

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, September 29, 2015 at 7:30 p.m.

Present: Jerome Kerner, Chairman
Robert Goett
John O'Donnell
Greg LaSorsa
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Greg Monteleone, Esq., Special Counsel
Joseph Cermele, P.E., CFM, Kellard Sessions Consulting, Town Engineer
Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland Consultant
Danielle Cinguina, Kellard Sessions Consulting, Interim Planning Board Secretary

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

Absent: Ron Tetelman

Mr. Kerner called the meeting to order at 7:32 p.m.

I. DECISION

Cal# 6-15PB

Sprint Spectrum Realty Company, LP, 377 Smith Ridge Road, South Salem, Sheet 050A, Block 09834, Lots 84, 88, 94 (Vista Fire Department, owner of record) - The applicant is proposing to remove and replace the existing three (3) panel antennas with six (6) new panel antennas, along with six (6) Remote Radio Heads (RRHs), tower mounted amplifiers, and other ancillary equipment.

Michael Sheridan, Esq. from Snyder and Snyder was present on behalf of the applicant.

The Board reviewed the draft resolution associated with the Special Use Permit.

Mr. Johannessen noted that the Resolution identified that the proposed action is exempt from the special use permit requirements and meets the threshold for Building Permit only; he also noted that the Planning Board determined, that a public hearing is not necessary.

Mr. O'Donnell questioned if Mr. Johannessen has reviewed the antenna volume calculation; Mr. Johannessen stated that he has reviewed and approved the calculation.

There were no further comments from the Board.

On a motion made by Mr. O'Donnell, seconded by Mr. LaSorsa, the resolution dated September 29, 2015, granting Exemption from Requirements to Sprint Spectrum at the Vista Fire Department, was adopted.

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

Absent: Mr. Tetelman

II. SKETCH PLAN REVIEW

Cal# 8-14PB, Cal# 95-14WP, Cal# 20-14SW

Goldens Bridge Village Center, NYS Route 22, Goldens Bridge, Sheet 4, Block 11126, Lot 07 (Stephen Cipes, owner of record) - Applications for Sketch Plan Review/Site Development Plan Approval, Wetland Activity Permit Approval and Stormwater Permit Approval for the construction of a proposed 2-story multi-use building.

Peter Helmes, AIA from The Helmes Group and Sabri Barisser, P.E. from Bibbo Associates, LLP were present on behalf of the applicant; Robert Lauria, owner, was also present.

Peter Helmes presented the project, explained that the project last appeared before the Board in February, 2015 and that he has done his best to address most of the comments granted from the last meeting. Mr. Helmes presented the plans and explained the details of the project site. He proposes to develop the project in two separate phases. The north end will be developed first along with supermarket improvements. The second phase will be a 10,000 s.f. retail building with additional parking at the south end. The site constraints include off-site wetlands in the form of a stream.

Mr. Helmes noted that the Consultant memorandums have indicated that the applicant will be proceeding with the proposed layout at their own risk.

Mr. Johannessen replied that this statement was made due to the fact that the Board has not yet stated that the proposed layout was acceptable.

Mr. Kerner stated the internal traffic was the overall concern regarding the daycare center. Mr. Kerner also mentioned that consideration for fire and EMS vehicles should be given and after reading the traffic study he was not comfortable with traffic circulation in the north end.

Mr. Helmes introduced Scott Roveto, owner of Little Feet Childcare Center.

Mr. O'Donnell stated that back in 2011, there were significant concerns as to whether a daycare facility should be placed in the north end.

Mr. Helmes described the traffic study completed by Maser Consulting.

Mr. Johannessen mentioned that the recommended on-site improvements will need to be analyzed and, if incorporated into the plans, may change the layout. Mr. Johannessen stated that the ZBA application was made prematurely and the plan comments should have been worked through before an official ZBA application was made.

Mr. Kerner noted that school buses should be able to pull up in front of the building.

Mr. Roveto described the pick-up and drop-off of his day care operation.

Mr. O'Donnell indicated previous discussions about traffic circulation and traffic congestion, as well as concerns of residents.

Mr. LaSorsa mentioned that at certain times of day there might not be adequate traffic circulation.

Mr. Helmes then further explained the existing parking and circulation pattern and redesigning the layout to create a promenade effect.

Mr. LaSorsa noted that there has been two major recent accidents on the plaza. Mr. Lauria responded that he would have no problem putting in decorative bollards across the site.

Mr. O'Donnell suspects it would be worthwhile for the traffic engineer to come to the next meeting and explain the study he completed.

Mr. Goett would like the buses and cars to be pulled closer to the front of the day care facility and his ultimate concern is the safety of children.

Mr. Lauria and Mr. Roveto discussed the time the buses arrive and depart throughout the day.

Mr. Johannessen suggested a solution to the pick-up and drop-off by re-designing the parking layout in front of the building. Mr. Helmes agreed.

Mr. O'Donnell requested the retaining wall design be displayed. Mr. Helmes explained the maximum height of the retaining wall is 19 feet and described the type and materials that will be used in the construction of the walls throughout the site.

Mr. O'Donnell then mentioned the recent NYCDEP Negative Declaration Correspondence. Mr. Johannessen said there will be no coordinated review, each agency will act on their own.

Mr. O'Donnell suggested that a referral be made to ACARC.

Mr. Barisser and Mr. Helmes request a site visit with the Board.

Mr. Johannessen expressed the need for a staff meeting before a resubmission is made.

Mr. Kerner stated that the Planning Board site walk has been scheduled for October 31st at 8:30 a.m.

There was further discussion between Ms. Anderson and Mr. Helmes regarding outdoor seating.

Cal# 4-15PB and Cal# 6-15WP

Wild Oaks Water System Test Wells, Nash Road, South Salem, Sheet 8, Block 11137, Lot 123 (New York American Water, owner of record) – The applicant is proposing to construct one (1) bedrock test well (Test Well #6) located within the Town's 150' wetland buffer.

Stacy Stieber, CPG, from Leggette, Brashears and Graham, Inc. and Richard Ruge, owner, represented the application.

Ms. Stieber explained that the project was before the Board a year ago for two (2) test wells. They are now back before the Board for a third test well. Mr. Kerner asks if these test wells are in reference to establishing capacity and Ms. Stieber agreed.

Mr. Kerner questioned the impact of the project.

Ms. Stieber stated that the area of disturbance is the same as the original well and Mr. Ruge mentions that the new well is actually further away from the wetland boundary.

Mr. Kerner stated the applicant is looking for updated approval based on some modifications.

Mr. O'Donnell suggested that the project be handled administratively in the same fashion as the original application and Mr. Johannessen agrees, so long as the same protocols are established.

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

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

Cal# 54-15WP and Cal# 8-15PB

Wild Oaks Storage Tank Replacement, Fairmount Road, Goldens Bridge, Sheet 7H, Block 11139, Lot 023 (New York American Water, owner of record) - Application for Sketch Plan Review for the proposed construction of a new water storage for the Wild Oaks Water System. The replacement tank would be placed on the same site as the existing tank, on Wild Oaks Water System property located on Fairmount Road.

Kristen Barrett, P.E., from Hazen and Sawyer and Richard Ruge, owner, represented the application.

Ms. Barrett provided an overview of the project.

Mr. O'Donnell stated that the application is for a new tank, which is approximately the same size as the existing tank.

Ms. Barrett identified that no construction road is proposed; the existing paved access road will be utilized.

Mr. Johannessen reviewed the memorandum prepared by Kellard Sessions and the additional details that will be required, as the project moves through the site plan process.

Mr. O'Donnell asked if a height variance is needed and Mr. Johannessen confirmed it is needed.

Mr. Siebert noted that this is a full site plan application, unlisted action. The application should submit a short form EAF.

Mr. Johannessen would like to see the site plan review items addressed, with erosion controls, survey, topography, etc.

Ms. Anderson questioned if the current tank can be rehabilitated and Mr. Ruge stated that it will need to be replaced.

Mr. O'Donnell identified that an application should be submitted to ACARC.

Mr. Johannessen questioned whether any other outside agency approvals are required. Ms. Barrett identified that Health Department approval is needed.

Mr. Cermele questioned the demolition process, if any piping or infrastructure removal would occur.

The Board directed the applicant to respond to all comments and resubmit.

Cal# 6-12PB

Verizon Wireless - Leon Levy Preserve, Route 35, South Salem, Sheet 0040, Block 10263, Lots 1 & 62 (American Towers LLC, owner of record) - Application for a Special Use Permit and renewal associated with the replacement and installation of antennas on an existing communication tower.

Michael Sheridan, Esq. from Snyder and Snyder was present on behalf of the applicant.

Mr. Sheridan explained that this is an exact proposal from two years ago. The project had received approvals and variances which have expired and they are now looking for new approvals.

Mr. Johannessen stated that the Board approved this project in December of 2012. The resolution was adopted, but the resolution conditions were not satisfied and the plans were never signed. The applicant should confirm with the ZBA if the height variance has expired. Mr. Sheridan will reapply for variance if needed.

Mr. Kerner scheduled a public hearing for the October 20th meeting. He also referred the project to the AAB and ACARC.

Mr. O'Donnell requested that the Town Planner prepare a resolution for the next meeting.

Mr. Johannessen requested that Mr. Sheridan prepare an EAF.

III. PROJECT REVIEW

Cal# 50-15WP (PLEASE NOTE THIS APPLICATION WAS TAKEN OUT OF AGENDA ORDER)

South Salem Fire District Dry Hydrant at 76 Twin Lakes Road, South Salem, Sheet 34B, Block 11831, Lot 41 (Nancy and Paul Sutera, owners of record) - Application for installation of a dry hydrant.

Michael Lombardi from the South Salem Fire Department was present.

Mr. O'Donnell mentioned a copy of the proposed easement was submitted and asked for review of the easement by Mr. Johannessen and Mr. Siebert.

Ms. Anderson stated that this dry hydrant will be installed near the Twin Lakes water main and there has been good communication and partnership between Twin Lakes Water Works and the Fire Department.

On a motion made by Mr. O'Donnell, seconded by Mr. LaSorsa, the Board determined that the proposed action would be handled administratively by the Town Wetland Inspector and following legal review by Mr. Siebert.

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

IV. EXTENSION OF TIME

Cal# 6-14PB and Cal# 65-14WP (PLEASE NOTE THAT THIS REQUEST WAS TAKEN OUT OF AGENDA ORDER)

Shelby White, 199 Elmwood Road, South Salem, Sheet 49C, Block 9834, Lots 62 & 80 (Shelby White, owner of record) - Request for an Extension of Time to the resolution granting Final Subdivision Plat, Lot Line Change and Wetland Activity Permit, dated November 18, 2014.

James Coleman, Architect, was present on behalf of the applicant.

Mr. Coleman stated he has been working with Site Design Consultants to receive WCDH approval.

Mr. Siebert stated he has received the required legal description.

Mr. Johannessen stated he has received the legal description and the check set of plans for review.

On a motion made by Mr. Goett, seconded by Mr. LaSorsa a 90-day extension of time to December 28, 2015 was granted to Shelby White – 195 & 199 Elmwood Road – Sheet 49-C, Block 9834, Lot 62 and 80.

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

IV. PROJECT REVIEW

Cal# 3-13 PB

Silvermine Preserve Subdivision, Silvermine Drive & Lockwood Road, Lewisboro, Sheet 48, Block 10057, Lot 15 (Ridgeview Designer Builders, Inc. & Daniel Higgins, owners of record) - Applications for Subdivision, Wetland Activity Permit and Stormwater Permit. Plans have been revised in response to comments from the Town Consultants in a memorandum dated December 10, 2014.

Tim Allen, P.E. from Bibbo Associates, LLP, was present on behalf of the applicant.

Tim Allen reviewed the current status of the project; the project will have to go to the Town Board for approval. Mr. Allen discussed the road profiles and Mr. Cermele identified that this can be discussed when they meet with Peter Ripperger of the Highway Department.

Mr. Johannessen stated the project needs a SEQR determination in order to get a Town Board Referral. He identified that a wetland mitigation plan and an EAF must be submitted before a Negative Declaration could be issued.

Mr. O'Donnell asked for any progress on the future open space trails and what form of ownership the trails and stormwater improvements will have. Mr. Allen stated that the HOA will maintain the open space trails; he also stated that the HOA will maintain the private road and stormwater.

Mr. Kerner asked if the roads would be turned over to the Town and Mr. Johannessen stated that the roads were designed to Town standards, but will be privately owned and maintained.

Mr. Anderson had some of the same review points with regards to wetland mitigation, the ongoing maintenance of the stormwater basins, and who will be maintaining the open space trails.

Mr. Johannessen stated that once the wetland mitigation and EAF have been reviewed and those issues ironed out, that a Negative Declaration and Preliminary Subdivision Resolution can be prepared.

Cal# 53-15WP and Cal# 11-15SW

Kelly, David and Judy, 57 South Shore Drive, South Salem, Sheet 33D, Block Camp, Lot 01 (David and Judy Kelly, owner of record) - Application for Wetland Permit and Town Stormwater Permit associated with the construction of an addition to a residence, new garage and rain garden.

Mr. Kerner recused himself from the project and left the room.

Jeri Barrett from J.D. Barrett & Associates, was present on behalf of the applicant; the owners, David and Judy Kelly, were also present.

Mr. Barrett reviewed the project and described the proposed renovations to the existing home. He stated the lake association has given the owners approval for the project. He also mentioned that he will contact Kellard Sessions to witness testing to make sure the site has adequate soils for the proposed stormwater. He then discussed the plantings to be installed across the property.

Mr. Cermele asks if stormwater runoff from the existing home will flow into the new garden and Mr. Barrett stated that some of the stormwater will.

Mr. Barrett requested clarification of the CAC comments.

Mr. Goett questioned the generator location and the noise level.

Mr. Johannessen and Mr. Cermele confirmed that they are satisfied with the project and will continue their review.

Ms. Anderson stated her concerns about the generator noise and location and setting a precedent with the CAMP owners regarding site setbacks.

Mr. O'Donnell questioned the location of the 150 foot wetland line and what work is being done in undisturbed areas. All work is proposed in lands that have been previously disturbed.

Mr. Goett would like to hear from the property owner that disagreed with the property improvements.

Mr. O'Donnell requested that a public hearing be scheduled for the October 20th meeting.

Mr. Barrett will meet with Mr. Johannessen on Thursday to discuss the remaining comments and will resubmit in advance of the October meeting.

Cal# 55-15WP

Kemp/Ahn Residence Addition and Alteration, 30 Sullivan Road, North Salem, Sheet 12, Block 11360, Lot 5 (Warren Kemp and Angie Ahn, owners of record) - Application for a Wetland Permit associated with an addition to a residence, bluestone entry walk and patio, stormwater systems and associated improvements.

Bob Eberts, R.A. from Cross River Architects, was present on behalf of the applicant.

Mr. Eberts reviewed the property and the proposed action. He also discussed existing stormwater and the proposed improvements. Mr. Eberts stated that the NYSDEC has a general 50 foot buffer on the property and Mr. Johannessen clarified the NYSDEC's general permit specifications. Mr. Eberts stated that the NYSDEC has approved the project and the NYSDEC validation block is forthcoming. Mr. Eberts also described the interior of the home and the need for the proposed improvements.

Mr. Johannessen concluded that Mr. Eberts has addressed many of the comments regarding wetland and stormwater mitigation. He would also like a letter from the Building Inspector or the WCDH regarding whether WCDH approval is needed.

Ms. Anderson questioned the existing septic system and whether the expansion area can be moved.

On a motion made by Mr. O'Donnell, seconded by Mr. LaSorsa, the Board determined that the proposed action would be handled administratively by the Town Wetland Inspector.

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

V. EXECUTIVE SESSION

On a motion made by Mr. O'Donnell, seconded by Mr. LaSorsa, the Board entered into executive session at 10:08 p.m.

On a motion made by Mr. O'Donnell, seconded by Mr. LaSorsa, the Board adjourned the executive session at 10:43 p.m. and reopened the Planning Board meeting.

VI. CORRESPONDENCE AND GENERAL BUSINESS

The Board adopted a resolution recognizing Lisa Pisera and her service to the Planning Board.

VII. MINUTES OF August 18, 2015

On a motion made by Mr. O'Donnell, seconded by Mr. LaSorsa, the minutes of August 18, 2015 were adopted.

VIII. ADJOURNMENT

On a motion made by Mr. Goett, seconded by Mr. LaSorsa, the meeting was adjourned at 10:46 p.m.

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

Respectfully Submitted,



Danielle Cinguina
Interim Planning Board Secretary