

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, June 11, 2013 at 7:30 p.m.

Present: Jerome Kerner, Chairman
Ronald Tetelman
Gregory LaSorsa
John O'Donnell
Robert Goett
Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland Consultant
Joseph Cermele, PE, Kellard Sessions Consulting, Town Engineer
Lawrence Praga, Esq., Planning Board Counsel
Margaret Clark, Esq., Special Counsel
Lisa Pisera, Planning Board Secretary

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

The Chairman called the meeting to order at 7:29 p.m. The Chairman acknowledged Aimee Hodges for her 18 years of service in the Planning Department and congratulated her on her move to the Building Department.

The Chairman mentioned, at the suggestion of John O'Donnell, Local Law 6-2013. This law pertains to matters referred to the Architecture/Community Appearance Review Council (ACARC) by the Planning Board. The applicant shall submit an application to ACARC together with the necessary plans. This is a clarification of Section 7-3 and 7-4 of the Lewisboro Town Code as to who is actually submitting the material.

I. PUBLIC HEARING

New York SMSA Limited Partnership d/b/a/ Verizon Wireless, applicant (Ash Tree Development, owner of record), 117 Waccabuc Road, Goldens Bridge – co-location – Applications for Special Use Permit & Wetland Activity Permit Approvals to co-locate 12 panel antennas and four (4) GPS antennas at 137'-9" AGL and a 12'x20' equipment shelter, a 50 kw diesel generator, and related equipment within the approved compound area, Cal# 1-13PB

There were no requests to have the notice of public hearing read aloud and there were no objections to the Notice of Public Hearing.

The Chairman confirmed that the Planning Board received information from the applicant that the Notice had been sent to the neighbors.

Michael Sheridan, Esq., Snyder & Snyder represented the applicant. Mr. Sheridan asked the Board to grant the application to co-locate a wireless facility at the proposed tower on the property that was approved by the Board on December 11, 2012.

Mr. Johannessen stated that the applicant had addressed all comments by the consultants.

Ms. Andersen stated that the CAC would like something other than a diesel generator; however, the constraints were understood.

Mr. O'Donnell asked for comment on hydrogen cell technology, referencing a letter sent to the Planning Board by Alfred Cava, dated June 3, 2013. Mr. Sheridan had not yet received the letter.

Alfred Cava, 111 Waccabuc Road, author of the correspondence regarding hydrogen cell technology addressed the issues stated in his letter of June 3, 2013.

Mr. Kerner asked for comment from the applicant's engineer, Anthony Botta, Tectonic Engineering. His opinion was that hydrogen cells would not provide the required amount of backup time.

Mr. Kerner stated that more information is needed regarding hydrogen cell backup.

Mr. O'Donnell requested more information from the applicant in order to supplement the record.

Clark Landis, 3 Harriet Lane, asked what methods would be used for the removal of invasive species.

Mr. Johannessen stated that the preferred method of removal is by physical means. Specific applications involve cutting the plant flush to the ground and spot treating with an herbicide. The quantity and application of the herbicide would be regulated by the Town and the New York State Department of Environmental Conservation (NYS DEC).

Robert Tissot, 101 Waccabuc Road requested that the Board consider compensation to adjacent property owners.

Mr. Kerner responded that the comment by Mr. Tissot is not applicable to this application.

Preston Bruenn (President of Webb Lane Homeowners Association), 3 Webb Lane, asked if a flagpole design could be used. Mr. Kerner responded that the site has been approved and that this application is for co-location of an antenna on an existing site.

Ms. Clark addressed Mr. Bruenn's question of the use of the Brownell site. Ms. Clark informed Mr. Bruenn that consideration of the Brownell site was detailed in the Resolution of December 11, 2012 (see page 2 of 20). After opinions by the Town Board and Planning Board councils, the Zoning Board of Appeals (ZBA) and the Antenna Advisory Board (AAB) it had been concluded that Brownell was not a suitable option.

There were no further comments from the public.

Mr. Kerner suggested and the board agreed unanimously that the hearing be held open to allow the applicant to respond more specifically to the use of hydrogen cell back up technology. Mr. Kerner instructed the Planning Board Secretary to forward a copy of Mr. Cava's correspondence to Mr. Sheridan.

Mr. Tetelman confirmed that there was no discussion with regard to the co-location of the 12 panel antennas and that the Board is asking the applicant to follow up with information on the hydrogen cell technology and why it was not used.

The Board set July 16, 2013 as the date for the continuation of the hearing.

II. SEQR

“Silvermine Preserve”, Ridgeview Designer Builders, Inc. & Daniel Higgins, owners of record, Silvermine Drive & Lockwood Road, Lewisboro – Applications for Subdivision & Wetland Activity Permit Approvals – Confirmation of Lead Agency status in coordinated SEQR Review, Cal # 3-13PB

Edward Delaney, Bibbo Associates, was present on behalf of the applicants.

Mr. Johannessen stated that this was a procedural item citing the Planning Board Declaration of February 19, 2013.

On a motion made by Mr. O'Donnell, seconded by Mr. Goett, the Confirmation of Lead Agency, Silvermine Preserve, Cal # 3-13PB was adopted.

Vote: In Favor: Kerner, LaSorsa, Tetelman, O'Donnell, Goett

III. SKETCH PLAN REVIEW

Association of the Oakridge Condominiums, Inc., 400 Oakridge Drive, Vista – Applications for Wetland and Stormwater Permit Approvals, Cal 31-13WP

Jamie Kieper of Insite Engineering was present.

Ms. Kieper displayed and reviewed the proposed plan.

Mr. Cermele stated that since the last meeting, he had met with the applicant and walked the site. The plan incorporates some long-term maintenance components. The plan includes riprap aprons at two locations. No further issues are expected.

Ms. Kieper stated that the New York State Department of Environmental Conservation (NYS DEC) had been out to the site. They had not yet heard from the Army Corps of Engineers (ACOE).

Mr. Praga clarified that the only item is a Wetlands Permit.

The Board's consensus was that the application will be handled administratively.

IV. DISCUSSION

Bacio Trattoria, 12 North Salem Road, applicant (Owner of Record: K&K Real Estate, Inc. Site Development Plan and Wetlands Applications, Cal #9-10PB

Edward Delaney, P.E. of Bibbo Associates was present to provide an update.

Mr. Delaney stated that the project was last seen by the Board in September of 2011. Mr. Delaney stated that nothing had really changed from what the Board has seen.

The project has been to the ZBA, ACARC and the Town Board

Mr. Delaney had been in contact with the Town Engineer and Town Planner.

The New York City Department of Environmental Protection (NYC DEP) is reviewing the plan, and will not go any further until the applicant receives a State Environment Quality Review (SEQR) Negative Declaration from the Planning Board.

Mr. Johannessen advised that the Planning Board elected to do an uncoordinated review. The NYC DEP can issue their own Negative Declaration.

Mr. Goett asked for clarification on what the applicant would like to do. Mr. Delaney responded that the applicant would like to do improvements to parking and storm drainage as reviewed by the Planning Board in September, 2012. Another component is a small wetland involving a wetland mitigation plan yet to be determined.

The Environmental Assessment Form (EAF) filed with the Board was reviewed by the Town Planner. Mr. Delaney stated that Bibbo will comply with all of the comments and react to four or five comments in Part III of the EAF. The Board will receive the entire EAF shortly along with a request for the Board to issue a Negative Declaration.

Mr. Johannessen stated that if he receives the required information quickly, he will be in a position to prepare a Negative Declaration for the Board's consideration at a future Planning Board meeting.

The number of seats being requested was discussed. Mr. Delaney indicated that the total number of seats would not change with outdoor seating in use.

Mr. O'Donnell requested Mr. Sirignano to forward a copy of the ZBA and ACARC decisions to the Planning Board.

Todd Management, LLC, 251 and 263 Todd Road, Katonah

Paul Pelusio, P.E. of J. Robert Folchetti & Associates, LLC. was present to discuss questions that arose during the site walk in November 2012.

Mr. Kerner discussed concerns regarding the location of Sublot 2 and why the NYC DEP regulated area is depicted as terminating at the stone wall while there are two branches that continue closer to the house on Sublot 2.

Mr. Pelusio stated that the NYC DEP had been out to walk the site and looked at the various branches. Based on the original layout with the house shown at the location depicted on the plans, the NYC DEP was going to view the first section of water course as either a water course or intermittent stream. The NYC DEP felt that it was going to be identified as a perennial stream. The area identified in red is 100' offset from the section of stream that would be considered perennial.

Mr. Pelusio stated that the NYC DEP had made the decision that the stream impacting Sublot 2 would not be considered to be a regulated stream.

Mr. Kerner expressed concerns regarding the slope off the driveway which is directed directly into the wetlands.

It was suggested that a curb and a swale to direct water south to a drainage basin would be feasible.

A discussion followed regarding the desire of the Board to reduce site disturbance by moving Sublot 2 to the area referred to as the paddock site. Mr. Pelusio felt that would not be feasible because of setback required from water course and required septic.

He also pointed out reductions of disturbance such as reducing the road to 18 feet, eliminating the hammerhead at the entry, and reduction of the stormwater treatment facility at the entry.

Mr. Johannessen commented that these were all positive steps.

Mr. O'Donnell stated that the applicant has been responsive to the concerns of the Planning Board.

Ms. Anderson stated that the CAC had some of the same concerns. Ms. Andersen stated that she is concerned with the amount of disturbance within the buffer. Ms. Andersen requested that the CAC be able to attend the next site walk that is scheduled.

A site walk was scheduled with the applicant, Planning Board and CAC on June 29, 2013.

Septic Inspection Compliance

The Board discussed how to process property owners who are not in compliance with required septic inspections required by Planning Board resolutions.

Ms. Clark discussed that before issuing a violation, a Notice to Remedy might be issued through the Wetland Inspector's office. The applicant would have 30 days to comply.

V. REQUEST FOR EXTENSION OF TIME**Cross River Westchester Associates, 890 Route 35, Cross River, Cal #97-12WP**

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, a 90 day extension to September 28, 2013 was granted to Cross River Westchester Associates, 890 Route 35, Cross River, Cal #97-12WP to comply with a resolution dated February 25, 2013.

Vote In Favor: Kerner, O'Donnell, Goett, Tetelman, LaSorsa

VI. CORRESPONDENCE AND GENERAL BUSINESS**James O'Connor, 3 Robins Court, Vista**

With respect to the Wetlands Application to install a shed, Mr. Johannessen and Mr. O'Connor reviewed the project with the Board. The Board determined that the proposed action would be processed administratively by the Town Wetland Inspector.

Michelle Estates

With respect to the Wetlands Application by Michelle Estates to put up landscaping wall on either side of Avery Road under the jurisdiction of the Planning Board, Mr. Johannessen reviewed the project with the Board. The Board determined that the proposed action would be processed administratively by the Town Wetland Inspector.

E. John Gallagher, 37 Truesdale Lake Drive, South Salem

Mr. Johannessen raised the septic system installation on Mr. Gallagher's property located at 37 Truesdale Lake Drive. Ms. Clark recommended that David Sessions of Kellard Sessions assess the situation.

Ongoing Mead Street Project

Mr. Cermele advised that a Wetland Permit is needed to do soil testing. This would be a one day operation.

The Board determined that the proposed action would be processed administratively by the Town Wetland Inspector.

South Salem Fire District, Cal # 29-13WP, 33-13WP and 34-31WP

Mr. Johannessen provided an update on the South Salem Fire District, dry hydrant project. Mr. Johannessen reminded the Board that the three dry hydrants were being processed administratively and advised that he had issued permits for the dry hydrant at the firehouse and the dry hydrant on Oscaleta Road. Regarding the dry hydrant at Michelle Estates, Mr. Johannessen requested that the applicant submit additional ownership information: a copy of the

easement or permission from the owner. The applicant has not provided the information requested.

Planning Board Education Requirements

Mr. O'Donnell stated that he is willing to put together information regarding the fulfillment of education requirements by the Board for discussion at the July 16, 2013 meeting.

Technology

Mr. O'Donnell suggested that the Board give thought to using technology to manage data and assist in data retrieval as well as give the public access to information.

Mr. Kerner replied that this issue should be discussed with the appropriate Town technology person, Joel Smith.

VII. MINUTES OF May 7, 2013

On a motion made by Mr. O'Donnell, seconded by Mr. LaSorsa, the minutes of May 7, 2013 were adopted.

Vote In Favor: Kerner, Tetelman, Goett, O'Donnell, LaSorsa

VIII. EXECUTIVE SESSION AND ADJOURNMENT

On a motion made by Mr. LaSorsa, seconded by Mr. Goett, the Board entered into Executive Session with counsel for attorney/client privilege discussions at 9:28 p.m.

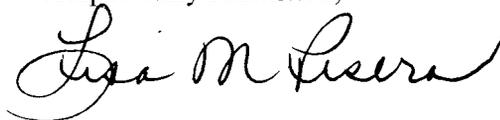
Mr. Tetelman recused himself.

Vote In Favor: Kerner, O'Donnell, Goett, LaSorsa

On a motion by Mr. LaSorsa, seconded by Mr. Goett, the Board exited Executive Session and adjourned at 10:15 p.m.

Vote In Favor: Kerner, LaSorsa, Goett, O'Donnell

Respectfully submitted,



Lisa M. Pisera
Planning Board Secretary