

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, February 23, 2016 at 7:30 p.m.

Present: Jerome Kerner, Chairman
Greg La Sorsa
John O'Donnell
Tony Palmesi
Ron Tetelman
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
David J. Sessions, RLA, AICP, Kellard Sessions Consulting, Town Wetland Consultant
Joseph Cermele, AICP, Kellard Sessions Consulting, Town Engineer
Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland Consultant
Ciorsdan Conran, Planning Board Secretary

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

Mr. Kerner called the meeting to order at 7:30 pm and noted the exits.

I. WETLAND VIOLATION

Cal# 5-14WV, Cal# 6-16WP

Caban, 31 South Shore Road, South Salem, NY 10590, Sheet 33D, Block CAMP, Lot 13, (Ryan and Patricia Caban, owners of record) Application for Wetland Activity Permit and property restoration.

Ryan and Patricia Caban, owners, and Barry Naderman, P.E., Naderman Land, Planning and Engineering were present.

Mr. Naderman stated there was an oil line rupture under a sidewalk at the property on September 7, 2013 resulting in a leak and oily sheen on Lake Waccabuc. He noted the Department of Environmental Conservation's (DEC) excavations and soil samplings left the property riddled like "Swiss cheese." The applicants are applying for a Wetland Activity Permit to restore the property and have a plan to remove brush piles and stumps and fill in excavated areas. Mr. Naderman asked for this Wetland Permit to be handled administratively.

Mr. Sessions concurred with Mr. Naderman's summary and reviewed the Kellard Sessions review memo dated February 12, 2016. He requested that the plan document an approximate wetland line and the area of disturbance to determine if a Stormwater Permit is required. He suggested a 10' to 15' wide area along the lake frontage be planted with a ground cover or low shrubs.

Ms. Anderson asked since the sidewalk caused the original damage to the oil line how could this be avoided from happening again. Mr. Naderman stated the owners will not be using oil heat, the oil line has been removed and the above-ground oil tank is empty.

Mr. Tetelman agreed that showing an approximate wetlands line was acceptable and this matter should be handled administratively.

Mr. O'Donnell asked if neighbors had reviewed the plans. He stated that the neighbors should be heard and that a letter from the neighbors and/or lake group should be submitted to the Board. He agreed that work should start on this restoration and that the Wetland Inspector should issue an administrative permit but the community should be heard, either through a letter or a public hearing, prior to issuing the final permit.

Mr. Kerner requested the applicants contact the Homeowners Association board.

Mr. Siebert noted that the oil spill has been closed out by the DEC.

On a motion made by Mr. Tetelman, seconded by Mr. O'Donnell, the Board determined that a Wetland Permit for initial restorative work will be handled administratively and directed the owners to appear and provide a progress report at the Board's April 19, 2016 meeting, with written comments from neighbors, if any.

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

II. PUBLIC HEARING

Cal# 5-01PB

"Falcon Ridge Subdivision," Falcon Ridge Drive, Goldens Bridge, NY, Sheet 8, Block 11137, Lot 18 (Boniello Land & Realty, LTD owner or record) - Application for Reduction of Bond.

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

Prior to the start of the meeting, Mr. Boniello submitted the receipt for mailing the public hearing notice, affidavit of mailing, green cards from the certified mailing and a photograph of the public hearing sign at the site to the Planning Board Secretary.

Gus Boniello, owner, was present and requested a Reduction of Bond for the Falcon Ridge Subdivision from \$1,811,123.00 to \$181,112.30.

Mr. Kerner read a February 22, 2016 email from Anthony Mole, Town Attorney, "The Town Board authorized the bond reduction, and all is in order at this point for the bond reduction."

Mr. Cermele described a final walk through held with the owner and the Highway Dept. He noted that all the punch list items are completed and Kellard Sessions prepared a memo recommending the reduction of the bond to 10%.

Mr. Johannessen noted that a site walk of the trail has been scheduled for next week with Open Space and Preserves Advisory Committee Chair Greg Monteleone and Town Board member Dan Welsch.

Mr. Boniello noted that the trail was completed. Ms. Anderson asked if the trail was open to the public. Mr. Boniello responded it is.

There were no comments by the public.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the resolution dated February 23, 2016 granting a reduction of the Falcon Ridge performance bond from \$1,811,123.00 to \$181,112.30 was adopted and the public hearing was closed.

In favor: Mr. Kerner, Mr. LaSorsa and Mr. Tetelman.

Abstain: Mr. O'Donnell and Mr. Palmesi

III. REQUEST FOR EXTENSION OF TIME

Cal # 39-14 WP and Cal#15-45SW

J-2 Boniello Builders, property fronting Bouton Road, South Salem, NY 10590 Sheet 26, Block 10803, Lot 18 (Gus Boniello, owner of record) – Request for Extension of Time to resolution granting Wetland Activity Permit approval and Town Stormwater Permit dated May 19, 2015.

Jared Boniello and Jesse Boniello, the owners, were present requesting an extension of time of 90 days.

Mr. Johannessen noted the applicants are very close to satisfying all conditions and should have plans ready for the Planning Board to sign shortly. He noted the one outstanding item is a conservation easement which has been reviewed by Anthony Mole and revisions have been sent to Bibbo Associates.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, a 90-day extension to May 19, 2016 was granted to J2 Boniello, Bouton Road, to comply with the Wetland Activity Permit approval and Town Stormwater Permit, dated May 19, 2015.

In favor: Mr. Kerner, Mr. LaSorsa and Mr. Tetelman.

Abstain: Mr. O'Donnell and Mr. Palmesi.

IV. ADDITIONAL PUBLIC HEARINGS

Cal #8-15PB

Wild Oaks Storage Tank Replacement, Fairmount Road, Goldens Bridge, NY 10526, Sheet 7H, Block 11139, Lot 23 (New York American Water, owner of record) - Application for Site 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 a Wild Oaks Water System property located on Fairmount Road.

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

Kristen Barrett, P.E., Hazen and Sawyer, and Richard Ruge, New York American Water, were present on behalf of the owner. During the meeting, Ms. Barrett submitted the receipt for mailing the public hearing notice, affidavit of mailing, green cards from the certified mailing and a photograph of the public hearing sign at the site to the Planning Board Secretary.

Ms. Barrett noted that since the November 2015 Planning Board meeting the plans to replace the water storage tank received three approvals: ZBA for set-back variance (November 18, 2016), Westchester County Health Dept. (February 8, 2016) and ACARC (February 10, 2016).

Mr. O'Donnell questioned Ms. Barrett and Mr. Ruge concerning potential blasting, frost protections and the color of the tank. They responded that it was uncertain whether blasting would be necessary, but that permits would be obtained in the event this occurred. The applicant stated that a geotechnical engineer would supervise the work and they would utilize the base recommended by the geotechnical expert. They also stated that the construction plans addressed frost issues and the tank will be in a green hue.

Mr. O'Donnell further inquired as to the 10' fence shown on the plan and current fencing on the site. The applicant responded that the proposed fence (topped with barbed wire) is new and the result of Homeland Security requirement.

Mr. Johannessen noted the applicant has met all conditions and Kellard Sessions has drafted a resolution.

The CAC had no further comments on this matter.

There were no comments by the public.

On a motion made by Mr. O'Donnell, seconded by Mr. Palmesi, the resolution dated February 23, 2016 granting Site Development Plan Approval to New York American Water for its Wild Oaks Storage Tank Replacement on Fairmount Road was adopted and the public hearing was closed.

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

Cal#3-15PB

Orchard Square Site Restoration Plan – 20 North Salem Road, Cross River, NY 10518, Sheet 17, Block 10533, Lot 89 (EK Cross River, LLC, owner of record) – Application for Waiver of Site Development Plan Procedures for the restoration of the plaza area, including tree plantings and new lighting.

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

Frank Giuliano, R.L.A., Frank Giuliano – Landscape Architects, was present on behalf of the applicant.

Prior to the start of the meeting, Mr. Giuliano submitted the receipt for mailing the public hearing notice, affidavit of mailing, green cards from the certified mailing and a photograph of the public hearing sign at the site to the Planning Board Secretary.

Mr. Giuliano summarized the conditions of the ACARC Resolution dated February 10, 2016: the westernmost walkway is to be shifted so as not to terminate at the building's pier; the proposed Nyssa tree near the Chase Bank may be removed due to existing underground infrastructure; and there will be four tables instead of three (one to be handicap accessible).

Mr. Johannessen reviewed the photometrics and determined the foot candle measurements were compliant. He noted that four items from the Kellard Sessions review memo have become conditions 4), 5a), 5b) and 5c) of the resolution. The conditions generally relate to crosswalks, parking and traffic signs.

Ms. Anderson asked if an electric vehicle charging station could be added to the plan. Mr. Kerner asked the applicant to discuss the inclusion of a charging station in future plans with the owner.

There were no comments by the public.

On a motion made by Mr. O'Donnell, seconded by Mr. LaSorsa, the resolution dated February 23, 2016 granting Amended Site Development Plan Approval to Orchard Square, 20 North Salem Road, was adopted and the public hearing was closed.

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

V. DECISION

Cal# 12-10PB

Hayes/Stein Subdivision, 124 North Salem Road, South Salem, NY, Sheet 15, Block 10533, Lots 7, 8 & 9 (Jocelyn Hayes and Janet Stein, owners of record) – Application for Preliminary and Final Subdivision Plat in connection with a three-lot subdivision.

Taylor Palmer, Esq., from Cuddy & Feder, was present on behalf of the applicants.

Mr. Palmer summarized the submission as a procedural lot realignment to meet the Town's subdivision requirements with no improvements to be considered for this application.

Mr. Johannessen noted the applicant has met all conditions and Keane and Beane has drafted a resolution with a SEQRA negative declaration.

The CAC had no further comments on this matter.

There were no comments by the public.

The Board and its attorney discussed a neighbor's request that the Building Inspector visit the property. Mr. Siebert stated that the Board's jurisdiction is limited to the subdivision application alone and that enforcement matters are the jurisdiction of the Building Inspector who will not enter the property without consent of the owner or unless required to do so as part of a building department permit application.

On a motion made by Mr. O'Donnell, seconded by Mr. LaSorsa, the resolution dated February 23, 2016 and issuing SEQRA Negative Declaration and granting Preliminary and Final Subdivision Plat Approval to Jocelyn Hayes and Janet Stein was adopted.

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

Abstain: Mr. Tetelman and Mr. Palmesi.

VI. PROJECT REVIEW

Cal# 7-15PB, Cal# 31-15WP

Fortune Home Builders – Duffy's Bridge Road, Goldens Bridge, NY, Sheet 2, Block 10516, Lot 1 (Glickenhau Bedford Development, owner of record) – Application for Wetland Activity and Stormwater Permits for the construction of a single-family residence on an undeveloped lot.

Several days prior to the meeting applicant asked to be placed on next month's agenda.

No discussion took place. Project will be on March 15, 2016 agenda.

VII. SKETCH PLAN REVIEW

Cal #10-15 PB

Wilder Balter Partners, NY State Route 22, Goldens Bridge, NY 10526, Sheet 5, Block 10776, Lots 19, 20 & 21 (Property Group Partners, LLC, owner of record) – Application for a 46 unit MF development on a ±35.4 acre parcel.

John Bainlardi, Wilder Balter Partners, was present on behalf of the owner.

Mr. Bainlardi noted the updates shown on the revised site plan (dated 2/4/16): a sidewalk to connect the development to Route 22, parking spaces near entrance on Route 22, refined grading and preliminary storm water and drainage.

He noted that they also submitted an EAF, Part III including preliminary SWPPP and waste water report (dated 2/2/16), a traffic impact study (dated 1/29/16) and a favorable letter from the Town's Housing Committee (dated 1/25/16).

Mr. Bainlardi presented to the Colony Homeowners Association on January 31, 2016 and that group was concerned as to whether the proposed development's wells would affect the Colony's water supply. Mr. Bainlardi stated the project is a mile away from the Colony and he will have flow tests conducted to determine if the new wells affect the Colony.

Mr. Bainlardi discussed the responses to the Planning Board being named the Lead Agency for the coordinated environmental review under the State Environmental Quality Review Act and noted that several were still outstanding. He would like to schedule a balloon test and tour of Wilder Balter's development Bridleside in North Salem. Mr. Kerner said they would discuss scheduling these as part of the Board's Executive Session.

Mr. LaSorsa requested that the existing cell tower on Route 22 be shown on future plans. Mr. O'Donnell requested that distances to the Goldens Bridge train station, post office, community center and grocery store also be shown measured from the midpoint of proposed Building 3. Mr. Bainlardi stated this would be done with an aerial map, with distances in feet.

Cal#1-16 SW, Cal#1-16 WP

Lichtman, 192 Kitchawan Road, South Salem, NY 10590, Sheet 45, Block 10300, Lot 012 (Cheryl Chess and Aaron Lichtman, owners of record) - Application for demolition and removal of existing five-bedroom house, cottage and pool house. Application for Wetland Activity Permit and Stormwater Permit for the construction of a new five-bedroom house, garage, pool house, courtyard and modified driveway.

Aaron Lichtman, owner; Ralph Mackin, AIA , Ralph R. Mackin Architects, PLLC; Scott Blakeley, P.E., Insite Engineering; and Steve Coleman, SW Coleman Environmental Consulting were present.

Mr. Kerner noted that 90% of items in the last comment letter were not addressed and requested the applicant limit the discussion to updates and Mr. Tetelman's suggestion from the January meeting to pivot the house in order to pull it out of the 150' buffer.

Mr. Blakeley noted that based on the comments from Kellard Sessions and the Board his firm updated the Sketch Plan (dated 2/4/16) and the placement of the proposed house is limited by setbacks, state and local wetland lines, septic constraints, an existing knoll and steep slopes. He requests a site walk for the Board to understand the location of the proposed house.

The Board requested that, at the site visit, trees to be removed be marked and the septic area staked.

Mr. Mackin and Mr. Lichtman reviewed the current COs and noted the site is a seven-bedroom system, with a five-bedroom house and pool house being proposed. Mr. Lichtman stated the barn is to be used as a barn and the amount of impervious surface is to be reduced by 17%.

The Board requested an aerial showing adjacent parcels and locating neighboring residences.

The Board scheduled a site visit for Saturday, March 12th at 8:15 am.

VIII. REQUESTS FOR EXTENSION OF TIME

Cal# 8-02PB

Popoli Subdivision, 1437 Route 35, South Salem, NY 10590 Sheet 0040, Block 10552, Lot 003 (Pasquale Popoli & Angelo Sicuranza, owners of record) - Request for extension of time to meet requirements of the Approving Resolution dated September 28, 2010.

Mr. Jim DeLalla, DeLalla & Associates, LLC, was present on behalf of the owner requesting an extension of time of 90 days.

Mr. DeLalla stated the contract is in final negotiations.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the Board granted a 90-day extension of subdivision approval, expiring on June 6, 2016.

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

Cal# 9-13PB

JT Farm 1125 Route 35, South Salem, NY 10590 Sheet 26, Block 10541, Lots 27 & 28 (Peace & Carrots, LLC, owner of record) Request for extension of time granting Final Subdivision Plat Approval – Lot Line Change – Resolution dated November 18, 2014.

Mr. Steven Spina, P.E., John Meyer Consulting, was present on behalf of the owner requesting an extension of time of 90 days due to stamp smudges on the previous set of mylars. Mr. Spina gave the chair the redone mylars.

On a motion made by Mr. Tetelman, seconded by Mr. O'Donnell, the Board granted a 90-day extension to the applicant's Final Subdivision Plat Approval Subdivision, expiring on May 16, 2016.

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

Cal#12-13PB and Cal# 13-14SW

Guillermo Arias, 411 Smith Ridge Road, South Salem, NY 10590 Sheet 0050, Block 09834, Lot 28, & Lexus Holding Company, LTD, Smith Ridge Road, South Salem, Sheet 0050, Block 09834, Lot 162 – Request for extension of time granting Final Subdivision Plat Approval and Stormwater Permit Approval for a two (2) lot subdivision.

No one was present for the applicant. Due to icy roads in the weather forecast Site Design Consultants did not send a representative.

Mr. Siebert will review the deed restriction and work with the applicant's attorney to finalize.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the Board granted a 60-day extension of subdivision approval, expiring on May 27, 2016.

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

IX. CORRESPONDENCE AND GENERAL BUSINESS

Reduced copies of plans to Planning Board

The Board, its consultants and the CAC discussed moving away from full-size plans to scaled, half-size copies (18" x 24"). Mr. O'Donnell and Ms. Anderson stated they would like to receive full-size copies. Mr. LaSorsa and Mr. Palmesi noted that their preferred plan size would depend on the type of submission. As long as the Board receives digital materials Mr. Kerner and Mr. Tetelman stated they are fine with half-size drawings.

Mr. Johannessen cited that a number of applicants and consultants have asked if they can provide the Board with half-size versions but added that the Planning Office and Kellard Sessions would still need to receive full-size copies.

Mr. Siebert is to review the Town Code as to size requirements for plans.

Mr. Conran will consider accepting five full-size and four half-size copies for new submissions after March 1 and have the Town web site updated accordingly.

Applicant's Presentations

The Board explored the mechanics of projected presentations. Mr. O'Donnell noted that applicants using projectors might set them up prior to the meeting. Mr. Kerner stated that while projecting plans is not required applicants should be encouraged to do so.

Ms. Anderson suggested the installation of a small shelf along the wall to allow applicants to prop up their boards. Mr. Johannessen mentioned the cork board at Town House

Ms. Conran will contact Joel Smith and the Court Clerks about installation of a shelf and a cork strip.

X. MINUTES OF January 26, 2016

On a motion made by Mr. LaSorsa, seconded by Mr. Tetelman, the minutes of January 26, 2016 were adopted.

In favor: Mr. LaSorsa, Mr. O'Donnell, Mr. Palmesi and Mr. Tetelman.

Abstained: Mr. Kerner

XI. ADDITIONAL CORRESPONDENCE AND GENERAL BUSINESS

Attachments to Minutes

Mr. O'Donnell suggested that the Board consider attaching to its minutes items including reports or pertinent correspondence such as the Board's proposed 2016 meeting dates and recent letters to the Town Board pertaining to changes in zoning and income level for middle income housing. The Board agreed with this suggestion.

XII. EXECUTIVE SESSION

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the Board entered into executive session at 9:54 p.m.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the Board adjourned the executive session at 10:16 p.m. and reopened the Planning Board meeting.

XIII. ADJOURNMENT

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the meeting was adjourned at 10:16 pm.

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

Respectfully Submitted,



Ciorsdan Conran
Planning Board Secretary



**RESOLUTION
LEWISBORO PLANNING BOARD**

SITE DEVELOPMENT PLAN APPROVAL

**WILD OAKS WATER STORAGE TANK REPLACEMENT
FAIRMOUNT ROAD**

Sheet 7H, Block 11139, Lot 23
Cal. # 8-15 PB

February 23, 2016

WHEREAS, the subject property consists of ± 1.0 acre of land located off Fairmount Road and within the R-MF Zoning District (“the subject property”); and

WHEREAS, the subject property is developed with a 120,000 gallon above-ground water storage tank which services the Wild Oaks water system; and

WHEREAS, the subject property has no road frontage and is accessed via an easement which extends over private property from Fairmount Road; and

WHEREAS, New York American Water (“the applicant”) is proposing to replace the existing water tank with a new $\pm 40'$ H x $25'$ D ($\pm 143,000$ gallon) above-ground water storage tank (“the proposed action”); and

WHEREAS, the proposed new tank will be located approximately 50 feet south of the existing tank and will be accessed via a gravel driveway which is proposed to extend from the existing traveled way; and

WHEREAS, the applicant obtained a side yard setback variance from the Zoning Board of Appeals (see Resolution dated November 18, 2015; Cal. No. 35-15-BZ); and

WHEREAS, reference is made to an existing conditions survey entitled “Wild Oaks Water District”, prepared by Badey & Watson Surveying and Engineering, P.C. and dated (last revised) September 14, 2015; and

WHEREAS, reference is made to a Geotechnical Engineering Report, prepared by Haley & Aldrich, dated December, 2015; and

WHEREAS, the proposed action has been approved by the Westchester County Department of Health (WCDH); see letter and permit dated February 8, 2016; and

WHEREAS, the proposed action will result in $\pm 4,800$ s.f. of land disturbance and, therefore, a Town Stormwater Permit is not required; and

WHEREAS, the proposed action will not result in any land disturbance within any jurisdiction wetland, watercourse or buffer area; and

WHEREAS, the Planning Board referred the application to the ACARC on October 1, 2015 for review and recommendation; and

WHEREAS, reference is made to the ACARC resolution, dated February 10, 2016 (Cal. No. 03-16-ACARC).

WHEREAS, the application has been referred to the Conservation Advisory Council (CAC) for review and comment; and

WHEREAS, the Planning Board conducted a duly noticed public hearing which was opened and closed on February 23, 2016, at which time all interested parties were afforded an opportunity to be heard; and

WHEREAS, the Planning Board has considered the submitted Site Development Plan Application; correspondence from outside agencies; 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 ZBA, ACARC and CAC.

NOW THEREFORE BE IT RESOLVED THAT, the proposed action is an Unlisted Action under the State Environmental Review Act (SEQRA) and the Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7c and determined that the proposed action will not have a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED THAT, 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

BE IT FURTHER RESOLVED THAT, the Planning Board hereby issues the attached Negative Declaration of Significance; 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 as "the approved plans", prepared by Hazen and Sawyer and dated December, 2015, subject to the below conditions:

- Cover Sheet
- Civil Existing Conditions (C-1)

- Civil Erosion and Sediment Control Plan and Final Site Plan (C-2)
- Civil Erosion and Sediment Control Details (C-3)
- Civil Details (C-4)
- Mechanical Storage Tank Plans and Sections (M-1)
- Mechanical Details (M-2)

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, Conditions #1 - #13 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 provided by the applicant, in writing, and approved by the Town Engineer.
2. The plans and details shall be revised to incorporate the recommendations outlined within the ACARC's resolution, dated February 10, 2016 (Cal. No. 03-16-ACARC).

3. The site plans shall be revised to specify that the existing and proposed traveled way/access driveway shall not be paved (portion located on the subject property).
4. The color of the proposed tank shall be specified on the approved plans; the color shall be consistent with that approved by ACARC.
5. The Building Inspector shall determine whether the height of the proposed chain link fence (10-feet) is permissible. If the Building Inspector determines that the fence height is not compliant, the approved plans shall either be revised to illustrate a compliant fence or the applicant shall obtain a variance.
6. The Town's standard signature blocks for the Planning Board Chairman, Planning Board Secretary, Town Engineer and owner shall be added to the approved plans (all sheets).
7. The submitted existing conditions survey shall be signed and sealed by the preparer.
8. The applicant shall satisfy any outstanding written comments provided by the Town's consultants.
9. 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).
10. 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.
11. 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.
12. 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.
13. 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:

14. 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.

15. 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 plans, collated and folded.

Conditions to be Satisfied Prior to Commencement of Work:

16. 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:

17. 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.
18. A copy of this Resolution and approved plans shall be kept on site at all times during construction.
19. Supervision of construction shall be conducted by a NYS licensed Professional Engineer, to be employed by the applicant.

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

20. The existing tank shall be removed.
21. Submission of an Approval of Completed Works, as issued by the WCDH.
22. The applicant shall submit a letter from the NYS licensed Professional Engineer, certifying that the work completed is in accordance with the plans approved herein.
23. 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).
24. The Building Inspector and Town's consultants shall conduct a final site visit to determine conformance with the approved plans and this Resolution.

- 25. A Certificate of Occupancy shall not issue until the Town Engineer has conducted a site visit and has determined that the subject property has been developed in accordance with the approved plans.
- 26. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.

Other Conditions

- 27. The continued validity of a Certificate of Occupancy shall be subject to continued conformance with the approved plans and the conditions of this Resolution.

ADOPTION OF RESOLUTION

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

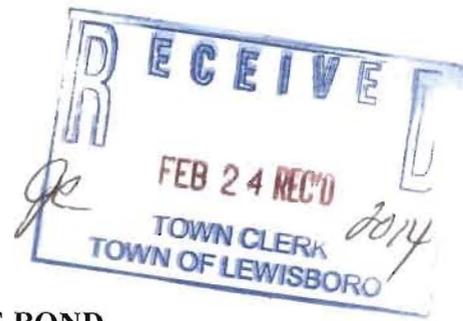
The motion was moved by: John O'Donnell

The motion was seconded by: Anthony Palmesi

The vote was as follows:

JEROME KERNER	<u>aye</u>
JOHN O'DONNELL	<u>aye</u>
RON TETELMAN	<u>aye</u>
GREG LASORSA	<u>aye</u>
ANTHONY PALMESI	<u>aye</u>

Jerome Kerner
Jerome Kerner February 23, 2016



**RESOLUTION
LEWISBORO PLANNING BOARD**

AUTHORIZING REDUCTION OF PERFORMANCE BOND

BONIELLO LAND & REALTY – FALCON RIDGE SUBDIVISION

Cal. # 5-01 P.B.

February 23, 2016

WHEREAS, by Resolution adopted on August 11, 2009, the Planning Board granted Final Subdivision Approval to Boniello Land & Realty for a residential subdivision within the Town of Lewisboro commonly known as “Falcon Ridge”; and

WHEREAS, a condition of this approval was the delivery of a performance bond in the amount of \$1,811,123 to guarantee completion of project infrastructure within this subdivision; and

WHEREAS, this condition of approval further provided that 10% of the bond amount would be retained for a period of one (1) year after dedication papers and certificate of title to project improvements are filed and accepted; and

WHEREAS, project infrastructure has been completed to Town requirements and the Lewisboro Town Board has accepted dedication of Falcon Ridge Drive; and

WHEREAS, on January 25, 2016, the Lewisboro Town Board authorized the Planning Board to reduce this performance security to the above-stated 10% in accordance with §195-17(I) of the Town Code; and

WHEREAS, the Planning Board conducted a duly noticed public hearing on February 23, 2016, at which it considered this bond reduction; and

WHEREAS, the Planning Board finds that improvements have been satisfactorily completed so as to warrant reduction of the performance bond to the 10% specified in its August 11, 2009 Resolution;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with its August 11, 2009 Resolution and §195-17(I) of the Town Code, the Planning Board authorizes the reduction of the performance bond to the amount of \$181,112.30.

ADOPTION OF RESOLUTION

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

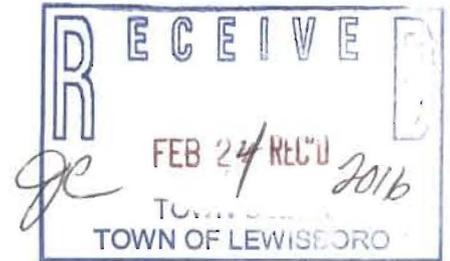
The motion was moved by: Ron Tetelman

The motion was seconded by: Greg LaSorsa

The vote was as follows:

JEROME KERNER	<u>aye</u>
JOHN O'DONNELL	<u>abstain</u>
RON TETELMAN	<u>aye</u>
GREG LASORSA	<u>aye</u>
ANTHONY PALMESI	<u>abstain</u>

Jerome Kerner
Jerome Kerner, Chairman February 23, 2016



**RESOLUTION
LEWISBORO PLANNING BOARD**

AMENDED SITE DEVELOPMENT PLAN APPROVAL

**ORCHARD SQUARE
20 NORTH SALEM ROAD**

**Sheet 17, Block 10533, Lot 89
Cal. #3-15 P.B.**

February 23, 2016

WHEREAS, the subject property contains the Orchard Square Shopping Center and consists of ±5.39 acres of land, located at the intersection of NYS Route 35 and NYS Route 121 and within the RB Zoning District (“the subject property”); and

WHEREAS, EK Cross River, LLC (“applicant”) is proposing landscaping, hardscaping and lighting improvements within the upper level of the shopping plaza, including a new pedestrian plaza and sitting area, new light poles and lighting fixtures, new crosswalks consisting of block pavers, and replacement of existing shade trees (“the proposed action”); and

WHEREAS, reference is made to the Existing Conditions Survey, prepared by Insite Engineering, Surveying and Landscape Architecture, P.C. and dated August 21, 2015; and

WHEREAS, the general layout of the parking lot and circulation pattern is not proposed to change; and

WHEREAS, reference is made to the last approved site development plan for the subject property, consisting of four (4) sheets, prepared by Design Development and dated (last revised) February 1, 2012; and

WHEREAS, reference is made to Planning Board resolutions dated April 27, 2010 and February 14, 2012 (Cal. #6-10 P.B.); and

WHEREAS, the proposed change of use qualifies for a waiver of Site Development Plan application procedures under §220-47A(2) of the Zoning Code; and

WHEREAS, a “notification referral” has been made to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law; and

WHEREAS, the Planning Board is familiar with the subject property and the general surrounding area; and

WHEREAS, the Planning Board has considered the submitted Site Development Plan Application, materials submitted by the applicant in support of its proposal, the written and

verbal comments from the Board's professional consultants, the verbal commentary made during Planning Board meetings, and testimony of the applicant; and

WHEREAS, the Planning Board has referred the application to the ACARC and the CAC; and

WHEREAS, reference is made to the ACARC resolution, dated February 10, 2016 (Cal. No. 04-16-ACARC); and

WHEREAS, the proposed action has been determined to be a Type II Action and is categorically exempt from the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Planning Board conducted a duly noticed public hearing which was opened and closed on February 23, 2016, at which time all interested parties were afforded an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board hereby grants amended 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 as "the approved plans", prepared by Frank Giuliano, Landscape Architect, and dated (last revised) October 21, 2015, subject to the below conditions:

- Removal Plan
- Site Restoration Plan
- Lighting Layout Plan

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, Conditions #1 - #16 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 approved plans shall contain an updated 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.
2. 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 provided by the applicant and approved by the Town Consulting Engineer.
3. The existing conditions survey shall be removed from the plan set, shall be revised to remove the Planning Board, Planning Board Secretary, Town Engineer's and Owner's signature blocks, shall be signed and sealed by the preparer and shall be resubmitted as a standalone plan (4 copies).
4. The Site Restoration Plan shall be revised to illustrate directional arrows, traffic-related signage and stop bars as described in the Kellard Sessions Consulting, P.C. review memorandum, dated November 11, 2015, to the satisfaction of the Town Engineer.
5. The following notes shall be added to the Site Restoration Plan; any existing notes that are duplicative, contradictory or unnecessary shall be removed:
 - a) All proposed crosswalks shall be constructed of pavers as specified on this plan; all loading zones and other access aisles shown on this plan which connect to the crosswalks shall likewise be constructed of the same paver, except that accessible loading zones and other access aisles shall also be striped.
 - b) The length, width and striping of all accessible parking spaces and associated loading zones, including required signage, shall comply with the New York State Building Code and Americans with Disabilities Act, as determined by the Building Inspector.
 - c) Reference is made to the last approved site plan of record consisting of four (4) sheets prepared by Design Development and dated (last revised) February 1, 2012.

6. The accessible parking space and loading zone detail, depicted on the Site Restoration Plan, shall be revised to comply with NYS Building Code and the Americans with Disabilities Act, to the satisfaction of the Town Engineer.
7. All proposed trees shall be specified to have a minimum caliper of 4-inches at planting.
8. Footcandle measurements depicted on the Lighting Layout Plan are not legible and shall be revised for clarity.
9. The approved plans shall be revised to include an 8-foot wide stripped “no-parking” zone located on the south side of the northern access driveway and “no-parking anytime” signs shall be posted on the northern building façade (one sign approximately every 25 feet), all to the satisfaction of the Town Engineer.
10. The plans and details shall be revised to incorporate the recommendations outlined within the ACARC’s resolution, dated February 10, 2016 (Cal. No. 04-16-ACARC)
11. The applicant shall satisfy any outstanding written comments provided by the Town’s consultants.
12. 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).
13. 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.
14. 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.
15. 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.
16. 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:

17. 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.

18. 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 plans, collated and folded.

Conditions to be Satisfied Prior to Commencement of Work:

19. 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.

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

20. 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).
21. The Building Inspector and Town's consultants shall conduct a final site visit to confirm compliance with the approved site plan of record, as amended by this Resolution.
22. The applicant shall pay to the Town of Lewisboro, by certified check, all outstanding professional review fees.
23. There shall be full compliance with the conditions of this resolution, the plans approved herein, and any other applicable Planning Board resolution or approved plan.

ADOPTION OF RESOLUTION

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

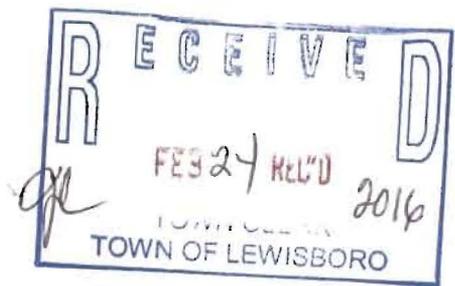
The motion was moved by: John O'Donnell

The motion was seconded by: Greg Lasorsa

The vote was as follows:

JEROME KERNER	<u>aye</u>
JOHN O'DONNELL	<u>aye</u>
RON TETELMAN	<u>aye</u>
GREG LASORSA	<u>aye</u>
ANTHONY PALMESI	<u>aye</u>

Jerome Kerner
Jerome Kerner February 23, 2016



**RESOLUTION
LEWISBORO PLANNING BOARD**

**NEGATIVE DECLARATION OF SIGNIFICANCE
PRELIMINARY SUBDIVISION PLAT APPROVAL
FINAL SUBDIVISION PLAT APPROVAL**

HAYES-STEIN SUBDIVISION

Sheet 15, Block 10533, Lots 7, 8 and 9
Cal. # 12-10 P.B.

February 23, 2016

WHEREAS, Jocelyn Hayes and Janet Stein (“the Applicants”) are proposing a three (3) lot subdivision (“the proposed action”) on ± 67.5 acres of land, located on North Salem Road (NYS Route 121) and Todd Road, within the R-4A Zoning District (“the subject property”); and

WHEREAS, the subject property consists of three (3) parcels identified on the Official Tax Map of the Town of Lewisboro as Sheet 15, Block 10533, Lot 7 (“Lot 7”), Sheet 15, Block 10533, Lot 8 (“Lot 8”) and Sheet 15, Block 10533, Lot 9 (“Lot 9”); and

WHEREAS, Lots 7, 8 and 9 were created by deed and, consequently, are not the subject of a subdivision plat signed by the Chairman of the Lewisboro Planning Board and recorded with the Office of the Westchester County Clerk; and

WHEREAS, Lot 7 (Janet Stein, record owner) consists of ± 24.6 acres of land and is currently vacant, Tax Lot 8 (Janet Stein, record owner) consists of ± 38.1 acres and is currently vacant, and Tax Lot 9 (Jocelyn Hayes, record owner) consists of ± 4.8 acres and is developed with a single-family residence, a detached accessory dwelling and related accessory residential improvements; and

WHEREAS, the Applicants are proposing to modify the existing lot line configuration among Lots 7, 8 and 9 so that three (3) tax lots will remain, all zoning compliant, to be recorded by way of a subdivision plat filed with the Office of the Westchester County Clerk; and

WHEREAS, as proposed by the Applicants, Lot 9 will contain the existing residence and Lots 7 and 8 will remain vacant until such time as the owner(s) pursue an application to develop these parcel(s); and

WHEREAS, more specifically, the proposed action consists of the following:

1. Lot 7, owned by Janet Stein, currently consists of ± 24.6 acres of land and will be reduced to ± 20.6 acres as a result of the proposed action. As modified, Lot 7 will be zoning-compliant and the Applicants have demonstrated that Lot 7 can be suitably developed with one (1) single-family residence, complete with a septic system, private potable water well, and drainage facilities. The Applicants have no intention of developing Lot 7 at this

time and the future development of Lot 7 will be subject to individual site plan approval from the Planning Board, along with any other permits and approvals then required for such development.

2. Lot 8, owned by Janet Stein, currently consists of ±38.1 acres of land and will be reduced to ±33.8 acres as a result of the proposed action. As modified, Lot 8 will be zoning compliant and the Applicants have demonstrated that Lot 8 can be suitably developed with one (1) single-family residence, complete with a septic system, private potable water well, and drainage facilities. It has been determined that Lot 8 will be accessed over Lot 9 via a proposed access easement over a portion of the existing driveway located off of NYS Route 121. Prior to the development of Lot 8, improvements to the common portion of the driveway will be required and will be subject to wetland permits from both the Planning Board and the New York State Department of Environmental Conservation (NYSDEC). The Applicants have no intention of developing Lot 8 at this time and the future development of Lot 8 will be subject to individual site plan approval from the Planning Board, along with any other permits and approvals then required for such development.
3. Lot 9, owned by Jocelyn Hayes, currently consists of ±4.8 acres and is developed with a single-family residence, detached accessory dwelling and related accessory residential improvements. Lot 9 (which is currently landlocked), will be increased from ±4.8 acres to ±13.1 acres, and will contain suitable road frontage. The resulting subdivision and lot line reconfiguration will result in a zoning-compliant side yard setback associated with the detached garage and recreation building, a condition which is currently noncompliant.

WHEREAS, the Applicants thus propose an exchange or transfer of land among adjoining properties without the creation of new lots; and

WHEREAS, given the nature of the application and because the Applicants are proposing no physical improvements at this time, the Planning Board has elected to process the subdivision component of the application, requiring the owner of Lot 7 and Lot 8 to reappear before the Planning Board for site development plan approval for each lot (in addition to Stormwater Permit, Wetland Permits, and any other required approvals) at a future date before Building Permits are issued; and

WHEREAS, the Applicants have demonstrated that each lot is zoning-compliant and has developed hypothetical site development plans, which demonstrate that each lot could be developed with a compliant, single-family residence, driveway, septic system, well, and stormwater mitigation practice(s); and

WHEREAS, as mentioned above, the Applicants have demonstrated that the most desirable and efficient way to access proposed Lot 8 will be through the existing driveway that serves Lot 9 and also serves an adjacent developed lot located immediately to the east of Lot 9 and adjacent to NYS Route 121 (Jocelyn Hayes and Christopher Hayes, record owners); and

WHEREAS, while the common portion of the driveway will require improvements prior to the development of Lot 8, including increasing the width of the driveway, the Applicants are proposing the establishment of an access easement and maintenance agreement at this time; and

WHEREAS, future improvements to be made to the common driveway are illustrated and detailed on the site development plans referenced herein; and

WHEREAS, the subject property contains wetlands that are jurisdictional to the Town of Lewisboro, the New York State Department of Environmental Conservation (NYSDEC) and the Army Corps of Engineers (ACOE); and

WHEREAS, on-site wetlands were delineated by Stephen W. Coleman on May 29, 2004, November 11, 2006, and August 6 and 7, 2009 and appear on the site development plans and Final Subdivision Plat; and

WHEREAS, in demonstrating the development potential of the subject property, the Applicants have developed the following site development plans and reports, which have been reviewed by the Planning Board and its consultants:

Plans, prepared by JD Barrett & Associates, LLC and dated (last revised) September 21, 2015:

- Existing Conditions Map (Sheet 1)
- Property Transfer Map (Sheet 2)
- Access Study – Lot 8 (Sheet 3)
- Access Study – Lot 7 (Sheet 4)
- Overall Slope Map (Sheet 5)
- Wetland Impact Map Existing Conditions Map (Sheet 6)

Plans, prepared by Bibbo Associates, LLP and dated (last revised) June 14, 2015:

- Existing Conditions (EX)
- Preliminary Plat (PP-1)
- Lot 7 Plan (SP-1)
- Lot 8 & 9 Plan (SP-2)
- Details (D-2)

Stormwater Report, prepared by Bibbo Associates, LLP and dated September 14, 2015:

- Stormwater Pollution Prevention Plan-Hayes and Stein Subdivision

WHEREAS, the subject property is located within the New York City East of Hudson Watershed and is subject to the Rules and Regulations of the New York City Department of Environmental Protection (NYCDEP); and

WHEREAS, reference is made to a letter from Peter Barrett, Building Inspector, identifying that the accessory residence on Lot 9 is a legal preexisting nonconforming use and that said building

has a Certificate of Occupancy (#4-40) for “Garage and Help Quarters”, dated November 6, 1940; and

WHEREAS, no outstanding building or zoning violations have been issued by Peter Barrett, Building Inspector, with regard to Lots 7, 8 and 9; and

WHEREAS, the proposed action is an Unlisted Action under the State Environmental Review Act (SEQRA) and a coordinated review was not conducted; and

WHEREAS, the Applicants submitted the Short Environmental Assessment Form (EAF), dated October 26, 2015; and

WHEREAS, the Town of Lewisboro has an ongoing need for the acquisition of land for parks, playgrounds and recreational facilities; and

WHEREAS, the population generated by the proposed action, upon development of Lot 7 and Lot 8 will result in an incremental increased demand for parks, playground and recreational facilities; and

WHEREAS, Section 195-26A of the Town’s Subdivision Regulations recommends that the minimum acreage of land for parks, playground or recreational facilities be five (5) acres, consisting of relatively level and dry land, not less than 200 feet in width, criteria with which the current application does not comply; and

WHEREAS, in accordance with Section 195-26 of the Town’s Subdivision Regulations, the Planning Board has determined that suitable land for parks, playground or other recreational facilities is limited on the property encompassed in this application; and

WHEREAS, the proposed action will not result in a new street connecting to a State or County road and will not result in a new drainage line connecting to a County drainage channel; therefore, referral to the Westchester County Planning Board is not required; and

WHEREAS, the proposed action has been referred to and reviewed by the Conservation Advisory Council (CAC), the Town of Lewisboro Highway Superintendent and the Goldens Bridge Fire Department. The Planning Board has received correspondence from these departments and organizations, none of which identified any issues or concerns relating to the proposed action; and

WHEREAS, the Planning Board considered the proposed action at a duly noticed public hearing which opened October 17, 2015 and closed December 15, 2015; and

WHEREAS, in addition to the above, the Planning Board has considered the written and verbal comments from the Board’s professional consultants, written comments from other involved and interested agencies, written submissions made on behalf of members of the public and the presentations made to the Planning Board at the public hearing, and those of the Applicants.

NOW THEREFORE BE IT RESOLVED THAT, the proposed action is an Unlisted Action under the State Environmental Review Act (SEQRA) and 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

BE IT FURTHER RESOLVED THAT, 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

BE IT FURTHER RESOLVED THAT, the Planning Board hereby adopts and issues the attached Negative Declaration of Significance; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants Preliminary and Final Subdivision Plat Approval and approves the following plat, prepared by Insite Engineering, Surveying and Landscape Architecture, P.C. and dated (last revised) September 21, 2015, subject to the below conditions; and

- “Lot Line Change prepared for Jocelyn Hayes and Janet Stein” (Sheet 1 of 2)
- “Lot Line Change prepared for Jocelyn Hayes and Janet Stein” (Sheet 2 of 2)

BE IT FURTHER RESOLVED THAT, this Resolution authorizes only the activities approved herein and as shown on the signed Final Subdivision Plat to confirm that each lot is zoning compliant and that the lot configuration approved hereby conforms to zoning. Any alterations or modifications to the approved Final Subdivision Plat shall require prior review and approval of the Planning Board; and

BE IT FURTHER RESOLVED THAT, Condition #1 through #19, outlined below, must be completed within 180 days of the date of this Resolution. Should said Conditions not be completed within the allotted time frame, this Resolution shall become null and void unless a 90-day extension is requested by the applicant in writing, prior to the expiration of said 180-day period, and granted by the Planning Board; and

BE IT FURTHER RESOLVED THAT, this approval shall expire without further notice if the signed Final Subdivision Plat is not filed in the Office of the Westchester County Clerk within 60 days of its endorsement by the Planning Board Secretary and Chairman.

Conditions to be Satisfied Prior to the Signing of the Final Subdivision Plat:

1. The Final Subdivision Plat shall contain a common revision date with notation stating “Final Planning Board Approval”.
2. The Final Subdivision Plat shall be signed by the Westchester County Department of Health, the NYSDEC, all relevant design professionals, and the Applicants/owners.
3. The title of the plat shall be revised to include the words “Final Subdivision Plat”.

4. For consistency purposes, all notes provided on the Final Subdivision Plat shall be revised to identify the three (3) proposed lots at Lots 7, 8 and 9, instead of Parcels 1, 2 and 3.
5. Instead of providing exact measurements to a future unknown house location, the “Zoning Schedule” on Sheet 1 of 2 of the Final Subdivision Plat shall be revised to identify that the proposed lot will meet or exceed the minimum front, side and rear setback requirement (i.e. ≥ 50 feet). The zoning schedule provided on the Plat and site development plans shall be reviewed for accuracy and shall be made to be consistent.
6. The Final Subdivision Plat shall be revised to graphically illustrate the contiguous buildable area for each lot, as shown on the site development plans referenced herein.
7. The following notes shall appear on the Final Subdivision Plat (each sheet):
 - a. “Prior to the issuance of a building permit associated with Lot 7 and/or Lot 8, as illustrated and identified hereon, the owner of said lot(s) shall apply to the Planning Board of the Town of Lewisboro and obtain site development plan approval pertaining to that lot, along with any other permit or approvals required by any Town, City, State, or Federal agency having jurisdiction.”
 - b. “Upon the issuance of site development plan approval for Lot 7 and/or Lot 8, the owner(s) of said lots shall pay a recreation fee to the Town of Lewisboro, in accordance with then prevailing recreation fee requirements, to be used for the development of parklands within the Town.”
 - c. “With the exception of normal and routine maintenance activities, as allowable under the Town Code of the Town of Lewisboro without prior authorization, no land disturbance, construction or tree/vegetation removal shall occur on Lot 7 and/or Lot 8 without the prior written approval of the Town of Lewisboro Planning Board.”
 - d. “Reference is made to the following plans which illustrate the potential development of Lots 7 and 8, as shown hereon. While the future development of Lots 7 and 8 need not comply with these plans in all respects, the Planning Board relied upon the below-referenced plans in making its SEQRA determination and approving this subdivision:

Plans, prepared by JD Barrett & Associates, LLC and dated (last revised) _____:

- Existing Conditions Map (Sheet 1)
- Property Transfer Map (Sheet 2)
- Access Study – Lot 8 (Sheet 3)
- Access Study – Lot 7 (Sheet 4)

- Overall Slope Map (Sheet 5)
- Wetland Impact Map Existing Conditions Map (Sheet 6)

Plans, prepared by Bibbo Associates, LLP and dated (last revised) _____ :

- Existing Conditions (EX)
- Preliminary Plat (PP-1)
- Lot 7 Plan (SP-1)
- Lot 8 & 9 Plan (SP-2)
- Details (D-2)”

8. The Final Subdivision Plat shall be revised to illustrate a 30-foot wide access and utility easement over Lot 9 and in favor of Lot 8 and the adjacent Tax Lots 15-10533-29 and 56; Notes 1 and 2 on Sheet 1 of 2 shall be updated accordingly.
9. The NYSDEC wetland validation blocks on Sheet 1 of 2 shall either be consolidated into one (1) block or be made to be consistent; one block references a 5-year revalidation requirement, while the other references a 10-year requirement.
10. The site development plans prepared by JD Barrett & Associates, LLC shall be revised as follows:
 - a. The Planning Board, Town Engineer and owner’s signature blocks shall be removed (all sheets).
 - b. The Zoning Table shall be reviewed for accuracy and consistency and revised accordingly (see Condition #5 above).
 - c. The note provided on Sheet 2 referring to the issuance of a Building Permit on Lots 7 and 8 shall be removed; the same note found on Sheets 3 and 4 shall also be removed.
 - d. The previously proposed “building envelope” associated with Lots 7 and 8 as illustrated on Sheets 3 and 4, along with the associated note regarding the future placement of the house, shall be removed.
 - e. Illustrate the proposed access and utility easement, consistent with that to be shown on the Final Subdivision Plat.
 - f. Provide an updated and common revision date.
11. The site development plans prepared by Bibbo Associates, LLP shall be revised as follows:

- a. The Planning Board, Town Engineer and owner's signature blocks shall be removed (all sheets).
 - b. The ownership information contained within the "Site Data" notes shall be reviewed for accuracy and updated accordingly.
 - c. The Zoning Table shall be removed.
 - d. The NYSDEC wetland validation block shall be removed.
 - e. Provide an updated and common revision date.
12. Execution and delivery of all legal documents associated with access and utility easement referenced in Condition #8. This document shall be prepared to the satisfaction of the Planning Board Attorney and shall be filed with the Westchester County Clerk's Office simultaneously with the filing of the Final Subdivision Plat.
 13. Conditions 7.a and 7.b, above, shall be filed as deed declarations (associated with Lots 7 and 8), which shall be prepared to the satisfaction of the Planning Board Attorney and shall be filed with the Westchester County Clerk's Office simultaneously with the filing of the Final Subdivision Plat.
 14. The Applicants shall satisfactorily address any outstanding written comments provided by the Town's professional consultants.
 15. The Applicants shall pay to the Town of Lewisboro, by certified check, any and all outstanding professional review fees.
 16. The Applicants shall submit a "check set" of the Final Subdivision Plat and site development plans referenced herein (two (2) sets), prepared in final form and in accordance with the conditions of this Resolution, for review by the Planning Board's consultants.
 17. Any revisions required as a result of the consultant's review of the Final Subdivision Plat shall be made. Following review and revision (if necessary), the Applicants shall furnish the Planning Board with two (2) complete mylar sets of the Final Subdivision Plat, complete with all required original signatures, for final review by the Town Engineer and endorsement by the Town Engineer, Planning Board Secretary and Planning Board Chairman.
 18. Any revisions required as a result of the consultant's review of the site development plans shall be made. Following review and revision (if necessary), the Applicants shall furnish the Planning Board with six (6) original copies of the site development plans, complete with all required original signatures. These plans shall not be endorsed by the Planning Board Chairman, Secretary or Town Engineer but shall be kept in the Planning Board file for future reference and as part of the record.

19. The Applicants shall provide a letter to the Planning Board Secretary acknowledging that they have read and will abide by the Conditions of this Resolution.

Conditions to be Satisfied Following the Signings of the Final Subdivision Plat:

20. Following the endorsement of the Final Subdivision Plat by the Planning Board Chairman and Secretary, one (1) mylar set will be returned to the Applicants for copying and the second mylar set will be retained by the Planning Board as a record copy.
21. Within 10 days after endorsement of the Final Subdivision Plat by the Planning Board Chairman and Secretary, the Applicants shall deliver, to the Planning Board Secretary, six (6) printed sets of the same, collated and folded.
22. The Applicants shall demonstrate proof of filing the Final Subdivision Plat and all required easements and declarations with the Westchester County Clerk's Office. The Applicants shall deliver to the Planning Board Secretary three (3) 18" x 24" copies of the Final Subdivision Plat, as filed, and showing all signatures and acknowledgements of filing.

Conditions Associated with Lots 7 and 8:

23. Prior to the issuance of a building permit associated with Lot 7 and/or Lot 8, as illustrated on the Final Subdivision Plat, the owner of said lot(s) shall apply to the Planning Board of the Town of Lewisboro and obtain site development plan approval pertaining to that lot, along with any other permit or approvals required by any Town, City, State, or Federal agency having jurisdiction".
24. Upon the issuance of site development plan approval for Lot 7 and/or Lot 8, the owner(s) of said lots shall pay a recreation fee in lieu of parkland to the Town of Lewisboro, in accordance with then prevailing recreation fee requirements within the Town of Lewisboro.
25. With the exception of normal and routine maintenance activities, as allowable under the Town Code of the Town of Lewisboro without prior authorization, no land disturbance, construction or tree/vegetation removal shall occur on Lot 7 and/or Lot 8 without the prior written approval of the Town of Lewisboro Planning Board.

ADOPTION OF RESOLUTION

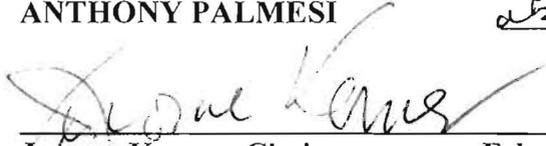
WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: John O'Donnell

The motion was seconded by: Dreg Latorsa

The vote was as follows:

JEROME KERNER	<u>aye</u>
JOHN O'DONNELL	<u>aye</u>
RON TETELMAN	<u>abstain</u>
GREG LASORSA	<u>aye</u>
ANTHONY PALMESI	<u>abstain</u>



Jerome Kerner, Chairman

February 23, 2016

**State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

Date: February 23, 2016

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lewisboro Planning Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Hayes-Stein Subdivision

SEQRA Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action: Jocelyn Hayes and Janet Stein (“the Applicants”) are proposing a three (3) lot subdivision (“the proposed action”) on ±67.5 acres of land, located on North Salem Road (NYS Route 121) and Todd Road, within the R-4A Zoning District (“the subject property”). The subject property consists of three (3) tax parcels, all created by deed and not formally subdivided by way of a plat signed by the Chairman of the Lewisboro Planning Board and recorded with the Office of the Westchester County Clerk. Tax Lot 7 (Stein) consists of ±24.6 acres of land and is currently vacant, Tax Lot 8 (Stein) consists of ±38.1 acres and is currently vacant, and Tax Lot 9 (Hayes) consists of ±4.8 acres and is developed with a single-family residence, a detached accessory dwelling and related accessory residential improvements.

The Applicants are proposing to modify the existing tax lot configuration which will result in three (3) zoning compliant lots, one (1) of which will contain the existing residence (Lot 9) and the other two (2) lots will remain vacant until such time as the owner(s) pursue an application to develop these lot(s), which will be required.

Location: North Salem Road (NYS Route 121) and Todd Road, 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 Applicants are proposing to modify the existing tax lot configuration in the form of recorded subdivision plat which will result in three (3) zoning-compliant lots, one (1) of which will contain the existing residence (Lot 9) and the other two (2) lots will remain vacant until such time as the owner(s) pursue an application to develop these lot(s).

Lot 7, owned by Janet Stein, currently consists of ±24.6 acres of land and will be reduced to ±20.6 acres as a result of the proposed action. Lot 8, also owned by Janet Stein, currently consists of ±38.1 acres of land and will be reduced to ±33.8 acres as a result of the proposed action. Lots 7 and 8 will be zoning-compliant and the Applicants have demonstrated that Lots 7 and 8 can each be suitably developed with one (1) single-family residence, complete with a septic system, private potable water well, and drainage facilities. The Applicants have no intention of developing these lots at this time and the future development of Lots 7 and 8 will be subject to individual site plan approval from the Planning Board, along with any other required permits and approvals.

Lot 9, owned by Jocelyn Hayes, currently consists of ±4.8 acres and is developed with a single-family residence, detached accessory dwelling and related accessory residential improvements. Lot 9 is currently landlocked, will be increased from ±4.8 acres to ±13.1 acres, and will contain suitable road frontage. The resulting subdivision and lot line reconfiguration will result in a zoning-compliant side yard setback associated with the detached garage and recreation building, a condition which is currently noncompliant.

The three (3) proposed lots were created by deed and have been illustrated, reflected and taxed as separate residential lots for many years. The Applicants have shown that each lot can be developed with a compliant single-family residence, driveway, septic system, well, and stormwater mitigation practice(s). As no new development or disturbance is proposed and as the future development of Lots 7 and 8 will require the prior approval of the Planning Board, along with outside agencies including the New York State Department of Transportation (NYSDOT), the New York State Department of Environmental Conservation (NYSDEC), the New York City Department of Environmental Protection (NYCDEP) and the Westchester County Department of Health (WCDH), no environmental impacts will result and no further mitigation measures are required at this time. The future review of the development of Lots 7 and 8 and the compliance with local, state, regional and federal rules and regulations will adequately safeguard the environment and neighborhood.

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).

The subject property is not located in proximity to a Critical Environmental Area.

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. Each lot has been configured to be zoning compliant and the proposed action will improve and eliminate existing zoning nonconformities.

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:

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Fax: (914) 763-3637

This notice is being filed with:

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