AGENDA PACKET

JANUARY 17, 2017 MEETING

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No new materials		

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TOWN OF LEWISBORO
Westchester County, New York

Planning Board
PO Box 725
Cross River, New York 10518

Tel: (914) 763-5592
Fax: (914) 763-3637
Email: planning@lewisborogov.com

AGENDA

Tuesday, January 17, 2017 **Cross River Plaza, Cross River**

Note: Meeting will start at 7:30 p.m. and end at or before 11:30 P.M.

I. DECISION

Cal# 8-16PB, Cal# 61-16WP
Wild Oaks Water System, Nash Road, Goldens Bridge, NY, Sheet 8, Block 11137, Lot 123 (New York American Water, owner of record) - Application for permanent installation of Well #4 and Well #6.

II. PUBLIC HEARINGS

Cal #7-16PB
Verizon at Leon Levy Preserve, 1411 Route 35, South Salem, NY, Sheet 40, Block 10263, Lot 62A (American Tower, owner of record) – Application for Special Use Permit for equipment and antenna upgrades

Cal #04-16PB, #16-16SW
SSEL Corp., Boway/Woodway, South Salem, NY 10590, Sheet 38, Block 10808, Lot 1 (SSEL Corp, owner of record) – Proposed two-lot subdivision on an approx. 9 acre lot

III. WETLAND VIOLATIONS

Cal#2-16WV
Palomino Residence, 292 Waccabuc Road, Goldens Bridge, NY 10526, Sheet 7C, Block 12668, Lot 20 (Gustavo Palomino, owner of record)

Cal#3-16WV
McGuinness Residence, 17 Schoolhouse Road, South Salem, NY 10590, Sheet 22, Block 10802, Lot 35 (Annette and Peter McGuinness, owners of record)

IV. CORRESPONDENCE AND GENERAL BUSINESS

Revision of Town Wetland Law

Katonah Arts Center

Wolf Conservation Center

V. MINUTES OF March 15, 2016; MINUTES OF April 19, 2016; MINUTES OF May 4, 2016; MINUTES OF May 17, 2016; MINUTES OF June 21, 2016; MINUTES OF July 19, 2016; MINUTES OF August 16, 2016; MINUTES OF September 13, 2016; MINUTES OF September 20, 2016; MINUTES OF October 25, 2016; MINUTES OF November 15, 2016 and DECEMBER 20, 2016

TAX PAYMENT AFFIDAVIT REQUIREMENT

Under regulations adopted by the Town of Lewisboro, the Planning Board may not accept any application unless an affidavit from the Town of Lewisboro Receiver of Taxes is on file in the Planning Board Office. The affidavit must show that all amounts due to the Town of Lewisboro as real estate taxes and special assessments on the total area encompassed by the application, together with all penalties and interest thereon, have been paid.

Under New York State Law, the Westchester County Clerk may not accept any subdivision map for filing unless the same type of affidavit from the Town of Lewisboro Receiver of Taxes is submitted by the applicant at the time of filing.

INSTRUCTIONS

The applicant is to complete the information box below and return to: **Receiver of Taxes, Town of Lewisboro, 11 Main Street, South Salem, New York 10590.**

For Planning Board applications, the Receiver of Taxes will return this form and the affidavit to the Planning Board Office. For filing actions with the Westchester County Clerk, Division of Land Records, the Receiver of Taxes will return this form and the affidavit to the applicant by mail if a stamped and self-addressed envelope is submitted with this form.

IF ANY TAXES ARE FOUND TO BE DUE ON THE PROPERTY RELATING TO THE APPLICATION, THEN THAT APPLICATION CAN NOT BE ACCEPTED BY THE PLANNING BOARD UNTIL THE TAXES ARE PAID.

TO BE COMPLETED BY APPLICANT

(PLEASE TYPE OF PRINT)

New York American Water — *name of applicant*

Wild Oaks Water System — *project name*

property description:
tax sheet 8
block 11137
lot 123

property assessed to:
name [redacted] American Water S Co.
address 260 Harrison Avenue
Harrison, NY 10528

application type (check one)

____ Sketch Plan Review	____ Preliminary Subdivision Plat	____ final Subdivision Plat
X Site Development Plan	____ Special Permit Use	____ Waiver of site Plan Procedures
X Wetlands Permit		____ Filing with The Westchester County Clerk

NO OUTSTANDING TAXES ARE DUE: _____ Receiver of Taxes

11/28/2016 Date

Sworn before me this

28 day of 11 2016

_____

JANET L. DONOHUE
NOTARY PUBLIC, STATE OF NEW YORK
No. 01DO6259627
Qualified in Westchester County
Commission Expires April 16, 2020

LAW OFFICES OF
SNYDER & SNYDER, LLP
94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591
(914) 333-0700
FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

NEW YORK OFFICE
445 PARK AVENUE, 9TH FLOOR
NEW YORK, NEW YORK 10022
(212) 749-1448
FAX (212) 932-2693

LESLIE J. SNYDER
ROBERT D. GAUDIOSO

DAVID L. SNYDER
(1956-2012)

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

Msheridan@snyderlaw.net

Westchester office

January 12, 2016

Hon. Chairman Jerome Kerner
and Members of the Planning Board
Town of Lewisboro
20 North Salem Road
Cross River, New York 10590

RE: New York SMSA Limited Partnership d/b/a Verizon Wireless
Special Permit Application for Antenna Work on the Existing Tower
located at Route 35, Lewisboro, New York

Dear Hon. Chairman Kerner and Members of the Planning Board:

As you recall, New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") is seeking approval to perform certain antenna work ("Antenna Work") on its existing facility ("Facility") on the communications tower ("Existing Tower") at the captioned site and is seeking a five (5) year extension of its special permit. Verizon Wireless' Antenna Work consists of the replacement and installation of antennas and ancillary equipment on the Existing Tower. The Antenna Work is necessary for Verizon Wireless to be able to provide enhanced voice and data services to the area, allowing for high speed wireless data transmission.

At your December 20, 2015 meeting, this Honorable Board reviewed Verizon Wireless' application, discussed the memo from the Town's Planning consultant, Jan Johannessen, dated December 14, 2016 ("Planner Memo") and scheduled the public hearing. In connection with the public hearing, Verizon Wireless hereby submits Step II of the application, as well as the revised plans, which have been amended to include the dimensions of the existing antennas and replacement antennas pursuant to the Planner Memo.

Due to the nature of Verizon Wireless' Antenna Work on the Existing Tower, it should be noted that under Section 220-41.1(H)(2) of the Town Zoning Code, Verizon Wireless' application is required to be processed in an expedited manner. Moreover, it is respectfully submitted that the Facility should be approved forthwith in accordance with federal law. The Middle Class Tax Relief and Job Creation Act of 2012 ("TRA"), enacted on February 22, 2012, specifically acknowledges the importance of wireless communications infrastructure and contains a provision fostering the deployment of wireless communication facilities and modifications thereto. Section 6409 of the TRA provides that a local government "may not deny, and shall approve" an application for

"collocation of new transmission equipment" or "replacement of transmission equipment" on an existing wireless tower or base station that does not "substantially change the physical dimensions of such tower or base station." Furthermore, the Federal Communications Commission adopted rules ("FCC Rules") implementing Section 6409 of the Tax Relief Act. See Title 47 C.F.R Section 1.40001. Under the FCC Rules, if a wireless facility is an eligible facilities request ("E.F.R."), review is limited in scope and the facility must be approved within 60 days of the filing the application. *The proposed Antenna Work is an E.F.R. pursuant to the TRA and FCC Rules, since it involves the collocation of transmission equipment that does not constitute a "substantial change."* In connection therewith, it is respectfully submitted that Verizon Wireless' request for the Antenna Work shall be approved forthwith so that the special permit is amended to permit such Antenna Work and the special permit shall continue for another five (5) years from the date of special permit amendment.

Respectfully submitted,
Snyder & Snyder, LLP

By: _____
Michael Sheridan

MS:sm
cc: Verizon Wireless
Z:\SSDATA\WPDATA\SS4\WP\NEWBANM\JOE ROLLINS\LTE ZONING ANALYSES\SOUTH SALEM (LEWISBORO) 4\ANTMO\PLANNING\PB RESPONSE LTR.DOCX

TOWN OF LEWISBORO PLANNING BOARD

PO Box 725, 20 North Salem Road, Cross River, NY 10518 Email: planning@lewisborogov.com Tel: (914) 763-5592

Site Development Plan/Subdivision Plat Application – Check all that apply:

Waiver of Site Development Plan Procedures	☐			
Site Development Plan Approval	Step I ☐	Step II ☐		
Special Use Permit Approval	Step I ☐	Step II ☒		
Subdivision Plat Approval	Step I ☐	Step II ☐	Step III ☐	

Project Information

Project Name: Antenna replacement and related improvements

Project Address: Route 35, South Salem, New York

Gross Parcel Area: _____ Zoning District: R-4A Sheet(s): 40 Block (s): 10263 Lot(s): 1, 62

Project Description: Antenna replacement and related improvements per plans.

Is the site located within 500 feet of any Town boundary?	YES ☐	NO ☑
Is the site located within the New York City Watershed?	YES ☐	NO ☑
Is the site located on a State or County Highway?	YES ☑	NO ☐

Does the proposed action require any other permits/approvals from other agencies/departments?

Town Board ☐	ZBA ☐	Building Dept. ☑	Town Highway ☐		
ACARC ☐	NYSDEC ☐	NYCDEP ☐	WCDH ☐		
NYSDOT ☐	Town Wetland ☐	Town Stormwater ☐			

Other _____

Owner's Information

Name: American Tower Email: _____

Address: 10 Presidential Way, Woburn, MA Phone: _____

Applicant's Information (if different)

Name: New York SMSA Limited Partnership d/b/a Verizon Wireless Email: lsnyder@snyderlaw.net

Address: c/o Snyder & Snyder, LLP, 94 White Plains Road, Tarrytown, New York 10591 Phone: 914-333-0700

Authorized Agent's Information

Name: Leslie J. Snyder, Esq. Email: lsnyder@snyderlaw.net

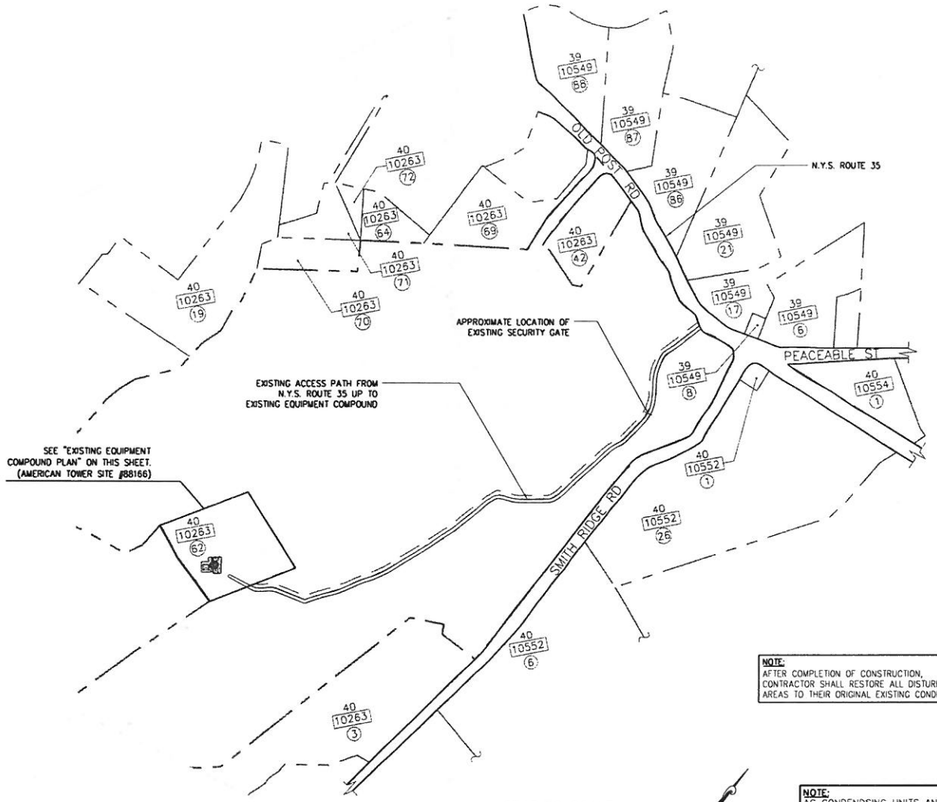
Address: Snyder & Snyder, LLP, 94 White Plains Road, Tarrytown, New York 10591 Phone: 914-333-0700

THE APPLICANT understands that any application is considered complete only when all information and documents required have been submitted and received by the Planning Board. The applicant further understands that the applicant is responsible for the payment of all application and review fees incurred by the Planning Board.

THE UNDERSIGNED WARRANTS the truth of all statements contained herein and in all supporting documents according to the best of his/her knowledge and belief, and authorizes visitation and inspection of the subject property by the Town of Lewisboro and its agents.

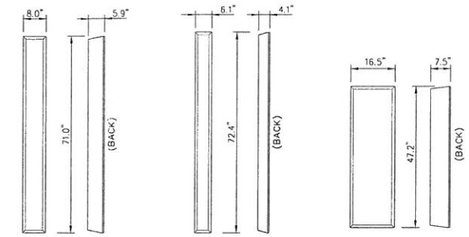
APPLICANT'S SIGNATURE New York SMSA Limited Partnership d/b/a Verizon Wireless By: _____ DATE 11/11, 2016

OWNER'S SIBNATURE See attached letter of authorization DATE _____

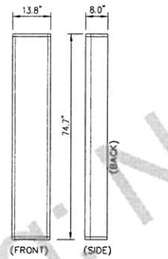


1 LOCATION PLAN
SCALE: 1" = 300'

GRAPHIC SCALE
300 0 150 300 600
(IN FEET)



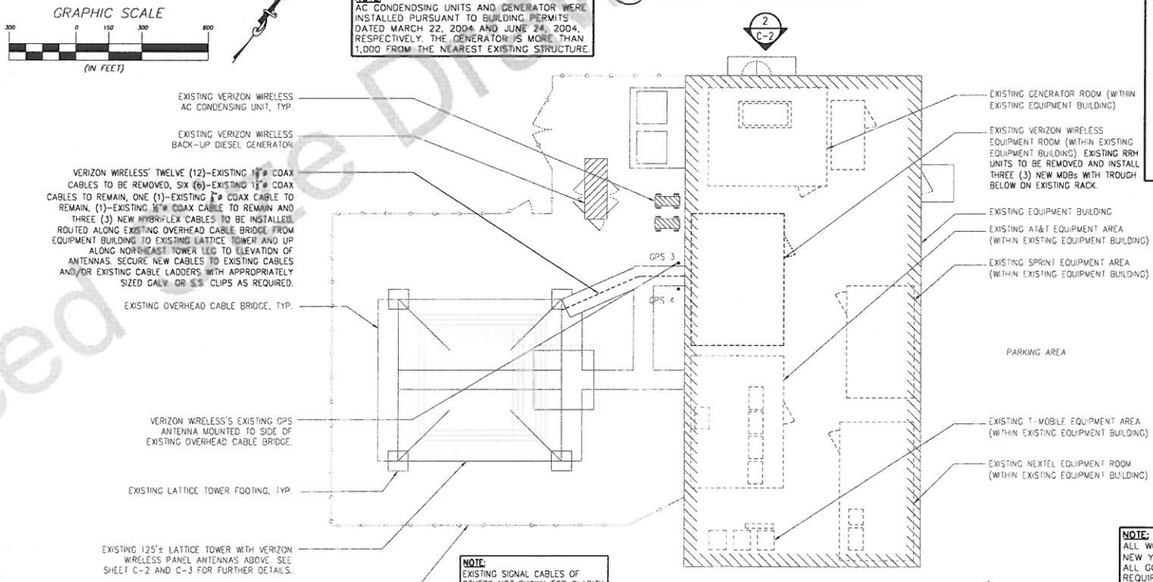
3 VERIZON WIRELESS EXISTING ANTENNA ELEVATIONS
SCALE: ½" = 1'-0" (PANEL ANTENNAS)



4 VERIZON WIRELESS NEW ANTENNA ELEVATIONS
SCALE: ½" = 1'-0" (PANEL ANTENNAS)

NOTE:
AFTER COMPLETION OF CONSTRUCTION, CONTRACTOR SHALL RESTORE ALL DISTURBED AREAS TO THEIR ORIGINAL EXISTING CONDITIONS.

NOTE:
AC CONDENSING UNITS AND GENERATOR WERE INSTALLED PURSUANT TO BUILDING PERMITS DATED MARCH 22, 2004 AND JUNE 24, 2004, RESPECTIVELY. THE GENERATOR IS MORE THAN 1,000 FROM THE NEAREST EXISTING STRUCTURE.



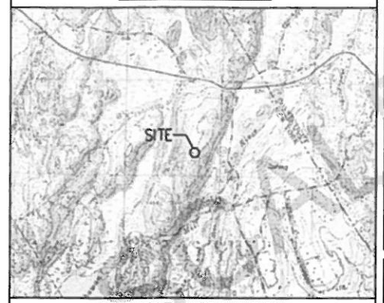
NOTE:
EXISTING SIGNAL CABLES OF OTHERS NOT SHOWN FOR CLARITY.

GRAPHIC SCALE
10 0 5 10 20
(IN FEET)

2 EXISTING EQUIPMENT COMPOUND PLAN
SCALE: 1" = 10'

NOTE:
ALL WORK SHALL BE IN ACCORDANCE WITH THE "BUILDING CODE OF NEW YORK STATE," 2010 EDITION AND WITH THE REGULATIONS OF ALL GOVERNMENTAL AGENCIES HAVING JURISDICTION. WHERE THE REQUIREMENTS OF VARIOUS CODES CONFLICT, THE MORE STRINGENT SHALL APPLY. ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE AND WITH THE RULES AND REGULATIONS OF THE LOCAL UTILITY COMPANIES WHEN APPLICABLE.

TOPOGRAPHIC MAP



PROJECT INFORMATION

1. Scope of Work:
The purpose of these drawings is to illustrate the following:
- Replace six (6) panel antennas (transmit and receive) mounted to the existing 125'± lattice tower on existing mounting pipes on side of platform
- Remove three (3) panel antennas (transmit and receive) mounted to the existing 125'± lattice tower on existing mounting pipes on side of platform.
- Install twelve (12) RRH units and three (3) main distribution boxes on new rack mounted to the existing 125'± lattice tower.
- Remove twelve (12) 1-5/8"ø of eighteen (18) existing coax cables routed up along existing lattice tower leg up to new panel antennas.
- Install three (3) hybriflex cables routed up along existing lattice tower leg up to new panel antennas.
- Remove existing RRH units and install three (3) main distribution boxes within existing equipment room on existing rack.

2. Applicant:
New York SMSA Limited Partnership
d/b/a Verizon Wireless
4 Centerock Road
West Nyack, NY 10994

3. Engineer of Record:
James H. Fahey, P.E., S.E.
Structural Consulting Services, P.C.
67 Federal Road
Brookfield, CT 06804

4. Property Contact:
American Tower Corporation (Site Number 88166)
116 Huntington Avenue (11th floor)
Boston, MA 02116
(617) 375-7500

5. Site Data:

Street Address:	N.Y.S. Route 35 South Salem, NY 10590
Block:	10263
Lots:	1 & 62
Zoning District:	R-4A (1 Family Residence District)
Existing Use:	Wireless Telecommunications Facility
New Use:	Unchanged
Approximate Latitude:	N41° 15' 30.43" (NAD '83)
Approximate Longitude:	W73° 32' 04.82" (NAD '83)
Approximate Ground Elevation:	758 feet (NAVD '88)

6. Notes:
1.) New features labeled as such; all else existing.
2.) Boundary information and existing features shown hereon were taken from limited field measurements taken on 12/6/2011 and from a drawing of the property entitled "Plot Plan & Site Plan" prepared by Tectonic Engineering & Surveying Consultants P.C.; 1279 Route 300; Newburgh, NY 12550 last revised 11/13/1999 for modifications to Verizon Wireless' installation at the site.
3.) The use is unmanned and will be visited approximately once a month for maintenance purposes; therefore the site is not anticipated to generate additional noise, fumes, vibrations or traffic.
4.) No additional parking is required as this is an unmanned site.
5.) No solid or liquid waste will be produced as this is an unmanned site; therefore, no water or sewage facilities are required.
6.) There will be no commercial or retail signs, nor special lighting required.
7.) Fire protection and security provisions will include remote monitoring of the subject site.

S C S STRUCTURAL CONSULTING SERVICES, P.C.
67 FEDERAL ROAD, BROOKFIELD, CT 06804
TEL.: 203.740.7576 FAX: 203.775.5870

CLIENT:
verizonwireless
4 CENTEROCK ROAD
WEST NYACK, NEW YORK 10994

STATE OF NEW YORK
JAMES H. FAHEY
LICENSED PROFESSIONAL ENGINEER
24939

No.	ISSUE OR REVISION	DATE
3	REVISED PER COMMENTS	12/16/16
2	ISSUED FOR FILING	6/29/16
1	ISSUED FOR REVIEW	6/2/16

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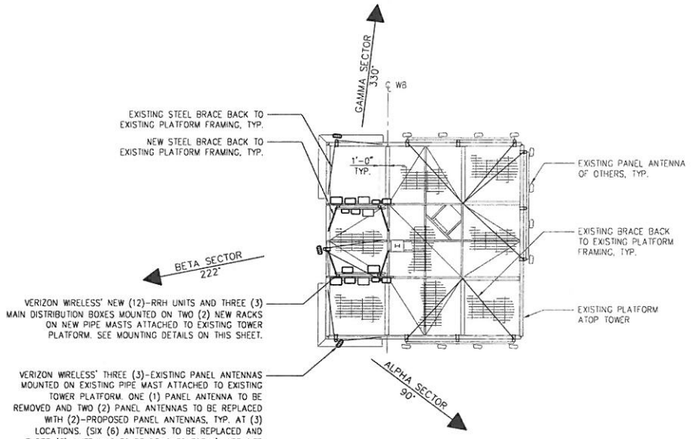
PROJECT TITLE
New York SMSA
Limited Partnership
d/b/a VERIZON WIRELESS
SITE: SOUTH SALEM ANTMO
N.Y.S. ROUTE 35
SOUTH SALEM, NY 10590

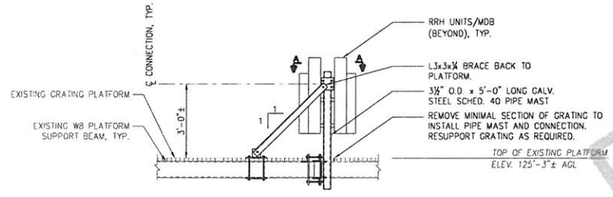
DRAWING TITLE
LOCATION PLAN,
COMPOUND PLAN,
PROJECT INFORMATION,
TOPOGRAPHIC MAP AND NOTES

SEAL	SCALE	PROJECT NO.
	AS NOTED	VER1609
	DRAWN BY: KPH	DRAWING NO.
	CHECKED BY: JHF	C-1
	DATE: 6/2/16	

Reduced Size Drawings - NOT TO SCALE



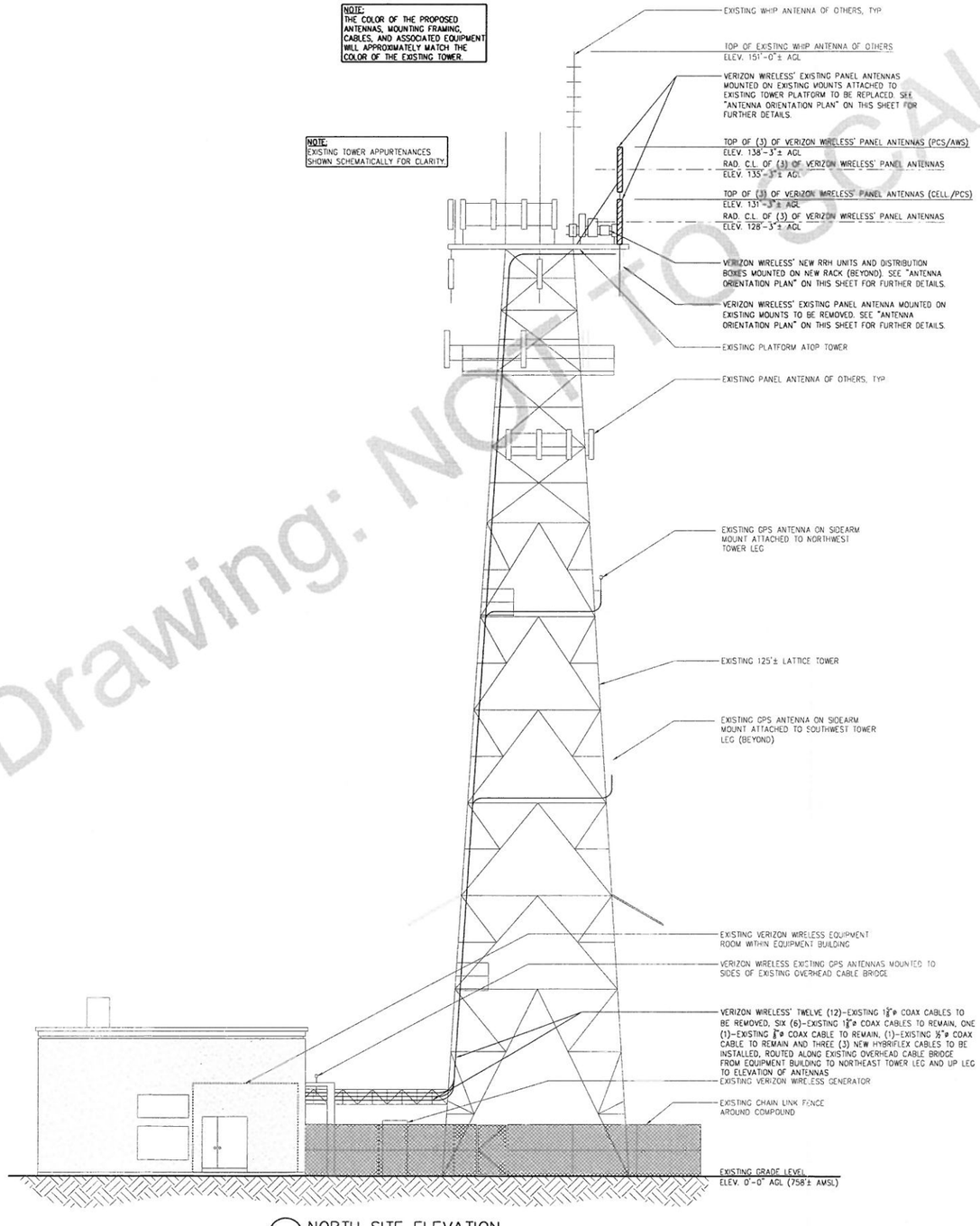
1 VERIZON WIRELESS ANTENNA ORIENTATION PLAN
SCALE: 1/8" = 1'-0"



3 TYPICAL RRH PIPE MAST ELEVATION
SCALE: 3/8" = 1'-0"

NOTE:
THE COLOR OF THE PROPOSED ANTENNAS, MOUNTING FRAMING, CABLES, AND ASSOCIATED EQUIPMENT WILL APPROXIMATELY MATCH THE COLOR OF THE EXISTING TOWER.

NOTE:
EXISTING TOWER APPURTENANCES SHOWN SCHEMATICALLY FOR CLARITY.



2 NORTH SITE ELEVATION
SCALE: 1/8" = 1'-0"

Reduced Size Drawing: NOT TO SCALE

S C S STRUCTURAL CONSULTING SERVICES, P.C.
67 FEDERAL ROAD, BROOKFIELD, CT 06804
TEL: 203.740.7576 FAX: 203.775.5670

CLIENT:
verizonwireless
4 CENTEROCK ROAD
WEST NYACK, NEW YORK 10994

STATE OF NEW YORK
JAMES H. FINLEY
078939
LICENSED PROFESSIONAL ENGINEER

No.	ISSUE OR REVISION	DATE
2	ISSUED FOR FILING	6/29/16
1	ISSUED FOR REVIEW	6/2/16

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PROJECT TITLE
New York SMSA Limited Partnership
d/b/a VERIZON WIRELESS
SITE: SOUTH SALEM ANTMO
N.Y.S. ROUTE 35
SOUTH SALEM, NY 10590

DRAWING TITLE
SITE ELEVATION, ANTENNA & CABLE SCHEDULE, CABLE DIAGRAM AND NOTES

SEAL	SCALE	PROJECT NO.
	AS NOTED	VER1609
	DRAWN BY: KPH	DRAWING NO. C-2
	CHECKED BY: JHF	
	DATE: 6/2/16	

KELLARD SESSIONS
CONSULTING, P.C.

John Kellard, P.E.
David Sessions, RLA, AICP

MEMORANDUM

TO: Chairman Jerome Kerner, AIA and
Members of Lewisboro Planning Board

CC: Ciorsdan Conran
Judson Siebert, Esq.

FROM: Jan K. Johannessen, AICP
Joseph M. Cermele, P.E., CFM
David J. Sessions, RLA, AICP
Town Consulting Professionals

DATE: January 11, 2017

RE: Subidivison Application - SSEL Corp.
Boway Road & Woodway Road
Sheet 38, Block 10808, Lot 1

Project Description

The subject property is located at the corner of Boway and Woodway Roads, consists of ±9.4 acres of land and is within the R-4A Zoning District. The subject property is currently vacant woodlands and contains wetlands that are jurisdictional to the Town of Lewisboro. The applicant is proposing a 2-lot subdivision and the construction of two (2) single-family homes to be served by individual driveways, septic systems and private potable water wells.

SEQRA

The proposed action is an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and a coordinated review is not required. Prior to taking action on this pending application, the Planning Board must first issue a Determination of Significance.

Required Approvals

1. Preliminary and Final Subdivision Plat Approval is required from the Planning Board; a public hearing is required.

2. A Town Stormwater Permit is required from the Planning Board.

3. To the extent that any disturbance is proposed within the Town of Lewisboro regulated wetland buffer, a wetland permit would be required from the Planning Board.

4. Work proposed within the Town right-of-way will require a permit(s) from the Town Highway Superintendent.

5. Realty Subdivision Approval and the installation of proposed septic systems and wells will require the approval of the Westchester County Department of Health (WCDH).

6. Land disturbance will exceed 5,000 s.f. within the NYC East of Hudson Watershed and, therefore, coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) is required.

EAF Comments – Complete.

Plan Comments

1. As requested, the applicant has provided a cut and fill analysis for each lot; however, this analysis must be clarified. The analysis should account for all grading activities and should be clarified, as follows:

	TOTAL CUT	TOTAL FILL	NET CUT/FILL
LOT 1			
LOT 2			

2. As previously requested, typical floor plans and elevations of the proposed homes should be provided. While a typical elevation has been provided, this plan should be revised to identify proposed building materials, as discussed. Given concerns raised by neighbors during the public hearing process, the Planning Board may wish to refer the house plans to the ACARC for review and recommendations.

3. The signature block for the Town Engineer must be added to the subdivision plat. The owners name and address must be included within the owner's signature block (all sheets).

In order to expedite the review of subsequent submissions, the applicant should provide annotated responses to each of the comments outlined herein.

Plans Reviewed, prepared by John Karell, Jr., P.E.:

- Aerial Overlay & Tax Map Overlay (O-2), dated December 6, 2016
- Existing Conditions (E-1), dated December 7, 2016
- Existing Conditions with Trees (E-2), dated December 7, 2016
- Preliminary Subdivision Plan Integrated Plot Plan (S-1), dated December 7, 2016
- Steep Slope Plan (S-2), dated December 7, 2016
- Contiguous Area Map (S-3), dated December 7, 2016
- Erosion & Sediment Control Plan (S-4), dated December 7, 2016
- Details & Profiles (D-1), dated December 28, 2016
- Details & Profiles (D-2), dated December 7, 2016
- Erosion & Sediment Control Plan Notes & Details (D-3), dated December 7, 2016
- Tree Plan (T-1), dated December 7, 2016
- Wetland Buffer Enhancement Plan (W-1), dated November 11, 2016

Plan Reviewed, prepared by David L. Odell, PLA and dated August 12, 2016:

- Subdivision Plat of Property (with NYSDEC Validation)

Plan Reviewed, prepared by Michael R. Berta, AIA and dated December 14, 2015:

- Proposed Elevations (Pre-1)

Documents Reviewed:

- Stormwater Pollution Prevention Plan Report, prepared by John Karell, Jr., P.E., dated December 7, 2016
- Letter, prepared by John Karell, Jr., P.E., dated December 28, 2016

JKJ/JMC/DJS/dc

T:\Lewisboro\Correspondence\LW2106JJ-LWPB-SSEL-Review-Memo-1-11-17.docx

JOHN KARELL, JR., P.E.
121 CUSHMAN ROAD
PATTERSON, NEW YORK, 12563
845-878-7894 FAX 845 878 4939
jack4911@yahoo.com

December 28, 2016

RESPONSE TO COMMENTS JAN JOHANNESSEN, DECEMBER 27, 2016
SSEL CORP, SCOTT FREY, BOWAY ROAD & WOODWAY ROAD
TM #: SHEET 38, BLOCK 10808, LOT # 1

Plan Comments

- The preliminary subdivision plan has been revised to contain the width circle and lot dimensions. The zoning tables have been corrected as requested.
- Noted
- Notes have been added with respect to the protection of the septic and stormwater infiltration areas and DEC inspection and reporting requirements.
- Elevations have been revised.
- The construction sequence has been revised.
- Floor plans and elevations are provided.
- Signature blocks have been relocated to the extent possible.
-

John Karell, Jr., P.E.

JOHN KARELL, JR., P.E.
121 CUSHMAN ROAD
PATTERSON, NEW YORK, 12563
845-878-7894 FAX 845 878 4939
jack4911@yahoo.com

STORMWATER POLLUTION PREVENTION PLAN

SSEL CORPORATION
FREY TWO LOT REALTY SUBDIVISION
Lewisboro (T)

September 1, 2016, **revised December 7, 2016**

DRAINAGE INFILTRATION STUDY

SSEL, Frey Two Lot Subdivision, Boway & Woodway Roads, LEWISBORO (T)

25 Year Design Storm 6.0 in.
25 Year Impervious C Factor CN 98 = 5.7
25 Year Existing C Factor (good woods) CN 74 = 3.3
Soil Type: CrC Charlton – Chatfield Complex Hydrogeologic Group B
CsD Chatfield – Charlton Complex Hydrogeologic Group B
(Web Soil Survey)
Rock Depth > 7 Feet
Water Depth > 7 Feet
Soil Percolation Rate – Lot # 1- 20 minutes per inch
Lot # 2 – 15 minutes per inch

PROPOSED IMPERVIOUS AREA

LOT # 1

House 2,625 sf
Walk 328 sf
Porch 320 sf
Total House 3,273
Driveway 2,106 sf
Total 5,379 sf

LOT # 2

House 2,625 sf
Walk 376 sf
Total House 3,001
Driveway 4,230 sf
Total 7,231 sf

RUNOFF PROPOSED NEW HOUSE IMPERVIOUS AREA (IMPERVIOUS C FACTOR LESS EXISTING C FACTOR)

CN_A = CN 98 - CN 74 = 5.7- 3.3 = 2.4
$R_I = CN_A (A_I)$ =

Lot # 1 2.4(3,273 SF) / 12= 655 CF
Lot # 2 2.4(3,001) / 12 = 600 CF

(This is the required house treatment volume)
Lot # 1 655 CF
Lot # 2 600 CF

RUNOFF PROPOSED NEW DRIVEWAY IMPERVIOUS AREA

Lot # 1 2.4 (2,106) / 12 = 421
Lot # 2 2.4 (4,230) / 12 = 846

STORMTECH 740 INFILTRATION SYSTEM DESIGN

Lot # 1 (20 m/i)

PERC VOLUME FOR 24 HR PER STORMTECH CHAMBER
VS = SCR x AS = 0.73 CF/SF/DAY x 30.26 SF = 22 CF/SF/DAY

STORMTECH CHAMBER DESIGN VOLUME
VD = VS + VC = 22 CF/DAY + 75 CF = 97 CF/DAY

It is proposed to utilize Storm Tech 740 units with a capacity of 97 CF each.

Required House 655 CF / 97 = 6.75 units
Required Driveway 421/97 = 4.3 units
Total Lot # 1 6.75 + 4.3 = 11.05 units required

Lot # 2 (15 m/i)

PERC VOLUME FOR 24 HR PER STORMTECH CHAMBER
VS = SCR x AS = 0.97 CF/SF/DAY x 30.26 SF = 29 CF/SF/DAY

STORMTECH CHAMBER DESIGN VOLUME
VD = VS + VC = 29 CF/DAY + 75 CF = 104 CF/DAY

It is proposed to utilize Storm Tech 740 units with a capacity of 104 CF each.

Required House 600 CF / 104 = 5.77 units
Required Driveway 846/104 = 8.13 units
Total Lot # 2 5.77 + 8.13 = 13.90 units required

The above notwithstanding the applicant will collect runoff from the entire proposed new house roof area as follows:

Roof = 2,625 sf
5.7 in
RI = CNA (AI) = 5.7(2,625 SF) / 12= 1246 CF

DESIGN PROPOSAL
Lot # 1

Twelve (12) storm tech 740 units with a capacity of 97 CF each are to be installed for the house and driveway. A Belgian block curb will direct stormwater off the driveway to a yard drain discharging to the infiltration system. The leaders and gutters will be piped to the infiltration system. Total capacity 1,164 CF/Day. Required capacity 1,076 CF/Day. The entire roof will be treated in the infiltration system. This will provide capacity for a 2.4 inch storm event. Storm events over 5.3 inches will overflow the system.

Lot # 2

Six (6) storm tech 740 units with a capacity of 104 CF each are to be installed for the house. Total capacity 624 CF/Day. Required capacity 600 CF/Day. The entire roof will be piped to the infiltration system for treatment. This will provide capacity for a 2.4 inch storm event. Storm events over 2.4 inches will overflow the system.

Eight (8) storm tech 740 units with a capacity of 104 CF each are to be installed for the driveway. Total capacity 832 CF/Day. Required capacity 846 CF/Day. The driveway will be pitched to the curb with stormwater directed to a yard drain. The yard drain will discharge to the infiltration system. This will provide capacity for a 2.4 inch storm event. Storm events over 2.4 inches will overflow the system.

Total capacity of the house and driveway infiltration systems is 1,456 CF/day. Required treatment capacity is 1,446 CF/Day.

PERCOLATION ANALYSIS

Lot # 1

PERC AREA AT TEST HOLE BOTTOM (4" RADIUS)

$A_B = 3.14 \times R^2 = 3.14\ (4IN/12)^2 = 0.349$ SF

TOTAL PERC AREA

$Ap = A_B = 0.349$

PERC VOLUME

$V_P = A_B$ + PERC HT. = 0.349 SF + 3 IN/12 = .087 CF

SOIL PERC RATE (T = 20 MIN/IN x 3 IN = 60 MIN)

$S_R = V_P/A_P/T \times 1440$ MIN/24 HOUR = .087CF/1.83SF/60 x 1440 = 0.73 CF/SF/DAY

Lot # 2

PERC AREA AT TEST HOLE BOTTOM (4" RADIUS)

AB = 3.14 x R2 = 3.14 (4IN/12)2 = 0.349 SF

TOTAL PERC AREA

AP = AB = 0.349 SF

PERC VOLUME

VP = AB + PERC HT. = 0.349 SF + 3 IN/12 = .087 CF

SOIL PERC RATE (T = 15 MIN/IN x 3 IN = 45 MIN)

SR = VP/AP/T x 1440 MIN/24 HOUR = .087CF/.349 SF/45 x 1440 = 0.97 CF/SF/DAY

SSEL CORPORATION
FREY TWO LOT REALTY SUBDIVISION
LEWISBORO (T)
STORMWATER POLLUTION PREVENTION PLAN
SEQUENCE OF CONSTRUCTION

The following are sequence and methods of construction of single family houses on property owned by SSEL Corporation, Boway Road, Lewisboro (T), Westchester County, New York. Erosion and sediment control measures are incorporated into the construction program. Construction of this project will be in one phase.

Proposed erosion and sediment control methods are found on the Site Plan. The erosion controls are designed in accordance with the State of New York, "Guidelines for Urban Erosion and Sediment Control".

The project is expected to start in the Spring of 2017 and continue over a two year period..

A. **General Construction Notes**

1. The site shall be disturbed only when and where necessary. Only the smallest practical area of land shall be exposed at any one time during development. When land is exposed, the exposure shall be kept to the shortest practical period of time by immediate stabilization per the stabilization notes, unless specified otherwise. All disturbed areas that are seeded with appropriate seed mixture and procedure are considered stabilized when 80% of the vegetation is achieved.
2. Where ever feasible, natural vegetation shall be retained and protected.
3. The contractor shall inspect all erosion and sediment control devices during all storm events, prior to weekends and prior to all forecasted storm events.
4. The Contractor shall grade and provide stabilization of newly graded and disturbed areas per item 11 of this sequence.

B. **Construction Sequence (applies to the construction of both houses)**

1. Install all erosion control measures which consists of silt fence and anti tracking pad.
2. Install construction fencing around the septic area(s) and Stormwater infiltration area(s)
2. Perform site grading and install driveway item 4.
3. Begin house construction.
4. Install proposed utilities, including septic system and well.
5. Install stormwater treatment facilities, swales and infiltration units, piping and structures to collect and treat roof drainage.
6. Not used
7. Topsoil, seed and mulch all disturbed areas in accordance with the stabilization notes.
8. Install gravel top course for driveway.
9. Remove all temporary erosion control measures(silt fence). Restore/backfill to final grade and provide stabilization is necessary.

10. Contractor to perform final site clean up and dispose of all debris properly.
11.STABILIZATION NOTES

A. Grade to finished slopes
B. Soils shall be scarified.
C. Topsoil with not less than four inches of suitable topsoil material
D. Seed as follows:

Spring/Fall Planting:	Tall fescue	100
	Kobe Gespedza	10
	Bahi Grass	25
	Rye Grass	40
Temporary Summer Planting		
	German Millet	40

All above units in lbs/sc

I. Background Information

A. Project Description

1. The project site is vacant located at the intersection of Boway and Woodway Roads in the Town of Lewisboro, Westchester County, New York.

2. The site is 9.4 acres in size.

3. It is proposed to subdivide this property and create two lots, Lot # 1, 4.3 acres and Lot # 2, 5.1 acres. The houses will be approximately 2,600 square feet in size. The purpose of this report is to address Storm Water Pollution Prevention and Management for the proposed improvements.

4. The proposed development will result in 5,300 square feet of impervious area on lot # 1 and 7,100 square feet of impervious area on lot # 2. There is no existing impervious area. The area of disturbance is 0.95 acres.

5. Construction will begin immediately after receiving approval from the Town of Lewisboro Building Department of a SPPP in accordance with the provisions of the Town Code.

B. Existing (Pre Development) Conditions

1. Topography and existing conditions are shown on the site plan. The developa le area within the property is relatively flat with some topographical features. Soils on the property are classified by the United States Department of Agriculture Soil Conservation Service as Charlton Chatfield Complex (CrC) and Chatfield Charlton Complex (CsD), Hydrologic Group B from the Web Soil Survey. The deep test holes indicated a rock and groundwater at a depth of greater than 7 feet. Soil percolation tests indicated a percolation rate of 10 minutes per inch. The storm water infiltration system will be designed at 10 minutes per inch.

2. The pre developed site consists of good woods and wetlands.

C. Proposed future (Developed) Conditions

1. The site plan shows all proposed utilities, drainage improvements and grading.

2. The storm water from the roofs and driveways will be treated in Storm Tech

740 chambers. Design calculations are found in the appendix to this report. Stormwater will be collected and from the roof and piped to the chambers. A pop up unit will be installed at the middle of each row to allow discharge during storms exceeding the capacity of the chambers.

3. Stormwater off the gravel and item # 4 driveways will be collected and treated in infiltration units. Design calculations are found in the appendix to this report.

4. Construction sequences are discussed in the appendix to this report and as noted on the plans.

5. The site will be served by individual wells and subsurface sewage treatment facilities, septic systems.

II. Stormwater Management, Treatment and Conveyance

A. Storm water management from the house roofs on this property consists of treatment in Storm Tech 740 chambers.

B. Stormwater management from the driveway will also be treated in infiltration chambers.

C. Stormwater conveyance for this project consists of High Density PVC Pipe, Schedule 40.

D. Analysis of pre vs post development runoff due to impervious surfaces is contained in the appendix to this report.

E. Planning practices used to prepare the final site plan/layout for this project include:

(i) Preservation of undisturbed areas – the area of disturbance has been shown on the site plan and has been developed to minimize the disturbance to the extent necessary and possible.

(ii) Preservation of buffers – buffers between existing houses have been preserved to the extent possible.

(iii) Reduction of clearing and grading – clearing and grading has been minimized to the extent possible to allow for the construction of the driveway, house and septic system and a reasonable lawn area.

(iv) Locating development in less sensitive areas – the development has been

sited outside of the wetland and 150 foot wetland setback, except for a small area on lot # 1 where part of the house was relocated within the 150 foot setback, at the request of the Planning Board . The encroachment into the 150 foot buffer is 12 feet of the house and 12 feet of additionaI disturbance. The development is generally outside of the steep slope areas as identified on the steep slope plan.

(v) Roadway construction – individual driveways will be gravel and item # 4 in order to minimize totally impervious areas.

(vi) Building footprint reduction - the proposed size of the houses, footprint, were reduced to approximately 2600 square feet to coincide with the size of the houses in the area and minimize impervious surfaces.

III. Stormwater Management

Treatment will be provided in Storm Tech 740 chambers. These units will settle solids and will provide for biological uptake of contaminants prior to the discharge of storm water to the groundwater.

V. Erosion and Sediment Control

A. Temporary Erosion and Sediment Control Measures

1. Temporary erosion and sediment control measures in the design of this project are silt fence. The contractor will be responsible for daily sediment cleanup on the roadway, if any. Silt fence are proposed to be installed along the downslope of all areas of disturbance as shown on the site plan, or as determined to be necessary during construction.
2. Runoff will be controlled within the project area. Bare soil areas, disturbed areas, will be seeded and mulched to control possible erosion and slow the velocity of runoff, within 7 days after ceasing activities.

3. Initial grading shall take place to install the sediment control measures. Soil stockpiles shall be stabilized away from any drainage structures or natural drainage paths. Once final grading has been achieved in any area that area shall be seeded and mulched and not redisturbed again.

4. Soil stockpiles must be protect with seeding and/or mulching as soon as possible but no longer than 7 days after ceasing activity.

5. Measures must be in place prior to disturbance of a particular area in order to prevent sediment from traveling off site. This is accomplished on this site by the

proper installation of silt fence.

6. Dust shall be controlled to deep the amount of particles/sediment generation by construction activity to a minimum. This will be accomplished by seeding and mulching of disturbed areas and wetting areas prone to airborne dust.

7. All temporary and permanent sediment and erosion control measures must be checked on a weekly basis for functionality and stability. This includes the silt fencing and the stabilized construction entrance. Any bare spots in areas previously seeded will be reseeded and remulched as soon as necessary. In areas where soil erosion and sedimentation is found to be a problem and measures are not in place, appropriate measures must be installed as required by the supervising engineer.

8. Final grading shall match approximately the cut and fill lines as shown on the plans. This must be accomplished within 7 days of the end of the construction activity unless otherwise specified under the Village or DEC permits.

9. Temporary measures shall not be removed until all disturbed areas protected by such measures are fully and properly stabilized.

10. Post construction controls that must remain in place are the Storm Tech units and the pretreatment unit. Permanent non structural measures to remain in place are re-established areas of grass and landscaping within the non pavement areas.

B. Permanent Erosion Control Measures

1. Permanent erosion control measures employed in the design of the project include stabilization of all disturbed areas with grass, the direction of storm water off roof impervious surfaces to the Storm Tech units.

V. Maintenance of Stormwater and Erosion Control Measures

Temporary measures will be maintained by the project developer during the entire construction period. Permanent measures will be maintained by the owner of the property.

Developer:
SSEL Corporation
P.O. Box 664
Cross River, NY, 10518

Owner/ Applicant
Same as developer

Contractor/Subcontractor

To be determined

Trained Contractor

To be determined

Contractor Certification

Each contractor or subcontractor working on this site will be required to sign the below certification:

"I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the qualified inspector during a site inspection. I also understand that the owner or operator must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings. "

Contractor signature
Printed name
Name of Company
Address
Date

Trained Contractor signature
Printed name
Name of Company
Address
Date

2. Inspections

The Town of Lewisboro SMO may require such inspections as necessary to determine compliance with this chapter at various stages in construction to examine erosion and sediment controls and SMPs. Inspections may be conducted by the Building Department or the Town's Consulting Engineer. The person conducting inspections may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved.

(1) To obtain inspections, the applicant shall notify the Town of Lewisboro enforcement official in writing at least 48 hours before any of the following as required by the SMO:
(a) Start of construction;
(b) Installation of sediment and erosion control measures;
(c) Completion of site clearing;
(d) Completion of rough grading;
(e) Installation of SMPs;
(f) Completion of final grading and stabilization of disturbed areas;
(g) Closure of construction;
(h) Completion of final landscaping; and
(i) Successful establishment of landscaping in public areas.
(2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the SMO.

A. Temporary Measures

1. Construction Entrance

Stabilized construction entrances will be provided on each driveway at the intersection with Boway Road. All sediment spilled, dropped, washed or tracked onto public rights of way must be immediately removed.

2. Silt Fence

Silt fence is proposed down gradient from all disturbed areas proposed on the site. Silt fence is used to collect the transported sediment load due to runoff and to slow said runoff, in an effort to prevent erosion. The silt fence is a temporary barrier of geotextile fabric supported by fence posts at a 10 foot maximum interval.

Sediments shall be removed from behind the fence when it becomes 0.5 feet deep at the fence. It should also be inspected regularly, at least once a week and repaired as needed to maintain a barrier.

B. Permanent Measures

1. PVC Pipe

Maintenance need is fairly low for PVC pipe. Inspection shall be carried out after major storm events or once every year. If pipe is clogged or damage, repair must be made immediately.

2. Permanent vegetation

All grassed areas shall be maintained to provide a vegetative cover to hold soils in place.

3. Infiltration Practices

In accordance with the manufacturers recommended inspection and maintenance procedures, the Storm Tech infiltration chambers shall be inspected annually to determine the depth of solids accumulated therein. When the depth of solids exceeds 3 inches in the chambers the solids shall be removed.

The yard drain settling practices shall be inspected twice annually to

determine the depth of settled solids. Settled solids shall be removed as necessary.

VI. Conclusions

In conclusion, the proposed project shall not result in any negative impact to existing hydrologic condition at the vicinity of the property and proposed storm water management practices conforms to NYSDEC Storm water Management Design Manual. In addition, the design of all storm water management practices meets the requirements of the Town of Lewisboro.

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
FREY TWO LOT REALTY SUBDIVISION

Project Location (describe, and attach a location map):
WEST SIDE OF THE INTERSECTION OF BOWAY ROAD AND WOODWAY ROAD, TOWN OF LEWISBORO

Brief Description of Proposed Action:
SUBDIVISION OF A CURRENTLY VACANT 9.4 ACRE PARCEL OF LAND AT THE INTERSECTION OF BOWAY AND WOODWAY ROADS INTO TWO PARCELS, ONE 4.3 ACRES AND THE OTHER 5.1 ACRES IN SIZE. SINGLE FAMILY HOUSES WILL BE CONSTRUCTED ON EACH LOT SERVED BY SEPTIC SYSTEMS AND DRILLED WELLS. THE PROPERTY IS LOCATED IN THE R-41 ZONING DISTRICT. INDIVIDUAL DRIVEWAYS WILL ACCESS BOWAY AND WOODWAY ROADS.

Name of Applicant or Sponsor:	Telephone: 914 804 9028
SSEL CORPORATION	E-Mail: SCOTTWFREY@YAHOO.COM

Address:
P.O. BOX 664

City/PO:	State:	Zip Code:
CROSS RIVER	NY	10518

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town Highway , Westchester County Department of Health, NYSDEC	☐	☑

3.a. Total acreage of the site of the proposed action? 9.4 acres
b. Total acreage to be physically disturbed? 0.9 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 9.4 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☑	☐
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☑	☐

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	☐	☑

	NO	YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ DRILLED WELLS	☑	☐

	NO	YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ SEPTIC SYSTEMS	☑	☐

	NO	YES
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☑	☐
b. Is the proposed action located in an archeological sensitive area?	☑	☐

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ The wetland in question is a Town of Lewisboro regulated wetland. The encroachment is 20 feet into the 150 foot wetland setback (700 sf), NOT the wetland itself, with the area of disturbance caused by the construction of the house. That area will be restored to a vegetated condition with lawn and plantings as shown on the Site Plan.		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☑ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☑ Wetland ☐ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐

	NO	YES
16. Is the project site located in the 100 year flood plain?	☑	☐

	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☑ NO ☐ YES	☐	☑
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☑ NO ☐ YES		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☑	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

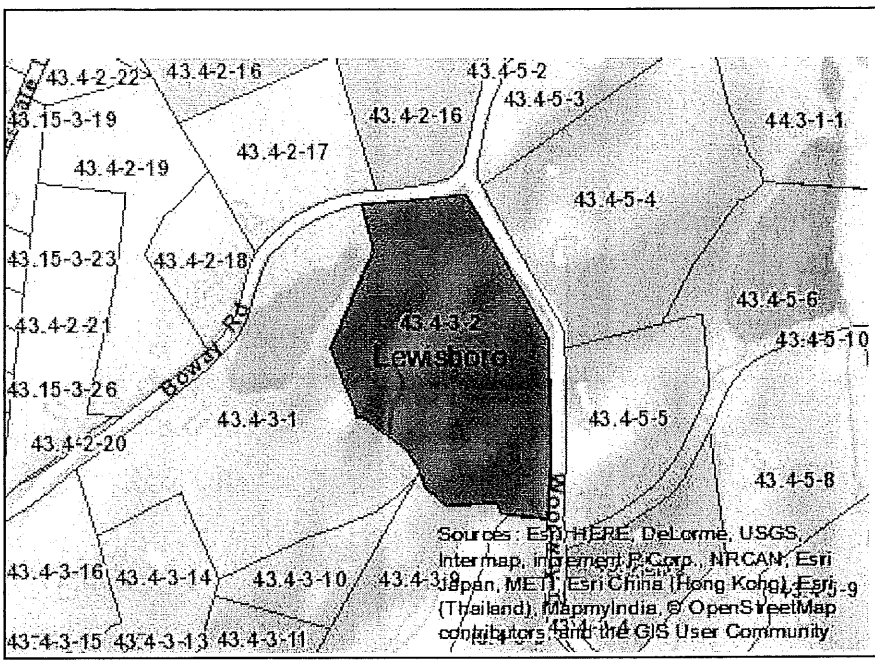
Applicant/sponsor name: SCOTT FREY, SSEL CORP. Date: MARCH 11, 2016

Signature: _____

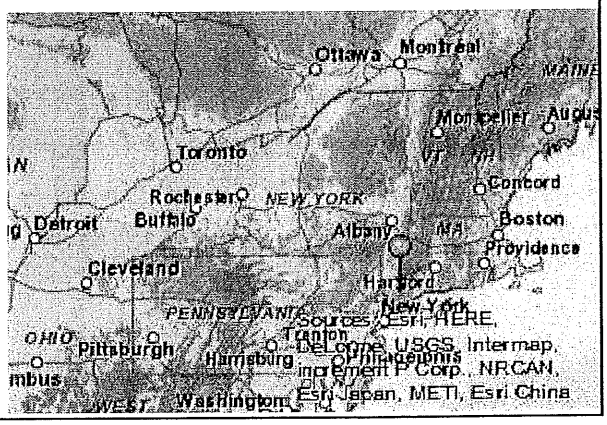
PRINT FORM

EAF Mapper Summary Report

Friday, March 11, 2016 7:46 PM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

0644089821

NOTICE OF INTENT

New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

NYR [ ][ ][ ][ ][ ][ ]
(for DEC use only)

Stormwater Discharges Associated with Construction Activity Under State Pollutant Discharge Elimination System (SPDES) General Permit # GP-0-15-002

All sections must be completed unless otherwise noted. Failure to complete all items may result in this form being returned to you, thereby delaying your coverage under this General Permit. Applicants must read and understand the conditions of the permit and prepare a Stormwater Pollution Prevention Plan prior to submitting this NOI. Applicants are responsible for identifying and obtaining other DEC permits that may be required.

-IMPORTANT-

RETURN THIS FORM TO THE ADDRESS ABOVE

OWNER/OPERATOR MUST SIGN FORM

Owner/Operator Information

Owner/Operator (Company Name/Private Owner Name/Municipality Name)
SSEL CORPORATION

Owner/Operator Contact Person Last Name (NOT CONSULTANT)
FREY

Owner/Operator Contact Person First Name
SCOTT

Owner/Operator Mailing Address
PO BOX 664

City
CROSS RIVER

State
NY

Zip
10518-

Phone (Owner/Operator)
914-804-9028

Fax (Owner/Operator)
- -

Email (Owner/Operator)
SCOTTWFREY@YAHOO.COM

FED TAX ID
- (not required for individuals)

Project Site Information

Project/Site Name
FREY TWO LOT SUBDIVISION

Street Address (NOT P.O. BOX)
BOWAY AND WOODWAY ROAD

Side of Street
○ North ○ South ○ East ● West

City/Town/Village (THAT ISSUES BUILDING PERMIT)
LEWISBORO

State: NY
Zip: 10518-
County: WESTCHESTER
DEC Region: 3

Name of Nearest Cross Street
WOODWAY ROAD

Distance to Nearest Cross Street (Feet)
0

Project In Relation to Cross Street
○ North ○ South ○ East ● West

Tax Map Numbers
Section-Block-Parcel
43.4-3-2

Tax Map Numbers

1. Provide the Geographic Coordinates for the project site in NYTM Units. To do this you **must** go to the NYSDEC Stormwater Interactive Map on the DEC website at:

www.dec.ny.gov/imsmaps/stormwater/viewer.htm

Zoom into your Project Location such that you can accurately click on the centroid of your site. Once you have located your project site, go to the tool boxes on the top and choose "i"(identify). Then click on the center of your site and a new window containing the X, Y coordinates in UTM will pop up. Transcribe these coordinates into the boxes below. For problems with the interactive map use the help function.

X Coordinates (Easting): 621756

Y Coordinates (Northing): 4570212

2. What is the nature of this construction project?

● **New Construction**

○ **Redevelopment with increase in impervious area**

○ **Redevelopment with no increase in impervious area**

3. Select the predominant land use for both pre and post development conditions.
SELECT ONLY ONE CHOICE FOR EACH

Pre-Development Existing Land Use

- ● FOREST
- ○ PASTURE/OPEN LAND
- ○ CULTIVATED LAND
- ○ SINGLE FAMILY HOME
- ○ SINGLE FAMILY SUBDIVISION
- ○ TOWN HOME RESIDENTIAL
- ○ MULTIFAMILY RESIDENTIAL
- ○ INSTITUTIONAL/SCHOOL
- ○ INDUSTRIAL
- ○ COMMERCIAL
- ○ ROAD/HIGHWAY
- ○ RECREATIONAL/SPORTS FIELD
- ○ BIKE PATH/TRAIL
- ○ LINEAR UTILITY
- ○ PARKING LOT
- ○ OTHER

Post-Development Future Land Use

- ○ SINGLE FAMILY HOME
- ● SINGLE FAMILY SUBDIVISION — Number of Lots: 2
- ○ TOWN HOME RESIDENTIAL
- ○ MULTIFAMILY RESIDENTIAL
- ○ INSTITUTIONAL/SCHOOL
- ○ INDUSTRIAL
- ○ COMMERCIAL
- ○ MUNICIPAL
- ○ ROAD/HIGHWAY
- ○ RECREATIONAL/SPORTS FIELD
- ○ BIKE PATH/TRAIL
- ○ LINEAR UTILITY (water, sewer, gas, etc.)
- ○ PARKING LOT
- ○ CLEARING/GRADING ONLY
- ○ DEMOLITION, NO REDEVELOPMENT
- ○ WELL DRILLING ACTIVITY *(Oil, Gas, etc.)
- ○ OTHER

***Note:** for gas well drilling, non-high volume hydraulic fractured wells only

4. In accordance with the larger common plan of development or sale, enter the total project site area; the total area to be disturbed; existing impervious area to be disturbed (for redevelopment activities); and the future impervious area constructed within the disturbed area. (Round to the nearest tenth of an acre.)

Total Site Area	Total Area To Be Disturbed	Existing Impervious Area To Be Disturbed	Future Impervious Area Within Disturbed Area
0.4	0.9	0.	0.1

5. Do you plan to disturb more than 5 acres of soil at any one time? ○ **Yes** ● **No**

6. Indicate the percentage of each Hydrologic Soil Group(HSG) at the site.

A	B	C	D
%	100 %	%	%

7. Is this a phased project? ○ **Yes** ○ **No**

8. Enter the planned start and end dates of the disturbance activities.

Start Date 03/01/2017 – **End Date** 12/31/2018

9. Identify the nearest surface waterbody(ies) to which construction site runoff will discharge.

Name

UNNAMED POND

9a. Type of waterbody identified in Question 9?

- ○ Wetland / State Jurisdiction On Site (Answer 9b)
- ○ Wetland / State Jurisdiction Off Site
- ○ Wetland / Federal Jurisdiction On Site (Answer 9b)
- ○ Wetland / Federal Jurisdiction Off Site
- ○ Stream / Creek On Site
- ○ Stream / Creek Off Site
- ○ River On Site
- ○ River Off Site
- ○ Lake On Site
- ● Lake Off Site
- ○ Other Type On Site
- ○ Other Type Off Site

9b. How was the wetland identified?

- ○ Regulatory Map
- ● Delineated by Consultant
- ○ Delineated by Army Corps of Engineers
- ○ Other (identify)

10. Has the surface waterbody(ies) in question 9 been identified as a 303(d) segment in Appendix E of GP-0-15-002? ○ Yes ● No

11. Is this project located in one of the Watersheds identified in Appendix C of GP-0-15-002? ● Yes ○ No

12. Is the project located in one of the watershed areas associated with AA and AA-S classified waters? ● Yes ○ No
If no, skip question 13.

13. Does this construction activity disturb land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey? ○ Yes ● No
If Yes, what is the acreage to be disturbed?

14. Will the project disturb soils within a State regulated wetland or the protected 100 foot adjacent area? ○ Yes ● No

15. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc)? ● Yes ○ No ○ Unknown

16. What is the name of the municipality/entity that owns the separate storm sewer system?

TOWN OF LEWISBORO

17. Does any runoff from the site enter a sewer classified as a Combined Sewer? ○ Yes ● No ○ Unknown

18. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law? ○ Yes ● No

19. Is this property owned by a state authority, state agency, federal government or local government? ○ Yes ● No

20. Is this a remediation project being done under a Department approved work plan? (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.) ○ Yes ● No

21. Has the required Erosion and Sediment Control component of the SWPPP been developed in conformance with the current NYS Standards and Specifications for Erosion and Sediment Control (aka Blue Book)? ● Yes ○ No

22. Does this construction activity require the development of a SWPPP that includes the post-construction stormwater management practice component (i.e. Runoff Reduction, Water Quality and Quantity Control practices/techniques)? ○ Yes ● No
If No, skip questions 23 and 27-39.

23. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual? ○ Yes ○ No

24. The Stormwater Pollution Prevention Plan (SWPPP) was prepared by:

- ● **Professional Engineer (P.E.)**
- ○ **Soil and Water Conservation District (SWCD)**
- ○ **Registered Landscape Architect (R.L.A)**
- ○ **Certified Professional in Erosion and Sediment Control (CPESC)**
- ○ **Owner/Operator**
- ○ **Other**

SWPPP Preparer

JOHN KARELL, JR., P.E.

Contact Name (Last, Space, First)

KARELL, JOHN, JR

Mailing Address

121 CUSHMAN ROAD

City

PATTERSON

State Zip

NY 12563-

Phone

845-721-0455

Fax

Email

JACK4911@YAHOO.COM

SWPPP Preparer Certification

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the GP-0-15-002. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

First Name

JOHN

MI

Last Name

KARELL, JR. P.E.

Signature

Date

11/21/2016

25. Has a construction sequence schedule for the planned management practices been prepared? ● Yes ○ No

26. Select **all** of the erosion and sediment control practices that will be employed on the project site:

Temporary Structural

- ○ Check Dams
- ○ Construction Road Stabilization
- ○ Dust Control
- ○ Earth Dike
- ○ Level Spreader
- ○ Perimeter Dike/Swale
- ○ Pipe Slope Drain
- ○ Portable Sediment Tank
- ○ Rock Dam
- ○ Sediment Basin
- ○ Sediment Traps
- ● Silt Fence
- ● Stabilized Construction Entrance
- ○ Storm Drain Inlet Protection
- ○ Straw/Hay Bale Dike
- ○ Temporary Access Waterway Crossing
- ○ Temporary Stormdrain Diversion
- ○ Temporary Swale
- ○ Turbidity Curtain
- ○ Water bars

Biotechnical

- ○ Brush Matting
- ○ Wattling

Vegetative Measures

- ○ Brush Matting
- ○ Dune Stabilization
- ○ Grassed Waterway
- ● Mulching
- ○ Protecting Vegetation
- ○ Recreation Area Improvement
- ● Seeding
- ○ Sodding
- ○ Straw/Hay Bale Dike
- ○ Streambank Protection
- ○ Temporary Swale
- ● Topsoiling
- ○ Vegetating Waterways

Permanent Structural

- ○ Debris Basin
- ○ Diversion
- ○ Grade Stabilization Structure
- ○ Land Grading
- ○ Lined Waterway (Rock)
- ○ Paved Channel (Concrete)
- ○ Paved Flume
- ○ Retaining Wall
- ○ Riprap Slope Protection
- ○ Rock Outlet Protection
- ○ Streambank Protection

Other

INFILTRATION PRACTICES

Post-construction Stormwater Management Practice (SMP) Requirements

Important: Completion of Questions 27-39 is not required if response to Question 22 is No.

27. Identify all site planning practices that were used to prepare the final site plan/layout for the project.

- ○ **Preservation of Undisturbed Areas**
- ○ **Preservation of Buffers**
- ○ **Reduction of Clearing and Grading**
- ○ **Locating Development in Less Sensitive Areas**
- ○ **Roadway Reduction**
- ○ **Sidewalk Reduction**
- ○ **Driveway Reduction**
- ○ **Cul-de-sac Reduction**
- ○ **Building Footprint Reduction**
- ○ **Parking Reduction**

27a. Indicate which of the following soil restoration criteria was used to address the requirements in Section 5.1.6("Soil Restoration") of the Design Manual (2010 version).

○ All disturbed areas will be restored in accordance with the Soil Restoration requirements in Table 5.3 of the Design Manual (see page 5-22).

○ Compacted areas were considered as impervious cover when calculating the **WQv Required**, and the compacted areas were assigned a post-construction Hydrologic Soil Group (HSG) designation that is one level less permeable than existing conditions for the hydrology analysis.

28. Provide the total Water Quality Volume (WQv) required for this project (based on final site plan/layout).

Total WQv Required

[ ][ ][ ].[ ][ ][ ] **acre-feet**

29. Identify the RR techniques (Area Reduction), RR techniques(Volume Reduction) and Standard SMPs with RRv Capacity in Table 1 (See Page 9) that were used to reduce the Total WQv Required(#28).

Also, provide in Table 1 the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

Note: Redevelopment projects shall use Tables 1 and 2 to identify the SMPs used to treat and/or reduce the WQv required. If runoff reduction techniques will not be used to reduce the required WQv, skip to question 33a after identifying the SMPs.

Table 1 - Runoff Reduction (RR) Techniques and Standard Stormwater Management Practices (SMPs)

	Total Contributing Area (acres)		Total Contributing Impervious Area (acres)
RR Techniques (Area Reduction)			
○ Conservation of Natural Areas (RR-1)	___.___	and/or	___.___
○ Sheetflow to Riparian Buffers/Filters Strips (RR-2)	___.___	and/or	___.___
○ Tree Planting/Tree Pit (RR-3)	___.___	and/or	___.___
○ Disconnection of Rooftop Runoff (RR-4)	___.___	and/or	___.___
RR Techniques (Volume Reduction)			
○ Vegetated Swale (RR-5)			___.___
○ Rain Garden (RR-6)			___.___
○ Stormwater Planter (RR-7)			___.___
○ Rain Barrel/Cistern (RR-8)			___.___
○ Porous Pavement (RR-9)			___.___
○ Green Roof (RR-10)			___.___
Standard SMPs with RRv Capacity			
○ Infiltration Trench (I-1)			___.___
○ Infiltration Basin (I-2)			___.___
○ Dry Well (I-3)			___.___
○ Underground Infiltration System (I-4)			___.___
○ Bioretention (F-5)			___.___
○ Dry Swale (O-1)			___.___
Standard SMPs			
○ Micropool Extended Detention (P-1)			___.___
○ Wet Pond (P-2)			___.___
○ Wet Extended Detention (P-3)			___.___
○ Multiple Pond System (P-4)			___.___
○ Pocket Pond (P-5)			___.___
○ Surface Sand Filter (F-1)			___.___
○ Underground Sand Filter (F-2)			___.___
○ Perimeter Sand Filter (F-3)			___.___
○ Organic Filter (F-4)			___.___
○ Shallow Wetland (W-1)			___.___
○ Extended Detention Wetland (W-2)			___.___
○ Pond/Wetland System (W-3)			___.___
○ Pocket Wetland (W-4)			___.___
○ Wet Swale (O-2)			___.___

Table 2 - Alternative SMPs
(DO NOT INCLUDE PRACTICES BEING USED FOR PRETREATMENT ONLY)

Alternative SMP	Total Contributing Impervious Area (acres)
○ Hydrodynamic	
○ Wet Vault	
○ Media Filter	
○ Other	

Provide the name and manufacturer of the Alternative SMPs (i.e. proprietary practice(s)) being used for WQv treatment.

Name

Manufacturer

Note: Redevelopment projects which do not use RR techniques, shall use questions 28, 29, 33 and 33a to provide SMPs used, total WQv required and total WQv provided for the project.

30. Indicate the Total RRv provided by the RR techniques (Area/Volume Reduction) and Standard SMPs with RRv capacity identified in question 29.

Total RRv provided

. acre-feet

31. Is the Total RRv provided (#30) greater than or equal to the total WQv required (#28).

○ Yes ○ No

If Yes, go to question 36.
If No, go to question 32.

32. Provide the Minimum RRv required based on HSG.
[Minimum RRv Required = (P)(0.95)(Ai)/12, Ai=(S)(Aic)]

Minimum RRv Required

. acre-feet

32a. Is the Total RRv provided (#30) greater than or equal to the Minimum RRv Required (#32)?

○ Yes ○ No

If Yes, go to question 33.
Note: Use the space provided in question #39 to summarize the specific site limitations and justification for not reducing 100% of WQv required (#28). A detailed evaluation of the specific site limitations and justification for not reducing 100% of the WQv required (#28) must also be included in the SWPPP.
If No, sizing criteria has not been met, so NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

33. Identify the Standard SMPs in Table 1 and, if applicable, the Alternative SMPs in Table 2 that were used to treat the remaining total WQv(=Total WQv Required in 28 - Total RRv Provided in 30).

Also, provide in Table 1 and 2 the total impervious area that contributes runoff to each practice selected.

Note: Use Tables 1 and 2 to identify the SMPs used on Redevelopment projects.

33a. Indicate the Total WQv provided (i.e. WQv treated) by the SMPs identified in question #33 and Standard SMPs with RRv Capacity identified in question 29.

WQv Provided

☐☐☐.☐☐☐ **acre-feet**

Note: For the standard SMPs with RRv capacity, the WQv provided by each practice = the WQv calculated using the contributing drainage area to the practice - RRv provided by the practice. (See Table 3.5 in Design Manual)

34. Provide the sum of the Total RRv provided (#30) and the WQv provided (#33a). ☐☐☐.☐☐☐

35. Is the sum of the RRv provided (#30) and the WQv provided (#33a) greater than or equal to the total WQv required (#28)? ○ **Yes** ○ **No**

If Yes, go to question 36.
If No, sizing criteria has not been met, so NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

36. Provide the total Channel Protection Storage Volume (CPv) required and provided or select waiver (36a), if applicable.

CPv Required

☐☐☐.☐☐☐ **acre-feet**

CPv Provided

☐☐☐.☐☐☐ **acre-feet**

36a. The need to provide channel protection has been waived because:

○ Site discharges directly to tidal waters or a fifth order or larger stream.

○ Reduction of the total CPv is achieved on site through runoff reduction techniques or infiltration systems.

37. Provide the Overbank Flood (Qp) and Extreme Flood (Qf) control criteria or select waiver (37a), if applicable.

Total Overbank Flood Control Criteria (Qp)

Pre-Development

☐☐☐.☐☐☐ **CFS**

Post-development

☐☐☐.☐☐☐ **CFS**

Total Extreme Flood Control Criteria (Qf)

Pre-Development

☐☐☐.☐☐☐ **CFS**

Post-development

☐☐☐.☐☐☐ **CFS**

37a. The need to meet the Qp and Qf criteria has been waived because:

- ○ Site discharges directly to tidal waters or a fifth order or larger stream.
- ○ Downstream analysis reveals that the Qp and Qf controls are not required

38. Has a long term Operation and Maintenance Plan for the post-construction stormwater management practice(s) been developed? ○ **Yes** ○ **No**

If Yes, Identify the entity responsible for the long term Operation and Maintenance

39. Use this space to summarize the specific site limitations and justification for not reducing 100% of WQv required(#28). (See question 32a) This space can also be used for other pertinent project information.

40. Identify other DEC permits, existing and new, that are required for this project/facility.

- ○ Air Pollution Control
- ○ Coastal Erosion
- ○ Hazardous Waste
- ○ Long Island Wells
- ○ Mined Land Reclamation
- ○ Solid Waste
- ○ Navigable Waters Protection / Article 15
- ○ Water Quality Certificate
- ○ Dam Safety
- ○ Water Supply
- ○ Freshwater Wetlands/Article 24
- ○ Tidal Wetlands
- ○ Wild, Scenic and Recreational Rivers
- ○ Stream Bed or Bank Protection / Article 15
- ○ Endangered or Threatened Species(Incidental Take Permit)
- ○ Individual SPDES
- ○ SPDES Multi-Sector GP N Y R
- ○ Other
- ● None

41. Does this project require a US Army Corps of Engineers Wetland Permit? ○ Yes ● No
If Yes, Indicate Size of Impact. .

42. Is this project subject to the requirements of a regulated, traditional land use control MS4? ● Yes ○ No
(If No, skip question 43)

43. Has the "MS4 SWPPP Acceptance" form been signed by the principal executive officer or ranking elected official and submitted along with this NOI? ● Yes ○ No

44. If this NOI is being submitted for the purpose of continuing or transferring coverage under a general permit for stormwater runoff from construction activities, please indicate the former SPDES number assigned. N Y R

Owner/Operator Certification

I have read or been advised of the permit conditions and believe that I understand them. I also understand that, under the terms of the permit, there may be reporting requirements. I hereby certify that this document and the corresponding documents were prepared under my direction or supervision. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further understand that coverage under the general permit will be identified in the acknowledgment that I will receive as a result of submitting this NOI and can be as long as sixty (60) business days as provided for in the general permit. I also understand that, by submitting this NOI, I am acknowledging that the SWPPP has been developed and will be implemented as the first element of construction, and agreeing to comply with all the terms and conditions of the general permit for which this NOI is being submitted.

Print First Name: SCOTT

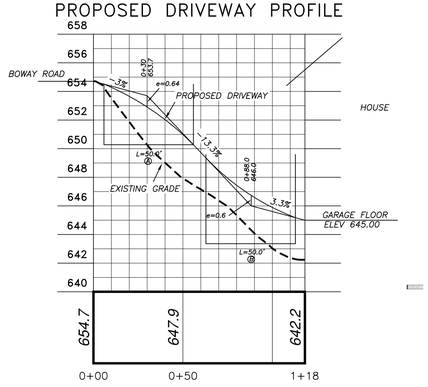
MI:

Print Last Name: FREY

Owner/Operator Signature:

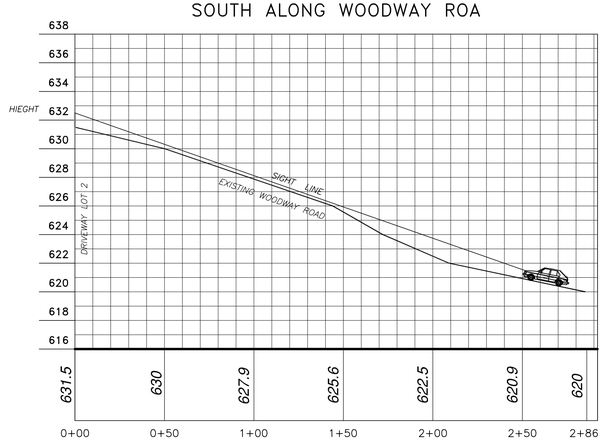
Date: 11/21/2016

LOT 1
PROPOSED DRIVEWAY PROFILE



PROFILE SCALE:
HORIZ: 1"=40'
VERT: 1"=5'

SIGHT LINE LOT 2
SOUTH ALONG WOODWAY ROA



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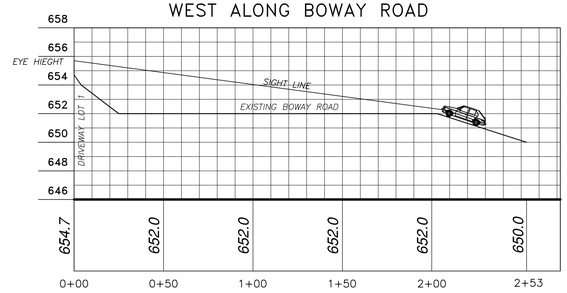
VERT: 1"=5'

SIGHT LINE LOT 1
WEST ALONG BOWAY ROAD



PROFILE SCALE:
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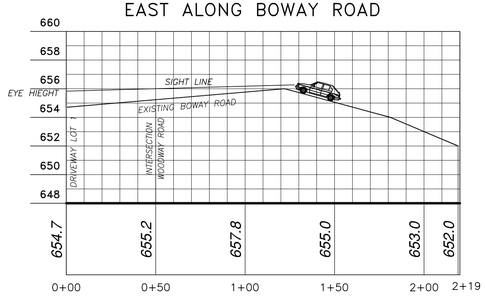
VERT: 1"=5'

SIGHT LINE LOT 1
EAST ALONG BOWAY ROAD



PROFILE SCALE:
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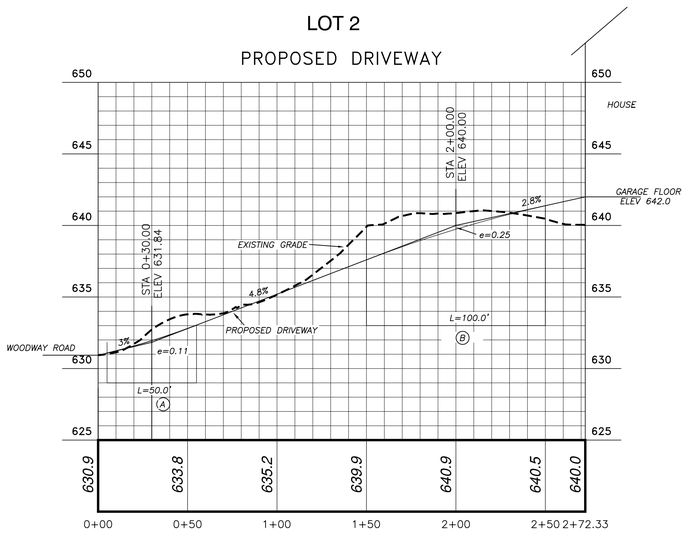
VERT: 1"=5'

LOT 2
PROPOSED DRIVEWAY



PROFILE SCALE:
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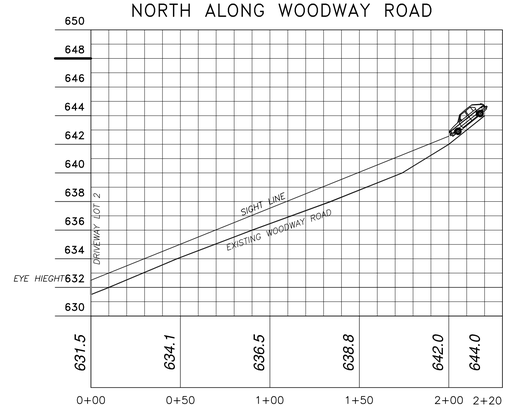
VERT: 1"=5'

SIGHT LINE LOT 2
NORTH ALONG WOODWAY ROAD



PROFILE SCALE:
HORIZ: 1"=40'
VERT: 1"=5'

CUT / FILL NOTE:
CUT OR FILL IS FOR THE DRIVEWAYS. LOT # 2 CUT IS 200 CUBIC YARDS, FILL FOR LOT # 1 IS 140 CUBIC YARDS. THE LEFT OVER FILL FROM THE LOT # 2 CUT WILL BE SPREAD AROUND THE LOT # 2 HOUSE WITHIN THE IDENTIFIED AREA OF DISTURBANCE.

CUT IN AREA OF FOUNDATION LOT 1 250 CUBIC YARDS, LOT 2 350 CUBIC YARDS. THIS IS TO BE USED FOR GRADING WITHIN THE LIMIT OF DISTURBANCE

APPROVED BY

APPROVED BY RESOLUTION OF THE
LEWISBORO PLANNING BOARD

_____
Chairman DATE

_____
Secretary DATE

TOWN ENGINEER'S CERTIFICATION
~~Reviewed for compliance with the~~ Planning Board Resolution
dated_____.

_____
Joseph M. Cermele, P.E. Date
Kellard Sessions Consulting, P.C.
Town Consulting Engineer

OWNER'S CERTIFICATION
The undersigned is the owner(s) of the property shown hereon, is familiar with this drawing and its contents, and hereby approves same for filing.

_____
Owners Name (Insert Name)
Date
Owners Address (Insert Address)

STATE OF NEW YORK
JOHN KARELL, JR.
LICENSED PROFESSIONAL ENGINEER
No. 53277

Survey & Topographic Survey prepared by David L. Odell. P.L.S. on December 12, 2015

WETLANDS SHOWN HEREON(WL-1, B-5, C-1 & D-1ETC.) FLAGGED BY TED KOZLOWSKI - CERTIFIED WETLAND DELINEATOR ON NOVEMBER 8, 2015

ALTERATION OF THIS DRAWING EXCEPT BY A LICENSED P.E. OR ARCHITECT OR LICENSED LAND SURVEYOR IS ILLEGAL. ANY ALTERATION BY A P.E. OR ARCHITECT OR SURVEYOR MUST BE INDICATED AND BEAR HIS SEAL SIGNATURE AND DATE OF ALTERATION.

REVISIONS:

NO.	DATE:	COMMENTS:
8	12-7-16	COMMENTS FROM TOWN
7	11-11-16	COMMENTS FROM TOWN ENGINEER
6	10-5-16	TOWN COMMENTS
5	9-13-16	NYS DEC WETLAND ADDED
4	8-31-16	HOUSE RELOCATED ON LOT 1
3	7-26-16	SIGHT LINES ADDED, STORMTECHS ADDED, TREES ADDED
2	6-29-16	POOL, WELL AND DRIVE GRADING ADDED
1	3-12-16	DRIVEWAY REVISION LOT 2

JOHN KARELL, JR. P.E.
121 CUSHMAN ROAD
PATTERSON, NEW YORK
845-878-7894 phone
845-878-4939 fax
jack4911@yahoo.com

SCOTT FREY
BOWAY ROAD& WOODWAY ROAD
LEWISBORO
WESTCHESTER, N.Y.

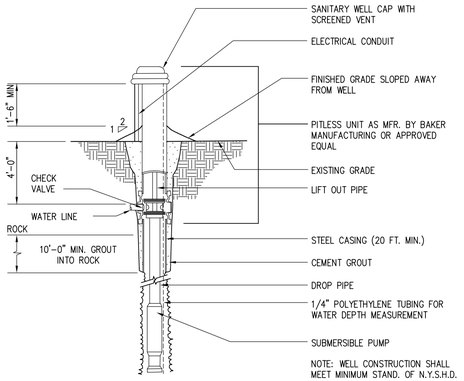
DATED:
FEBRUARY 16, 2016

TAX MAP: 43.4-3-2

SHEET No.
D-1

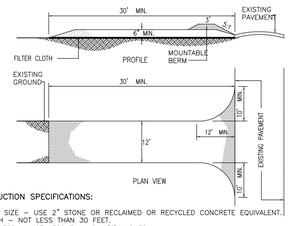
DETAILS & PROFILES

SCALE:
1" = 40'



TYPICAL WELL DETAIL

N.T.S.

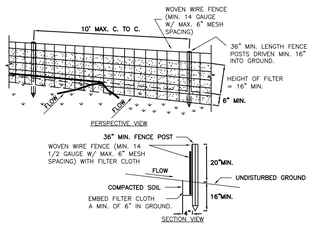


CONSTRUCTION SPECIFICATIONS:

1. STONE SIZE – USE 2" STONE OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
2. LENGTH – NOT LESS THAN 30 FEET.
3. THICKNESS – NOT LESS THAN SIX (6) INCHES.
4. WIDTH – TWELVE (12) FEET MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS AND EGRESS OCCUR.
5. FILTER CLOTH – WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE. "MIRAFI" 700X, OR APPROVED EQUAL.
6. SURFACE WATER – ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
7. MAINTENANCE – THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS–OF–WAY. ALL SEDIMENT SPILLED, DROPPED WASHED OR TRACED ONTO PUBLIC RIGHTS– OF–WAY MUST BE REMOVED IMMEDIATELY.
8. WASHING – WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

STABILIZED CONSTRUCTION ENTRANCE

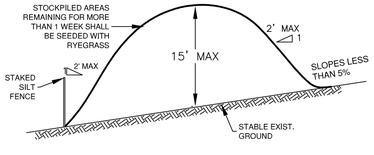
N.T.S.



CONSTRUCTION SPECIFICATIONS

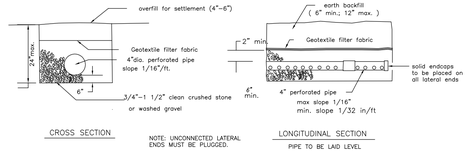
1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
2. FILTER CLOTH TO BE TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION. FENCE SHALL BE WOVEN WIRE, 6" MAXIMUM MESH OPENING.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVER–LAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABLINKA T140N, OR APPROVED EQUIVALENT.
4. PREFABRICATED UNITS SHALL BE GEOFAB, ENVROFENCE, OR APPROVED EQUIVALENT.
5. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

SILT FENCE



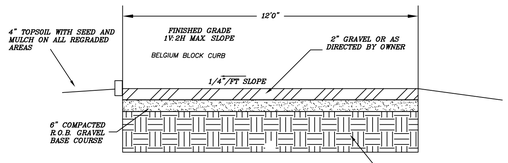
TYPICAL SOIL STOCKPILE DETAIL

N. T. S.

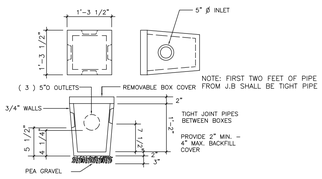


TYPICAL ABSORPTION TRENCH DETAIL

N.T.S. PIPE TO BE: HDPE SDR 38 ASTM 5810

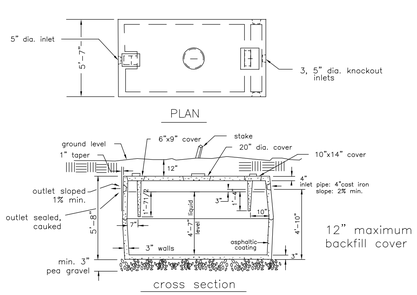


DRIVEWAY DETAIL



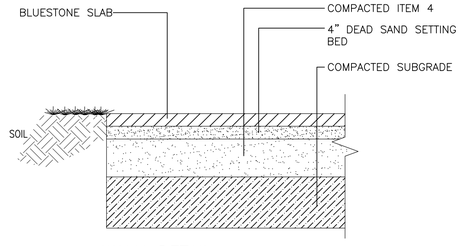
JUNCTION BOX DETAIL

N.T.S.



SEPTIC TANK DETAIL 1500 GAL.

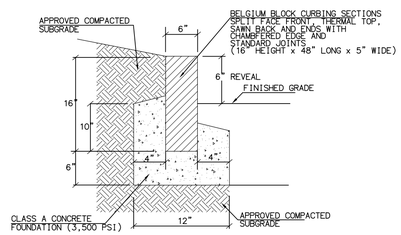
N.T.S.

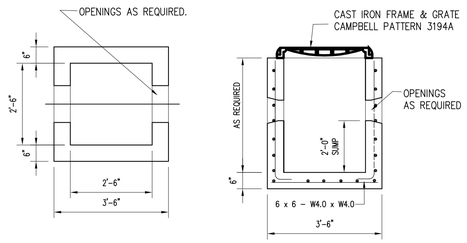


WALK DETAIL

NTS

BELGIUM BLOCK CURB DETAIL (N.T.S.)





YARD DRAIN

SCALE N.T.S.

APPROVED BY RESOLUTION OF THE LEWISBORO PLANNING BOARD

_____
Chairman DATE

_____
Secretary DATE

TOWN ENGINEER'S CERTIFICATION
Reviewed for compliance with the Planning Board Resolution dated_____.

_____
Joseph M. Cermele, P.E. Date
Kellard Sessions Consulting, P.C.
Town Consulting Engineer

OWNER'S CERTIFICATION
The undersigned is the owner(s) of the property shown hereon, is familiar with this drawing and its contents, and hereby approves same for filing.

_____
Owners Name (Insert Name)
Date
Owners Address (Insert Address)

APPROVED BY

_____ _____

_____ _____

Survey & Topographic Survey prepared by David L. Odell. P.L.S. on December 12, 2015

WETLANDS SHOWN HEREON(WL-1, B-5, C-1 & D-1ETC.) FLAGGED BY TED KOZLOWSKI - CERTIFIED WETLAND DELINEATOR ON NOVEMBER 8, 2015

ALTERATION OF THIS DRAWING EXCEPT BY A LICENSED P.E. OR ARCHITECT OR LICENSED LAND SURVEYOR IS ILLEGAL. ANY ALTERATION BY A P.E. OR ARCHITECT OR SURVEYOR MUST BE INDICATED AND BEAR HIS SEAL SIGNATURE AND DATE OF ALTERATION.

REVISIONS:	NO.	DATE:	COMMENTS:
	7	12–7–16	TOWN COMMENTS
	6	10–5–16	TOWN COMMENTS
	5	9–13–16	NYS DEC WETLAND ADDED
	4	8–31–16	HOUSE RELOCATED ON LOT 1
	3	7–26–16	SIGHT LINES ADDED, STORMTECHS ADDED, TREES ADDED
	2	6–29–16	POOL, WELL AND DRIVE GRADING ADDED
	1	3–12–16	DRIVEWAY REVISION LOT 2

JOHN KARELL, JR. P.E.
121 CUSHMAN ROAD
PATTERSON, NEW YORK
845-878-7894 phone
845-878-4939 fax
jack4911@yahoo.com

STATE OF NEW YORK JOHN KARELL, JR. No.51277 LICENSED PROFESSIONAL ENGINEER

SCOTT FREY
BOWAY ROAD& WOODWAY ROAD
LEWISBORO
WESTCHESTER, N.Y.

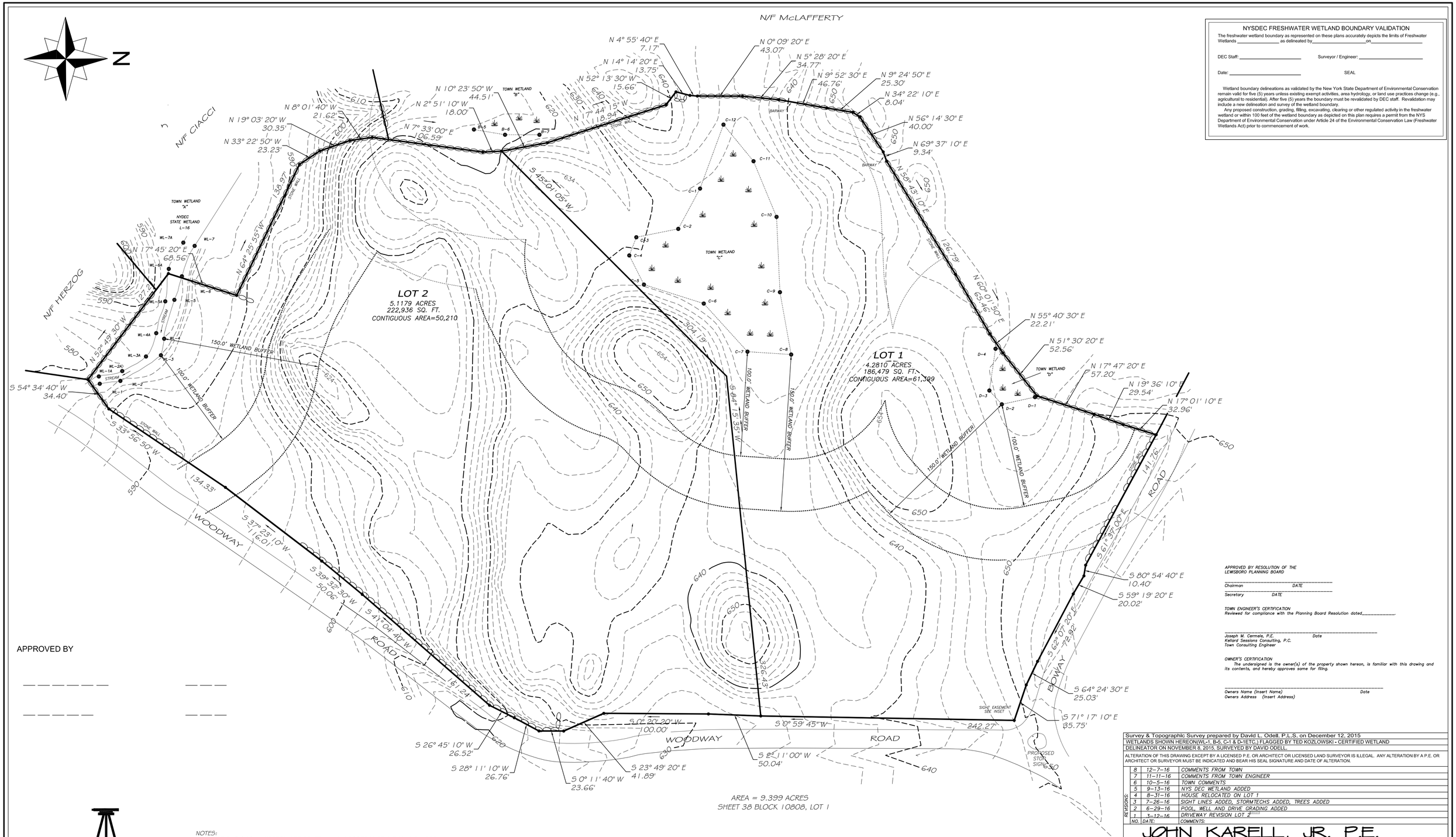
DATED:
FEBRUARY 16, 2016

TAX MAP: 43.4-3-2

SHEET No.
D-2

DETAILS & PROFILES

SCALE:
1" = 40'



NYSDEC FRESHWATER WETLAND BOUNDARY VALIDATION

The freshwater wetland boundary as represented on these plans accurately depicts the limits of Freshwater Wetlands _____ as delineated by _____ on _____

DEC Staff: _____ Surveyor / Engineer: _____

Date: _____ SEAL

Wetland boundary delineations as validated by the New York State Department of Environmental Conservation remain valid for five (5) years unless existing exempt activities, area hydrology, or land use practices change (e.g., agricultural to residential). After five (5) years the boundary must be revalidated by DEC staff. Revalidation may include a new delineation and survey of the wetland boundary.

Any proposed construction, grading, filling, excavating, clearing or other regulated activity in the freshwater wetland or within 100 feet of the wetland boundary as depicted on this plan requires a permit from the NYS Department of Environmental Conservation under Article 24 of the Environmental Conservation Law (Freshwater Wetlands Act) prior to commencement of work.

APPROVED BY

_____ _____

_____ _____

APPROVED BY RESOLUTION OF THE LEWISBORO PLANNING BOARD

_____
Chairman DATE

_____
Secretary DATE

TOWN ENGINEER'S CERTIFICATION
Reviewed for compliance with the Planning Board Resolution dated_____.

_____
Joseph M. Cermele, P.E. Date
Karlard Sessions Consulting, P.C.
Town Consulting Engineer

OWNER'S CERTIFICATION
The undersigned is the owner(s) of the property shown hereon, is familiar with this drawing and its contents, and hereby approves same for filing.

_____
Owners Name (Insert Name) Date
Owners Address (Insert Address)

NOTES:
1. ELEVATIONS SHOWN HEREON ARE GENERALLY IN ACCORDANCE WITH NAVD 1988 DATUM.

2. ADDITIONAL UNDERGROUND EASEMENTS, UTILITIES OR STRUCTURES ETC. OTHER THAN THOSE SHOWN HEREON MAY BE ENCOUNTED.

3. THE SUBSURFACE INFORMATION SHOWN HEREON, IF ANY, IS NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS AND SHOULD BE VERIFIED BY THE CONTRACTOR BEFORE ANY EXCAVATION.

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Land Surveying Company
123 Cushman Road
Patterson, N. Y. 12563
(845) 225-0106

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SURVEYED: DECEMBER 12, 2015
AND MAP PREPARED: FEBRUARY 3, 2016

WETLANDS SHOWN HEREON(WL-1, B-5, C-1 & D-1ETC.) FLAGGED BY TED KOZLOWSKI - CERTIFIED WETLAND DELINEATOR ON NOVEMBER 8, 2015

Survey & Topographic Survey prepared by David L. Odell, P.L.S. on December 12, 2015
WETLANDS SHOWN HEREON(WL-1, B-5, C-1 & D-1ETC.) FLAGGED BY TED KOZLOWSKI - CERTIFIED WETLAND DELINEATOR ON NOVEMBER 8, 2015, SURVEYED BY DAVID ODELL.

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REVISIONS:

NO.	DATE:	COMMENTS:
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1	3-12-16	DRIVEWAY REVISION LOT 2

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845-878-4939 fax
jack4911@yahoo.com

SCOTT FREY
BOWAY ROAD& WOODWAY ROAD
LEWISBORO
WESTCHESTER, N.Y.

TAX MAP: 43.4-3-2

EXISTING CONDITIONS

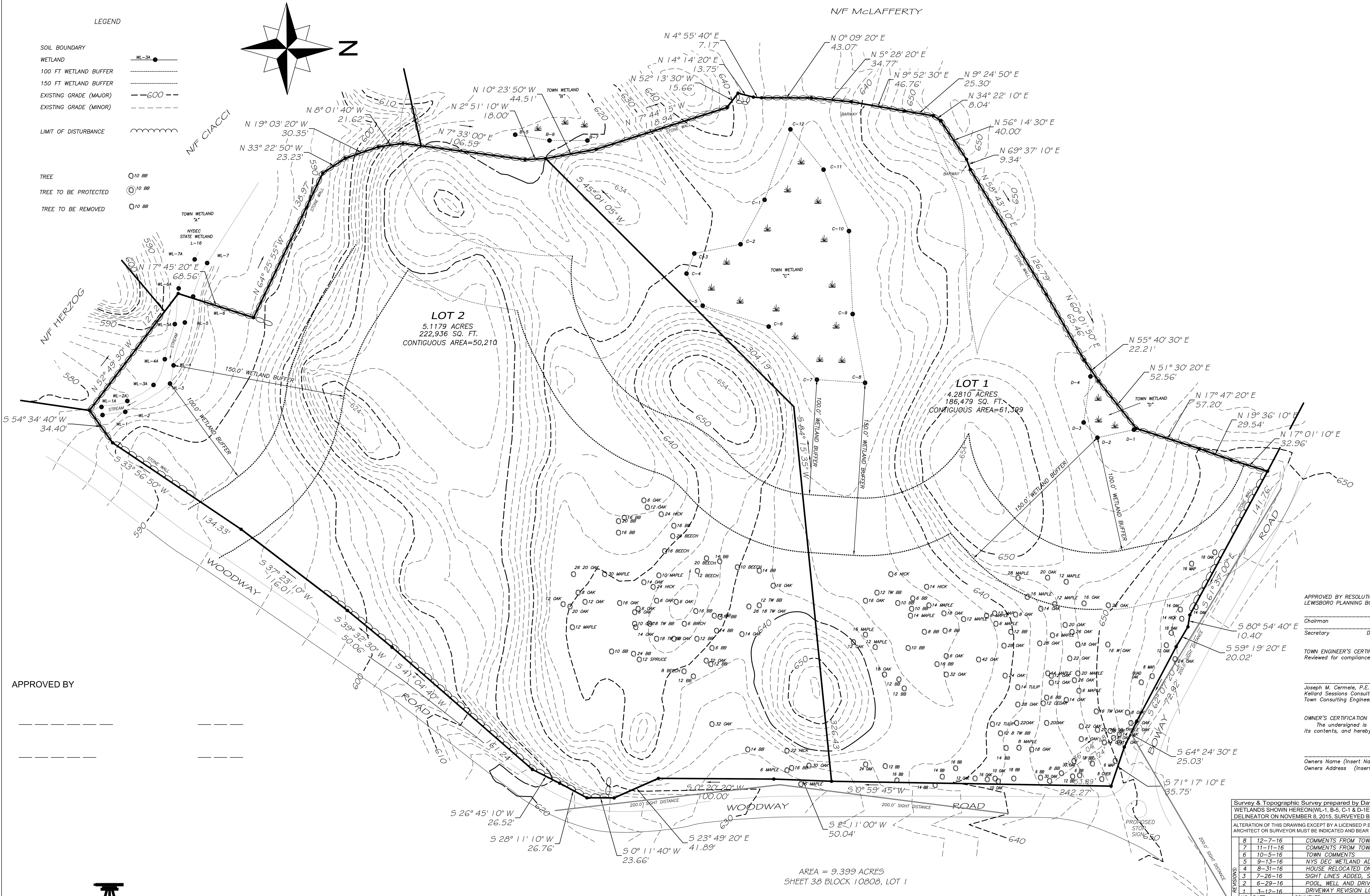
SCALE: 1" = 40'

DATED: SEPTEMBER 27, 2015

CHECKED:

LATEST REVISION:

SHEET No. E-1



APPROVED BY

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SURVEYED: DECEMBER 12, 2015
AND MAP PREPARED: FEBRUARY 3, 2016

WETLANDS SHOWN HEREON(WL-1, B-5, C-1 & D-1ETC.)
FLAGGED BY TED KOZLOWSKI - CERTIFIED WETLAND DELINEATOR
ON NOVEMBER 8, 2015

APPROVED BY RESOLUTION OF THE
LEWISBORO PLANNING BOARD

Chairman ____ DATE
Secretary ____ DATE

TOWN ENGINEER'S CERTIFICATION
Reviewed for compliance with the Planning Board Resolution dated____________.

Joseph M. Cermele, P.E. ____ Date
Kellard Sessions Consulting, P.C.
Town Consulting Engineer

OWNER'S CERTIFICATION
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Owners Name (Insert Name) ____ Date
Owners Address (Insert Address)

Survey & Topographic Survey prepared by David L. Odell. P.L.S. on December 12, 2015
WETLANDS SHOWN HEREON(WL-1, B-5, C-1 & D-1ETC.) FLAGGED BY TED KOZLOWSKI - CERTIFIED WETLAND DELINEATOR ON NOVEMBER 8, 2015, SURVEYED BY DAVID ODELL.

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REVISIONS:

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PATTERSON, NEW YORK
845-878-7894 phone
845-878-4939 fax
jack4911@yahoo.com

SCOTT FREY BOWAY ROAD& WOODWAY ROAD LEWISBORO WESTCHESTER, N.Y.	SCALE: 1" = 40'	LATEST REVISION:
TAX MAP: 43.4-3-2	DATED: SEPTEMBER 27, 2015	SHEET No. E-2
EXISTING CONDITIONS WITH TREES	CHECKED:	

IMAGE BASED ON GOOGLE EARTH IMAGERY DATE 4-19-16

No.	DATE	
1	12-6-16	AERIAL IMAGE REVISED

JOHN KARELL, JR. P.E.
121 CUSHMAN ROAD
PATTERSON, NEW YORK 12563
845-879-7894 phone
845-878-4939 fax
jack4911@yahoo.com

STATE OF NEW YORK
JOHN KARELL JR.
No. 53277
LICENSED PROFESSIONAL ENGINEER

OWNER:
SCOTT FREY
BOWAY ROAD& WOODWAY ROAD
LEWISBORO
WESTCHESTER, N.Y.

SCALE: 1" = 200'

LATEST REVISION:

DATED: NOVEMBER 16, 2016

CHECKED:

SHEET No. O-2

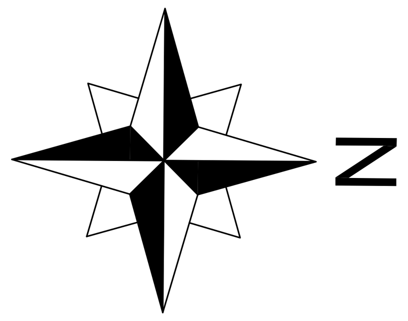
AERIAL OVERLAY
&
TAX MAP OVERLAY

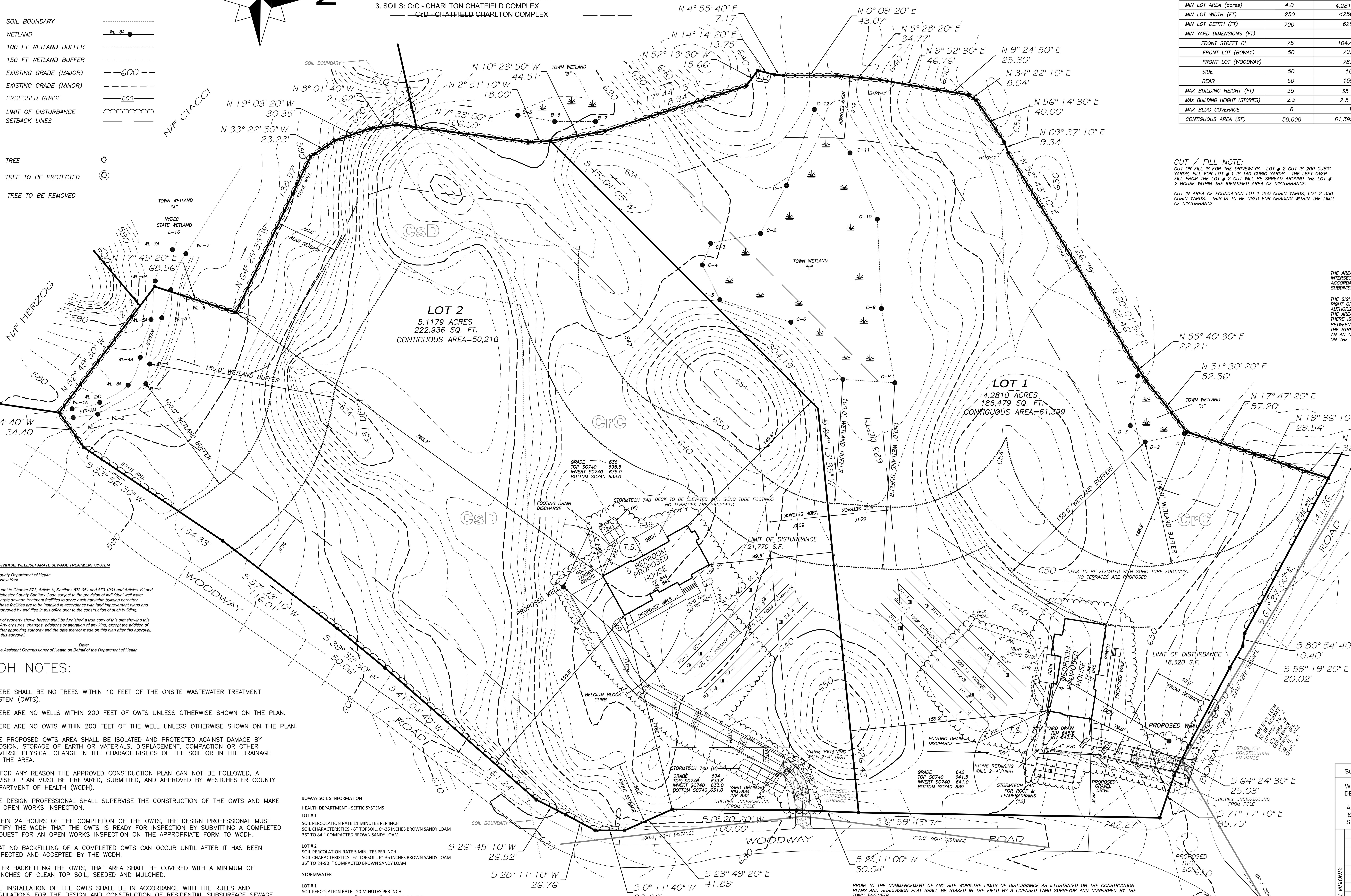
NOTES:
APPROVED BY

1. OWNER: SSEL CORP., SCOTT FREY
   PO BOX 644
   CROSS RIVER, N.Y. 10518
2. LIMIT OF DISTURBANCE: LOT 1 = 18,900 S.F
   LOT 2 = 22,460 S.F.
3. SOILS: CrC - CHARLTON CHATFIELD COMPLEX
   CsD - CHATFIELD CHARLTON COMPLEX

LEGEND

SOIL BOUNDARY	
WETLAND	WL-3A
100 FT WETLAND BUFFER	
150 FT WETLAND BUFFER	
EXISTING GRADE (MAJOR)	600
EXISTING GRADE (MINOR)	
PROPOSED GRADE	600
LIMIT OF DISTURBANCE	
SETBACK LINES	
TREE	
TREE TO BE PROTECTED	
TREE TO BE REMOVED	

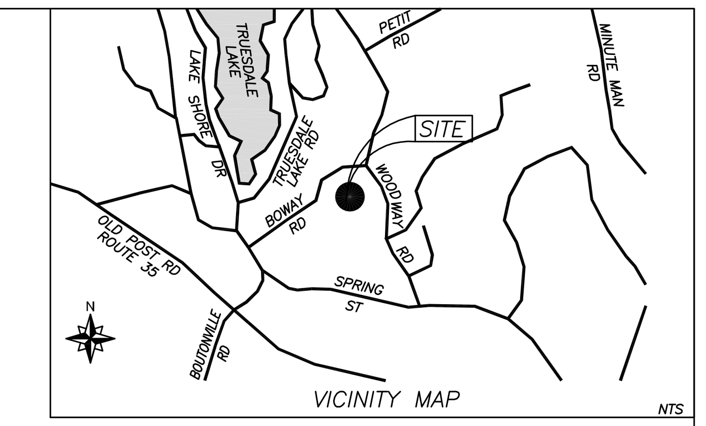




ZONING SCHEDULE

BOWAY ROAD REALTY SUBDIVISION– LEWISBORO(T)

R 4 RESIDENTIAL	REQUIRED	PROPOSED Lot # 1	Lot # 2
MIN LOT AREA (acres)	4.0	4.2810	5.1179
MIN LOT WIDTH (FT)	250	<250	<250
MIN LOT DEPTH (FT)	700	625	425
MIN YARD DIMENSIONS (FT)			
FRONT STREET CL	75	104/104	185
FRONT LOT (BOWAY)	50	79.5	
FRONT LOT (WOODWAY)		78.3	160.7
SIDE	50	168.2	99.6 / 363.3
REAR	50	159.2	347
MAX BUILDING HEIGHT (FT)	35	35	35
MAX BUILDING HEIGHT (STORIES)	2.5	2.5	2.5
MAX BLDG COVERAGE	6	1	1
CONTIGUOUS AREA (SF)	50,000	61,399	50,210



VICINITY MAP

NTS

CUT / FILL NOTE:

CUT OR FILL IS FOR THE DRIVEWAYS. LOT # 2 CUT IS 200 CUBIC YARDS, FILL FOR LOT # 1 IS 140 CUBIC YARDS. THE LEFT OVER FILL FROM THE LOT # 2 CUT WILL BE SPREAD AROUND THE LOT # 2 HOUSE WITHIN THE IDENTIFIED AREA OF DISTURBANCE.

CUT IN AREA OF FOUNDATION LOT 1 250 CUBIC YARDS, LOT 2 350 CUBIC YARDS. THIS IS TO BE USED FOR GRADING WITHIN THE LIMIT OF DISTURBANCE

THE AREA SHOWN WITHIN THE SIGHT EASEMENTS AT STREET INTERSECTIONS TO BE CLEARED, GRADED AND MAINTAINED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THE LAND SUBDIVISION REGULATIONS OF HE TOWN OF LEWISBORO.

THE SIGHT EASEMENT AS SHOWN HERON ESTABLISH THE PERPETUAL RIGHT OF THE HOLDER OF FEE TITLE OF THE HIGHWAY, OR HIS AUTHORIZED REPRESENTATIVES, TO CLEAR, REGRADE AND MAINTAIN THE AREA WITHIN THESE EASEMENTS AT SUCH ELEVATIONS THAT THERE IS A CLEAR LINE OF SIGHT ANYWHERE ACROSS THE AREA BETWEEN AN OBSERVER'S EYE AT AN ELEVATION OF 3.5 FEET ABOVE THE STREET SURFACE AT THE NEAREST EDGE OF THE THE STREET AN AN OBJECT ONE FOOT ABOVE THE NEAREST EDGE OF PAVEMENT ON THE INTERSECTING STREET

SSEL CORPORATION
FREY TWO LOT REALTY SUBDIVISION
LEWSBORO (T)
STORMWATER POLLUTION PREVENTION PLAN
SEQUENCE OF CONSTRUCTION

The following are sequence and methods of construction of single family houses on property owned by SSEL Corporation, Boway Road, Lewisboro (T), Westchester County, New York. Erosion and sediment control measures are incorporated into the construction program. Construction of this project will be in one phase.

Proposed erosion and sediment control methods are found on the Site Plan. The erosion controls are designed in accordance with the State of New York, "Guidelines for Urban Erosion and Sediment Control". The project is expected to start in the Fall of 2016 and continue over a two year period..

A. General Construction Notes

1. The site shall be disturbed only when and where necessary. Only the smallest practical area of land shall be exposed at any one time during development. When land is exposed, the exposure shall be kept to the shortest practical period of time by immediate stabilization per the stabilization notes, unless specified otherwise. All disturbed areas that are seeded with appropriate seed mixture and procedure are considered stabilized when 80% of the vegetation is achieved.
2. Where ever feasible, natural vegetation shall be retained and protected.
3. The contractor shall inspect all erosion and sediment control devices during all storm events, prior to weekends and prior to all forecasted storm events.
4. The Contractor shall grade and provide stabilization of newly graded and disturbed areas per item 11 of this sequence.

B. Construction Sequence

1. Install all erosion control measures which consists of silt fence and anti tracking pad.
2. Perform site grading and install driveway item 4.
3. Begin house construction.
4. Install proposed utilities, including septic system and well.
5. Install stormwater treatment facilities, swales and infiltration units, piping and structures to collect and treat roof drainage.
6. Not used
7. Topsoil, seed and mulch all disturbed areas in accordance with the stabilization notes.
8. Install asphalt for driveway.
9. Remove all temporary erosion control measures(silt fence). Restore/backfill to final grade and provide stabilization is necessary.
10. Contractor to perform final site clean up and dispose of all debris properly.
11. STABILIZATION NOTES
    A. Grade to finished slopes
    B. Soils shall be scarified.
    C. Topsoil with not less than four inches of suitable topsoil material
    D. Seed as follows:

Spring/Fall Planting:	Tall fescue	100
	Kobe Gespedza	10
	Bahi Grass	25
	Rye Grass	40
Temporary Summer Planting	German Millet	40

All above units in lbs/sc

STATE OF NEW YORK
JOHN KARELL, JR.
No.53277
LICENSED PROFESSIONAL ENGINEER

PROPOSED INDIVIDUAL WELL/SEPARATE SEWAGE TREATMENT SYSTEM

Westchester County Department of Health
New Rochelle, New York

Approved pursuant to Chapter 873, Article X, Sections 873.951 and 873.1001 and Articles VII and VIII of the Westchester County Sanitary Code subject to the provision of individual well water supply and separate sewage treatment facilities to serve each habitable building hereafter constructed. These facilities are to be installed in accordance with land improvement plans and specifications approved by and filed in this office prior to the construction of such building.

Each purchaser of property shown hereon shall be furnished a true copy of this plat showing this endorsement. Any erasures, changes, additions or alteration of any kind, except the addition of signatures of other approving authority and the date thereof made on this plan after this approval, shall invalidate this approval.

_______________ Date:_______________
Approved by the Assistant Commissioner of Health on Behalf of the Department of Health

WCDH NOTES:

1. THERE SHALL BE NO TREES WITHIN 10 FEET OF THE ONSITE WASTEWATER TREATMENT SYSTEM (OWTS).
2. THERE ARE NO WELLS WITHIN 200 FEET OF OWTS UNLESS OTHERWISE SHOWN ON THE PLAN.
3. THERE ARE NO OWTS WITHIN 200 FEET OF THE WELL UNLESS OTHERWISE SHOWN ON THE PLAN.
4. THE PROPOSED OWTS AREA SHALL BE ISOLATED AND PROTECTED AGAINST DAMAGE BY EROSION, STORAGE OF EARTH OR MATERIALS, DISPLACEMENT, COMPACTION OR OTHER ADVERSE PHYSICAL CHANGE IN THE CHARACTERISTICS OF THE SOIL OR IN THE DRAINAGE OF THE AREA.
5. IF FOR ANY REASON THE APPROVED CONSTRUCTION PLAN CAN NOT BE FOLLOWED, A REVISED PLAN MUST BE PREPARED, SUBMITTED, AND APPROVED BY WESTCHESTER COUNTY DEPARTMENT OF HEALTH (WCDH).
6. THE DESIGN PROFESSIONAL SHALL SUPERVISE THE CONSTRUCTION OF THE OWTS AND MAKE AN OPEN WORKS INSPECTION.
7. WITHIN 24 HOURS OF THE COMPLETION OF THE OWTS, THE DESIGN PROFESSIONAL MUST NOTIFY THE WCDH THAT THE OWTS IS READY FOR INSPECTION BY SUBMITTING A COMPLETED REQUEST FOR AN OPEN WORKS INSPECTION ON THE APPROPRIATE FORM TO WCDH.
8. THAT NO BACKFILLING OF A COMPLETED OWTS CAN OCCUR UNTIL AFTER IT HAS BEEN INSPECTED AND ACCEPTED BY THE WCDH.
9. AFTER BACKFILLING THE OWTS, THAT AREA SHALL BE COVERED WITH A MINIMUM OF 4 INCHES OF CLEAN TOP SOIL, SEEDED AND MULCHED.
10. THE INSTALLATION OF THE OWTS SHALL BE IN ACCORDANCE WITH THE RULES AND REGULATIONS FOR THE DESIGN AND CONSTRUCTION OF RESIDENTIAL SUBSURFACE SEWAGE TREATMENT SYSTEMS AND DRILLED WELLS IN WESTCHESTER COUNTY, NY.
11. ALL PIPES CONNECTING TO TANK AND BOXES SHALL BE CUT FLUSH WITH THE INSIDE WALL OF BOX.
12. THE PROPOSED OWTS SHALL BE INSTALLED BY A WESTCHESTER COUNTY LICENSED SEPTIC CONTRACTOR.
13. PRIOR TO ANY EXCAVATION ALL UNDERGROUND UTILITIES MUST BE LOCATED. CALL 1–800–962–7962.
14. THE WESTCHESTER COUNTY HEALTH DEPARTMENT APPROVAL EXPIRES ONE YEAR FROM THE DATE ON THE APPROVAL STAMP AND IS REQUIRED TO BE RENEWED ON OR BEFORE THE EXPIRATION DATE. THE APPROVAL IS REVOCABLE FOR CAUSE OR MAY BE AMENDED OR MODIFIED WHEN CONSIDERED NECESSARY BY THE DEPARTMENT.
15. THERE ARE NO SOURCES OF CONTAMINATION WITHIN 200 FEET OF THE PROPOSED WELL (WHERE NEW WELLS ARE PROPOSED).
16. THE MINIMUM WELL YIELD IS 5 GPM; YIELDS LESS THAN 5 GPM MUST BE IMMEDIATELY REPORTED TO THE DEPARTMENT (WHERE NEW WELLS ARE PROPOSED).

BOWAY SOIL S INFORMATION

HEALTH DEPARTMENT - SEPTIC SYSTEMS

LOT # 1
SOIL PERCOLATION RATE 11 MINUTES PER INCH
SOIL CHARACTERISTICS - 6" TOPSOIL, 6"-36 INCHES BROWN SANDY LOAM
36" TO 84 " COMPACTED BROWN SANDY LOAM

LOT # 2
SOIL PERCOLATION RATE 5 MINUTES PER INCH
SOIL CHARACTERISTICS - 6" TOPSOIL, 6"-36 INCHES BROWN SANDY LOAM
36" TO 84-90 " COMPACTED BROWN SANDY LOAM

STORMWATER

LOT # 1
SOIL PERCOLATION RATE - 20 MINUTES PER INCH
SOIL CHARACTERISTICS - 6" TOPSOIL, 6"- 84 " SANDY LOAM

LOT # 2
SOIL PERCOLATION RATE 15 MINUTES PER INCH
SOIL CHARACTERISTICS - 6" TOPSOIL, 6"- 84" SANDY LOAM

WCDH/NYC WATERSHED NOTES:

1. THERE ARE NO RESERVOIRS, RESERVOIR STEMS OR CONTROLLED LAKES WITHIN 500 FEET OF THE PROPOSED OWTS UNLESS OTHERWISE SHOWN ON PLAN.
2. THERE ARE NO NYSDEC WETLANDS OR WATERCOURSES WITHIN 200 FEET OF THE PROPOSED OWTS UNLESS OTHERWISE SHOWN ON THE PLAN.
3. NYCDEP MUST BE CONTACTED AT LEAST TWO DAYS PRIOR TO START OF CONSTRUCTION OF THE OWTS SO THAT THE NYCDEP MAY INSPECT AND MONITOR THE INSTALLATION.

APPROVED BY RESOLUTION OF THE
LEWISBORO PLANNING BOARD

____
Chairman DATE
____
Secretary DATE

TOWN ENGINEER'S CERTIFICATION
Reviewed for compliance with the Planning Board Resolution dated____________.

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Joseph M. Cermele, P.E. Date

Kellard Sessions Consulting, P.C.
Town Consulting Engineer

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UNLESS DEAD, DISEASED OR DETERMINED TO BE A SAFETY HAZARD, AS CONFIRMED BY THE TOWN ENGINEER, ONLY THOSE TREES MARKED WITH AN "X" ON THE TREE PLAN SHALL BE REMOVED. PRIOR TO THE COMMENCEMENT OF ANY SITE WORK, THE TREES SHOWN TO BE REMOVED ON THE TREE PLAN SHALL BE MARKED IN THE FIELD WITH WITH A BRIGHTLY COLORED SURVEYORS RIBBON AND CONFIRMED BY THE TOWN ENGINEER.

THE HOUSE AND SEPTIC SYSTEM SHALL BE CONSTRUCTED WITHIN THE CONTIGUOUS BUILDABLE AREA AS ILLUSTRATED ON THE CONSTRUCTION PLANS AND SUBDIVISION PLAT.

UNLESS OTHERWISE APPROVED BY THE PLANNING BOARD, THE HOUSE, POOL, DRIVEWAY, SEPTIC SYSTEM, WELL AND STORMWATER FACILITIES SHALL BE CONSTRUCTED IN THE LOCATIONS AS SHOWN ON THE APPROVED CONSTRUCTION PLANS.

LAND DISTURBANCE BEYOND THE LIMIT OF DISTURBANCE LINE, AS SHOWN ON THE CONSTRUCTION PLANS AND SUBDIVISION PLAT, SHALL REQUIRE PRIOR APPROVAL OF THE PLANNING BOARD.

OWNER'S CERTIFICATION
The undersigned is the owner(s) of the property shown hereon, is familiar with this drawing and its contents, and hereby approves same for filing.

____
Owners Name (Insert Name)
Date
Owners Address (Insert Address)

MAP LEGEND

E–1	EXISTING CONDITIONS
E–2	EXISTING CONDITIONS WITH TREES
S–1	PRELIMINARY PLAN
S–2	STEEP SLOPE PLAN
S–3	CONTIGUOUS AREA MAP
T–1	TREE PLAN
D–1	DETAILS / PROFILES
S–4	EROSION & SEDIMENT CONTROL PLAN
D–2	HEALTH DEPARTMENT DETAILS

Survey & Topographic Survey prepared by David L. Odell. P.L.S. on December 12, 2015

WETLANDS SHOWN HEREON(WL-1, B-5, C-1 & D-1ETC.) FLAGGED BY TED KOZLOWSKI - CERTIFIED WETLAND DELINEATOR ON NOVEMBER 8, 2015, SURVEYED BY DAVID ODELL.

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NO.	DATE:	COMMENTS:
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JOHN KARELL, JR. P.E.
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PATTERSON, NEW YORK
845-878-7894 phone
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jack4911@yahoo.com

SCOTT FREY BOWAY ROAD& WOODWAY ROAD LEWISBORO WESTCHESTER, N.Y.	DATED: FEBRUARY 16, 2016	
	TAX MAP: 43.4-3-2	SHEET No.
PRELIMINARY SUBDIVISION PLAN INTEGRATED PLOT PLAN	SCALE: 1" = 40'	S-1

N

LEGEND

- SOIL BOUNDARY
- WETLAND (WL-3A)
- 100 FT WETLAND BUFFER
- 150 FT WETLAND BUFFER
- EXISTING GRADE (MAJOR) 600
- EXISTING GRADE (MINOR)
- PROPOSED GRADE 600
- LIMIT OF DISTURBANCE
- SETBACK LINES
- STEEP SLOPE

N/F McLAFFERTY

N/F CIACCI

N/F HERZOG

TOWN WETLAND "A"

NYDEC STATE WETLAND L-16

TOWN WETLAND "B"

TOWN WETLAND "C"

TOWN WETLAND "D"

STREAM

SOIL BOUNDARY

STONE WALL

BARWAY

ROAD SIGNS

CsD

CrC

LOT 2
5.1179 ACRES
222,936 SQ. FT.
CONTIGUOUS AREA=50,210

LOT 1
4.2810 ACRES
186,479 SQ. FT.
CONTIGUOUS AREA=61,389

N 4° 55' 40" E 7.17'
N 0° 09' 20" E 43.07'
N 14° 14' 20" E 13.75'
N 5° 28' 20" E 34.77'
N 52° 13' 30" W 15.66'
N 9° 52' 30" E 46.76'
N 9° 24' 50" E 25.30'
N 2° 51' 10" W 18.00'
N 17° 44' 15" W 18.94'
N 34° 22' 10" E 8.04'
N 10° 23' 50" W 44.51'
N 8° 01' 40" W 21.62'
N 19° 03' 20" W 30.35'
N 33° 22' 50" W 23.23'
N 7° 33' 00" E 106.59'
N 56° 14' 30" E 40.00'
N 69° 37' 10" E 9.34'
S 45° 01' 05" W 138.97'
N 64° 25' 55" W 150.00'
N 58° 43' 10" E 126.79'
N 17° 45' 20" E 68.56'
N 20° 01' 50" E 65.46'
N 55° 40' 30" E 22.21'
N 51° 30' 20" E 52.56'
N 17° 47' 20" E 57.20'
N 19° 36' 10" E 29.54'
N 17° 01' 10" E 32.96'
N 52° 49' 30" W 127.12'
S 54° 34' 40" W 34.40'
S 33° 56' 50" W 134.33'
S 37° 23' 10" W 161.01'
S 39° 32' 30" W 50.06'
S 41° 04' 40" W 161.24'
S 5° 20' 20" W 100.00'
S 26° 45' 10" W 26.52'
S 28° 11' 10" W 26.76'
S 0° 11' 40" W 23.66'
S 23° 49' 20" E 41.89'
S 8° 59' 45" W 242.27'
S 8° 11' 00" W 50.04'
S 64° 24' 30" E 25.03'
S 71° 17' 10" E 35.75'
S 5° 59' 45" W 200.00'
S 6° 35' 00" E 141.76'
S 80° 54' 40" E 10.40'
S 59° 19' 20" E 20.02'

150.0' WETLAND BUFFER
100.0' WETLAND BUFFER
50.0' WETLAND BUFFER
REAR SETBACK
SIDE SETBACK
FRONT SETBACK
200.0' SIGHT DISTANCE

LIMIT OF DISTURBANCE 21,770 S.F.
LIMIT OF DISTURBANCE 18,320 S.F.

5 BEDROOM PROPOSED HOUSE TF 644.7 BF 644

DECK TO BE ELEVATED WITH SONO TUBE FOOTINGS NO TERRACES ARE PROPOSED

STORMTECH 740 DECK TO BE ELEVATED WITH SONO TUBE FOOTINGS NO TERRACES ARE PROPOSED

GRADE 636
TOP SC740 635.5
INVERT SC740 635.0
BOTTOM SC740 633.0

STORMTECH 740 (8)
GRADE 634
TOP SC740 633.5
INVERT SC740 633.0
BOTTOM SC740 631.0

STORMTECH 740 FOR ROOF & LEADERS/DRAINS (12)
GRADE 642
TOP SC740 641.5
INVERT SC740 641.0
BOTTOM SC740 639

1500 GAL SEPTIC TANK

1500 GAL SEPTIC MAN.

200 LF PRIMARY SOIL

FOOTING DRAIN DISCHARGE

BELGIUM BLOCK CURB

STONE RETAINING WALL 2'-4' HIGH

CONCRETE CONSTRUCTION ENTRANCE

STABILIZED CONSTRUCTION ENTRANCE

PROPOSED WELL

PROPOSED GRASS DRIVE

PROPOSED STOP SIGN

UTILITIES UNDERGROUND FROM POLE

EDGE/ROW BEGIN BY NYSDOT MAP DATED 10/1/2015 SURVEYED BY D.L.O. SURVEY DATE 12/12/2015

APPROVED BY

— — — — — — — — —

— — — — — — — —

NOTES:
1. OWNER: SSEL CORP., SCOTT FREY
PO BOX 644
CROSS RIVER, N.Y. 10518
2. LIMIT OF DISTURBANCE: LOT 1 = 18,900 S.F
LOT 2 = 22,460 S.F.
3. SOILS: CrC - CHARLTON CHATFIELD COMPLEX
CsD - CHATFIELD CHARLTON COMPLEX

STATE OF NEW YORK
JOHN KARELL, JR.
LICENSED PROFESSIONAL ENGINEER
No. 53277

VICINITY MAP
NTS

APPROVED BY RESOLUTION OF THE LEWISBORO PLANNING BOARD

Chairman DATE

Secretary DATE

TOWN ENGINEER'S CERTIFICATION
Reviewed for compliance with the Planning Board Resolution dated_____.

Joseph M. Cermele, P.E. Date

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SCOTT FREY
BOWAY ROAD & WOODWAY ROAD
LEWISBORO
WESTCHESTER, N.Y.

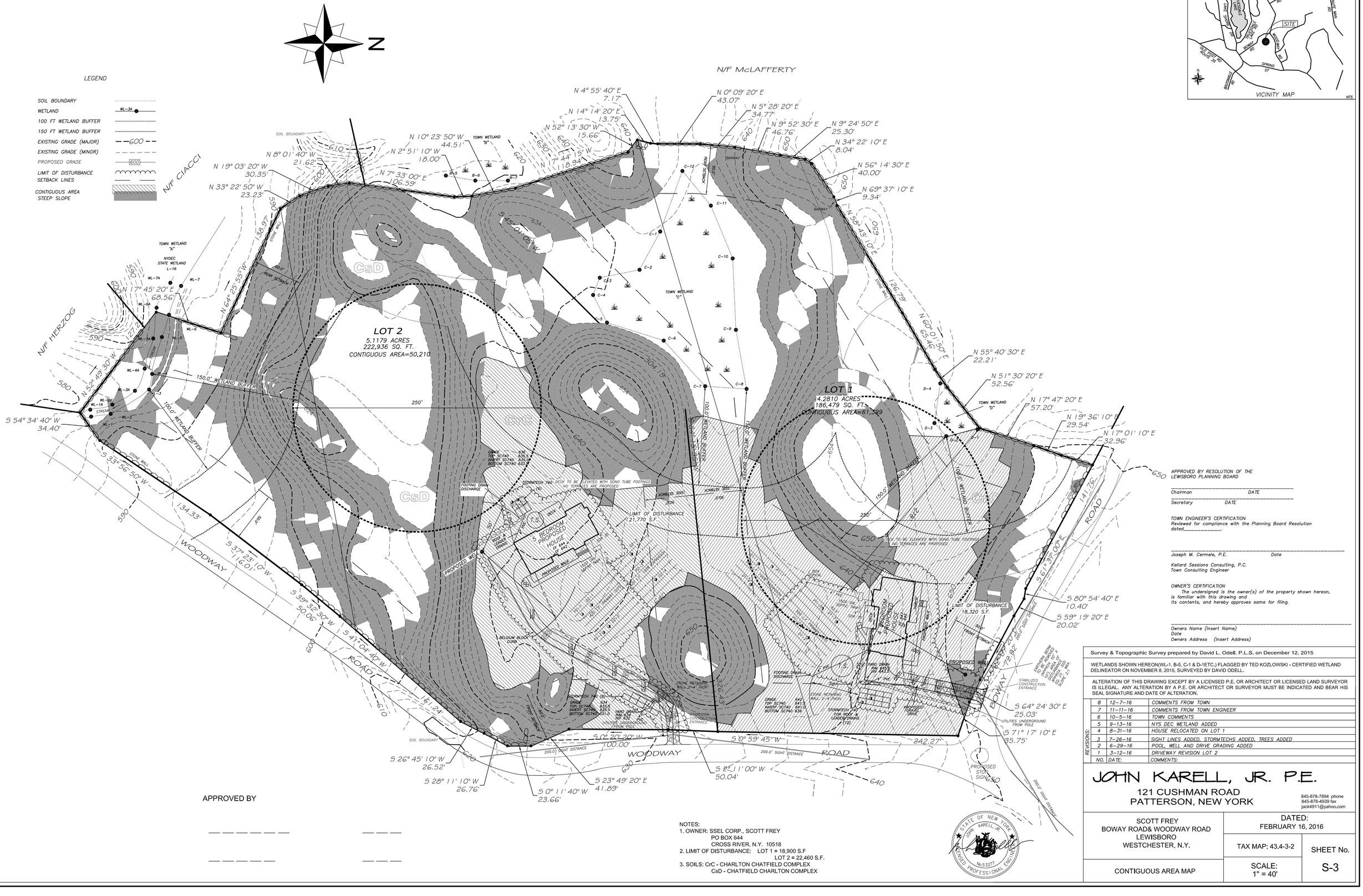
DATED:
FEBRUARY 16, 2016

TAX MAP: 43.4-3-2

SHEET No.
S-2

STEEP SLOPE PLAN

SCALE:
1" = 40'



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LEWISBORO
WESTCHESTER, N.Y.

DATED:
FEBRUARY 16, 2016

TAX MAP: 43.4-3-2

SHEET No.
S-3

CONTIGUOUS AREA MAP

SCALE:
1" = 40'

SSEL CORPORATION
FREY TWO LOT REALTY SUBDIVISION
LEWISBORO (T)
STORMWATER POLLUTION PREVENTION PLAN
SEQUENCE OF CONSTRUCTION

The following are sequence and methods of construction of single family houses on property owned by SSEL Corporation, Bowey Road, Lewisboro (T), Westchester County, New York. Erosion and sediment control measures are incorporated into the construction program. Construction of this project will be in one phase.

Proposed erosion and sediment control methods are found on the Site Plan. The erosion controls are designed in accordance with the State of New York, "Guidelines for Urban Erosion and Sediment Control".
The project is expected to start in the Fall of 2016 and continue over a two year period.

A. General Construction Notes

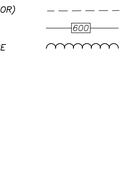
1. The site shall be disturbed only when and where necessary. Only the smallest practical area of land shall be exposed at any one time during development. When land is exposed, the exposure shall be kept to the shortest practical period of time by immediate stabilization per the stabilization notes, unless specified otherwise. All disturbed areas that are seeded with appropriate seed mixture and procedure are considered stabilized when 80% of the vegetation is achieved.
2. Where ever feasible, natural vegetation shall be retained and protected.
3. The contractor shall inspect all erosion and sediment control devices during all storm events, prior to weekends and prior to all forecasted storm events.
4. The Contractor shall grade and provide stabilization of newly graded and disturbed areas per Item 11 of this sequence.

B. Construction Sequence

1. Install all erosion control measures which consists of silt fence and anti tracking pad.
2. Perform site grading and install driveway item 4.
3. Begin house construction.
4. Install proposed utilities, including septic system and well.
5. Install stormwater treatment facilities, swales and infiltration units, piping and structures to collect and treat roof drainage.
6. Not used
7. Topsoil, seed and mulch all disturbed areas in accordance with the stabilization notes.
8. Install asphalt for driveway.
9. Remove all temporary erosion control measures(silt fence). Restore/backfill to final grade and provide stabilization is necessary.
10. Contractor to perform final site clean up and dispose of all debris properly.
11. STABILIZATION NOTES.
    A. Grade to finished slopes
    B. Soils shall be scarified.
    C. Topsoil with not less than four inches of suitable topsoil material
    D. Seed as follows:

Spring/Fall Planting:	Tall fescue	100
	Kobe Gespedza	10
	Birbi Grass	25
	Rye Grass	40
Temporary Summer Planting	German Millet	40

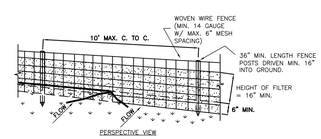
All above units in lbs/sc



CONSTRUCTION SPECIFICATIONS:

1. STONE SIZE – USE 2" STONE OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
2. LENGTH – NOT LESS THAN 30 FEET.
3. THICKNESS – NOT LESS THAN SIX (6) INCHES.
4. WIDTH – TWELVE (12) FEET MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS AND EGRESS OCCUR.
5. FILTER CLOTH – WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE. "MIRAFI" 700X, OR APPROVED EQUAL.
6. SURFACE WATER – ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
7. MAINTENANCE – THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS–OF–WAY. ALL SEDIMENT SPILLED, DROPPED WASHED OR TRACED ONTO PUBLIC RIGHTS– OF–WAY MUST BE REMOVED IMMEDIATELY.
8. WASHING – WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

STABILIZED CONSTRUCTION ENTRANCE
N.T.S.



CONSTRUCTION SPECIFICATIONS

1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
2. FILTER CLOTH TO BE TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION. FENCE SHALL BE WOVEN WIRE, 6" MAXIMUM MESH OPENING.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVER–LAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
4. PREFABRICATED UNITS SHALL BE GEOFAB, ENVIROFENCE, OR APPROVED EQUIVALENT.
5. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

SILT FENCE

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APPROVED BY RESOLUTION OF THE
LEWISBORO PLANNING BOARD

Chairman DATE

Secretary DATE

TOWN ENGINEER'S CERTIFICATION
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dated_____.

Joseph M. Cermele, P.E. Date
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SCOTT FREY BOWAY ROAD& WOODWAY ROAD LEWISBORO WESTCHESTER, N.Y.	SCALE: 1" = 40'	LATEST REVISION:
	DATED: SEPTEMBER 27, 2015	SHEET No.
TAX MAP: 43.4-3-2	CHECKED:	S-4
EROSION & SEDIMENT CONTROL PLAN		

LEGEND

SOIL BOUNDARY
WETLAND WL-3A
100 FT WETLAND BUFFER
150 FT WETLAND BUFFER
EXISTING GRADE (MAJOR) 600
EXISTING GRADE (MINOR)
PROPOSED GRADE 600
LIMIT OF DISTURBANCE

NOTES:
1. OWNER: SSEL CORP., SCOTT FREY
PO BOX 644
CROSS RIVER, N.Y. 10518
2. LIMIT OF DISTURBANCE: LOT 1 = 18,900 S.F
LOT 2 = 22,460 S.F.
3. SOILS: CrC - CHARLTON CHATFIELD COMPLEX
CsD - CHATFIELD CHARLTON COMPLEX

LOT 2
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CONTIGUOUS AREA=50,210

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4.2810 ACRES
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CONTIGUOUS AREA=61,309

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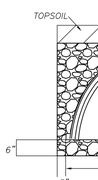
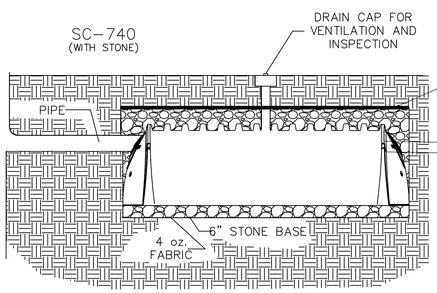
LIMIT OF DISTURBANCE
18,320 S.F.

N/F McLAFFERTY
N/F CIACCI
N/F HERZOG
WOODWAY ROAD
BOWAY ROAD
TOWN WETLAND "A"
TOWN WETLAND "B"
TOWN WETLAND "C"
TOWN WETLAND "D"
NYDEC STATE WETLAND L-16
STREAM
150.0' WETLAND BUFFER
100.0' WETLAND BUFFER
50.0' WETLAND BUFFER
100.0' DEPTH
150.0' DEPTH
200.0' SIGHT DISTANCE
STONE WALL
BARWAY
SOIL BOUNDARY
PROPOSED WELL
PROPOSED WALK
PROPOSED DRIVE
PROPOSED STOP SIGN
5 BEDROOM PROPOSED HOUSE
4 BEDROOM PROPOSED HOUSE
T.S.
DECK
1500 GAL. SEPTIC TANK
FOOTING DRAIN DISCHARGE
STONE RETAINING WALL 2-4' HIGH
BELGIUM BLOCK CURB
ROOF & LEADER DRAINS
STABILIZED CONSTRUCTION ENTRANCE
EXISTING RIM TO BE REMOVED & REPLACED WITH NEW CATCH BASIN WITH 2' SQ. GRATE AND 2' SQ. CONCRETE SURROUND SLOPE 2:1 MAX.
USE ERNST CONSERVATION SEED WET MEADOW MIX IN AREA OF DISTURBANCE WITHIN THE 150 FT WETLAND BUFFER.
DECK TO BE ELEVATED WITH SONO TUBE FOOTINGS NO TERRACES ARE PROPOSED
STORMTECH 740 (6)
STORMTECH 740 (8)
STORMTECH 740 FOR ROOF & LEADER DRAINS (12)
YARD DRAIN RIM 642.5 INV 638.5
4" PVC
J BOX VERTICAL
SIGHT EASEMENT SEE INSET
UTILITIES UNDERGROUND FROM POLE

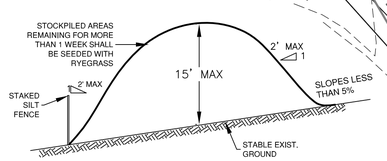




STORMTECH CHAMBER (WITH STONE)
NOT TO SCALE

NOTE: SURROUND TANK WITH 2'–0" OF 2 1/2" CRUSHED STONE WITH FILTER FABRIC MIRAFI 140 NSL OR EQUAL. TANK TO BE PLACED ON 12" CRUSHED STONE BASE.

APPROVED BY



TYPICAL SOIL STOCKPILE DETAIL
N. T. S.

LEGEND

SOIL BOUNDARY
WETLAND WL-3A
100 FT WETLAND BUFFER
150 FT WETLAND BUFFER
EXISTING GRADE (MAJOR) 600
EXISTING GRADE (MINOR)
PROPOSED GRADE 600
LIMIT OF DISTURBANCE

TREE 10 BB
TREE TO BE PROTECTED 10 BB
TREE TO BE REMOVED 10 BB

N

N/F McLAFFERTY

N/F CIACCI

N/F HERZOG

TOWN WETLAND "A"
NYDEC STATE WETLAND L-16

TOWN WETLAND "B"

TOWN WETLAND "C"

TOWN WETLAND "D"

LOT 2
5.1179 ACRES
222,936 SQ. FT.
CONTIGUOUS AREA=50,210

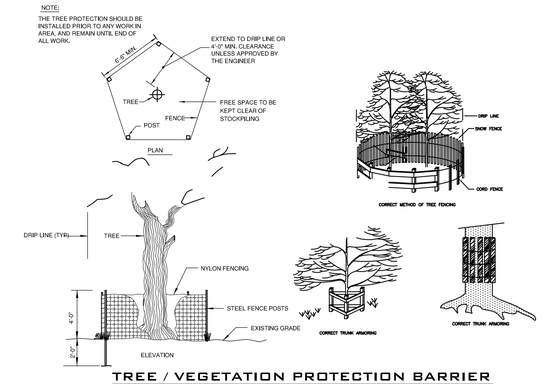
LOT 1
4.2810 ACRES
186,479 SQ. FT.
CONTIGUOUS AREA=61,389

N 4° 55' 40" E 7.17'
N 14° 14' 20" E 13.75'
N 52° 13' 30" W 15.66'
N 17° 44' 15" W 18.94'
N 0° 09' 20" E 43.07'
N 5° 28' 20" E 34.77'
N 9° 52' 30" E 46.76'
N 9° 24' 50" E 25.30'
N 34° 22' 10" E 8.04'
N 56° 14' 30" E 40.00'
N 69° 37' 10" E 9.34'
N 58° 43' 10" E 126.79'
N 60° 01' 50" E 65.46'
N 55° 40' 30" E 22.21'
N 51° 30' 20" E 52.56'
N 17° 47' 20" E 57.20'
N 19° 36' 10" E 29.54'
N 17° 01' 10" E 32.96'
N 10° 23' 50" W 44.51'
N 8° 01' 40" W 21.62'
N 2° 51' 10" W 18.00'
N 19° 03' 20" W 30.35'
N 7° 33' 00" E 106.59'
N 33° 22' 50" W 23.23'
S 45° 01' 05" W 135.97'
N 64° 25' 55" W 304.19'
N 17° 45' 20" E 68.56'
N 52° 49' 30" W 150.0' WETLAND BUFFER
S 54° 34' 40" W 34.40'
S 33° 56' 50" W 134.33'
S 37° 23' 10" W 116.01'
S 39° 32' 30" W 50.06'
S 41° 04' 40" W 161.24'
S 64° 24' 30" E 25.03'
S 71° 17' 10" E 35.75'
S 6° 35' 00" E 72.92'
S 80° 54' 40" E 10.40'
S 59° 19' 20" E 20.02'
S 26° 45' 10" W 26.52'
S 28° 11' 10" W 26.76'
S 0° 11' 40" W 23.66'
S 23° 49' 20" E 41.89'
S 0° 20' 20" W 100.00'
S 8° 11' 00" W 50.04'
S 50° 59' 45" W 242.27'
S 5° 41' 15" W 100.0' WETLAND BUFFER
150.0' WETLAND BUFFER
100.0' WETLAND BUFFER
200.0' SIGHT DISTANCE

BARWAY
WOODWAY ROAD
STONE WALL
STREAM
BELGIUM BLOCK CURB
LIMIT OF DISTURBANCE 21,770 S.F.
LIMIT OF DISTURBANCE 18,320 S.F.
5 BEDROOM PROPOSED HOUSE TF 644.5
PROPOSED WELL
PROPOSED SEPTIC SYSTEM
1500 GAL. SEPTIC TANK
PROPOSED DRIVE
PROPOSED STOP SIGN
FOOTING DRAIN DISCHARGE
STORMTECH 740 DECK TO BE ELEVATED WITH SONO TUBE FOOTINGS NO TERRACES ARE PROPOSED
STORMTECH 740 (8) GRADE 634 TOP SC746 633.5 INVERT SC740 633.0 BOTTOM SC740 631.0
STORMTECH 740 (12) GRADE 642 TOP SC740 641.5 INVERT SC740 641.0 BOTTOM SC740 639
STONE RETAINING WALL 2'-4' HIGH
YARD DRAIN RIM 632 INV. 627 PVC
UTILITIES UNDERGROUND FROM POLE
STABILIZED CONSTRUCTION ENTRANCE
EMBERS BETW. DWG. TO BE RAISED TO MATCH FINISH GRADE OF DRIVEWAY AT GARAGE SLOPE 2%
DECK TO BE ELEVATED WITH SONO TUBE FOOTINGS NO TERRACES ARE PROPOSED

AREA = 9.399 ACRES
SHEET 38 BLOCK 10808, LOT 1

NOTE:
THE TREE PROTECTION SHOULD BE INSTALLED PRIOR TO ANY WORK IN AREA, AND REMAIN UNTIL END OF ALL WORK.



TREE / VEGETATION PROTECTION BARRIER
N.T.S.

APPROVED BY

_____ _____

_____ _____

APPROVED BY RESOLUTION OF THE LEWISBORO PLANNING BOARD

_____
Chairman DATE

_____
Secretary DATE

TOWN ENGINEER'S CERTIFICATION
Reviewed for compliance with the Planning Board Resolution dated_____

_____
Joseph M. Cermele, P.E. Date
Kellard Sessions Consulting, P.C.
Town Consulting Engineer

OWNER'S CERTIFICATION
The undersigned is the owner(s) of the property shown hereon, is familiar with this drawing and its contents, and hereby approves same for filing.

_____
Owners Name (Insert Name)
Date
Owners Address (Insert Address)

NOTES:
1. ELEVATIONS SHOWN HEREON ARE GENERALLY IN ACCORDANCE WITH NAVD 1988 DATUM.

2. ADDITIONAL UNDERGROUND EASEMENTS, UTILITIES OR STRUCTURES ETC. OTHER THAN THOSE SHOWN HEREON MAY BE ENCOUNTED.

3. THE SUBSURFACE INFORMATION SHOWN HEREON, IF ANY, IS NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS AND SHOULD BE VERIFIED BY THE CONTRACTOR BEFORE ANY EXCAVATION.

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Land Surveying Company
123 Cushman Road
Patterson, N. Y. 12563
(845) 225-0106

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SURVEYED: DECEMBER 12, 2015
AND MAP PREPARED: FEBRUARY 3, 2016

WETLANDS SHOWN HEREON(WL-1, B-5, C-1 & D-1ETC.)
FLAGGED BY TED KOZLOWSKI - CERTIFIED WETLAND DELINEATOR
ON NOVEMBER 8, 2015

STATE OF NEW YORK JOHN KARELL JR. No.53277 LICENSED PROFESSIONAL ENGINEER

Survey & Topographic Survey prepared by David L. Odell, P.L.S. on December 12, 2015
WETLANDS SHOWN HEREON(WL-1, B-5, C-1 & D-1ETC.) FLAGGED BY TED KOZLOWSKI - CERTIFIED WETLAND DELINEATOR ON NOVEMBER 8, 2015, SURVEYED BY DAVID ODELL.

ALTERATION OF THIS DRAWING EXCEPT BY A LICENSED P.E. OR ARCHITECT OR LICENSED LAND SURVEYOR IS ILLEGAL. ANY ALTERATION BY A P.E. OR ARCHITECT OR SURVEYOR MUST BE INDICATED AND BEAR HIS SEAL SIGNATURE AND DATE OF ALTERATION.

REVISIONS: NO.	DATE:	COMMENTS:
9	12-7-16	COMMENTS FROM TOWN
8	11-21-16	COMMENTS FROM TOWNS ENGINEER
7	11-11-16	COMMENTS FROM TOWNS ENGINEER
6	10-5-16	TOWN COMMENTS
5	9-13-16	NYS DEC WETLAND ADDED
4	8-31-16	HOUSE RELOCATED ON LOT 1
3	7-26-16	SIGHT LINES ADDED, STORMTECHS ADDED, TREES ADDED
2	6-29-16	POOL, WELL AND DRIVE GRADING ADDED
1	3-12-16	DRIVEWAY REVISION LOT 2

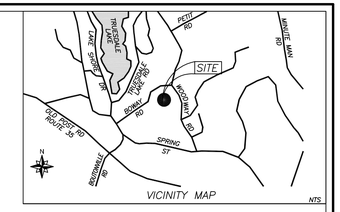
JOHN KARELL, JR. P.E.
121 CUSHMAN ROAD
PATTERSON, NEW YORK
845-878-7894 phone
845-878-4939 fax
jack4911@yahoo.com

SCOTT FREY BOWAY ROAD& WOODWAY ROAD LEWISBORO WESTCHESTER, N.Y.	SCALE: 1" = 40'	LATEST REVISION:
TAX MAP: 43.4-3-2	DATED: SEPTEMBER 27, 2015	SHEET No. T-1
TREE PLAN	CHECKED:	

ZONING SCHEDULE

BOWAY ROAD REALTY SUBDIVISION– LEWISBORO(T)

R 4 RESIDENTIAL	REQUIRED	PROPOSED	
		Lot # 1	Lot # 2
MIN LOT AREA (acres)	4.0	4.2810	5.1179
MIN LOT WIDTH (FT)	250	<250	<250
MIN LOT DEPTH (FT)	700	625	425
MIN YARD DIMENSIONS (FT)			
FRONT STREET CL	75	100/100	172
FRONT LOT (BOWAY)	50	80	
FRONT LOT (WOODWAY)		80	147
SIDE	50	169	93 / 377
REAR	50	162	347
MAX BUILDING HEIGHT (FT)	35	35	35
MAX BUILDING HEIGHT (STORIES)	2.5	2.5	2.5
MAX BLDG COVERAGE	6	1	1
CONTIGUOUS AREA (SF)	50,000	61,399	50,210



NYSDEC FRESHWATER WETLAND BOUNDARY VALIDATION

The freshwater wetland boundary as represented on these plans accurately depicts the limits of Freshwater Wetlands _____ as delineated by _____ on _____

DEC Staff: _____ Surveyor / Engineer: _____

Date: _____ SEAL

Wetland boundary delineations as validated by the New York State Department of Environmental Conservation remain valid for five (5) years unless existing exempt activities, area hydrology, or land use practices change (e.g., agricultural to residential). After five (5) years the boundary must be revalidated by DEC staff. Revalidation may include a new delineation and survey of the wetland boundary.

Any proposed construction, grading, filling, excavating, clearing or other regulated activity in the freshwater wetland or within 100 feet of the wetland boundary as depicted on this plan requires a permit from the NYS Department of Environmental Conservation under Article 24 of the Environmental Conservation Law (Freshwater Wetlands Act) prior to commencement of work.

SUBDIVISION PLAT
OF PROPERTY
PREPARED FOR
S.S.E.L. CORP.
SITUATED IN THE
TOWN OF LEWISBORO
WESTCHESTER COUNTY, NEW YORK
SCALE : 1" = 40"

LEGEND

SOIL BOUNDARY
WETLAND WL-3A
100 FT WETLAND BUFFER
150 FT WETLAND BUFFER
EXISTING GRADE (MAJOR) 600
EXISTING GRADE (MINOR)
PROPOSED GRADE 600
LIMIT OF DISTURBANCE
SETBACK LINES

N

N/F McLAFFERTY

N/F CIACCI

N/F HERZOG

LOT 2
5.1179 ACRES
222,936 SQ. FT.
CONTIGUOUS AREA=50,210

LOT 1
4.2810 ACRES
186,479 SQ. FT.
CONTIGUOUS AREA=61,399

TOWN WETLAND "A"
NYDEC STATE WETLAND L-16
TOWN WETLAND "B"
TOWN WETLAND "C"
TOWN WETLAND "D"
STREAM
150.0' WETLAND BUFFER
100.0' WETLAND BUFFER
50.0' REAR SETBACK
100.0' WETLAND BUFFER
150.0' WETLAND BUFFER
50.0' FRONT SETBACK
50.0' REAR SETBACK
50.0' FRONT SETBACK
LIMIT OF DISTURBANCE 21,770 S.F.
LIMIT OF DISTURBANCE 18,320 S.F.
5 BEDROOM PROPOSED HOUSE
4 BEDROOM PROPOSED HOUSE
PROPOSED WELL
PROPOSED SEPTIC
PROPOSED DRIVE
PROPOSED WALK
PROPOSED SIGHT EASEMENT
PROPOSED STOP SIGN
STONE WALL
BELGIUM BLOCK CURB
STABILIZED CONSTRUCTION ENTRANCE
STONE RETAINING WALL 2-4' HIGH
FOOTING DRAIN DISCHARGE
STORMTECH 740 (6)
STORMTECH 740 (12)
DECK TO BE ELEVATED WITH SONO TUBE FOOTINGS NO TERRACES ARE PROPOSED
DECK TO BE ELEVATED WITH SONO TUBE FOOTINGS AND TERRACES ARE PROPOSED
UTILITIES UNDERGROUND FROM POLE
EXISTING BERM TO BE REMOVED AS NECESSARY TO ACHIEVE PROPOSED SLOPE 2:1 MAX.

WOODWAY ROAD
BOWAY ROAD

N 4° 55' 40" E 7.17'
N 14° 14' 20" E 13.75'
N 52° 13' 30" W 15.66'
N 7° 44' 15" W 18.94'
N 10° 23' 50" W 44.51'
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S 71° 17' 10" E 35.75'
N 64° 24' 30" E 53.23'
N 17° 01' 10" E 32.96'
N 25° 35' 40" E 242.27'

200.0' SIGHT DISTANCE
200.0' SIGHT DISTANCE
200.0' SIGHT DISTANCE

THE SIGHT EASEMENT AS SHOWN HEREON ESTABLISH THE PERPETUAL RIGHT OF THE HOLDER OF FEE TITLE OF THE HIGHWAY, OR HIS AUTHORIZED REPRESENTATIVES, TO CLEAR, REGRADE AND MAINTAIN THE AREA WITHIN THESE EASEMENTS AT SUCH ELEVATIONS THAT THERE IS A CLEAR LINE OF SIGHT ANYWHERE ACROSS THE AREA BETWEEN AN OBSERVER'S EYE AT AN ELEVATION OF 3.5 FEET ABOVE THE STREET SURFACE AT THE NEAREST EDGE OF THE THE STREET AN AN OBJECT ONE FOOT ABOVE THE NEAREST EDGE OF PAVEMENT ON THE INTERSECTING STREET

THE AREA SHOWN WITHIN THE SIGHT EASEMENTS AT STREET INTERSECTIONS TO BE CLEARED, GRADED AND MAINTAINED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THE LAND SUBDIVISION REGULATIONS OF THE TOWN OF LEWISBORO.

PRIOR TO THE COMMENCEMENT OF ANY SITE WORK,THE LIMITS OF DISTURBANCE AS ILLUSTRATED ON THE CONSTRUCTION PLANS AND SUBDIVISION PLAT SHALL BE STAKED IN THE FIELD BY A LICENSED LAND SURVEYOR AND CONFIRMED BY THE TOWN ENGINEER.

UNLESS DEAD, DISEASED OR DETERMINED TO BE A SAFETY HAZARD, AS CONFIRMED BY THE TOWN ENGINEER, ONLY THOSE TREES MARKED WITH AN "X" ON THE TREE PLAN SHALL BE REMOVED. PRIOR TO THE COMMENCEMENT OF ANY SITE WORK, THE TREES SHOWN TO BE REMOVED ON THE TREE PLAN SHALL BE MARKED IN THE FIELD WITH WITH A BRIGHTLY COLORED SURVEYORS RIBBON AND CONFIRMED BY THE TOWN ENGINEER.

THE HOUSE AND SEPTIC SYSTEM SHALL BE CONSTRUCTED WITHIN THE CONTIGUOUS BUILDABLE AREA AS ILLUSTRATED ON THE CONSTRUCTION PLANS AND SUBDIVISION PLAT.

UNLESS OTHERWISE APPROVED BY THE PLANNING BOARD, THE HOUSE, POOL, DRIVEWAY, SEPTIC SYSTEM, WELL AND STORMWATER FACILITIES SHALL BE CONSTRUCTED IN THE LOCATIONS AS SHOWN ON THE APPROVED CONSTRUCTION PLANS.

LAND DISTURBANCE BEYOND THE LIMIT OF DISTURBANCE LINE, AS SHOWN ON THE CONSTRUCTION PLANS AND SUBDIVISION PLAT, SHALL REQUIRE PRIOR APPROVAL OF THE PLANNING BOARD.

OWNER CERTIFICATION

THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN HEREON IS FAMILIAR WITH THIS MAP AND ITS LEGENDS AND HEREBY APPROVES THE SAME FOR FILING.

_____ _____
SSEL CORP., SCOTT FREY DATE

APPROVED BY THE PLANNING BOARD THE TOWN OF LEWISBORO

_____ _____
CHAIRMAN DATE

_____ _____
SECRETARY DATE

APPROVED FOR FILING IN THE WESTCHESTER COUNTY CLERK'S OFFICE DIVISION OF LAND RECORDS

_____ _____
OWNER DATE

ALL TAXES DUE TO DATE HAVE BEEN PAID

_____ _____
RECEIVER OF TAXES FOR THE DATE

APPROVED BY

_____ _____
OWNER DATE

_____ _____
PLANNING BOARD CHAIRMAN DATE

Filed in Westchester County Clerk's Office, Division of Land Records

on _____

as Map No. _____

PROPOSED INDIVIDUAL WELL/SEPARATE SEWAGE TREATMENT SYSTEM

Westchester County Department of Health
New Rochelle, New York

Approved pursuant to Chapter 873, Article X, Sections 873.951 and 873.1001 and Articles VII and VIII of the Westchester County Sanitary Code subject to the provision of individual well water supply and separate sewage treatment facilities to serve each habitable building hereafter constructed. These facilities are to be installed in accordance with land improvement plans and specifications approved by and filed in this office prior to the construction of such building.

Each purchaser of property shown hereon shall be furnished a true copy of this plat showing this endorsement. Any erasures, changes, additions or alteration of any kind, except the addition of signatures of other approving authority and the date thereof made on this plan after this approval, shall invalidate this approval.

_____ *Date:* _____
Approved by the Assistant Commissioner of Health on Behalf of the Department of Health

PROFESSIONAL ENGINEER	PROFESSIONAL LAND SURVEYOR
JOHN KARELL, JR., P.E. 121 CUSHMAN ROAD PATTERSON, N.Y. 12563	DAVID L. ODELL, PLS 121 CUSHMAN ROAD PATTERSON, N.Y. 12563

LAND SURVEYOR'S CERTIFICATION

I, DAVID L. ODELL HEREBY CERTIFY THAT THE SURVEY UPON WHICH THIS MAP IS BASED WAS COMPLETED JANUARY 17, 2016 AND TN MAP WAS PREPARED AUGUST 12, 2016

_____
NEW YORK STATE LICENSED LAND SURVEYOR No. 050074

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David L. Odell, P.L.S.
Land Surveying Company
123 Cushman Road
Patterson, N.Y. 12563
(845) 225-0106

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NEW YORK STATE OF OPPORTUNITY.
Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

November 09, 2016

Mr. Scott Frey
SSEL Corp.
PO Box 664
Cross River, NY 10518

Re: DEC
Frey Two Lot Subdivision
Boway and Woodway Roads, Lewisboro, NY
16PR07679

Dear Mr. Frey:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the New York State Office of Parks, Recreation and Historic Preservation's opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont

Ruth L. Pierpont

Deputy Commissioner for Historic Preservation

Affidavit of Publication

STATE OF NEW YORK, }
County of Westchester } ss:

Georgian H Ryan being duly sworn says *(s)he is Principal Clerk of

The Record-Review

a newspaper published in the Town of Bedford, County of Westchester, and State of New York, and that a notice, of which the annexed printed notice is a copy, has been published in The Record Review one times, once each week for one successive weeks, that such publication was made in the issues of:

11/10/16

Principal Clerk

Sworn before me this 17th day of November 2016

Notary Public

KAREN A. COWAN
Notary Public, State of New York
No. 01CO4947612
Qualified in Westchester County
Term Expires February 27, 2019

*This affidavit must be made and executed by the Publisher, Principal Clerk or Foreman of the composing room.

TOWN OF LEWISBORO
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Board of the Town of Lewisboro, Westchester County, New York will convene a Public Hearing on November 15, 2016 at 7:30 p.m., or soon thereafter, at the Town Offices @ Orchard Square Plaza, Lower Level, Cross River, New York, regarding the following:

Cal# 04-16PB, 16-16SW

Applications for Preliminary and Final Subdivision Plat Approval, Wetland Activity Permit Approval and Stormwater Activity Permit Approval for Boway Road and Woodway Road, South Salem, New York, owner of record, SSEL, Corp., to permit the construction of a 2-lot subdivision. The property is located at the corner of Boway and Woodway Roads, consists of approximately 9.4 acres of land, and is located within the Town's R-4A Zoning District. A copy of materials and proposed site documents may be inspected at the office of the Planning Board Secretary, 20 Orchard Square, Suite L, Cross River, New York during regular Planning Board hours. Persons wishing to object to the application should file a notice of objection with the Planning Board together with a statement of the grounds of objection prior to the closing of the Public Hearing. All interested parties are encouraged to attend the Public Hearing and all will be provided an opportunity to be heard.

PLANNING BOARD
TOWN OF LEWISBORO
By: Jerome Kerner
Chairman

Dated October 7, 2016

The Town of Lewisboro is committed to equal access for all citizens. Anyone needing accommodations to attend or participate in this meeting is encouraged to notify the Secretary to the Planning Board in advance.

RR250-16

The Bedford Pound Ridge

RECORD REVIEW

INVOICE FOR LEGAL NOTICE

INVOICE # RR 250.16

REMITTEE: Town of Lewisboro
Planning Board
PO Box 725
South Salem, NY 10590

INSERTION DATES	SUBJECT		COST
11/10/16	Public Hearing SSEL	51 LINES @. 385	19.64

TOTAL DUE: $19.64

Please make your check payable to The Record-Review and mail to:
The Record-Review
P.O. Box 418
Scarsdale, NY 10583

Please include the invoice number on your check

Spencer Weneck
27 Woodway Road
South Salem, NY 10590

Jerome Kerner
Chairman, Town of Lewisboro Planning Board
P.O. Box 725
Cross River, NY 10518

November 14, 2016

RE: SSEL Corp., Boway/Woodway Proposal

Dear Chairman Kerner and Members of the Planning Board,

My name is Spencer Weneck. My wife Dana and I are the owners of 27 Woodway Road, located immediately South and East of the subject property. I regret not being able to attend the public hearing on this matter of Mr. Frey's building proposal for the Boway-Woodway project, however appreciate your consideration of thoughts and potential concerns related.

I have had the opportunity to read the agenda packet which the Town has made available. While I appreciate the level and depth of due diligence done to date, we are left with potential unresolved and unaddressed matters of concern and impact upon our property and prevailing neighborhood;

- Conservation Advisory Council (Letter dated 8/10/16); Understanding the CAC is in an advisory position to the Planning Board, relative to their stated concerns associated with the wetland areas on/adjacent to the subject property, as well as the steep slope constraints, how has the Planning Board factored this advisement and in turn, have these concerns of the CAC been mitigated?
- Wetlands; The agenda packet notes of the Planning Board's request of applicant to move a small area of the development site on Lot #1 within the 150 ft wetland setback. Why would the Planning Board make such request, and in doing so compromise the integrity of these established wetlands covenants?
- Steep Slope Plan; The agenda packet notes that the development is 'generally outside of the steep slope areas as defined by the Steep Slope Plan'. This statement seems to indicate that the site plan is not entirely in accordance with the Steep Slope Plan by use of the word 'Generally', if as such, why has this exception been made?
- Short Environment Assessment Form-Part II Impact Assessment; in reading through the applicant's responses to this survey, it would seem these answers, to quite significant inquiries, are relatively subjective. Particularly concerning are the answers of "no, or small impact may occur" to questions 7, 9, 10, and 11. To what degree has the applicant

commissioned studies upon the potential moderate to large negative impact upon the surrounding Wetlands, public and private water supplies, erosion and drainage, and overall negative impact upon natural resources and human health?

- Impervious land creation; the applicant is proposing the introduction of nearly one acre (.95 acre) of impervious area combined on the current plat. Factoring the elevated location of the property I have considerable concern for the potential negative environmental impact immediately upon the bordering wetlands to the South, my property and those further to the South/downhill from the subject property. What has the applicant and/or town done to assure of zero negative impact upon the surrounding ecosystem and neighboring parcels?
- Driveway; the proposed driveway for lot #1, located on the bending turn from Boway to Woodway creates potential safety hazard. The downward pitch turning from Boway onto Woodway for eastbound traffic is problematic in many respects, least of which is sightlines, and the perils of moving a vehicle onto the road without affording moving traffic ample vision to view the entering vehicle. Has the Highway Department factored these concerns?
- Construction; there is considerable ledge in the area. Has the applicant prepared for the contingency of blasting as needed for excavation work? If so, what would be the impact on the surrounding homes/properties? What happens in the event there is damage done to surrounding homes/foundations?

I offer these questions sincerely, and with the understanding that the applicant has every right to protect and better the investment made in purchasing this land. However, The Town of Lewisboro and its various departments have devised and implemented statutes and guidelines to protect its citizens and ecosystem. How is this proposal necessitating amendment to the guidelines put in place to protect? The Town of Lewisboro/Hamlet of South Salem is a special place. Its rural fabric, wooded areas, and green spaces are key factors in what attracted us in moving here and an element I am sure is likely shared by most of its citizens. In reading through the proposal, it is not lost on me that perhaps this parcel of land, dictated entirely by the natural characteristics both on and surrounding, were it to be developed, then it should ideally be limited to one home. The requests put forth in the proposal seem to be entirely predicated on capitalizing monetarily on having two home sites to market, rather than one. I respect and understand the applicant's motivations. However, the applicant is not building a home for himself, nor as I understand it, a custom build. This is important to note as the motivating elements and sentiments of actually living/residing in the neighborhood, and sincerely factoring the potential impacts on those surrounding are non-existent.

After this entire proposal process and many months of construction and disruption to the tranquility of our neighborhood, the result will be two home sites which it can be fairly surmised will not better the surroundings of the current neighborhood, and the green/wooded space we all enjoy. My hope and faith in the Planning Board's evaluation of this proposal is the wisdom in rendering their decision while factoring the unique and wonderful characteristics of our Town against the opportunistic motivations of a developer.

Thank you for your consideration.

Sincerely,

Spencer Weneck

Spencer Weneck
27 Woodway Road
South Salem, NY 10590

Jerome Kerner
Chairman, Town of Lewisboro Planning Board
P.O. Box 725
Cross River, NY 10518

November 15, 2016

RE: SSEL Corp., Boway/Woodway Proposal

Dear Chairman Kerner and Members of the Planning Board,

In furtherance to my letter dated November 14, 2016, with request to be read into record regarding the Boway/Woodway Proposal, and continued due diligence, I wish to add additional input for your collective consideration. I remain perplexed at the proposal's inclusion of adjustment to wetland setbacks and steep slope plan to accommodate a second home site on this parcel. The considerable questions surrounding the potential grave impact environmentally, as well as the ambient properties in place for many decades, even centuries notwithstanding, I feel it important to deepen the discussion and understanding of the financial forces at play. I have every appreciation for Town officials efforts in doing all they can to curb the growing tax burden upon its citizens. But questions need to be asked, at what cost? I view the cost in this instance as an irreversible alteration of the topography and character which makes South Salem so unique and attractive. Forcing two plats into this parcel is extreme in so many ways, and is brought forward with no consideration of the surrounding ecosystem and neighbors existing. At the applicant's opportunistic purchase of this 9.4 acre parcel for $190,000, there is considerable opportunity to profit from the development of one home site alone, and the town the opportunity to benefit still from additional property tax revenues. I would kindly ask the Planning Board to factor these elements, along with the additional stresses and strains to varied resources (town, natural, utility, et al) that two home sites v. one home site would create negatively upon our tranquil neighborhood.

Additionally, I wish to add relative to prior raised question and concern related to storm water runoff, that the Planning Board please consider the negative impact creating the amount of impervious land the current proposal is noting. As it stands now, without any non-natural impervious land on the parcel, and factoring it's uphill location directly to our property, after even moderate rain events we have considerable pooling of water collecting on the front of our property (Woodway Road frontage). These pools range in depth between 1-2 feet, and the runoff comes directly the North and West downhill along Woodway Road. The addition of more impervious land will only exacerbate this problem, and potentially lead to flooding of our structure.

Thank you for your consideration.

Sincerely,

Spencer Weneck

Ciorsdan Conran

From:	Colleen McLafferty <colleen.mclaff@gmail.com>
Sent:	Tuesday, November 15, 2016 3:42 PM
To:	Jerome Kerner, Pred TOL Planning Board
Cc:	Amy Hodges; building@lewisborogov.com; cac1chair@lewisborogov.com
Subject:	SSEL Corp - Boway/Woodway lot subdivision: Sheet 38, Block 10808, Lot 1

Dear Chairman Kerner and Planning Board Members-

Our family moved from Lake Truesdale to 25 Boway, South Salem in July 1997 and a primary factor in our decision was the beautiful 11+ acre property and quiet, friendly neighborhood. We have a 3-BR ranch home with land that's comprised of a casual yard, meadow, paddock, extensive woods and a beautiful, spring-fed pond.

While we have a number of questions relating to the developing plans at Boway/Woodway the most significant, and of greatest concern to us, deals with how the pond and surrounding area shall be affected. We're lucky enough to have a habitat that supports herons, wood ducks, a hawk and owl, geese and goslings in the spring, box turtles and fish. We've been very conscientious in caring for the pond and its environs for many years and shall continue to be so.

In addition to our own commitment, a few years ago, the SSFD approached us about installing a dry hydrant along Boway next to the pond and drawing from it, if necessary, which we readily agreed to (see Planning Board letter dated 9/25/14). Since then, the SSFD has been scrupulous in maintaining the installation and its surrounds which we all benefit from.

In the almost 20 years we've lived here there's been 3 memorable occasions when drought-like conditions have had a serious impact, for us and others, and this has been one of them. Our pond is much lower than the norm and the spillway hasn't been running for 2 seasons. Where this raises a major concern for us in any adjacent property development plan(s) is whether or not these conditions were considered in relation to calculations and tests that are required and if so how.

In reviewing many of the materials submitted to the Planning Board and other Town agencies as part of this application, additional questions and concerns have been raised and we hope to have them addressed in the near future.

We absolutely love it here and are interested in seeing the property adjacent to ours developed in a responsible manner, in keeping with the neighborhood and environmental concerns of our community, and look forward to the progression of any development.

Respectfully,

Colleen & Michael McLafferty
25 Boway Road, South Salem

Cc: Zoning Board of Appeals
Building Dept
Stormwater Management Committee
Conservation Advisory Council
Chief Scott, SSFD

Ciorsdan Conran

From: Tom Christopher <tcnyc@optonline.net>
Sent: Monday, December 05, 2016 6:39 PM
To: planning@lewisborogov.com
Subject: For members, pls acknowledge receipt
Attachments: IMG_4475.jpeg; Untitled attachment 00007.txt

Jerome Kerner
Chairman, Town of Lewisboro Planning Board PO Box 725 Cross River, NY 10518

December 5, 2016

Regarding the SSEL Corp , Boway Woodway Proposal

Dear Chairman Kerner and Members of the Planning Board:

My wife Dawn and I live at 45 Boway across the street from the proposed subdivision.

We are challenging the plans for a subdivision for the Boway / Woodway site. The area is protected from housing growth by four acre zoning. We believe this subdivision proposal would not only violate the spirit and intent of the law but also the letter of the law by asking for the many variances.

We moved here with our kids twenty years ago. The house prices and taxes were more than higher density locations like Michelle Estates but we thought ok, worth a premium to escape suburban sprawl. We love the dirt roads, the trees and wildlife. That's why we paid more initially and pay high taxes now.

This semi rural area of Lewisboro consists of houses set well back on the property (with the exception of homes from the 18th century) horse farms, a former hunting preserve (now an estate) and the few remaining dirt roads that are a treasure to all of Lewsiboro. Friends and clients who visit from Europe and Asia often say; This is America? They can't believe this exists 50 miles from Times Square.

The type of people who moved here picked this corner of the world to avoid stress.The developer is basically asking us to sacrifice our peaceful neighborhood for years of drilling, blasting ledges, backhoes and chainsaws. All to see two builders specials go up right on the road. He has stated that if he gets approval in January these can be move in ready by September. This signals quick and dirty, ready-built structures. There is no intention of the developer living here or raising kids here. The goal is to make a quick buck and scoot. This kind of development would ruin the character of the neighborhood. Squeezing in homes and altering the wetlands buffer zones changes neighborhoods.

The Nature Conservancy saw the value of this land but at that time the land price was up at $850,000. They were unable to put the funds together. Now vultures are here at ten cents on the dollar to build throw up some quick housing, take the money and run.

In these plans I see a lot of variances, setback adjustments that bend rules to allow for two homes instead of one. Environmental protection studies seem non existent or hastily put together at best. We would hope due diligence is taken regarding the fox dens, the wild turkeys ancestral routes through the woods

and the big owls and their homes in the big trees. In fact this is one of the last undeveloped old growth forest areas left in Lewisboro. Just why we moved here.

The second house is especially galling to be shoehorned in on a dead man's curve where little kids walk, people jog and horses ride by. It is a ridiculous place for a driveway for a big house.

They know it is a hazard. That's why they are proposing another intrusion, a big new stop sign and a diminished triangle area where the Lewisboro Garden Club maintains a garden and plants bulbs every year.

The site for the driveway is actually on the worst curve in Lewisboro. A deadly mix of commuters from Connecticut race by in the morning, tradesmen winding their way around the roads looking down at GPS maps, locals jogging, people walking their dogs , kids learning how to ride bikes or walking down to the Market on Spring. The site line is blocked by a hill on one side and old trees on the other two converging roads. There are actualy three roads coming together on this one curve where thy want to slap in two more driveways.

We greatly encourage the board to decline this subdivision development that would negatively effect the character of our neighborhood and create a deadly traffic condition. Let us continue to live in peace and safety next to one of the last old growth forested areas of Lewisboro.

I hope the board can see it's way to saving this forest along with keeping our roads safe.

Sincerely,

Tom and Dawn Christopher

Contrary to the developers statements and in violation of the law; there is not a clear 200 ft view in any of the three directions where they want to put a driveway. Unless trees were clearcut, hills blasted flat and neighbors rock walls leveled.

Please see attached photo. The orange stake is proposed driveway #2. I am six ft tall standing above a normal drivers line of sight. Easy to imagine a truck flying over this hill.

11/28/16

Dear Planning Board Members,

I am writing in reference to Scott Frey (SSELCorp.) and his proposal to build two houses on his lot facing Woodway and Barway. I live directly across Woodway in a house built in 1760 - his property was originally part of mine. I've lived here for 43 years, and his property has never been considered suitable for more than one house because of the water and steep slopes there He also paid less than 1/4 of the asking price. I feel strongly about wanting just one house built there- it would fit better across from mine (same acreage) and would avoid the crowded look that would result from putting 2 houses in one corner of his lot due to the water + slopes on his land.

This is an historic part of South Salem. My property before my time was split off into 4 acres + a house next door, and 68 acres in the back now holding two houses - one of them 30,000 square feet. I am sad to see more building at all but know that time marches on.

I like Scott and wish him well — but it seems to me that one house is by far the best choice!

Sincerely,
Betsy Barnett
35 Woodway
South Salem
Rec'd 11/30/16

Ciorsdan Conran

From: Brian Stempel <brian.stempel@gmail.com>
Sent: Sunday, January 01, 2017 11:57 PM
To: Lewisboro Planning Board
Cc: Ciorsdan Conran
Subject: Boway Woodway Building Proposal

Dear Chairman Kerner and Members of the Planning Board:

My name is Brian Stempel. My wife and two daughters live at 53 Boway Road. I am writing to express our concerns over the proposed placement of a driveway on Boway at the intersection of Boway and Woodway.

Our primary concern is the proposed placement of the driveway on Boway. It is dangerously close to a very difficult turn. Visibility on that turn is very poor and there is no shoulder for the pedestrians, joggers, bicyclists, or horses that frequent the road. Our entire family jogs or walks on that curve frequently. Placing a driveway that close to the turn is clearly an unnecessary danger.

In addition, it is our understanding that there is a proposal for a new stop sign at the intersection of Boway and Woodway. The addition of a stop sign seems to be an obvious admission that the placement of the proposed driveway will be an increased safety risk. While a stop sign could, in part, mitigate the speed of motor vehicles, the risks involved with the proposed placement extend beyond vehicle speed. The risks include, but are not limited to, visibility, road width and lack of shoulder, and increase congestion.

In the interest of safety, we strongly urge the Board to reject or drastically modify the current proposal.

Best regards
Brian & Cecilia Stempel

Ciorsdan Conran

From: Steve Shapiro <stvshap@gmail.com>
Sent: Wednesday, January 04, 2017 5:52 PM
To: planning@lewisborogov.com
Cc: Brian Stempel
Subject: Boway and Woodway intersection

Dear Lewisboro Planning Board,

I am writing in support of the letter sent by my friend and neighbor Brian Stempel, about the plan for a stop sign at the intersection of Boway and Woodway Roads in South Salem.

This three-way intersection is already confusing, especially with the many joggers, bikers, trucks and delivery vehicles that travel on these town back roads. There certainly must be a better solution than adding a driveway and stop sign at this location. There are many places on the property in question that would seem to provide access without creating a danger that changes the longstanding routine of local traffic.

I hope that the town and the committee will find a solution that provides better safety, and less disruption to the neighborhood.

Sincerely,

Steve Shapiro
149 Spring Street
South Salem
914-299-9009

TOWN OF LEWISBORO
DRAFT WETLAND CODE AMENDMENTS
FACT SHEET

- New and previously undefined terms have been defined; terms not used within the body of the code have been removed (§217-2).

    - Terms such as animal feed lot, manure storage, paddock, pasture, pen, approval authority, Code Enforcement Officer, and Town Wetland Consultant have been defined.

    - Terms such as Freshwater Wetland Map have been removed as they do not apply.

    - The definition of "freshwater wetland" has been modified to be consistent with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989), which is consistent with the technical criteria provided in Appendix A of the Town wetland code and how wetlands have been historically defined and delineated in Lewisboro.

    - Terminology has been revised to be consistent with terms and language typically used by Town officials, board members, and the public such as "Administrative Wetland Permit" and "Environmental Questionnaire".

- The applicability section has been revised so that the Town's 150-foot wetland buffer would not apply to wetlands that are less than 2,500 s.f. in area and are not vernal pools; the wetland proper would remain regulated regardless of size (§217-3A).

- The list of "prohibited activities" has been amended to allow animal feed lots, paddocks, pastures, pens and manure storage within the wetland buffer subject to the issuance of an administrative wetland permit; this continues to be prohibited within the wetland proper (§217-5A).

- The list of "allowable activities" that are not subject to a wetland permit has been amended. This section has been expanded to provide a 25-foot zone around the perimeter of an existing residential dwelling or existing accessory residential structure within which activities that are customarily regulated and subject to a wetland permit are now considered "allowable." This exemption does not pertain to activities that result in any disturbance to the wetland proper or to those that result in more than 300 s.f. of impervious cover within the wetland buffer (§217-5B(10).

- The list of activities requiring an Administrative Wetland Permit as issued by the Town Wetland Consultant as opposed to the Planning Board (§217-5C) has been expanded. The following is a list of activities that would require an Administrative Wetland Permit as issued by the Town Wetland Consultant (not an exhaustive list):

    - Residential additions regardless of their proximity to the wetland and regardless of the size of the addition (does not include the construction or reconstruction of new residences, projects resulting in disturbance to the wetland proper or those requiring new or expanded septic systems).

- Residential accessory structures, driveways, pools, docks, drainage improvements, septic repairs, decks, fencing, etc. located within the wetland buffer.
- Animal feed lots, paddocks, pastures, pens or manure storage within the buffer provided that drainage controls and best management practices are employed.
- Recreational trails, footbridges, etc.
- Town of Lewisboro municipal or capital improvement projects under certain thresholds.

➢ Activities requiring a Wetland Permit as issued by the Planning Board would include (§217-5D):

- All activities not specifically identified as requiring an administrative wetland permit.
- Unless specified, any project resulting in disturbance to the wetland proper.
- Unless specified, any non-residential project or project also requiring site plan, subdivision, or special use permit approval.
- The construction of any new or reconstructed residential building.
- The construction of any new or expanded septic system, not associated with a septic repair.
- Any activity determined to be subject to SEQRA.
- At the discretion of the Town Wetland Consultant, any activity that customarily requires an administrative wetland permit

➢ Permit and review procedures and submission requirements for both Planning Board and Administrative Wetland Permits have been clarified (§217-6, §217-7).

➢ Amendments have been made that establish the enforcement agent as the Code Enforcement Officer; the term Town Wetland Inspector has been eliminated. The Code Enforcement Officer will be responsible for responding to wetland complaints and issuing notices of violation/stop work orders. In determining compliance or noncompliance with any provision of the wetland ordinance, the Code Enforcement Officer may rely upon the Town Wetland Consultant. Unresolved violations would be processed through the Town Justice Court similar to building code violations (§217-12).

§ 217-1. Findings of fact; intent.

A. Findings of fact.

(1) In their natural condition and state, wetlands and watercourses function to provide multiple ecological benefits, including:

(a) Storing and regulating the distribution of surface water, water quality renovation during groundwater and aquifer recharge, and/or functioning as settling basins for the removal of pollutants, including the trapping of sediments.

(b) Controlling flooding and stormwater runoff by storing or regulating natural flows.

(c) Providing unique breeding, foraging, cover and seasonal or year-round habitats for diverse wildlife species, including many listed as "special concern," "threatened," "endangered" and "rare" by federal, state, county and local agencies.

(d) Supporting unique biotic associations specifically adapted for survival in low-oxygen environments.

(e) Providing areas of comparatively high plant productivity which support significant wildlife diversity and abundance.

(f) Providing breeding and spawning grounds, nursery habitat, and food for various species of fish, reptiles and amphibians, birds and mammals.

(g) Serving as nutrient traps for nitrogen and phosphorus, and filters for surface water pollutants.

(h) Helping to maintain biospheric stability by supporting particularly efficient photosynthesizers capable of producing significant amounts of oxygen, and supporting bacteria which process excess nitrates and other nitrogenous pollutants and returning them to the atmosphere as inert nitrogen gas.

(i) Providing open space and visual relief from intense development in urbanized and growing areas.

(j) Serving as outdoor laboratories and living classrooms for the study and appreciation of natural history, ecology, and biology.

(k) Preserving the quality and value of water-related recreational activities.

(l) Protecting aquifers, reservoirs and watersheds vital to the community and to the water supply of New York City, Westchester County and Connecticut.

(m) Protecting and maintaining stability of stream and watercourse channels, shorelines and banks, thereby controlling and reducing erosion, flooding and related property damage.

(2) The integrity and realization of the full potential of wetland and watercourse functions and benefits is inextricably linked to the presence of intact, undisturbed natural communities or adjacent buffer areas surrounding wetlands and watercourses. As an interlocking landscape component of wetlands and watercourses, such buffer areas provide essential functions and values, including:

(a) Serving as important, often critical, travel corridors and wetland-to-upland transitional habitats vital to the ecological needs and life cycle of many wetland/watercourse dependent species, including many amphibians, reptiles, birds and mammals whose survival is in jeopardy due to increasing loss of such buffer area habitat. While undisturbed adjacent buffer areas comprise a relatively small portion of the landscape, they, in combinations with wetlands and watercourses, are irreplaceable habitat links in the life cycles of the greatest proportion of area wildlife, including game and nongame species, a number of which are federal, state and county listed as special concern, rare, threatened or endangered.

(b) Serving as visual and noise barriers, protecting wetland/watercourse wildlife from human disturbance.

(c) Ameliorating potentially harsh environmental conditions by serving as windbreaks and solar reflectors, facilitating the warming of surface waters during early spring to produce water temperatures vital to the initiation of the breeding cycles of many wetland-/watercourse-dependent invertebrates, amphibians, reptiles and fish; and providing shade, particularly during the growing season when the ambient heat load progresses, allowing wetlands/watercourses to maintain cool, well-oxygenated water supplies, and maintain atmospheric moisture levels amenable to moisture-sensitive amphibians.

(d) Controlling flooding by slowing overland runoff and absorbing and storing substantial amounts of sheet flow, thereby assisting wetlands and watercourses in controlling flooding and gradually releasing flood flows to lower watersheds.

(e) Trapping sediments in sheet flow, removing and assimilating excess nutrients from stormwater, and intercepting the soil-erosive force of precipitation, thereby protecting wetlands and watercourses against

eutrophication (excess nutrient enrichment) and sedimentation, which can adversely affect proper wetland and watercourse functions and values.

(f) Providing the first line of defense in the protection of wetlands and watercourses against the adverse impacts of stormwater-borne pollutants of human origin, including fertilizers, herbicides, pesticides, heavy metals, viral and bacterial agents associated with septic leachate, and various types of petroleum products. In essence, wetland and watercourse buffer areas work synergistically with aquatic resources to protect groundwater and surface water quality.

(g) Providing a practical and cost effective means of protecting wetlands and watercourses and controlling or preventing pollution.

(h) Absorbing and transpiring water with a resulting absorption of heat energy, thereby creating a cooling effect on the local microclimate and reducing soil saturation which allows for additional storage of stormwater and a concomitant reduction in runoff potential; maintaining soil porosity, thus further increasing soil water-holding capacity; and preventing potentially adverse changes to wetland and watercourse hydroperiod (duration of inundation or saturation near the surface) which could trigger a change in floristic composition, adversely affecting the physiology, germination and seedling development of wetland and watercourse plant species, and the breeding activities of wetland-dependent animals.

(i) Providing often unique wetland-to-upland transitional communities, with their own distinctive flora and fauna, unlike the habitat of wetlands and watercourses and drier uplands between which they lie. Consequently, buffer areas are critical ecological communities in their own right and serve as unique areas of substantial value for passive recreation, outdoor education and scientific research.

(3) Upland adjacent areas surrounding wetlands and watercourses provide an essential protective buffer with benefits which are significant for maintaining the functional integrity and quality of such resources, and for furnishing protection against adverse impacts from activities in surrounding land areas.

(4) Many factors affect the ability of buffer areas of various widths to protect wetlands and watercourses, including, but not limited to, type and extent of vegetative cover, time of travel of overland flow, adjacent land uses, amount of impervious cover, slope, soil type and drainage characteristics.

(5) Considerable acreage of these important natural resources has been lost or impaired by draining, dredging, filling, excavating, building, polluting, and other acts inconsistent with the natural uses of such areas. Without increased protection and larger intact upland buffer areas, remaining wetlands and watercourses are in

greater jeopardy of being lost, despoiled, or impaired by such acts, contrary to the public safety and welfare.

(6) It is therefore the policy of the Town of Lewisboro to protect its citizens, including generations yet unborn, by preventing the despoliation and destruction of wetlands and watercourses, while taking into account varying ecological, economic, recreational, and aesthetic values. Activities that may damage wetlands and watercourses should be located on upland areas, separated by densely vegetated upland buffer areas of sufficient width.

B. Intent. It is the intent of the Town of Lewisboro that activities in and around wetlands, watercourses and associated buffer areas be conducted in conformance with the provisions of this chapter and in a manner which promotes the preservation of wetlands, watercourses and associated buffer areas as specified in the findings of fact set forth herein; conforms with all applicable building codes, sediment control regulations, and other applicable regulations; and does not threaten public safety or the natural environment, or cause nuisances or adversely affect the natural functions of wetlands and watercourses by:

(1) Impeding flood flows, reducing flood storage areas, or destroying storm barriers, thereby resulting in increased flood heights, frequencies, or velocities on other lands.

(2) Increasing water pollution through location of domestic waste disposal systems in wet soils; inappropriate siting of stormwater control facilities; unauthorized application of fertilizers, pesticides, herbicides and algicides; disposal of solid wastes at inappropriate sites; placement of unstabilized fills; or the disturbance or removal of wetland soils and vegetation serving pollution and sediment control functions.

(3) Increasing erosion and subsequent sedimentation.

(4) Decreasing breeding, nesting and feeding areas for many species of waterfowl and shorebirds, including those that are listed as "special concern," "rare," "threatened" or "endangered."

(5) Interfering with the exchange of nutrients needed by fish and other forms of wildlife.

(6) Decreasing habitat for fish, reptiles and amphibians, and other forms of wildlife.

(7) Adversely altering the recharge or discharge functions of wetlands, thereby impacting groundwater or surface water supplies.

(8) Significantly altering the wetland hydroperiod and thereby causing either short- or long-term changes in wetland and watercourse community composition, soils characteristics, nutrient recycling, or water chemistry.

(9) Destroying sites valued for education and scientific research, such as outdoor biophysical laboratories, living classrooms, and training areas.

(10) Interfering with public rights in navigable waters and the recreation opportunities provided by wetlands and watercourses for hunting, fishing, boating, hiking, bird watching, photography, camping, and other uses.

(11) Destroying or damaging aesthetic and property values, including significant public viewsheds.

(12) Destroying or reducing undisturbed adjacent upland areas surrounding wetlands and watercourses, which provide a protective buffer.

§ 217-2. Terms defined; word usage.

A. Words or phrases used in this chapter and not elsewhere defined in this chapter, shall be interpreted as defined below, and where ambiguity exists, words or phrases shall be interpreted so as to give this chapter its most reasonable application in carrying out the regulatory goals stated in § 217-1 herein.

B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ACTIVITY - See "regulated activity or use."

~~**ACTIVITY IMPLEMENTATION PERMIT** - See "permit, activity implementation."~~

~~**ACTIVITY PERMIT** - See "permit, activity."~~

ANIMAL FEEDLOT - A confined or concentrated area, with or without buildings, used or intended to be used for feeding animals.

APPLICANT - A person, including a corporation, partnership or any entity which files an application for a permit under this chapter and which is either the owner of land on which the proposed regulated activity would be located, a contract vendee, a lessee of the land, the person who would actually control and direct the proposed activity, or the authorized agent of such person.

APPROVAL AUTHORITY – The Planning Board of the Town of Lewisboro or the duly appointed Town Wetland Consultant or his/her designated representative, as applicable.

AQUACULTURE - Growing, managing, and harvesting aquatic or semi-aquatic species, including animals and plants, e.g., crayfish, mussels, fish and duckweed, that are produced naturally in freshwater wetlands, and installing cribs, racks, and other in-water structures for

cultivating these species; but does not include filling, dredging, fertilizing, peat mining, clear cutting, or the construction of any buildings or any water-regulating structures, such as dams.

BOUNDARY OF A BUFFER AREA - The outward limit of a buffer area as defined in this section.

BOUNDARY OF A WATERCOURSE - The outward limit of standing or flowing water of a watercourse as defined in this section.

BOUNDARY OF A WETLAND - The outward limit of the wetland soils and/or wetland vegetation as defined under "wetland/freshwater wetland."

BUFFER AREA - The area extending 150 linear feet along the surface, away from, and around the perimeter of the outermost boundary of a wetland and/or watercourse.

CERTIFICATE OF COMPLIANCE - That form of written confirmation by the Town Wetland ~~Inspector~~ Consultant that all authorized regulated activities have been physically completed in accordance with this chapter and ~~an~~ the authorizing wetland~~activity~~ permit and/or administrative wetland ~~activity implementation~~ permit, as required.

CODE ENFORCEMENT OFFICER - The Code Enforcement Officer of the Town of Lewisboro, appointed by the Town Board to fulfill the designated responsibilities set forth in this chapter.

~~**CLEARANCE FORM** - That form of written clearance issued by the Wetland Inspector, indicating that a permit, as defined herein, is not required in order to carry-out any land altering activity or use requiring a permit or approval from the Town of Lewisboro, or which may affect wetlands, watercourses and/or buffer areas as defined in this section.~~

CLEAR-CUTTING - Any cutting of live trees four inches or more in diameter at breast height above the ground by more than 30% per contiguous acre of any wetland, and/or regulated buffer area, during a single ten-year period as determined on the basis of wetland area per lot or group of lots under single ownership.

COMMISSIONER - The Commissioner of the Department of Environmental Conservation of the State of New York.

CONSERVATION ADVISORY COUNCIL - That body established by the Town Board pursuant to the General Municipal Law, having responsibility for conservation activities.

DAMS AND WATER CONTROL MEASURES - Any natural or constructed barrier which obstructs or controls the flow of water, or can be operated to raise, lower, or maintain the water level of any wetland or watercourse.

DATE OF RECEIPT OF APPLICATION - An application shall be deemed received by the ~~Planning Board~~approval authority ~~on the date of the first regular meeting of the Planning Board~~

following the filing of a fully completed application, including receipt of all necessary or appropriate supporting plans pursuant to the provisions of this chapter.

DEPOSIT - To fill, grade, discharge, dump, or place any material.

DISCHARGE - The channeling, directing, or redirecting of any solid, liquid or gaseous, substance or material, whether or not such substance causes pollution.

DOMINANT(S) or DOMINANCE - A dominant species is either the predominant plant species of a plant community which is directly discernible or measurable in the field (i.e., the only species dominating a vegetative unit, by a spatial extent of 50% or greater) or a codominant species (i.e., one of two or more species which dominate a vegetative unit). The measures of spatial extent shall be percent area cover for all vegetation units and/or the basal area of trees.

DRAIN - To remove or reduce, or cause to remove or reduce the flow or volume of surface water or groundwater.

DREDGE - To excavate or remove sediment, soil, mud, sand, shells, gravel or other aggregate material.

ECOLOGIST/BOTANIST - A qualified expert having knowledge of the physical, chemical and biological sciences related to the physiology, identification, distribution and general ecology of wetlands and watercourses; of upland plant and animal species and associated communities; and of methods to delineate and describe wetland and watercourse resources, communities and habitats. This individual must possess a minimum of two years' experience in wetland/watercourse delineation and wetland/watercourse report preparation and hold at least a bachelors degree, with a minimum of 30 semester hours (credits), or equivalent, in biology, physical science, and chemistry, with a minimum of eight semester hours (credits), or equivalent, in botany, including field identification of animal and plant species. Individuals who do not meet the above minimum qualifications but who possess at least 10 years' experience identifying and mapping native vegetation are qualified if they have completed at least 12 semester hours (credits), or equivalent, in botany, including field identification of animal and plant species.

ENVIRONMENTAL QUESTIONNAIRE FORM - That form of written clearance issued by the Town Wetland Consultant, indicating that a permit, as defined herein, is not required in order to carry-out any land altering activity or use requiring a permit or approval from the Town of Lewisboro, or which may affect wetlands, watercourses and/or buffer areas as defined in this section.

EXCAVATE - To dig out, cut away from the existing grade, relocate or remove any material by hand or machine.

FACULTATIVE SPECIES - Plant species that occur with equal probability in both upland and wetland or watercourse systems.

FACULTATIVE UPLAND SPECIES - Plant species with an estimated probability of 67% to 99% of occurring in uplands, but occasionally in wetlands and watercourses.

FACULTATIVE WETLAND SPECIES - Plant species with an estimated probability of 67% to 99% of occurring in wetlands and watercourses, but occasionally in uplands.

FERROUS IRON - The chemically reduced form of iron found in waterlogged soils.

FILL - See "deposit."

~~**FRESHWATER WETLANDS MAP** – The accumulated delineation of wetlands and watercourses within areas of the Town of Lewisboro as accepted by the Planning Board in the course of the application of this chapter, including but not limited to wetlands and watercourses as shown on the final Freshwater Wetlands Maps for Westchester County promulgated by the Commissioner of the New York State Department of Environmental Conservation pursuant to § 24-0301, Subdivision 5, of the Environmental Conservation Law (the New York State Freshwater Wetlands Act), or such maps as have been amended or adjusted, and on which are indicated the approximate location of the actual boundaries of wetlands regulated pursuant to Article 24 of the Environmental Conservation Law; and as shown on National Wetlands Inventory Map as promulgated by the United States Department of the Interior, Fish and Wildlife Service.~~

GRADING - To alter or change the existing surface of land by such acts as excavating, ditching, leveling, filling or otherwise altering the existing or natural contours of the land surface.

GROWING SEASON - The portion of the year when soil temperatures are above biological zero (41° F. or 5° C.); the growing season for Westchester County is March through October.

HISTOSOL - A taxonomic order of soils which include organic soils (mucks and peats) consisting of greater than 90% organic matter content to a thickness of at least 16 inches above bedrock, or of any thickness above bedrock lying within 16 inches of the surface.

HYDRIC SOIL - A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part and as further defined under "wetland/freshwater wetland."

HYDROPHYTE - Any readily visible plant species that grows in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. Hydrophytes include plant species classified as facultative, facultative wetland and obligate wetland species.

HYDROPHYTIC VEGETATION - An assemblage of one or more plant species growing in a common aquatic environment or on a substrate that is at least partially deficient in oxygen as a result of excessive water content. Hydrophytic vegetation includes the sum of those dominant plant species occurring in a wetland that are designated as "facultative" (FAC), "facultative wetland" (FACW) and/or "obligate wetland" (OBL) as recorded in the National List of Plant Species that Occur in Wetlands: Northeast (Region 1) or the National List of Plant Species that Occur in Wetlands; New York, developed by the U.S. Department of the Interior Fish and Wildlife Service

in cooperation with the National and Regional Wetland Plant Review Panels, as amended and updated from time to time.

LONG DURATION (FLOODING) - A period of time in which inundation for a single event ranges from 14 days to one month.

MANURE STORAGE - A container or structure used to temporarily contain and store animal manure which is periodically emptied and the manure removed and transported off premises to an approved facility.

MATERIAL - Liquid, solid, or gaseous substances including but not limited to soil, silt, gravel, rock, clay, peat, mud, debris, and refuse; any organic or inorganic compound, chemical agent or matter, sewage sludge or effluent; or industrial or municipal solid waste.

MICROSITE - A small area of a plant community supporting plant species atypical of the hydrologic regime of the predominant plant species composition. Microsites may be drier or wetter than surrounding areas as a result of altered drainage, incidental topographic variation or a related characteristic, and may support plant species of greater or lesser wetland/watercourse affinity.

MINERAL SOIL - A soil consisting predominantly of, and having its properties determined largely by, mineral matter. Mineral soils usually contain less than 20% organic matter by weight.

MITIGATION PLAN - The plan prepared by an applicant to compensate for proposed wetland, watercourse and buffer area impacts pursuant to the standards and requirements of this chapter, upon demonstration that either losses or impacts to the wetland, watercourse or regulated buffer area are necessary and unavoidable as defined herein and have been minimized to the maximum extent practicable as determined acceptable by the ~~Planning Board~~approval authority.

MUNICIPALITY - The Town of Lewisboro.

MUNSELL SOIL COLOR CHARTS - A soil color designation system that characterizes the three variable aspects of color: hue, value and chroma. The soil color charts are produced by the Kollmorgen Corporation, 1975, and are revised from time to time.

OBLIGATE UPLAND SPECIES - Plant species that, under natural conditions, almost always occur in uplands (i.e., greater than 99% of the time). Obligate upland species for the northeast are listed in Wetland Plants of the State of New York 1988 published by the U.S. Fish and Wildlife Service in cooperation with the National and Regional Wetland Plant List Review Panels and as updated from time to time.

OBLIGATE WETLAND SPECIES - Plant species that, under natural conditions, nearly always occur in wetlands (i.e., greater than 99% of the time). Obligate wetland species for the northeast are listed in Wetland Plants of the State of New York 1988 published by the U.S. Fish and Wildlife Service in cooperation with the National and Regional Wetland Plant List Review Panels and as updated from time to time.

PADDOCK - An open, fenced area used to contain one or more horses or other similar animals.

PASTURE - A fenced enclosure or confined area used for the grazing of one or more animals which contains sufficient vegetation to serve as a primary food source.

PEN - A small enclosure used for the holding or confining of one or more animals.

PERMIT - See "wetland ~~activity~~ permit" and "administrative wetland ~~activity implementation~~ permit".

PERMIT, ADMINISTRATIVE WETLAND - That form of written approval, issued by the Town Wetland Consultant, as authorized pursuant to § **217-5C** of this chapter or in accordance with a wetland permit issued by the Planning Board.

PERMIT, WETLAND ~~ACTIVITY~~ - That form of written approval issued by the Planning Board for the conduct of a regulated activity or use within a wetland, watercourse and/or buffer area. Where similar jurisdiction exists with the New York State Department of Environmental Conservation or with other state, regional or federal agencies, a permit issued by one of these agencies will not be considered a permit for the conduct of activities regulated by this chapter.

~~**PERMIT, ACTIVITY IMPLEMENTATION** - That form of written approval, issued by the Wetland Inspector, as authorized pursuant to § **217-6D** of this chapter or in accordance with an activity permit issued by the Planning Board.~~

PHYSICALLY COMPLETED - The actual completion of all construction and land use altering activities as authorized pursuant to a~~n~~ wetland ~~activity~~ permit and/or administrative wetland ~~activity implementation~~ permit.

PLANNING BOARD - That body established by the Town Board pursuant to the Town Law of the State of New York. The Planning Board is the municipal board empowered to grant, deny or issue conditional wetland ~~activity~~ permits pursuant to this chapter, to require the posting of bonds as necessary, or to revoke or suspend a permit where lack of compliance with the permit is established.~~, or to adjudicate violations and assess penalties.~~

POLLUTION - Any departure from the natural range of variation in the physical, chemical or biological conditions or properties of a natural system. Any harmful thermal effect; or the contamination or rendering unclean or impure of any wetland, watercourse or buffer area by reason of erosion, or by any waste or other materials discharged or deposited therein, including but not limited to changes in temperature, odor, color, turbidity, pH, or taste.

PROJECT - Any proposed or ongoing action, construction activity, or alteration of the landscape, including applications of fertilizers or biocides, which may result in demonstrable direct or indirect physical, chemical or biological impacts to a wetland, watercourse and/or buffer area, including but not limited to any regulated activity as set forth herein.

REGULATED ACTIVITY OR USE - Any activity or use within a wetland, watercourse and/or buffer area not specifically determined by the Planning Board or the Town Wetland

Consultant~~Inspector~~ to be an allowable activity as set forth in § **217-5B** of this chapter, or a prohibited activity as set forth in § **217-5A** of this chapter, is a regulated activity as set forth in § **217-5C** **or 5D** and requires the prior issuance of a written wetland ~~activity~~ permit and/or administrative wetland permit ~~from the Planning Board, as well as an activity implementation permit from the Wetland Inspector~~, in accordance with the standards and procedures of this chapter. Regulated activities and uses include, but are not limited to:

(1) Placement or construction of any structure, driveway or roadway.

(2) Any form of draining, dredging, excavation or removal of material, either directly or indirectly.

(3) Any form of dumping, filling or depositing of material either directly or indirectly.

(4) Installation of any service lines or cable conduits.

(5) Introduction of any form of pollution, including but not limited to the installation of a septic tank or fields, the running of a sewer outfall or the discharging of sewage treatment effluent or other liquid wastes into or so as to drain into a wetland, watercourse or buffer area.

(6) Alteration or modification of natural features and contours.

(7) Alteration or modification of natural drainage patterns.

(8) Construction of dams, docks or other water control devices, pilings or bridges, whether or not they change the natural drainage characteristics.

(9) Installation of any pipes or wells.

(10) Clear cutting of any area of trees.

(11) Removal or cutting of any vegetation except permitted selective cutting.

(12) Deposition or introduction of organic or inorganic chemicals, including pesticides and fertilizers.

(13) Any agricultural activity which involves drainage or excavation of a wetland.

(14) Any other activity that may impair the natural function(s) of a wetland, watercourse or buffer area as described in § **217-1** of this chapter.

REMOVE - To dig, dredge, take away, relocate, drain, bulldoze, dragline, blast, or otherwise excavate or grade.

REPAIR; REPLACEMENT - Any repair or replacement in-kind, provided that the height, size and/or spatial extent of the affected area does not change.

RESTORATION PLAN - The plan prepared by an applicant to restore, mitigate and otherwise correct unauthorized activities or existing conditions, as approved by the ~~Planning Board.~~approval authority.

SELECTIVE CUTTING - Any cutting of trees within the boundaries of a wetland, watercourse or buffer area that is not clear cutting as defined herein.

SOIL SCIENTIST - A qualified expert having special knowledge of the physical, chemical, and biological sciences applicable to the genesis and morphology of soils and of the methods to identify, describe, classify, and map soil units. This individual must possess a minimum of two years' experience in identifying, classifying and mapping soils, or comparable field experience, or a master's degree in soil science; and a bachelor's degree, with a minimum of 30 semester hours (credits) or equivalent in biology, physical science and earth science, with a minimum of eight semester hours (credits) or equivalent in soil science. Individuals who do not meet the above minimum qualifications but who possess at least 10 years' experience in mapping soils are qualified if they have completed at least 12 semester hours (credits) or equivalent in soil science.

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) - Article 8 of the New York State Environmental Conservation Law.

STRUCTURE - Anything constructed or erected, the use of which requires location on, under or in the ground or attachment to something having location on, under or in the ground, including but not limited to buildings, tennis courts, and swimming pools.

TOWN WETLAND CONSULTANT – The Town Wetland Consultant, as appointed by the Town of Lewisboro Town Board to assist in fulfilling the designated responsibilities as set forth in this chapter, or his/her designated representative.

VERNAL POOL - Relatively open areas of surface water formed in depressions within uplands that are inundated to a minimum depth of six inches for three to four months during the growing season (usually March through June) and that are devoid of fish and contain amphibians (adults, egg masses or larval stages) during the growing season. Vernal pools are the exclusive breeding habitats of several amphibians that are becoming increasingly rare throughout the northeast, notably: Eastern wood frog (Rana sylvatica), Jefferson salamander (Ambystoma jeffersonianum; NYSDEC listed special concern); marbled salamander (Ambystoma opacum; NYSDEC listed special concern), blue spotted salamander (Ambystoma laterale; NYSDEC listed special concern), and spotted salamander (Ambystoma maculatum).

VERY LONG DURATION - A duration of time for a single event which lasts longer than one month.

WATERCOURSE - Any natural or artificial, permanent or intermittent, public or private standing or flowing water body, such as ponds, lakes, reservoirs, rivers, streams, brooks, vernal pools, waterways, or drainageways that are contained within, flow through, or border on the Town of Lewisboro. For the purposes of this definition, "intermittent" shall mean that surface water stands or flows for at least total of three continuous months in a consecutive twelve-month period.

WATER TABLE - The zone of saturation at the shallowest average depth from the surface during the wettest season.

WETLAND; FRESHWATER WETLAND - Those areas within the Town of Lewisboro inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, vernal pools and similar areas. Refer to Appendix A at the end of this chapter for the Technical Criteria for Wetland Identification.~~All areas that comprise hydric soils and/or are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation. Refer to **Appendix A** at the end of this chapter for the Technical Criteria for Wetland Identification.~~

WETLAND HYDROLOGY - The dynamics of water movement and changes in water supply to areas that are inundated or saturated to within 16 inches of the surface during the growing season long enough to support a dominance of hydrophytic vegetation.

~~**WETLAND INSPECTOR** - The administrative official defined by the implementing regulations of the New York State Freshwater Wetlands Act [6 NYCRR 665.5(a)] appointed by the Town Board to fulfill the designated responsibilities set forth in this chapter.~~

WETLAND/WATERCOURSE DELINEATOR - An individual(s) with the combined qualifications of an ecologist/botanist and soil scientist as defined herein.

§ 217-3. Applicability~~; nonconforming activities~~.

A. This chapter shall apply to all lands defined as "wetlands," "watercourses" and "buffer areas" as set forth in § **217-2.**, except that no buffer area shall be applied to a wetland that has a geographic area of less than 2,500 s.f. and that does not meet the definition of a vernal pool, as defined herein. This chapter also identifies the activities and uses which are to be regulated and/or prohibited in accordance with the findings of fact as set forth in § **217-1** of this chapter.

B. Rules for establishing and interpreting wetland/watercourse boundaries. The boundaries of a wetland and/or watercourse shall be determined by field investigation and delineation by a qualified environmental professional, subject to approval by the Planning Board or Town Wetland Consultant, as applicable, and subsequent survey and mapping by a New York State licensed land surveyor unless waived by the ~~Planning Board~~approval authority. The ~~Planning Board~~approval authority may consult and/or may require the applicant to consult with biologists, hydrologists, soil scientists, ecologists/botanists, or other experts as necessary to make this determination pursuant to the definition criteria contained in § **217-2** herein.

C. Grandfathered projects. The provisions of this chapter shall not apply to any land use, improvement, or development physically completed prior to the effective date of this chapter.

D. Current projects. A regulated activity that has received an approval, a SEQR negative declaration or has been the subject of a findings statement prior to the effective date of this chapter, but which is not in conformity with the provisions of this chapter may be continued subject to the following:

(1) All such activities shall continue to be governed by the laws of the Town of Lewisboro in effect at the time of approval.

(2) No such activity shall be expanded, changed, enlarged, or altered in such a way that increases its size or impact without compliance with this chapter.

(3) If such activity is discontinued for 12 consecutive months, any resumption of the activity shall conform to this chapter.

(4) If any such use or activity is destroyed by human action or the forces of nature, it shall not be resumed except in conformity with the provisions of this chapter.

§ 217-4. Authorized environmental questionnaire ~~clearance~~ form required.

A. All applications of any land use development or land altering or disturbance permit issued by the Building Department, Highway Superintendent, Architecture and Community Appearance Review Council, Town Board, Planning Board, or Zoning Board of Appeals of the Town of Lewisboro shall be accompanied by an authorized ~~wetland/watercourse clearance~~ environmental questionnaire form, which shall be obtained by an applicant from the ~~Wetland Inspector~~Building Department.

(1) An applicant shall provide sufficient information to enable the Town Wetland Consultant~~Inspector or other authorized representative~~ to properly determine if the requested permit action will impact regulated wetlands, watercourses or buffer areas, and if so, to determine if the requested permit action is an allowable activity~~; or use that does not also require a wetland/watercourse permit;~~ is a prohibited activity; is a regulated activity or use which also requires an administrative wetland ~~activity implementation~~ permit as issued by the Town Wetland Consultant~~Inspector~~; or is a regulated activity or use which also requires a~~n~~ wetland ~~activity~~ permit as issued by the Planning Board, all in accordance with the standards and procedures set forth in this chapter.

(2) The Town Wetland Consultant~~Inspector or other authorized representative~~ may require an applicant to provide additional information, including but not limited to a qualified wetland delineation, report and survey, to assist in making such a determination; and may further defer the making of said determination to the Planning Board.

(3) The Town Wetland Consultant ~~Inspector or other authorized representative~~ may conduct a site visit.

(4) False or misleading statements or information provided in ~~a clearance~~ the environmental questionnaire form shall result in the invalidation of any authorization pursuant to § **217-5~~C(1)(a)~~** herein. The applicant shall be subject to the penalties and sanctions set forth in this chapter for any activities conducted which would have otherwise required a~~n activity~~ permit.

B. A completed ~~clearance~~ environmental questionnaire form by the Town Wetland Consultant~~Inspector or other authorized representative~~ shall determine one of the following, provided the proposed activity is not prohibited pursuant to § **217-5A** of this chapter:

(1) That the proposed activity or use is an allowable activity or use pursuant to § **217-5B** of this chapter, and no permit is required, thus the Town Wetland Consultant~~Inspector~~ shall sign and issue ~~a wetland/watercourse clearance~~ the environmental questionnaire form indicating same; or

(2) That the proposed activity or use does not occur within a wetland, watercourse or buffer area, and no permit is required, thus the Town Wetland Consultant~~Inspector~~ shall sign and issue the ~~a wetland/watercourse clearance~~ environmental questionnaire form indicating same; or

(3) That an administrative wetland ~~activity implementation~~ permit, as issued by the Town Wetland Consultant~~Inspector~~, is required in accordance with ~~the standards and procedures set forth in~~ § **217-5C** of this chapter.

(4) That ~~prior to the issuance of activity implementation permit by the Wetland Inspector,~~ a~~n~~ wetland ~~activity~~ permit as issued by the Planning Board is ~~also~~ required in accordance with ~~the standards and procedures set forth in~~ § **217-5D** of this chapter.

C. Subsequent activities or uses affecting the same property shall require separate authorization via completion of a new or separate ~~clearance~~ environmental questionnaire form, following the same standards and procedures as set forth herein for the original action.

§ 217-5. Prohibited, allowable and regulated activities.

A. Prohibited activities. The following activities are prohibited as indicated:

(1) Placement of a sewage disposal tank or plant or septic field within any wetland or watercourse.

(2) Direct discharge of untreated stormwater runoff into a wetland or watercourse.

(3) The placement of aboveground or underground chemical storage facilities or bulk petroleum storage tanks within a wetland or~~,~~ watercourse.~~ or buffer area.~~

(4) Animal feed ~~-~~lots, paddocks, pastures, ~~or~~ pens or manure storage within a wetland or, ~~-~~ watercourse. ~~-or buffer area.~~

(5) Deposit or fill consisting of construction and demolition materials, asphalt or other materials within a wetland, watercourse or buffer area.

B. Allowable activities and uses not requiring a permit or ~~clearance~~ environmental questionnaire form. The following activities and uses may be conducted without a permit or ~~clearance~~ environmental questionnaire form being issued pursuant to the standards and procedures of this chapter, to the extent that they are not prohibited by this or any other law, ordinance, rule or regulation; and such activities do not require structures, grading, filling, draining or dredging, except as allowed below:

(1) Normal ground maintenance of existing landscaped areas and residential gardens, including mowing of existing lawn areas and the trimming and removal of dead or diseased vegetation, located within the buffer area.

(2) Selective cutting, provided stumps are left in place and work is accomplished without the assistance of any motorized vehicle, located within the buffer area.

(3) Repair or replacement~~, in-kind,~~ of walkways, terraces, patios, decks, stairs, landings, walls, ~~seawalls,~~ fences, driveways, ~~and~~ roadways, and drainage controls, located within the buffer area, provided that the height, size and/or spatial extent (i.e., no increase in the area beyond the existing footprint) of the affected area does not change, that there is no increase in impervious coverage, and appropriate erosion controls are maintained.

(4) Public health activities, orders and regulations of the Westchester County Department of Health and/or New York State Department of Health for emergencies only, with prior notification to the Planning Board or Town Wetland Consultant.

(5) Recreational activities located within the buffer area, not involving new or expanded land disturbances or structures, and recreational fishing, hunting, swimming and boating as otherwise permitted or allowed.

~~(6) Activities of farmers and other landowners as set forth in § 24-0701(4) of the Environmental Conservation Law.~~

(6~~7~~) Normal building or structure maintenance activities located within the buffer area, including periodic pumping of septic tanks and interior and building or structure exterior repairs and improvements which do not enlarge or expand the building or structure, or require excavation, filling, or other similar disturbances and alterations (temporary or permanent).

(7~~8~~) Seasonal installation and removal of docks (does not include the construction or installation of new, expanded or enlarged docks).

(8~~9~~) Normal maintenance and repair of existing swimming pools, tennis courts and other existing recreational facilities located within the buffer area. The development or establishment of new or expanded recreational facilities and/or uses is a regulated activity.

(9) Installation of plants and trees (native, non-invasive) within the buffer area, without the use of chemical fertilizer and resulting in no more than 1,000 s.f. of land disturbance.

(10) Any regulated activity or use conducted on an existing developed residential parcel and conducted or located entirely within 25-feet of any legally existing residential dwelling or legally existing accessory building or structure situated on said parcel; all measurements shall be taken outward and perpendicular from the foundation. This section shall not apply to activities that result in direct disturbance to a wetland or watercourse or an increase of more than 300 s.f. of impervious cover within the buffer area, as determined by the Town Wetland Consultant.

(11) Repair or replacement of existing seawalls provided the height, length and spatial extent of the wall does not increase.

C. Regulated activities requiring an administrative wetland ~~activity implementation~~ permit.

(1) The following regulated activities shall require an administrative wetland ~~activity implementation~~ permit as issued by the Town Wetland Consultant~~Inspector~~:

~~(a) All authorized regulated activities pursuant to an approved activity permit, as issued by the Planning Board.~~

~~(b) Deck, porch or fence accessory to a single-family residence, utilizing hand-dug support posts, provided there is no machine activity or grading, and excess fill is removed or spread under deck, porch or fence and stabilized.~~

~~(c) Swimming pools accessory to a single-family residence located no closer than 50 linear feet to a wetland or watercourse, including associated grading.~~

~~(d) Terrace or patio accessory to a single-family residence, with a ground footprint area of less than 500 square feet and located no closer than 50 linear feet to a wetland or watercourse, including associated grading.~~

~~(e) Repair of existing septic disposal facilities.~~

(~~f~~a) Additions or alterations to existing permitted residential buildings and related accessory buildings or structures located within the buffer area, not including the construction or reconstruction of a new residence and not involving the placement of a new or expansion of an existing septic system.~~Permitted single-family residential building additions, structural alterations, replacements, detached accessory structures not exceeding a ground footprint area of 600 square feet and located no closer than 50 linear feet to a wetland or watercourse, including associated grading, provided that associated grading or land disturbance is less than 10,000 square feet in spatial extent and maximum fill or cut is limited to no more than an increase or decrease of two feet from the elevation of existing grade.~~

(b~~g~~) The construction, installation or removal of any ~~P~~permitted ~~single-family~~ residential accessory building, structure or use~~s~~, including but not limited to, garages; sheds; docks; swimming pools; driveway expansions and modifications; drainage improvements; installation of culverts; repair of an existing septic system; decks; patios; terraces; fencing; walls; seawalls; emergency generators; fuel storage tanks; tree removal; and landscaping. ~~located no closer than 100 linear feet to a wetland or watercourse, including associated grading, provided associated grading or land disturbance is less than 10,000 square feet in spatial extent and maximum fill or cut is limited to no more than an increase or decrease of two feet from the elevation of existing grade~~.

(c) Animal feed lots, paddocks, pastures, pens or manure storage areas located within the buffer area and designed to include stormwater drainage controls and best management practices that properly mitigate impacts associated with stormwater runoff and only when no other reasonable alternative location exists outside of the buffer area and when serving a permitted use.

(d) Recreational trails, bog bridges and foot bridges located within any regulated wetland, watercourse or buffer area.

(e) Vegetation removal and/or management within any regulated wetland, watercourse or buffer area.

(f) Miscellaneous activities conducted with the buffer area on residential parcels which do not require a subdivision, site development plan, or special use permit approval and which results in less than 5,000 s.f. of land disturbance.

(g) Soil investigations within the buffer area, including deep and percolation tests, conducted to assess the feasibility of a septic system or stormwater management practice.

(h) Town of Lewisboro municipal or capital improvement projects located within any regulated wetland, watercourse or buffer area, with the exception of projects that result in the installation of more than 1,000 s.f. of new impervious coverage or any project that has the potential to result in an adverse impact to a wetland, watercourse or buffer area as determined by the Town Wetland Consultant.

(i) Any activity requiring Planning Board review and approval which the Planning Board duly refers to the Town Wetland Consultant~~Inspector~~ for disposition, including any conditions thereto.

(2) At the discretion of the Town Wetland Consultant~~Inspector~~, the review and approval of any of the regulated activities set forth in Subsection **C(1)** above may be referred to the Planning Board for its review and action.

(3) Appeals of decisions by the Town Wetland Consultant~~Inspector~~ shall be made to the Planning Board in writing within 30 days. The Planning Board may review all appeals in accordance with the procedures pertaining to a~~n~~ wetland ~~activity~~ permit.

D. Regulated activities requiring a~~n~~ wetland ~~activity~~ permit.

(1) The following regulated activities shall require a~~n~~ wetland ~~activity~~ permit as issued by the Planning Board:~~, prior to the issuance of an activity implementation permit by the Wetland Inspector:~~

(a) Any regulated activity in a wetland or watercourse proper, except as set forth in § **217-5B** of this chapter or specifically identified as an activity subject to an administrative wetland permit pursuant to §217-5C of this chapter.

(b) Any regulated activity in a wetland, watercourse or buffer area not delegated to the Town Wetland Consultant~~Inspector~~ for review and approval as set forth in § **217-5C** of this chapter.

(c) All regulated activities ancillary to a corresponding application to the Planning Board for site development plan~~elan~~ approval, special permit approval or subdivision approval.

(d) Except as set forth in §217-5B or 5C above, ~~A~~all nonresidential development activities in wetlands, watercourses or buffer areas.

(e) The construction or reconstruction of a new residential building, ~~All new single-family residential development on an undeveloped or vacant parcel,~~ including all principal and accessory site improvements, land uses, buildings and structures in or affecting wetlands, watercourses or buffer areas.

(f) The construction of any new or expansion of any existing septic system located partially or entirely within any wetland, watercourse or buffer area, not including repairs as allowed with the issuance of an administrative wetland permit pursuant to §217-5C(1)(6).

(g) Any activity classified as an Unlisted or Type I Action pursuant to the New York State Environmental Quality Review Act (SEQRA).

(2) The Planning Board, upon findings that a proposed action is consistent with the activities as set forth in § **217-5C** subject to Town Wetland Consultant~~Inspector~~ approval, may refer any regulated activity subject to its review and approval for disposition by the Town Wetland Consultant~~Inspector~~, and may attach conditions thereto.

§ 217-6. Permit Procedures.

A. No person, applicant or property owner shall commence, undertake, conduct or maintain a regulated activity or use without first obtaining all required permits for such regulated activity or use from the Planning Board and/or the Town Wetland Consultant~~Inspector~~. Applications for permits required herein shall be on forms as furnished by the Planning Board and/or the Town Wetland Consultant~~Inspector~~, respectively, and include all application materials in a manner and content as required herein.

B. Any person, applicant or property owner found to be conducting or maintaining a regulated activity or use without the prior proper environmental questionnaire form,~~clearance,~~ authorization or permit approval, or violating any provision of this chapter, shall be subject to the enforcement proceedings and penalties prescribed herein, and any other applicable remedies as provided by law.

C. The placement of sewage disposal tanks, plants, and septic fields is not encouraged within a buffer area, and may only be considered when all other potential feasible alternatives have been thoroughly explored and determined to be infeasible. Such facilities shall be assessed and designed consistent with the requirements of the New York City Department of Environmental Protection and the Westchester County Health Department.

D. Procedure for an administrative wetland ~~activity implementation~~ permit, as issued by the Town Wetland Consultant~~Inspector~~:

(1) An application for an administrative wetland ~~activity implementation~~ permit shall be filed with the Town Wetland Consultant~~Inspector~~, including all materials, information, reports and plans as set forth in § **217-7** of this chapter, unless waived by the Town Wetland Consultant. ~~all materials, information, reports and plans as determined necessary to review and evaluate the proposed action by the Wetland Inspector.~~

(2) The Town Wetland Consultant~~Inspector shall~~ may conduct a site inspection and may require the applicant to stake or otherwise locate in the field all pertinent locations of a proposed activity, including wetlands, watercourses and buffer areas.

~~(3) The Wetland Inspector shall report regularly and meet periodically with the Planning Board regarding the content and status of activity implementation permit applications and denial or approvals of same. Copies of all activity implementation permit denials or approvals shall be provided to the Planning Board.~~

(3~~4~~) The Town Wetland Consultant~~Inspector~~ may~~shall~~ conduct periodic site inspections during the implementation or construction phase of an authorized regulated activity ~~, as needed and in accordance with § **217-9H** of this chapter,~~ to ensure that all granted permits are being completed in accordance with the provisions of this chapter and the issued permit approval.

(4~~5~~) Upon completion of all authorized regulated activities, an applicant shall request a final inspection by the Town Wetland Consultant~~Inspector~~ in order to obtain a certificate of compliance ~~as set forth in § **217-9H** of this chapter~~, certifying that all authorized activities are physically completed.

(5) All permit applications must be diligently pursued by an applicant. Should any application before the Town Wetland Consultant remain inactive for a period exceeding one year without submission of written correspondence, the application may be considered withdrawn. Withdrawn applications may be resubmitted as new applications, subject to all fees, escrow, and review requirements of this chapter.

E. Procedure for a permit through an application to the Planning Board for stormwater pollution prevention plan, subdivision, special permit or site development plan approval. [Amended 12-18-2007 by L.L. No. 6-2007]

(1) The permit application shall be considered in the context and procedural requirements of the overall stormwater pollution prevention plan, subdivision, special permit or site plan approval application.

(2) A separate application for a~~n activity~~ wetland permit shall be completed, as set forth in Subsection **F** below, by the applicant and submitted with all other required applications.

(3) All public hearings shall be coordinated where possible.

(4) Approval of the stormwater pollution prevention plan, subdivision, special permit or site plan application shall require the issuance of a separate ~~wetland/watercourse activity permit.~~wetland permit.

F. Procedure for a~~n~~ wetland ~~activity~~ permit, as issued by the Planning Board, not requiring any additional Planning Board approval.

(1) Application. An application for a~~n~~ wetland ~~activity~~ permit shall be filed with the Planning Board, including all materials, information, reports and plans as set forth in § **217-7** of this chapter.

(2) Site inspections.

(a) After receipt of all required application materials, the Planning Board may schedule a site inspection. The applicant shall stake in the field all pertinent locations of a proposed activity as directed by the Planning Board.

(b) Additional site visits may be required, depending upon the complexity and extent of regulated activities proposed, and the seasonality of the submission.

(3) Referral to CAC. All applications for a~~n~~ wetland ~~activity~~ permit shall be referred to the Town of Lewisboro Conservation Advisory Council (CAC) for review and recommendations, which recommendations shall be duly considered by the Planning Board.

(4) Referral to professional consultants. The Planning Board, in the review of any application for a~~n~~ wetland ~~activity~~ permit approval, may refer such application to such planner, engineer, legal, or environmental expert, soil scientist, ecologist, biologist, or other professional as the Planning Board shall deem reasonably necessary to assist it in the review of such application as required by law. The cost for such professional services may be required to be reimbursed to the Town by an applicant in accordance with the standards and procedures for fees and escrow accounts as set forth in this chapter.

(5) No other permit covering the regulated activity shall be approved or issued until the Planning Board issues a~~n~~ wetland ~~activity~~ permit.

(6) Public hearing and notice.

(a) With the exception of applications referred to the Town Wetland Consultant in accordance with §217-5D(2) of this chapter, the Planning Board shall conduct a public hearing. Insofar as possible, any public hearing on an application for a~~n~~ wetland ~~activity~~ permit shall be integrated with any public hearing required or otherwise held pursuant to any other law, including the State Environmental Quality Review Act.

(b) All hearings shall be open to the public and minutes of each public hearing shall be made. The minutes of any public hearing shall become part of the permanent record of a permit application. In the event that a verbatim record or transcription is made by the applicant, a copy of same shall be provided to the Planning Board at no cost to the Planning Board. Any party may present evidence and testimony at the public hearing. At the public hearing,

the applicant shall have the burden of demonstrating that the proposed activity will be in accord with the goals and policies of this chapter and the standards set forth herein.

(c) Any public hearing may be extended, adjourned, reconvened or closed at the discretion of the Planning Board at any time prior to the issuance of a~~n~~ wetland ~~activity~~ permit by the Planning Board.

(d) An applicant shall give prior written notice to affected property owners, as hereinafter defined, by certified mail, return receipt requested, mailed not less than 15 days prior to the date of the public hearing. The notice shall be provided by the Planning Board through its secretary, who shall also publish the same in the official newspaper of the Town of Lewisboro at least five days prior to the public hearing.
[Amended 9-20-2004 by L.L. No. 2-2004; 3-18-2013 by L.L. No. 3-2013]

[1] "Affected property owners" shall be defined as owners of properties neighboring or in the vicinity of the property for which the application has been filed ("subject property") as listed in the current Town Assessor records, as follows:

[a] In the R-4A and R-2A Districts, property owners within 500 feet of the perimeter of the subject property.

[b] In the R-1A, R-1/2A and R-1/4A, R-2F-10 and R-2F-7.5 Districts, property owners within 250 feet of the perimeter of the subject property.

[c] In the R-MF District, property owners within 250 feet of the perimeter of the subject property.

[d] In all nonresidential districts, property owners within 250 feet of the perimeter of the subject property.

[e] If notice is to be given to the common element of a condominium, it shall not be necessary to provide notice to each owner of an undivided interest in the common element of the condominium. In such case, notice must be given to the managing agent of the condominium and the chair of the board of managers of the condominium.

[2] At the public hearing, the applicant shall submit the receipts evidencing proof of mailing and a copy of the notice actually sent, certified to be true and accurate. The applicant shall also submit an affidavit of mailing, a location map (such as a copy of the tax map or its equivalent) sufficient to show the parcels to which notices

were mailed and a directory showing the names of the property owners on the map.

[3] For each such application, the applicant shall post a sign, to be supplied by the Town, on the subject property on or before the seventh day prior to the scheduled opening of the public hearing. Such sign shall be placed in a location plainly visible from the most commonly traveled street or highway upon which the subject property fronts. In no case shall the sign be more than 10 feet from the front lot line and shall be at least 4 feet above the ground.

[4] In the event an application is withdrawn, becomes inactive, or the public hearing is closed, the applicant shall remove the sign within five business days. For the purposes of this section, any application which has not appeared on the Planning Board's agenda for three months or more shall be designated inactive. If an application is thereafter reactivated, signs shall be posted within three days.

[5] Prior to the commencement of the public hearing, the applicant shall submit a sworn certification, with photographic evidence, to verify the placement and maintenance of the required sign.

[6] An applicant shall deposit the sum of $50 with the Planning Board Secretary to insure the return of the sign in good condition. Such deposit shall be returned to the applicant unless the sign is not returned in a condition substantially equivalent to its condition when provided to the applicant.

[7] The legal notice shall be in a form prescribed by the Planning Board and shall:

[a] Describe the proposed regulated activity; specify the location and Tax Assessor identification of the subject property; and specify the name and address of the property owner and applicant.

[b] Specify that persons wishing to comment on the proposed application can do so in writing or at the public hearing.

[c] Specify that the proposed application materials, including all documents and maps therewith, are available for public inspection at the office of the Planning Board prior to the public hearing.

(7) Inactive permit applications. All permit applications must be diligently pursued by an applicant. Should any application before the Planning Board remain inactive for

a period exceeding one year without submission of written correspondence or an appearance before the Planning Board, the application shall be considered withdrawn. Withdrawn applications may be resubmitted as new applications, subject to all fees, escrow and review requirements of this chapter.

~~(7) Inactive permit applications. All permit applications must be diligently pursued by an applicant. Should any application before the Planning Board remain inactive for a period exceeding one year without submission of written correspondence or an appearance before the Planning Board, the application shall be considered withdrawn. Withdrawn applications may be resubmitted as new applications, subject to all fees and review requirements of this chapter.~~

G. No permit required pursuant to this Chapter **217** shall be issued unless all amounts required to be collected by or due to the Town of Lewisboro as real estate taxes and special assessments on the total area of land encompassed by the application, together with all penalties and interest thereon, have been paid.
[Added 9-20-2004 by L.L. No. 2-2004]

§ 217-7. Permit application materials.

A. ~~Activity permit a~~Application materials. All applications ~~for an activity permit~~ shall include submission of the following, unless waived by the approval authority:

(1) Completed application forms, ~~as provided by the Planning Board,~~ including affidavit of ownership or authorization from the property owner to make application and an affidavit from the Town Receiver of Taxes that all amounts required to be collected by or due to the Town of Lewisboro as real estate taxes and special assessments on the subject property, together with all penalties and interest thereon, have been paid. [Amended 9-20-2004 by L.L. No. 2-2004]

(2) Required application fee and initial ~~Planning Board~~ escrow deposit as required by this chapter.

(3) An accurate ~~property and land~~existing conditions survey, prepared and certified by a New York State licensed land surveyor, prepared to the satisfaction of the Town Wetland Consultant.

(4) Wetland/watercourse delineation map, showing all regulated areas and the location and numbering of all individual field delineation flags, prepared and certified by a New York State licensed land surveyor, the certification to be within one year of the date of application. The delineation limits of all wetlands and watercourses shall be subject to field verification and acceptance by the ~~Planning Board and its authorized agents.~~Town Wetland Consultant.

(5) Wetland/Watercourse delineation report and assessment, prepared by a qualified wetland delineator as defined by this chapter. Said report shall include, but not be limited to, the identification, description and impact assessment of the following:

(a) Hydrophytic vegetation.

(b) Wetland/Watercourse hydrology.

(c) Wetland/Watercourse and buffer area functions and benefits.

(d) Site soil types, including all hydric inclusions per soil type and field-observed indicators of hydric soils, and their drainage characteristics and depth to bedrock.

(e) Site flora, including upland and hydrophytic vegetation with their wetland classified status (FAC, FACW, FACU, OBL) and dominant woody and herbaceous species.

(f) Site fauna.

(6) A narrative description of the proposed regulated activity or use, indicating:

(a) Location of subject property and area to be affected.

(b) Environmental impact assessment and description of the wetland, watercourse and/or buffer area proposed to be disturbed or altered.

(c) Intended purpose of the proposed activity or use and the applicant's interest in the subject property and area to be affected.

(d) Intended purpose and extent of impact or alteration on the affected wetland, watercourse and/or buffer area.

(e) Explanation why the proposed regulated activity cannot be located at another site or location with no or less impact upon wetland, watercourse and/or buffer area.

(f) Explanation as to whether or not the proposed activity is dependent on the affected wetland, watercourse and/or buffer area.

(g) The alternatives to the proposed activity considered, and why the proposal to disturb or alter the affected wetland, watercourse and/or buffer area was chosen instead.

(h) The mitigation measures proposed to avoid or reduce impact on the affected wetland, watercourse and/or buffer area.

(7) Complete plans and estimates for the proposed site improvements, which shall be certified by an engineer, architect, land surveyor, or landscape architect, as

applicable, licensed in the State of New York, drawn to scale no less detailed than one inch equals 50 feet, or such scale as is deemed appropriate by ~~the Planning Board~~approval authority, and showing the following:

(a) Project location map, showing the subject property as a parcel centered within adjacent parcels within 500 feet; surrounding zoning, named streets and water-related resources; and having a scale no less than one inch equals 400 feet.

(b) Location of all wetlands, watercourses, and buffer areas as prepared by a qualified wetland delineator.

(c) Existing conditions map, ~~covering an area as defined by the Planning Board,~~ including delineation of existing buildings, structures, stone walls, fences, areas of one-hundred-year floodplain, vegetative cover, including dominant species and all trees with a diameter of eight inches or greater.

(d) Delineation of the soil types on-site.

(e) Location of the construction area, or area proposed to be disturbed, and its relation to property lines, roads, buildings, and wetlands and watercourses within 250 feet.

(f) Exact locations and specifications for all proposed draining, fill placement, grading, dredging, and vegetation removal, including the amount computed from cross sections, and the procedures to be used.

(g) Location of any well(s) and depth(s) thereof, and any disposal system within 50 feet of the area(s) to be disturbed.

(h) Existing and proposed contours at two-foot intervals in the proposed disturbed area, and to a distance of 50 feet beyond; and elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than five feet.

(i) Details of any drainage, diversion, or detention or retention system proposed, both for the conduct of work and after completion thereof, including locations at any point discharges, artificial inlets, or other constructed conveyances which would discharge into wetlands, watercourses or buffer areas, including a stormwater pollution prevention plan (SWPPP) prepared consistent with the requirements, standards and performance and design criteria as set forth in the Lewisboro Stormwater Management and Erosion and Sediment Control Law.[1]

[Amended 12-18-2007 by L.L. No. 6-2007]

[1] *Editor's Note: See Ch. **189**, Stormwater Management and Erosion and Sediment Control.*

(j) The ~~Planning Board~~approval authority may also require groundwater table elevations, indicating depth to groundwater and direction of flow and hydrologic connections with surface water features; and analysis of the wetland/watercourse hydrologic system, including seasonal water fluctuation, inflow/outflow calculations, and soil subsurface, geology, and groundwater conditions.

(k) Erosion and sedimentation control plan, including installation detail of proposed control measures, directive construction notations, and a schedule for the installation and maintenance of proposed control measures consistent with the requirements, standards and performance and design criteria as set forth in the Lewisboro Stormwater Management and Erosion and Sediment Control Law.[2] [Amended 12-18-2007 by L.L. No. 6-2007]

[2] *Editor's Note: See Ch. **189**, Stormwater Management and Erosion and Sediment Control.*

(l) Where construction of a lake or pond is proposed, details of the construction of any dams, bulkheads, berms, embankments, outlets or other bank or bottom stabilizing or water control devices.

(m) Where creation of a detention basin is proposed, with or without excavation, details of the construction of any dams, bulkheads, berms, embankments, outlets, or other bank or bottom stabilizing or water control devices; and an analysis of the hydrologic system, including seasonal water fluctuations, inflow/outflow calculations, and subsurface drainage, soils and bedrock and groundwater conditions.

(n) Detailed mitigation and/or restoration plans as proposed or otherwise required by the ~~Planning Board.~~approval authority.

(8) A completed environmental assessment form as required by the New York State Environmental Quality Review Act.[3]

[3] *Editor's Note: See Environmental Conservation Law Art. 8, § 8-0101 et seq.*

(9) Copies of all applicable county, regional, state, or federal permits or permit applications that are required for such work.

(10) Copy of subdivision map as filed in the office of the Westchester County Clerk, Division of Land Records, or site plan or special permit site plans if applicable.

(11) Bulk zoning table comparing the existing and proposed condition to the dimensional requirements of the underlying zoning district.

B. The ~~Planning Board~~approval authority may require additional information as needed such as the study of flood, erosion, or other hazards at the site and the effect of any protective

measures that might be taken to reduce such hazards; and other information deemed necessary to evaluate the proposed use in terms of the goals and standards of this chapter.

C. All information relating to a permit application, including but not limited to the application itself, additional required materials or information, notices, records of hearings, written comments and findings shall be maintained on file in the office of the Planning Board or Building Department, as applicable.

D. Upon written request by an applicant, the approval authority~~Planning Board~~ may waive or modify the required application materials to address the specific instances of the application under consideration. Any such waiver shall not be automatic, but rather shall only be granted if such required application materials are deemed not applicable to the application under consideration.

§ 217-8. Standards for wetland ~~activity~~ permit decisions.

A. In granting, denying, or conditioning a~~ny~~ wetland ~~activity~~ permit, the Planning Board shall evaluate wetland, watercourse and/or buffer area functions and the role of the wetland, watercourse and/or buffer area in the hydrologic and ecological system, and shall determine the impact of the proposed activity upon public health and safety; special concern, rare, threatened and endangered species; water quality and additional wetland, watercourse and/or buffer area functions listed in § **217-1** of this chapter. In this determination, the Planning Board shall take into consideration the following factors:

(1) The overall impact of the proposed activity, and existing and reasonably anticipated similar activities, upon neighboring land uses and wetland, watercourse and/or buffer area functions as set forth in § **217-1** of this chapter, including but not limited to the:

(a) Milling of a wetland, watercourse and/or buffer area, and other modification of natural topographic contours.

(b) Disturbance or destruction of native flora and fauna.

(c) Influx of sediments or other materials causing increased water turbidity and/or substrate aggradations.

(d) Removal or disturbance of wetland, watercourse or buffer area soils.

(e) Reductions or increases in wetland or watercourse water supply.

(f) Interference with wetland or watercourse water circulation and flow.

(g) Changes in the amount or type of wetland or watercourse nutrients.

(h) Influx or discharge of toxic chemicals and/or heavy metals.

(i) Physical and chemical changes to the wetland or watercourse water supply.

(j) Destruction, reduction and diminution of natural and native aesthetic values.

(k) Reduction in public recreational or educational use and access.

(l) Impact to and alteration or disturbance of buffer areas.

(2) Any existing wetland, watercourse and/or buffer area impacts and the cumulative effect of reasonably anticipated future wetland, watercourse and/or buffer area activities in the wetland, watercourse and/or buffer area subject to the application.

(3) The impact of the proposed activity and reasonably anticipated similar activities upon flood flows, flood storage, storm barriers, and water quality.

(4) The potential effect of flooding, erosion, hurricane winds, soil limitations, and other hazards on the proposed activity, and possible losses to the applicant and subsequent purchasers of the land.

(5) The adequacy of water supply and waste disposal for the proposed use.

(6) Consistency with federal, state, county, regional and local comprehensive land use plans and regulations.

(7) The availability of preferable or environmentally compatible alternative locations on the subject parcel or, in the case of an activity which cannot be undertaken on the property without disturbance to wetlands, watercourses and/or buffer areas, the availability of other reasonable or practicable locations for the activity.

B. The Planning Board shall only grant a~~n~~ wetland ~~activity~~ permit for regulated activities if the Planning Board determines that impacts to the affected wetland, watercourse and/or buffer area are necessary and unavoidable, and have been minimized to the maximum extent practicable. For the purposes of this chapter, wetland, watercourse and/or buffer area impacts are necessary and unavoidable only if all of the following criteria are satisfied, as determined by the Planning Board:

(1) The proposed activity is compatible with the public health and welfare.

(2) There is no reasonably feasible on-site alternative to the proposed activity, in the judgment of the Planning Board, including reduction in density, change in use, revision of road and lot layout, revision in the location of buildings, structures, driveways and other site construction and land-altering activities, and/or related site planning considerations, that could otherwise reasonably accomplish the applicant's objectives.

(3) If it is otherwise a practicable alternative, an area not presently owned by the applicant, which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered.

(4) There is no reasonably feasible alternative to the proposed activity on another site or site location that is not a wetland, watercourse or buffer area as regulated herein.

C. The Planning Board shall deny a requested wetland ~~activity~~ permit if:

(1) The applicant has not demonstrated that all reasonable alternatives have been explored; that reasonable alternatives exist which could avoid or reduce potential losses or impacts to the wetland, watercourse and/or buffer area; or that any unavoidable losses or impacts to wetlands, watercourses and/or buffer areas have not been minimized to the maximum extent practicable.

(2) The proposed activity threatens public health or safety; results in fraud; causes nuisances; impairs public rights to the enjoyment and use of public waters; threatens a special concern, rare, threatened or endangered plant or animal species; violates pollution control standards; or violates other federal, state, county, regional or local regulations.

(3) Both the affected landowner and the local government have been notified by a duly filed notice in writing that the state or any agency or political subdivision of the state is in the process of acquiring any freshwater wetland by negotiation or condemnation with the following provisions:

(a) The written notice must include an indication that the acquisition process has commenced, such as that an appraisal of the property has been prepared or is in the process of being prepared.

(b) If the landowner receives no offer for the property within one year of the permit denial, this prohibition shall lapse. If its negotiations with the applicant are broken off, the state or any agency or political subdivision must, within six months of the end of negotiation, either issue its findings and determination to acquire the property pursuant to § 204 of the Eminent Domain Procedure Law or issue a determination to acquire the property without public hearing pursuant to § 206 of the Eminent Domain Procedure Law, or this prohibition shall lapse.

D. The Planning Board shall give consideration to activities that must have a shoreline wetland or watercourse location in order to function and that will have as little impact as possible upon buffer areas as regulated herein. In general, permission will not be granted for dredging or ditching solely for the purpose of draining wetlands or watercourses, controlling mosquitoes, constructing lagoons, constructing factories or industrial facilities, providing spoil and dump sites, or building roadways, driveways or buildings and

structures that may be located elsewhere. The regulated activity must, to the extent feasible, be confined to the portion of a lot outside of a wetland, watercourse and/or buffer area. All reasonable measures must be taken to minimize impact upon the wetland, watercourse and buffer area.

~~E.~~

§ 217-9. ~~Activity permit m~~Permit mitigation plan.

A. Upon findings of the approval authority~~Planning Board~~ that impacts to regulated areas are not unavoidable, and that impacts have been minimized to the maximum extent practicable, the applicant shall be required to prepare and implement a mitigation plan acceptable to the ~~Planning Board.~~approval authority.

B. For the purposes of mitigation, losses of buffer areas will be viewed as losses of wetlands and watercourses. On-site mitigation shall be the preferred approach; off-site mitigation shall be permitted only in cases where an on-site alternative is not possible and the applicant has control of the off-site property.

C. Acceptable mitigation must be provided to minimize impacts to the maximum extent practicable, striving for a no-net-loss of wetlands, watercourses and/or buffer areas within the Town. Acceptable mitigation may be provided in various forms, either singularly or in combination~~.~~ (Refer to **Appendix B** of this chapter for mitigation guidelines~~.~~[1]). [1] *Editor's Note: **Appendix B** is included at the end of this chapter.*

D. All mitigation plans shall be based on the following order of preference:

(1) Minimization of impacts and disturbance to wetlands, watercourses and buffer areas, in that order.

(2) Preservation of remaining wetlands, watercourses and buffer areas through the dedication and establishment of perpetual conservation easements, development restriction areas, or equivalent.

(3) Rectification by repairing or restoring existing damaged wetlands, watercourses and/or buffer areas, including enhancement thereto.

(4) Replacement wetlands, watercourses and buffer areas that recreate as nearly as possible the original wetlands, watercourses and/or buffer areas in terms of spatial area, type, functions, hydrologic conditions, geographic location and setting.

E. Any mitigation plan prepared pursuant to this section and accepted by the approval authority~~Planning Board~~ shall become part of the permit for the application.

F. A monitoring and inspection schedule for a specified period of time may ~~as agreed to by the Planning Board shall~~ be established and implemented. Town-incurred costs for monitoring and inspecting applicant projects shall be funded by an applicant as required by this chapter.

§ 217-10~~9~~. ~~Activity p~~Permit conditions; performance bond; expiration; suspension or revocation; inspection.

A. Any ~~activity~~ permit issued pursuant to this chapter may be issued with conditions. Such conditions may be attached as the ~~Planning Board~~approval authority deems necessary or advisable to assure the preservation and protection of affected wetlands, watercourses and/or buffer areas, to assure compliance with the policy and provisions of this chapter and the provisions of the Planning Board's rules and regulations adopted pursuant to this chapter.

B. Every ~~activity~~ permit issued pursuant to this chapter shall be in written form and shall contain, but not be limited to, the following conditions:

(1) Work conducted pursuant to a~~n activity~~ permit granted under this chapter shall be open to inspection at any time, including weekends and holidays, by the Planning Board, Town Wetland Consultant ~~Inspector~~, or their designated representative(s), as applicable.

(2) The ~~activity~~ permit shall expire on a specified date.

(3) Prior to commencement of any site activity or disturbance, or commencement of the authorized regulated activity by an applicant, the following shall be completed:

(a) Approved ~~activity permit~~ site plans and mitigation plans, as endorsed by the Planning Board Chair and Secretary or Town Wetland Consultant, as applicable, ~~pursuant to a duly authorized written resolution of the Planning Board,~~ shall be filed with the Planning Board Secretary ~~and Wetland Inspector.~~ or Building Department, as applicable.

~~(b) Subsequent to the endorsement of the final approved activity permit site plans and mitigation plans, the applicant shall apply for and obtain an activity implementation permit as issued by the Wetland Inspector in accordance with the activity permit approval granted by the Planning Board.~~

(b~~e~~) Projects which also involve or require subdivision or other land use or zoning approval, including but not limited to an area or use variance, building permit, zoning permit, special use permit or site plan approval, shall not be commenced until such other approval have also been obtained by the applicant.

(c~~d~~) The permit holder shall notify the ~~Planning Board and Wetland Inspector~~ approval authority of the date on which the work is to begin, at least five days in advance of such date.

(d~~e~~) ~~The Planning Board's and Wetland Inspector's p~~Permit authorizations shall be prominently displayed at the project site during the undertaking of the

activities authorized by the granted permit.

(4) Any ~~activity~~ permit, the issuance of which is based on erroneous or incomplete information, including but not limited to the failure to completely identify regulated wetland, watercourse and/or buffer areas, shall be subject to revocation by the approval authority.~~Planning Board.~~

C. The ~~Planning Board~~approval authority shall set forth in writing in the file it maintains regarding a permit application all conditions attached to any ~~activity~~ permit issued under this chapter. Project specific conditions may include, but shall not be limited to:

(1) Limitations on minimum lot size for any activity;

(2) Limitation on the total portion of any lot or the portion of the wetland, watercourse and/or buffer area on the lot that may be graded, filled, or otherwise modified;

(3) Modification of waste disposal and water supply facilities;

(4) Imposition of operation controls, sureties, and deed restrictions concerning future use and subdivision of lands such as preservation of undeveloped areas in open space use, and limitation of vegetation removal;

(5) Dedication of easements, development restriction areas or equivalent to protect wetlands;

(6) Erosion control measures;

(7) Setbacks for structures, fill, deposit of spoil, and other activities from the wetland, watercourse and/or buffer area;

(8) Modifications in project design to ensure continued water supply to the wetland or watercourse and circulation of waters; and/or

(9) Replanting and maintenance of wetland, watercourse and buffer area vegetation and construction of new wetland, watercourse or buffer areas to replace damaged or destroyed areas.

D. Other laws and regulations. Nothing in this chapter shall obviate the requirements for an applicant to obtain any other consents, permits, approvals, or licenses required by law or regulation by the Town of Lewisboro or other regulatory agency, including any federal, state, county, regional or local agencies. Obtaining such consents, permits, approvals, or licenses shall be the sole responsibility of an applicant.

E. Performance bond.

(1) The ~~Planning Board~~approval authority may require that, prior to commencement of any public work improvements under any ~~activity~~ permit issued pursuant to this chapter, the applicant or permittee shall post a bond to be approved and deemed

acceptable by the Town Board in an amount and with a surety and conditions sufficient to secure satisfactory completion of the public work improvements and compliance with the conditions and limitations set forth in the ~~activity~~ permit.

(2) The particular amount and the conditions of the bond shall be consistent with the purposes of this chapter. The bond shall remain in effect until the approval authority~~Planning Board~~ or its designated agent certifies that the work has been completed in compliance with the terms and conditions of the ~~activity~~ permit and the bond is recommended for release by the ~~Planning Board~~approval authority and thereafter released by the Town Board, or a substitute bond is provided.

(3) In the event of a breach of any condition of any such bond, the Town Board may institute an action in the courts upon such bond, and prosecute the same to judgment and execution. A substitute form of guaranty may be provided as approved by the Town Board.

F. Wetland ~~Activity~~ permit expiration.

(1) Approved wetland ~~activity~~ permit site plans, signed by the applicant as evidence of acceptance of the conditions of a ~~an~~ wetland ~~activity~~ permit approval, shall be submitted for endorsement by the Planning Board Chair and Secretary within 180 days of the date of the Planning Board's resolution granting the related wetland ~~activity~~ permit approval. Failure to submit wetland ~~activity~~ permit site plans as required by the Planning Board's resolution granting permit approval, within the specified time frame, shall result in expiration of the related wetland ~~activity~~ permit, thereby making it null and void.

(2) Upon written request by the applicant, the Planning Board may extend the time, not to exceed two (2) additional periods of 90 days each, in which the conditions of the granted wetland ~~activity~~ permit approval and/or final wetland ~~activity~~ permit site plans must be completed or endorsed, as the case may be, if in the opinion of the Planning Board such extension is warranted by the particular circumstances of the request.

(3) No changes, additions, erasures, modifications or revisions shall be made to the final wetland ~~activity~~ permit site plans following endorsement by the Planning Board Chair and Secretary. Any such changes detected after endorsement of the wetland ~~activity~~ permit site plans as final shall result in the immediate expiration of the related wetland ~~activity~~ permit, thereby making it null and void.

(4) A~~n~~ wetland ~~activity~~ permit approval shall expire, without further written notification, two (2) years after the date of the Planning Board resolution granting such wetland ~~activity~~ permit approval, unless all work and conditions of approval have been certified complete by the Town Wetland Consultant~~Inspector~~ pursuant to the conditions of the wetland ~~activity~~ permit approval and the provisions of this chapter.

(5) The Planning Board may extend the expiration date of an wetland ~~activity~~ permit

approval upon a showing of reasonable cause by the applicant or permittee, and/or upon determination by the Planning Board that the public interest and environment will be best served by not interrupting the activity or use, if commenced. Any request for extension shall be in writing and submitted prior to~~a minimum of 30 days prior to~~ the date of expiration of the related wetland ~~activity~~ permit approval, and shall clearly describe the following:

(a) The status of the authorized activity or use which is the subject of the expiring wetland ~~activity~~ permit approval, including a description of the extent of work completed at the time of the extension request and the proposed schedule for completing the remaining authorized work.

(b) The reasons for the requested extension.

(c) The reasons why the authorized activity or use was not initiated or completed within the time frame allowed.

(d) Any changes in the facts or circumstances involved with or affecting the regulated resource area affected by the authorized activity or use, or the property for which the expiring wetland ~~activity~~ permit approval was issued.

(6) The request for extension of a~~n~~ wetland ~~activity~~ permit approval shall follow the same form and procedure as the~~an~~ original application, except that the Planning Board may waive application requirements and procedures at its discretion, including the requirement for a public hearing and notice. Extensions shall only be granted, if in the Planning Board's ~~its~~ judgment, the original intent and substance of the permit is not altered by the requested renewal.~~, or if the applicant has not failed to abide by the terms of the original permit in any way.~~

(7) Upon approval of an extension, the Planning Board may attach additional conditions or limitations as deemed appropriate or necessary given any changes in facts or circumstances, and the Planning Board shall prescribe a new schedule of implementation and expiration.

G. Administrative wetland permit expiration.

(1) No changes, additions, erasures, modifications or revisions shall be made to the final site plans. Any such changes detected after endorsement of the administrative wetland permit site plans as final shall result in the immediate expiration of the related permit, thereby making it null and void.

(2) An administrative wetland permit, not involving any Planning Board approvals, shall expire without further written notification two (2) years after the date of issuance, unless all work and conditions of approval have been certified as complete by the Town Wetland Consultant.

(3) The Town Wetland Consultant, at his or her sole discretion, may extend the

expiration date of an administrative wetland permit upon a showing of reasonable cause by the applicant or permittee. Any request for extension shall be made prior to the expiration date, shall be in writing, and shall clearly describe the following:

(a) The status of the authorized activity or use which is the subject of the expiring permit approval, including a description of the extent of work completed at the time of the extension request and the proposed schedule for completing the remaining authorized work.

(b) The reasons for the requested extension.

(c) The reasons why the authorized activity or use was not initiated or completed within the time frame allowed.

(d) Any changes in the facts or circumstances involved with or affecting the regulated resource area affected by the authorized activity or use, or the property for which the expiring permit approval was issued.

(4) Upon approval of an extension, the Town Wetland Consultant may attach additional conditions or limitations as deemed appropriate or necessary given any changes in facts or circumstances, and the Town Wetland Consultant may prescribe a new schedule of implementation and expiration.

~~G. Suspension or revocation of permits.~~

~~(1) Following a hearing conducted by the Planning Board in accordance with the procedures for violation hearings as set forth in § **217-12** of this chapter, the Planning Board may modify, suspend or revoke a permit and direct the Wetland Inspector to issue a stop-work order and/or notice of violation, if it finds that the applicant or permittee has not complied with any or all of the terms of such permit; has exceeded the authority granted in the permit; or has failed to undertake the project in the manner set forth in the approved application; or the permit was issued in whole or in part upon information which subsequently proves to be false, deceptive, incomplete or inaccurate.~~

~~(2) The Planning Board shall set forth in writing its findings and reasons for revoking or suspending a permit pursuant to this section.~~

H. Monitoring and inspection.

(1) Monitoring required. The ~~Planning Board~~approval authority shall monitor, or shall cause to have monitored, approved ~~activity~~ permits according to the specifications set forth in the permit to determine whether the elements of the permit have been met. The approval authority~~Planning Board~~ may require that the implementation or construction phase of a~~n authorized activity~~ permit be monitored by the Town Wetland Consultant~~Inspector~~ or his/her designee, at the applicant's expense.~~and/or a Town-appointed environmental monitor, such as an academic institution, independent research group or other qualified professionals, at the expense of the applicant.~~

(2) Requirements of monitoring. The requirements for monitoring shall be specified in the permit and mayshall include, but shall not be limited to:

(a) The time period during which compliance monitoring shall occur.

(b) Field measurements to verify the size and location of the impacted wetland, watercourse and/or buffer area and the restored/replacement wetland, watercourse and/or buffer area.

(c) Implementation scheduling of all authorized activities and any mitigation restoration/replacement work.

(d) Field verification of compliance with the vegetative, hydrologic, and soils criteria, and all other requirements, as specified in the approved mitigation plans and granted activity permit.

(3) Inspection of ongoing activity permit activities. The Town Wetland ConsultantInspector or other duly authorized representative shall inspect all permit activities during the implementation or construction phase of an approved activity permit and mitigation plan to assure that all required wetland, watercourse and buffer area protections and mitigation measures are properly installed and maintained, and authorized activities are being satisfactorily completed according to required schedules of implementation. Failure to conduct such inspections shall not in any way relieve the applicant of its activity permit conditions or responsibilities.

(4) Inspection upon completion of permit activities. The applicant shall request a final inspection by the Town Wetland ConsultantInspector of all completed work, or as otherwise may be required by the activity permit approval. Incomplete work or unsatisfactory site conditions shall be remediated immediately upon notice by the Town Wetland ConsultantInspector or other authorized representative. Failure to take such action may result in the suspension or revocation of an authorized activity permit, or in the issuance of a notice of violation.

(5) As-built plan. The Planning Board or Wetland Inspectorapproval authority may require an applicant to submit an as-built plan of completed work, which plan shall be prepared and certified complete by a New York State licensed surveyor, landscape architect and/or professional engineer, as appropriate.

(6) Certificate of compliance.

(a) Upon the completion of all authorized work conducted pursuant to an activity any permit issued under this chapter (and an activity implementation permit), the applicant shall request that the Town Wetland ConsultantInspector make a final inspection thereof to determine compliance.

(b) If the Town Wetland ConsultantInspector finds all work to be complete in

accordance with the issued permits and the provisions of this chapter, then the Town Wetland Consultant~~Inspector~~ shall issue a certificate of compliance relating to such permit.

(c) A certificate of compliance shall be deemed to authorize the initial and continued activity and use affecting a regulated area and resource so long as continued full conformity and compliance are maintained with the terms and conditions of an issued ~~activity~~ permit and the provisions of this chapter.

I. Suspension or revocation of permits.

(1) Following a hearing conducted by the Planning Board, the Planning Board may modify, suspend or revoke a permit and direct the Code Enforcement Officer to issue a stop-work order, notice of violation, and/or an appearance ticket, if it is found that the applicant or permittee has not complied with any or all of the terms of such permit; has exceeded the authority granted in the permit; or has failed to undertake the project in the manner set forth in the approved application; or the permit was issued in whole or in part upon information which subsequently proves to be false, deceptive, incomplete or inaccurate.

(2) The Planning Board shall set forth in writing its findings and reasons for revoking or suspending a permit pursuant to this section.

§ 217-11~~0~~. Fees and escrow.

A. All permit application ~~and review~~ fees shall be in an amount set forth in the fee schedule established by resolution of the Town Board.

B. Fees charged by consulting~~ant~~ professionals to the Town of Lewisboro~~Planning Board~~ shall be in accordance with fees usually charged for such services in Westchester County and pursuant to a contractual agreement between the Town and such professional. All such charges shall be paid by the Town upon receipt of a Town voucher. The applicant shall reimburse the Town for the cost of such professional review services upon submission of a copy of the voucher ~~or, at the discretion of the Planning Board,~~ in accordance with Subsection~~s~~ **C** below.~~and **D** of this section.~~ Such professional review fee reimbursement costs shall bear a reasonable relationship to other applications of that type. The payment of such fees by the applicant shall be required in addition to any and all other fees required by this or any other section of this chapter, or any other chapter of this code.

C. Permit review escrow account procedures.

(1) At the time of submission of any application for a~~n activity~~ permit ~~approval~~, the approval authority ~~and subsequent to the date of receipt but prior to the review by the Planning Board, the Planning Board~~ may require the establishment of an applicant-funded permit review escrow account, from which withdrawals shall be made to reimburse the Town for the cost of professional review services.

(2) The applicant shall fund the escrow accountthen provide initial funds to the Town in two separate installments for deposit into such account in an amount to be determined by the Planning Boardapproval authority based on its evaluation of the nature and complexity of the application., as follows: Any request for payment made by the Town shall be considered an estimate of review costs and shall not be binding. Upon request, the applicant shall be provided with copies of any voucher for such services as they are submitted to the Town.

(a) To cover the costs of the initial review of the application, an initial escrow deposit shall be made in accordance with the initial escrow account deposit schedule adopted by the Planning Board, as amended from time to time.

(b) After such initial review, the applicant shall provide additional funds to the Town for deposit into the escrow account in an amount to be established by the Planning Board as the full escrow deposit based upon estimates of the total anticipated review costs provided by the consultants to the Planning Board. Said estimates are for the convenience of the applicant and shall not be binding upon the Planning Board. Upon request, the applicant shall be provided with copies of any voucher for such services as they are submitted to the Town.

(3) When the balance in such escrow account is reduced to 1/2 of the initialfull escrow deposit amount, the applicant shall deposit additional funds into such account to bring its balance up to 100% of the amount of the full escrowinitial deposit, or to some lesser amount as deemed acceptable by the Planning Boardapproval authority to complete the permit review of the application.

(4) If such escrow account is not replenished within 20 days after the applicant is notified in writing of the requirement for such additional deposit, the Planning Boardapproval authority may suspend its review of the application until such time as the escrow account is replenished accordingly.

(5) A building permit, or certificate of occupancy or use, or certificate of compliance shall not be issued and no approval of plats, subdivisions, site plans, special permits, variances or other permits or approvals as issued by the administrative officials and municipal boards of the Town of Lewisboro shall be granted unless all professional review fees charged in connection with the applicant's project have been reimbursed to the Town.

(6) After all pertinent charges have been paid, the Town shall refund to the applicant any funds remaining on deposit.

D. SEQRA escrow account procedures.

(1) In the event that a positive declaration is determined in accordance with the New York State Environmental Quality Review Act (SEQRA) regarding the subject application, reimbursement procedures utilizing the basic permit review escrow account established in accordance with Subsection C may be suspended until after

~~completion of the SEQR process.~~

~~(2) After all pertinent charges have been paid, the Town may refund to the applicant any funds remaining on deposit in the basic permit review escrow account minus $100 so as to maintain the basic permit review escrow account with the Town.~~

~~(3) Reimbursements of the costs of professional fees incurred subsequent to the determination of a positive declaration and necessary for the preparation or review of an environmental impact statement (EIS) shall be made in accordance with the procedures established under SEQR and the Lewisboro Environmental Quality Review Law (LEQR),~~[1] ~~as may be amended from time to time.~~

~~(4) Upon completion of the SEQR process or continued review of the application which is not directly related to the preparation or review of an EIS, the applicant shall replenish the basic permit review escrow account with a deposit in an amount deemed necessary by the Planning Board, but in no case in an amount greater than the full escrow deposit amount originally established by the Planning Board.~~

~~(5) All subsequent deposits, reimbursements and refunds relating to the review of the activity permit application shall be made in accordance with the standards and procedures above.~~

~~E~~D. Monitoring and inspection fees.

(1) Required monitoring and inspection fees shall be determined by the ~~Planning Board~~approval authority upon approval of a~~n~~ ~~activity~~ permit, based on the complexity and substance of the authorized regulated activity.

(2) To perform specific monitoring duties as required by this chapter, the Town may contract with a professional consultant to provide independent environmental monitoring services. To offset the costs of hiring an independent environmental monitor for this purpose, the ~~Planning Board~~approval authority may require an applicant to establish a monitoring escrow account with the Town.

§ 217-12~~1~~. Enforcement.~~; stop-work orders; penalties for offenses.~~

A. General provisions. No board, agency, officer or employee of the Town shall issue, grant or approve any permit, license, certificate or other authorization for any construction, reconstruction, alteration, enlargement or moving of any building or structure, or for any use of land or building that would not be in full compliance with the provisions of this chapter. Any such permit, license, certificate or other authorization issued, granted or approved in violation of the provisions of chapter shall be null and void and of no effect without the necessity of any proceeding or revocation or nullification thereof.

B. Enforcement agents. This chapter shall be enforced by the Code Enforcement Officer~~Wetland Inspector~~ and such deputy inspectors as may be appointed by the Town Board.

C. Complaints; recordkeeping; enforcement; penalties for offenses. Unless specifically stated herein to the contrary, in responding to complaints, performing inspections, issuing notices of violations and/or stop work orders, recordkeeping and enforcement, the Code Enforcement Officer shall follow, to the extent applicable, the rules and procedures as provided under §92-12, complaints, §92-13, recordkeeping, and §92-15, enforcement; penalties of offenses, of the Town of Lewisboro Town Code. In determining compliance or noncompliance with any provision of this chapter or with an authorized permit issued pursuant to this chapter, the Code Enforcement Officer may rely upon the professional expertise of the Town Wetland Consultant.

~~C. Issuance of stop-work orders.~~

~~(1) Whenever the Wetland Inspector has reasonable grounds to believe that a person or applicant has caused or committed a violation of any provision as set forth in this chapter; or a permittee has not complied with any or all of the terms of a granted permit, or has exceeded the authority granted by a permit; or has failed to undertake a project in the manner set forth in an approved permit application, the Wetland Inspector may issue a stop-work order in writing to same, thereby notifying the person or persons responsible to stop and suspend all work.~~

~~(2) A stop-work order shall be served by the Wetland Inspector upon the alleged violator by certified mail, return receipt requested, or by personal service. "Personal service" shall be defined as set forth in the New York State Civil Practice Law and Rules.~~

~~(3) Such person or persons shall forthwith stop and suspend all such work until such time that the stop-work order has been rescinded by the Wetland Inspector. The remedy of a stop-work order shall be in accordance with the requirements of the Wetland Inspector, and may result in the issuance of a notice of violation requiring adjudication by the Planning Board.~~

~~D. Issuance of notice of violation. The Town of Lewisboro is specifically empowered to seek injunctive relief restraining any violation or threatened violation of any provisions of this chapter and/or compel the restoration of the affected wetland, watercourse and/or buffer area to its condition prior to the violation of the provisions of this chapter. The Wetland Inspector is empowered to issue a notice of violation and the Planning Board is empowered to adjudicate any such violation as issued by the Wetland Inspector.~~

D~~E~~. Penalties for offenses; ~~violations; administrative and~~ criminal sanctions.

~~(1) Any single violation shall be subject to either administrative or criminal sanctions, but not both.~~

~~(2) Administrative sanctions.~~

~~(a) Any person or property owner who undertakes any regulated activity within~~

~~a wetland, watercourse and/or buffer area without a permit issued hereunder; or who violates, disobeys or disregards any provision of this chapter, including any provision of any permit issued pursuant to this chapter, shall be liable to the Town of Lewisboro for a civil penalty of not more than $7,500 for every such violation. Any civil penalty in excess of $5,000 shall be based upon a finding of willful violation by a majority of the Board plus one.~~

~~(b) Such civil penalty may be assessed by the Planning Board upon an admission of liability or upon a determination by the Planning Board, after notice and hearing, that a violation of this chapter has occurred. Each consecutive day of the violation will be considered a separate offense, subject to additional penalties.~~

~~(c) Such civil penalty may be recovered in an action brought by the Town of Lewisboro at the request and in the name of the Planning Board or Town Board in a court of competent jurisdiction.~~

~~(d) No permit for a regulated activity or certificate of compliance, or certificate of occupancy, or building permit shall be issued until such civil penalty is paid.~~

~~(e) Such civil penalty may be released or compromised, and any action commenced to recover the same may be settled and discontinued by the Planning Board or Town Board.~~

~~(f) The Planning Board shall have the power, following a violation hearing, to direct the violator to restore the affected wetland, watercourse and/or buffer area to its condition prior to the violation, insofar as that is possible, within a reasonable time and under the supervision of the Planning Board or its designate.~~

~~(g) Any such order of the Planning Board shall be enforceable in an action brought in any court of competent jurisdiction.~~

~~(h) Any civil penalty or order issued by the Planning Board pursuant to this subdivision shall be reviewable in a proceeding pursuant to Article 78 of the State Civil Practice Law and Rules.~~

(1~~3~~) ~~Criminal s~~Sanctions. Any person who undertakes any regulated activity within a wetland, watercourse, or buffer area without a permit issued hereunder or who violates, disobeys or disregards any provision of this chapter, including any provision of any permit issued pursuant to this chapter or any rule or regulation adopted by the approval authority pursuant to this chapter, ~~Any person who violates an order, permit or rule or regulation of the Planning Board's and/or Wetland Inspector's regulation of wetlands, watercourses and/or buffer areas pursuant to this chapter~~ shall, upon conviction thereof in a court of competent jurisdiction, be punished ~~for the first offense, be guilty of a violation punishable~~ by a fine of not

more~~less~~ than $250 and/or a term of imprisonment not to exceed 15 days. ~~500 and not more than $1,000; f~~For a second and each subsequent offense, he or she shall be guilty of a misdemeanor punishable by a fine of not less than $1,000 and/or a term of imprisonment of less than one (1) year. ~~nor more than $2,000 or a term of imprisonment of not less than 15 days or more than six months, or both. In addition to these punishments, any offender may be ordered by the court to restore the affected wetland, watercourse and/or buffer area to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the Planning Board and/or Wetland Inspector.~~ In all matters, ~~E~~each offense shall be a separate and distinct offense and each day's continuance thereof~~, and in the case of continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense~~ shall be punishable by a like fine or penalty as herein set forth. In addition to these punishments, any offender may be ordered by a court of competent jurisdiction to submit a permit application and obtain a wetland permit or administrative wetland permit, as deemed applicable, for activities conducted and/or proposed within the wetland or buffer area, including mitigation and/or restoration.

~~**§ 217-12. Processing of Violations.**~~

~~A. Notice of violation and hearing.~~

~~(1) A notice of violation and hearing, as issued by the Wetland Inspector, shall include notification of the following:~~

~~(a) The time and place of the violation hearing.~~

~~(b) A list of all alleged violations complained of, with specific reference to the provisions and sections of the law, rule or regulation involved, and a summary of the alleged facts supporting each alleged violation.~~

~~(c) The alleged violator's right to present evidence.~~

~~(d) The alleged violator's right to examine and cross-examine witnesses.~~

~~(e) The alleged violator's right to be represented by counsel.~~

~~(f) Notice that the alleged violator's failure to appear shall constitute a default by the alleged violator, and that the violation hearing may proceed in said violator's absence and a determination made solely upon evidence submitted or accepted into the record by the Planning Board.~~

~~(2) A notice of violation and hearing shall be served by the Planning Board or Wetland Inspector upon the alleged violator by certified mail, return receipt requested, or by personal service. "Personal service" shall be defined as set forth in the New York State Civil Practice Law and Rules.~~

B. Violation hearings.

(1) Upon the issuance of a notice of violation and hearing, the Planning Board shall cause to be held a violation hearing, unless a person, entity, or property owner charged with such violation admits liability by returning the notice of violation and hearing with a signed admission of liability.

(2) The person, entity or property owner charged with an alleged violation may waive its right to such violation hearing by signing an admission of liability on the notice of violation and hearing. Once an admission of liability is submitted to the Planning Board, the Planning Board shall assess a civil penalty and require a restoration plan and/or mitigation plan, and so advise the person, entity or property owner in violation by certified mail, return receipt requested.

(3) The Planning Board shall not be bound by the strict rules of evidence in the conduct of a violation hearing, but its findings of fact shall be founded upon a fair preponderance of the evidence presented at the violation hearing. The Planning Board shall admit and consider evidence of mitigation offered by the alleged violator.

(4) To aid in the administration of this chapter, the Planning Board may issue subpoenas requiring the attendance and giving of testimony by witnesses and the production of books, photographs, assessment reports, papers and other evidence for any violation hearing or proceeding conducted under this section. Service of such subpoena, enforcement of obedience thereto, and punishment for disobedience thereof, shall be had as and in the manner provided by the New York State Civil Practice Law and Rules relating to the enforcement of any subpoena issued by a board or committee. It shall be the responsibility of the party requesting the issuance of a subpoena to effect service thereof.

(5) Upon the return date of a violation hearing, the Planning Board shall note the appearances of the persons attending the violation hearing. Witnesses shall be sworn and testimony shall be recorded either by a certified stenographer or by use of an electronic recording device.

(6) All violation hearings shall be open to the public. Testimony shall be transcribed upon the request of any interested party. The party requesting the transcript shall pay the costs and expenses in connection therewith and shall provide a copy of said transcript to the Planning Board in a timely manner.

(7) The Planning Board may add a party to the proceeding upon due and adequate notice to both the party to be added and the parties named in the proceedings.

(8) The Planning Board may grant an adjournment of the violation hearing upon request of any party to the proceeding, provided that an adjournment shall not be for an indefinite period of time, but shall be set down for a date certain.

(a) If an adjournment is requested in advance of the violation hearing date, such

~~request shall be presented to the Planning Board in writing, and shall specify the reason for such request.~~

~~(b) In considering an application for adjournment of a violation hearing, the Planning Board shall consider whether the purpose of the violation hearing will be affected or defeated by the granting of such adjournment.~~

~~(9) Upon the conclusion of the violation hearing and after consideration of credible evidence, the Planning Board shall issue a written decision. If a violation is found, the Planning Board shall issue a decision which shall set out the civil penalties and requirements for a restoration and/or mitigation plan. The Planning Board shall take into consideration the seriousness of the violation, the evidence of mitigation offered by the violator and the cost of any mitigation and/or restoration measures imposed in setting the civil penalty.~~

~~(10) The Planning Board's written decision shall containing a summary of the evidence and findings of fact and conclusions of law. Said written decision shall be filed with the Town Clerk and the alleged violator shall be advised of any decision of the Planning Board by certified mail, return receipt requested.~~

§ 217-13. General powers of the Planning Board.

In order to carry out the purposes and provisions of this chapter, and in addition to the powers specified elsewhere in this chapter, the Planning Board shall have the following powers:

A. To adopt, amend, and repeal, after public hearing (except in the case of rules and regulations that relate to the organization or internal management of the Planning Board) such rules and regulations consistent with this chapter as it deems necessary to administer this chapter, and to do any and all things necessary or convenient to carry out the policy and intent of this chapter.

B. To consult or contract with expert persons or agencies in reviewing a permit application. ~~or violation action.~~

~~C. To hold hearings and subpoena witnesses in the exercise of its powers, functions, and duties provided for by this chapter.~~

C~~D~~. To adopt procedures and policies that relate solely to the organization or internal management of the Planning Board that are necessary or convenient to carry out the policy and intent of this chapter.

§ 217-14. Judicial review and appeal.

Any determination, decision or order of the Planning Board may be judicially reviewed pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York. ~~, provided that such proceeding must be initiated within 30 days after the filing of the Planning Board's decision in the office of the Town Clerk.~~

§ 217-15. Severability.

If any clause, sentence, paragraph, section or part of this chapter, or the application thereof to any person or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the application of the remainder of any part thereof to any other person or circumstances; and to this end, the provisions of each section of this chapter are hereby declared to be severable.

A. This chapter may be amended from time to time by the Town Board in accordance with the procedures and requirements of the general statutes and as new information concerning soils, hydrology, flooding or botanical species peculiar to wetlands, watercourses and associated buffer areas becomes available.

B. Every amendment of this chapter entertained by the Town Board shall be referred to the Planning Board and Conservation Advisory Council for written reports before a required public hearing on the proposed amendment is held by the Town Board. A minimum of 60 days to respond to the referral shall be provided.

TO: Town of Lewisboro Town Board
Town of Lewisboro Planning Board
Westchester County Planning Department

FROM: Lewisboro Conservation Advisory Council

SUBJECT: CAC Response to Wetland Code Revision Referral

REFERENCE: Wetlands Law Referral memo from Mary Hafter to the CAC dated November 10, 2016

DATE: January 10, 2017

The proposed wetland code revisions were referred to the CAC. By mission and law, a key component of the CAC's role is to work to preserve and protect Lewisboro's environment and natural resources, including its watercourses and wetlands, and to advocate for environmentally sound policy and code. [1] We are glad to have the opportunity to comment on these changes before the code changes are finalized and brought to a public hearing.

The CAC met to review the proposed changes to the wetland code. According to the fact sheet, the proposed changes have two purposes. First, to move the jurisdictional venue for wetland violations from the Planning Board to the courts, and to move the responsibility for managing the wetland violations, including issuing the notice of violation and presenting the case, from the Wetland Consultant to the Building Inspector. A second expressed intent is to simplify the process for residential wetland permits by making the majority of them administrative permits, and to speed development by exempting many activities from regulation. The CAC certainly supports the intent of a speedier and more efficient process. And we agree that some activities are appropriate for administrative handling or exemption from regulation. As written, however, the proposed code significantly reduces wetland protections and decreases the transparency of Town actions. The CAC cannot support the proposed wetland code changes as written.

Planning Board reviews are currently subject to transparency through agenda, minutes, and public participation. Under the proposed changes, a large portion of these applications would be designated as administrative. The CAC is concerned that too many activities will occur without public notice or the public's ability to comment. In addition, administrative permits would not be subject to reporting or summarization. As a result, the public will not have any visibility to assess the effects of these dramatic changes to the code.

In order to better assess the impact of the proposed code, we strongly recommend a review of all recent wetland permits for the past two years to see which of these recent permits would have been exempted from any review, which would have been administrative, and which would remain with the Planning Board under the proposed rules. This would enable an assessment of the effect of the changed law and might highlight any situations where the current review process or public participation was important to the outcome or to community interests. In addition, we strongly recommend compilation of the approved distance from wetlands

[1] Article 12-F Section 239-x of the State of New York General Municipal Law

for various activities so that if this law is implemented, we can see if and how wetland protection erodes if these changes are implemented. It would also be helpful to track the timing of the process from the start to the end.

Review of the proposed code. We review the proposed law section by section with comments or recommendations for further changes as it applies to each section.

217-2. Definitions

- Commissioner – no longer referenced, definition can be removed
- Environmental Questionnaire Form – typo – remove hyphen in "carry-out"
- Manure Storage – add "covered" before container. When manure storage is in a buffer and can abut a wetland, covering the contents against precipitation should be required.
- Clear-cutting is defined with hyphen, but used without: clear cutting. It should be used consistently.
- Town Wetland Consultant – This change from inspector may be to avoid the civil service definition, but use of consultant appears to codify the requirement that the wetland official must be external to the town. Better terminology options exist, including: Official, Inspector, Authority, Administrator, Executive, Advisor, Expert, Professional, Specialist, Supervisor, Doyen, Maven
- Watercourse & Wetland – The CAC suggests explicit clarification that wetlands and watercourses are both included in the Town's jurisdiction under the wetland law, since the phrase "wetland, watercourse, and buffer area" is not used consistently throughout the code.
- Wetland – the definition seems to be based on plant types only and should be clarified. We understand that the intent is to change the definition of a wetland from requiring any **one** of the elements of a wetland to requiring **all three** of the elements of a wetland (soil characteristics, hydrology, and plants) as specified in Appendix A. This change appears to be a significant reduction in the law. However, the Town's practice has been to look at all three characteristics, so this change in code is meant to document current practice. The Town should recognize this practice has already reduced the amount of area that is classified as wetland from when the law was originally implemented.

The definitions section should also contain new definitions for seawall, best management practices, recreational trails, bog and foot bridges, chemical storage facilities, and bulk petroleum storage.

217-3 A.

Smaller wetlands (less than 2500 square feet) lose buffer protection under the proposed code.

- Small wetlands may be adjacent to a lake or stream and be a component of a larger hydrological complex. This should be recognized in code and the buffers should be protected as well as the watercourse.
- Several small wetlands that individually do not meet the size criteria may form a wetland complex together and that buffer should be protected.
- Bedford, North Salem, Ridgefield do not have minimum wetland sizes, and Yorktown has 1000 square feet. No criteria for the selection of 2500 square feet was provided. The CAC feels that the proposed wetland size for removal of buffer protection is arbitrarily large and the size limit should be removed or reduced.
- It is difficult to determine how much of the Town's wetland resources would fail to get protection if this change is implemented. We suggest that the recent wetland permits be examined to see how many of the wetlands would have been subject to this loss of protection.

The intent of this section is apparently to exclude buffer protection for small, manmade, lined ornamental ponds with no inlets or outlets such as ornamental koi ponds, and if so, that is what the code should say. This section

should be revised. No effective case has been made for this change. The CAC does not support a minimum size for a wetland to get buffer protection. However, if a minimum size is imposed, it is essential to implement vernal pool protection.

Vernal pools are critical habitat but this code as written may not provide adequate protection.

- Vernal pool determination is dependent upon time of year. Applications would be delayed while waiting to see the summer time water level, and even more when breeding animal verification is desired. Breeding animals may only be present for a week or two in the spring, their egg masses and sounds can be difficult to identify or document, and the timing can vary from year to year. This difficulty may mean that many wetlands that are vernal pools are not identified as such and lose buffer protection.
- If vernal pools are defined as a unique wetland type, vernal pool buffers should be more carefully protected and expanded. Vernal pools need a minimum of 300 feet of buffer, and many studies call for even larger buffers.[2] Any impervious surface, and especially activities such as animal pens, paddocks, waste, chicken coops, and dog runs must be kept out of vernal pool buffers, as minimally disturbed upland habitat is critical for migrating amphibians and successful vernal pool functions.

Buffer protection is further eroded by additional proposed code changes. The minimum wetland size together with removal of other buffer protections may have a larger collective impact than either change alone.

217-5 A. Prohibited activities.

1. We suggest inserting "any portion of a sewage system" to result in the following code language: "Placement of any portion of a sewage system, sewage disposal tank…." This would clarify the prohibition.
3. Removal of the buffer area prohibition for chemical and petroleum storage is a concern. The terms "chemical storage facilities" and "bulk petroleum storage tanks" need to be defined. Does chemical storage include bags of fertilizers, pesticides, herbicides, pool chlorine, or does it mean large scale salt domes? Does bulk petroleum storage tank mean heating oil tanks, propane tanks of any size, gas cans? Depending on the definition, removing the buffer prohibition could be very harmful to the ability to protect watercourse and wetlands. If this is intended to allow improvement of grandfathered buffer intrusions such as the removal of in-ground heating oil storage tanks and replacement by above-ground tanks, that should be stated, rather than a mass extinction of buffer protection. In any case, the code must continue to prohibit new in-ground oil tanks in the buffer. We are more concerned with the potential for in-ground fuel oil or diesel storage tanks for generators than we are with in-ground propane tanks and feel that this distinction should be made in definitions. In addition, we suggest that this provision be reconciled with the provisions of the Croton Plan for Westchester, [3] since Lewisboro is a signatory to the Croton Plan.
4. Removal of the buffer area prohibition for animal pens and manure storage is a significant concern and the CAC feels it must be reconsidered. Animal wastes are a source of phosphorus, a pollutant of concern for most of our Town because of harm it does to our lakes as well as to the NYC watershed.
    - This proposal runs counter to the other regulatory directions of the DEP. The DEP has publicized their implementation of buffers between animals and watercourses in their watershed. [4]
    - This also runs counter to the direction of the NYS stormwater permit regulations. The new draft stormwater permit recommends a model town law with vegetated natural buffers 100' from all waterbodies and wetlands without regard to size.[5]

[2] Maine recommends 750 feet, Vermont recommends 400-600 feet, and ACOE recommends 750 feet.
[3] http://planning.westchestergov.com/crotonplan
[4] http://www.nyc.gov/html/dep/html/watershed_protection/watershed_regulations.shtml
[5] . http://www.dec.ny.gov/chemical/41392.html

- The motivation for this change is apparently to allow approval of improvements to existing grandfathered activities. Because of the substantial environmental concern with this proposed change, we would like to understand how often grandfathered animal pens and manure storage areas have been an issue in the past. and why this should move from a prohibition to an administrative permit. The CAC feels that an allowance for enhancements to existing facilities should be explicitly stated in this code rather than removing buffer protection for new activities.
- We note that both Pound Ridge and Bedford prohibit animal pens in their buffers (150' in Pound Ridge, and the greater of 100' or a 5' rise in elevation for Bedford). This comparison to other towns argues for a continuation of this prohibition in our Town.
- This change is of special concern because projections are for more frequent intense precipitation events in the future, which could overwhelm the design size of stormwater BMPs.
- Histories of the New York City water system document that in the late 1800's horse corrals, pig pens, and chicken coops were removed from lake shores and stream sides, sometimes forcibly. For example, in 1893 Daly's Raids were carried out in the Croton Watershed to protect the source of New York City's water. "Armed with a law to 'provide for the sanitary protection' of New York's water, and a directive from the Common Council to provide a 300-foot margin around the reservoirs and along the streams that fed them, Daly and his men fanned out across the countryside, ordering homes evacuated, barns and pigsties removed, privies burned."[6] One hundred and twenty-five years later this code would invite animals and their manure to return to the shores, despite improved knowledge of nutrient pollution, increasing population pressures, and generally deteriorating water quality trends. This proposed change is incomprehensible and unsupportable as written.

5. Deposit of fill of any sort should be prohibited within a wetland or watercourse. This prohibition should not be limited to construction debris.

217-5 B. Allowable activities without permit and without an environmental clearance form. Many new activities require no permit or review. We have concerns with some of these and explain our concerns below.

1. Mowing of existing lawn areas. It is hard to see how anyone would be stopped from creating new lawn within a buffer given this provision especially when combined with others below. If mowing has been restricted by a site plan or permit as part of mitigation plans, the code should make clear that those restrictions endure despite this proposed provision.
8. Maintenance of swimming pools should include a requirement for treatment of chlorinated or salt pool water before being released into the buffer or wetland. This is also required by the stormwater permit.
9. The new provision allowing the installation of "plants and trees" within a buffer must exclude turf grass and should mandate that no mechanical equipment should be used for digging or transport of the materials. Consider rewording to "shrubs and trees". With no permit or notice required, how would the proposed 1000 square foot limit and chemical prohibitions be enforced and communicated to vendors? Are mulching and wood chips allowed in buffers adjacent to wetlands as part of installing plants? This provision needs additional limits and restrictions. As it stands it could erode wetland protection.
10. Allowing almost any activities within 25 feet of an existing building, accessory building, or structure, including allowing a building expansion, is far too permissive.
    - The implied protection of an existing building is illusory. As soon as a building or structure is completed, this expansion can begin, making limitations during the original site development moot.
    - Nothing limits how many 25 foot extensions can be added to intrude into the buffer.

[6] Charles H. Weidner, Water for a City, Rutgers University Press, 1974.

- The Wetland Consultant is supposed to check the 300 square foot size limit but when no questionnaire is required, no mechanism exists for the Wetland Consultant to know of any activity.
- Many lakeside homes are less than 25 feet away from the shore and this would allow building or patios out to the shore. This would eliminate shoreline buffers, which are an important contributor to water quality. This would eliminate many of the mitigation activities imposed by past permits.
- We note that the draft stormwater permit[7] considers activities within 100 feet of lakes and 50 feet of streams to be high risk activities requiring additional oversight, possibly counter to this provision.
- The inclusion of accessory buildings in this provision allows shed and building expansions far from the main residence.
- Including structures like docks, pavilions, fences, and walls to be the basis for a 25' activity area would allow widespread construction without regulation, including along lake shores and stream banks.

The intent of this 25 foot proposal is apparently to allow for the installation of generators, air conditioners, or small walkways or driveway extensions. If so, that should be what the code says. The CAC would be likely to support such allowable activities if they were within some distance of the **main residence**, but perhaps less than 25 feet on small lots. It should also be clear that such activities should not extend into actual wetlands or watercourses. Otherwise, we feel that building around any structure should continue to be a regulated activity. We note that a building permit may still be required, depending on the activity. A 25-foot zone for any activity around any structure is far too damaging to stay in the code as written. This unlimited provision would significantly increase the potential for wetland and watercourse pollution.

11. Seawalls are not defined but from the context this is meant to be any wall adjacent to a watercourse, not just marine waters. Consider limiting materials to require replacement in kind or prohibit chemically treated lumber. Lacking constraints as written, this should be moved to a regulated administrative activity.

It may be appropriate to require environmental questionnaires for these activities rather than to classify them as an activity by right and to eliminate any Town awareness of the activity.

Another concern with the widespread removal of buffer protections and the increase in allowable activities without a permit is that residents and the DEC may be unaware activities are within the DEC 100' wetland buffer until after the fact, resulting in more DEC enforcement. In addition, NYC DEP has regulations about building activities or paving driveways within 100' of a stream in their watershed. Consider updating the Environmental Questionnaire Form to indicate whether a DEC checkzone or DEP restrictions might apply to the area. Of course, this won't help in the allowed activities where an environmental questionnaire form is not required.

One of the reasons that Town regulations exist are to help limit neighbor to neighbor conflicts. Even some residents who feel that they should be able to do anything on their property may not be as enthusiastic to grant their neighbor the same right. As just one example, some lake associations have imposed constraints on dock size and lakeside sheds so that a common set of standards is voluntarily recognized by the community.

The CAC was told that one reason to exempt so many of these activities from regulation is that the clearance form process is thought to take a long time. It appears that under the current process it may take three weeks to determine if a proposed activity requires review. If this is accurate, the process should be changed, not eliminated. For example, one process improvement might be to allow online completion or submission of environmental questionnaire forms so that a week will not pass before the Wetland Consultant sees them. The Wetland Consultant could make it the practice to visit the sites the week that the forms are received rather than

[7] http://www.dec.ny.gov/chemical/41392.html

scheduling visits a week after collecting forms at the office. Alternatively, the fees from the wetland clearance form might be sufficient for the Town to hire a part time person to be on call or in the office an additional day each week. In sum, the perceived slowness of the current process does not mean regulatory oversight should be removed: instead the process should be improved. The CAC strongly supports process redesign.

217-5 C 1. Regulated activities – administrative permit

Under the proposed code, any residential or non-residential construction permit will be administrative unless it is on a vacant lot or requires a new septic system. All miscellaneous activities which have less than 5000 square feet of disturbance are made administrative. This delegation is far too broad and limits should be imposed.

a. Defining any additions and alterations to an existing building, accessory building, or structure as an administrative permit without regard to the size of the building, amount of disturbance, or distance from the wetland is a significant change and a concern. Current limits are 600 square feet, a 50 foot buffer, or 10,000 square feet of disturbance. Some limits should be imposed if only to encourage applicants to respect these limits in order to qualify for an administrative permit.

b. Making the construction of any accessory building or structure an administrative permit without regard to size, disturbance, or proximity to wetland is a concern. Current limitations are the 100 foot buffer, 10,000 sq. ft. of disturbance, and grade change less than 2 feet. Some limits should be imposed.

c. A new provision for animal feed lots, pasture, and manure storage with in a buffer moves these activities from a prohibited activity to an administrative activity. This is a significant change. This activity can be highly visible to neighbors, can be highly detrimental to wetlands and watercourses, and may use BMPs that require continued maintenance to function effectively. Manure management plans should be required. This is the wrong direction when the frequency, intensity, and damage of storms is projected to escalate significantly and other regulatory agencies are imposing restrictions. Also, the pens would be structures and thus enable completely unregulated activities within 25 feet. See additional comments under 217-5 A 4.

d. Recreational trails. Clarify if this applies to residential and non-residential property. As written, no incentive exists to minimize the presence of trails and bridges within a wetland or watercourse. While various Scout and Town hiking trail projects should be administrative, this is again too broadly permissive. Do recreational trails include horse, bike, ATV, and snowmobile trails? While the CAC will agree that foot trails can be an administrative category, we feel that trails for motorized vehicles should have Planning Board review.

e. The new provision for vegetation removal and / or management within any wetland or watercourse to be administrative is extraordinarily lax and broad in scope. As written, this could cover anything from cutting trees and shrubs, to dredging, to herbicide treatments in drinking water lakes. The potential for disruption of shared lake areas, drinking water lakes, and downstream areas is a concern. While in some cases this could be appropriately handled administratively, in many cases the scope of impact calls for more review and a public hearing. If the intent is to allow for the control and removal of invasive species in a buffer, then that is what the code should say. As written, this clause is far too broad and permissive. Limits on activities and scope of this provision must be imposed.

f. This new provision says basically anything not specifically required to go to the Planning Board can be administrative as long as land disturbance is less than 5000 square feet. Again, this is extraordinarily broad language with the potential for disruptive activities without any prior awareness or comments by neighbors. Retention of this clause diminishes any improvements made to all of the sections identified above. Activities that may stretch our imagination would be administrative, including pesticide and herbicide applications in lakes and streams, clearing along shores, public or private boat launches and beaches, musical fountains, water slides, zip lines, water withdrawals for agricultural or commercial interests, geothermal installations in lakes, etc. We feel that it is more appropriate to have the Planning Board discuss novel activities. Also,

chemical treatments that may be business as usual in one lake are extremely controversial in another, and a Wetland Consultant may be oblivious to these nuances until after implementation and public uproar.

The cumulative effect of these provisions is an extensive increase in the activities, authority, and discretion of the Wetland Consultant. In addition to the range and scope of residential activities, the proposed delegated authority includes non-residential properties. These activities occur without the benefit of Planning Board input, possible public hearings, minutes, and of course the wise advice of the CAC. We feel it is important to get a numerical assessment of the number of recent Planning Board applications that would have been delegated and whether the Planning Board review process generated changes to the application.

We feel the threat of a full Planning Board review provides leverage to minimize buffer intrusion and disturbance. Without the incentive of administrative delegation, applicants have no reason to propose activities that are 145 feet rather than 5 feet from the wetland. Currently, we are convinced that the more minimal the intrusion, the more likely the Planning Board will delegate this activity, and that consideration affects the applications.

The proposed code changes rely upon the continued presence of a dedicated and skilled professional. No mechanism exists to see if conditions or standards start to slip in the future. No summary of permits is required, no assessment of the encroachment on buffers before or after this change, no trends over time can be compiled. The discretion and interpretation of the wetland inspector is absolute. Once a permit is granted, even if neighbors complain, it is irrevocable.

Also, no assessment of the fiscal impact of the reduction in wetland permit fees to the operating budget of the town has been made. This estimate should be prepared for consideration with these code changes.

217-5 D 1. Regulated activities – wetland permit

b. We feel the additional phrase in (a) means (b) can be eliminated. We note, however, that 217-5 C (1) (f) is very broad in scope.

f. This new provision enables the construction of a new or expanded septic system within a wetland or watercourse. This is and must remain a prohibited activity. This phrase conflicts with the prohibition in 217-5 (A) (1). The words “wetland” and “watercourse” must be deleted from this provision.

217-6. Permit procedures.

D. 3. The elimination of the requirement for the wetland consultant to report on the approval and denial of administrative permits is especially concerning given the proposed increased scope and discretion of the wetland consultant. Indeed, the reporting requirement is more important than ever, and should be formalized and available to the public so that the impact and any unintended consequences of this change in law can be assessed. The elimination of this provision means that some of the current work of the Planning Board that is subject to public hearings, minutes and recording is not only given to the Wetland Consultant, it is done so in a way that is opaque to the public. This is a disservice to the residents of the Town and should not be approved as proposed.

217-7 Permit application materials

A. 5. If the size of the wetland and the vernal pool status are retained to determine whether a buffer is required, the permit should require documentation of wetland and watercourse size and vernal pool characteristics.

217-8. Standards for wetland permit decisions
As written, these changes say that standards only apply to Planning Board permits and do not apply to administrative permits. This again means that the Wetland Consultant is freed from any regulatory constraints or standards to approve or deny a permit. We cannot believe this was intended. This is not acceptable as written and must be changed.

A. 1 a. Take this opportunity to correct the apparent typo: change "Milling" to "Filling"

217-12 Enforcement. The proposed process for violation and adjudication shifts the responsibility to the Code Enforcement Officer (the Building Inspector) from the Wetland Inspector. However, since the Building Inspector is not primarily trained or interested in wetlands, watercourses, or buffers, this arrangement is highly dependent upon a strong working partnership with the Wetland Consultant. It is not clear how this partnership would work, especially since the code does not mandate this partnership. Presumably this would incur additional costs in the consulting contract. Court Officials may need to be educated as to the purpose and import of the Wetland Law and the impact of the violation, and again the Wetland Consultant is not required to provide education in the proposed code. We are concerned that this change may effectively eliminate code enforcement if the Building Inspector is not appropriately supported. We urge the board to ask the Building Inspector for his views.

Before the current wetland law was enacted, the Building Inspector was responsible for enforcement, and apparently the institutional memory of the issues with that approach has been lost. We suggest reaching out to people who served on the Planning Board at that time for their insights.

We are concerned that a defendant could point out that wetland enforcement is not within the civil service description of the Building Inspector, and that could jeopardize the imposition of sanctions. The Manbeck case tested and confirmed the current approach. The CAC is not convinced that there is an issue with the current process, nor that the proposal is the best solution.

If the Town desires adjudication to move from the Planning Board to the Court, we see no reason why the Wetland Consultant cannot continue to issue the notice of violation and represent the Town in front of the court, rather than in front of the Planning Board. This seems more effective than to handoff the responsibility to someone who is not trained, knowledgeable, or interested in wetland matters.

The CAC is concerned that without effective enforcement, the number of violations will increase. We would be interested in what procedures and processes other Towns use in enforcement and whether a more effective approach is possible. As written, the CAC cannot support this change.

217-12 D 1 Sanctions
On one hand, the requirement that a violation of the wetland code may mean a court appearance appears to elevate the consequences of breaking the law. However, changing the first wetland offense to a fine of not more than $250 (from not less than $500 and in some circumstances up to $7500) defangs the law substantially. Why would anyone not just take the risk of being caught and having to deal with a violation that may be remedied before a court appearance? We feel the potential fine should be significant compared to the cost of getting a wetland or administrative permit. Also, the proposed code allows the Court to direct the defendant to obtain a wetland permit or administrative wetland permit, but without some agreement to the extent of remediation or

mitigation at the court appearance, this could be a contentious process. This reiterates the need for the court personnel and prosecutor to understand and be advised on wetland functions and vulnerabilities. Although in the proposed code the court is advised by the Building Inspector, we remain concerned that this is not an effective solution absent the skill and knowledge of the Wetland Consultant.

Also, the last sentence of this section should include watercourse as well as wetland and buffer area.

We urge the Town to take this opportunity to consider some additional changes to the code.

- Since our Town is under a mandated stormwater obligation to reduce phosphorus, add phosphorus removal to permit approval standards. Consider adding phosphorus reduction to mitigation activities.
- Incorporate 100 year and 500 year floodplain protections or add them as a standard for considering permit approval or rejection
- Clarify conditions under which mitigation can occur within buffers, and consider restricting acceptable mitigation activities within wetlands or watercourses.

Reasons for change - The CAC has heard a variety of reasons to change the law. We address them below.

- Reduced wetland constraints will increase the assessed valuation in the town. We understand that in the past year, the town lost approximately $1.8M of assessed value resulting in $38K less taxes. That decrease was largely driven by the reduction in appraised value of several multimillion dollar homes. This code will not change that fact. Many of the proposed changes to this wetland law will eliminate wetland and buffer protections without greatly increasing assessed value. Generators, patios, and decks are not living space and their installation will have minimal if any assessed value changes. Late in 2016, of the 384 building permits issued, 217 did not result in an assessment change. We reject the premise that house values will increase and fear the cost of a huge reduction in wetland and watercourse protection for no assessment value benefit.
- Easier wetland construction will eliminate zombie houses. These houses are held by banks at a book value above market value, and banks are reluctant to sell the houses for market value and record a loss. Changing the wetland code will not modify this dynamic.
- Fewer wetland permit requirements will increase the market attractiveness of homes in this town by making upgrades easier. We believe that people move to our town largely because of the schools and the open space amenities. Since our neighboring towns have similar wetland restrictions, we do not see this as a persuasive reason to significantly reduce wetland protection.
- Fewer regulatory restrictions will make the process quicker and cheaper for people to upgrade their homes. If there is a process problem, we feel that it's appropriate to address the process steps, not to eliminate the regulations that protect our water resources. It appears that other towns may have more efficient processes and we should understand those approaches to see if they can be implemented for our residents.

Unintended consequences. This proposed code essentially removes many buffer protections and prohibitions from the code. No higher standard is required for actions within 5 feet of a wetland than for those within 145 feet of a wetland. No summary has been prepared of approved applications and no provision for ongoing reporting to see if trends appear. Without a summary of the conditions in recent approvals, we have no estimate of the impact of these proposals. We are concerned that with no pressure from the Planning Board and no advice from the CAC, the applicant is less likely to make the application more compliant in order to obtain delegated administrative action.

Environmental Impacts. Overall, the proposed changes to the code do not seem to recognize the scientific reality that the health of wetlands, lakes, ponds, and streams is a direct reflection of the activities in the watershed. Typical buffer protections only protect a portion of the watershed. These water resources are directly tied to the health and safety of the drinking water supplied through wells and lakes for the residents of Lewisboro. Aquifer protection is an increasing concern of not only the DEC, DEP, and the Westchester Department of Health, but also of Town residents. For example, at the December 2016 Planning Board public hearing on the Silvermine application, many neighbors expressed concerns about the impact of the development upon their water supply.

Water resources are also a source of recreation and enjoyment for Town residents. Current data show that lake temperatures are increasing more rapidly than air and ocean temperatures, leading to faster water quality degradation and more frequent incidents of harmful algal blooms and toxins.[8] The EPA has recently proposed health guidelines associated with harmful algal blooms.[9] Higher temperatures make nutrient pollution prevention and shoreline buffers even more essential to water quality. The health and appeal of lakes, ponds, and streams is reflected in property values and tax revenue to the Town. We cannot support changes which endanger these critical water resources.

The proposed new code goes far beyond the expressed intent of making process improvements while protecting the environment. As we have shown, this code eliminates buffer protections, jettisons effective sanctions, and invites an escalating cycle of unintended consequences. Reduction of buffer protections is counter to common sense, the direction of the DEC and DEP, more rigorous stormwater requirements, and to the trend towards more intense precipitation events. Moreover, the CAC believes these changes are counter to the interests of the residents of the Town. These proposals remove essential protections from the Town's important wetland and watercourse resources and should be rejected as written. We fully support the intent of improving the process, but not with these draconian reductions in protections for our essential water resources and drinking water supplies.

The CAC suggests that any further consideration of these changes be accompanied by an analysis of the wetland permit applications for the past two years and how they would have been handled under these proposed rules. We also feel a summary of the number of wetland violations and the penalty amounts would be useful as this law is considered. We would like an assessment of the budget impact of these changes. We strongly urge that this proposed code be redrafted and take our comments into consideration before a public hearing is scheduled.

[8] http://climate.nasa.gov/news/2378/study-climate-change-rapidly-warming-worlds-lakes/
[9] https://www.epa.gov/sites/production/files/2016-12/documents/draft-hh-rec-ambient-water-swimming-document.pdf

LEWISBORO
land trust

Linking people to the land

19 December 2016

Dear Planning Board and Town Board Members:

We have had the opportunity to review the proposed changes to the Town wetland code, and we cannot support these changes as written, because:

1) The proposed code significantly reduces wetland protections, and is counter to common sense, as well as the guidelines of the Town's Comprehensive Plan and the Findings of Fact and Intent of the Town's Wetlands and Watercourse Law.
2) We also believe these changes are not in the best interests of the residents of the Town. It has always been a source of attraction to newcomers that our town has strong environmental protections which would keep property values high, and would, in effect, protect neighbors from neighbors. (In other words, I may think its a great idea to be able to do anything I want on my own property, but when I realize that also means that my neighbors can do anything they want on their property, it is no longer a great idea.) This is especially relevant in the lake communities where parcels are small, residences are in close proximity to each other and to the lakes.
3) The proposed changes take the input of the Planning Board and CAC out of the review process in most instances. We feel that Planning Board, CAC, and public input has been very important to the outcome of many private and community projects in the past.
4) If the purpose of the revisions is primarily to simplify and accelerate the process for small projects, then the process should be changed and not eliminated. The proposed new code goes far beyond making process improvements – it eliminates buffer protections and endangers water resources and property values.
5) It is a matter of serious concern that the role of the wetland inspector has been downgraded to wetland consultant and the authority of this position shifted to the code enforcement office in nearly all aspects. According to New York State division of code and administration, the code enforcement officer is certified and trained in construction principles and building. Adding additional responsibilities and enlarging the role of the code enforcement officer to a field in which s/he not trained or certified is further at odds with the stated goals and objectives of the law itself as stated in 217-1.
6. The venue for adjudication as it currently exists has been upheld in the courts. Should the Town desire to move that adjudication, after careful review of potential consequences, to the Town Court, the Wetland Inspector should continue to issue the notice of violation, and represent the Town in front of the Court.
7. Enforcement and violations: Small, unintentional mistakes by homeowners should be treated as such. At the same time, there are also unusual situations that have large impacts and may also signal willful disregard for the Town's authority. While the jail time added to the new law is ridiculous, a firm set of consequences at a level commensurate with the violation is a necessary element of deterrence.
In summary, we feel that these changes represent a huge reduction in wetland protection for no benefit, and we cannot, therefore, support them. The changes do not seem to recognize the scientific reality that the health of our wetlands and lakes is a direct reflection of the activities that occur in the watershed. These water resources are directly tied to the health and safety of the drinking water supplies for the residents of Lewisboro. The health of our lakes is also reflected in the tax revenue to the Town. And these changes will endanger these critical water resources.

We look forward to a public hearing on this matter and hope that, at that time, a new draft will be presented to the community. Thank you for your time.

Sincerely,

Bobbe Stultz
Co-Chair, Lewisboro Land Trust

p. s. - we would appreciate if you would please read this letter into the record at your upcoming meeting.

December 8, 2016

Jerome Kerner
Chair, Lewisboro Planning Board
Town of Lewisboro
P.O. Box 725
Cross River, NY 10518

Dear Jerome:

Please accept my comments on the wetland law changes and share with your board, and keep up your great work.

Enforcement is critical. When I joined the Planning Board in 1996 they were just transitioning from the building inspector to a Wetland Inspector for enforcement. That change was made because the board's prior experience with building-inspector enforcement failed. The building inspector, who we liked very much, just didn't know wetland science and so did not often issue violations. Worse, the uneven enforcement-some issued violations, some not-was unfair and put the Planning Board in positions that were legally untenable. So the decision was made to use a wetland scientist for enforcement and remediation and that worked very well.

Adjudication was moved at that time from the Town Court to the Planning Board. Experience showed that the Town Judge, perhaps because he/she was not familiar with wetlands or environmental law, rarely (perhaps never) levied any fines for wetland violations, which undermined the law. Planning Board oversight was speedier and resulted in more just and effective remedies.

I often hear the phrase that the Planning Board 'cannot be both judge and jury'. The Manbeck lawsuit settled this once and for all ruling that the fines assessed by the Planning Board were not excessive and the process was constitutional.

Finally, removing protection from small wetlands is a mistake. Small wetlands are the nursery of life in the forest, providing breeding spots for amphibians, reptiles and invertebrates that can only breed in vernal pools. These are the base of the food chain and are critical to maintaining biodiversity in our area, as you know. The new law will try to protect vernal pools, in theory. But to do that is not practical. Identifying which small wetland is a vernal pool requires delaying the application until the following spring and hiring, at great expense, a trained wetland scientist like Michael Klemens to survey the wetland in question for the presence of fairy shrimp, spotted salamander eggs, Jefferson salamander eggs, marbled salamander eggs, blue-spotted salamander eggs and wood frog eggs. This is so time-consuming and so expensive that I fear it simply will not be done and vernal pools' critical buffer protections will be lost and the vernal pools will no longer be functional (Micheal Klemens and Damon Oscarson, who both worked in Lewisboro, recommend 300 foot to 1,000 foot buffers around vernal pools).http://www.wle.umaine.edu/MaineLeap/Oscarson%20and%20Calhoun%202007.pdf

Sincerely,

Jim Nordgren

Ciorsdan Conran

From: Bronalea <bronalea@aol.com>
Sent: Tuesday, December 20, 2016 3:51 PM
To: planning@lewisborogov.com; dwelsh@lewisborogov.com; pdelucia@lewisborogov.com; spappalardo@lewisborogov.com; fkelly@lewisborogov.com; supervisor@lewisborogov.com
Subject: LETTER TO LEWISBORO PLANNING BOARD AND TOWN BOARD:

LETTER TO LEWISBORO PLANNING BOARD AND TOWN BOARD:

There has been considerable discussion of late amongst many environmentally concerned Lewisboro citizens regarding the proposed changes to our wetlands law.

Although the wetlands laws are a bit complicated, I would like to take this opportunity to briefly (and simply) express my specific concerns regarding the new changes.

1. Removing the Planning Board as the processing department for permitting and violations in the wetlands buffer and replacing it with the Building Department. Obviously, the building department has expertise in building codes but that knowledge does not automatically transfer to the environment.The planning board should be more versed in environmental laws and issues and should make this a focus of their function.

2. Reducing the size of the regulated wetlands buffer area to 1000 sq ft. I feel this is much too small an area. What happens adjacent to the wetlands has a strong impact on the wetlands. Most of our neighboring towns have no minimum sq footage requirement with one (Yorktown) having 2500 sq ft. minimum. (Yorktown is on municipal water, Lewisboro is mainly on well water...that makes a big difference too).

3. Changing the responsibility of imposing fines and mitigations to the town justices from the planning board. Again, the town justices have no expertise in wetlands issues. As elected officials they should not be asked to decide on what could be extensive mitigations. The planning board should be the department with the most knowledge of environmental issues.

4. Reducing the fine in the wetlands buffer to a maximum of $250. Such a low maximum fine would only encourage home owners to pay the fine rather than go through sensitive environmental mitigation intended to protect our wetlands.

In summary, these are the major objections I have to the proposed wetlands law changes. May I remind our town boards that the wetlands regulations we now have are there to protect our community aquifers, steams, lakes and rivers. These changes would be detrimental to our community. Several of our neighboring towns have already had to impose municipal water purification systems. We must continue to do everything possible to protect what we still have.

I hope you have found this helpful in examining the newly proposed changes to our wetlands regulations.

Most respectfully,

Bonnie Robins
61 Perch Bay Road, Waccabuc

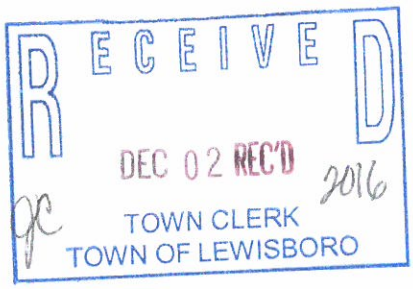
Sent from my iPad

Michael Fuller Sirignano
Attorney and Counselor at Law

Old Post Road Professional Building
892 Route 35, P.O. Box 784
Cross River, New York 10518

Tel: (914) 763-5500
Fax: (914) 763-9589
michael@sirignano.us

December 2, 2016



Hon. Peter Parsons
Town Supervisor
Town of Lewisboro
11 Main Street
South Salem, New York 10590

Re: Lease with Katonah Art Center, LLC

Dear Supervisor Parsons:

I represent six home owners in the Old Goldens Bridge Hamlet, Steve Rogers and Kate Barker of 69 Old Bedford Road, Susan Nakamura of 74 Old Bedford Road, Kevin Catone of 58 Old Bedford Road, Jayne Preiser of 16 Park Avenue and Ejll Ujal of 9 Park Avenue. As you and your Town Board Members know, my clients and other homeowners in the Hamlet are very concerned for their safety and well-being as a result of the commercial activity and resulting traffic and noise at the Goldens Bridge Community House property since the Town Board leased this property in January of this year. They are equally dismayed that the Town Board, in its desire to derive revenue from this property, apparently gave no consideration to the interests of the neighbors or to applicable zoning and land use requirements. Based on available town records and the obvious commercial operations being conducted at the Community House property by the Town's lessee, the Katonah Art Center, LLC (the "LLC"), such new commercial operations constitute a change of prior legal uses and the LLC's new uses are expressly prohibited in this R-

2F-7.5 residential zoning district. The prohibited commercial use of Town owned property by the LLC continues unabated and without regard to the inconvenience, safety, privacy or right to quiet enjoyment of the homes owned by my clients and other nearby Hamlet residents and their families. Moreover, even if the LLC's commercial activity is hereafter allowed by way of a use variance obtained from the Zoning Board of Appeals, this change of use will still require site development plan review and other approvals from the Planning Board and ACARC to bring the LLC's new commercial use into compliance with numerous Town code requirements.

COMMERCIAL OPERATIONS

Katonah Art Center, LLC is a for-profit domestic limited liability company. The LLC was formed on February 21, 2014 under NYS Department of State ID #4532849 (Exhibit A). It operates a commercial studio 7 days a week with hours from 9:30 a.m. to 9:30 p.m. and currently offers 130 visual arts programs and 32 special workshop (see Exhibit B). Additional events occur regularly and frequently throughout the year, and include well attended summer camp programs, holiday camps, and large gallery openings.[1] As will be shown, the LLC does not operate a "school" as that term is defined by our Zoning Code. Moreover, Section 6 of the LLC's 12/9/15 Lease with the Town limits the LLC's permitted use of the property to "an art center only."

[1] According to the records of the NYS Department of State, Division of Corporations, Loren Anderson, f/k/a/ Loren Chase is also the Chief Executive Officer of a separate entity registered as Katonah Art Center & Gallery, Inc. (Exhibit C). Ms. Chase presumably conducts her large gallery openings under this distinct corporation. Such gallery business activities violate Section 6 of the LLC's 12/9/15 Lease with the Town which states:

> "6. Tenant hereby agrees that the leased premises shall be used for the purpose of operating an art center only."

The impacts of LLC's business operations on traffic on the quiet residential hamlet of Old Goldens Bridge have been immediate and dramatic. They are also measurable. In March 2016, a concerned group of residents purchased and installed a car-counter on Old Bedford Road. Over the course of the next 13 weeks (April 15 to July 15), total of 48,916 vehicle trips (24,458 round trips) were recorded. The data showed a daily average of 538 trips per day and a one-day peak of 769, all in what is zoned for a tranquil neighborhood of approximately 22 homes (see Exhibit D).

This commercial business (and the considerable traffic it generates in the middle of this closely knit residential neighborhood) has never undergone any review by the Planning Board, Architecture and Community Appearance Review or Zoning Board of Appeals. The leased property falls within a Special Character Overlay District, a designation that triggers the jurisdiction of ACARC (see §220-31).

On weekend LLC gallery openings, residents report they struggle to get to or from their own driveways. Police have been called by residents to help direct traffic and ticket all the illegally parked vehicles. You have publicly stated: "The center is practically adjacent to the Goldens Bridge train station parking lot. Since their events are all on the weekend, when Metro North offers free parking, they have instructed attendees to park at the south end of the lot. Problem solved" (http://www.lewisboroledger.com/36319/katonah-art-center-tries-to-fit-in). Attendees have not heeded your instructions, and the deterioration of the neighborhood's peace and quiet has not abated.

The LLC's after-school offerings begin at 4:15 p.m. and directly conflict with the 4:00 p.m. school bus drop-off on Old Bedford Road. The increased traffic creates a dangerous situation that places neighborhood children at risk as they walk home every day from the bus stop. Moreover,

trucks making regular deliveries of clay and other art supplies back up to the Community House side entrance, lower their pallets and emit loud back-up beeping warnings, a predictable and unwanted disturbance of the residents' peaceful enjoyment of their homes.

In June 2016, the LLC's summer camp programs immediately created a deluge of daily traffic entering and leaving the Hamlet with extended-day drop offs starting at 8:30 a.m., pickups for half day students around noon, a second round of drop-offs again for afternoon sessions at 1:00 p.m., and pickups from 3:45 to 6:00 p.m.[2] The noise from the summer camps became a new and unwelcomed daily reality for surrounding residents as well because the LLC's camps include outdoor "recess" and "lawn games and crafts" (as LLC's website states). According to LLC's website, for camps for grades 1-5, "Campers and staff, go outside to the side yard and enjoy some silly lawn games, live music, games and crafts such as, friendship bracelet making." Every Friday, an ice cream truck arrived to serve the camps as well. These summer camps are not a "school" use nor are they "an arts center only" use.

In order to accommodate the volume of summer camp traffic, LLC staffers parked their cars daily at the reservoir, an unintended use of a parking area made available by the City of New York for recreational use of such City owned property. Even so, the traffic was often backed up

---

[2] "*When are the camp times?*
Art & Imagination Pre-School Camps: Mornings 9:45-12:15pm;
Afternoons 1:15-3:45pm.
Kids & Teen Camps: Mornings 9:30-12:30pm; Afternoons 1:00-4:00pm.
Young Adult Academy (Grades 9+): Afternoons 1:00-6:00pm.
Extended Day Option:
8:30-9:30am (morning)
4:00-5:30pm (afternoon)"

along Old Bedford Road with cars idling, making it difficult for some residents to access their own driveways. It was impossible for Old Goldens Bridge residents to safely walk dogs or for neighborhood children to safely ride bikes; even the reservoir fishermen had difficulty finding parking spaces since LLC staffers had coopted the NYC parking area. The residents who live at the end of the road, beyond the Community House, experienced cars constantly turning around in their driveways and strangers milling about. LLC customers regularly take photos and paint pictures of residents' houses, despite privacy fencing and signs.

Neighborhood use of the basketball court behind the Community House has been impeded because of the over flow parking demands of this busy commercial operation. As a result, this neighborhood recreation area and adjoining playground has become a parking lot and it is no longer available for public use. During camps, the Town's basketball court becomes a turn-around for rolling drop-offs, an inappropriate use made necessary to keep all the traffic moving.

When schedules shifted activity in September, the LLC's hours extended more into the weekends and evening hours. The LLC offers art parties, "for children, teens, corporate team-building, ladies night out, family reunions, bridal showers" (KAC website). Events like "Pinot & Paint, Mud & Merlot, Sewing and Sauvignon" extend late into the evenings, along with idling cars, active parking lots with flood lights, and people coming and going. Once again, such commercial operations are not a "school" nor are they "an arts center only."

Indeed, each new season involves new and unwelcome increases in activity and intrusion. Holiday events are now disturbing the peace and tranquility of this residential neighborhood. The LLC began with an Increase Miller Elementary Family Art Event on November 22nd. They are advertising now for their Holiday art sale (Monday, November 14th, 2016 9:00 a.m. - January 2,

2017 6:00 p.m.) Its "holiday camps" are to have 2 sessions, which operate Monday through Friday from 8:30 am to 5:30 pm, with a noon turnover.[3] We are aware of complaints of alarm and concern from several constituencies including residents and a hamlet organization. Still, the Town has taken no effective action and the problems continue to mount due to the LLC's aggressive marketing and ever expanding commercial uses. In summary, the intensity of the LLC's illegal commercial use of the Community House property continues to grow unabated without regard to the inconvenience, safety, privacy, or right to quiet enjoyment of the surrounding residents and their families.

The impact of the LLC's use of paints and clay on the septics and wells remain unknown. All Hamlet residents are on septics and draw well water from a shared aquifer. It is not safe to blindly assume that the LLC's increasingly busy commercial operations will not pollute or impact wells and adversely stress septic systems at the Community House and at the 22 contiguous homes situated on smaller residential lots in this historic Hamlet. It appears the Town is monitoring/treating the well water at the Community House on a daily basis and my clients request an explanation why. They are also concerned whether sufficient protective measures are being

---

[3] (According to KAC website:)
Session 1: December 19 - 23
Session 2: December 26 – 30
Times:
Morning: 9:30am – 12:30pm • Afternoon: 1pm – 4pm •or Full-Day: 9:30am - 4pm
Pre-School Time: Morning: 9:45am - 12:15pm, 1:15-3:45pm
Extended Day (optional):
Morning • 8:30am - 9:30am
Afternoon • 4:00pm - 5:30pm

taken by the LLC in connection with its disposal of volatile organic solvents from paints and heavy metals from the pottery glazes.

Simply stated, the LLC's intense commercial operations in the heart of this Special Character Overlay District runs contrary to the goals and policies of the Town Master Plan. Such non-residential use adversely affects the desirability of Old Goldens Bridge and, by doing so, impairs the unique benefits of owning homes in this historic district and produces degeneration of said residential properties with attendant deterioration of conditions affecting the safety, health and general welfare of the residents (see §7-1A).

PRIOR USE OF PROPERTY

The Town acquired title to this Property in 1957 from the Board of Union Free School District #1 of the Towns of Bedford, Lewisboro, North Salem and Pound Ridge. A copy of the Deed dated March 12, 1957 is annexed hereto as Exhibit E. In 1969, the Town leased the Community House property as a "special school" to the Westchester Exceptional Children's School, a domestic not-for-profit corporation (see Exhibit F). WECS still exists in North Salem, and according to their website's narrative "We opened our doors in the Goldens Bridge Community House in 1969 to two children, a staff of two, and eighty dollars...." In 1975 this not-for-profit corporation requested a Certificate of Occupancy needed for State Mental Health Board licensing purposes (see Exhibit G). Certificate of Occupancy No. 2703 was issued on 9/24/75 for said "special school" use (see Exhibit H). A public school or private school like the Exceptional Children's School is a permitted use in this R-2F-7.5 district or any residential district. As previously noted, the LLC's for-profit commercial operations do not fall within the definition of a

private or public school. Thus the 1975 Certificate of Occupancy (Exhibit H) further confirms that the property does not enjoy non-conforming legal status.

In 1978, the Town leased the property to the Northern Westchester Center for the Arts, another not-for-profit corporation, which operated there until 1994 (Exhibit I). The Town thereafter moved the offices of Parks and Recreation into the Community House and the property was used for exclusively municipal purposes until March 12, 2014 when Parks and Recreation moved to Onatru Farm. From March 2014 until January 2016, the Community House went unoccupied.[4] In January, 2016, the Town leased the property to Ms. Anderson's LLC. The LLC's commercial art studio and gallery operations clearly constitute a change of use from the past municipal and not-for-profit uses of this property. My clients have a right to expect that the Town will diligently enforce its own laws and require the LLC to undergo all requisite municipal reviews and obtain all necessary approvals, permits and variances.

LOCAL ZONING ISSUES

We respectfully disagree with the Town Board's apparent understanding that the LLC is operating a "school". The LLC's business operations described above do not constitute either a public or private school as those entities are defined by our Zoning Ordinance. Article 1, Section 220-2 of the Lewisboro Zoning Ordinance provides the following definitions:

> SCHOOL, PUBLIC
>
> An education institution operated by a public school district under the laws of the State of New York.

[4] Any purported claim of a non-conforming legal use cannot answer the fact that the discontinuance of all uses ceased for more than one year and, by reason of §220-9C(4), any prior non-conforming use lapsed.

SCHOOL, PRIVATE

> A kindergarten, primary or secondary school not operated by a public school district but furnishing a comprehensive curriculum of academic instruction similar to that of a public school, or a nursery school specifically designed and used to provide care or instruction for two or more children under six years of age.

The LLC's for-profit arts center is not a private school but a commercial operation, one that is not permitted as either a principal or accessory use in a R-2F-7.5 District. Nor is this commercial operation permitted as a special use in a R-2F-7.5 District. Under Article 220, Section 71, the Town may not authorize a use that is inconsistent with our Town Code. Hence, the current commercial use of the Community House by the LLC is not permitted in this R-2F-7.5 District. The LLC will need a use variance from the Zoning Board of Appeals if it wishes to continue its business operations at this site.

Moreover, even assuming the LLC could meet the difficult standards required to entitle it to a use variance, Planning Board site development plan review and ACARC approvals would also be required. The LLC's commercial arts center operation constitutes a change of use which requires prior conformity with the site development plan approval procedures set forth in Article VI. Thus even if the LLC's business use of the Premises were permitted pursuant to a use variance, such change of use would remain in violation of §220-44A and §7-3A(1) by reason of the LLC's lack of site development plan and ACARC approvals.

STATE LAW

It has long been the rule that a municipality, without specific legislative sanction, may not permit property acquired or held by it for public use to be wholly or partly diverted to a possession or use exclusively private. (*People ex rel. Swan v. Doxee*, 136 App.Div. 400, 403, affd. 198 NY

605 [2d Dept. 1910]; *Meriwether v. Garrett*, 102 U.S. 472, 513; 3 Op.St.Comp., 1947, p. 178). As noted above, the Town acquired title to this property from the Board of Education of Union Free School District #1 of the Town of Bedford, Lewisboro, North Salem and Pound Ridge by deed dated March 12, 1957 (Exhibit E). This conveyance was made after it was approved by the electors of the then school district for future municipal (i.e., public) use of the property for the benefit of the Hamlet and town residents. The language contained in the deed conveying the property clearly indicates that the Town received this property for public, not commercial, use.

The recent Lease of the property for commercial use by a private entity runs counter to its intended and lawful public use. The Lease to the LLC for that company's private pursuit of profit effectively converts publicly owned property to exclusively private for-profit purposes, all without state legislative sanction. Moreover, such legislative sanction must be clear and certain to permit a municipality to Lease public property for private purposes (*American Dock Co. v. City of New York*, 261 A.D. 1063 [1st Dept. 1941]). Such a lease, even if granted pursuant to specific legislative sanction, must satisfy the requirements of Section 1 of Article VIII of our New York State Constitution. (*Murphy v. Erie County*, 28 NY2d 80 [1971]. The Town's Lease does not comply with such constitutional requirements.

Exacerbating the problem is that the Town's Lease apparently includes an attempted conveyance of a governmental indulgence, i.e., immunity from zoning and site development plan requirements, a special status only enjoyed by the Town in the exercise of its governmental activities. My clients can only conclude that their patient efforts to be heard are being subordinated to the Town Board's wish to monetize this location by waiving or ignoring its own zoning and land use laws. A municipality may not engage in the business of selling or leasing its zoning

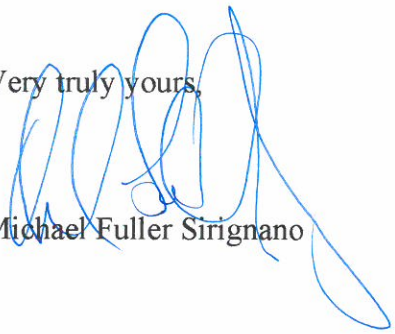
exemptions. Since even a municipality is not exempt where the contemplated activity is proprietary, the Town cannot immunize such activity from zoning law restrictions by transferring such privileges to a private business entity. Moreover, it cannot assign rights, immunities or special privileges it does not have. Indeed, pursuant to paragraph 10 of the Lease, the LLC specifically agreed to "obey all rules, regulations, ordinances, health laws, sanitation requirements, or other municipal or governmental laws, rules, regulations, ordinances or requirements in the operation of its business." By its very use and operation, the LLC is in daily breach of this covenant of the Lease, with the Town's implicit approval, as the LLC's commercial use of the property violates *inter alia* the following Town Code sections: 220-9 C(3); 220-9 C(4); 220-9D (3); 220-9 E; 220-9 E(1); 220-9 E(3)(a); 220-9 E(3)(C); 220-9 E(3)(d); 220-12 B(2); 220-15 B(1); 220-15 B(5); 220-15 B(6); 220-23 A(17); 220-32 D(3); 220-32 F and 220-33; and §§ 7-1A and 7-3 A(1).

Lewisboro zoning and land use laws are applicable to the LLC and must be enforced by the Town because the Leased Premises is being operated solely by and for the commercial benefit of a private entrepreneur. Hence the Lease arrangement cannot serve to clothe the LLC with immunity from the zoning laws or their enforcement (see *Little Joseph Realty, Inc. v. Town of Babylon*, 41 NY2d 738, 742).

In light of the foregoing, demand is made for the Town Board and/or its zoning enforcement officer to direct the LLC to immediately cease all such illegal commercial operations until (1) a use variance is obtained and (2) planning board site development plan and ACARC reviews are completed. If the LLC refuses to comply, further demand is made for the Town to

either cancel the Lease for cause under Lease Sections 6 and 20 or terminate the Lease on six (6) months' notice pursuant to Lease Section 34.

Very truly yours,



MFS/cp
Enclosure

Michael Fuller Sirignano

cc: Building Department
Zoning Board of Appeals
Planning Board
ACARC

EXHIBIT A

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through November 28, 2016.

Selected Entity Name: KATONAH ART CENTER, LLC
Selected Entity Status Information

Current Entity Name:	KATONAH ART CENTER, LLC
DOS ID #:	4532849
Initial DOS Filing Date:	FEBRUARY 21, 2014
County:	WESTCHESTER
Jurisdiction:	NEW YORK
Entity Type:	DOMESTIC LIMITED LIABILITY COMPANY
Current Entity Status:	ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

KATONAH ART CENTER, LLC
131 BEDFORD ROAD
KATONAH, NEW YORK, 10536

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies

must include the name(s) and address(es) of the original members, however this information is not recorded and only available by viewing the certificate.

***Stock Information**

# of Shares	Type of Stock	$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
FEB 21, 2014	Actual	KATONAH ART CENTER, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

Search Results New Search

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EXHIBIT B

KAC Fall Schedule of Classes and Events

Katonah ART Center

Search...

Advanced

Home | Classes | Workshops | Schedule | Camps | Parties | Events | Blog

Schedule

Welcome to our interactive class listing. Please use the filters/search below to find classes. You can also sort by clicking on the top of any column.
Note: This listing is designed for medium-large screens.
To see both classes & workshops, don't filter by semester.

FILTER: View All | CLASS TYPE: Select an Option | INSTRUCTOR: Select an Option | WEEKDAY: Select an Option | AGE RANGE:

Show All entries

Dates	Day	Time	Class/Teacher	Ages	Fee	Register
9/12/16-12/17/16	Mo (11)	9:30 AM - 10:15 AM	Expressive Twos / Kate Marlowe	24-34 mo.	$231	Add To Cart
9/12/16-12/17/16	Mo (11)	9:30 AM - 12:30 PM	Painting : Watercolors, Oils, Acrylics & Pastel / Todd Casey	Teens, Adults	$583	Add To Cart
9/12/16-12/17/16	Mo (11)	11:00 AM - 11:45 AM	Clay for Twos / Keith Yerger	24-36 mo.	$242	Add To Cart
9/12/16-12/17/16	Mo (11)	12:30 PM - 2:00 PM	Digital Photography with a DSLR / David Hughes 6 weeks **9/12-10/31**	Adults	$210	Add To Cart
9/12/16-12/17/16	Mo (11)	12:30 PM - 2:00 PM	Digital Photography with a DSLR / David Hughes 5 weeks **11/7-12/12**	Adults	$175	Add To Cart
9/12/16-12/17/16	Mo (11)	12:45 PM - 3:45 PM	Figure Painting / Tracy Burtz	Teens, Adults	$583 (+$55)	Add To Cart
9/12/16-12/17/16	Mo (11)	12:45 PM - 3:45 PM	Figure Drawing / Barbara Herzberg	Teens, Adults	$583 (+$55)	Add To Cart
9/12/16-12/17/16	Mo (11)	1:30 PM - 2:30 PM	Expressive Fours / Kate Marlowe	4-5 yrs.	$231	Add To Cart
9/12/16-12/17/16	Mo (11)	3:00 PM - 4:00 PM	Fine Art for Pre-K & K / Keith Yerger	4-5 yrs.	$231	Add To Cart
9/12/16-12/17/16	Mo (11)	4:00 PM - 5:30 PM	Stone Sculpture / Keith Yerger 10 weeks **skip 10/31**	min. age: 8 yrs.	$440 (+$20)	Add To Cart
9/12/16-12/17/16	Mo (11)	4:00 PM - 5:30 PM	Cartooning for Kids / Christopher Partellow 10 weeks **skip 10/31**	6-8 yrs.	$440	Add To Cart
9/12/16-12/17/16	Mo (11)	4:00 PM - 6:00 PM	Drawing & Painting for Grades 6-12 / Loren Anderson	Teens	$528	Add To Cart
9/12/16-12/17/16	Mo (11)	4:00 PM - 5:30 PM	3D Printing 101 for Kids / Christopher Partellow 10 weeks **skip 10/31**	8-11 yrs.	$418 (+$30)	Add To Cart
9/12/16-12/17/16	Mo (11)	4:30 PM - 6:00 PM	Clay Studio for Grades 1&2 / Sue Clayton 10 weeks **skip 10/31**	6-8 yrs.	$462	Add To Cart
9/12/16-12/17/16	Mo (11)	4:30 PM - 5:45 PM	Little Circuits / Kate Marlowe 10 weeks **skip 10/31**	6-8 yrs.	$418 (+$30)	Add To Cart
9/12/16-12/17/16	Mo (11)	5:30 PM - 7:00 PM	Illustration & Drawing for Teens / DJ Osborn	min. age: 12 yrs.	$440	Add To Cart

9/12/16-12/17/16	Mo (11)	6:30 PM - 8:30 PM	Pottery for Adults / David Hughes	Adults	$440	Add To Cart
9/12/16-12/17/16	Mo (11)	6:30 PM - 8:30 PM	Classical Painting / Mireille Duchesne 10 weeks skip 10/31	Teens, Adults	$462	Add To Cart
9/12/16-12/17/16	Mo (11)	6:30 PM - 8:30 PM	Fashion Revamp / Jaja Requa	min. age: 12 yrs.	$418	Add To Cart
9/12/16-12/17/16	Mo (11)	6:45 PM - 9:15 PM	Life Drawing with Graphite / Eddie Nino	Teens, Adults	$495 (+$55)	Add To Cart
9/12/16-12/17/16	Mo (11)	7:00 PM - 9:00 PM	Manga Photoshop / DJ Osborn	min. age: 16 yrs.	$418	Add To Cart
9/12/16-12/17/16	Tu (12)	9:30 AM - 12:30 PM	Pastel & Oils with Rae Smith / Rae Smith	Teens, Adults	$636	Add To Cart
9/12/16-12/17/16	Tu (12)	9:30 AM - 12:30 PM	Still Life in Charcoal & Pastel / Barbara Herzberg	Teens, Adults	$636	Add To Cart
9/12/16-12/17/16	Tu (12)	9:30 AM - 10:15 AM	Expressive Twos / Kate Marlowe	24-34 mo.	$252	Add To Cart
9/12/16-12/17/16	Tu (12)	10:00 AM - 10:45 AM	Clay for Twos / Keith Yerger	24-36 mo.	$264	Add To Cart
9/12/16-12/17/16	Tu (12)	10:00 AM - 1:00 PM	Metalsmithing II / Chris Bamford	Adults	$576 (+$50)	Add To Cart
9/12/16-12/17/16	Tu (12)	10:00 AM - 2:00 PM	Woodcut / Lisa Mackie 5 weeks Sept. 27-Nov. 1, skip Oct. 4	Adults	$310 (+$25)	Add To Cart
9/12/16-12/17/16	Tu (12)	10:00 AM - 2:00 PM	Xerox, Monotype & Wax Encaustics / Lisa Mackie Nov. 8-Dec. 13, skip Nov. 22 5 weeks	Adults	$310 (+$25)	Add To Cart
9/12/16-12/17/16	Tu (12)	11:00 AM - 11:45 AM	Expressive Threes / Kate Marlowe mom & me	3-4 yrs.	$252	Add To Cart
9/12/16-12/17/16	Tu (12)	12:45 PM - 3:45 PM	Pastel & Oils with Rae Smith / Rae Smith	Teens, Adults	$636	Add To Cart
9/12/16-12/17/16	Tu (12)	1:00 PM - 4:00 PM	Materials & Techniques / Loren Anderson	Adults	$444 (+$50)	Add To Cart
9/12/16-12/17/16	Tu (12)	2:00 PM - 3:00 PM	Clay for Threes	3-4 yrs.	$264	Add To Cart
9/12/16-12/17/16	Tu (12)	3:00 PM - 4:00 PM	Junior Clay Class / Keith Yerger	4-6 yrs.	$264	Add To Cart
9/12/16-12/17/16	Tu (12)	4:15 PM - 5:15 PM	Fine Art for Pre-K & K / Keith Yerger	4-5 yrs.	$252	Add To Cart
9/12/16-12/17/16	Tu (12)	4:15 PM - 5:45 PM	Flash Animation for Teens / Christopher Partellow	Teens	$456	Add To Cart
9/12/16-12/17/16	Tu (12)	4:30 PM - 6:00 PM	Clay Studio for Kids Grades 3-5 / David Hughes	8-11 yrs.	$504	Add To Cart
9/12/16-12/17/16	Tu (12)	4:30 PM - 5:45 PM	Drawing & Painting for Grades 1 & 2 / Loren Anderson	6-8 yrs.	$420	Add To Cart

9/12/16-12/17/16	Tu (12)	2:00 PM - 3:00 PM	Clay for Threes		3-4 yrs.	$264	Add To Cart
9/12/16-12/17/16	Tu (12)	3:00 PM - 4:00 PM	Junior Clay Class / Keith Yerger		4-6 yrs.	$264	Add To Cart
9/12/16-12/17/16	Tu (12)	4:15 PM - 5:15 PM	Fine Art for Pre-K & K / Keith Yerger		4-5 yrs.	$252	Add To Cart
9/12/16-12/17/16	Tu (12)	4:15 PM - 5:45 PM	Flash Animation for Teens / Christopher Partellow		Teens	$456	Add To Cart
9/12/16-12/17/16	Tu (12)	4:30 PM - 6:00 PM	Clay Studio for Kids Grades 3-5 / David Hughes		8-11 yrs.	$504	Add To Cart
9/12/16-12/17/16	Tu (12)	4:30 PM - 5:45 PM	Drawing & Painting for Grades 1 & 2 / Loren Anderson		6-8 yrs.	$420	Add To Cart
9/12/16-12/17/16	Tu (12)	4:30 PM - 6:00 PM	Drawing & Painting for Grades 3 - 5 / Theresa Bates		8-11 yrs.	$492	Add To Cart
9/12/16-12/17/16	Tu (12)	5:45 PM - 7:15 PM	Flash Animation for Teens / Christopher Partellow		Teens	$456	Add To Cart
9/12/16-12/17/16	Tu (12)	6:30 PM - 8:30 PM	Pottery Wheel for Teens / David Hughes		Teens	$504 (+$25)	Add To Cart
9/12/16-12/17/16	Tu (12)	6:30 PM - 8:30 PM	Drawing & Painting Fundamentals / Eddie Nino		Teens, Adults	$480 (+$20)	Add To Cart
9/12/16-12/17/16	We (12)	9:30 AM - 10:15 AM	Expressive Twos		24-34 mo.	$252	Add To Cart
9/12/16-12/17/16	We (12)	9:30 AM - 12:30 PM	Life Sculpture / Michael Keropian	11 weeks **skip 10/19**	Adults	$636 (+$55)	Add To Cart
9/12/16-12/17/16	We (12)	9:30 AM - 11:00 AM	Digital Photography with a DSLR / David Hughes	6 weeks **9/14-10/19**	Adults	$210	Add To Cart
9/12/16-12/17/16	We (12)	9:30 AM - 11:00 AM	Digital Photography with a DSLR / David Hughes	6 weeks **11/2-12/14**	Adults	$210	Add To Cart
9/12/16-12/17/16	We (12)	9:30 AM - 12:30 PM	Chinese Brush Painting		Adults	$480 (+$25)	Add To Cart
9/12/16-12/17/16	We (12)	12:00 PM - 1:30 PM	Digital Photography with a DSLR / David Hughes	6 weeks **9/14-10/19**	Adults	$210	Add To Cart
9/12/16-12/17/16	We (12)	12:00 PM - 1:30 PM	Digital Photography with a DSLR / David Hughes	6 weeks **10/26-12/14**	Adults	$210	Add To Cart
9/12/16-12/17/16	We (12)	12:45 PM - 2:45 PM	Portraits for Beginners / Roz Barden	7 weeks **starts 10/26**	Teens, Adults	$294 (+$30)	Add To Cart
9/12/16-12/17/16	We (12)	1:00 PM - 2:00 PM	Clay for Threes / Sue Clayton		3-4 yrs.	$264	Add To Cart
9/12/16-12/17/16	We (12)	1:00 PM - 4:00 PM	The Zen of Drawing: Beyond the Adult Coloring Book / Theresa Bates		Adults	$360 (+$25)	Add To Cart
9/12/16-12/17/16	We (12)	2:00 PM - 3:00 PM	Junior Clay Class / Sue Clayton		4-6 yrs.	$264	Add To Cart
9/12/16-12/17/16	We (12)	4:00 PM - 5:30 PM	Creative Sewing for Kids / Jaja Requa		7-10 yrs.	$456 (+$30)	Add To Cart
9/12/16-12/17/16	We (12)	4:30 PM - 6:00 PM	Drawing & Painting for Grades 3 - 5 / Theresa Bates		8-11 yrs.	$492	Add To Cart

9/12/16-12/17/16	We (12)	4:30 PM - 6:00 PM	Repurposed Sculpture / Keith Yerger	8-11 yrs.	$492	Add To Cart
9/12/16-12/17/16	We (12)	4:30 PM - 6:00 PM	Pottery Wheel for Kids / David Hughes	9-11 yrs.	$504	Add To Cart
9/12/16-12/17/16	We (12)	4:30 PM - 5:45 PM	Drawing & Painting for Grades 1 & 2 / Donna Ferreiro	6-8 yrs.	$420	Add To Cart
9/12/16-12/17/16	We (12)	4:30 PM - 5:30 PM	Junior Clay Class / Sue Clayton	4-6 yrs.	$264	Add To Cart
9/12/16-12/17/16	We (12)	4:30 PM - 6:00 PM	Minecraft® Character Creation / Christopher Partellow	7-11 yrs.	$456 (+$30)	Add To Cart
9/12/16-12/17/16	We (12)	6:00 PM - 7:30 PM	Flash Animation / Christopher Partellow	9-11 yrs.	$456	Add To Cart
9/12/16-12/17/16	We (12)	6:30 PM - 8:30 PM	Pottery for Adults / David Hughes	Adults	$480	Add To Cart
9/12/16-12/17/16	We (12)	6:30 PM - 8:30 PM	Drawing & Painting for Grades 6-12 / Theresa Bates	Teens	$576	Add To Cart
9/12/16-12/17/16	We (12)	6:30 PM - 8:30 PM	Sculpture for Teens / Keith Yerger	Teens	$576	Add To Cart
9/12/16-12/17/16	We (12)	6:45 PM - 8:45 PM	Figure Drawing / Barbara Herzberg	Teens, Adults	$504 (+$60)	Add To Cart
9/12/16-12/17/16	Th (12)	9:30 AM - 12:30 AM	Painting : Watercolors, Oils, Acrylics & Pastel / Jock MacRae **skip 10/20** 11 weeks	Teens, Adults	$636	Add To Cart
9/12/16-12/17/16	Th (12)	9:30 AM - 12:30 PM	Portraiture with Wende Caporale / Wende Caporale 11 weeks **skip 10/20**	Adults	$636 (+$55)	Add To Cart
9/12/16-12/17/16	Th (12)	9:30 AM - 12:30 PM	Watercolors & More with Jock MacRae / Jock MacRae 11 weeks **skip 10/20**	Adults	$636	Add To Cart
9/12/16-12/17/16	Th (12)	9:30 AM - 12:30 PM	Sculpture & More / Michael Keropian	Adults	$636 (+$25)	Add To Cart
9/12/16-12/17/16	Th (12)	10:00 AM - 1:00 PM	Intro to Fused Glass / Sue Clayton	Adults	$480 (+$100)	Add To Cart
9/12/16-12/17/16	Th (12)	1:00 PM - 2:00 PM	Clay for Threes / Keith Yerger	3-4 yrs.	$264	Add To Cart
9/12/16-12/17/16	Th (12)	3:15 PM - 4:15 PM	Fine Art for Pre-K & K / Keith Yerger	4-6 yrs.	$252	Add To Cart
9/12/16-12/17/16	Th (12)	4:00 PM - 5:30 PM	3D Printing 101 for Kids / Christopher Partellow	8-11 yrs.	$456	Add To Cart
9/12/16-12/17/16	Th (12)	4:30 PM - 5:45 PM	Drawing & Painting for Grades 1 & 2 / Theresa Bates	6-8 yrs.	$420	Add To Cart
9/12/16-12/17/16	Th (12)	4:30 PM - 6:00 PM	Drawing & Painting for Grades 3 - 5 / Loren Anderson	8-11 yrs.	$492	Add To Cart
9/12/16-12/17/16	Th (12)	4:30 PM - 6:00 PM	Sculpture & More / Keith Yerger	8-11 yrs.	$492	Add To Cart

9/12/16-12/17/16	Th (12)	4:30 PM - 6:00 PM	Clay Studio for Kids Grades 3-5 / Sue Clayton	8-11 yrs.	$504	Add To Cart
9/12/16-12/17/16	Th (12)	5:30 PM - 7:00 PM	3D Printing for Adults / Christopher Partellow	Adults	$456 (+$30)	Add To Cart
9/12/16-12/17/16	Th (12)	5:30 PM - 7:00 PM	3D Printing 101 for Teens / Christopher Partellow	Teens	$456 (+$30)	Add To Cart
9/12/16-12/17/16	Th (12)	6:00 PM - 8:00 PM	Manga / DJ Osborn	Teens	$504	Add To Cart
9/12/16-12/17/16	Th (12)	6:15 PM - 9:15 PM	Metal Jewelrymaking / Chris Bamford	min. age: 15 yrs.	$576 (+$50)	Add To Cart
9/12/16-12/17/16	Th (12)	6:30 PM - 8:30 PM	Pottery Wheel for Teens / David Hughes	Teens	$504 (+$25)	Add To Cart
9/12/16-12/17/16	Th (12)	6:30 PM - 9:00 PM	Open Life Studio	Teens, Adults	$300	Add To Cart
9/12/16-12/17/16	Th (12)	6:30 PM - 8:30 PM	Sculpture for Teens / Keith Yerger	Teens	$576	Add To Cart
9/12/16-12/17/16	Th (12)	6:30 PM - 8:00 PM	Digital Photography with a DSLR / Athena Kanaris 6 weeks **9/15-10/14**	Adults	$210	Add To Cart
9/12/16-12/17/16	Th (12)	6:30 PM - 8:00 PM	Digital Photography with a DSLR / Athena Kanaris 6 weeks **11/3-12/15**	Adults	$210	Add To Cart
9/12/16-12/17/16	Th (12)	6:30 PM - 9:00 PM	Life Sculpture / Sheryl Levine	Adults	$576 (+$60)	Add To Cart
9/12/16-12/17/16	Fr (12)	9:30 AM - 12:30 PM	Abstract Painting with Jock MacRae / Jock MacRae	Adults	$636	Add To Cart
9/12/16-12/17/16	Fr (12)	9:30 AM - 12:30 PM	Painting : Watercolors, Oils, Acrylics & Pastel / Jock MacRae **skip 10/21** 11 weeks	Teens, Adults	$636	Add To Cart
9/12/16-12/17/16	Fr (12)	9:45 AM - 10:45 AM	Expressive Threes / Kate Marlowe	3-4 yrs.	$252	Add To Cart
9/12/16-12/17/16	Fr (12)	10:00 AM - 12:00 PM	Pottery for Adults / David Hughes	Adults	$480	Add To Cart
9/12/16-12/17/16	Fr (12)	10:00 AM - 12:00 PM	Art Fundamentals: Color, Value & Shape / Todd Casey 11 weeks **skip 10/21**	Adults	$444 (+$50)	Add To Cart
9/12/16-12/17/16	Fr (12)	10:30 AM - 11:30 AM	Clay for Threes / Keith Yerger **mom & me**	3-4 yrs.	$264	Add To Cart
9/12/16-12/17/16	Fr (12)	11:15 AM - 12:15 AM	Expressive Fours / Kate Marlowe **mom & me**	4-5 yrs.	$252	Add To Cart
9/12/16-12/17/16	Fr (12)	11:30 AM - 1:30 PM	Adobe Photoshop / John Pardo	Teens, Adults	$504	Add To Cart
9/12/16-12/17/16	Fr (12)	12:00 PM - 2:00 PM	Pottery for Adults / David Hughes	Adults	$480	Add To Cart
9/12/16-12/17/16	Fr (12)	1:00 PM - 3:00 PM	Watercolors 11 weeks **skip 10/21**	Teens, Adults	$540	Add To Cart

9/12/16-12/17/16	Fr (12)	1:00 PM - 4:00 PM	Open Life Painting 11 weeks skip 10/21	Adults	$360	Add To Cart
9/12/16-12/17/16	Fr (12)	1:30 PM - 3:00 PM	Digital Photography with a DSLR / David Hughes 6 weeks 9/16-10/21	Adults	$210	Add To Cart
9/12/16-12/17/16	Fr (12)	1:30 PM - 3:00 PM	Digital Photography with a DSLR / David Hughes 6 weeks 10/28-12/16	Adults	$210	Add To Cart
9/12/16-12/17/16	Fr (12)	4:00 PM - 6:00 PM	Drawing & Painting for Grades 6-12 / Theresa Bates	Teens	$576	Add To Cart
9/12/16-12/17/16	Fr (12)	4:00 PM - 6:30 PM	Life Drawing for Teens / Sheryl Levine 11 weeks skip 10/7	min. age: 15 yrs.	$480 (+$60)	Add To Cart
9/12/16-12/17/16	Fr (12)	4:30 PM - 6:00 PM	Clay Studio for Grades 1&2 / David Hughes	6-11 yrs.	$504	Add To Cart
9/12/16-12/17/16	Fr (12)	4:30 PM - 6:00 PM	Clay Studio for Kids Grades 3-5 / David Hughes	6-11 yrs.	$504	Add To Cart
9/12/16-12/17/16	Fr (12)	4:30 PM - 6:00 PM	Cartooning for Kids / Christopher Partellow	8-11 yrs.	$480	Add To Cart
9/12/16-12/17/16	Fr (12)	4:30 PM - 6:00 PM	Creative Circuitry / Kate Marlowe	8-11 yrs.	$456 (+$30)	Add To Cart
9/12/16-12/17/16	Fr (12)	6:00 PM - 7:30 PM	3D Printing 101 for Teens / Keith Yerger	Teens	$456 (+$30)	Add To Cart
9/12/16-12/17/16	Fr (12)	6:30 PM - 8:00 PM	Illustration & Drawing for Teens / Christopher Partellow	min. age: 12 yrs.	$480	Add To Cart
9/12/16-12/17/16	Fr (12)	6:30 PM - 8:30 PM	Pizza & Pottery for Teens / David Hughes	Teens	$504 (+$30)	Add To Cart
9/12/16-12/17/16	Sa (12)	9:30 AM - 11:30 AM	Family Clay Class / David Hughes	min. age: 7 yrs.	$504	Add To Cart
9/12/16-12/17/16	Sa (12)	9:30 AM - 10:45 AM	Drawing & Painting for Grades 1 & 2 / Donna Ferreiro	6-8 yrs.	$420	Add To Cart
9/12/16-12/17/16	Sa (12)	9:30 AM - 12:30 PM	The Portrait Sketch / Todd Casey	Adults	$480 (+$60)	Add To Cart
9/12/16-12/17/16	Sa (12)	10:00 AM - 11:30 AM	Stop-Motion Animation / Keith Yerger	6-10 yrs.	$456	Add To Cart
9/12/16-12/17/16	Sa (12)	10:00 AM - 1:00 PM	Painting : Watercolors, Oils, Acrylics & Pastel / Jock MacRae	Teens, Adults	$636	Add To Cart
9/12/16-12/17/16	Sa (12)	11:30 AM - 12:30 PM	Fine Art for Pre-K & K / Keith Yerger	4-5 yrs.	$252	Add To Cart
9/12/16-12/17/16	Sa (12)	11:30 AM - 1:00 PM	Clay Studio for Grades 1&2 / David Hughes	6-11 yrs.	$504	Add To Cart
9/12/16-12/17/16	Sa (12)	11:30 AM - 1:00 PM	3D Printing / Minecraft® / Christopher Partellow	8-11 yrs.	$456 (+$30)	Add To Cart
9/12/16-12/17/16	Sa (12)	11:30 AM - 1:00 PM	Clay Studio for Kids Grades 3-5 / David Hughes	6-11 yrs.	$504	Add To Cart

9/12/16-12/17/16	Sa (12)	12:30 PM - 2:00 PM	Drawing & Painting for Grades 3 - 5 / Donna Ferreiro	8-11 yrs.	$492	Add To Cart
9/12/16-12/17/16	Sa (12)	1:00 PM - 3:00 PM	Manga / DJ Osborn	Teens	$504	Add To Cart
9/12/16-12/17/16	Sa (12)	1:00 PM - 2:30 PM	Sculpture & More / Keith Yerger	6-11 yrs.	$492	Add To Cart
9/12/16-12/17/16	Sa (12)	1:00 PM - 4:00 PM	Millinery Wool Felt Blocking Workshop / Jennifer Hoertz **10/15, 10/22 & 10/29** 3 weeks	Adults	$120 (+$65)	Add To Cart
9/12/16-12/17/16	Sa (12)	1:00 PM - 2:30 PM	3D Printing 101 for Teens / Christopher Partellow	Teens	$456 (+$30)	Add To Cart
9/12/16-12/17/16	Sa (12)	1:30 PM - 3:30 PM	Drawing & Painting for Grades 6-12 / Theresa Bates	Teens	$576	Add To Cart
9/12/16-12/17/16	Sa (12)	1:30 PM - 3:00 PM	Creative Sewing for Kids / Jaja Requa	7-10 yrs.	$456 (+$30)	Add To Cart
9/12/16-12/17/16	Sa (12)	1:30 PM - 3:30 PM	Pottery for Adults	Adults	$480	Add To Cart
9/12/16-12/17/16	Sa (12)	2:30 PM - 4:00 PM	3D Printing 101 for Kids / Keith Yerger	8-11 yrs.	$456 (+$30)	Add To Cart
9/12/16-12/17/16	Sa (12)	3:00 PM - 5:00 PM	Drawing Manga Furries / DJ Osborn	min. age: 10 yrs.	$504	Add To Cart
9/12/16-12/17/16	Sa (12)	3:30 PM - 5:00 PM	Digital Photography for Teens / Emily Fountain	Teens	$456	Add To Cart
9/12/16-12/17/16	Sa (12)	3:45 PM - 5:45 PM	Pottery Wheel for Teens / David Hughes	Teens	$504 (+$25)	Add To Cart
9/12/16-12/17/16	Su (12)	2:00 PM - 3:30 PM	Digital Photography with a DSLR / Emily Fountain 6 weeks **9/18-11/13**	Adults	$210	Add To Cart
9/12/16-12/17/16	Su (12)	2:00 PM - 3:30 PM	Digital Photography with a DSLR / Emily Fountain 4 weeks **11/13-12/11**	Adults	$140	Add To Cart
October 10th 2016	Mo	10:00 AM - 1:00 PM	Halloween with Keith / Keith Yerger	6-11 yrs.	$40	Add To Cart
September 20th 2016	Tu	1:00 PM - 3:30 PM	Goodbye Digital Cameras. Hello iPhone! / Donald Gambino	Adults	$45	Add To Cart
10/4/16-5/23/17	Tu	6:15 PM - 8:45 PM	Portfolio Development for Teens **no class 11/22/16, 12/27, 2/21/17 & 4/11, 2 May Sundays tbd**	Teens	$1,518	Add To Cart
October 18th 2016	Tu	1:00 PM - 4:00 PM	Colored Pencil / Sally Franklin	Adults	$60	Add To Cart

November 8th 2016	Tu	1:00 PM - 4:00 PM	Intro to Wax Encaustics / Sheryl Levine	Adults	$75 (+$25)	Add To Cart
November 15th 2016	Tu	1:00 PM - 4:00 PM	Oil Paint / Still Life Workshop / Tracy Burtz	Adults	$60	Add To Cart
December 6th 2016	Tu	1:00 PM - 4:00 PM	Clay / Hand-Building Workshop	Adults	$60	Add To Cart
10/19/16-10/21/16	We	9:30 AM - 4:00 PM	Painting from Life with Mary Beth McKenzie / Mary Beth McKenzie	Adults	$675	Add To Cart
October 6th 2016	Th	1:00 PM - 4:00 PM	Charcoal Sketch / The Figure	Adults	$60	Add To Cart
October 13th 2016	Th	1:00 PM - 4:00 PM	Fused Glass and Fromage / Sue Clayton	Adults	$75 (+$25)	Add To Cart
October 20th 2016	Th	1:00 PM - 4:00 PM	Acrylics / Impressionist Landscape	Adults	$60	Add To Cart
October 27th 2016	Th	1:00 PM - 4:00 PM	Resin Jewelry / Sheryl Levine	Adults	$75 (+$25)	Add To Cart
November 3rd 2016	Th	1:00 PM - 4:00 PM	Pastel / The Landscape	Adults	$60	Add To Cart
November 10th 2016	Th	1:00 PM - 4:00 PM	Clay / Wheel Throwing Workshop	Adults	$60	Add To Cart
December 8th 2016	Th	1:00 PM - 4:00 PM	Glass Jewelry Workshop / Sue Clayton	Adults	$75 (+$25)	Add To Cart
October 7th 2016	Fr	1:00 PM - 4:00 PM	Art Journals / Theresa Bates	Adults	$60	Add To Cart
October 14th 2016	Fr	1:00 PM - 4:00 PM	Create a Family Monogram / Moki Kokoris	Adults	$60	Add To Cart
November 11th 2016	Fr	10:00 AM - 1:00 PM	Give Thanks on Veterans Day / Keith Yerger	min. age: 5 yrs.	$40	Add To Cart

Dates	Day	Time	Class/Teacher	Ages	Fee	Register
December 1st 2016	Fr	1:00 PM - 2:30 PM	Tea and Terrariums / Sharon Djaha	Adults	$60	Add To Cart
September 17th 2016	Sa	6:30 PM - 9:30 PM	Mud & Merlot / David Hughes	Adults	$40	Add To Cart
September 17th 2016	Sa	6:30 PM - 9:30 PM	Pinot & Paint	Adults	$40	Add To Cart
September 17th 2016	Sa	6:30 PM - 9:30 PM	Kids Art & Pizza Night	6-11 yrs.	$35	Add To Cart
September 24th 2016	Sa	6:30 PM - 9:30 PM	Coffee & Clay / Keith Yerger	Teens, Adults	$40	Add To Cart
October 1st 2016	Sa	6:30 PM - 9:30 PM	Mud & Merlot / David Hughes	Adults	$40	Add To Cart
October 1st 2016	Sa	6:30 PM - 9:30 PM	Pinot & Paint	Adults	$40	Add To Cart
October 1st 2016	Sa	6:30 PM - 9:30 PM	Kids Art & Pizza Night	6-11 yrs.	$35	Add To Cart
October 15th 2016	Sa	6:30 PM - 9:30 PM	Coffee & Clay / Keith Yerger	Teens, Adults	$40	Add To Cart
October 22nd 2016	Sa	6:30 PM - 9:30 PM	Fused Glass and Fromage / Sue Clayton	Adults	$75 (+$25)	Add To Cart
November 5th 2016	Sa	6:00 PM - 9:00 PM	Cocktails & Fascinators / Jennifer Hoertz	Adults	$55 (+$40)	Add To Cart
November 12th 2016	Sa	6:30 PM - 9:30 PM	Mud & Merlot / David Hughes	Adults	$40	Add To Cart
November 12th 2016	Sa	6:30 PM - 9:30 PM	Pinot & Paint	Adults	$40	Add To Cart
November 12th 2016	Sa	6:30 PM - 9:30 PM	Kids Art & Pizza Night	6-11 yrs.	$35	Add To Cart
December 3rd 2016	Sa	6:30 PM - 9:30 PM	Kids Art & Pizza Night	6-11 yrs.	$35	Add To Cart
October 1st 2016	Su	12:00 PM - 6:00 PM	Art Talks: The Art of the Yeti / Jaja Requa	Teens, Adults	$50	Add To Cart
November 6th 2016	Su	10:00 AM - 4:00 PM	Raku Workshop / David Hughes	min. age: 16 yrs.	$110	Add To Cart

EXHIBIT C

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through November 28, 2016.

Selected Entity Name: KATONAH ART CENTER & GALLERY, INC.

Selected Entity Status Information

Current Entity Name: KATONAH ART CENTER & GALLERY, INC.
DOS ID #: 2289024
Initial DOS Filing Date: AUGUST 14, 1998
County: WESTCHESTER
Jurisdiction: NEW YORK
Entity Type: DOMESTIC BUSINESS CORPORATION
Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

KATONAH ART CENTER & GALLERY, INC.
77 BEDFORD RD.
KATONAH, NEW YORK, 10536

Chief Executive Officer

LOREN CHASE
77 BEDFORD RD.
KATONAH, NEW YORK, 10590

Principal Executive Office

KATONAH ART CENTER & GALLERY, INC.
77 BEDFORD RD.
KATONAH, NEW YORK, 10590

Registered Agent

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by viewing the certificate.

*Stock Information

# of Shares	Type of Stock	$ Value per Share
200	No Par Value	

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
AUG 14, 1998	Actual	KATONAH ART CENTER & GALLERY, INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

Search Results New Search

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EXHIBIT D

Traffic data and KAC on Old Bedford Road

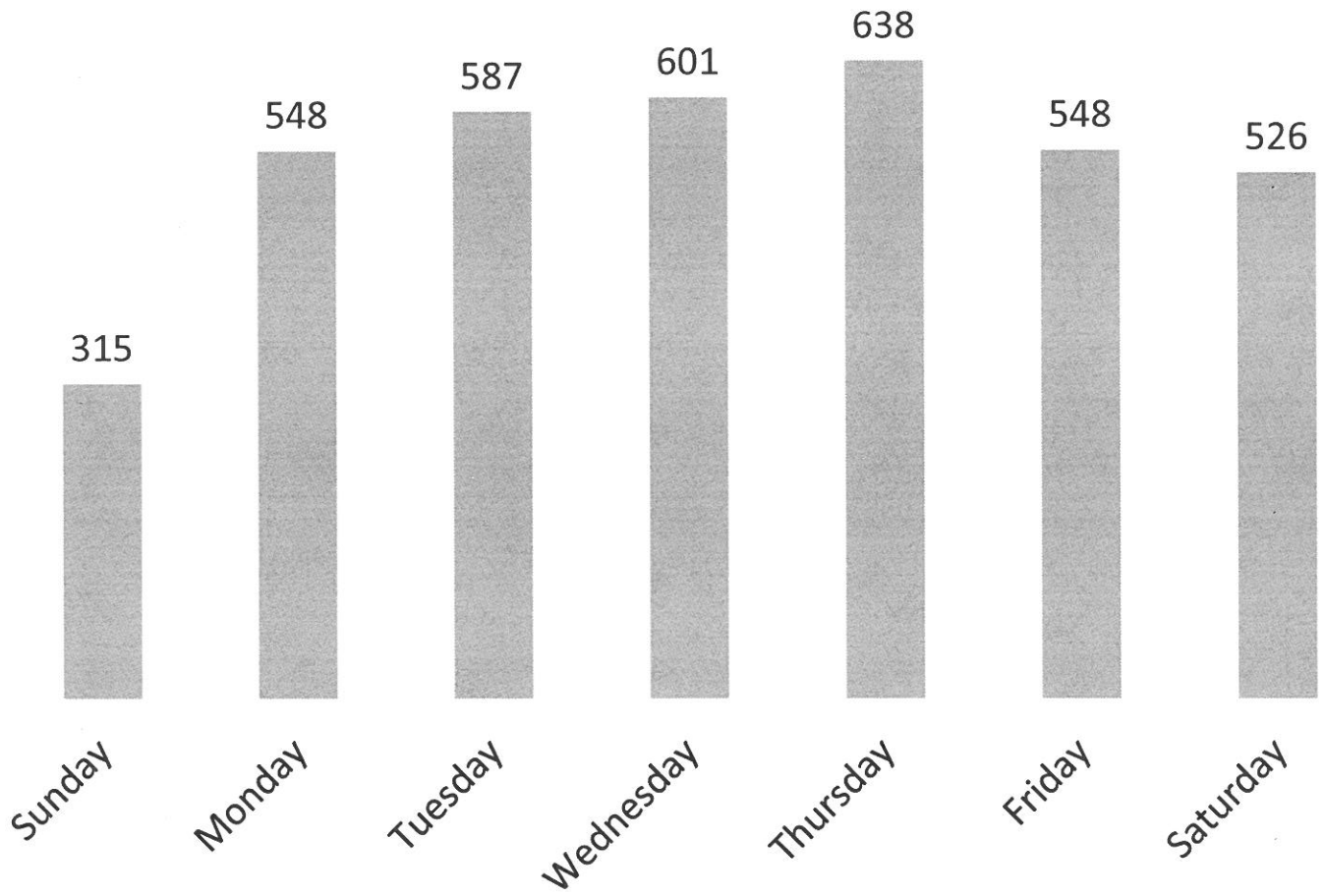
6-weeks of data collected 04/04/2016 to 05/15/2016

13-weeks of data collected 04/15/2016 to 07/15/2016

Over the course of a 6-week study (April 4 to May 15), there were a total of 22,488 vehicle trips over the car counter on Old Bedford Road (equivalent to 11,244 round trips). In a neighborhood of approximately 36 homes (not all of them occupied) and the Katonah Art Center.

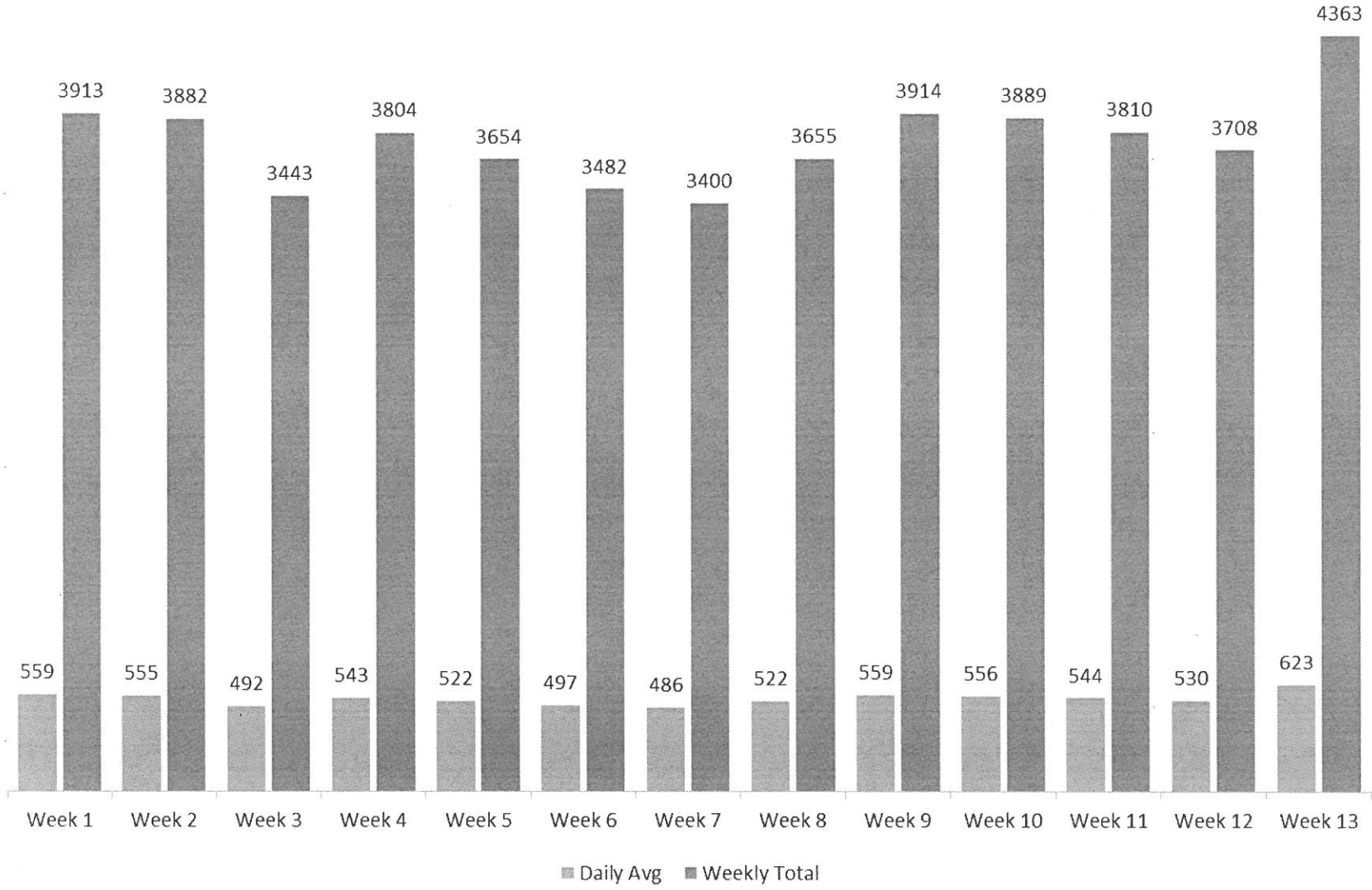
In a 13-week overlapping study (April 15 to July 15), there were a total of 48,916 vehicle trips (24,458 round trips). With a daily average of 538 trips per day and a one day peak of 769.

Average Vehicle Trips by Day



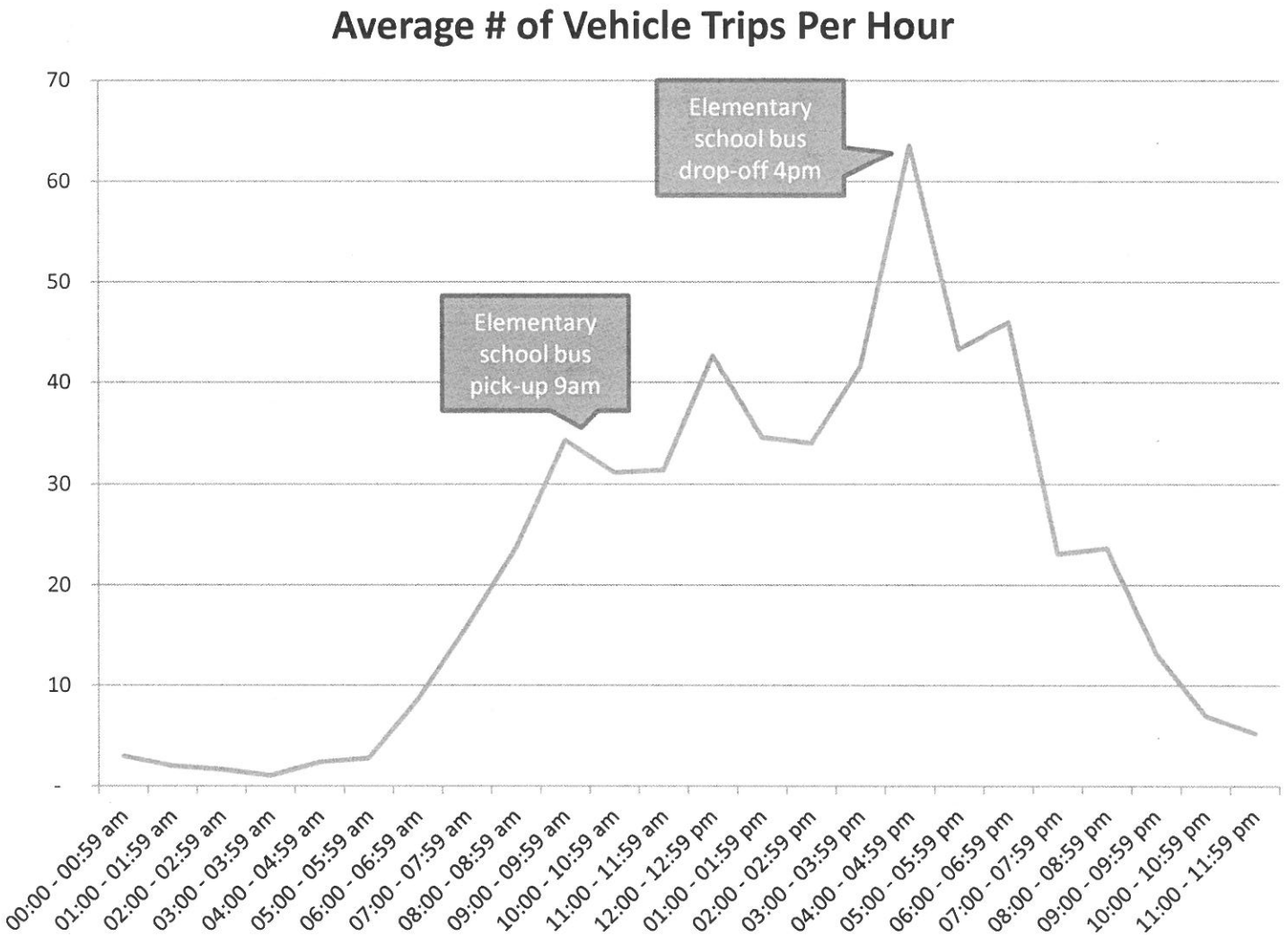
Data Collected 04/15/2016 to 07/15/2016

Total and Daily Average of Vehicle Trips by Week



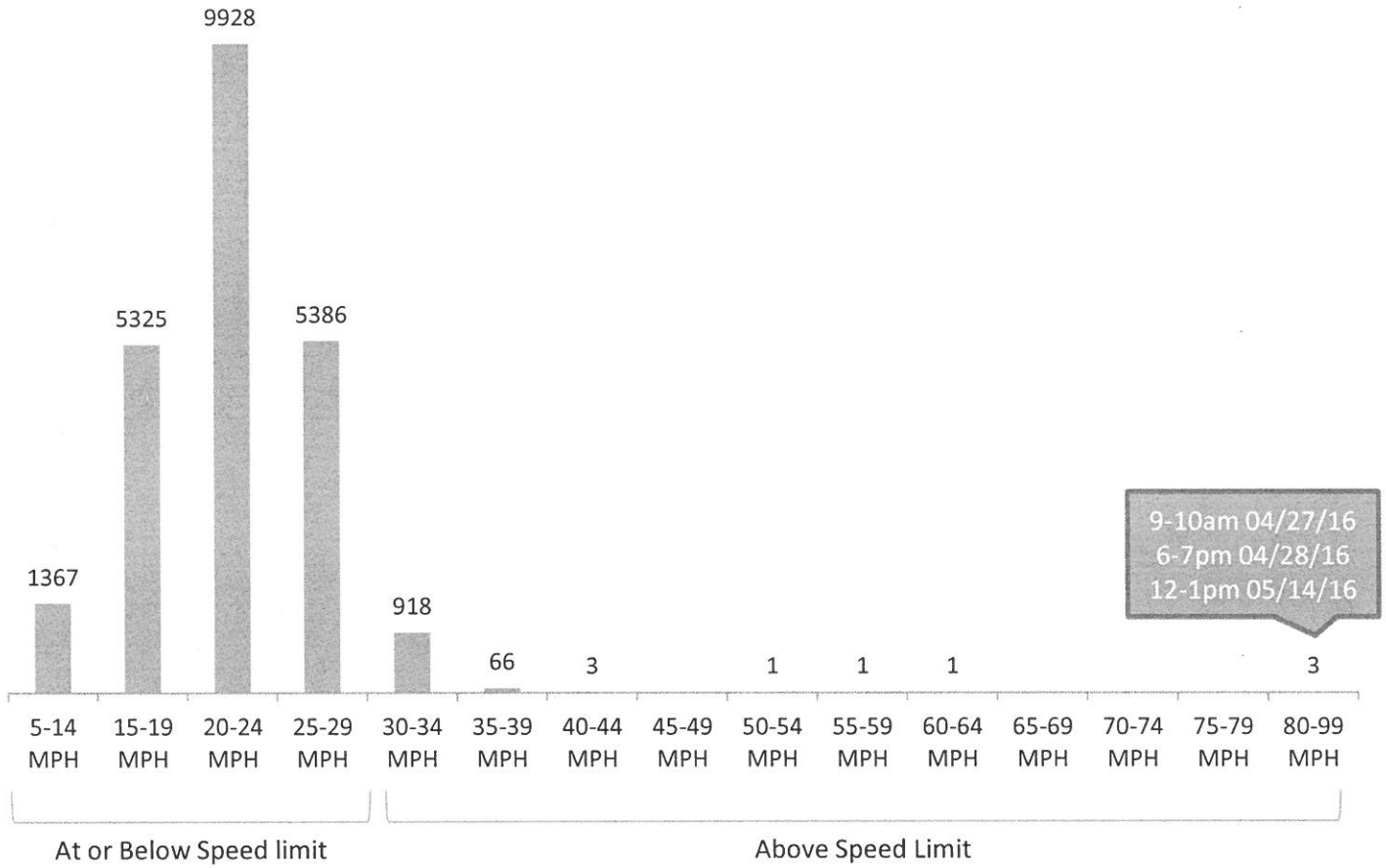
Data Collected 04/15/2016 to 07/15/2016

Travel volumes pick up just as elementary school students are being dropped off



Data Collected 04/04/2016 to 05/15/2016

Total Vehicle Trips by Speed



Data Collected 04/04/2016 to 05/15/2016

Standard N.Y.B.T.U. Form 8007 – 10-51-25M—Bargain and Sale Deed, with Covenant against Grantor's Acts—Individual or Corporation

LIBER 5683 PAGE 386

THIS INDENTURE, made the 12th day of March, nineteen hundred and fifty-seven

BETWEEN THE BOARD OF EDUCATION OF UNION FREE SCHOOL DISTRICT #1 OF THE TOWNS OF BEDFORD, LEWISBORO, NORTH SALEM AND POUND RIDGE, a municipal corporation having its principal office and place of business at Cross River, Town of Lewisboro, County of Westchester and State of New York,

party of the first part, and TOWN OF LEWISBORO, a municipal corporation with its principal office and place of business at South Salem, Town of Lewisboro, County of Westchester and State of New York

USIR STAMPS ATTACHED MAR 22 1957

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ONE ($1.00) - dollars

lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being XXXX on the southeasterly side of a town highway in Goldens Bridge, Town of Lewisboro and County of Westchester and known as Schoolhouse Road, being more particularly bounded and described as follows:

BEGINNING at a point on said southeasterly side of said Schoolhouse Road where the same is intersected by the boundary line between the premises herein conveyed on the southwest and lands now or formerly of Gertrude Lieberman on the northeast, which said point of beginning is 88.2 feet more or less along said southeasterly side of said Schoolhouse Road from the intersection thereof with the southerly side of another town highway known as Meadow Street, and running from said point or place of beginning along said lands of Lieberman 225 feet more or less to lands now or formerly of Thomas Fagan, running thence along said lands of Fagan and along lands now or formerly of Joseph F. and Mildred C. Jackson 140 feet more or less to lands now or formerly of Mary, Anna, Margaret and Henrietta Grady, and running thence along said lands of Grady 225 feet more or less to the aforesaid southeasterly side of said Schoolhouse Road, and running thence along said southeasterly side of said Schoolhouse Road northeasterly 140 feet more or less to the point or place of beginning.

CONTAINING all the land within said bounds.

TOGETHER with all the right, title and interest, if any, of the party of the first part, of, in and to any streets or highways in front of or adjoining said premises to the legal center line thereof.

This deed is delivered pursuant to authorization of a meeting of the electors of Union Free School District #1 of the Towns of Bedford, Lewisboro, North Salem and Pound Ridge, duly held on May 1st, 1956, at Katonah, New York, and pursuant to resolution duly adopted thereat.

SUBJECT to any state of facts which an accurate survey and personal inspection of the premises would disclose.

SUBJECT to any easements, rights of way or grants of any lighting, telephone or telegraph company, to erect or maintain poles, guys, wires, etc., over, along or across said premises or the highway adjoining same.

SUBJECT to Zoning Ordinances, and amendments thereto, if any, of the Town of Lewisboro.

EXHIBIT E

LIBER 5683 PAGE 387

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

THE BOARD OF EDUCATION OF UNION FREE SCHOOL DISTRICT #1, OF THE TOWNS OF BEDFORD, LEWISBORO, NORTH SALEM AND POUND RIDGE

President

LIBER 5683 PAGE 388

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS.:

On the 12th day of March, 1957, before me personally came CARL R. WISE, to me known, who, being by me duly sworn, did depose and say that he resides at Mustato Road (no number), Katonah, New York: that he is the President of THE BOARD OF EDUCATION OF UNION FREE SCHOOL DISTRICT #1 OF THE TOWNS OF BEDFORD, LEWISBORO, NORTH SALEM AND POUND RIDGE, the corporation described in and which executed the foregoing instrument: that he knows the seal of said corporation: that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of said corporation, and that he signed his name thereto by like order.

EDWIN B. COVEY
Notary Public in the State of New York
No. 60-5628500
Qualified in Westchester County
Term expires March 30, 1958.

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS.:

EDWIN B. COVEY
Notary Public in the State of New York
No. 60-5628500
Qualified in Westchester County
Term expires March 30, 1958

On the 12th day of March, 1957, before me personally came ALLAN A. COSTER, J. SCRIBNER ALLEN, RICHARD G. PERRY and HELEN M. WICKOFF each to me known, who, being by me duly severally sworn, did for himself and herself depose and say, that they reside at: Lewisboro (no street address), Town of Lewisboro, County of Westchester, New York: Lake Katonah (no street address), Town of Lewisboro, County of Westchester, New York; Main Street (no number), South Salem, Town of Lewisboro, County of Westchester, New York: and Nightingale Road (no number), Katonah, Westchester County, New York, respectively; That they are a majority of the duly elected members of the Board of Education of Union Free School District #1 of the Towns of Bedford, Lewisboro, North Salem and Pound Ridge; that they are the persons described in and who executed the foregoing instrument, and they duly acknowledged to me that they executed the same.

EDWIN B. COVEY
Notary Public in the State of New York
No. 60-5628500
Qualified in Westchester County
Term expires March 30, 1958

The foregoing instrument was endorsed for record as follows: The property affected by this instrument is situate in the TOWN OF LEWISBORO
County of Westchester, N. Y. A true copy of the original DEED
RECORDED MAR. 22, 1957 at 10:20 AM at request of MEAD & RYAN

FEE: $ 5.60 No. 10737 EDWARD L. WARREN, County Clerk

EXHIBIT F

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through November 14, 2016.

Selected Entity Name: WESTCHESTER EXCEPTIONAL CHILDREN, INC.

Selected Entity Status Information

Current Entity Name:	WESTCHESTER EXCEPTIONAL CHILDREN, INC.
DOS ID #:	298265
Initial DOS Filing Date:	NOVEMBER 13, 1970
County:	WESTCHESTER
Jurisdiction:	NEW YORK
Entity Type:	DOMESTIC NOT-FOR-PROFIT CORPORATION
Current Entity Status:	ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

NONE

Registered Agent

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers,

directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by viewing the certificate.

***Stock Information**

# of Shares	Type of Stock	$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
NOV 13, 1970	Actual	WESTCHESTER EXCEPTIONAL CHILDREN, INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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EXHIBIT G

WESTCHESTER EXCEPTIONAL CHILDREN, INC.

P. O. Box 300
Goldens Bridge, N. Y. 10526
914-232-5433

Linda Murphy
Director

September 19, 1975

Office of the Building Inspector
Town of Lewisboro
South Salem, New York 10590

To Whom It May Concern:

Although we understand that because our school is housed in an old building belonging to the town, and that the building inspector and the town attorney agree that a certificate of occupancy is not required, Westchester Exceptional Children's School is, nevertheless, in need of a copy of a certificate of occupancy for the State Mental Health Board.

Will you kindly send us a certificate of occupancy as soon as possible. Thank you for your assistance in this matter.

Sincerely,

Linda Murphy

Linda Murphy
Director

LM/mh

RECEIVED
SEP 22 1975
KYC

Dedicated to the education and welfare of all children with severe disorders of communication and behavior.

EXHIBIT H

CERTIFICATE OF OCCUPANCY

TOWN OF LEWISBORO

SOUTH SALEM, N. Y.

No 2703

Date September 24, 1975

Location: south side Schoolhouse Road

Tax Map Designation, Sheet: 4A Block: 11112 Lot: 2

THIS CERTIFIES that the building located at premises indicated above, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated ....., 19..., pursuant to which Building Permit was issued, and conforms to all of the requirements of the applicable provisions of the law. The occupancy for which this certificate is issued is special school

This certificate is issued to Westchester Exceptional Children, Inc., lessee
(Owner, lessee or tenant)
of the aforesaid building.

Fee: $ none required

Robert F. Cudney
Building Inspector

NOTE: It is to be ... state number of families. In either case, give full particulars respecting each building or structure ... ses is to be used, and Certificate desired for only that part, state just what is desired.

(5) The height of the proposed main and accessory buildings or structures are as follows:

(6) The buildings or structures now on the lot are used for the following purposes:

same

(7) The premises which are the subject of this application are owned by:

Town of Lewisboro

Address Main Street, South Salem, New York

(8) My position with respect to this application is that of lessee
(Owner, Leasee, Tenant or Agent)

(9) I am familiar with the Zoning Ordinance and Building Code Ordinance and submit this application in conformity with its provisions.

(10) I hereby certify that the above statements and data are correct and true to the best of my knowledge and belief.

EXHIBIT I

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through November 14, 2016.

Selected Entity Name: THE NORTHERN WESTCHESTER CENTER FOR THE ARTS, INC.

Selected Entity Status Information

Current Entity Name: THE NORTHERN WESTCHESTER CENTER FOR THE ARTS, INC.
DOS ID #: 521834
Initial DOS Filing Date: NOVEMBER 16, 1978
County: WESTCHESTER
Jurisdiction: NEW YORK
Entity Type: DOMESTIC NOT-FOR-PROFIT CORPORATION
Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)
NONE

Registered Agent

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers,

directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by viewing the certificate.

***Stock Information**

# of Shares	Type of Stock	$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
NOV 16, 1978	Actual	THE NORTHERN WESTCHESTER CENTER FOR THE ARTS, INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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Ciorsdan Conran

From: dstravalino@optonline.net
Sent: Tuesday, December 20, 2016 2:06 AM
To: Planning@lewisborogov.com
Cc: maggie@nywolf.org; jg@ddw-law.com
Subject: Wolf Conservation Center

To: Jerome Kerner, chairman and the Members of the Lewisboro Planning Board;

Dear Jerome and members of the board,

I understand that your final meeting of the year is Tuesday evening, December 20. .On behalf of the Board of Directors of the Wolf Conservation Center I wanted to give you an update on the status of our joint application with The County of Westchester and the Town of Lewisboro for a subdivision/lot line change at the Old Field Preserve, and the WCC's application for a Special Permit to operate as a Private Nature Preserve.

As you may recall,, at our initial presentation to the board, moving forward was predicated on the completion of a subdivision/lot line change to be pursued simultaneously for the "SSP" (westerly 11 acre) portion of our property which forms a part of the Preserve under the State's easement. This was not completed at the time the Preserve was created, though title passed to the WCC by deed.

Since the meeting, the WCC has successfully undertaken several strategies to gain permanent access from Old Fields to Buck Run, including purchasing 8.925 acres of vacant land (5 Buck Run-which provided actual access), and eventually purchasing the original dwelling on 6.025 acres we were renting from our founder (7 Buck Run-which among other advantages contains the existing driveway and entrance, and Ambassador enclosures), It is expected that these purchases will receive permanent funding in part from the State (NYSOPRHP) grant, which will result in an additional conservation easement on all three. Finally, in order to provide a visitor area, adequate permanent parking and the option of a bus turnaround, the WCC purchased a fourth parcel with a small home (3 Buck Run).

Since then, WCC's staff and engineers in consultation with the town's consultants have worked to develop a comprehensive site plan and plat plan for the approval process. The goal has been to meet your board's anticipated requirements while minimizing the impacts on the land. Most recently, during negotiations to make parking currently located on adjacent land owned by a neighbor permanent through an easement, the option of purchasing the parcel was offered (4 Buck Run). Acquisition of this property would significantly reduce the excavation and storm water control measures required to relocate the parking and for a bus turnaround if required. The WCC board recently voted to move forward with the purchase provided funding can be secured. We hope to have that answer sometime in January.

I believe that the several versions of the site plan and ancillary maps I refer to are in the possession of the town consultants and available to board members. While we could bring the application with two options, one with 4 Buck Run and one without, we request that the board give us through the end of January to clearly set the course we will take with the goal of moving forward with our application in the first quarter of 2017 with one clear plan . As they have in the past, I will ask the staff to keep the Town informed of our progress.

While I realize a significant amount of time has gone by since our last appearance, I hope it is clear that the WCC has tried its best to deliver a comprehensive, environmentally sensitive plan that measures up to the

dedication of our staff and many volunteers, as well as the generous support we continue to receive from the community,

Sincerely,

Dean Travalino
Wolf Conservation Center Board Member

Tel. (914) 763 5402
Fax (856) 344 1459
Cell (914) 282 9402

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