

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, July 21, 2015 at 7:30 p.m.

Present: Jerome Kerner, Chairman
John O'Donnell
Ron Tetelman
Greg LaSorsa
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Greg Monteleone, Esq., Special Counsel
Joseph Cermele, PE, Kellard Sessions Consulting, Town Engineer
Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland Consultant
Anthony Mole, Esq. Special Counsel
Rich Williams, P.E., Insite Engineering, Special Consultant
Lisa Pisera, Planning Board Secretary

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

Mr. Kerner called the meeting to order at 7:30 p.m. and noted the exit.

I. PUBLIC HEARING

Cal# 1-15PB

Copia Garden Center, 469 & 475 Smith Ridge Road, and 5 East Street, South Salem, Sheet 0053, Block 09834, Lots 035 & 048, (Organic Choice, Inc., owner of record) & Peter and Jennifer Cipriano, 5 East Street Sheet 0053, Block 09834, Lot 036, - Application for Sketch Plan Review/Site Development Plan for improvements to the existing Copia Garden Center including modification to curb cuts along East Street and expansion of the existing use onto adjacent tax parcel 09834-036-0053

The Chairman announced the commencement of the public hearing. There were no objections to the time, place or advertisement of the public hearing.

Michael Sirignano, Esq. and David Coffin, architect, represented the applicant. Peter and Jennifer Cipriano, owners, were also present.

Mr. Coffin submitted a letter containing approximately 35 signatures in favor of the proposed project.

Mr. Coffin reviewed the project, specifically addressing the unloading of trucks and traffic circulation on East Street and Route 123. Mr. Coffin noted that the proposed plan would result in improved sight lines for approaching traffic, as well as for traffic entering and exiting the site. The plan also includes the appropriate screening for the adjoining residential properties.

Mr. Sirignano stated that the residential district to the rear of the property is protected; the intensive commercial activity takes place in the front of the property.

Mr. Johannessen and Mr. Cermele stated that Kellard Sessions comments and stormwater had been addressed.

Ms. Andersen stated that the CAC had no further comments.

Mr. Coffin confirmed that ACARC approval for the greenhouses had been received.

Lisa Margaret Smith, 9 East Street, addressed the Board. Ms. Smith stated that she is a 20 year resident of East Street. Ms. Smith spoke favorably on the project, stating that the proposal will substantially improve traffic flow in the area.

On a motion made by Mr. O'Donnell, the Public Hearing for Copia Garden Center, 469 & 475 Smith Ridge Road, and 5 East Street, South Salem was closed.

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

Absent: Mr. Goett

Mr. Johannessen reviewed the resolution.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the resolution dated July 21, 2015 granting Site Development Plan Approval, Wetland Activity Permit Approval and Town Stormwater Permit Approval to Copia Garden Center, 469 & 475 Smith Ridge Road, and 5 East Street, South Salem, was adopted.

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

Absent: Mr. Goett

Cal# 11-13PB and Cal# 12-15WP

O-2 Living Realty Group, LLC (Yellow Monkey Village), 792 Route 35, Cross River, New York, Sheet 0018, Block 10533, Lots 024 & 025 – Applications for Waiver of Site Development Plan Procedures and Wetland Activity Permit Approval for proposed change of use and certain site modifications, all of which require a site plan approval

The Chairman announced the commencement of the public hearing. There were no objections to the time, place or advertisement of the public hearing.

Andrew Wynnyk, architect, was present on behalf of the applicant.

Discussion took place regarding a letter that had been received by the Planning Board Secretary earlier in the day from the New York City Department of Environmental Protection (DEP). The DEP letter stated that the 300 feet buffer does not appear to be depicted correctly on the plans which were reviewed by the DEP.

Mr. Johannessen stated that GIS data is in conflict with the line shown on the plan.

Mr. O'Donnell noted that at the January 28, 2014 Planning Board meeting it had been suggested to the applicant that a technical meeting with the DEP take place to discuss the proximity to the reservoir.

The applicant was instructed to set up a technical meeting with the DEP to clarify this matter.

Mr. Johannessen confirmed that there are no other open items.

On a motion made by Mr. Tetelman, seconded by Mr. O'Donnell, the Public Hearing for O-2 Living Realty Group, LLC (Yellow Monkey Village), 792 Route 35, Cross River, was adjourned to August 18, 2015.

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

Absent: Mr. Goett

II. REQUEST FOR EXTENSION OF TIME

Cal# 71-11WP and 3-11 WV

Tatiana Rozo Gil, 1 Glen Drive, Vista, Sheet 049A, Block 09845, Lot 001 – Request for extension of time to meet requirements of Wetland Implementation Permit

The owners were not present.

Mr. Johannessen stated that he had been to the property approximately three months ago. Mr. Johannessen updated the Board on what he had seen at that time.

The Board agreed that the owner has made substantial attempts to comply.

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman, the Board determined that the proposed action would be handled administratively by the Town Wetland Inspector, with the condition that the Board be notified if the required work is not completed to the satisfaction of the Wetland Inspector by October 31, 2015.

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

Absent: Mr. Goett

III. PROJECT REVIEW

Cal# 10-10PB

New York SMSA Limited Partnership d/b/a Verizon Wireless, applicant, 377 Smith Ridge Road, South Salem, Sheet 050A, Block 09834, Lots 084, 088, and 094, (Vista Fire District, owner of record) Application for Special Use Permit Renewal and proposed modifications to existing equipment

Michael Sheridan, Esq., represented the applicant.

Mr. Sheridan reviewed the application.

Mr. Kerner noted that the AAB had reviewed the project and had no objections.

Mr. Johannessen reviewed the Kellard Sessions memo dated July 15, 2015.

Ms. Andersen stated that the CAC had no comments pertinent to their CAC role. As residents they questioned if any disruption to service would occur during the upgrade, and if so, for how long; if any impingement to co-locaters would occur; and whether or not there was anything different about the new equipment that would enable better backup during a power outage.

Mr. Sheridan stated that he had received the CAC memo and a response would be forthcoming.

Erosion of the entrance to the site was discussed. Mr. Johannessen stated that a condition of the InSite Wireless renewal (Cal# 3-09PB) was that InSite provides detail to the satisfaction of Kellard Sessions to restore the driveway in question.

A public hearing was scheduled for August 18, 2015, with a submission deadline of July 30, 2015.

Cal# 5-15PB

Oscaleta Meadows, 10 Oscaleta Road, South Salem, Sheet 032C, Block 10819, Lot 029 – Application for Sketch Plan Review/Subdivision for a two lot subdivision

Barry Naderman, P.E., was present on behalf of the applicant.

Mr. Naderman reviewed the project and his letter dated June 23, 2015.

Mr. Naderman stated that the wetlands will be verified.

The contiguous buildable area was discussed. The residence and the septic (including the waste line) must be within the contiguous buildable area. The waste line is shown outside the contiguous buildable area.

Steep slopes were also discussed. Mr. Kerner referred to §220-21 of the Town Code. Mr. Kerner stated that he would like to see the grading intended to achieve the walk-out basement.

The applicant was instructed to review the plans with the Building Department with regard to the contiguous buildable area, and make an application to the Zoning Board of Appeals if necessary.

The Board agreed that from a planning perspective, the scheme presented makes sense.

A site walk will be scheduled after the location of the septic is determined.

Cal# 12-10PB

Hayes/Stein Subdivision, 124 North Salem Road, South Salem, Sheet 0015, Block 10533, Lots 7, 8, & 9 – Application for Sketch Plan Review/Step I Subdivision for a 3 lot subdivision

Michael Sirignano, Esq., Taylor Palmer, Esq., Cuddy & Feder, and Jeri Barrett, architect, were present on behalf of the applicants.

Mr. Barrett stated that a technical meeting with the Town Planner took place on July 20, 2015.

Mr. Barrett reviewed the proposed plan and the history of the application as stated in his memo dated June 22, 2015.

Mr. Johannessen pointed out that the septic line for Lot 7 is going to have to run outside of the contiguous buildable area in order to get to the septic system.

(The Planning Board discussed potentially reviewing the contiguous buildable area provisions as it applies to the placement of septic systems.)

Mr. Johannessen stated that the applicant should next submit applications for Step II Subdivision Plat Approval, Wetland Activity Permit Approval, and Town Stormwater Permit Approval.

Mr. Johannessen stated his belief that the applicant has no intent on building on either of the two lots. He is attempting to rectify an old subdivision that was done by deed. When demonstrating that the lots are buildable lots, engineering is required, as are outside approvals, which can become very expensive.

Mr. Palmer confirmed that the applicant does not intend to build the particular residences; however, the applicant is prepared to follow through with the process as required, including a full SWPPP.

Mr. Johannessen suggested the option of bringing the project to subdivision plat approval and developing the plans knowing that they are buildable lots. Deed restrictions or conditions could be included on the plat that prior to any Building Department application, the applicant must come back to the Planning Board for site plan approval.

Mr. Johannessen noted that stormwater is not shown on the plans. Kellard Sessions would like to see more information regarding the stormwater.

It was estimated that the cost of demonstrating buildable lots on the plans would be over \$20,000 per lot. The DEP impacted area is relatively small.

The Board expressed appreciation for the comprehensive narrative provided by Mr. Barrett.

The ZBA Special Use Permit that is noted on the EAF references the existing structure on the property (accessory apartment). It is a question as to whether this is a pre-existing nonconforming use.

Mr. O'Donnell questioned whether the applicant will show the prior existing structures in the event that the applicant is not required to show full engineering. Mr. Palmer stated that the applicant will provide historic aerials and surveys showing that the structure has existed since prior to the 1940's. An affidavit of lease will also be provided. The applicant will review the files with the Building Department.

The applicant was instructed to meet with Kellard Sessions prior to the next submission.

IV. PROJECT REVIEW

Cal# 28-15WP

Goldsmith, Jeremy and Katie – 7 Laurie Lane, South Salem, Sheet 29, Block 10553, Lot 50 – Application for Wetland Activity Permit Approval for construction of a two car garage attached to existing residence and extension of existing deck

Victor Solarik, AIA, was present on behalf of the applicant.

Mr. Solarik stated that the former owners of the property had received Planning Board approval for a similar project which they abandoned. The current owners are moving forward with a similar project.

Mr. Solarik reviewed the project that had been approved and the proposed project.

The wetland was staked in 2007 under the previous application. This is included in the survey.

In response to Mr. O'Donnell, Mr. Solarik compared the 2007 approved plan to the plan being proposed. Mr. Solarik stated that the footprint of the garage remains the same. Under the 2007 plan, the connector/mudroom did not run the full width of the house; under the current plan the connector goes all the way to the back of the house, and the deck is being proposed to be extended so that the back door goes onto the deck. The 2007 plan included a larger deck addition to the side of the house. None of the 2007 improvements were implemented. The previous owner was somewhat discouraged by the deed restrictions which were a condition of the 2007 approval. The deed restrictions never took place. Mr. Solarik has reviewed the deed restrictions required by the 2007 plan with the current owners. The applicant is requesting that the Board not impose the previous deed restrictions.

Mr. Solarik could not clarify for Mr. Johannessen and the Board if the 2007 deed restriction limited construction but allowed for passive activities of the restricted area.

It must be determined exactly what the 2007 deed restrictions were.

Mr. Johannessen stated that he would like to visit the property.

The Planning Board Secretary was instructed to provide Mr. Siebert with the prior minutes regarding the 2007 project, as well as any documents dealing with the deed restrictions.

The applicant was instructed to confirm the wetland delineation with Kellard Sessions.

Cal# 32-15WP

Pinnetti, Stuart and Nicola – North Salem Road, Cross River, Sheet 007C, Block 12667, Lot 001 (Stuart Pinnetti, owner of record) – Application for Wetland Activity Permit Approval for construction of a new residence due to destruction of previous residence by fire

No one was present on behalf of the applicant.

No discussion took place.

Cal# 31-15WP

Fortune Home Builders – Duffy’s Bridge Road, Goldens Bridge, Sheet 0002, Block 10516, Lot 001 (Glickenhause Bedford Development, owner of record)– Application for Wetland Activity Permit Approval for construction of a single family residence on a currently undeveloped lot

Due to a conflict of interest, Kellard Sessions and Keane & Beane recused themselves from review of the application. Rich Williams, P.E., Insite Engineering, and Anthony Mole, Esq., acted as consultant and counsel for the Planning Board on this project.

Robert Sherwood, Landscape Architect, was present on behalf of the applicant.

Mr. Sherwood reviewed the history of the lot. The lot which is located at the end of Duffy’s Bridge Road was owned by Glickenhause Bedford Development who developed the Boulder Pines Subdivision in Bedford. The property is a parcel that was left over as a result of the subdivision. An emergency access drive connects Duffy’s Bridge Road to Old Katonah Drive, which the Town of Bedford wanted Fortune Home Builders to provide for emergency vehicle access to the cul de sac. There is an access agreement from Lot 8, and an access easement through the current owners, Glickenhause Bedford Development.

Mr. Sherwood reviewed the proposed project.

Mr. Sherwood stated that a steep slopes variance was granted by the ZBA to construct the driveway.

The septic system received Westchester County Department of Health approval in 2010.

In response to Mr. Kerner, Mr. Sherwood stated that the ZBA variance did not include the pipe going through the septic joining the contiguous buildable area. The applicant would need to go back to the ZBA for approval for this matter.

Mr. Mole acknowledged that there is a contiguous buildable area issue. With regard to the approval process and selling of the property after the approval is obtained, the issue is access and frontage. Mr. Mole stated that he had reviewed the easement agreement; however, the easement agreement is expressly limited for emergency purposes only. It has an alternative means for emergency access. A homeowner would not be able to rely on the agreement for access to the property. There would have to be a new easement dedicated over the portion of roadway being addressed. Mr. Mole stated that the easement he had reviewed was unsigned; it is not clear if the easement had been changed in any way when it was filed.

Mr. Mole discussed “frontage” as it is described in the code with regard to frontage from the existing street to the principal structure (Duffy’s Bridge Road to the home). It will be required to prove out the access in order to

determine whether a variance would be needed from the ZBA. This is being pointed out so that in the event that the applicant requires a variance from the ZBA, a complete application can be made.

Frontage and access to the property was discussed.

Mr. Williams noted safety concerns regarding Duffy's Bridge Road. In some spots the road is wide enough for only one vehicle. There are low-hanging wires which makes it questionable as to whether emergency vehicles would be able to pass through. Sight distance when exiting Duffy's Bridge Road is difficult. Mr. Williams recommended that the applicant meet set up a joint meeting with the Highway Superintendent and Insite Engineering.

The condition of Duffy's Bridge Road was discussed. It is a Town road, which had been paved, but not maintained. Mr. Mole clarified for Mr. Sherwood that with regard to a Town road, it is not the onus of the developer of an existing buildable lot to maintain the road. However, if the property were to be developed, the developer would have to prove that the property has the appropriate frontage that the Town code requires. If the Town Code requires frontage on a street that meets Town specifications, and Duffy's Bridge Road does not meet these specifications, this issue could be an impediment to approval.

Mr. Sherwood stated that the access road is paved. The access road is not a Town road.

Mr. Mole requested that the applicant's attorney contact him to discuss the best way to proceed with the project.

Ms. Andersen stated that the CAC had no comments regarding the site plan.

Mr. Sherwood stated that a full SWPPP would be submitted.

Mr. Williams reviewed the Insite Engineering memo dated July 15, 2015.

The Board requested that the applicant submit a narrative with the next submission.

V. TOWN BOARD REFERRAL

Proposed Zoning Amendment – Visnor Property, LLC, 469 & 471 Smith Ridge Road, Sheet 0053, Block 09834, Lots 32-33 and 34

Michael Sirignano represented Visnor Property, LLC.

Mr. Sirignano reviewed the application for zoning change. The applicant is proposing to rezone RB and R 1A lots to GB.

Mr. Sirignano stated that his client has no immediate plans for what the change of use of the property would be.

Mr. Kerner noted that a letter had been received by Peter Ripperger, neighbor, expressing concern if the rezoning were to occur.

Mr. Tetelman expressed concern of rezoning the R 1A portion of the lot to GB.

The Board was not comfortable with enacting a zoning change when there is no specific request necessitating the need for the change.

Discussion took place regarding permitted uses in an RB district versus a GB district.

Mr. Johannessen stated his opinion that it is difficult to make a recommendation for change without knowing what the specific uses of the property would be. The uses gained by rezoning to GB are uses that should be carefully thought out with regard to the surrounding residentially zoned properties.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the Board authorized the Chairman to send a letter to the Town Board indicating that the Planning board is not prepared to recommend the proposed zoning change without a specific proposal in terms of the use of the property; a blanket change from RB to GB, particularly in light of the residential properties is one that the Board does not support.

Mr. O'Donnell noted that the Board has not received any compelling evidence of the need for a change at this point. Consideration must be given to what is generally appropriate for the property in terms of the residential property nearby.

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

Absent: Mr. Goett.

VI. CORRESPONDENCE AND GENERAL BUSINESS

Wolf Conservation Center, 7 Buck Run, South Salem, Sheet 0021, Block 10803, Lots 81, 82, 83, and 88

Mr. O'Donnell questioned whether there was any correspondence regarding the Wolf Conservation Center, noting that it has been almost two years since the Chairman's last letter to them.

In response, Mr. Johannessen stated that he had met with Janet Giris approximately four months ago. She indicated to Mr. Johannessen that the Wolf Center was obtaining survey information and gearing up for resubmission.

Elegant Banquets

Mr. Sirignano stated that he had been retained by Elegant Banquets, a Connecticut based company that has four high-end banquet halls. They are under contract to purchase the LeChateau property. Elegant Banquets has one year to get the necessary approvals to build a new banquet hall that will attach to the existing restaurant property.

Mr. Sirignano stated that if the existing septic is sufficient, it may be possible to obtain approvals within the one year time frame. Mr. Sirignano stated that once preliminary drawings are received, he will submit a letter to the Board requesting to be added to the next upcoming agenda for an informal discussion, stressing the tight time frame that exists.

Mr. Kerner pointed out that LeChateau may have historic significance. Mr. Sirignano agreed to look into this issue.

Contiguous Buildable Area

The Planning Board discussed potentially reviewing the contiguous buildable area provisions as it applies to the placement of septic systems.

VII. MINUTES OF June 16, 2015

On a motion made by Mr. Tetelman, seconded by Mr. O'Donnell, the minutes of June 16, 2015 were adopted.

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

Absent: Mr. Goett.

VIII. ADJOURNMENT

On a motion made by Mr. Tetelman, seconded by Mr. Mr. LaSorsa, the meeting was adjourned at 9:50 p.m.

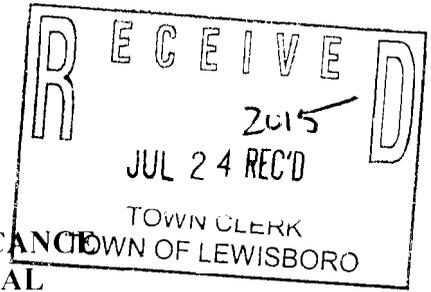
In favor: Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

Absent: Mr. Goett.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Lisa M. Pisera".

Lisa M. Pisera
Planning Board Secretary



**RESOLUTION
LEWISBORO PLANNING BOARD**

**NEGATIVE DECLARATION OF SIGNIFICANCE
SITE DEVELOPMENT PLAN APPROVAL
WETLAND ACTIVITY PERMIT APPROVAL
TOWN STORMWATER PERMIT**

**COPIA HOME AND GARDEN CENTER
469 & 475 SMITH RIDGE ROAD AND 5 EAST STREET**

Sheet 53, Block 9834, Lots 33, 35, 36, 48
Cal. # 1-15 PB, Cal. # 25-15 WP & Cal. # 6-15 SW

July 21, 2015

WHEREAS, the Planning Board has received an application from Jennifer and Pietro Cipriano, Jr. ("the applicant") for Site Development Plan Approval, a Wetland Activity Permit and a Town Stormwater Permit; and

WHEREAS, the project site consists of the following lots, which shall be collectively referred to hereafter as "the subject property":

- The rear portion of 469 Smith Ridge Road which is being leased by the applicant for the purposes of a private vegetable garden. This parcel is included for the purposes of the Town Stormwater Permit only and is identified as Sheet 53, Block 9834, Lot 33 on the Town tax maps; and
- 475 Smith Ridge Road consisting of ± 1.16 acres of land and identified on the Town tax maps as Sheet 53, Block 9834, Lots 35 and 48. These lots are zoned GB and are developed with a 2-story commercial retail building, including a landscape nursery business known as Copia Home and Garden Center and a dwelling unit on the second floor. These lots also contain an existing asphalt parking lot, greenhouses, plant storage and display areas, a septic system, a potable water well, and other improvements ancillary to the landscape nursery business; and
- 5 East Street consisting of ± 0.72 acres of land and identified on the Town Tax Maps as Sheet 53, Block 9834, Lot 36. This Lot is zoned GB and contains an existing single-family residence, detached garage, shed, garden, asphalt driveway off of East Street, a septic system and a potable water well; and

WHEREAS, while Tax Lots 35, 36, and 48 were rezoned GB by the Town Board via Local Law # 5-2014 adopted on November 3, 2014, the Town Board conditioned the rezoning and restricted the use of these parcels to a landscape nursery, in addition to those uses allowed in the RB Zoning District; and

WHEREAS, the applicant is proposing to expand its landscape nursery business onto Tax Lot 36 and is proposing the following improvements, among others, which shall be collectively referred to hereafter as “the proposed action”:

- Modify the curb cuts on East Street to improve traffic and delivery truck circulation; and
- Demolish the existing greenhouses and trellis and construct a new 78' x 63' greenhouse, to be attached to the existing two-story building; and
- Relocate five (5) existing parking spaces, which extend off-site and into East Street right-of-way, so that they are positioned entirely on the subject property; and
- Modify and expand the existing internal parking lot and driveways; and
- Expand plant storage areas onto 5 East Street (Tax Lot 36); and
- Remove and install various fencing and gates; and
- Install permanent landscaping along East Street and the easterly property line; and
- Install drainage features to mitigate for the proposed added impervious cover; and
- Eliminate the common property line and merge Tax Lots 35, 36 and 48 into one lot/parcel; and

WHEREAS, off-site wetlands are located on the south side of East Street and the west side of Smith Ridge Road and the Town's 150-foot regulated wetland buffer extends onto the subject property; and

WHEREAS, the proposed action includes disturbance and construction within the Town's regulated wetland buffer and a Wetland Activity Permit is required from the Planning Board; and

WHEREAS, as mitigation for the disturbance proposed within the wetland buffer, the applicant has proposed stormwater drainage improvements to mitigate impacts associated with the proposed added impervious cover, which were not otherwise required. Further, to the extent practicable, additional proposed travel ways will be surfaced with gravel; and

WHEREAS, the proposed action will result in a total of ±30,000 s.f. of land disturbance, not including vegetation removal and tilling that occurred on Tax Lot 33, which has since been stabilized; and

WHEREAS, reference is made to the Stormwater Pollution Prevention Plan (SWPPP), prepared by MVWEISS and Associates, dated May 31, 2015; and

WHEREAS, a Town Stormwater Permit is required from the Planning Board in accordance with Section 189-5A of the Town of Lewisboro Town Code; and

WHEREAS, the submitted SWPPP referenced above complies with the requirements of Chapter 189, Stormwater Management and Erosion and Sediment Control, of the Town of Lewisboro Town Code; and

WHEREAS, the proposed addition was approved by the ACARC on June 10, 2015 (see Cal. No. 8-15-ACARC/PB); and

WHEREAS, in accordance with Section 239-m of the General Municipal Law, the application was referred to the Westchester County Planning Board on June 10, 2015; however, more than 30 days has lapsed and a response from the County was never received; and

WHEREAS, the Planning Board conducted a duly noticed public hearing which was opened and closed on July 21, 2015, at which time all interested parties were afforded an opportunity to be heard; and

WHEREAS, the proposed action has been determined to be an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617 and a coordinated review was not conducted; and

WHEREAS, the applicant has submitted the Short Environmental Assessment Form (EAF), dated (last revised) April 1, 2015; and

WHEREAS, the Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c) and determined that the proposed action will not have a significant adverse impact on the environment; and

WHEREAS, the Planning Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions; and

WHEREAS, the Planning Board is familiar with the subject property and has considered the submitted Site Development Plan Application; Wetland Activity Permit Application; Town Stormwater Permit Application; other materials submitted by the applicant in support of its proposal; the written and verbal comments from the Board's professional consultants; the verbal commentary and written submissions made during Planning Board meetings and the public hearing; and the decisions, comments and recommendations of the ACARC and CAC.

NOW THEREFORE BE IT RESOLVED THAT, in accordance with its determination that the proposed action will not have a significant effect upon the environment, the attached Negative Declaration of Significance is hereby adopted; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants Site Development Plan Approval, subject to the below conditions; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves the following drawings, hereafter referred to collectively as “the approved plans”, subject to the below conditions; and

Plans prepared by David W. Coffin, Jr. Architect, dated (last revised) June 16, 2015:

- “Step 2: Site Development Plan” (G.1)
- “Step 2: Site Development Garden Plan” (G.1A)

Plans prepared by MV Weiss & Associates, dated May 31, 2015 (unless otherwise noted):

- Demolition Plan (Sheet L.1)
- Stormwater Pollution Prevention Plan (Sheet L.2)
- Stormwater Pollution Prevention Plan (Sheet L.2A)
- Grading & Storm Drainage Plan (Sheet (Sheet L.3)
- Cultee Recharger Detail Sheet (Sheet L.3A)
- Cultee Stormfilter 330 Detail Sheet (Sheet L.3B), last revised June 12, 2015
- Layout Plan (Sheet L.4)
- Site Specifications (Sheet L.5)

BE IT FURTHER RESOLVED THAT, pursuant to Section 220-15B(7) of the Zoning Code, the Planning Board hereby grants a waiver to permit permanent encroachments into the landscape buffer, as shown on the approved plans; and

BE IT FURTHER RESOLVED THAT, the granting of this waiver is based on the size of the subject property, its existing developed condition, the proximity of the existing building and parking areas in relation to the surrounding property lines, the presence of existing encroachments within the landscape buffer, and the proper placement of proposed landscaping to properly screen site activities from neighboring properties and adjacent thoroughfares; and

BE IT FURTHER RESOLVED THAT, Site Development Plan Approval, defined as the signing of the approved plans by the Planning Board Chairman, shall expire unless a Building Permit is applied for within one (1) year of the date of the signing of the plans or if all required improvements are not completed within three (3) years of the signing of the plans or if the construction or use shall cease for more than one (1) year; and

BE IT FURTHER RESOLVED THAT, the Planning Board may extend conditional approval and approval of the Site Development Plans by not more than two (2) additional periods of 90 days each if, in the Planning Board's opinion, such extension is warranted by the particular circumstances: and

BE IT FURTHER RESOLVED THAT, any subsequent alterations, modifications, additions or changes to the approved and/or constructed improvements shall require the prior review and written approval by the Planning Board as a new, modified and/or amended application for Site Development Plan Approval: and

BE IT FURTHER RESOLVED THAT, failure to comply with the approved plans or any of the conditions set forth herein shall be deemed a violation of Site Development Plan Approval, which may lead to the revocation of said approval or the revocation by the Building Inspector of any issued Building Permit or Certificate of Occupancy: and

BE IT FURTHER RESOLVED THAT, in the review of this Wetland Activity Permit application, the Planning Board has taken into account the factors listed under Section 217-8A of the Wetland and Watercourse Law and, in so doing, has considered/evaluated wetland and wetland buffer functions and the role of the wetland and wetland buffer areas in the hydrologic and ecological system and has determined that the impact of the proposed action upon the public health and safety: special concern, rare, threatened and endangered species; water quality and wetland and wetland buffer functions has been avoided or minimized to the maximum extent practicable: and

BE IT FURTHER RESOLVED THAT, the Planning Board has reviewed the criteria listed under Section 217-8B of the Wetland and Watercourse Law and has determined that impacts to the affected wetland and wetland buffer areas are necessary and unavoidable and have been minimized to the maximum extent practicable: and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby finds that the Wetland Activity Permit Application pertaining to the proposed action is consistent with the provisions and policies of Chapter 217 of the Code of the Town of Lewisboro and said permit is hereby approved, subject to the conditions set forth below: and

BE IT FURTHER RESOLVED THAT, all work associated with this Wetland Activity Permit shall be conducted in strict compliance with the approved plans: and

BE IT FURTHER RESOLVED THAT, no work shall commence until a Wetland Activity Implementation Permit is issued by the Town Wetland Inspector: and

BE IT FURTHER RESOLVED THAT, this Wetland Activity Permit shall expire without further written notice if the requirements of this Resolution are not completed, as set forth herein. As provided pursuant to the Town Wetlands and Watercourses Law, this Wetland Activity Permit is subject to revocation should the owner/applicant not comply with the terms and conditions of this Resolution: and

BE IT FURTHER RESOLVED THAT, this Wetland Activity Permit shall expire two (2) years from the date of this Resolution, unless a Certificate of Occupancy has been obtained prior thereto; and

BE IT FURTHER RESOLVED THAT, the Planning Board finds that the applicant has complied with Chapter 189, Stormwater Management and Erosion and Sediment Control, and a Town Stormwater Permit is hereby issued, subject to the conditions set forth below; and

BE IT FURTHER RESOLVED THAT, this Town Stormwater Permit shall expire upon completion of work and shall be valid for a period of two (2) years from the date of this Resolution; and

BE IT FURTHER RESOLVED THAT, Conditions #1 - #12 must be fulfilled within six (6) months of the date of this Resolution. Should these conditions not be satisfied within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) with said 6-month period and granted by the Planning Board.

Conditions to be Satisfied Prior to the Signing of the Approved Plans by the Secretary and Chairman:

1. The applicant shall submit to the Planning Board Secretary an engineering/inspection fee equal to 5% of the estimated cost of construction; said estimate shall be prepared by a design professional, in writing, and approved by the Town Engineer.
2. The applicant shall obtain a Driveway Opening Permit from the Town of Lewisboro Highway Superintendent.
3. The applicant shall obtain a license agreement (or other form of approval) from the Town Board for planting within the Town right-of-way. The applicant shall be responsible for the maintenance and replacement, if necessary, of all plant material.
4. The Tax Assessor shall merge Tax Lots 35, 36 and 48.
5. The lease between the applicant and the owner of Tax Lot 33 shall be submitted.
6. The applicant shall satisfy any outstanding written comments provided by the Town's consultants.
7. Each and every sheet of the approved plans shall contain a common revision date with notation stating "Planning Board Approval", shall contain an original seal and signature of the design professional and shall contain an original signature of the owner(s).

8. The applicant shall submit a "check set" (2 copies) of the approved plans, prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
9. Following review and revision (if necessary) of the final plans, the applicant shall furnish the Planning Board with two (2) complete mylar sets of the approved plans for final review by the Town's consultants and endorsement by the Town Engineer, Planning Board Chairman and Secretary.
10. The applicant shall obtain a Wetland Implementation Permit, as issued by the Town Wetland Inspector.
11. The applicant shall provide a written statement to the Planning Board Secretary acknowledging that they have read and will abide by all conditions of this Resolution.
12. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Conditions to be Satisfied Prior to the Issuance of a Building Permit:

13. Following the endorsement of the approved plans by the Town Engineer, Planning Board Chairman and Secretary, one (1) mylar set will be returned to the applicant for copying and the second mylar set will be retained by the Planning Board as a record copy.
14. Within 10 days after endorsement of the approved plans by the Town Engineer, Planning Board Chairman and Planning Board Secretary, the applicant shall deliver to the Planning Board Secretary nine (9) printed sets of the signed approved plans, collated and folded.

Conditions to be Satisfied Prior to Commencement of Work:

15. Prior to commencement of any site work or construction activity, a site visit shall be conducted with the applicant, contractor, Building Inspector, and the Town's consultants. Prior to the site visit, all erosion and sedimentation controls shall be properly installed by the applicant, the limits of disturbance shall be staked in the field and construction fencing shall be installed as specified on the approved plans.

Conditions to be Satisfied During Construction:

16. During construction the Town's consultants may conduct site inspections, as necessary, to determine compliance with the provisions of this Resolution and the approved plans.

17. A copy of this Resolution, the approved plans, the Wetland Implementation Permit and SWPPP shall be kept on site at all times during construction.
18. All plant material shall be installed between April 1st and October 15th. Plant substitutions, if any, must be previously approved by the Town's consultants.

Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy:

19. Submission of an as-built survey, prepared by a NYS Licensed Land Surveyor and to the satisfaction of the Town Engineer, demonstrating compliance with the approved plans shall be submitted to the Building Inspector and Planning Board (four (4) copies).
20. Certification by a NYS Design Professional that all stormwater management practices and associated improvements have been installed in conformance with the approved plans shall be submitted to the Building Inspector and Planning Board.
21. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved plans, Wetland Implementation Permit and this Resolution.
22. A Certificate of Occupancy shall not issue until there is compliance with the approved plans and the conditions contained herein.
23. The applicant shall obtain a Wetland Certificate of Compliance from the Town of Lewisboro Wetland Inspector.
24. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.
25. The continued validity of a Certificate of Occupancy shall be subject to continued conformance with the approved plans and the conditions of this Resolution.

Other Conditions

26. Unless otherwise approved by the Planning Board, the structure located on Tax Lot 36 shall be used as a single-family residence, as identified as such on the approved plans.

ADOPTION OF RESOLUTION

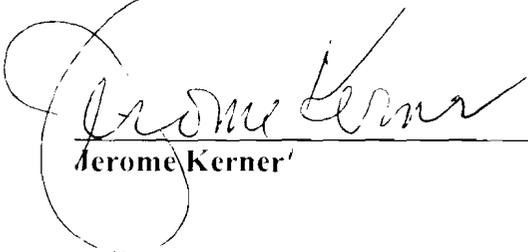
WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: Mr. Tetelman

The motion was seconded by: Mr. La Sorsa

The vote was as follows:

JEROME KERNER	<u>Aye</u>
JOHN O'DONNELL	<u>Aye</u>
RON TETELMAN	<u>Aye</u>
ROBERT GOETT	<u>Absent</u>
GREG LASORSA	<u>Aye</u>



Jerome Kerner

July 21, 2015

- Install drainage features to mitigate for the proposed added impervious cover.
- Eliminate the common property line and merge Tax Lots 35, 36 and 48 into one lot/parcel.

Location: 469 & 475 Smith Ridge Road and 5 East Street, Town of Lewisboro, Westchester County, New York

Reasons Supporting This Determination: The Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c).

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production.

The proposed action will improve vehicle and delivery truck access, circulation and parking when compared to the current operation; all delivery truck traffic will enter and exit on East Street via new curb cuts and driveways that can accommodate large trucks; deliveries currently take place within the East Street right-of-way. The applicant has proposed stormwater drainage improvements to mitigate impacts associated with the proposed added impervious cover. Further, to the extent practicable, additional proposed travel ways will be surfaced with gravel. The applicant has submitted a Stormwater Pollution Prevention Plan (SWPPP), prepared by MWWEISS and Associates, dated May 31, 2015, which complies with Town standards. The proposed action will not negatively impact, air quality, noise, or solid waste.

2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources.

See Finding #1 above.

3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).

There are no Critical Environmental Areas with the vicinity of the project.

4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.

See Finding #1 above. Landscape nursery is a permitted use within the underlying zoning district. Further, the proposed action will not result in a new, or exacerbate an existing, zoning nonconformity.

5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources or the existing character of the community or neighborhood.

See Finding #1 above.

6. The proposed action will not result in a major change in the use of either the quantity or type of energy.

See Finding #1 above.

7. The proposed action will not create a hazard to human health.

See Finding #1 above.

8. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

See Finding #1 above.

9. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.

See Finding #1 above.

10. The proposed action will not create a material demand for other actions that would result in one of the above consequences.

See Finding #1 above.

11. The proposed action will not result in changes in two (2) or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

12. When analyzed with two (2) or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).

13. The Planning Board has considered reasonably related long-term, short-term,

direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

For further information contact:

Lisa Pisera, Planning Board Secretary
Town Offices @ Orchard Square, Suite I. (Lower Level)
20 North Salem Road, Cross River, NY 10518
Phone: (914) 763-5592
Fax: (914) 763-3637

This notice is being filed with:

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