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**TOWN OF LEWISBORO**  
**Westchester County, New York**



**Planning Board**  
**PO Box 725**  
**Cross River, New York 10518**

**Tel: (914) 763-5592**  
**Fax: (914) 763-3637**  
**Email: [planning@lewisborogov.com](mailto:planning@lewisborogov.com)**

**AGENDA**

**Tuesday February 25, 2014**  
**7:30 P.M.**

**Town Offices @ Cross River**  
**Cross River Plaza, Cross River**

**Note: Meeting to end at or before 11:30 P.M.**

**I. PROJECT REVIEW**

**Rice/Arfa, Ridgefield Avenue, South Salem, New York – Application for Lot Line Change from Brian Rice, 159 Ridgefield Avenue, South Salem, New York and Johnathan Arfa and Barbara Bernstein, 149 Ridgefield Avenue, South Salem, New York. Cal # 10-13 PB**

**II. EXTENSIONS OF TIME**

**397 Smith Ridge, LLC, Smith Ridge Road, Vista – Wetland Activity Permit, Cal# 115-12WP**

**New York SMSA Limited Partnership d/b/a Verizon Wireless, applicant (Ash Tree Development, owner of record), 117 Waccabuc Road, Goldens Bridge – co-location – Special Use Permit & Approval to co-locate 12 panel antennas and four (4) GPS antennas at 137’-9” AGL and a 12’ x 20’ equipment shelter, a 50kw diesel generator, and related equipment within the approved compound area, Cal# 1-13-PB**

**III. PUBLIC HEARING**

**Guillermo Arias & Lexus Holding Company, LTD, 411 Smith Ridge Road, Vista – Application for Preliminary Subdivision Plat Approval of a two (2) lot subdivision – Cal# 12-13PB**

**Rudolph C. Petrucci, Oscaleta Road, South Salem, New York - Application for Subdivision Plat Approval and Wetland Activity Permit Approval to permit the construction of a three bedroom, single-family residence and associated deck, porch, driveway, walkway, landscaping, septic system, potable well, fencing and stormwater facilities.**

**Cal # 8-12PB and Cal# 61-09 WP**

**IV. WETLAND VIOLATIONS**

**Christopher & Sandra Ramsay, 14 Benedict Road, South Salem – Cal# 9-11WV & Cal# 61-12WP**

**V. DISCUSSION**

**VI. CORRESPONDENCE AND GENERAL BUSINESS**

**VII. MINUTES OF December 17, 2013**

**RICE/ARFA**

**CAL# 10-13PB**

LAND SURVEYING COMPANY

DAVID L. ODELL, P.L.S.  
12 COLLIER DRIVE EAST  
CARMEL, NEW YORK 10512

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TELEPHONE 845.225.0106  
FAX 845.225.3504

Town of Lewisboro Planning Board  
P.O. Box 725  
Cross River, N.Y. 10518

February 12, 2014

RE: Rice/Arfa Lot Line Change  
Cal# 10-13 PB

-The following is the written responses to the comments from Kellard-Sessions Consulting, P.C., prepared January 22, 2014.

Comment 2. Plat revised to show reputed location of the full extent of the Arfa septic system.

Comment 3. Plat revised to more clearly show information previously provided.

Comment 4. Plat revised after conversation with Jan Johannessen on how to proceed with said comment.

Comment 5. Plat revised after conversation with Jan Johannessen on how to proceed with said comment.

Comment 6. Plat revised after conversation with Jan Johannessen on how to proceed with said comment.

Comment 7. Plat revised to show 200' diameter circle on both lots.

Comment 10. Plat revised.

Comment 11. Plat revised.

- If there are any further questions, please contact my office.

Sincerely,



David L. Odell, P.L.S.

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <span style="font-size: 1.2em; color: blue;">Rice / Arfa lot line change</span>			
Project Location (describe, and attach a location map): <span style="font-size: 1.2em; color: blue;">149 + 159 Ridgfield Ave sheet 40, Block 10263, lot 2+ s3</span>			
Brief Description of Proposed Action: <span style="font-size: 1.2em; color: blue;">See attached</span>			
Name of Applicant or Sponsor: <span style="font-size: 1.2em; color: blue;">Brian Rice</span>		Telephone: <span style="font-size: 1.2em; color: blue;">914-763-6517</span>	
Address: <span style="font-size: 1.2em; color: blue;">159 Ridgfield Ave</span>		E-Mail:	
City/PO: <span style="font-size: 1.2em; color: blue;">S Salem</span>		State: <span style="font-size: 1.2em; color: blue;">NY</span>	Zip Code: <span style="font-size: 1.2em; color: blue;">10590</span>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
<input checked="" type="checkbox"/> <input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
<span style="font-size: 1.2em; color: blue;">Lot Line Change only - <span style="font-size: 0.8em; color: blue;">planning board, requiring Westchester ct Dept. of health agency - a</span></span>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<span style="font-size: 1.2em; color: blue;">9.581</span> acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<span style="font-size: 1.2em; color: blue;">9.581</span> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Brian Rice</u>	Date: <u>2/17/14</u>	
Signature: <u>[Signature]</u>		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Lewisboro Planning Board  
Name of Lead Agency

Jerome Kerner  
Print or Type Name of Responsible Officer in Lead Agency

Chairman  
Title of Responsible Officer

[Signature]  
Signature of Responsible Officer in Lead Agency

[Signature]  
Signature of Preparer (if different from Responsible Officer)

**PRINT**

**RESET**

### **Project Description**

The subject property consists of two (2) lots totaling ±9.58 acres of land located off of Ridgefield Avenue and within the R-2A Zoning District. Tax Lot 53 currently consists of ±4.116 acres, is owned by Jonathan Arfa and Barbara Bernstein and is developed with a single-family residence, pool, a detached accessory building, driveway, septic system and well. Tax Lot 2 currently consists of ±5.465 acres, is owned by Brian Rice and is developed with a single-family residence, shed, driveway, septic system and well. The proposed action involves the transfer of ±0.299 acres of land from Lot 53 (Arfa/Bernstein) to Lot 2 (Rice).

**KAPLAN – 397 SMITH RIDGE ROAD**

**CAL# 115-12WP**

February 18, 2014

Honorable Jerome Kerner Chairman, and Members of the Planning Board  
Town of Lewisboro  
Cross River Shopping Center  
@ Orchard Square  
Suite L (Lower Level)  
20 North Salem Road  
Cross River, NY 10518

Re: Self Storage Facility  
397 Smith Ridge Road

Dear Chairman Kerner and Members of the Planning Board:

Please consider this request to the Planning Board for an extension of Wetlands Permit #115-12WP, regarding the property known as 397 Smith Ridge Road, Lewisboro, NY. The wetlands permit is due to expire on February 28, 2014.

In accordance with Town Code Section 217-9F(5) of the Wetland Law the following information is provided:

- (a) As of this date, no on-site work of any kind has begun. It is anticipated that site work would begin during Spring 2014.
- (b) An extension of Wetlands Permit #115-12WP would coincide with the expected and imminent issuance of a building permit, whereby construction could begin unimpeded.
- (c) Wetlands Permit #115-12WP was approved on February 28, 2102. The signature of the Planning Board Chairman on the approved site plan is dated November 16, 2102, prompting application for a building permit by November 16, 2013. Building permit application was made on November 14, 2013. In retrospect, application for a Wetlands Permit was premature (nearly 19 months) and could have been made more contemporaneous with the Site Plan application and approval process; likely not necessitating a request for an extension of the wetlands permit.

According to the building department, a building permit will be issued pending receipt by them of contractor insurance certificates. To have submitted these certificates earlier would have compelled issuance of the building permit and construction would have needed to begin within three months, or squarely in the depths of winter. For many practical reasons this would have been ill-advised. At this time, certificates of insurance may be submitted as construction is anticipated to begin during the time frame before which the building permit would become void.

- (d) There are no changes in the facts or circumstances involved with or affecting the regulated resource area nor with the property for which the expiring activity permit approval was issued.

Thank you for your kind consideration.

Respectfully,

Steven R. Kaplan

**VERIZON WIRELESS**

**CAL# 1-13PB**

LAW OFFICES OF  
**SNYDER & SNYDER, LLP**

94 WHITE PLAINS ROAD  
TARRYTOWN, NEW YORK 10591

(914) 333-0700

FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

[Lsnyder@snyderlaw.net](mailto:Lsnyder@snyderlaw.net)

NEW YORK OFFICE  
445 PARK AVENUE, 9TH FLOOR  
NEW YORK, NEW YORK 10022  
(212) 749-1448  
FAX (212) 932-2693

LESLIE J. SNYDER  
ROBERT D. GAUDIOSO

DAVID L. SNYDER  
(1956-2012)

NEW JERSEY OFFICE  
ONE GATEWAY CENTER, SUITE 2600  
NEWARK, NEW JERSEY 07102  
(973) 824-9772  
FAX (973) 824-9774

REPLY TO:

Tarrytown Office

February 11, 2014

Hon. Chairman Kerner and Members of the Planning Board  
Town of Lewisboro  
Onatru Farm  
99 Elmwood Road  
South Salem, New York 10590

RE: NY-Waccabuc  
Proposed Co-Location of a Public Utility Wireless Communications Facility for  
New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon  
Wireless") with respect to the property known as 117 Waccabuc Road, Lewisboro,  
New York

Dear Hon. Chairman Kerner and Members of the Planning Board:

In connection with the Special Use Permit Approval Resolution, dated August 13, 2013, for the captioned project, Verizon Wireless respectfully requests a 6 month extension for compliance with conditions 1-8 of said Resolution due to logistics in obtaining the necessary sign-offs.

Thank you for your consideration. If you have any questions, please do not hesitate to call me or Michael Sheridan of my office at (914) 333-0700.

Respectfully submitted,

  
Leslie J. Snyder

cc: Verizon Wireless

Z:\SSDATA\WPDATA\ISS4\WP\NEWBAN\MAYBECK\WACCABUC (LEWISBORO)\PBLETTER.EXTENTION.FIN.DOCX

**ARIAS /LEXUS COVER**

**9-04PB**

# **TOWN OF LEWISBORO**

## **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Planning Board of the Town of Lewisboro, Westchester County, New York will convene a Public Hearing on February 25, 2014 at 8:15 p.m., or soon thereafter, at the Town Offices @ Orchard Square Plaza, Lower Level, Cross River, New York, regarding the following:

**Cal # 12-13PB**

Preliminary Subdivision Application from Guillermo Arias, 411 Smith Ridge Road, South Salem, New York and Lexus Holding Company, LLC, P.O. Box 170, Garrison, New York for approval of a two-lot subdivision. Said property is located on the easterly side of Smith Ridge Road (NYS Route 123), Vista, New York and designated on the Tax Map of the Town of Lewisboro as Sheet 50, Block 09834, Lot 28 (Arias) and Lot 162 (Lexus Holding) consisting of a combined area of approximately 17.712 acres. The property is located within an R-2A One-Family Residence District. A copy of the application materials and proposed subdivision documents may be inspected at the office of the Planning Board Secretary, 20 North Salem Road, Suite L, Cross River, New York during regular Planning Board hours. At such hearing all interested parties are encouraged to attend and will be afforded an opportunity to be heard. Written comments will also be accepted.

**PLANNING BOARD  
TOWN OF LEWISBORO  
By: Jerome Kerner  
Chairman**

**Dated February 20, 2014**

**The Town of Lewisboro is committed to equal access for all citizens. Anyone needing accommodations to attend or participate in this meeting is encouraged to notify the Secretary to the Planning Board in advance.**

# Site Design Consultants

Civil Engineers • Land Planners

February 10, 2014

Ms. Lisa Pisera, Secretary  
Planning Board  
Cross River Shopping Center at Orchard Square  
Suite L – Lower Level  
20 North Salem Road  
Cross River, NY 10518

Via email [lpisera@lewisborogov.com](mailto:lpisera@lewisborogov.com)

Re: Arias / Lexus Holding Co., Ltd.

Dear Ms. Pisera:

As required by the Town of Lewisboro, we have prepared and mailed out the attached "Notice of Public Hearing," via Certified / Return Receipt Requested US Post to the 27 neighbors within 500' of the referenced project. In addition, the required notice sign has been posted at the project location. This project is scheduled for public hearing for the Town of Lewisboro Planning Board Meeting on February 25, 2014.

Enclosed please find the following items for your file:

- Copy of the "Notice of Public Hearing" as provided by your Office;
- List of adjoining property owners within 500';
- Copies of the "US Postal Service Certified Mail Receipt" for the 27 neighbors as provided by the Town of Lewisboro Assessor's Office;
- Photo of the "Notice" sign installed at the property on February 8, 2014;

We understand that your Office will advertise the Public Notice Meeting in your local newspaper.

Please review our submission and contact us if you have any questions. Thank you.

Sincerely,



Joseph C. Riina, P.E.

Cc: G. Arias  
Lex Holding Co., Ltd.  
DeLalla & Associates

JCR/cm/Enc./sdc 02-20



**TOWN OF LEWISBORO**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Planning Board of the Town of Lewisboro, Westchester County, New York will convene a Public Hearing on February 25, 2014 at 7:30 p.m., or soon thereafter, at the Town Offices @ Orchard Square Plaza, Lower Level, Cross River, New York, regarding the following:

**Cal # 12-13PB**

Preliminary Subdivision Application from Guillermo Arias, 411 Smith Ridge Road, South Salem, New York and Lexus Holding Company, LLC, P.O. Box 170, Garrison, New York for approval of a two-lot subdivision. Said property is located on the easterly side of Smith Ridge Road (NYS Route 123), Vista, New York and designated on the Tax Map of the Town of Lewisboro as Sheet 50, Block 09834, Lot 28 (Arias) and Lot 162 (Lexus Holding) consisting of a combined area of approximately 17.712 acres. The property is located within an R-2A One-Family Residence District. A copy of the application materials and proposed subdivision documents may be inspected at the office of the Planning Board Secretary, 20 North Salem Road, Suite L, Cross River, New York during regular Planning Board hours. At such hearing all interested parties are encouraged to attend and will be afforded an opportunity to be heard. Written comments will also be accepted.

**PLANNING BOARD  
TOWN OF LEWISBORO  
By: Jerome Kerner  
Chairman**

**Dated February 20, 2014**

**The Town of Lewisboro is committed to equal access for all citizens. Anyone needing accommodations to attend or participate in this meeting is encouraged to notify the Secretary to the Planning Board in advance.**

**Lexus Holding Co., Ltd.  
199 Main Street, Suite 205  
White Plains, NY 10601  
09834-023-0050**

**Chad and Lisa Agona  
425 Smith Ridge Road  
South Salem, NY 10590  
09834-079-0050**

**Fernando T. Tinio  
Anne Noelle Withers  
85 East Street  
South Salem, NY 10590  
09834-026-0050**

**Juliana M. Arietta  
5 Blueberry Lane  
South Salem, NY 10590  
09831-038-049B**

**Anthony M. Femia  
87 East Street  
South Salem, NY 10590  
09834-164-0050**

**Charles Huthmaker  
9 Woodcrest Avenue  
Trumbull, CT 06611  
09831-029-049B**

**Jody R. and Antoinette Pelazza  
105 East Street  
South Salem, NY 10590  
09834-024-0050**

**Martin J. Regine  
3 Blueberry Lane  
South Salem, NY 10590  
09831-004-049B**

**Tristin and Justin Rumack  
89 East Street  
South Salem, NY 10590  
09834-165-0050**

**James and Victor Sexton  
16 West Road  
South Salem, NY 10590  
09831-002-049B**

**Gary N. and Coleen A. Wacha  
95 East Street  
South Salem, NY 10590  
09834-025-0050**

**Donn and Angela Wagner  
83 East Street  
South Salem, NY 10590  
09834-163-0050**

**Marquette L. Wilson  
1127 High Ridge Road  
Stamford, CT 06905  
09834-168-0050**

**Howard A. and Edna S. Waite  
405 Smith Ridge Road  
South Salem, NY 10590  
09834-022-0050**

**Arias Lutviu  
407 Smith Ridge Road  
South Salem, NY 10590  
09834-069-0050**

**Angela Capasso  
2 Tommy's Lane  
South Salem, NY 10590  
09834-105-0050**

**Michael J. and Nancy A. Lonigro  
429 Smith Ridge Road  
South Salem, NY 10590  
09834-106-0053**

**Viatcheslaw Nikitin and Daria Goose  
431 Smith Ridge Road  
South Salem, NY 10590  
09834-107-0053**

**Peter Calcagno and Tamm Rudra  
Trustee  
35 Tuscany Court  
Camp Hill, PA 17011  
09834-159-0053**

**Seth and Amy E. Coplan  
16 Tommy's Lane  
South Salem, NY 10590  
09838-010-050A**

**Westchester Land Trust  
403 Harris Road  
Bedford Hills, NY 10507  
09848-011-050A**

**Joyce Dawn Nicoletti Life Estate  
12 Tommy's Lane  
South Salem, NY 10590  
09848-012-050A**

**Michael C. and Muriel W. DeLorio  
10 Tommy's Lane  
South Salem, NY 10590  
09848-013-050A**

**John O. and Carol Peck  
8 Tommy's Lane  
South Salem, NY 10590  
09848-014-050A**

**Daniel and Marilyn D'Amico  
4 Tommy's Lane  
South Salem, NY 10590  
09848-016-050A**

**Albert P. and Barbara J. Carlson  
427 Smith Ridge Road  
South Salem, NY 10590  
09834-029-0053**

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**PETRUCCELLI**

**CAL# 8-12PB**

**CAL# 61-09WP**

**PUBLIC HEARING**

**MEMORANDUM**

TO: Chairman Jerome Kerner, AIA and  
Members of the Lewisboro Planning Board

CC: Lisa Pisera  
Lawrence Praga, Esq.

FROM: Jan K. Johannessen, AICP  
Joseph M. Cermele, P.E.  
David J. Sessions, RLA, AICP  
Consulting Town Professionals

DATE: February 21, 2014

RE: Rudolph Petruccelli  
Oscaleta Road  
Sheet 33B, Block 11157, Lot 46

**Project Description**

The proposed action includes the construction of a 3-bedroom, single-family residence and associated porch, rear deck, permeable driveway, walkway, landscaping, septic system, potable water well, retaining wall, fencing, stormwater facilities and wetland mitigation. The subject property is located on Oscaleta Road (just south of its intersection with Cove Road), consists of  $\pm 0.69$  acres of land, and is located within the Town's R-1/2A Zoning District. The property is substantially constrained by wetlands that are regulated by the Town and the New York State Department of Environmental Conservation (NYSDEC). A Town/NYSDEC jurisdictional wetland is located along the westerly property line and a secondary, Town jurisdictional, wetland is centrally located on the subject property. While the majority of the house and physical above-ground improvements are proposed outside of the wetland proper, according to the applicant's calculation, the proposed action will result in 2,662 s.f. of disturbance within the wetland proper, 16,438 s.f. of disturbance within the Town's 150-foot wetland buffer, and the removal of  $\pm 34$  mature trees ( $\geq 8$ " dbh).

## **SEQRA**

The proposed action is an Unlisted Action under the State Environmental Quality Review Act (SEQRA). The Planning Board is required to issue a Determination of Significance before acting upon the pending application.

### **Required Approvals and Referrals**

1. A Wetland Activity Permit is required from the Planning Board.
2. A Town Stormwater Permit is required from the Planning Board.
3. Preliminary and Final Subdivision Plat Approval is required from the Planning Board.
4. A public hearing is required to be held on the Preliminary Subdivision Plat and Wetland Permit. At the Board's discretion, the Planning Board may also hold a public hearing on the Final Subdivision Plat.
5. Access onto Oscaleta Road will require approval from the Town Highway Superintendent.
6. The proposed septic system and potable water well requires approval from the Westchester County Department of Health (WCHD) and the New York City Department of Environmental Protection (NYCDEP).
7. A variance from the NYCDEP is required for the installation of a septic system within the NYSDEC wetland adjacent area.
8. The applicant has obtained an Article 24 Freshwater Wetland Permit from the NYSDEC.
9. The applicant will require coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001).

### **Plan Comments**

1. As stated in prior review memorandums from this office, the Wetland Ordinance strives for a 1:1 mitigation ratio and a no-net-loss of wetlands and buffers. According to the plans submitted, the proposed action will result in 2,662 s.f. of wetland disturbance and 16,438 s.f.

Chairman Jerome Kerner, AIA

February 21, 2014

Page 3

of wetland buffer disturbance (19,100 s.f. total). The applicant has identified a total of four (4) mitigation zones on the subject property totaling 17,915 s.f. in area, which it believes will satisfy the intent of Section 217-8E of the Town Code (“activity permit mitigation plan”). The applicant’s proposed mitigation zones include a wetland enhancement area (3,847 s.f.), a wetland creation area (1,276 s.f.), the installation of a native seed mix and limited mow zone over the septic system (6,041 s.f.), and a proposed conservation easement to be established between the septic system and the rear (westerly) property line (6,751 s.f.).

The Planning Board should determine if the applicant’s proposal has mitigated, to the maximum extent practicable, impacts to the wetlands/buffer and down-gradient wetlands. Currently, the applicant’s mitigation plan falls  $\pm 1,185$  s.f. short of a 1:1 mitigation ratio. It is imperative that the applicant investigate additional methods of mitigation in an attempt to achieve at least a 1:1 ratio. The following additional mitigation measures could be considered:

- The Planning Board may wish to request that the applicant consider a further reduction of the dwelling’s bedroom count which would likely result in a reduction in effluent flows and a relative reduction in the size of the septic system, allowing additional on-site area for wetland mitigation.
- As mentioned previously, the Town Wetland Ordinance allows for the implementation of off-site mitigation in cases where an on-site alternative is not possible and the applicant has control of the off-site property. The Planning Board should consider requesting that the applicant investigate the possibility of providing off-site mitigation and submitting proof of such investigation(s). Considering the minimal opportunity for on-site mitigation, the investigation of off-site mitigation opportunities should be aggressively pursued by the applicant.
- While the design/approval of the septic system is in the WCDH and NYCDEP’s jurisdiction, the Planning Board may wish to request additional safeguards and modifications to the septic system design that would further treat contaminants of concern, such as phosphorus and nitrogen. The plan notes that the septic tank outlet will be equipped with a filter and T-baffle, as required by the NYCDEP. The Planning Board should discuss whether additional measures, such as commercially available microbial inoculation systems, should also be considered by the applicant.

- We note that the Planning Board requested that the proposed split rail fence be located on the easterly side of the proposed septic system expansion area, generally along the proposed 484' contour.
2. As discussed at the January 28, 2014 Planning Board meeting, the wetland boundary line illustrated on the most recently submitted plans (last revised August 28, 2013) does not include Wetland Flags #7, #8 and #13, as recently delineated by the applicant's wetland consultant and as confirmed by our office. Based on our October, 2012 wetland boundary confirmation, the northern extent of the wetland boundary (Flags #7 and #8) extends further north, approximately 10 feet south of the 6" PVC pipe located in the vicinity of the northerly property line. If this discrepancy cannot be resolved between the applicant's wetland delineator and surveyor, it is recommended that our office either reconfirm the wetland line when weather permits or Flags #6 and #9 be extended to a point 10 feet south the 6" PVC pipe.

We note that the current location of the septic tank would need to move as the septic tank would be located within the wetland proper, which is prohibited under Section 217-5A(1) of the Wetland Ordinance. The adjustment to the wetland line needs to be reflected in the wetlands disturbance analysis chart.

3. As previously requested, the wetland functional analysis presented at the November 19, 2013 Planning Board meeting by Steve Marino of Tim Miller Associates should be submitted to our office for review.
4. We note that work associated with the wetland enhancement and wetland creation areas are not accounted for within the itemized sequence of construction.
5. As previously requested, the plans should include details and notes relative to the removal of invasive plant material located within the wetland enhancement area. Notes shall include, at a minimum, time of year for removal, removal methodology, future monitoring to detect re-emergence of invasive species, and follow-up treatment, if necessary.
6. The site plan has gone through a number of modifications since the WCHD and NYCDEP had reviewed and conditionally approved the on-site wastewater treatment system design and drilled well. Most notably, the bedroom count has been reduced from 4 bedrooms to 3 bedrooms; the location of the drilled well (originally located at the southeast corner of the site) and the infiltration system (originally located at the northeast corner of the site) have been

interchanged; and a stone retaining wall 2' - 4' in height is now proposed within 5 feet of the 100% expansion area; and a drainage swale is located within 50 feet of the septic field. As previously requested, the applicant should provide copies of any correspondence from either agency conditionally approving the revised plan.

Similarly, the applicant shall contact the NYSDEC to verify that the Article 24 Freshwater Wetland Permit previously issued remains valid considering the recent plan changes and provide confirmation to the Planning Board as to its continued validity.

7. As indicated by the applicant, the NYCDEP had required that the original 1,250 gallon septic tank be increased in size to 1,500 gallons for increased solids handling. This has been indicated on the septic tank detail, however, the plan continues to note the installation of a 1,250 gallon tank. This must be corrected.
8. Although the applicant has received an Acknowledgment of Notice of Intent (NOI) from the NYSDEC, dated December 15, 2010, the Town has no record of an approved NOI or MS4 SWPPP Acceptance Form on record. The applicant must provide signed copies of each or resubmit same for our office's review and approval for filing with the NYSDEC.
9. The applicant prepared a SWPPP in September of 2012 which includes an analysis of the previously proposed bio-retention basin, supplemented in December of 2012 with a plan to utilize a portion of the existing wetlands area. A subsequent sizing calculation for the currently proposed infiltration system was provided in February, 2013 to mitigate the 100-year storm event. The SWPPP should be revised to address all modifications to the plan since September of 2012. All references to the bio-retention basin should be removed and replaced with the proposed infiltration system.
10. The proposed infiltration system has been relocated from its original location on the north side of the site to the southeast corner of the site. Soil testing, if conducted at this location, has not been witnessed by this office. The applicant will be required to perform deep and soil percolation testing to be witnessed by the Town Engineer when weather conditions permit.
11. The hydrologic analysis submitted by the applicant for water quality, runoff reduction volume and peak flow attenuation should be updated as necessary to reflect the current plan. Pre-treatment shall be provided for the infiltration system and follow the design guidelines of the New York State Stormwater Management Design Manual.

12. The SWPPP includes peak flow summaries for the 1-, 10- and 100-year storm events; however, supporting calculations were only provided for the 25-year storm. As previously requested, supporting hydrologic calculations should be provided for all storm analyses.
13. The drainage areas analyzed in the pre- and post-development scenarios appear to differ and should be coordinated. Without the benefit of sufficient off-site topography, it is difficult to determine whether the entire drainage area tributary to the design points has been accounted for. Specifically, areas to the north and east of the site appear to drain through the property, but are not included in the analyses. This should be updated as necessary.
14. As previously requested, water quality sizing calculations for the permeable driveway should be provided.
15. The maintenance program outlined in the SWPPP should be revised to include long-term maintenance procedures for the infiltration system and permeable pavers.
16. As previously requested, the infiltration system should be equipped with provisions for emergency overflow. Reference to an overflow grate is made on the Site Plan, however, no location or detail has been provided.
17. While the submitted plans provide various erosion and sediment controls, they are depicted, in part, on separate plan sheets. In order to provide clarification, a separate Erosion & Sediment Control Plan designed in conformance with the SPDES General Permit (GP-0-10-001), the Town's Stormwater Management & Erosion & Sediment Control Law (Chapter 189) and the NYS Standards & Specifications for Erosion & Sediment Control should be prepared. As previously requested, the plan must illustrate the locations of all erosion and sediment controls, limits and area of disturbance, contractor staging areas, erosion control notes and sequence of construction.
18. The topographic elevation ranges for the site noted in Section 16 of the SWPPP should be updated to reflect the current plan.
19. The site plan includes a note to remove an existing 6 inch storm drain pipe to a minimum of 10 feet onto the adjoining property to the north. This note should be revised to limit removal to the common property line.
20. The site plan should indicate the heights of the proposed split rail and board-on-board fences.

21. The plan proposes a cobblestone driveway apron. The plan shall be revised to provide a minimum paved apron from the edge of Oscaleta Road, as required by the Town Highway Department; a detail of the cobblestone apron shall be included on the plans.
22. As previously requested, the applicant must submit the Full Environmental Assessment Form (Parts 1, 2 and 3); the EAF should consider the subdivision and the development of the lot, as proposed.
23. As previously requested, the applicant must submit a Town Stormwater Permit Application in accordance with Chapter 189 of the Town Code.
24. Previous versions of the subdivision plat included the location of the wetland boundary (both lots) and a Bulk Zoning Table; the subdivision plat should be revised to include these items and correct the name of the Planning Board Secretary.

In order to expedite the review of subsequent submissions, the applicant should provide annotated responses to each of the comments outlined herein.

**Plans Reviewed, prepared by Petruccelli Engineering and dated (last revised) August 28, 2013:**

- Site Development Plan (1/6)
- Septic Plan (2/6)
- Existing Conditions Plan (3/6)
- Profiles & Cross Section Drawings (4/6)
- Septic and Well Detail Sheet (5/6)
- Erosion & Stormwater Detail Sheet (6/6)

**Plan Reviewed, prepared by H. Stanley Johnson and Company and dated April 23, 2012:**

- Subdivision of Property

JKJ/JMC/DJS/dc

To: Town of Lewisboro Planning Board

From: Paul Lewis

*Paul A. Lewis*  
44 Twin Lakes Road  
South Salem, NY 10590

Date: February 23, 2014

Re: **Petrucelli Application** for subdivision and wetland permit  
Oscaleta Road, South Salem, NY

Dear Chairman Kerner and Members of the Planning Board:

Wildlife Concerns

The wetland between Lakes Oscaleta and Waccabuc is a valuable piece of land with regard to its natural features and wildlife habitat.

In fact, it is unique in this region of N.Y. State in that it has many characteristics of a northern bog. Carol Reschke's description of a Red-maple -Tamarack Peat Swamp in her Ecological Communities of New York State, Second Edition, fits this swamp well. This type of wetland is more prevalent in the more northern portions of the state.

The wetland and buffer in which the Petrucelli lot is located provides habitat for a wide variety of avian, amphibian, reptilian, and mammalian creatures. Some of them reside there; others use the area as a safe corridor to and from the wetland and lake area to upland areas, as animals need both wetlands and uplands for feeding, resting, and nesting. They rely on the cover of native vegetation for protection. Wildlife Preserves owns a portion of the wetland and it enables transit of birds and other animals to other parcels they own, and then on to Mountain Lakes Park.

Many mammals such as Otter, Beaver, Min, Fisher, Red Fox, Muskrats, Deer and Squirrels use this area.

For many years I have kept a list of birds I have seen in this wetland. They include three species of herons - Great-blue Heron, Green Heron, and occasionally the Black Crowned Night Heron. Neo-tropical migrants I have seen, to name a few, include Northern Waterthrush, Yellow Warbler, Common Yellow-throat, Baltimore Oriole, Red-wing Blackbird, Eastern Kingbird and Veery.

The wetland also hosts a number of amphibians including Green Frog, Bullfrog, Spring Peeper, Wood Frog and Grey Tree Frog.

While it is difficult to specify which of these creatures use Mr. Petruccelli's property, it is certain that the entire lot is either wetland or wetland buffer and also serves as a buffer area for wildlife from developed lands. It should be treated as such. It is part of the larger wetland that provides a safe haven for the birds and animals. The local wetland has some Vernal Pool characteristics and does host Spring Peepers in the Spring. It is possible it may host Wood Frogs some years; these frogs are a vernal Pool obligate species.

Reptiles, specifically Snapping Turtles, have been seen in adjacent areas in the vicinity and could conceivably traverse this parcel on their way to a nesting site. They, and other animals, don't recognize property lines!

This valuable wetland is unique in this part of the State and must not be encroached upon.

To: Town of Lewisboro Planning Board

From: Paul Lewis

*Paul A. Lewis*  
44 Twin Lakes Road  
South Salem, NY 10590

Date: February 23, 2014

Re: **Petrucelli Application** for subdivision and wetland permit  
Oscaleta Road, South Salem, NY

Dear Chairman Kerner and Members of the Planning Board:

Early Wetland Mapping

There was plenty of published evidence that Lot No. 46 had wetlands on it. The fact that there is a wetland on the lot should not have been a surprise to Mr. Petrucelli, that is why he paid only \$4000 for the lot in 1982. Mr. O'Donnell asked when the wetlands were first mapped. I don't know when that was, but the wetland appears on a 1943 USGS topo map which was readily available. Newer versions continue to show the wetland. As far as I can see, the first this wetland, or any wetlands for that matter, shows up on a published Town map, is on the Town of Lewisboro Water Resources Map published by the Planning Board and adopted by the Town Board on January 9, 1973. Many copies were printed and were readily available to the public. In June that same year, the Town Development Plan was published and it contained a Map with that title. It too, clearly shows this wetland. The purpose of these maps was not to delineate the exact extent of the wetlands but to alert citizens that their property may well contain wetlands and therefore may have development restrictions.

In 1985, a new Town Master Plan was adopted and it refers to a Development Limitations map. Examining a copy in the Planning board office, it shows very severe development limitations on a portion of this parcel as it contains 1011 Palms Muck soil. This information comes from a soils map of the Town of that era. The Master Plan defines "Very Severe" as "Lands described as possessing very severe development limitations are generally unsuited for development. Wetlands and extremely steep hillsides are included in this category. (Somewhat poorly, poorly and very poorly drained soils, permanently flooded soils, and slopes 25% and over)". The Development Limitations Map hung in the office of our Town Planner, Ed Burroughs, now Commissioner of Planning, Westchester.

Everyone in the area knew that there were wetlands there and recognized it could not be built on. According to his son Richard, when Merwin Dickens sold this land so that the new owner

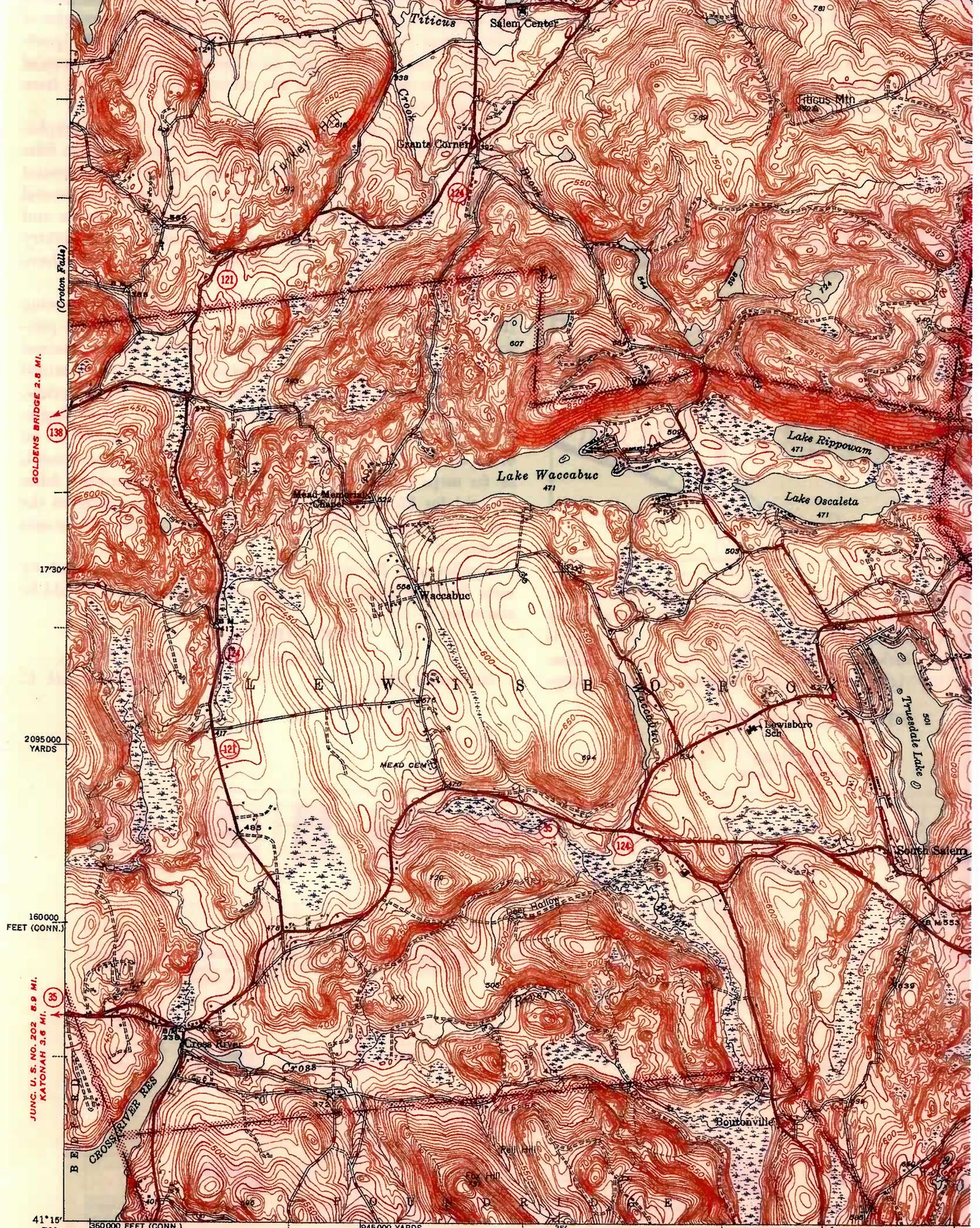
could have rights to the lake, he, Merwin, told him that he would not be able build on it. That was not an issue with the buyer, but unfortunately it was never put in writing.

Merwin sold off lot 49, on the corner of Oscaleta Road and the southerly side of Cove Road, adjacent to Lot 46, as a building lot. There is contour line on the 1943 and more recent USGS maps which appears to border this lot indicating it is on higher ground than Lot 46.

I have attached copies of portions of a few maps, USGS Topo – 1943, Water Resources Map, and Town Development Plan 1985. The Development Limitations Map will be brought to the Planning Board Hearing.

pal

ODonnell\_Maps.docx



GOLDENS BRIDGE 2.8 MI.

(Croton Falls)

17°30'

2095000 YARDS

160000 FEET (CONN.)

JUNC. U. S. NO. 202 8.9 MI.  
KATONAH 3.6 MI.

41°15' 73°37'30"

845000 YARDS

Mapped by the Geological Survey

(121) 1943

123° ± 1"

(Stamford 68500) (124)

Scale 1/57600 POUNDRIE 3 MI.





To: Town of Lewisboro Planning Board

From: Paul Lewis



44 Twin Lakes Road  
South Salem, NY 10590

Date: February 23, 2014

Re: **Petrucelli Application** for subdivision and wetland permit  
Oscaleta Road, South Salem, NY

Dear Chairman Kerner and Members of the Planning Board:

Lake Elevation and Land Elevation and Septic System Issues

After observing the wetland that extends in a westerly direction from the berm to the edge of the lake, I became convinced that lake water levels would not need to be as high to reach the toe of the berm as would appear based on Mr. Petrucelli's drawings, and I wanted to confirm my observations.

The wetland appears to be very flat. The Three Lakes Council had requested that the lake level relative to the property be determined by survey, but we saw no evidence that it was done. The elevation of the lake did appear on the drawings, but it may not have been determined by survey. It shows the USGS value of 471'

I am an engineer and not a licensed surveyor, but when I was an engineering student, I worked for Jim Wilson as his transit man. Jim was a licensed surveyor and Town Engineer who lived in Twin Lakes Village, and in the 1950's he surveyed and mapped much of Lewisboro, including the three lakes area.

Lou Feeney and I rented a builders transit and measured the drop in elevation from the toe of the berm on the Three Lakes Council property to the lake surface. We determined the drop to be 10.75". We weren't confident in the accuracy of the level so we went out again with a water tube level and measured it again and determined that the level change was 10.00", a good agreement. So, if the lake came up another 10", the surface water would be at the berm where the septic system is proposed to be installed.

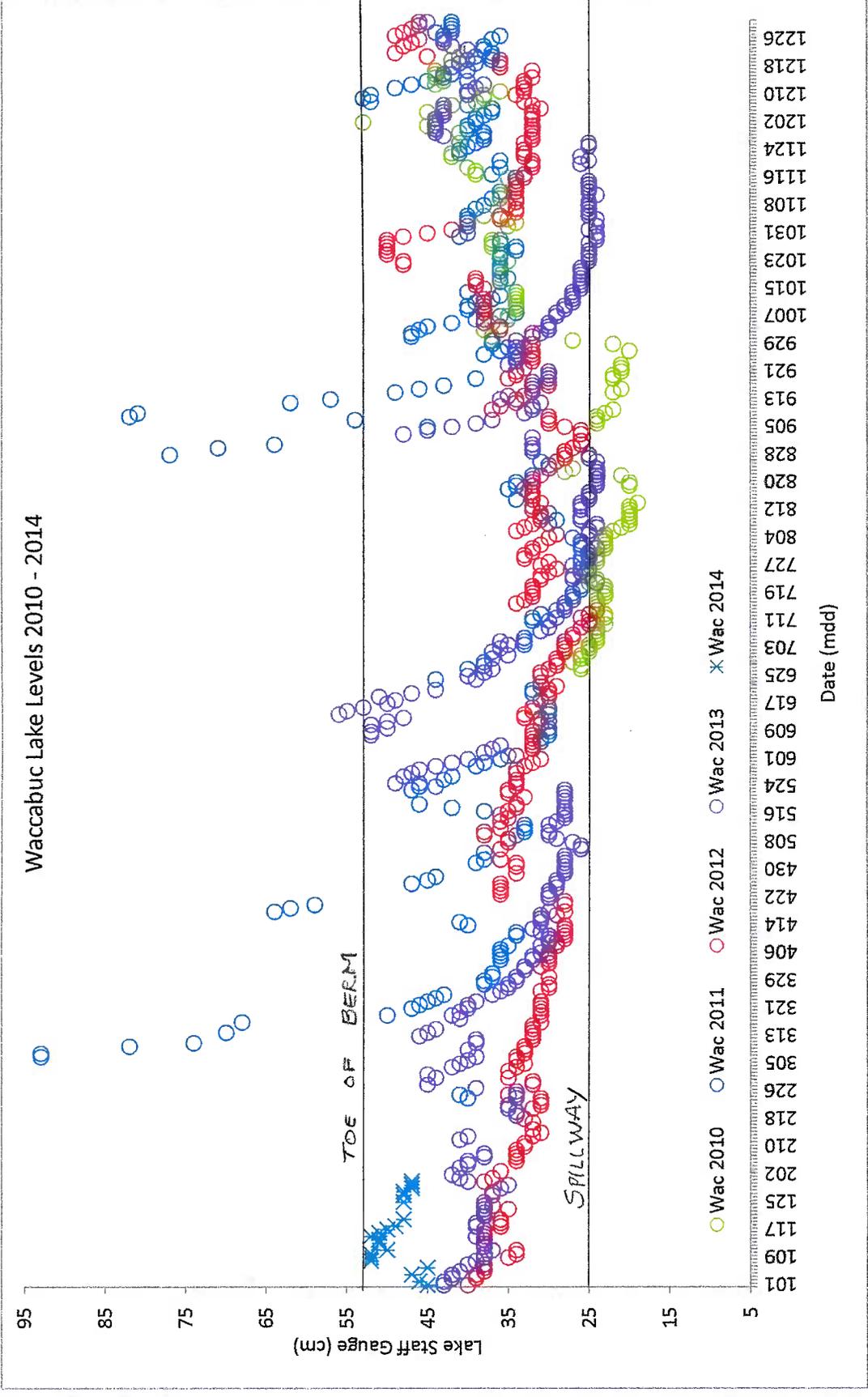
Further, we determined that the plans show an error of about 1.5' in the relationship between the level of the land and the level of the lake. That is, the plans show the land to be 1.5' higher than our measurements relative to the lake. We confirmed this by working from a spot elevation on the Three Lakes Council property that shows on the plans. I recommend all this these levels be professionally surveyed.

As you know, the Three Lakes Council has been monitoring lake water levels for the past 3-1/2 years which Jan Andersen plotted on the attached graph. This graph shows that the water reaches the berm about twice per year on average, and considerably exceeds that by a foot or more every couple of years. Knowing that there can be over a 2' foot variation in lake levels, it is critically important that the topography be accurately represented, especially since septic fields don't function properly in flooded soils. With the wetlands being flooded and the water lapping up against the berm at times, phosphorus from the septic system will get into the lake more readily than the applicant leads one to believe.

No information has been presented stating the nature of the fill in the berm as there is no deep test hole data available to us in the septic field area. Therefore the phosphorus binding ability is unknown. With the short distance from the leaching field trenches to the edge of the berm, the phosphorus will reach the edge of the berm in only a short period of time. This bank is not proposed to be sealed off. The plans show only the southerly end will be sealed where new fill will be added. It is not a question of if the septic system fails but when. Monitoring wells should be placed in the berm to monitor coliform and phosphorus transport and they would have to be monitored. It appears to me that it would nearly impossible to replace the fill in the fields after construction due to the lack of equipment access.

This proposed septic system is far from "state of the art". A "state of the art" system would be designed to prevent phosphorus and nitrates from leaching into the lake. A "state of the art" system would include a phosphorus affinity filter or be an evaporative system sealed off from the soil below.

"Old-timers" remember when, in the 1950's, a hurricane dumped so much rain that Oscaleta Road and the bridge were under water, and the two bridges to the north were washed out! People in this area could not drive out in either direction. With climate change, we can expect an increase in such unusual weather patterns, so it is essential that the effect of flooding on septic tank function be taken into account.



Measured Lake Elevation  
relative to  
Petruccelli's Plans

Wetland Staff Gauge to surface of Lake water

From Staff to Lake	Water Level Inches	Elevation Change	Water Level Inches	Elevation Change	From Lake back to Staff Elevation Change
Staff Gauge to Point 2	19.13	19.75	-0.63	22.25	0.38 Point 2 to Staff gauge
Point 2 to Point 3	20.88	25.00	-4.13	19.00	4.00 Point 3 to Point 2
Point 3 to Point 4	23.13	25.13	-2.00	26.75	1.88 Point 4 to Point 3
Point 4 to Point 5	22.13	23.13	-1.00	21.38	1.13 Point 5 to Point 4
Point 5 to Lake	16.63	18.50	-1.88	16.75	2.00 Lake to Point 5
Water Level below ice		-0.5			0.5
		-10.13			9.88

10.00 Avg  
0.83 feet

or

Wetland Staff gauge to Spot elevation near WLF 14

From Wetland Staff to Ice at flag 14	Elevation Change
Wetland Staff gauge to point 6	38.50 4.50 34.00 inches
	29.88 4.50 25.38
	29.25 17.63 11.63
Total	71.00

From Ice at Flag 14 to approximate spot elevation half way to Tulip tree:

Ice at Flag 14 to Spot. 23.75 21.00 2.75

Spot El. To Wetland Staff gauge 73.75 inches  
or 6.15 Feet

Measured Lake Elevation  
relative to  
Petruccelli's Plans

Measured Lake elevation relative to the Spot Elevation

Spot Elevation	479.50 Feet	
Drop to Wetland Staff gauge	6.15	
Drop to Lake	0.83	
Calculated Elevation of Lake	472.52 feet	Water at depth 2.5 - 3" at Spillway at time of measurements.
Accepted elevation of Lake	471.00 feet	Also elevation on Petruccelli's Drawings
Error	1.52 feet	Elevation of Plans is higher than actual

Water will reach foot of berm when lake level is 12" at spillway which happens about 2 times per year.

Wetland Staff Gauge to surface of Lake water

	Wetland Staff in feet & inches	Lake in inches	Staff	Lake in inches	Drop
TP 1 midway to lake	4' 10-3/4"	5' 9"	58.75	69	10.25 on ice 0.50 Water below ice
					10.75 to water level

Wetland Staff gauge to Spot elevation near WLF 14

TP 2 - on Ice at WLF 14

Stadia rod reading at Wetland Staff (	7' 8.6"	92.6
Length of wood 2 x 4		30
Width of Clipboard		8.875
Total =		131.475

Transit above Ground	58.375	to 360 ring
	2.9375	360 ring to scope centerline
		61.3125

Elevation Change 70.1625 Wetland Staff gauge spot to Flag WLF 14



**THREE LAKES COUNCIL  
WACCABUC–OSCALETA–RIPPOWAM  
P.O. BOX 241, SOUTH SALEM, NY 10590  
[www.threelakescouncil.org](http://www.threelakescouncil.org)**

February 24, 2013

Town of Lewisboro Planning Board  
P. O. Box 725  
Cross River, NY 10518

Re: Petrucelli Application on Oscaleta Road, South Salem, NY. Sheet 33B, Block 11157, Lot 46.

Responses to topics at January 28, 2014 Public Hearing

Dear Chair Kerner and Members of the Planning Board:

As you are aware, the Three Lakes Council (3LC) owns a parcel of property located immediately adjacent to the subject property. We have previously expressed our concern that the proposed development will change the hydrology on our parcel, and that the combination of fill and the wall at the north end of the remnants of the wetland will cause an increased flow of water on to our property. At the public hearing in January, Mr. Marino offered to breach the berm on our property to let this increased water out. We feel it is important to respond to this offer.

The offer acknowledges that this proposed development would in fact result in water flowing from Mr. Petrucelli's property onto the 3LC property. Mr. Marino asserted that breaching the berm would reintroduce original hydrology to the property. We have not seen a hydrological study or comprehensive soils test that describes the hydrology, but this offer confirms that these lands were connected wetlands before the berms were installed. In any case, we do not agree to the proposal to breach the berms on our property. The local wetland currently serves to filter polluted stormwater and road runoff, slows the velocity of water towards the lake, allows suspended sediment to settle, and provides time for bioremediation to occur. By retaining water, the wetland also helps flood control and provides habitat. We do not want to lose these functions.

At the January meeting, the board asked about pollution from motorboats. In 1977 the Town adopted a law that limited the horsepower of boats on Lake Waccabuc to 25 hp and on the connecting lakes to 10 hp. (Town Code, Chapter 89, Boats and Boating.) Of course, in doing so, the Town also permitted gas powered engines on these lakes. In light of this, 3LC has provided outreach about the polluting potential of hydrocarbons and has asked residents to exercise care when handling gas and oil for motorboats, lawn mowers, and generators. Yes, lake waters can get polluted by the use of gas

powered motorboats. However, the fact that pollution occurs in one form does not mean that we should encourage other forms of pollution. Also, not all pollution is equal. Phosphorus pollution can contribute to the algal blooms that can disrupt recreational enjoyment of the lakes and can become a health hazard.

Mr. Sirignano asserted that the “state of the art” septic system is adequate to avoid potential damage to the DEC wetlands and Lake Waccabuc. But what is “state of the art”? Even the most recent version of the Residential Onsite Wastewater Treatment Systems Design Handbook (OWTSD), released by the New York State Department of Health Bureau of Water Supply protection in 2012, contains references to guidelines from 1916. The basic components of an onsite septic system as approved by the DOH have not changed for the past 100 years, nor has the focus on direct public health considerations. The proposed system has a two chambered septic tank, which improves the sedimentation process, and so is improved compared to a one chambered tank, but this does not change the basic design. A person from 1916 would recognize the components of this applicant’s state of the art septic system.

One aspect that has changed over the past 100 years is heightened recognition of the importance of soil as a key component. Much of the treatment of the septic system effluent occurs in soils. Different soils vary in their suitability to provide this treatment component, but in all cases, the treatment must occur in soils that are not saturated or wet. “Absorption areas must remain unsaturated and allow the exchange of oxygen into the soil.” (OWTSD, 2012). Soil tests are important, and “Information regarding soil mottling needs to be obtained from all deep hole tests to ensure proper OWTS design and function.” (OWTSD, 2012). To our knowledge, detailed soil borings with Munsell color notations and mottling information have not been provided by the applicant for the proposed septic system. The design handbook continues, “In some soils, high ground water can only be accurately determined by monitoring a free water surface in an excavated hole or shallow monitoring well during the spring high ground water period because mottling will not be evident.” This septic system was designed with limited soil test results that were done outside of the March 15 to June 30 suggested timeframe. It will be placed into an area less than 40’ from wetlands, and we see no certainty that the soils that are part of this system will not be saturated.

Further, as Mr. Meyerson stated, the DOH does not consider phosphorus pollution and distance from lakes when the department evaluates proposed septic systems. Yet phosphorus is widely known to be the pollutant of concern for freshwater lakes. The DEP has imposed significant phosphorus reduction targets on local towns, including Lewisboro, because of the threat that phosphorus pollution poses to the New York City drinking water supply. The Town-wide Comprehensive Lakes Management Plan Report prepared by EcoLogic in 2009 was absolute in its determination that the largest threat to town lakes, including Lake Waccabuc, was phosphorus from septic systems located within 100 meters of the lakes and the streams and wetlands that feed them. That report recommended a Town Ordinance to prohibit new septic systems within that 100 meter buffer. Reports from Cedar Eden and the New York State Department of Environmental Conservation’s Citizens Statewide Lake Assessment Program (CSLAP), specifically discussing Lake Waccabuc, also have pinpointed phosphorus as a danger, and septic

systems as a leading source of the pollutant. Studies show that both phosphorus and nitrogen can migrate to groundwater and travel in plumes to lakes. No approach to monitor phosphorus has been proposed as part of this application.

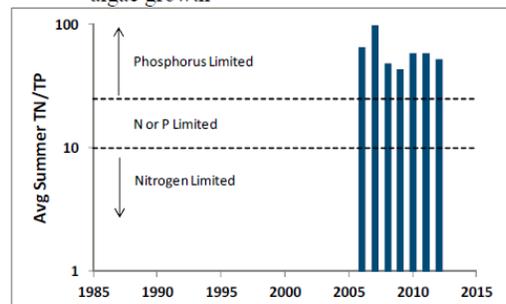
Phosphorus is a pollutant of concern because it can cause excessive growth of plants and algae, and contribute to the eutrophication and decline of lakes. This interferes with the recreational use of Lake Waccabuc. In addition, recent advances in the understanding of cyanobacteria (blue-green algae) causes heightened concerns about harmful algal blooms. Higher levels of nitrogen and phosphorus lead to more cyanobacteria and to more toxin production. Depending on the species of cyanobacteria, these toxins can affect skin, liver, or nervous systems, and can be absorbed by contact, inhalation, or consumption in household water. Phosphorus has become a heightened concern for surface waters, partially because of this link with toxin production. Families draw their drinking water from this lake, and increased contamination is a health threat. Some forms of water treatment, such as chlorine and sand filters, are not effective at removing these toxins.

The board asked for some indication of the number of homes that do not have wells to supply their property. To our knowledge, no governmental report contains that information. I've attached a map that shows the locations of known homes that use water from Lake Waccabuc as their household water source. NYS DEC recognizes Lake Waccabuc as a Class A lake, that is, as a drinking water lake. The 2012 NYSDEC report, in a section titled Evaluation of Potable Water Indicators, states "Algae levels may be sufficiently high to render the lake susceptible to taste and odor compounds or elevated DBP (disinfection by product) compounds that could affect the potability of the water. Deepwater ammonia, iron, manganese, and phosphorus readings are highly elevated and may lead to impacts for deepwater potable intakes. Deepwater arsenic levels are at times measurable but well below the state water quality criteria. Readings for each of these indicators were close to normal in 2011. Potable water conditions, at least as measurable through CSLAP, are summarized in the Lake Scorecard and Lake Condition Summary Table." (CSLAP, 2012)

Mr. Marino stated that the pollutant that emerges from septic tanks and fields is nitrogen, not phosphorus. Nitrogen is indeed a pollutant of concern from septic systems, especially when it contaminates groundwater that supplies drinking water wells. Reports indicate that 70% of the phosphorus entering a septic system will emerge into the soil. In most freshwater systems, phosphorus is the limiting nutrient, as it is in the case of Lake Waccabuc. The figure at the right is from the 2012 report from the Citizen's Statewide Lake Assessment Program (CSLAP) for Lake Waccabuc, and shows that phosphorus is the limiting agent – this means adding more phosphorus adds more algae.

Long Term Trends: N:P Ratio

- No long term trends apparent
- Most readings indicate phosphorus limits algae growth



No one can blame a specific harmful algal bloom on one septic system. To make an analogy, if a baseball player abuses performance enhancing drugs, no one home run can be attributed to that use, but the statistics at the end of the season will show a statistically higher home run count. We don't want to increase our overall bloom statistics by increasing the septic systems adjacent to our wetlands.

David Wright has provided a court case that shows that a Planning Board has the right and the obligation to consider the impacts of septic systems in the evaluation of an application. The applicant has not proved that the proposed system will not cause harm. The soil test results are substandard, the plans have changed since submission to the DOH, and no extra safeguards against nutrient pollution have been provided.

Once again, the Three Lakes Council strongly urges you not to approve Mr. Petruccelli's wetland permit application or subdivision application. Thank you for hearing our concerns.

Sincerely,

A handwritten signature in cursive script that reads "Janet Andersen".

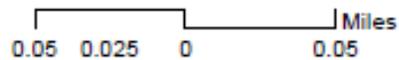
Janet Andersen  
President, Three Lakes Council

Attachment

## Lake Waccabuc is used for Household Water



1:3,788



### Household water supply sources

Lake - sourced from lake, treatment unknown, apt to vary.

Well - sourced from a well. Lake may be a backup source.

TLWW - sourced from Twin Lakes Water Works, a public supply.

### Source

-  Lake
-  Unknown
-  TLWW
-  Well
-  Petrucelli
-  Wetland

Janet Andersen

Water Drinking Sources from  
personal communications

Parcels and wetlands from Westchester County

NAD 1983 StatePlane NY East FIPS 3101 Feet

DrinkLake.mxd

February 24, 2014



**THREE LAKES COUNCIL  
WACCABUC–OSCALETA–RIPPOWAM  
P.O. BOX 241, SOUTH SALEM, NY 10590  
[www.threelakescouncil.org](http://www.threelakescouncil.org)**

February 24, 2014

Town of Lewisboro Planning Board  
P. O. Box 725  
Cross River, NY 10518

**Subject:** Petruccelli Applications for Subdivision and Wetland Permit  
Oscaleta Road, South Salem, NY 10590.  
Comparisons to Prior Wetland Approvals

We appreciate the opportunity to continue to present facts relating to this application.

You have heard from us directly and through our legal counsel and our wetlands/environmental expert, as well as from many others in the community, about environmental and other concerns with this wetland activity permit application and with the many questions that remain unanswered by the applicant.

Near the close of the last public hearing, Mr. Petruccelli's counsel provided six Planning Board resolutions, asserting that they were examples that refute the argument that approval of his client's application would be unprecedented, and that they provide precedent for your approval of his client's application. We are submitting this memo to address the applicant's assertions concerning your actions in other cases. A review of the facts fails to make a case for approval of this application. In fact, it bolsters our view that the approval of Mr. Petruccelli's applications would be contrary to your past actions.

1. The Current Application by Mr. Petruccelli

In order to provide a basis for comparison, here are key parameters of the current application.

- This is a vacant lot, consisting entirely of local and DEC wetlands and wetlands buffer.
- The house is to be entirely within wetlands buffer, directly abutting the wetlands themselves.
- The buffer and wetlands communicate directly with a lake used for recreation and as a source of drinking water.
- The house is to be entirely new construction on what is now a vacant lot.
- The house is to have three bedrooms, with an adjacent garage, driveway, and deck.
- All the activity appears to take place within 50' of a wetland.
- The applicant proposes to fill in a wetland area.
- The house is to abut the wetland area that the applicant proposes to fill.
- The applicant also needs fill to install a septic system.
- The septic system is to be less than 40' from a wetland that communicates with Lake Waccabuc.

- The proposed mitigation is less than 1:1.
- The applicant has provided only the most cursory information on soils and hydrology, with none of the hydraulics or soil analyses needed to meet his burden of proof or even establish a reasonable basis for you to accept his contentions.

## 2. Actions Involving Modifications of Existing Structures

Of the six significant construction applications approved by you during the past decade involving wetlands, three dealt with repairs or modifications to existing structures. Obviously, the considerations that go into decisions about existing structures are very different from those involved in the construction of a new home on a vacant lot, as Mr. Petruccelli proposes.

Nevertheless, here is a summary, which we hope you find instructive:

- (a) Cal #7-10 PV. Brown's Reservoir Dam rehabilitation was mandated by an update in New York's dam-safety regulations. As a high-hazard dam, the work was required to diminish the potential loss of life and property and to ensure drinking water to the residents of Norwalk. Not only was this work mandated by NYS DEC for safety and human health, but the applicant provided significant mitigation (above 1:1), including 12 months of groundwater monitoring and 5 years of annual monitoring reports. This has little to do with what the applicant here is requesting.
- (b) Bocklet, Cal #96-05 WP. Rebuilding the "boathouse" on Lake Waccabuc is also not an application that provides a valid comparison in Mr. Petruccelli's favor. The house was in existence, and its structure was precarious. At the Planning Board site walk, the house actually shifted while everyone stood on the dock. The rebuilding put new pilings under the home and replaced and improved the septic system, including the installation of a White Knight System. The house had been on that site since 1929, and repair was the only way to stop it from falling into the lake. Your approval avoided environmental problems: it did not result in the direct net loss or degradation of any locally or State regulated wetlands; the impervious surface was reduced; the septic system was improved; and a structure was removed from the wetlands area. This is no precedent for what Mr. Petruccelli would have you approve.
- (c) Kola, Cal # 40-07 WP. The third rebuild application is also not a useful comparison. Rather than for new construction, it involved a house that existed before the wetland application. The house and other structures were in need of significant repair. (One report described the site as having "sadly dilapidated structures that ramble across this property.") When the Planning Board made its determination, it had obtained the kind of information one would expect – but is lacking in the current application – such as soil-boring information that contained Munsell color notations. Significant mitigation occurred, including removal of a barn/workshop and a pavilion, removal of debris in the wetland and buffers, and the acceptance of restrictions on any future land disturbance. The entire disturbance associated with the wetland permit occurred within previously disturbed wetland areas. It should also be noted that some of the application background provides a telling contrast to Mr. Petruccelli's application. At one point, the proposal included a small amount of fill adjacent to the building foundation in previously disturbed wetland areas, but the Planning Board allowed the application to proceed only after the applicant withdrew the proposal to place that fill on the property. No areas of fill in the wetlands were on the approved plans. Mr. Petruccelli's application requires fill of wetlands.

## 3. New Construction

The remaining three actions involved new construction. Each is easily distinguishable from Mr. Petruccelli's application.

- (a) Cal #28-03 WP. The first by calendar number is a home built by Elide Building at 54 Twin Lakes Road. Residents expressed concern over building on this lot, but that does not mean that the environmental impacts are equivalent to the application now before the Board. Approval of this application came with significant restrictions and mitigations. The residence is deed-restricted to two bedrooms (unlike Mr. Petruccelli's three, which of course has an impact on the septic system). As the approving resolution states, building this home did "not result in the direct net loss or degradation of any locally regulated wetlands on the site." Not only were no wetlands touched, let alone filled, but the limit of construction disturbance was no closer than 75' to a wetland. The resolution also documents that the residence maintains a minimum distance of 100' from the regulated wetland, and the deck is 86' from the wetland resource. A conservation easement applies over an area that reaches 75' from the wetland, or about 40% of the lot. In addition to being 100' from the wetland, the house is elevated about 20' above the wetland area. The septic system is *entirely* outside the 150' buffer, and only the future expansion area at one end extends about 15' into the buffer. The contrast with the Petruccelli application is dramatic.
- (b) Joseph, Cal #28-03 WP. The second new building application was at 71 Post Office Road. According to the resolution, this application did not result in the direct net loss or degradation of any locally regulated wetland on the site. Again, not only were no wetlands filled in, but the limits of the disturbance were entirely outside the wetlands. The site was legally subdivided in 1989, and this application was reduced by limiting the size to the house footprint at the time of subdivision. The site disturbance was 30% of the lot, less than what had been proposed at the time of the subdivision. Mitigation included permanent protection for 70% of the site in the form of a deed restriction (Fain, Oct 12, 2004), extensive native plantings, a stormwater basin that treats water before it enters the wetland and new and repaired catchbasins. The Board received three different wetland delineations prepared between 1989 and 2003, and the most restrictive wetland delineations were used (Barrett Jan 14, 2004). Unlike the information provided by Mr. Petruccelli, in that case, as part of the wetland delineation, detailed soil borings were logged, mapped, and descriptions with Munsell color notation were provided. The house was built at an elevation about 25' above the wetland area and is 80' away from the wetland. The septic system is completely outside the 100' buffer line (Barrett April 5, 2004). The wetlands on the property are a quarter mile (1300 feet) from Lake Waccabuc.
- (c) Rinna, Cal #61-07 WP. The third new building application was on Lake Path Road in the Lake Kitchawan community. The wetlands on the parcel were 44 square feet at the lower end of the lot. No fill was deposited in this small wetland during construction. Restrictions were put on the limits of disturbance. The house is restricted to a two-bedroom with a maximum 1400 square foot footprint. The house is about 400' away from and 100' above the level of Lake Kitchawan, and other houses and a road come between the lot and the lake. Groundwater was shown at least 15 to 30 feet below grade. On this parcel (again, unlike in Mr. Petruccelli's application) extensive hydrological studies were done to assess the impact of the site disturbance, including soil analysis at various depths with Munsell soil color and mottling notes, surface water runoff analysis and mass balance of water usage (HydroEnvironmental Solutions, 6 reports in 2008). One consideration the Board took into account was that post-construction, stormwater velocity leaving the site would actually be reduced. Simply because this house is in a lake community does not make it comparable. The physical setting is far different and the multiple hydrological studies and care regarding the wetland show that the applicant provided the burden of proof, to the satisfaction of the Planning Board, of the impact the construction would have.

4. Eastbrook Applications

What Mr. Petruccelli's counsel did not mention are your denials of applications, the most relevant of which are the two denials regarding proposed construction on the property adjacent to his property, property now owned by the Three Lakes Council. That property, part of precisely the same DEC and local wetlands and buffer systems involved in the current application, has basically the same topology and hydraulics issues. The Three Lakes Council's Memorandum submitted to you in November 2013 addresses that situation. The applications in that case were denied twice by this Board, with the denials supported in court. Denying those applications and approving Mr. Petruccelli's would be simply inconsistent.

In summary, all of the referenced prior approvals differ significantly from the Petruccelli application before the Board. Indeed, they support our contention that the Planning Board has never to our knowledge approved an application under the kind of circumstances and parameters involved in this case, summarized in "The Current Application," above. The potential for environmental degradation, the lack of supporting soil and hydraulics analysis, the fact that even the footprint of the home, deck, garage and driveway would eliminate protective buffer from a lake used for recreation and drinking water, all line up to beg the question raised in public hearings by one member of the community: why wasn't this a non-starter?

The approval would be unprecedented. Because of the extreme facts and circumstances this application entails and because of the lack of scientific data supporting it, we are very concerned that if you approve this application you will limit Lewisboro's ability to protect its wetlands and you will be setting a precedent that makes it legally difficult to deny future applications for wetland activity permits.

Sincerely,



Janet Andersen  
President, Three Lakes Council

**Edward Buroughs  
60 Twin Lakes Road  
South Salem, New York 10590**

914.763.6450 [buroughs@aol.com](mailto:buroughs@aol.com)

February 23, 2014

Town of Lewisboro Planning Board  
P. O. Box 725  
Cross River, NY 10518

**Subject: Cal# 8-12PB and Cal# 61-09 WP – Rudolph C. Petruccelli, Oscaleta Road**

Dear Chairman Kerner and Members of the Planning Board:

I am a resident of the Town of Lewisboro. I served as the Town's consulting planner or director of planning between 1980 and 1990. It is my understanding that there is an application for subdivision plat approval before the Planning Board for property located on the west side of Oscaleta Road. The submitted subdivision plan that I have seen (dated revised September 19, 2012) identifies two lots – Lot 1 with an area of 1.189 acres and Lot 2 with an area of 0.698 acres. The plan indicates the property owner who would approve the plan for filing with the Westchester County Clerk is Rudolph C. Petruccelli. The "zoning conformance table" on the plat is incomplete in that it does not report on the complete requirements of the Town of Lewisboro Zoning Ordinance.

Based on this information, it is my opinion that the Planning Board would be unable to grant approval to the subdivision plat.

Section 210-10 "Building Lots" of the Town Zoning Ordinance states, "*Lots may only be established in accordance with the procedures of the Land Development Regulations of the Town of Lewisboro. Editor's Note: See Ch. 195, Subdivision of Land.*"

Paragraph A of Section 195-15 "Application for Preliminary Subdivision Approval" of the Town Subdivision of Land regulations requires the submission of "*One completed preliminary subdivision application form, including an affidavit of ownership or written authorization of the property owner for the application to be made.*"

Does the Planning Board have on file an affidavit of ownership of all lands shown on the proposed subdivision plat? If not, the Board does not have before it a complete application as required by its own regulations.

Section 195-24 "Lots" of the Town Subdivision of Land regulations states, "*Dimensions. Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from*

*this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings observing the minimum front yard setback from both streets.”*

Further, paragraph 3 of Section 277 “Subdivision review; approval of plats; additional requisites” of New York State Town Law states, *“Compliance with zoning regulations. Where a zoning ordinance or local law has been adopted by the town, the lots shown on said plat shall at least comply with the requirements thereof subject, however, to the provisions of section two hundred seventy-eight of this article.”* (Section 278 sets forth provisions for the approval of cluster development.)

The subdivision plat before your board does not show that the proposed lots are in compliance with Section 220-10(E)(2)(a) of the Town Zoning Ordinance. If proposed lots are not in compliance with the Town’s zoning requirements in effect at the time a subdivision application is being considered, then the Planning Board is unable to grant subdivision approval under both the Town’s regulations and under New York State law. There is no grey area here. There is no authority or basis for the Planning Board itself, or on the advice of others, to simply ignore zoning requirements.

New York State Town Law does provide a course of action when a proposed lot may not comply with the zoning regulations. Paragraph 6 of Section 277 states, *“Application for area variance. Notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with the zoning regulations, application may be made to the zoning board of appeals for an area variance pursuant to section two hundred sixty-seven-b of this article, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations. In reviewing such application the zoning board of appeals shall request the planning board to provide a written recommendation concerning the proposed variance.”*

In order for the Planning Board to consider approval of the proposed subdivision, the property owner would first need to follow the steps outlined by paragraph 6 above and obtain the necessary variances from the Town Zoning Board of Appeals, which board would be required to request a written recommendation from the Planning Board.

With regard to any recommendation by the Planning Board, I note that paragraph 1 of Section 277 of New York State Town Law states, *“Purpose. Before the approval by the planning board of a plat showing lots, blocks or sites, with or without streets or highways, or the approval of a plat already filed in the office of the clerk of the county wherein such plat is situated if the plat is entirely or partially undeveloped, the planning board shall require that the land shown on the plat be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare.”* As you are well aware, similar statements and more detailed considerations are in the Town’s regulations.

During my ten years of service to Lewisboro, people with questions about the development potential of a certain few parcels repeatedly came to my office, typically thinking that they

have found a special deal with a low purchase price. The land shown on this proposed subdivision was one of those areas. There was never any question that these parcels could not be developed for residential use – not just due to reasonable regulations, but under common sense. The Town's decades of efforts to minimize degradation and loss of water resources has been commendable. This is not the time or the site to disregard proper application of the Town's land use controls.

Thank you for your consideration.



Edward Buroughs

Frederick O. Cowles  
111 Oscaleta Road  
South Salem, NY, 10590

February 25, 2014

Town of Lewisboro Planning Board  
PO Box 725  
Cross River, NY 10518

Subj. Petruccelli, Oscaleta Road

Dear Chairman Kerner and Members of the Planning Board:

Further to my previous communications, I am attaching herewith a set of photos of the subject property, taken in mid-January, 2014. These were taken from the edge of Oscaleta Road, facing west, and are typical of the surface water on this lot at this time of year.

I would also like the record to show that Mr. Rosenbaum confirmed to me on Feb. 23<sup>rd</sup> that neither his regular sump pump, nor the second pump he installed in November, have needed to pump water since November. Thus the photos pretty well depict what the lot is like with normal run-off.

To accurately portray the surface of this lot, it would obviously be useful to continue to take photos on a monthly basis, Right now, the entire swamp is snow-covered.

Sincerely,



Frederick O. Cowles



*Michael Fuller Sirignano*  
*Attorney and Counselor at Law*

*Old Post Road Professional Building*  
*892 Route 35, P.O. Box 784*  
*Cross River, New York 10518*

*Tel: (914) 768-5500*

*Fax: (914) 768-9589*

February 25, 2014

*e-mail: michael@sirignano.us*

*Via Email: supervisor@lewisborogov.com*

Hon. Peter Parsons  
Town Supervisor, Town of Lewisboro  
Town House  
11 Main Street  
P. O. Box 500  
South Salem, New York 10590

Re: Rudolph Petruccelli

Dear Supervisor Parsons and  
Members of the Town Board:

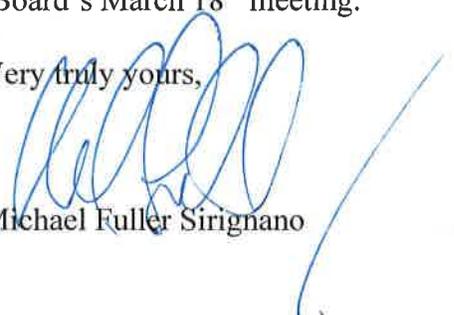
I represent Mr. Rudolph Petruccelli who purchased his 0.693 acre parcel on the westerly side of Oscalata Road some 32 years ago. He applied for a wetlands activity permit to construct a 3-bedroom home on his property and the Planning Board is currently conducting a public hearing on his application.

We have been asked to investigate the possibility of providing off-site mitigation in addition to the on-site wetlands mitigation being proposed by Mr. Petruccelli. I understand that the Town has been making efforts to remove invasive species in the Old Field Preserve and the adjacent wetlands in the adjacent Town Park.

Mr. Petruccelli has authorized me to offer the Town Board mitigation of these or any other Town owned wetlands at his cost. The precise square footage and type of mitigation involved would be determined in consultation with Kellard Sessions Consulting, P.C., your consulting landscape architects and environmental planners, and our wetland consultant Steven Marino of Tim Miller Associates, Inc.

Kindly refer this offer to the Kellard Sessions firm for their input and recommendations in advance of the Planning Board's March 18<sup>th</sup> meeting.

Very truly yours,

  
Michael Fuller Sirignano

MFS/cp

cc: Town of Lewisboro Planning Board

*Michael Fuller Sirignano*  
*Attorney and Counselor at Law*

*Old Post Road Professional Building*  
*892 Route 35, P.O. Box 784*  
*Cross River, New York 10518*

*Tel: (914) 763-5500*

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*e-mail: michael@sirignano.us*

February 25, 2014

Three Lakes Council  
P. O. Box 241  
South Salem, NY 10590

Attn: Janet Andersen, President

Re: Rudolph Petruccelli

Dear Ms. Anderson:

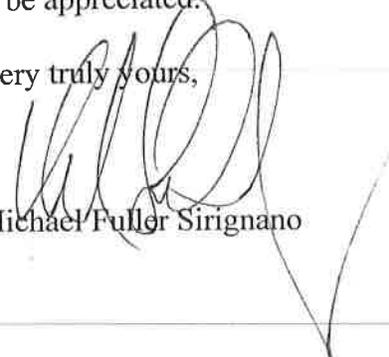
As you know, I represent Mr. Rudolph Petruccelli who purchased his 0.693 acre parcel on the westerly side of Oscalata Road some 32 years ago. He applied for a wetlands activity permit to construct a 3-bedroom home on his property and the Planning Board is currently conducting a public hearing on his application.

We have been asked to investigate the possibility of providing off-site mitigation in addition to the on-site wetlands mitigation being proposed by Mr. Petruccelli.

As Three Lakes Council owns the abutting property which contains wetlands, Mr. Petruccelli has authorized me to offer mitigation of these wetlands at his cost. The precise square footage and type of mitigation involved would be determined in consultation with Kellard Sessions Consulting, P.C., the Planning Board's consulting landscape architects and environmental planners, and our wetland consultant Steve Marino of Tim Miller Associates, Inc.

Your prompt response to this offer will be appreciated.

Very truly yours,

  
Michael Fuller Sirignano

MFS/cp

cc: Town of Lewisboro Planning Board