

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, August 19, 2014 at 7:30 p.m.

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

Absent: Jerome Kerner - Chairman

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

The meeting was called to order by Mr. O'Donnell at 7:30 p.m.

On a motion by Mr. Tetelman, seconded by Mr. LaSorsa, the Board appointed Mr. O'Donnell as Acting Chairman in Mr. Kerner's absence.

All in favor: Mr. Goett, Mr. LaSorsa, Mr. Tetelman.

Abstain: Mr. O'Donnell

I. REQUEST FOR EXTENSION OF TIME

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

Guillermo and Luz Arias, applicants, were present. Bill Arias, son, was also present.

Bill Arias stated that the extension was requested because the applicant was waiting for the updated surveys that were previously requested by the Planning Board to be completed. Mr. Arias stated his belief that the surveys have been completed. Mr. Arias estimated that another three months would be sufficient to satisfy the conditions of the resolution.

It was the consensus of the Board that an extension to November 18, 2014 be granted. The applicant was instructed to appear before the Board at the November 18, 2014 Planning Board meeting.

II. SKETCH PLAN REVIEW

J2 Boniello Builders – Property fronting Bouton Road – Application for Wetland Activity Permit Approval to construct a single family residence serviced by a septic system and drilled well – Cal# 39-14WP

Tim Allen, P.E., Bibbo Associates was present on behalf of the applicant. Gus Boniello was also present.

Mr. Allen confirmed that he had received the correspondence submitted by Jim Nordgren, Kellard Sessions, and the CAC.

Mr. Allen stated that Westchester County Department of Health (WCDH) approval has been received.

Mr. Allen stated that the previous property owners had built a bridge to access the property. The applicant plans on using this bridge for access.

Mr. Allen stated that this lot is an approved lot from a subdivision approved in 1986 and 1989.

Mr. Johannessen reviewed the Kellard Sessions memo dated August 13, 2014.

Mr. Johannessen stated that the wetland is not regulated by the New York State Department of Environmental Conservation (DEC) as a DEC wetland, but the stream itself is regulated by the DEC.

Mr. Johannessen stated that Note #1 on the submitted survey appears to be taken from the associated subdivision plat and states that, with the exception of a driveway, the land located between Bouton Road and the Waccabuc River shall be left undisturbed. Mr. Johannessen stated that some stormwater practices are being proposed in this area. Mr. Johannessen asked that Mr. Siebert give his interpretation as to whether the proposed stormwater practices are allowed.

Ms. Andersen asked that the lot be confirmed as an approved lot. Ms. Andersen suggested that the 100-year flood plan be shown on the map. Ms. Andersen stated that the CAC would like to be included on a site walk.

Mr. Allen confirmed that the bridge is in sound shape. New guide rails are needed. The bridge has been in existence since the 1980's.

In response to Ms. Andersen, Mr. Boniello stated that there is no trail that goes across the bridge.

Mr. O'Donnell referenced the letter submitted by Mr. Nordgren with specific regard to the claim that there has been fill and regrading on the property. Mr. Boniello stated that there has been no fill or regrading. Mr. Boniello estimated that the clearing and grading that took place was in the 1980's, prior to his involvement.

In response to Mr. Tetelman, Mr. Johannessen stated that he had not witnessed deep/perc tests. Mr. Johannessen stated that Kellard Sessions will witness the deep/perc tests for stormwater, but does not witness the deep/perc tests done for the septic. Mr. Boniello stated that the perc tests done for the septic were witnessed by the WCHD and the New York City Department of Environmental Protection (DEP).

The Board requested that the wetland boundary be flagged and confirmed by Kellard Sessions prior to the scheduling of a site walk by the Board.

Oakridge Condominium Association – 400 Oakridge Drive, South Salem – Applications for Wetland Activity Permit and Stormwater Permit Approvals to replace existing pool deck and underground drainage system, demolish of a portion of existing tennis court, resurface remaining portion of existing tennis court and portions of existing sidewalk, install a picnic grove, asphalt sidewalk, pergolas, and landscape areas – Cal# 50-14WP and Cal# 7-14SW

Jamie Kieper, RLA, Insite Engineering, was present on behalf of the applicant.

Ms. Kieper reviewed the Narrative Description dated July 22, 2014.

Ms. Kieper stated that the project would result in a decrease in impervious surface.

Mr. Johannessen stated that the discharge of stormwater in the wetland proper is prohibited. Stormwater must be treated before it is discharged. This will be accomplished by the proposed plan.

Mr. Johannessen reviewed the Kellard Sessions memo dated August 13, 2014.

Ms. Andersen stated that the CAC did not submit a memo for this project.

Ms. Kieper confirmed for Ms. Andersen that the platform tennis courts to the south had been taken down under approval of a prior demolition permit; posts remain. The property on which the courts were located is not part of the currently proposed application.

Ms. Kieper stated her belief that WCDH approval is not required for the redevelopment of a pool. Ms. Kieper indicated that she would obtain confirmation of this information.

In response to Mr. Tetelman, Mr. Kieper stated that the coping of the pool is being redone, but that the pool equipment will remain the same. Mr. Cermele suggested that Ms. Kieper consult with the WCDH regarding this matter.

Mr. Siebert stated that the proposed plan is a modification of a currently approved site plan. Mr. Siebert stated that the application should be treated as an amended site plan application. The waiver provisions of the code should be reviewed in order to determine whether they apply to this type of situation.

In addition to the response to comments contained in the Kellard Sessions memo, the Board requested that the applicant submit all prior resolutions, site plans, and WCDH approval for the pool.

A public hearing will be scheduled upon satisfactory submission of materials. The deadline for a September 16, 2014 Public Hearing is August 28, 2014.

Mr. Cermele stated that the proposed plan is environmentally beneficial, however, asked that the applicant consider mitigation for the drains on the deck that appear to bypass treatment.

Wild Oaks Water Company/New York American Water – Nash Road – Application for Wetland Activity Permit to drill two bedrock test well locations in wetland buffer area – Cal# 51-14WP

Thomas Cusack, Senior Vice President, and Stacy Stieber, Project Manager, Legette, Brashears Graham, were present on behalf of the applicant. Richard Ruge, American Water, was also present.

Mr. Cusack stated that his firm has been involved with the Wild Oaks Water System since 1978 when the system was developed. The system was purchased in April of 2012 by American Water. American Water has been active in updating the site.

The applicant is proposing to drill two bedrock test wells. The new wells would be used to replace the existing sand and gravel Wells 1 and 2, which currently supply the existing Wild Oaks Water System, in order to improve the raw water quality of the water system.

Mr. Cusack reviewed the submission dated July 17, 2014. Mr. Cusack stated that the wells originally yielded 90 gallons (of water) per minute (gpm); they are now yielding 50 gpm. The current yield marginally meets the peak demands of the system.

Mr. Cusack stated that there was a lack of maintenance on Wells 1 and 2. The formation around the well screens was improperly cleaned. When the wells are turned on, fine sediment is brought in resulting in a turbid water conditions, increasing the iron and manganese. A filtration system which requires a filter is used. The turbid water clogs the filters which dramatically reduces the yield capacity of the system.

Mr. Cusack confirmed that he had received the Kellard Sessions memo dated August 13, 2014 and the CAC memo dated August 12, 2014. Mr. Cusack stated that representatives for the applicant are prepared to address the comments contained in these memos.

Mr. Johannessen reviewed the Kellard Sessions memo dated August 13, 2014.

Mr. Ruge stated that if new wells are found that can be used, there are NYS DEC procedures to decommission the old wells. Mr. Johannessen stated that if the wells were productive, the applicant would need to reappear before the Planning Board to tie the new wells into the system.

Ms. Andersen reviewed the CAC memo dated August 12, 2014, emphasizing the CAC's request that the applicant consider moving Well 4 out of the wetland.

In response to Mr. Tetelman, Mr. Cusack stated that the peak demand per day is approximately 72,000 gallons (50gpm).

With regard to the long term impact, Mr. Cusack stated that the overall water budget would not change should new wells be used.

Ms. Stieber addressed the comments contained in the August 13, 2014 Kellard Sessions memo.

In response to Comment 1, Ms. Stieber stated that wetland delineation was done by Hazen and Sawyer. The wetland fringe that did not lay along the edge of the pond, the lake, or the watercourse was flagged. The applicant will include on the next plan submitted the perimeter of the ponds, lake, and watercourses that are located in the vicinity of the project. The 150-foot buffer line should be removed from the plan.

Ms. Stieber addressed Comment 2. The WCDH requires that a 100-foot radius of property ownership, and a 200-foot radius of sanitary control around a public water supply be maintained. The 100-foot radius of Well 4 lies on the property boundary line. Ms. Stieber stated that the temporary pit should be able to stay within the wetland buffer.

Mr. Cusack stated that in 1978, location #4 was the alternate location. When the project went through the approval process, the deed for location #4 included the 100-foot radius of ownership to the water company (North American Water) and the 200-foot radius of sanitary control. Mr. O'Donnell asked that this issue be clarified.

In response to Comment 3, Ms. Stieber stated that once the test wells are drilled and found to be successful, a 72-hour pumping test program will be conducted on the wells. Shallow ground water monitoring will be installed close to the well to determine whether there is any impact to the surface

water features. Mr. Cusack stated that the WCDH requires that a minimum of 100 feet of well casing be installed in both of the test wells. The open bedrock will start at 100 feet.

In response to Mr. O'Donnell, Ms. Stieber stated that there will not be a structure over the well. The WCHD requires that the wells be sealed with a water tight cap. The well will be connected via underground piping to the existing facility.

Mr. O'Donnell asked if during the test, there would be a possibility of damage on the surface due to excess water. Ms. Stieber responded that when testing, the well must be discharged away from where the pumping is taking place.

In response to Mr. O'Donnell, Ms. Stieber stated that responses to WCDH comments have been submitted. Mr. O'Donnell asked that a copy of the correspondence to and from the WCDH be submitted to the Planning Board office. Ms. Stieber stated that no DEC permits are required for this project.

Mr. O'Donnell instructed the applicant to submit prior approvals as part of the next submission.

Mr. Johannessen confirmed his availability to visit the site within the next week.

The applicant was instructed to submit all materials no later than August 28, 2014 for placement on the September 16, 2014 Planning Board agenda.

III. PROJECT REVIEW

Pinheiro Subdivision, 93 Old Post Road (Route 35), Cross River – Application for Preliminary Subdivision Plat Approval for a two lot subdivision - Cal # 1-14PB

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

Ms. Yacovone confirmed receipt of the Kellard Sessions memo dated August 13, 2014 and the CAC memo dated August 9, 2014.

Mr. Cronin reviewed the plans submitted. Mr. Cronin stated that the plans have been revised to reflect the comments from the May 20, 2014 Planning Board meeting as well as the comments contained in the March 11, 2014 Kellard Sessions memo.

Mr. Cronin stated that the soil testing was completed and witnessed by the WCDH. Confirmed soil rates of eight to ten minutes per inch drop were recorded. Based on these results, the septic system was able to be located on the northwest corner of the property.

Mr. Cronin stated that the entire septic area for the proposed house is outside of the 150-foot setback. The existing septic for Mr. Pinheiro's existing house is outside of the 150-foot setback. The expansion area is within the 150-foot setback.

Mr. Cronin stated that the WCHD had been asked for a record of the septic but had nothing on file. Portions of the septic system had to be exposed to determine the location. Mr. Cronin stated that the septic system for the Pinheiro house is 120 linear feet of fields. The proposed septic is roughly three

times that size. In response to Mr. Tetelman, Mr. Cronin stated that there is no WCDH requirement for separation of fields; there is a requirement of separation between property lines.

Mr. Cronin addressed the CAC memo stating that the applicant has proposed a comprehensive mitigation plan to address the invasives in the wetland buffer as it currently exists.

Mr. Cronin reviewed the mitigation plan (sheet WMTP-4.1).

Ms. Andersen stated that the CAC would like to see the septic out of the buffer.

The applicant was instructed that a site walk with Kellard Sessions should be scheduled.

Subsequent to the Kellard Sessions site walk, and timely resubmission of materials and responses to comments, a public hearing will be scheduled.

IV. DISCUSSION

Sprint Nextel (Sprint)), applicant (American Towers, Inc., owner of record), South NYS 35 & West Route 123, South Salem, NY – Equipment Upgrade – Cal# 4-14PB

Doug Warden, Esq., Snyder & Snyder, represented the applicant.

Mr. Johannessen stated that Kellard Sessions had reviewed the plans submitted and that the applicant meets the requirement for an exemption under §220-41(H).

Mr. Johannessen stated that a note should be added to the plan stating that all proposed equipment to be mounted on the tower shall be painted to match the tower.

Mr. Johannessen stated that typically cell tower applications require a referral by the Planning Board to the Antenna Advisory Board (AAB). The application before the Planning Board must be accompanied by a structural certification letter and an updated RF exposure report. Mr. Warden agreed to provide the structural certification letter and updated RF exposure report to the Planning Board with the next submission. The Planning Board Secretary stated that the documents and plans submitted by the applicant had been mailed to all members of the AAB.

The applicant was informed that the Planning Board would refer the applicant to the Architecture and Community Appearance Review Council (ACARC).

The applicant was instructed to submit the two letters requested, and note intent to match the color of the tower. A submission deadline of August 28, 2014 was given for the September 16, 2014 meeting.

The applicant was informed that in order to be scheduled for a September 16, 2014 public hearing, the applicant must send public hearing notices to affected property owners no later than August 30, 2014.

Mr. Johannessen clarified that an application and fee must be submitted to ACARC for inclusion on their agenda.

The CAC had no comment on the project.

Nash Road Holdings, LLC – 151 Nash Road, North Salem – Application for Wetland Activity Permit to build a pump station for collection of maple sap to be processed into syrup – Cal# 52-14WP

Tyge Rugenstein, Crown Maple, represented the applicant.

Mr. O'Donnell presided over the Board, but did not vote on the project.

Mr. Rugenstein reviewed the project.

Mr. Rugenstein stated that a permit from the DEC had been received. The DEC approval is for two locations, however, the only location being used is the Nash Road location.

Mr. Rugenstein clarified for the Board that the applicant has a tap lease on the property. When the tap lease is over, the tap will be removed.

Mr. Johannessen stated that he had walked the property with Mr. Rugenstein, and that the project will not result in a significant impact to the wetlands.

Mr. Rugenstein confirmed for Ms. Andersen that no vehicles will be used to remove the sap. It is pumped through plastic tubes.

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

In favor: Mr. Goett, Mr. LaSorsa, Mr. Tetelman.

Abstain: Mr. O' Donnell.

Absent: Mr. Kerner

Estate Motors Mercedes Benz, (Charisma Holding, Inc., owner of record), 321 Main Street (NYS Rte. 22), Goldens Bridge - Application for Waiver of Site Plan Approval Procedures – Approval to demolish two old wood frame buildings located on property - Cal# 4-13PB

Bob Roth, John Meyer Consulting, was present on behalf of the applicant.

Mr. Tetelman summarized the August 9, 2014 site walk:

All Planning Board members were present. In addition, two representatives from Estate Motors were present. Mrs. DeNicola, neighboring property owner, was also present; Bob Roth discussed the revised elements of the plan. The Board walked to the northerly side of the property, adjacent to Mrs. DeNicola's property. The details of the stormwater management berm/system were discussed. Also discussed was how the system will overflow in a larger storm event;

The Board proceeded to the main entrance and discussed and viewed the proposed reconfiguration of the entrance and display, and the parking of new cars;
The two buildings to be demolished were discussed;

Mr. Tetelman concluded his site walk report.

Mr. Roth confirmed receipt of the email and photographs submitted by Mrs. DeNicola, the correspondence from the WCDH, and the correspondence from a citizen concerned about vehicles parked along Route 22.

Mr. Roth reviewed the Demolition and Berm Plan submitted.

Mr. Roth stated that the revised berm proposed meets with the approval of Kellard Sessions. Mr. Roth stated that the berm has a gravel blanket that will accept a 90% water quality volume. Larger storms, including a 100-year storm would flow around the berm.

Mr. Johannessen stated that the detail provided on the proposed berm meets the requirements of Kellard Sessions.

Mr. Cermele stated that the stormwater analysis had been reviewed. Mr. Cermele confirmed that the berm would handle a 90% storm event, taking into account the parking lot, building, rooftop and both tributary areas to the parking lot.

The applicant was asked to submit additional information regarding stormwater runoff, addressing how larger storms will impact the berm and DeNicola property.

The CAC had no comment.

Mr. Tetelman asked whether Estate Motors could repair the deteriorating stone wall on the property line. Mr. Roth was optimistic that Estate Motors would be agreeable to making the necessary repairs.

Mr. O'Donnell stated that, although was not conducting a public hearing, that Mrs. DeNicola might be allowed to participate, provided that Mr. Roth is in agreement. Mr. Roth had no objection to the participation of Mrs. DeNicola.

Mr. O'Donnell asked Mr. Siebert if the Board could legally separate the demolition and berm aspects of the application from the rest of the application since the demolition properties were not part of the 1982 plan.

A discussion of the proposed fence took place, with regard to the type of fence, and where the fence will end. The applicant was instructed to set up a site visit with Kellard Sessions and Mrs. DeNicola to discuss the area to be fenced, color of the fence, and type of fence to be installed.

The applicant was instructed to resubmit by August 28, 2014 to be included on the September 16, 2014 agenda for a decision on the demolition and berm aspects of the project.

It was confirmed for Mrs. DeNicola that the demolition and drainage are part of the same approval.

The "Compliance Site Plan" dated June 16, 2014, last revised July 31, 2014 was addressed.

Mr. O'Donnell suggested that the applicant wait until the return of Mr. Kerner to get a sense of the Board regarding the right of way issue.

VIII. MINUTES OF JULY 15, 2014

On a motion made by Mr. Tetelman, seconded by Mr. Goett, the minutes of July 15, 2014 were adopted.

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

Absent: Mr. Kerner

IX. EXECUTIVE SESSION AND ADJOURNMENT

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the Board entered into Executive Session at 9:10 p.m. to discuss personnel matters regarding conflicts of interest identified with certain applications.

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

Absent: Mr. Kerner.

On a motion made by Mr. Goett, seconded by Mr. LaSorsa, the Board exited Executive Session at 9:27 p.m..

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

Absent: Mr. Kerner.

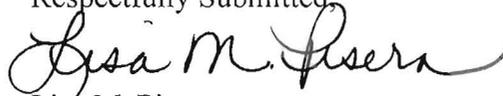
The Board returned to Public Session.

On a motion made by Mr. Goett, seconded by Mr. LaSorsa, the meeting was adjourned at 9:28 p.m.

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

Absent: Mr. Kerner.

Respectfully Submitted,



Lisa M. Pisera

Planning Board Secretary