

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, December 16, 2014 at 7:30 p.m.

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

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

The Chairman called the meeting to order at 7:30 p.m. and noted the exit.

Mr. Kerner extended the Board's wishes to everyone for a Happy Holiday.

Mr. Kerner stated that Mr. Monteleone, Esq., Special Counsel to the Planning Board was unable to attend the meeting this evening.

I. PUBLIC HEARING – Adjourned

Oakridge Gardens (Smith Ridge Housing, LLC, owner of record), NYS Route 123, Vista – Request for partial release of bond submitted in accordance with Smith Ridge Housing, LLC, Security Agreement for Construction of Water and Sewer Improvements to be Conveyed to Oakridge Water and Sewer Districts - Cal# 6-02PB

The Public Hearing for Oakridge Gardens was adjourned to January 27, 2015.

II. DISCUSSION

Homeland Towers, LLC, Sprint/Nextel & AT&T Wireless, applicants (Vista Fire District, owner of record), 377 Smith Ridge Road, Vista – Request for renewal of Special Use Permit – Cal # 3-09PB

Manny Vicente, Homeland Towers, was present on behalf of the applicants.

Mr. Johannessen stated that the site is in good shape.

Mr. Johannessen stated that Condition #46 of the resolution indicates that the Special Use Permit is valid for five years, and may be extended by the Planning Board upon submission of an application for renewal. The letter submitted by Homeland Towers requesting the renewal should be supplemented by an application.

Mr. O'Donnell recommended that Mr. Vicente meet with Mr. Johannessen and Mr. Monteleone to prior to making a submission to the Board.

Mr. Vicente agreed to supplement the letter submitted with an application and any other materials requested.

In response to Mr. Kerner, Mr. Vicente stated that there have been no complaints from the neighbors or police.

The applicant was given a deadline of January 8, 2015 to resubmit for the January 27, 2015 Planning Board meeting.

III. EXTENSION OF TIME

Lewisboro Library Association, 15 Main Street, South Salem -- Request for extension of time to meet requirements of Special Use Permit and Wetland Activity Permit Approvals dated January 8, 2013 - Cal# 7-12 PB and Cal# 94-14WP

A representative from the Lewisboro Library was not present.

On a motion made by Mr. Tetelman, seconded by Mr. Goett, a 180-day extension of time was granted to Lewisboro Library Association, 15 Main Street, South Salem to meet the requirements of the resolution dated January 8, 2013.

Pasquale Popoli & Angelo Sicuranza, 1437 Route 35, South Salem - Request for extension of time to meet requirements of Amended Approval Resolution dated September 28, 2010 - Cal# 8-02 PB

Michael Sirignano represented the applicants.

Mr. Sirignano stated that a sale of the property is underway, but has not yet been consummated. A condition of the sale is that the Subdivision Plat Approval remains in effect. Mr. Popoli and Mr. Sicuranza requested the extension to allow time for the sale to go through.

Mr. Johannessen stated that he had been to the site three to four months ago. The site was stabilized. The erosion and sediment control inspections that were being conducted during construction have been postponed because the site had been stabilized. The wetland permit remains valid.

Mr. Sirignano stated that he could not confirm that the property would be sold within the next 90 days.

Mr. Johannessen stated that there is no construction taking place on the property.

Mr. Tetelman noted that the letter submitted to the Board requesting the extension of time stated that the applicants need additional time to complete work related to construction of the common driveway. Mr. O'Donnell expressed his concern that the same request was made two years ago, with the exact same language. The Board discussed the language contained in the request.

The Board agreed that one of the owners should appear before the Board to provide a status update.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the Board granted the request for a 90-day extension to March 13, 2015 to Pasquale Popoli & Angelo Sicuranza, 1437 Route 35, South Salem, to comply with the resolution granting Final Cluster Subdivision Approval and Wetland Activity Permit Approval dated December 8, 2009, with the condition that one of the two property owners appear before the Planning Board at the January 27, 2015 meeting.

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

IV. PROJECT REVIEW

"Silvermine Preserve", Ridgeview Designer Builders, Inc & Daniel Higgins, owners of record, Silvermine Drive & Lockwood Road, Lewisboro – Applications for Subdivision & Wetland Activity Permit Approvals - Cal# 3-13PB

Tim Allen, Bibbo Associates was present on behalf of the applicant.

Mr. Allen reviewed the November 18, 2014 letter from Bibbo Associates, included in the agenda packet.

Mr. Allen confirmed that he had received the Kellard Sessions and CAC memos dated December 10, 2015.

Mr. Allen agreed to meet with Kellard Sessions, as suggested in the Kellard Sessions memo.

In response to Mr. Tetelman, Mr. Allen stated that all but a small portion of one of the lots are outside of the 150' wetland buffer. Mr. Allen stated that pools are shown on the lots that can support pools.

Mr. Allen and Mr. Johannessen clarified that the proposed action is for a Cluster Subdivision.

At the request of Mr. Kerner, Mr. Allen discussed the existing and anticipated trails on the property. The trails have not been incorporated on the plans submitted. The trails had previously been mapped by GPS by Mark Patek. The Board requested that the trails be included on the next site plan submitted.

In response to Mr. O'Donnell, Mr. Allen stated that there has been no recent correspondence to the Norwalk Watershed about the project.

Mr. Johannessen stated that the Norwalk Watershed was included in the circulation of Lead Agency. Plans had been sent for comment, but no comments were received.

Mr. Allen stated that he had spoken with the Norwalk Watershed and has not heard back from them in over a year. Mr. Allen agreed to follow up with the Norwalk Watershed. Mr. O'Donnell suggested that comments from the Norwalk Watershed be provided to the Board; if they have no comment, it should be stated in writing.

Mr. Allen clarified that the Norwalk Watershed has no jurisdiction; it is an interested agency.

Mr. O'Donnell stated his belief that the Board had previously requested that the School Board be notified of the project. Mr. Allen agreed to notify the School Board.

Mr. Johannessen stated that a letter from the Fire Department is required.

Mr. Allen stated that the project has on-site septic, not sewage.

Mr. Johannessen reviewed the Kellard Sessions memo dated December 10, 2014.

Mr. Johannessen noted Open Development Area Approval is required from the Town Board. Town Board approval is required for lots that do not meet zoning requirements of the R-1A Zoning District. The Town Board cannot make a decision until the Planning Board acts as a Lead Agency issues a Negative Declaration. Because Parts II and III of the EAF have not been received, the Planning Board is not in a position to issue the Negative Declaration. The project can be referred to the Town Board for discussion; however, the Town Board is not in a position to grant approvals at this time.

Mr. Johannessen stated that it is not unprecedented for the Planning Board to require applicants to install trails, referencing the Falcon Ridge approval.

In response to Mr. Kerner, Mr. Johannessen stated that there has not yet been any information provided as to the use of the open space parcel. No easement provisions for the open space parcel or stormwater maintenance have been provided.

An open-ended discussion of who owns the open space took place.

Mr. O'Donnell suggested that input from the Open Space Committee be received.

Ms. Andersen stated that in the past, the Norwalk Watershed was not willing to grant public access to some of the areas where the trails are located. If it is intended that the public have access to the trails, the question of access to the parcel must be addressed with the Norwalk Watershed.

Mr. Allen expressed interest in setting up a technical meeting with Kellard Sessions.

A tentative site walk was scheduled for January 24, 2015 at 8:00 a.m.

Mr. Allen agreed to write a letter to the School Board and Norwalk Watershed requesting correspondence from each of them. Mr. Allen acknowledged that a letter from the Fire Department and referral from the Highway Department are required.

Mr. Allen stated that the site has been fairly well staked: corners of the houses are not staked. For the site walk, the center of the houses, and center of the road will be staked.

Bacio Trattoria, 12 North Salem Road, applicants (Owner of Record: K&K Rea Estate Inc.) Applications for Site Development Plan Approval, Wetland Activity Permit Approval, and Stormwater Permit Approval, Cal # 9-10PB, Cal # 84-14 WP, Cal # 14-14SW

Ed Delaney, Bibbo Associates and Kevin Helmes, The Helmes Group, were present on behalf of the applicants. Alfredo and Antonia Coppola, owners, were present. Michael Sirignano, Esq. represented the applicants.

Mr. Delaney reviewed the project.

Mr. Delaney stated that all Zoning Board of Appeals (ZBA) variances have been received. The applicant has received approvals from the following: Westchester County Department of Health (WCDH); New York City Department of Environmental Protection (NYC DEP) approvals on the septic; and ACARC approval on the sign and lighting.

Mr. Delaney stated that the landscaping plan has been modified and was included in the submission to the Board.

The location of, and access to the dumpster were discussed.

Mr. Johannessen reviewed the December 10, 2014 Kellard Sessions memo.

Handicap access was discussed.

The CAC had no comments.

A public hearing will be scheduled for January 27, 2015 pending submission of materials by January 8, 2015.

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

Jesse and Jared Boniello, owners, were present. Tim Allen, Bibbo Associates represented the applicants.

Mr. Allen reviewed the November 18, 2014 letter from Bibbo Associates to the Planning Board. Mr. Allen confirmed receipt of the December 10, 2014 Kellard Sessions memo and the December 11, 2014 CAC memo.

In response to the CAC's suggestion to reduce the bedroom count of the house, Mr. Allen stated his belief that a reduction is not necessary; a three bedroom house is not oversized for a four acre lot in Waccabuc. Impacts to minimize effects of development have been maximized.

Mr. Johannessen reviewed the December 10, 2014 Kellard Sessions memo.

Because the property is located in a Special Character District, ACARC approval is required.

Mr. Johannessen referred to Plan Comment #1 of the Kellard Sessions memo. The applicant provided a copy of the subdivision plat. Mr. Johannessen noted the restriction on the subdivision plat regarding the limitation of disturbance between Bouton Road and the Waccabuc River, "there shall be no disturbance other than the installation of the driveway".

Since the last Planning Board meeting, Kellard Sessions has confirmed the wetland boundary line, as illustrated on the submitted drawings.

A wetland mitigation plan must be submitted.

Soil deep testing must be witnessed by Kellard Sessions.

The CAC requested that the applicant consider keeping the septic out of the 150-foot buffer.

Discussion of options to locate the septic out of the buffer took place.

Mr. Allen stated that there is minimal intrusion in the buffer; the applicant is attempting to avoid pumping uphill.

Mr. Goett referenced the September 18, 2014 letter from the New York State Department of Environmental Conservation (DEC) to Evans Associates, noting the concern of the Kentucky Warbler (bird) and Mocha Emerald (dragonfly) both considered rare species by the State. Discussion took place. Mr. Johannessen stated that Plan Comment # 6 of the December 10, 2014 Kellard Sessions memo suggests that the applicant's environmental consultant (Beth Evans) should address the potential presence of protected and special concern species as discussed in the September 18, 2014 DEC letter.

The applicant was given a deadline of January 8, 2014 to resubmit for the January 27, 2015 Planning Board meeting. A public hearing was tentatively scheduled for February 24, 2015.

Mr. O'Donnell suggested that the Board receive confirmation that DEP and DEC materials have been submitted, and that the mitigation plan has been reviewed.

McCaffrey Family Partnership, 22 Perch Bay Road, Waccabuc – Application for Wetland Activity Permit Approval to build a lakeside cabana – Cal# 68-14WP

Michael Sirignano represented the applicant. Jeri Barrett, J.D Barrett & Associates, LLC, and Patrick Croke, architect, were present on behalf of the applicant.

Mr. Croke reviewed the project.

Mr. Croke stated that the retaining wall has been eliminated. There will be no new fill brought in for the project.

The proposed connection to the existing septic system has been approved by the WCDH.

Mr. Barrett discussed the proposed mitigation, as outlined in his November 20, 2014 letter to the Planning Board.

Discussion of the proposed trenching took place. In response to Mr. Tetelman, Mr. Cermele confirmed that a common trench can be used for the sewer and water provided that the water is trenched higher than the sewer.

The CAC expressed concern regarding the close proximity of the septic facility to the lake. The CAC was also concerned that permitting a driveway down to the lake would set a precedent. Mr. Barrett stated that the driveway is existing and does not get a lot of use. The driveway is a combination of vegetation and gravel.

Mr. Kerner expressed appreciation of the level of detail and thoughtfulness that has gone into the plans submitted.

The beach area and dock were discussed.

The tree and tree well near the house were discussed.

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

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

There was no further discussion.

V. WETLAND VIOLATIONS

Cal # 5-14WV

Discussion of Wetland Violation, Cal# 5-14WV, was adjourned due to the absence of Mr. Monteleone.

V. DISCUSSION

Patrick and Marianne Croke – Request to modify septic inspection requirement – Cal# 38-07WP

Patrick Croke was present.

Mr. Croke confirmed that his pumping/inspection requirement is current; documentation from the septic hauler has been submitted.

Discussion of the request was adjourned and will be incorporated into the overall review of septic pumping/inspection requirements being conducted by the Planning Board.

Septic Compliance Administration

Discussion of Septic Compliance Administration was adjourned due to the absence of Mr. Monteleone and Mr. Sessions.

V. CORRESPONDENCE AND GENERAL BUSINESS

Erosion Control

In response to Mr. Tetelman, Mr. Johannessen stated that he is drafting a modification to the building code which will require that an Erosion Control Plan be submitted for all construction in the Town, without thresholds for land disturbance. Mr. Johannessen and Mr. Siebert are working on the plan.

Wolf Conservation Center, 7 Buck Run, South Salem

Mr. Johannessen stated that he had met with representatives of the Wolf Center. The Wolf Center has acquired one or more parcels on Buck Run which eliminates the need for the Wolf Center to obtain variances with regard to frontage. The acquired properties have been surveyed and are all shown on one map. Representatives of the Wolf Center were made aware of the need to obtain a Special Use Permit.

Continuing Education

A Smart Growth seminar will be presented by Kellard Sessions on January 24, 2015 which may be counted toward the fulfillment of the training hours required by the Planning Board.

VII. MINUTES OF NOVEMBER 18, 2014

On a motion made by Mr. Tetelman, seconded by Mr. Goett, the minutes of November 18, 2014 were adopted.

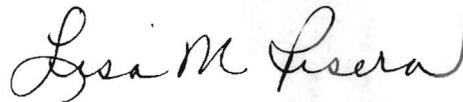
In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

VIII. ADJOURNMENT

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the meeting was adjourned at 9:17p.m.

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

Respectfully Submitted,



Lisa M. Pisera
Planning Board Secretary