

The Francis Family
18 Robins Wood Lane
South Salem, NY 10590

October 31, 2014

To whom it may concern:

We are writing in support of Peter & Jennifer Cipriano's request to rezone 5 East Street . We have been neighbors of the Cipriano's for the past three years. It has been our experience that the Cipriano's are extremely considerate and thoughtful of the community they live and work in.

The Cipriano's run an excellent business and as a result of their competence, knowledge, and commitment, Copia has become an integral part of the Vista community.

We hope to see the Cipriano's continue to succeed with their business and continue to be such an essential part of our community.

Sincerely,

A handwritten signature in black ink, appearing to read "John & Jennifer Francis". The signature is written in a cursive, flowing style with a large initial "J" and "F".

John & Jennifer Francis

October 29, 2014

We are members of the community of Vista, NY. Many of us have lived in Vista for 10, 20 or 30 years or more. As long term residents we have seen many businesses come ago on the corner of Smith Ridge Rd. and East St.

The owners of Copia Home and Garden, Peter and Jennifer Cipriano, are a valuable asset to our community, bringing a sense of pride to our beloved corner of Lewisboro. We are happy to have a thriving and responsible business in our neighborhood.

The Cipriano's plan to improve the accessibility of trucks making deliveries to Copia is a welcome improvement to the management of traffic that is necessary to the success of their business.

Additionally their request for allowing the zoning of East St. to accommodate a commercial operation of a Nursery only would not impose any problems and would allow them to further their success and contribution to our community.

Many Thanks,

Linda & Ron Witek
68 East St. 45 yrs.

Rob & Gina Gorman
65 East St. 8 yrs.

FRANK D. BASSO
60 EAST ST. - 35 YRS

Jean O. Semerly
50 years

Mark Boblet
69 East Street 20 yrs.

Clare Wood
63 EAST ST, 60 YRS

Jaymond Audette
40 Yrs.


Jan Bullard
Vista, NY 35 YRS.

Cornie Boblet
67 East St. Vista NY 55 yrs

James Boblet " " " "
Richard and Elise Wood
40 YRS
Ann Panico - 15 yrs.


KEITH MILONE 75 EAST. - 23 YRS.



Robert P. Astorino
County Executive

Westchester County Planning Board

October 20, 2014

Mary Hafter, Confidential Secretary to the Supervisor
Town of Lewisboro
P.O. Box 725
Cross River, NY 10518

Subject: **Referral File No. LEW 14-003 – Cipriano Rezoning**

Dear Ms. Hafter:

The Westchester County Planning Board has received a copy of a petition to amend the Lewisboro Zoning Map to rezone three tax lots, currently zoned R1-A and RB, to GB – General Business. The subject parcels are located at the intersection of East Street and Smith Ridge Road (NYS Route 123). The purpose of the proposed rezoning is to allow the petitioners to use their existing house (located on the parcel currently zoned R1-A) as part of their nursery/garden center which is located on the abutting commercially zoned properties. If the rezoning is granted, site plan approval would also be required for the proposed modifications to the existing dwelling.

We have reviewed the proposed zoning petition under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find the zoning map amendment to be a matter for local determination in accordance with the Town's planning and zoning policies. We reserve comment on the proposed site plan until site plan review is initiated if the rezoning is approved.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

RdR:
By: 

Edward Buroughs, AICP
Commissioner

EEB/LH

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

Dear Supervisor Parsons and Members of the Town Board,

The Lewisboro Planning Board is in receipt of an Amended Zoning Petition prepared by Michael Sirignano, Esq. on behalf of Pietro and Jennifer Cipriano. The Cipriano's own a landscape nursery known as Copia located at 475 Smith Ridge Road, comprised of Tax Lots 35 and 48, and an abutting residential lot (Tax Lot 36) consisting of approximately 0.71 acres and located a 5 East Street. The existing landscape nursery (Tax Lots 35 and 48) are currently zoned Retail Business (RB) and the abutting residential lot (Tax Lot 36) is currently zoned One-Family Residential (R-1A). The Amended Zoning Petition requests that the three parcels be re-zoned to GB (General Business). It includes a condition that GB uses permitted on these parcels, other than those permitted in the RB district, will be limited to landscape nurseries.

Reference is made to the "Amended Petition for Zoning Map Amendment", dated October 6, 2014, along with a conceptual site plan prepared by David Coffin Architect, dated July 24, 2014. The Planning Board discussed the proposed petition and concept plan at its July 15, 2014 and September 16, 2014 Planning Board meetings. While the Planning Board has concerns relative to potential impacts to East Street and the residential community it serves, along with traffic circulation, stormwater management and aesthetic concerns, the Planning Board supports the rezoning of the subject property, as proposed, with the understanding that any impacts of concern will be further investigated and addressed during the site plan review process. It should be noted that site plan approval must be obtained from the Planning Board before Tax Lot 36 is utilized in conjunction with the adjacent landscape nursery and before any site modifications are implemented.

We note that by Resolution dated May 21, 2002, the Town Board rezoned the Lewisboro Garden Center property (owned by James and Elizabeth Grant, located at 389 Smith Ridge Road and identified as Sheet 50A, Block 9843, Lots 71 and 81) from RB to GB, with a condition that "landscape nurseries" be the only additional permitted use from those permitted in the GB Zoning District. This was proposed due to the fact that "landscape nurseries" was, and continues to be, a permitted principal use within the GB Zoning District, but not within the RB Zone.

While the Planning Board agrees that the existing Copia landscape nursery use is an appropriate use for the subject property and does not object to its expansion onto Tax Lot 36, consistent with the Town Board's May 21, 2002 decision, the Planning Board supports the condition contained within the amended petition that restricts the subject property to use as a landscape nursery, in addition to those uses currently permitted within the RB Zoning District.

Regards,

Jerome Kerner, Chairman
October 29, 2014

**TOWN OF LEWISBORO
ZONING BOARD OF
APPEALS**

Memo

To: Honorable Peter Parsons, Supervisor
& Members of the Town Board

From: Members of the Zoning Board of Appeals

cc: Honorable Jerome Kerner, Chairman
& Members of the Planning Board

Date: August 7, 2014

Re: Re-zoning request of Pietro & Jennifer Cipriano

At your request of July 1, 2014, the Zoning Board of Appeals visited the site located at 5 East Street in the Vista Hamlet as well as the adjacent commercial property [Copia Nursery] located at 475 Smith Ridge Road. At the July 30, 2014 regular meeting of the Zoning Board of Appeals there followed a discussion with respect to the petition submitted to the Town Board of Pietro and Jennifer Cipriano to amend the Zoning Map changing the zoning designation of the property zoned R1A [5 East Street] to Retail Business to expand their business on the adjacent commercially zoned property.

It was the consensus of the ZBA members to support this petition with consideration given to screening, noise and traffic on East Street. While unable to formally approve the minutes prior to forwarding to you, the attached ZBA minutes of the July 30, 2014 meeting have been reviewed by the members and approved for delivery to the Town Board.

Thank you for the opportunity to review and offer our comments.

Application of Pietro Cipriano, Jr. and Jennifer Cipriano to amend the Zoning Map of the Town of Lewisboro changing the Zoning Designation of Property Zoned R1A to RB affecting real property located at 5 East Street also known and designated on the Tax Maps of the Town of Lewisboro as Sheet 53, Block 9834, Lot 36.

Peter and Jennifer Cipriano were present with Michael Sirignano, Esq. and project architect David Coffin.

Mr. Sirignano advised that his clients purchased the business several years ago; the business has grown nicely. To stay competitive with the big box stores, they need to get their deliveries on tractor trailer trucks. The issue has become truck traffic making deliveries between early May and mid-June and pulling up on the shoulder. There has since been some discussions with Town officials to rezone their residential property adjacent to the business, which would open up opportunities to redesign a safer site plan utilizing both properties. The architect has been given instructions to keep the more intensive uses in the front of the existing residence, with quieter uses in the rear. Mr. Cipriano also spoke with his neighbor, William Bowen and Lisa Margaret Smith, 9 East Street who submitted a letter dated July 28, 2014 with their conditional agreement to the change.

Mr. Krellenstein questioned what mechanism there would be to ensure that the conditions requested by the neighbors are enforced and was advised that these could be incorporated into the site plan approved by the Planning Board.

Mr. Sirignano stated they would abide by these conditions and would invite them to be incorporated into a site plan approval and noted on the site plan itself. The Cipriano's would continue to live in the residence.

Mr. Coffin distributed a tax map and reviewed the abutting parcels and displayed a proposed site plan. He advised that Mr. Cipriano was sensitive to the fact that East Street is residential and the intent is to maintain the residential character in the front with screening and a gate. There will be some trucks coming in and out, but the view will be a residential feel.

Mr. Krellenstein advised that his concern was with expanding the truck traffic closer to the residential property. If the conditions could be adhered to that were proposed by the neighbor, he would be favorably disposed to the rezoning request.

Mr. Casper noted that this is a peculiar request in that the Town is looking at the request for Mr. Cipriano's business, but ultimately anything allowed within the RB business district will be permitted. He further noted that he believed that the neighboring property owners had made a fair request and questioned how the plants proposed to be stored behind the residence would be lifted and moved. When advised by Mr. Cipriano that they would be moved with a tractor or front loader, Mr. Casper questioned whether this could be considered heavy machinery.

Mr. Cipriano advised that there had been a tractor in the backyard grading the property to remove thick bamboo within reasonable hours.

Mr. Casper noted that the previous owner had heavy equipment stored on the property. He noted that the rear portion of the adjacent property owned by the Vista Market is zoned residential and wondered at what point the Town Board would entertain a request to rezone that property as well. He noted that he had never been in the position to comment and or review an application for a zoning amendment. To achieve a similar result of utilizing the residential property for a business use, the property owner could apply to the ZBA for a use variance, which is a tough standard and would give the ZBA more to say. The applicant may end up with what they were looking to achieve, but the approval would be very specific. Given the area and the neighbor's flexibility it may be a nice thing to do for the Cipriano's and makes sense. The ultimate result of adopting this amendment in terms of the future, future uses and what happens with the Vista Market property is something the Town Board has to consider.

Mr. Sirignano noted that there is a municipal use across the street.

Mr. Krellenstein questioned whether the properties would be merged if this is approved and was advised by Mr. Sirignano that they would be given that there would be a single site plan. He advised that given that this is a small parcel and that the neighbors did not object that he could support the application.

Mrs. Mandelker advised that she walked down East Street and noted that there was a stone wall between the Cipriano property and the Bowen/Smith property. Across the street was another stone wall. Visually it appeared that this defined the beginning of the residential area. She thinks the plan is reasonable and would be in favor, but her concern is that although this proposed plan will heavily screen the property she questioned what would happen in the future.

Mr. Krellenstein suggested that if this Board is favorably disposed to the petition to rezone the property, that a proviso is added that the Town Board and the Planning Board be heedful of the neighbor's reasonable request.

In response to Mr. Price's question as to how the existing residential driveway would be used, Mr. Sirignano advised that it would be used for small tractors, pick-up and box trucks. Mr. Price advised that the commercial traffic would increase on East Street and there would be trucks parking on the edge of the road causing commercial traffic to go further into East Street.

Mr. Cipriano advised that the whole idea with this site plan is to get the trucks off the road. He advised that they will have to plant something or place something green along the side of the road at the proposed entrance on East Street.

Mr. Price advised that his personal preference is to keep all of the truck traffic off of East Street and limit the entrance to the site to the existing entrance on Route 123.

Mr. Casper questioned what would happen if the Planning Board believed that there are one to many entrances and limited the contractor access to the Route 123 entrance.

Mr. Cipriano advised that if the business continued to grow that he would have an issue because he could only schedule so well to avoid more than one truck making a delivery at the same time. There will be trucks parking along the side of the road. He discussed the second entrance on Route 123 that had been eliminated because it was dangerous.

Mr. Price noted that there were traffic consultants that could provide the answers. He stressed that what he did not want to see is landscape trucks lining up the side of East Street. It is pushing it to expand the business zone further into the residential district and if it gets out of control it will create many issues.

After some discussion the Board directed the Secretary to prepare a draft memo to the Town Board indicating their support for the proposal with consideration be given to screening, noise and traffic on East Street to be forwarded with a copy of the minutes.

Mr. Casper moved to adjourn the meeting at 8:45 P.M. The motion was seconded by Mrs. Mandelker. In Favor: Mr. Krellenstein, Mr. Price, Mrs. Mandelker and Mr. Casper.

Respectfully submitted,

Aimee M. Hodges
Secretary, Zoning Board of Appeals

Peter Parsons

From: Lisa Pisera <LPisera@lewisborogov.com>
Sent: Monday, October 20, 2014 3:27 PM
To: 'Daniel X. Welsh'; 'Frank Kelly'; 'John Pappalardo'; 'Peter DeLucia'; 'Peter Parsons'
Subject: FW: COPIA

I received the following email earlier today.

Regards,

Lisa

Lisa Pisera
Planning Board Secretary

20 North Salem Road
PO Box 725
Cross River, New York 10518
914-763-5592

Office Hours

Tuesday, Wednesday and Thursday
9:00 a.m. - 3:00 p.m.

The Planning Board Office is also open on the Friday and Monday prior to Board Meeting dates.

For more information please visit the Planning Board webpage:

[Planning Board Home](#) | [Town of Lewisboro, New York](#)

From: Engjell Berisha [mailto:engjellberisha@gmail.com]
Sent: Monday, October 20, 2014 9:02 AM
To: planning@lewisborogov.com
Subject: COPIA

Dear Lisa,

I am writing this to express my concern on the impact that Copia business has on the East street neighborhood. Last year when my sitter walked my kids to camp pickup, she was in danger few times by cars turning into east street since there was no room for pedestrians to walk.....Copia had they truck and big tractor trailer parked on the side. after that, she refused to walk my kids to the camp since she felt it was to dangerous for her and kids to walk by the store. As his business grew, things are progressively gone bad for us. Mornings when i go to work, most of the time i have to slow down when approaching RT123 since incoming traffic does not see cars moved to the middle of east st since there are always trucks and forklifts. Visibility in that area is becoming very hectic. Forklifts in the AM are moving big plants in and out of trucks and the whole street is full of mud. Town park across the street often becomes staging for trucks to take turn to unload or load. Often that happens while school busses are parked in the town park along with commercial traffic for Copia. As of recently he purchased the home next to Copia and that now is becoming part of the business. Trucks, forklifts, other business vehicles backing up in and out of his residence are becoming a daily reality. Not sure if that property is intended for business, but certainly makes it very dangerous for cars to pass by and let alone for people to walk by. The mud area now stretches all the way to Briscoe rd. where trucks make U turns. In addition to trucks congesting East street, he also rides his forklift on east street way past Briscoe which now makes it even more dangerous for

people to walk and kids to ride bicycles. He does not ride the big caterpillar forklift to offer on east street but looks like it's on par to be a normal view since i highly doubt his mission is to improve neighborhood. He also recently began selling landscaping power machines and hung big ugly industrial sign on his fence advertising on east street. Now i have to believe soon we will be hearing power tools being tested repaired and reved, which even further gives the neighborhood the industrial look. Just last month Lewisboro Ledger had an article about him acquiring zone change and it seems like some town executives have no problem with that. Well, they need to have East street homeowners ask that since our neighborhood is being impacted badly from this business who is registered to operate from RT123 and not east st. East street section of COPIA looks horrible and and town park is used by his employees to park their vehicles. It is not my goal to stop his growing business, but want him to operate bug trucks and madness on RT123 and leave East st. alone for residents. I have plenty of pictures to back most of the above as well.

Since i am unsure of all responsible town personnel who would be concerned with this matter, i would appreciate if you can forward this email to them, or let m know who they are so i can forward.

Additionally, i would like to keep my identity private for now until I know more from the the town and their course of action.

Please let me know who else do i need to write or perhaps meet to discuss this further. If any of the town personnel would like to contact me to discuss the above they can reach me on this email or call me on my cell


Thank you,

Engjell Berisha

William E. Bowen
Lisa Margaret Smith

Immediate
neighbor.

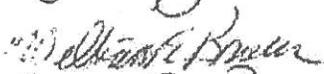
July 28, 2014

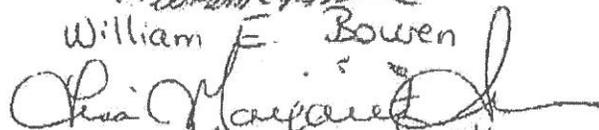
To Whom It May Concern,

We are the owners of the residential property at #9 East Street, located immediately adjacent to the home of Peter and Jenn Cipriano at #5 East Street, which is immediately adjacent to their business, Copia Home & Garden, located at 475 Smith Ridge Road, on the corner of East Street. We are aware of the request being made by the Ciprianos to alter the zoning of #5 East Street, and to modify the ^{East Street} curb cut and certain other portions of the Copia property, in order to accommodate tractor trailer deliveries and other requirements of their increasingly successful business. Although we recognize that having a commercially zoned property immediately next to our home may affect our property value, we also believe that the continuing success of Copia will benefit

the entire Vista community, including our street.
In offering our agreement to the proposal on the
July 24, 2014 plan we rely especially on there
being a significant plant barrier between our
property and the property at #5 East Street,
as well as along the front of that property,
where it faces East Street. On the understanding
that these plant barriers will be erected promptly
and maintained going forward, and that any use
of heavy equipment or other noise-making equipment
will be limited to reasonable hours during the
day, on the #5 East Street property, we are
willing to agree to the July 24, 2014 proposal.
Please feel free to contact us if you have
any questions.

Very truly yours,


William E. Bowen


Lisa Margaret Smith