would have to swing east which would impact the septic field. The goal is to keep the septic out of the buffer, as well as create a screening for the neighbors.

Mr. Tetelman suggested that the neighboring property may be willing to accept the evergreens on their property. Mr. Cronin stated that this conversation could take place in the future.

### **III. EXTENSION OF TIME**

#### **ThistleWaithe Learning Center (Lilypond Lane, LLC, owner of record), 1340 Route 35, South Salem – Request for Extension of Time to the Amended Site Plan Approval dated May 8, 2012, in order to complete the wetland and upland trails**

Maria Fitzgerald, ThistleWaithe Learning Center, was present.

Ms. Fitzgerald confirmed that the footbridge was complete, and that the final wetland monitoring report was submitted.

Mr. Johannessen stated that the final wetland monitoring report was prepared to the satisfaction of Kellard Sessions.

Mr. O'Donnell suggested that Kellard Sessions go to the site to observe the plants as they exist, as well as the completed footbridge.

Ms. Fitzgerald stated that the drains had been cleaned out last year. The plantings and fencing are maintained. The footbridge has been built to specifications.

Mr. Siebert stated that the site plan had been signed, and construction had commenced within the applicable period. Therefore, the Board can, by resolution, approve staged development of certain elements of the plan.

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman, an extension of time to October 15, 2015 was granted to ThistleWaithe Learning Center (Lilypond Lane, LLC, owner of record), 1340 Route 35, South Salem, Amended Site Plan Approval dated May 8, 2012, in order to complete the wetland and upland trails.

All in favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

### **IV. DISCUSSION**

#### **Composting Toilets – Lewisboro Town Park**

Peter Parsons, Town Supervisor, was present to discuss the proposed project.

Mr. Parsons reviewed the plans submitted.

Mr. Parsons stated that the composting toilets do not have to be approved by the WCDH. The Westchester Parks Facilities Commissioner has authorized composting toilets on county property.

Mr. Parsons stated that there are currently composting toilets in North Salem, Ward Pound Ridge, Somers, and at AP Farm Field in Cross River.

Mr. Parsons stated that he and Dana Mayclim have visited several sites that have composting toilets. They are odor-free and work well.

Mr. Tetelman had asked the head of facilities at Katonah-Lewisboro about the maintenance of the composting toilet at AP Farm Field. Maintenance is provided by the company.

Mr. O'Donnell questioned why the toilet was placed in the wetland buffer, and if the toilets proposed are sufficient to handle days when the park is at maximum capacity.

Mr. O'Donnell stated that the specifications provided indicate a maximum of 60 uses per toilet, further questioning whether this is large enough to handle an event where children are bussed to the park, such as the Fifth Grade Picnic.

Mr. Parsons stated that consideration has been given to increasing the number of toilets from two to three, deciding to install two toilets.

Mr. Parsons stated that the proposed toilets will be located next to a utility pole so that connection to electricity is available. Mr. Parsons stated that should the contractor recommend a solar fan and solar light, this will be considered.

With regard to the toilet being located in the wetland buffer, Mr. Tetelman expressed his opinion that the toilet should remain in the proposed location so as not to obstruct the basketball court and volleyball court.

Ms. Andersen stated that the CAC had no comments.

On a motion made by Mr. Tetelman, seconded by Mr. Goett, the Board determined that the proposed action will be handled administratively by the Town Wetland Inspector.

All in favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

### **Housing Committee – Proposed amendments to Town Zoning Code**

Mr. Parsons was present to discuss the amendments proposed by Town's Housing Committee regarding affordable housing in Lewisboro.

Mr. Kerner stated that the recommendations have been made by the Housing Committee for modifications to the current zoning code which would enable accessory and multi-family housing within the current commercial zone.

Mr. Kerner suggested that a task force be formed to work with Mr. Parsons and the Housing Committee. Mr. Kerner expressed his interest to be part of this task force. No other Board members volunteered. Mr. Tetelman offered to stand in for Mr. Kerner if necessary.

The Planning Board has not seen the proposal by the Housing Committee.

Mr. Parsons stated that there are three basic components of the proposal: 1) accessory apartments as of right; 2) all commercial and retail zones be zoned as multi-family as well; and 3) on any major new development, a certain percentage should be affordable.

Mr. Parsons stated that Lewisboro was one of 35 communities initially targeted by the Federal Government. Currently, Lewisboro is one of the two remaining on the list.

Mr. Kerner stated that trying to add residential units above Lewisboro's existing shopping centers is problematic; this cannot be compared to the streetscapes of downtown Katonah or Mamaroneck.

Mr. Parsons stated that he had written a letter to the monitor explaining the difficulties of putting any substantial, additional multi-family housing in Lewisboro. Mr. Parsons pointed out that the preserves in Lewisboro are not options for multi-family housing, which had been outlined as potential sites.

In response to Mr. O'Donnell, Mr. Parsons confirmed that the Planning Board would have an opportunity to comment on the proposed legislation.

#### **VII. MINUTES OF April 22, 2014**

On a motion made by Mr. O'Donnell, seconded by Mr. LaSorsa, the minutes of April 22, 2014 were adopted.

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

#### **VI. CORRESPONDENCE AND GENERAL BUSINESS**

Ms. Andersen stated that, response to a request made at the April 22, 2014 meeting, she submitted a letter regarding the Waccabuc Country Club Golf Course. Mr. O'Donnell suggested that Mr. Johannessen review the file to determine the status of the project, and that it be discussed at the June 17, 2014 meeting.

#### **VII. EXECUTIVE SESSION AND ADJOURNMENT**

On a motion made by Mr. O'Donnell, seconded by Mr. LaSorsa, the Board entered into Executive Session with counsel for attorney/client privilege discussions at 9:45 p.m.

The Board obtained advice of counsel regarding the Petruccelli escrow.

On a motion made by Mr. LaSorsa, seconded by Mr. Goett, the Board exited Executive Session at 10:34 p.m.

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

Recused: Mr. Tetelman.

The Board resumed the public portion of the meeting at 10:35 p.m.

On a motion by Mr. O'Donnell, seconded by Mr. Goett, the Board resolved that the Planning Board Chairman is authorized to advise Rudolph Petruccelli in writing that review of the Petruccelli application will be immediately suspended in the event the escrow account is not replenished in the

amount of \$7,000, as previously requested, within twenty days as provided under Sections 195-12 and 217-10 of the Town Code.

All in favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell.

Recused: Mr. Tetelman.

On a motion made by Mr. LaSorsa, seconded by Mr. Goett, the Board closed the meeting at 10:45p.m.

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

Recused: Mr. Tetelman.

Respectfully Submitted, -

A handwritten signature in cursive script that reads "Lisa M. Pisera".

Lisa M. Pisera

Planning Board Secretary

## ATTACHMENT A

2014-05-20

To: Planning Board, Town of Lewisboro  
Att: Jerome Kerner, Chairman  
RE: Cal# 16 – 14WP

Greetings

This letter is written to express some concerns by several TLPOA members about the proposed Wetlands permit application that has been presented by Connie Plaehn.

1. We have a general concern about the timing of this. The planning board had this application in March – but no notice was given to the two lake associations (TLPOA and TEA) about this until May. As a matter of general principle, why would that make sense? The two lake associations have access to information that the planning board might not have – and are ultimately responsible for managing and maintaining the lake.
2. There are concerns about the proximity of the proposed gangway/walkway and dock to the TLPOA property. Members access the beach at that point with their canoes and sailboats – right between 14 Gilbert and the beach – and there are concerns that this will impede that access – given the size of the proposed addition. As well, there are concerns about the flow of water – and anything that might impede that – given the issues with algae and such.
3. There are strong concerns about “in-water emergent plantings” – no individual on the lake has the right to plant anything in the lake. The lake is owned by TEA (they pay the taxes on the lake bottom), not by individuals.
4. The size of the proposed addition seems to be larger than anything else on the lake. Most walkways are 10 – 15 feet in length – not the 20 feet that is described here. And most docks are 8x8 or 10x10 – not 12x16.
5. There is a TEA document – that happens to be from Bob Cudney’s deed – liber 5638 page 119 – that states “No structure, dock, pier or encroachment from the shore line into the lake shall be built without the prior written consent of the First Party or its assigns thereto.” This document is provided to all TEA members in an information packet as soon as they move into the neighborhood. TLPOA is considering doing the same.

The overall concerns that I have been hearing also have a lot to do with the fact that it took four years (!) to build this house, during which time it was a noisy construction site for much of the time, and now, “here we go again.” The other concern that I heard was along the lines of “trying to stuff 10 pounds of potatoes into a 5 pound bag” – which is how several neighbors have characterized the whole project at 14 Gilbert Street.

Respectfully submitted,

David Sachs