

CONTENTS		
March 18, 2014		
AGENDA PACKET		
	CAL#	PAGE(S)
Agenda		2
Pinheiro Subdivision	1-14PB	3 - 23
<i>Cover Letter - Cronin Engineering</i>		4
<i>Project Description</i>		5 - 6
<i>Applications (Sketch Plan Review & Stormwater)</i>		7 - 16
<i>Kellard Sessions Memo - 3/11/2014</i>		17 - 22
<i>CAC Memo - 3/10/2014</i>		23
Hazelnut Farm	7-13PB	24 - 66
<i>Memo of Understanding (Soil and Water Conservation Committee) 3/25/2004</i>		25 - 32
<i>Agriculture Stormwater Permit Requirements</i>		33
<i>Responses to Kellard Sessions memo</i>		34
<i>WCHD Statement regarding Hazelnut Well - 2/4/2014</i>		35
<i>Letter from neighbors</i>		36
<i>Agriculture Date Statement</i>		37 - 42
<i>Declaration & Maintenance Agreement together with Easement</i>		43 - 47
<i>Horse Management Plan</i>		48 - 53
<i>Email from B. Somers to L. Bygott regarding number of horses</i>		54
<i>MS4</i>		55 - 56
<i>NYS DEC Letter - 1/16/2014</i>		57 - 59
<i>Kellard Sessions Memo - 3/11/2014</i>		60 - 64
<i>CAC Memo - 3/10/2014</i>		65 - 66
Popoli/Sicuranza		67 - 68
<i>Request for Extension of Time</i>		68
Roza-Gil		69 - 70
<i>Request for Extension of Time</i>		70

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 March 18, 2014
7:30 P.M.

Town Offices @ Cross River
Cross River Plaza, Cross River

Note: Meeting to end at or before 11:30 P.M.

I. PUBLIC HEARING - ADJOURNED

Rudolph C. Petruccelli, Oscaleta Road, South Salem, New York - Application for Subdivision Plat Approval and Wetland Activity Permit Approval to permit the construction of a three bedroom, single-family residence and associated deck, porch, driveway, walkway, landscaping, septic system, potable well, fencing and stormwater facilities. Cal # 8-12PB and Cal# 61-09 WP

II. DECISION

Rice/Arfa, Ridgefield Avenue, South Salem, New York – Application for Lot Line Change from Brian Rice, 159 Ridgefield Avenue, South Salem, New York and Johnathan Arfa and Barbara Bernstein, 149 Ridgefield Avenue, South Salem, New York. Cal # 10-13 PB

Christopher & Sandra Ramsay, 14 Benedict Road, South Salem – Cal# 9-11WV & Cal# 61-12WP

Rui Ferreira Oliveira, 8 Brookside Trail, South Salem – Application for Wetland Activity Permit Approval to install retaining wall, landscaping walls and drywell – Cal. #'s 25-12 WP/1-10 WV

III. SKETCH PLAN REVIEW

Pinheiro Subdivision, 93 Old Post Road (Route 35), Cross River – Application for Sketch Plan Review of a two lot subdivision - Cal # 1-14PB

IV. PROJECT REVIEW

Hazelnut Farms, 21 Waccabuc River Lane, South Salem, New York (Lynn Bygott, owner of record), Application for Waiver of Site Development Plan Procedures to construct a covered riding ring. Cal # 7-13PB

V. EXTENSIONS OF TIME

Pasquale Popoli & Angelo Sicuranza, 1437 Route 35, South Salem – Final Subdivision Plat Approval - Request for extension of time to meet requirements of amended approval resolution dated September 28, 2010 - Cal# 8-02 PB

Tatiana Rozo Gil, 1 Glen Drive, Vista – Cal# 3-11WV – Request for extension of time to meet requirements of Wetland Implementation Permit, Permit # 71-11WP

VI. DISCUSSION

VII. CORRESPONDENCE AND GENERAL BUSINESS

VIII. MINUTES OF February 25, 2014

Pinheiro Subdivision

**Application for Sketch Plan
Review**

Cal # 1-14PB

February 12, 2014

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

RECEIVED
2/18/14
Hand
Delivered

Re: *Pinheiro Subdivision*
930 Old Post Road (Route 35)

FILE COPY

Dear Mr. Kerner and Members of the Planning Board:

The above referenced project was discussed at a Pre-Application meeting with the Town's Consulting Planner, Jan Johannessen, on January 30, 2014. The project involves the subdivision of a lot in the R-1A Zoning District that contains an existing residence, pool with deck surround and a detached garage. The subdivision would result in the creation of a new building lot for a single family residence, for a total of two lots.

Find enclosed the following information for this submission:

1. Copy of the Application for Sketch Plan Review.
2. Copy of the Wetland Permit Application.
3. Copy of the Stormwater Permit Application.
4. Application fees of \$615.
5. Escrow of \$2,000.
6. Copy of the Short Environmental Assessment Form.
7. Twelve copies of the Preliminary Subdivision Plan set, dated February 12, 2014.
8. Twelve copies of the Preliminary Subdivision Plat.
9. Affidavit of Ownership.
10. Affidavit of tax Payment
11. Twelve copies of the project site aerial map.

Kindly place this on the March 18, 2014 Planning Board agenda for discussion. Should you have any questions or require additional information, please contact me at the above number. Thank you for your time and consideration in this matter.

Respectfully submitted,



Keith C. Staudohar, CPESC CPSWQ
Cronin Engineering P.E. P.C.

cc: Fernando & Maria Pinheiro w/ encl.
Brad Schwartz, Esq. w/ encl.

ZARIN & STEINMETZ
ATTORNEYS AT LAW
81 MAIN STREET
SUITE 415
WHITE PLAINS, NEW YORK 10601

FILE
2/18/14

FILE COPY

DAVID S. STEINMETZ*
MICHAEL D. ZARIN
DANIEL M. RICHMOND
BRAD K. SCHWARTZ

TELEPHONE: (914) 682-7800
FACSIMILE: (914) 683-5490
WEBSITE: WWW.ZARIN-STEINMETZ.NET

DAVID J. COOPER
JODY T. CROSS*
JEREMY E. KOZIN
KRISTA E. YACOVONE

* ALSO ADMITTED IN D.C.
* ALSO ADMITTED IN CT
* ALSO ADMITTED IN NJ

MARSHA RUBIN GOLDSTEIN
HELEN COLLIER MAUCH*
LISA F. SMITH*
OF COUNSEL

February 14, 2014

Via Hand Delivery

Hon. Jerome Kerner
and Members of the Town of Lewisboro Planning Board
Cross River Shopping Center at Orchard Square
Suite L (Lower Level)
20 North Salem Road
Cross River, NY 10518

**Re: Fernando and Maria Pinheiro
Application for Sketch Plan Review of 2-lot Subdivision
930 Rte. 35, Sheet 20, Block 10801, Lot 13 (the "Property")**

Dear Chairman Kerner and Members of the Planning Board:

We represent Fernando and Maria Pinheiro, owners of the Property located at 930 Old Post Road (Route 35) in Cross River, New York. The Property measures approximately 2.94 acres, and is located in an R-1A zoning district. The Pinheiros reside in the existing home on the Property.

We are pleased to submit this Application for Sketch Plan Review of a proposed 2-lot subdivision of the Property. We make this submission in advance of your Board's meeting on March 18, 2014, and respectfully request placement on your Agenda that evening. Enclosed please find copies of all the relevant technical materials in support of this Application, prepared by Cronin Engineering P.E., P.C.

As discussed during our Pre-Submission Conference with the Town Planner, we have presented two (2) alternative sketch plans for your Board's review. The proposed Lots 1 and 2 would comply with all applicable zoning requirements under both plans. The primary difference between the two plans is that in Sketch Plan 1, most of the disturbance of the Town wetland buffer would be due to the location of the septic system for the new home on Lot 2, whereas in Sketch Plan 2, most of the disturbance of the Town wetland buffer would be due to the location of the new home on Lot 2. The amount of Town wetland buffer disturbance would

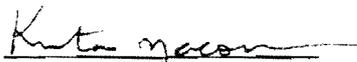
Hon. Jerome Kerner and Members of the Planning Board
February 14, 2014
Page 2

be comparable under both scenarios (*i.e.*, approximately 0.2 acres). The Pinheiros do not have a strong preference, and seek your Board's input as to which option to pursue in this subdivision application.

The Pinheiros look forward to appearing before the Planning Board on March 18th. Please do not hesitate to contact us should you have any questions.

Respectfully submitted,

ZARIN & STEINMETZ

By: 
Krista E. Yacovone

Encls.

cc: Jan Johannessen, AICP
Fernando and Maria Pinheiro
Tim Cronin III, P.E/Keith C. Staudohar, CPESC CPSWQ (Cronin Engineering)
Brad K. Schwartz, Esq. (Zarin & Steinmetz)

TOWN OF LEWISBORO PLANNING BOARD

P. O. Box 725, Cross River, New York 10518 TEL (914) 763-5592 / FAX (914) 763-3637

e-mail planning@lewisborogov.com

RECEIVED
2/15/14

STEP 1: APPLICATION FOR SKETCH PLAN REVIEW (SUBDIVISION)

Call#
1-14 PB
\$205 need
check #
104
(2625)

SUBDIVISION FOR PINHEIRO zoning district R-1A
project name

930 OLD POST RD. (ROUTE 35) tax sheet 20 block 10801 lot 13
site location

2.942 site acreage Is the site located within 500 FT of any Town boundary? YES NO

2 number of proposed lots Is the site located within the New York City Watershed? YES NO

N/A length of new streets Is the site located on a State of County Highway? Route # 35 YES NO

CRONIN ENGINEERING PE PC 39 ARLO LANE CORTLANDT MANOR NY-10567
engineer's name address phone 914-736-3664

RKW LAND SURVEYING, 22 EAST AVE., PO BOX 788, NEW CANAAN CT 06840
surveyor's name address phone 203-438-4177

ALL SUBMITTED PLANS AND DOCUMENTS SHALL BEAR AN ORIGINAL SIGNATURE, SEAL AND LICENSE NUMBER OF THE PROFESSIONAL RESPONSIBLE FOR PREPARING EACH ITEM

ALL PLANS SHALL BE EQUAL IN SHEET SIZE, COLLATED INTO STAPLED FOLDED SETS. THIRTEEN (13) COMPLETE SETS ARE REQUIRED.

THE FOLLOWING MATERIALS SHALL BE ATTACHED:

- SKETCH PLAN per Section 195-14 of the Land Subdivision Regulations.
- WRITTEN NARRATIVE describing the environmental character, physical features and scope of the proposed action.
- COMPLETED AFFIDAVIT OF OWNERSHIP FORM certifying owner of record as of date of the application.
- COMPLETED AFFIDAVIT FROM RECEIVER OF TAXES certifying payment of all taxes and assessments due.
- FILING FEE: See attached Application Fee Schedule. Check(s) are payable to: *Town of Lewisboro.*
- INITIAL ESCROW DEPOSIT payable to: *TOWN OF LEWISBORO* (see Planning Board Secretary).

SUGGESTED:

- SKETCH CONSTRUCTION PLANS, AND DETAILS.
- TOPOGRAPHIC SURVEY per Appendix A-2 of the Land Subdivision Regulations, showing two-foot contour intervals.
- MAP OF CONTIGUOUS HOLDINGS per Appendix A-3 of the Land Subdivision Regulations.
- WETLAND DELINEATION per Chapter 217 Wetlands and Watercourse Law, with NYSDEC endorsement where appropriate.

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 and 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 or her knowledge and belief and authorizes visitation and inspection of the subject property by the Town of Lewisboro and its agents.

FERNANDO PINHEIRO 930 OLD POST RD 914-953-8267 x [Signature] date 02-12-14
applicant's name address phone signature

FERNANDO PINHEIRO 930 OLD POST RD 914-953-8267 x [Signature] date 02-12-14
owner's name address phone signature

Date of receipt by Planning Board Secretary _____ Application ID: SUB # _____

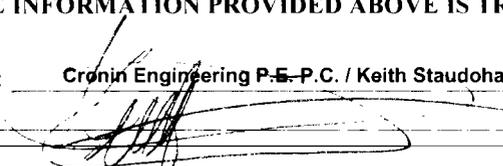
617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part I - Project Information. The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I 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 I. 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 I - Project and Sponsor Information			
Name of Action or Project: Subdivision for Pinheiro			
Project Location (describe, and attach a location map): 930 Old Post Road (Route 35)			
Brief Description of Proposed Action: Two lot subdivision for the creation of one new building lot for a single family residence.			
Name of Applicant or Sponsor: Fernando Pinheiro		Telephone: 914-953-8267	
		E-Mail: n/a	
Address: 930 Old Post Road			
City/PO: Cross River		State: NY	Zip Code: 10518
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.			NO
			YES
			<input checked="" type="checkbox"/>
			<input type="checkbox"/>
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:			NO
			YES
			<input type="checkbox"/>
			<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>2.942</u> acres	
b. Total acreage to be physically disturbed?		<u>0.50</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>2.942</u> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

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: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Cronin Engineering P.E.-P.C. / Keith Staudohar</u>	Date: <u>02-12-14</u>	
Signature: 		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Lewisboro Planning Board	February 12, 2014
Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

AFFIDAVIT OF OWNERSHIP

STATE OF)
COUNTY OF) ss:

FERNANDO PINHEIRO, being duly sworn, deposes and says that

~~she~~he resides at 930 OLD POST ROAD

in the County of: WESTCHESTER

State of: NEW YORK

And that ~~she~~he is (check one) (1) the owners, or (2) the OWNER
Title

of _____
name of corporation, partnership or other legal entity

which is the owner, in fee of all that certain lot, piece or parcel of land situated, lying and being in the Town of Lewisboro, New York, aforesaid and known and designated on the Tax Map in the Town of Lewisboro as Lot Number 13

Block 10801 on sheet 20

For (check one):

- SKETCH PLAN REVIEW PRELIMINARY SUBDIVISION PLAT FINAL SUBDIVISION PLAT
- SITE DEVELOPMENT PLAN SPECIAL USE PERMIT WAIVER OF SITE PLAN PROCEDURES
- WETLAND PERMIT STORMWATER PERMIT FILING WITH WESTCHESTER COUNTY CLERK

[Signature]
Signed

Sworn to before me this
12th day of FEBRUARY, 2014

[Signature]
Notary public (only stamp)
KEITH STAUDOHAR
Notary Public, State of New York
No. 01ST4969672
Qualified in Dutchess County
Term Expires December 16, 2017

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)

FERNANDO PINHEIRO
name of applicant

SUBDIVISION FOR PINHEIRO
project name

property description:
tax sheet 20
block 10801
lot 13

property assessed to:
name FERNANDO & MARIA PINHEIRO
address 930 OLD POST ROAD
CROSS RIVER NY 10518

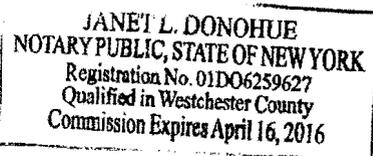
application type (check one)

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

NO OUTSTANDING TAXES ARE DUE: [Signature]
Receiver of Taxes

2.12.14
Date

Sworn before me this
12 day of February 2014
[Signature]



Application No.: 01-14 SW
Fee: \$155 Date: 2-18-14

TOWN OF LEWISBORO STORMWATER PERMIT APPLICATION

Town Offices @ Orchard Square, Suite L (Lower Level), 20 North Salem Road, Cross River, NY 10518
Phone: (914) 763-5592
Fax: (914) 763-3637

Project Information

Project Address: 930 OLD POST ROAD

Sheet: 20 Block: 10801 Lot(s): 13

Project Description (describe overall project including all proposed land development activities):
PROPOSED 2-LOT SUBDIVISION FOR ONE NEW LOT FOR A NEW SINGLE FAMILY HOUSE

Owner's Information

Owner's Name: FERNANDO PINHEIRO Phone: 914.953.8267

Owner's Address: 930 OLD POST ROAD Email: —

Applicant's Information (if different)

Applicant's Name: SAME Phone: _____

Applicant's Address: _____ Email: _____

Authorized Agent's Information

Agent's Name: CRONIN ENGINEERING PE PC Phone: 914 763 3514

Agent's Address: 39 ARLO LANE, CORTLANDI MANOR NY 10567 Email: KEITH@CRONINENGINEERING.COM

To Be Completed By Owner/Applicant/Agent

1. The approval authority is? (see §189-5 of the Town Code)
 Town Engineer and SMO Planning Board
2. Is the project located within the NYCDEP Watershed? Yes No
3. Total area of proposed disturbance: 5,000 s.f. - < 1 acre ≥ 1 acre
4. Will the project require coverage under the NYSDEC General Permit for Stormwater Discharges from Construction Activity? Yes No Requires post-construction stormwater practice
5. Does the proposed action require any other permits/approvals from other agencies/departments? (Wetland Inspector, Planning Board, Town Board, Zoning Board of Appeals, Building Department, Town Highway, ACARC, NYSDEC, NYCDEP, WCDOH, NYSDOT, etc): Identify all other permits/approvals required: PLANNING BOARD - SUBDIVISION, WETLAND, STORMWATER, BLDG PERMIT, W-DA - SUBDIVISION, NYSDOT - HIGHWAY PERMIT, NYCD - STORMWATER

Note: The applicant, owner and/or agent is responsible for reviewing and complying with Chapter 189, "Stormwater Management and Erosion and Sediment Control," of the Town Code. This application must be submitted with all applicable plans, reports and documentation specified under §189-8, "SWPPP requirements," of the Town Code; all SWPPP's shall be prepared in conformance with Chapter 189 and shall be prepared by a qualified professional, as defined therein. The provision for obtaining a Town Stormwater Permit is in addition to the requirement of obtaining coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity, if applicable.

Owner/Applicant Signature: [Signature] Date: 02/12/14

Application No.: 07-14 WP
Fee: 255 Date: 2/18/14

TOWN OF LEWISBORO WETLAND PERMIT APPLICATION

Town Offices @ Orchard Square, Suite L (Lower Level), 20 North Salem Road, Cross River, NY 10518
Phone: (914) 763-5592
Fax: (914) 763-3637
planning@lewisborogov.com

Project Information

Project Address: 930 OLD POST ROAD
Sheet: 20 Block: 10801 Lot(s): 13

Project Description (identify the improvements proposed within the wetland/wetland buffer and the approximate amount of wetland/wetland buffer disturbance):
PROPOSED 2-LOT SUBDIVISION FOR ONE NEW LOT FOR A NEW HOUSE, APPROXIMATELY 0.20 ACRES OF BUFFER DISTURBANCE

Owner's Information

Owner's Name: FERNANDO PINHEIRO Phone: 914-953-8267
Owner's Address: 930 OLD POST ROAD Email: _____

Applicant's Information (if different)

Applicant's Name: SAME Phone: _____
Applicant's Address: _____ Email: _____

Authorized Agent's Information (if applicable)

Agent's Name: CRONIN ENGINEERING PE PC Phone: 914-736-3664
Agent's Address: 39 ARLO LANE, CORTLANDT MANDR NY 10567 Email: KEITH@CRONINENGINEERING.NET

To Be Completed By Owner/Applicant

- What type of Wetland Permit is required? (see §217-5C and §217-5D of the Town Code)
 Administrative Planning Board
- Is the project located within the NYCDEP Watershed? Yes No
- Total area of proposed disturbance: < 5,000 s.f. 5,000 s.f. - < 1 acre ≥ 1 acre
- Does the proposed action require any other permits/approvals from other agencies/departments? (Planning Board, Town Board, Zoning Board of Appeals, Building Department, Town Highway, ACARC, NYSDEC, NYCDEP, WCDOH, NYSDOT, etc): Identify all other permits/approvals required: PLANNING BOARD - SUBDIVISION, WETLAND, STORMWATER; BLDG DEPT - BLDG PERMIT WCDH - SUBDIVISION, NYSDOT - HIGHWAY PERMIT, NYCDEP - STORMWATER

Note: Initially, all applications shall be submitted with a plan that illustrates the existing conditions and proposed improvements. Said plan must include a line which encircles the total area of proposed land disturbance and the approximate area of disturbance must be calculated (square feet). The Planning Board and/or Town Wetland Inspector may require additional materials, information, reports and plans, as determined necessary, to review and evaluate the proposed action. If the proposed action requires a Planning Board Wetland Permit, the application materials outlined under §217-7 of the Town Code must be submitted, unless waived by the Planning Board. The Planning Board may establish an initial escrow deposit to cover the cost of application/plan review and inspections conducted by the Town's consultants.

For administrative wetland permits, see attached Administrative Wetland Permit Fee Schedule.

Owner/Applicant Signature: [Signature] Date: 02.12.14

NANDO A PINHEIRO
MARIA M PINHEIRO
PO BOX 445
CROSS RIVER, NY 10518-0445

104

1-1288/260 9023
5591577282

2/12/2014
Date

Pay to the
Order of

Town of Lewisboro
Six thousand five hundred ~~no~~ / 100
\$ 615.00
100



Wells Fargo Bank, N.A.
New York
wellsfargo.com

[Handwritten signature]

For

⑆026012881⑆ 5591577282⑆ 00104

Cal # 5

1-14 PB \$ 205

7-14 WP \$ 255

1-14 SW \$ 155

MEMORANDUM

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

CC: Lisa Pisera
Lawrence Praga, Esq.

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

DATE: March 11, 2014

RE: Pinheiro Subdivision
Sketch Plan Review - Subdivision, Wetland Permit & Stormwater Permit
930 Old Post Road
Sheet 20, Block 10801, Lot 13

Project Description

The subject property is located on the north side of NYS Route 35, ±1,500 l.f. east of its intersection with NYS Route 121. The subject property consists of ±2.9 acres of land, is located within the R-1A Zoning District and contains a single-family residence, detached garage, paved driveway, pool, septic system and potable water well. The applicant is proposing a 2-lot subdivision and the construction of a 4-bedroom residence, driveway, septic system and potable water well. Wetlands are located on or immediately off-site and improvements are proposed within the Town's 150-foot wetland buffer; the wetland is also jurisdictional to the New York State Department of Environmental Conservation (NYSDEC); however, no disturbance is currently proposed within the NYSDEC 100-foot Wetland Adjacent Area.

We note that the subject property abuts the Town-owned Momsen Preserve, located immediately to the north of the subject property.

SEQRA

The proposed action is an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and a coordinated review is not required. The Planning Board is required to issue a Determination of Significance before acting upon the pending application.

Required Approvals

1. Preliminary and Final Subdivision Plat Approval is required from the Planning Board.
2. A Wetland Activity Permit is required from the Planning Board.
3. A public hearing is required to be held on the Preliminary Subdivision Plat and Wetland Activity Permit.
4. Realty subdivision approval is required from the Westchester County Department of Health (WCDH).
5. Access onto NYS Route 35 requires a Highway Work Permit from the New York State Department of Transportation (NYSDOT).
6. Proposed land disturbance will exceed 5,000 s.f.; a Town Stormwater Permit is required from the Planning Board and the applicant will be required to obtain coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001).

Short EAF Review

Project Description: The project description should be revised to include a discussion of the proposed development on Lot 2.

- 1.2: Provide a list of all applicable involved agencies and associated permits/approvals required.
- 1.4: The applicant should also mark "parkland".
- 1.15: According to the NYSDEC Environmental Resource Mapper, the subject property may contain or may be in proximity to a site that may contain threatened and endangered plants;

Chairman Jerome Kerner, AIA

March 11, 2014

Page 3

additional information may need to be obtained from the NYSDEC and/or the applicant's environmental consultant to verify the absence of these species on the subject property.

Plan Comments

1. The applicant has provided two (2) layout alternatives for the Board's consideration and for discussion purposes. Sketch Plan 1 locates more than half of the proposed residence outside of the Town's wetland buffer and the majority of the septic system within the buffer. Sketch Plan 2 locates almost the entire house within the buffer, while the primary septic system has been located outside of the regulated area. In either scenario, both lots appear zoning compliant, the amount of buffer disturbance proposed is substantially similar (± 0.5 acres) and the driveway location/configuration remains essentially the same. Further, in both alternatives, the septic system expansion and stormwater management areas are proposed within the wetland buffer.

The following comments should be considered/addressed prior to selecting a preferred alternative:

2. In selecting a preferred layout, the Planning Board should consider Section 217-6C of the Wetland Ordinance, which discourages the location of septic systems within the wetland buffer. This Code section goes on to state that locating a septic system within the buffer shall only be considered when all other potential feasible alternatives have been thoroughly explored and determined to be infeasible.
3. While Sketch Plan 2 locates the primary septic laterals outside of the Town's wetland buffer, the majority of the proposed expansion area is located within the buffer. Should the Board wish to reduce the extent of improvements proposed within the buffer (house and septic) the Board could consider a reduction in the number of bedrooms, reduction in the size or reorientation of the house, and potentially relocating the proposed lot line in a southerly direction to increase the size of Lot 2 and allow the house and septic to be pushed further away from the wetland. Should the latter be considered, the proposed expansion area and existing well for Lot 1 would need to be relocated as would the proposed well for Lot 2. It is recommended that the applicant further investigate this option to determine feasibility.
4. The limit of disturbance line appears tight around the house and provides for a small and perhaps unrealistic rear yard. The applicant should consider reorienting the house so that it faces southwest; this may allow for a larger rear yard without future encroachment into the NYSDEC Wetland Adjacent Area.

Chairman Jerome Kerner, AIA

March 11, 2014

Page 4

5. All components of the proposed septic system should be illustrated on the plan.
6. We note that the location of the septic laterals and well associated with the existing residence on Lot 1 are "as per owner". The applicant should obtain available information from the WCDH regarding the as-built location of the septic system and well and verify the location of same in the field.
7. The plans should be revised to graphically illustrate the limits of the contiguous buildable area.
8. The Zoning Data Charts should be revised to include the front yard setback requirement, as measured from the street centerline. Further, the contiguous buildable area note should be revised to identify that slopes $\geq 15\%$ are deducted from the gross lot area (not $> 15\%$, as identified).
9. The existing conditions survey referenced under Note #4 on Sheet EX-1.1 should be submitted for review. Similarly, Filed Map #18396 referenced under Note #6 should be submitted.
10. The most current property deed should be submitted for review.
11. The Planning Board may wish to conduct a site visit.

The following comments should be addressed following the Board's selection of a preferred alternative:

12. The applicant should submit a wetland delineation report; this report should include the items required per Sections 217-7A(5) and (6) of the Wetland's Ordinance.
13. When weather permits, this office will confirm the wetland boundary line. The NYSDEC will also need to confirm the wetland boundary and the NYSDEC wetland validation block should be added to the plans and to any future subdivision plat.
14. The applicant should quantify the area of proposed wetland buffer disturbance and submit a wetland mitigation plan. We note that the Wetland Ordinance strives for a 1:1 mitigation ratio and a no-net-loss of wetlands and buffers.

Chairman Jerome Kerner, AIA

March 11, 2014

Page 5

15. The applicant should submit a full set of construction drawings, complete with all necessary and applicable notes and details.
16. The applicant shall mitigate stormwater runoff by treating the increase in runoff generated by the additional impervious area. Given the amount of disturbance proposed, stormwater management practices must be designed to mitigate the 25-year storm event.
17. Future ancillary improvements such as decks, patios, and walkways should be illustrated on Lot 2. It is recommended that any stormwater infiltration system proposed on Lot 2 be oversized to accommodate additional impervious coverage that may result when the lot is to be developed.
18. The proposed driveway surface type should be identified on the plans.
19. Soil deep and percolation testing for the proposed stormwater mitigation system must be witnessed by this office; test locations and results should be included on the plan.
20. The existing roof leader discharge locations associated with the existing house and garage should be illustrated on the plans.
21. A profile associated with the Lot 2 driveway should be provided; sight distance calculations and profiles looking east and west on NYS Route 35 should also be provided.
22. The plans should include standard NYSDOT notes and details, including a Maintenance and Protection of Traffic Plan and a driveway apron detail, compliant with NYSDOT standards.
23. It appears that the incorrect tax parcel has been highlighted/identified on the Vicinity Map.
24. Following a determination of the preferred layout, the applicant should submit Step II of the Subdivision Application and submit a preliminary subdivision plat and construction drawings prepared in accordance with Appendix A of the subdivision regulations.

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

Chairman Jerome Kerner, AIA

March 11, 2014

Page 6

Plans Reviewed, prepared by Cronin Engineering and dated February 12, 2014:

- Existing Conditions (EX-1.1)
- Subdivision Sketch Plans (SK-2.1)
- Aerial Vicinity Map

Documents Reviewed:

- Letter from Cronin Engineering, dated February 12, 2014
- Letter from Zarin & Steinmetz, dated February 14, 2014
- Step 1: Application for Sketch Plan Review
- Short Environmental Assessment Form
- Wetland Permit Application
- Stormwater Permit Application

JKJ/JMC/DJS/dc

TO: Town of Lewisboro Planning Board

FROM: Lewisboro Conservation Advisory Council (CAC)

SUBJECT: Fernando & Maria Pinheiro
Project Review for Owner/Developer
930 Old Post Road (Route 35), South Salem, NY 10590

DATE: March 10, 2014

The Conservation Advisory Council (CAC) has reviewed the Pinheiro Subdivision Plan for consideration of both the Lewisboro Wetlands/Watercourses, and the NYSDEC Buffer Area limits.

Two potential sketch plans are presented by the Applicant. Although both plans locate the new construction outside of the NYSDEC Buffer area, in each case some structures intrude into the local wetland buffer. The following specific concerns and questions arise from our review of the plans and drawings at our March 3, 2014 meeting:

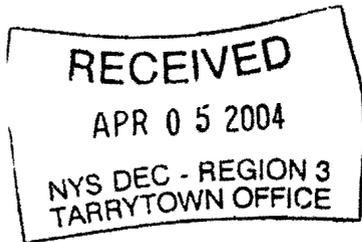
We appreciate that two sketch plans have been submitted, each a compromise in some way, in building a 4-bedroom house. But the barely sized parcels and placement of necessarily large septic systems beg the question of whether a smaller structure would not better suit this subdivided parcel.

The CAC would ask that consideration be made of an alternative plan building a more appropriate sized house for the parcel - perhaps a 2 or 3 bedroom house – with an appropriately sized (and likely smaller) septic system.

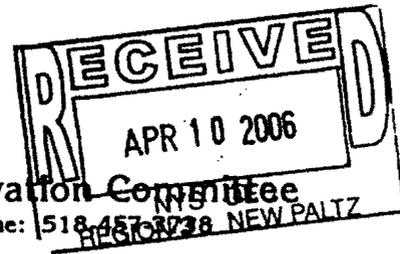
In addition, the lot line is limited by the placement of the existing house septic system, which is reported but not confirmed at that location. If the existing septic system does not extend that far, perhaps the back line of the lot could be more diagonal, which might allow placement of the proposed house and septic further from the wetland buffer.

We feel that a site walk would help better understand the constraints of this proposal.

**Hazelnut Farms
Application for Waiver of Site
Development Plan Procedures
Cal# 7-13PB**



P. Ferrisone



New York State Soil and Water Conservation Committee
1 Winners Circle - Albany, New York 12235 -- Telephone: 518-457-3238

TO: Soil & Water Conservation Districts

FROM: Michael J. Latham

DATE: March 25, 2004

SUBJECT: Memorandum of Understanding

Attached is a Memorandum of Understanding between the NYS Department of Environmental Conservation (DEC), the NYS Soil and Water Conservation Committee (SWCC) and the NYS Department of Agriculture and Markets (AGMKT) that establishes an exemption for the implementation of Agricultural Best Management Practices as it relates to the NYS SPDES General Permit (GP-02-01) for construction activity.

As you already know, erosion and sediment control planning and implementation is necessary to protect water quality during construction activity. The installation of Agricultural Best Management Practices may be exempt from obtaining the SPDES General Permit, however, the development and implementation of an erosion and sediment control plan is still paramount. In the event a contravention to water quality standards occurs, projects are subject to inspection by DEC and potential penalties could arise.

This exemption will be reviewed periodically by the three parties mentioned above to discuss its continuation. Therefore, it is imperative that we maintain the current strong level of confidence that DEC has in our ability to put conservation on the ground at no detriment to the environment

Additional outreach information about this topic will be forthcoming. If questions arise over unique applications of this exemption, please contact your regional DEC office for clarification.

Cc: Rick Zimmerman
Ron Kaplewicz
DEC Regional Directors
DEC Regional Water Engineers
Walt Grajko
Joe Del Vecchio
Lois New
Angus Eaton
Gerry Chartier
SWCC Staff

Clarification of the MOU for Implementation of Agricultural Best Management Practices - SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01)

Operational & Vegetative Agricultural Management Practices that do not require obtaining the Stormwater Permit or implementation of Sediment & Erosion Control Practices during Construction Activities

Conservation Tillage
 Minimum Till
 No Till
Contour Farming
Cover and Green Manure Crop
Critical Area Protection
 Permanent Vegetative Cover
Crop Rotation
Filter Strips
Integrated Pest Management
 Biological Controls
 Cultural Practices
 Resistant Crop Varieties
 Scouting
 Trap Crops
Irrigation Water Management
 Scheduling
Nutrient Management
 Fertilizer Management
 Land application of Manure
 Manure Nutrient Analysis
 Soil Testing
Pathogen Management
Pesticide Management
 Computerized Precision Application
 Evaluation of Site Specific Leaching and Surface Loss Potential
 Pesticide Application Education and Training
 Proper Equipment Calibration
 Proper Timing of Pesticide Application
 Read and Follow the Label Directions
Riparian Forest Buffer
Stripcropping

Agricultural Management Practices that are exempt from the Stormwater Permit, BUT are required to implement the proper Sediment & Erosion Control Practices during Construction Activities *

Access Road Improvement
Alternative Water Supply (Ponds, if designated)
Barnyard Runoff Management System
Constructed Wetlands
Critical Area Protection
 Streambank and Shoreline Protection
Diversions
Fencing
Grassed Waterways
Irrigation Water Management
 Trickle Irrigation
Nutrient Management
 Anaerobic Digestion
 Composting
 Manure Storage System
Nutrient/Sediment Control System
Pasture Management: Short Duration Grazing System
Pesticide Handling Facility
Petroleum Product Storage, Spill Prevention and Containment
Silo Leachate Control
Terraces

Activities that do require the Stormwater Permit and implementation of Sediment & Erosion Control Practices during Construction Activities *

Construction Activities (that disturb greater than 1 acre):
 Barns
 Buildings
 Houses
 Silos (including Bunks)
 Stock Yards or Pens
 Ponds

* Activities with Total Soil Disturbance Greater than 5 Acres will require a Full C.V.PPP (including Water Quality and Quantity Controls) [does not include field practices]



Construction on Agricultural Land

Exemptions from New Stormwater Requirements

Did you know that if your project disturbs **one (1) or more acres of land** you may need a permit for stormwater discharges from the site?

Exempt Projects

Construction of **some, but not all**, agricultural Best Management Practices (BMPs) that result in improved soil management and water quality are exempt from stormwater permit requirements.

The following BMPs that meet USDA Natural Resources Conservation Service (NRCS) Standards and Specifications are exempt from permit requirements:

- Operational and vegetative BMPs listed in Table II of the *Agricultural Management Practices Catalogue for NPS Pollution in NYS* (available from DEC).
- Structural BMPs listed in Table II of the *Agricultural Management Practices Catalogue for NPS Pollution in NYS*, if the practice:
 - a. improves water quality or reduces soil erosion,
 - b. does not degrade water quality or substantially worsen water quantity fluctuations,
 - c. is planned and designed to USDA-NRCS standards and specifications,
 - d. is constructed in a manner consistent with the current version of the *NY Standards and Specifications for Erosion and Sediment Control*, and
 - e. disturbs less than five (5) acres.
- Wetland reconstruction projects installed in a manner consistent with the current version of the *NY Standards and Specifications for Erosion and Sediment Control* (available from DEC).

Table II. Agricultural Management Practices by Category and Lifespan (Continued)

Management Practices	Management Practice Categories			Management Practice Lifespan
	Operational	Vegetative	Structural	
Pathogen Management	●			Temporary/Permanent
Pasture Management: Short-Duration Grazing Systems		●	●	Permanent
Pesticide Management - Computerized Precision Application - Evaluation of Site-Specific Leaching and Surface Loss Potential - Pesticide Application Education and Training - Pesticide Handling Facility - Proper Equipment Calibration - Proper Timing of Pesticide Application - Read and Follow the Label Directions	● ● ● ● ● ● ●		●	Temporary Temporary Temporary Permanent Temporary Temporary Temporary
Petroleum Product Storage, Spill Prevention and Containment	●		●	Temporary/Permanent
Riparian Forest Buffer		●		Permanent
Silo Leachate Control	●	●	●	Temporary/Permanent
Stripcropping	●	●		Temporary
Terraces			●	Permanent

Table II. Agricultural Management Practices by Category and Lifespan (Continued)

Management Practices	Management Practice Categories			Management Practice Lifespan
	Operational	Vegetative	Structural	
Filter Strips		●		Permanent
Grassed Waterway		●	●	Permanent
Integrated Pest Management (IPM): - Biological Controls - Cultural Practices - Resistant Crop Varieties - Scouting - Trap Crops	● ● ● ● ●	● ● ●		Temporary Temporary Temporary Temporary Temporary
Irrigation Water Management: - Scheduling - Trickle Irrigation	● ●		●	Temporary Permanent
Nutrient Management: - Anaerobic Digestion - Composting - Fertilizer Management - Land Application of Manure - Manure Nutrient Analysis - Manure Storage System - Soil Testing	● ● ● ● ● ● ●		● ● ●	Temporary/Permanent Temporary/Permanent Temporary Temporary Temporary Permanent Temporary
Nutrient/Sediment Control System		●	●	Permanent

Table II. Agricultural Management Practices by Category and Lifespan

Management Practices	Management Practice Categories			Management Practice Lifespan
	Operational	Vegetative	Structural	
Access Road Improvement		●	●	Permanent
Alternative Water Supply	●		●	Temporary/Permanent
Barnyard Runoff Management System	●	●	●	Permanent
Conservation Tillage: - Minimum-Till - No-Till	● ●	● ●		Temporary Temporary
Constructed Wetlands		●	●	Permanent
Contour Farming	●			Temporary
Cover and Green Manure Crop	●	●		Temporary
Critical Area Protection: - Permanent Vegetative Cover - Streambank and Shoreline Protection	●	● ●	●	Permanent Permanent
Crop Rotation	●	●		Temporary
Diversions		●	●	Permanent
Fencing			●	Permanent

MEMORANDUM OF UNDERSTANDING
BETWEEN
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AND
NYS DEPARTMENT OF AGRICULTURE AND MARKETS
AND
NYS SOIL AND WATER CONSERVATION COMMITTEE
FOR
IMPLEMENTATION OF AGRICULTURAL BEST MANAGEMENT PRACTICES
IN CONFORMANCE WITH
THE SPDES GENERAL PERMIT FOR STORMWATER
DISCHARGES FROM CONSTRUCTION ACTIVITY, GP-02-01

Background

The New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Agriculture and Markets (NYSDA&M), and the New York State Soil and Water Conservation Committee (NYSSWCC) have worked cooperatively to support implementation of agricultural best management practices (AgBMP's). The implementation of these AgBMP's result in improved soil management and water quality.

However, some of the AgBMP's could be required to obtain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01). This Memorandum of Understanding clarifies which AgBMP's must be authorized by SPDES permit and which may proceed without such permitting.

Clarification

1. Operational and vegetative agricultural best management practices (BMP's), as identified in Table II (attached) of the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" are agricultural activities exempt from requirements to obtain authorization to discharge construction stormwater under a SPDES permit.
2. Practices that are structural as identified in Table II in the "Agricultural Management Practices Catalogue for Nonpoint Source Pollution in New York State" are agricultural activities exempt from requirements to obtain authorization to discharge construction stormwater under a SPDES permit provided that such practice:
 - a. improves water quality or reduces soil erosion,
 - b. does not degrade water quality or substantially exacerbate water quantity fluctuations,
 - c. has been planned and designed to USDA/NRCS standards and specifications,
 - d. is constructed in a manner consistent with the current version of the "New York Standards and Specifications for Erosion and Sediment Control", as prepared by the Urban Erosion and Sediment Control Committee, and
 - e. disturbs less than 5 acres.

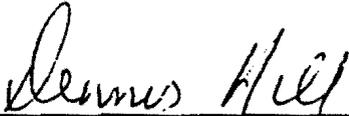
3. Wetland reconstruction projects installed in a manner consistent with the current version of the "New York Standards and Specifications for Erosion and Sediment Control", as prepared by the Urban Erosion and Sediment Control Committee, are agricultural activities exempt from requirements to obtain authorization to discharge construction stormwater under a SPDES permit.

4. Construction activities not set forth in clarification one, two, or three, such as construction of a barn or other agricultural building, silo, stock yard or pen, are not exempt by virtue of their status as agricultural activities.



Sandra Allen, Director, Division of Water
NYS Department of Environmental Conservation

dated: SEP 10, 2003



Dennis Hill, Chair
NYS Soil and Water Conservation Committee

dated: 9/16/03, 2003



Ruth Moore, First Deputy Commissioner
NYS Department of Agriculture and Markets

dated: September-15, 2003

Andy Cheung

From: bounce-2765449-3454312@list.cornell.edu on behalf of ROBERT BROWER
<bobbrower@wildblue.net>
Sent: Thursday, June 05, 2008 3:15 PM
To: AEM Planner List serve
Cc: Jackie Lendrum
Subject: tis the season for farm construction
Attachments: AgSWPermitRequirements.xls

Planners,

Please see the following message from Jackie Lendrum of the NYS DEC CAFO Program.

Regards

Bob Brower, CNMP SPecialist
NYSSWCC
518-483-7690
bobbrower@wildblue.net

This is a reminder that farm construction activities (such as barns, buildings, houses, silos (including bunks), stock yards or pens and ponds) that disturb 1 or more acres of land are required to obtain a State Pollutant Discharge Elimination System Permit for Stormwater Discharges from Construction Activity (GP-0-08-001). Activities with total soil disturbance greater than 5 acres may require a Full SWPPP (including water quality and quantity controls) - this does not include field practices. An owner should consult with Regional DEC Office stormwater staff if there is any question on what components should be included in the SWPPP. The GP-0-08-001 Notice of Intent can be found on our website at <http://www.dec.state.ny.us/dec/permits/43133.html>

Please note, that in the New York Standards and Specifications for Erosion and Sediment Controls are specific requirements for stream crossings in "Standards and Specifications for Temporary Access Waterway Crossing (Page 5A.79 - 5A.90)" They can be found on our website at <http://www.dec.state.ny.us/dec/chemical/8694.html>

Agricultural management practices that are exempt from the stormwater permit, BUT are required to implement the proper Sediment & Erosion Control Practices during construction activities are included on the attached "MOU for Implementation of Agricultural Best Management Practices - SPDES General Permit for Stormwater Discharges from Construction Activity".

Jacqueline Lendrum
Research Scientist
NYSDEC
Division of Water
Bureau of Water Permits
625 Broadway
Albany, NY 12233-3505
(518) 402-8118
jmlendrum@gw.dec.state.ny.us



RECEIVED
2/25/14

21 WACCABUC RIVER LANE SOUTH SALEM, NEW YORK 10590
203.613.1145 CELL 914.763.0127 FARM

FILE COPY

JANUARY 20TH, 2014

COMMENTS:

1. ANSWERED BY BOB SOMERS.
2. LOCAL LAW CHANGED THRU STATE.
3. THE PROPOSED ACTION IS TO CONSTRUCT A 60 X 80 COVERED RIDING ARENA ADJACENT TO OUR EXISTING OUTDOOR RIDING ARENA. AC ENGINEERING, PLLC HAS PREPARED SUBMITTED PLAN TO THE JANUARY 23, 2014 PLANNING BOARD MEETING.
4. LOCAL LAW CHANGED THRU STATE.
5. *MAX NUMBER OF HORSES: 14 (PER STATE AG DEPARTMENT)
*LOCATION OF PARKING/ COUNT/ TRAFFIC CIRCULATION: SEE ATTACHED PLANS BY AC ENGINEERING:
THERE IS PARKING LOCATED IN FRONT OF MAIN BARN.
THERE ARE APROX 14 PARKING SPACES.
THERE IS A TURN AROUND IN THE MAIN PARKING AREA FOR CAR FLOW.
6. ANDY: SITE PLAN
7. ANSWERED BY BOB SOMERS.
8. FIRST AND SECOND SIGHT PLAN SHOW THE 100FT BUFFER LINE. PLEASE REFER TO SITE PLAN BEING SUBMITTED BY AC ENGINEERING.
9. LETTER SENT WITH AC ENGINEERING SITE PLAN AND PROPOSED COVERED RIDING RING TO NYSDEC TO DETERMINE WETHER A WETLANDS PERMIT NEEDS TO BE REQUIRED.
10. PLEASE REFER TO SITE PLANS SUBMITTED BY AC ENGINEERING SHOWING THE 100FT BUFFER. THE PLANS INDICATE NO ANIMAL FEED LOTS, PENS OR MANURE STORAGE ARE WITHIN WETLAND, WATERCOURSE OR BUFFER. BOB SOMERS ALSO ADDRESSED THIS BY USING STATE LAWS EXAMPLE - SEE ATTACHED LAW.
11. ANSWERED BY BOB SOMERS.
12. (SWIPPP) - ANDY TO ADDRESS
13. SEE AC ENGINEERING SITE PLAN. ATTACHED
14. (WAC) ANDY TO ADDRESS.
15. SEE ATTACHED E MAIL FROM (WCDH).
16. SEE SUB-DIVISION FLAG LOTS / EASEMENT DOCUMENT FOR LOT 11.
17. NO PROPOSED TRAILS.. THERE IS A LONG STANDING TRAIL MADE BY LHA MEMBERS YEARS BEFORE I BOUGHT THE PROPERTY IN 2007 THAT RUNS THRU THE PROPERTY FROM THE NORDGREN'S PROPERTY TO WACCABUC RIVER LANE.
18. SEE EASEMENT FOR LOT 11.
19. AG DATA STATEMENT SUBMITTED WITH THIS PAPERWORK.

From: "Lepore, Rebecca" <rll1@westchestergov.com>
Subject: RE: Building Department Referral
Date: February 4, 2014 3:46:15 PM EST
To: lynn bygott <hazelnut@aol.com>

Hi Lynn,

As a follow up to our phone conversation this afternoon, the Health Department does not consider the well serving Hazelnut Farm to be a public water supply, based on the information provided below. Please contact me with any questions you may have.

Thanks,

Rebecca Lepore
Assistant Engineer
WESTCHESTER COUNTY
HEALTH DEPARTMENT
BUREAU OF ENVIRONMENTAL QUALITY
25 Moore Avenue
Mount Kisco, NY 10549
P: (914) 864-7358
F: (914) 864-7341



21 WACCABUC RIVER LANE SOUTH SALEM, NEW YORK 10590
203.613.1145 CELL 914.763.0127 FARM

NOVEMBER 24TH, 2013

TO WHOM IT MAY CONCERN,

THE RESIDENCE OF THE "PRIVATE" END OF WACCABUC RIVER LANE HAD A STREET MEETING LAST EVENING. SINCE THERE IS NO VARIANCE NEEDED FOR THE CONSTRUCTION OF THE COVERED RIDING ARENA, THEY DID NOT UNDERSTAND WHY A LETTER FROM THE NEIGHBORS APPROVING THE COVERED RING WAS NECESSARY. OUR CONCERN AS A PRIVATE COMMUNITY IS THAT ANYTIME ONE OF "US" WANTED TO DO SOMETHING WITHIN OUR PROPERTY RIGHTS, THAT WE WOULD HAVE TO GET NEIGHBOR APPROVAL. WE AS MEMBERS OF THE PRIVATE CUL DE SAC OF WACCABUC RIVER LANE FEEL IT IS UNNESSESARY TO HAVE LETTERS OF APPROVAL SIGNED FOR A STRUCTURE THAT DOES NOT NEED A VARIANCE.

SINCERLY,

Diane C. Crystal

J. Scott Crystal, 25 WACCABUC RIVER LANE, SOUTH SALEM, NY
J. SCOTT CRYSTAL (PRINT NAME) *Diane Crystal*

DEC. 5, 2013

CC: LOU PENICHELL, ESQUIRE

TOWN VILLAGE CITY OF _____
(circle one)

Application # _____

Agricultural Data Statement

RECEIVED
2/25/14 Date

Hand Delivered

Instructions: This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

Applicant

Owner if Different from Applicant

Name: <u>Lynn Bycott</u> Address: <u>Hazelnet Farms</u> <u>21 Waccabuc River Lane</u> <u>South Salem, NY 10590</u>	Name: _____ Address: _____ _____
---	--

1. Type of Application: Special Use Permit; Site Plan Approval; Use Variance;
(circle one or more) Subdivision Approval

2. Description of proposed project: construct a covered riding arena on farm.

3. Location of project: Address: 21 Waccabuc River Lane
Tax Map Number (TMP) 1083

4. Is this parcel within an Agricultural District? NO YES (Check with your local assessor if you do not know)

* 5. If YES, Agricultural District Number _____ (940703034)

6. Is this parcel actively farmed? NO YES

7. List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Name: <u>IT Farm</u> Address: <u>Route 35</u> <u>South Salem, NY</u> Is this parcel actively farmed? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	Name: <u>Peggy and Jim Nadejan</u> Address: <u>50 Bowlin Rd</u> <u>South Salem New York</u> Is this parcel actively farmed? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES

[Signature]
Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: _____
Signature of Municipal Official

Date

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

AGRICULTURAL DATA STATEMENT

1. Name and address of applicant:

Lynn Bygott
21 Waverly River Lane
South Salem, NY 10590

2. Location of the proposed action: alongside the existing ring
construct an indoor riding arena

3. Description of the proposed action to include: (1) Size of parcel or acreage to be acquired and tax map identification number of tax parcel(s) involved; (2) The type of action proposed (e.g., single-family dwelling or subdivision, multi-family development, apartment complex, commercial or industrial facility, school, community or public service facility, airport, etc.) and (3) project density.

[Please provide this information on the reverse side of this application and attach additional description as necessary.] 107.61 acres to construct indoor riding arena. 3 box 80 structure.

4. Name, address, telephone number and type of farm of owner(s) of land within the agricultural district which land contains farm operation(s) and upon which the project is proposed or which is located within 500 feet of the boundary of the property upon which the project is proposed:

A. Name: Jim and Ellen Toon (Jt Farm)
Address & Telephone #: Route 35 South Salem
Type of farm: horse boarding facility

B. Name: Peggy and Jim Norison
Address & Telephone #: Route 35 South Salem
Type of farm: residential home w/ one horse

C. Name: _____
Address & Telephone #: _____
Type of farm: _____

D. Name: _____
Address & Telephone #: _____
Type of farm: _____

5. Tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the ADS. See attached maps

- ✓ location of the subject parcel. An Agricultural District map¹ can be obtained from either the County Planning Department or Clerk of the County Legislative Body.
- The local reviewing board should ascertain present and future farming conditions to ensure the proposed land use does not conflict with current or future farming activities. A farmer's knowledge of local agricultural conditions is fundamental for the local reviewing board's evaluation and determination of appropriate mitigation measures and whether the action proposed will conflict with farming practices. *See attached "notes from Bill Somers head of ADS & markets"*
- The County Agricultural and Farmland Protection Board may assist local reviewing boards in project evaluation. Members of the Board include the County Planning Directors, a County Cooperative Extension Agent and the Chair of the County Soil and Water Conservation District's Board of Directors.
- A copy of the completed ADS and action by the local reviewing board should be submitted to the County Agricultural and Farmland Protection Board for its records.

¹ Tax map identification numbers of all parcels within a district are listed and are on file at either the County Real Property Tax Office or the County Clerk's Office.

PROCESSING AN AGRICULTURAL DATA STATEMENT
(Pursuant to Section 305-a of the Agriculture and Markets Law)

- Any application requiring:
 - Special use permit
 - Site plan approval
 - Use variance or
 - Subdivision approval

Which requires approval by:

- A Planning Board
- Zoning Board of Appeals
- Town Board or
- Village Board of Trustees

Must submit an Agricultural Data Statement (ADS) if the proposed project occurs on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located within an agricultural district.

- Content of an Agricultural Data Statement requires:
 - Name and address of applicant,
 - Description of the proposed project and its location,
 - Name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundaries of the property upon which the project is proposed
 - A tax map or other map showing the site of the proposed project relative to the location of the farm operations identified in the ADS.
- The Clerk of the appropriate governmental entity is required to mail a written notice containing a description of the proposed project and its location to owners of land as identified by the applicant in the ADS.
- The local reviewing board must evaluate and consider the ADS to determine the possible impacts of the proposed project may have on the functioning of farm operations within the subject agricultural district.

Procedural Considerations

- A map of the town's agricultural district(s) should be well displayed within the municipal office where land use applications are submitted. The map will benefit both the applicant and municipal review officer in determining the

Agriculture and Markets Law
Article 25 AA – Agricultural Districts

305-a. Coordination of local planning and land use decision-making with the agricultural districts program

1. Policy of local governments.
 - a. Local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations, shall exercise these powers in such manner as may realize the policy and goals set forth in this article, and shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened.
 - b. The commissioner, upon his or her own initiative or upon the receipt of a complaint from a person within an agricultural district, may bring an action to enforce the provisions of this subdivision.
2. Agricultural data statement; submission, evaluation. Any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval by a planning board, zoning board of appeals, town board, or village board of trustees pursuant to article sixteen of the town law or article seven of the village law, that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The planning board, zoning board of appeals, town board, or village board of trustees shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district. The information required by an agricultural data statement may be included as part of any other application form required by local law, ordinance or regulation.
3. Agricultural data statement; notice provision. Upon the receipt of such application by the planning board, zoning board of appeals, town board or village board of trustees, the clerk of such board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for the said project. The cost of mailing said notice shall be borne by the applicant.
4. Agricultural data statement; content. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

NYS Town Law

§ 283-a. Coordination with agricultural districts program.

1. Policy of local governments. Local governments shall exercise their powers to enact local laws, ordinances, rules or regulations that apply to farm operations in an agricultural district in a manner which does not unreasonably restrict or regulate farm structures or farming practices in contravention of the purposes of article twenty-five-AA of the agriculture and markets law, unless such restrictions or regulations bear a direct relationship to the maintenance of public health or safety.
2. Agricultural data statement; submission, evaluation. Any application for a special use permit; site plan approval, use variance, or subdivision approval requiring municipal review and approval by the town board, planning board, or zoning board of appeals pursuant to this article, that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The town board, planning board, or zoning board of appeals shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district. The information required by an agricultural data statement may be included as part of any other application form required by local law, ordinance or regulation.
3. Agricultural data statement; notice provision. Upon the receipt of such application by the planning board, zoning board of appeals, or town board, the clerk of such board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for the said project. The cost of mailing said notice shall be borne by the applicant.
4. Agricultural data statement; content. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.
5. Notice to county planning board or agency or regional planning council. The clerk of the town board, planning board, or zoning board of appeals shall refer all applications requiring an agricultural data statement to the county planning board or agency or regional planning council as required by sections two hundred thirty-nine-m and two hundred thirty-nine-n of the general municipal law.



W00785176

LIBER 8137 PAGE 191

117

2/25/14

DECLARATION AND MAINTENANCE AGREEMENT
TOGETHER WITH EASEMENT

FILE COPY

WHEREAS, WACCABUC EQUITIES, a New York partnership, with offices at Cross River, New York (hereinafter referred to as "the Grantor") is the owner of certain real property located in the Town of Lewisboro, County of Westchester and State of New York more particularly described as follows: Lots #4, #6, #7, #8, #9, #10 and #11 on a certain map entitled "Subdivision Plat Waccabuc Heights, situated in the Town of Lewisboro, Westchester County, N.Y.", made by Chas. H. Sells, Inc., dated August 17, 1983, and filed in the Westchester County Clerk's Office, Division of Land Records on May 21, 1984 as Map. No. 21562, and

WHEREAS, pursuant to said subdivision map there exists a common driveway easement entitled, "Common Driveway Easement B", and

WHEREAS, the owner of Lot #6 is the owner in title to Common Driveway Easement B, and

WHEREAS, the Grantor desires to provide for a maintenance agreement for the continued maintenance and upkeep of the said Common Driveway Easement B including snow removal in order to secure the harmonious maintenance and upkeep of Common Driveway Easement B for any successors in interest through the Grantor, and

WHEREAS, the said Common Driveway Easement B does not presently serve Lot #11, and

WHEREAS, it is the intention of the Grantor to grant to any owner of Lot #11, its heirs, successors and assigns, an easement

See Revised Declaration Liber 8212 Pg 81

over Common Driveway B and upon Lots #7, #9 and #10 for the purpose of ingress and egress to the aforescribed Lot #11.

NOW, THEREFORE, in consideration of the foregoing, it is declared as follows:

The owners of Lots #4, #6, #7, #8, #9, #10 and #11 shall maintain and upkeep Common Driveway Easement B in such a condition so as to enable free and unhampered access including snow removal along Common Driveway Easement B and they shall bear the following proportioned expense for such upkeep. Consistent with the above the owners of the lots shall maintain a liability policy with a New York State insurance company with limits of liability of not less than \$2,000,000.00.

Lot #4	11.5%
Lot #6	17.7%
Lot #7	17.7%
Lot #8	17.7%
Lot #9	17.7%
Lot #10	15.9%
Lot #11	1.8%

A committee represented by each Lot owner, exclusive of Lot #11, affected by Common Driveway Easement B shall be set up for the purpose of determining such action as may be necessary to maintain the easement area as above described. Decisions concerning the same shall be determined by a majority vote of those entitled to vote. Each owner affected by the easement shall be entitled to one vote. In the event of a deadlock, those land owners that are responsible for a majority percentage of the maintenance shall prevail.

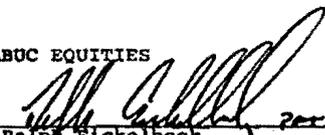
The Grantor does hereby declare an easement for the purpose of ingress and egress to Lot #11 in favor of the lot owner or any subsequent lot owner of Lot #11, its heirs, successors and assigns, over but limited to 150 feet of Common Driveway Easement B and 150 feet over Lots #7, #9, and #10 commencing at the cul de sac located on Waccabuc River Lane formerly known as Agnew Lane, Town of Lewisboro, County of Westchester, State of New York.

The owner of Lot #11 shall be entitled to make such improvements as are necessary for ingress and egress to Lot #11 upon the easement area located on Lots #7, #9 and #10 (exclusive of Common Driveway Easement B) provided that such expenses shall be borne exclusively by the owner of Lot #11.

This Declaration shall be binding upon the Grantor, its heirs, successors and assigns.

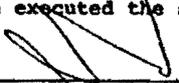
IN WITNESS WHEREOF, the Grantor has set its hand and seal this 19 day of June, 1985.

WACCABUC EQUITIES

by: 
 Ralph Eickelbeck

STATE OF NEW YORK)
) SS.:
COUNTY OF WESTCHESTER)

On the 19 day of June, 1985, before me personally came RALPH EICKELBECK, a partner in WACCABUC EQUITIES, and to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.



Notary Public

ANDREW GREENE
Notary Public, State of New York
No. 60-453090
Qualified in Westchester County
Commission Expires March 30, 1986

WESTCHESTER COUNTY CLERK RECORDING PAGE

TYPE OF INSTRUMENT <u>DLR</u>	DATE <u>1985 JUN 25</u> <u>9:03</u>	02 BEDFORD
STATUTORY CHARGE <u>3</u>	MTGE AMT	06 CORTLANDT
RECORDING CHARGE <u>12</u>	EXEMPT YES <u>NO</u>	09 EASTCHESTER
FILING CHARGE	REC'D TAX ON ABOVE MTGE	11 GREENBURGH
CROSS REFERENCE	BASIC \$	12 HARRISON
CERT/RECEIPT	ADDITIONAL \$	15 LEWISBORO
	SUBTOTAL \$	17 MAHARONECK
	SPECIAL \$	19 MT KISCO
	TOTAL \$	20 MT PLEASANT
	SERIAL NO	21 MT VERNON
		22 NEW CASTLE
		23 NEW ROCHELLE
		24 NORTH CASTLE
		26 NORTH SALEM
		28 OSSINING
		30 PEEKSKILL
		31 PELHAM
		35 POUND RIDGE
		36 RYE CITY
		37 RYE TOWN
		38 SCARSDALE
		39 SOMERS
		42 WHITE PLAINS
		43 YONKERS
		44 YORKTOWN

BOOK BY B 17

CONSID _____

ANDREW J. SPANO
WESTCHESTER COUNTY CLERK

RECEIVED
\$ _____
REAL ESTATE

TRANSFER TAX
WESTCHESTER
COUNTY

1518B001 86/25/85CPA 1.00

TERMINAL NO 55176W007 TRANSFER FEES NO 39217 DATE RET'D _____

		<p>SECTION _____ BLOCK _____ LOT _____ VILLAGE _____ TOWN _____ COUNTY _____</p> <p>RECORD AND RETURN TO:</p>
--	--	---

THE FOREGOING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

THE PROPERTY AFFECTED BY THIS INSTRUMENT IS SITUATE IN THE
 TOWN CITY OF LEWISBORO, COUNTY OF WESTCHESTER
 N.Y. A TRUE COPY OF THE ORIGINAL DECLARATION & EASEMENT AGREEMENT RECORDED
 IN THE DIVISION OF LAND RECORDS OF THE COUNTY CLERK'S OFFICE OF
 WESTCHESTER COUNTY ON JUNE 25, 1985 AT 9:03A M. IN
 LIBER 8137 PAGE 191 IN THE BOOK OF Deeds
 WITNESS MY HAND AND OFFICIAL SEAL: Andrew J. Spano
 ANDREW J. SPANO, COUNTY CLERK

FILE COPY

REMOVED
2/25/14



HORSE MANAGEMENT PLAN

21 WACCABUC RIVER LANE SOUTH SALEM, NEW YORK 10590

BARN: 914.763.0127 LYNN: 203.613.1146

HAZELNUT@AOL.COM

FACEBOOK: HAZELNUT FARMS

Allotted up to 14 horses on the property
determined by State Agricultural Department:
Head of Ag's and Mkt's Bob Somers



STORAGE AND DISPOSAL OF MANURE:

OUR MANURE FROM THE HORSES IS STORED IN A 20 YARD CONTAINER ON THE DRIVEWAY PROPERTY APPROXIMATELY 100 FT. FROM THE WATER WELL. THE CONTAINER IS OWNED AND SERVICED THRU MID - HUDSON WASTE COMPANY OUT OF MAHOPAC, NEW YORK.

THE MANURE DUMPSTER IS ONE OF THE INSTALLATIONS BY THE WAC PROGRAM. THE "PAD" COMPLIES WITH NEW YORK STATE GUIDELINES CONCERNING HORSE PROPERTY WASTE.

**SEE ATTACHED "FARM PLAN" FROM WESTCHESTER AGRICULTURAL COUNCIL.*



FEEDING, HAY, BEDDING STORAGE:

HAY, GRAIN AND BEDDING ARE STORED IN A COVERED, BREATHABLE AREA WITHIN THE MAIN BARN. THE GRAIN IS IN A CLOSET TYPE STORAGE AREA WITHIN THIS AREA - SO RODENTS CANNOT GET AT THE BAGS OF GRAIN. BARN CATS LIVE IN THIS AREA AS WELL TO KEEP AWAY ANY RODENTS.



STABLES:

MAIN BARN (TOP LEFT)

RUN IN SHED (TOP RIGHT)

2 STALL BARN LOWER FIELD (BOTTOM LEFT)

3 STALL BARN BEHIND MAIN BARN (BOTTOM RIGHT)

Horses stabled at Hazelnut Farms do not rely on sustenance from grazing fields. In fact, the grazing fields are used for stretching and exercise for the horses. Hay and grain shipped in from outside vendors are fed to horses 3 to four times a day. These grains and hays are what supply the horses in the Northeast their nutrition.



LIVING QUARTERS ARE ABOVE THE MAIN BARN..

2 bedroom apartment



PROPOSED "COVER - ALL" RIDING ARENA IS TO SIT ALONGSIDE EXISITING OUTDOOR RING..

This is an example of what our covered riding arena will look like. This is a picture from a farm in North Salem, New York on June Road.



ALL areas are cleared for grazing/ sand paddocks are in place for all horses so when foul weather is upon the farm the grazing fields are kept in tact.



14 grass grazing paddock, used for rotation turnout, are located on the property. The paddocks have all been seeded, limed and tested by WAC Cornell University for nutrition each year. Hazelnut Farms " Farm Nutrient Plan" implemented by the State WAC organization helps maintain the farms pasture management.

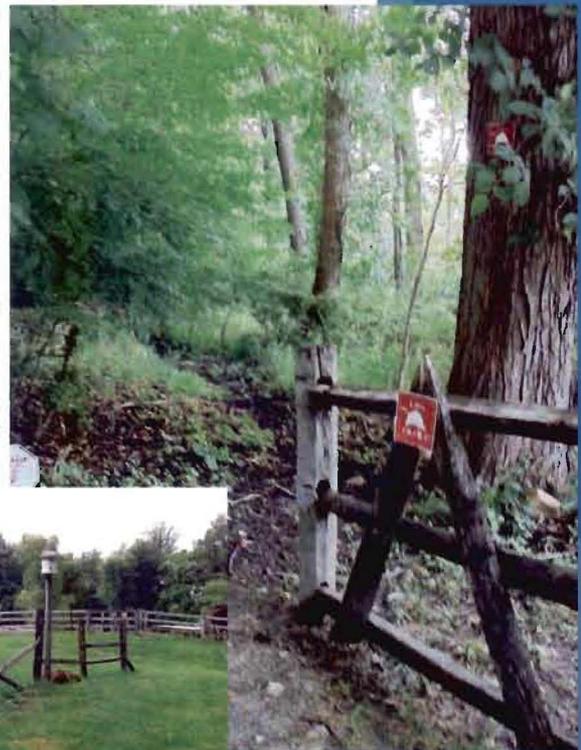


The Farms 10 sand paddocks help maintain the longevity of the grass grazing paddocks through out the year.

The Farms newly implemented WAC Drainage Plan keeps the grass and sand paddocks functioning properly.



The LHA riding trails have been maintained by the Hazelnut Farms and open to members for members to enjoy over the years.





Lynn Bygott and her son Walter "Wally" ride for enjoyment and from time to time compete together in Hunter Paces and individually at local Horse Shows. Lynn competed professionally most of her adult life throughout New York, New Jersey and Connecticut.



HAZELNUT FARMS INCORPORATED

21 Waccabuc River Lane
South Salem, New York 10590

FACEBOOK: Hazelnut Farms

"Somers, Bob (AGRICULTURE)" <Bob.Somers@agriculture.ny.gov>
To: Lynn Bygott
RE: Hi

February 21, 2014 9:12 AM

Lynn, the Department's guideline on "commercial horse boarding and equine operations" says the following:

A. Minimum Lot Size

The AML states that commercial horse boarding and commercial equine operations must be at least seven acres in size. A Town's limitation on the number of horses allowed per acre could be unreasonably restrictive. The Department considers, among other things, the impacts on a particular farm operation to determine if a density limitation is unreasonably restrictive. If pasture is to be used for sustenance, then one acre of pasture per horse is usually appropriate. If the area is to be used for a turn-out area, then five or more head may be carried on one acre of land. Many commercial horse boarding/equine operations are closed systems where they are conducted on smaller acreage, feed is brought in and manure is exported off the farm. However, some horse farms may landspread and/or compost manure on the farm (See Section I of this guideline for further discussion on manure management). Horses are exercised in various arenas, indoor and outdoor, and rotated in small rectangular fenced areas (paddocks).

You operate a closed system where feed is brought onto the farm and waste is exported off of the farm. Horses boarded at your farm do not depend upon pasture for sustenance. Therefore, the Department's guideline states that five or more horses per acre can be accommodated. You indicated to the Department that you have accommodations for 14 horses, which includes paddocks, stalls and shelters. You further indicated that you did not want more than 14 horses boarded on the property. Upon review of your land and on-farm structures, the Department concluded that your property could easily accommodate 14 horses.

If you need anything further, please contact me. Thanks. Bob

Bob Somers, Ph.D.
Manager, Agricultural Protection Unit
Dept. of Agriculture and Markets
10B Airline Drive
Albany, NY 12235
518/457-8887 phone
bob.somers@agriculture.ny.gov

From: Lynn Bygott [mailto:hazelnut@aol.com]
Sent: Thursday, February 20, 2014 2:04 PM
To: Somers, Bob (AGRICULTURE)
Subject: Hi

Bob,
Just finished with the town - and I put down 14 as my number of horses. They want statements how you derived at that number. Can you send something in writing with that number so I can submit to the town. They are looking for the property capable to house 14 horses.

Best,
Lynn

Lynn Bygott

Sales Specialist

Al Filippone Associates, LLC
William Raveis Real Estate
22 Old Kings Highway South 06820
203.655.5358 (office)
203.613.1146 (cell)
www.afahomes.com

2/25/14



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

MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form
for
Construction Activities Seeking Authorization Under SPDES General Permit
*(NOTE: Attach Completed Form to Notice Of Intent and Submit to Address Above)

I. Project Owner/Operator Information

1. Owner/Operator Name: **Hazelnut Farm**
2. Contact Person: **Lynn Bygott**
3. Street Address: **21 Waccabuc River Ln**
4. City/State/Zip: **South Salem, NY 10590**

II. Project Site Information

5. Project/Site Name: **Hazelnut Farm**
6. Street Address: **21 Waccabuc River Ln.**
7. City/State/Zip: **South Salem, NY 10590**

III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance Information

8. SWPPP Reviewed by:
9. Title/Position:
10. Date Final SWPPP Reviewed and Accepted:

IV. Regulated MS4 Information

11. Name of MS4: **Town of Lewisboro**
12. MS4 SPDES Permit Identification Number: NYR20A 227
13. Contact Person:
14. Street Address:
15. City/State/Zip:
16. Telephone Number:

(NYS DEC - MS4 SWPPP Acceptance Form - January 2010)

MS4 SWPPP Acceptance Form - continued

V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in question 5 has been reviewed and meets the substantive requirements in the SPDES General Permit For Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).
Note: The MS4, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name:

Title/Position:

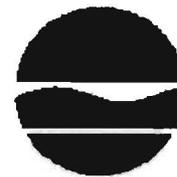
Signature:

Date:

VI. Additional Information

Empty box for additional information.

RECEIVED
2/25/14



Joe Martens
Commissioner

January 16th, 2014

Lynn Bygott
21 Waccabuc River Lane
Lewisboro NY, 10590

RE: 21 Waccabuc River Lane
Town of Lewisboro, Westchester County

Dear Ms. Bygott:

FILE COPY

Based upon our review of your inquiry dated January 15th, 2014, we offer the following comments:

PROTECTION OF WATERS

The following stream(s)/pond(s)/waterbody(ies) is(are) located within or near the site you indicated:

- | Name | Class | DEC Water Index Number | Status |
|-------------------------------------|-------|---------------------------|-------------|
| <input type="checkbox"/> Pond _____ | B | H-31-P 44-35-P109-6-P109b | [Protected] |
- A Protection of Waters permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected." A permit is not required to disturb the bed or banks of "non-protected" streams.

If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

FRESHWATER WETLANDS

Your project/site is near or in Freshwater Wetland L-50, Class 1. Be aware that a Freshwater Wetlands permit is required for any physical disturbance within these boundaries or within the 100 foot adjacent area. To have the boundary delineated, please contact the Bureau of Habitat at (845) 256-3091.

STATE-LISTED SPECIES

No records of sensitive resources were identified by this review.

CULTURAL RESOURCES

We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. For more information, please visit the New York State Office of Historic Preservation website at <http://nysparks.state.ny.us/>.

OTHER

Please note that this letter only addresses the requirements for the following permits from the Department: Protection of Waters, Master Habitat Databank, and Freshwater Wetlands.

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. Applications may be downloaded from our website at www.dec.ny.gov under "Programs" then "Division of Environmental Permits."

Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,



Adiron M. Corichi
Division of Environmental Permits
Region 3, Telephone No. 845/256-3054

Information/Permit Materials/Regulations/Map (Peach Lake Quadrangle) attached.

NOTE: Regarding erosion/sedimentation control requirements:

Stormwater discharges require a SPDES Stormwater permit from this Department if they either:

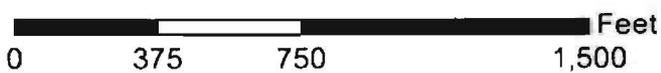
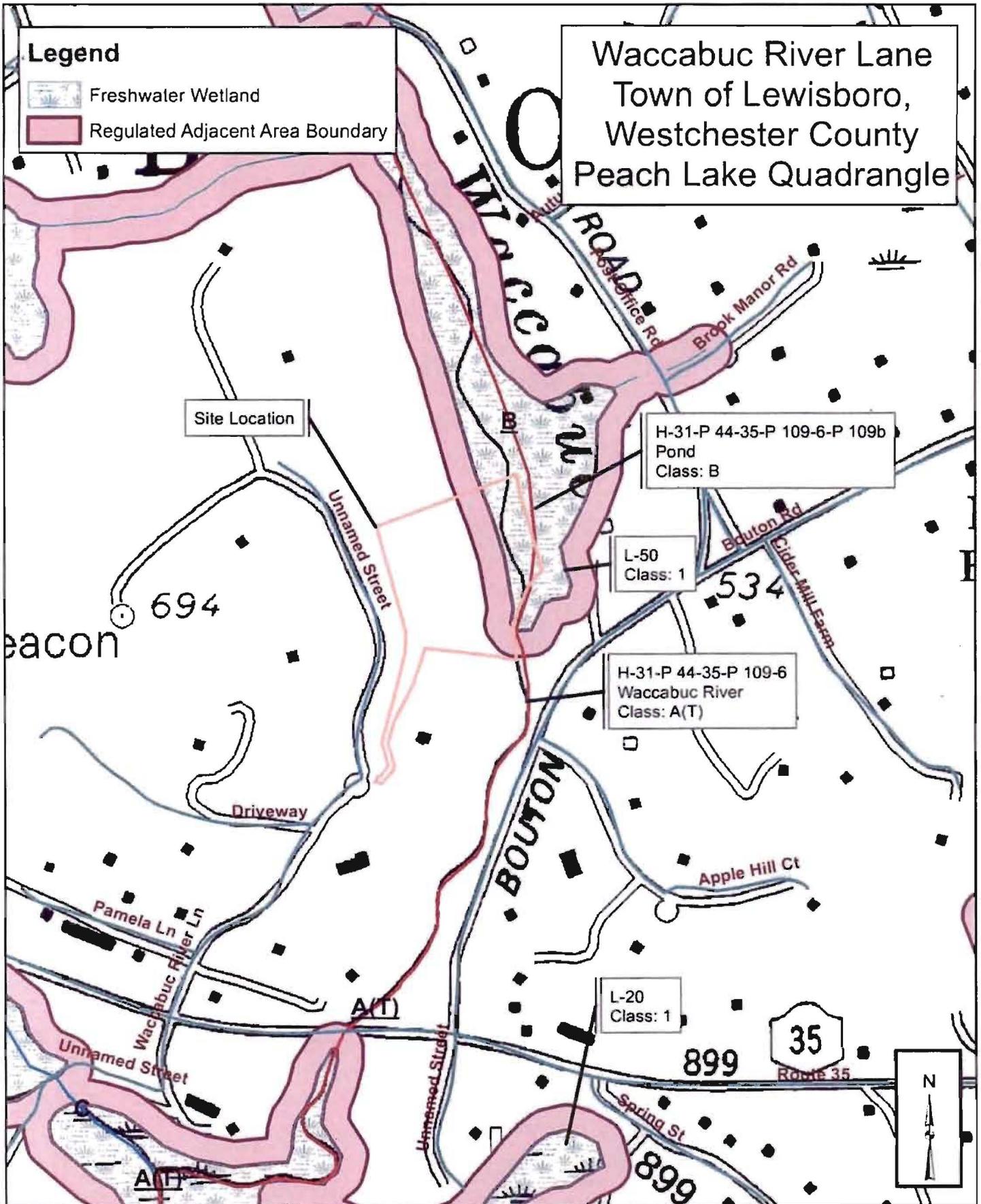
- occur at industrial facilities and contain either toxic contaminants or priority pollutants OR
- result from construction projects involving the disturbance of 5000 square feet or more of land within the NYC Department of Environmental Protection East of Hudson Watershed or for proposed disturbance of 1 acre or more of land outside the NYC DEP Watershed

Your project may be covered by one of two Statewide General Permits or may require an individual permit. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html>. If this site is within an MS4 area (Municipal Separate Storm Sewer System), the stormwater plan must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to the Department. If the site is not within an MS4 area and other DEC permits are required, please contact the regional Division of Environmental Permits.

Legend

-  Freshwater Wetland
-  Regulated Adjacent Area Boundary

Waccabuc River Lane
Town of Lewisboro,
Westchester County
Peach Lake Quadrangle



AMC, DEC Division of Environmental Permits
1/16/14

MEMORANDUM

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

CC: Lisa Pisera
Lawrence Praga, Esq.

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

DATE: March 11, 2014

RE: Hazelnut Farms
21 Waccabuc River Lane
Sheet 26, Block 10803, Lot 110

Project Description

The subject property consists of ± 7.6 acres of land and is located at 21 Waccabuc River Lane within the R-4A Zoning District. The subject property currently contains an equestrian facility consisting of a pole barn with residence above, outdoor riding ring, grass and sand paddocks, accessory barns and sheds, manure storage, a gravel/dirt driveway and parking area, septic system and potable well. The applicant is proposing to board a maximum of 14 horses and has submitted a Horse Management Plan to establish the subject property as a "Riding Academy" in accordance with the Zoning Code; the applicant is also proposing the construction of a 60' x 80' covered riding arena and associated drainage improvements. The Waccabuc River traverses along the easterly property line and the subject property contains wetlands that are jurisdictional to the Town of Lewisboro, the New York State Department of Environmental Conservation (NYSDEC) and the Army Corps of Engineers (ACOE).

SEQRA

The proposed action is a Type II Action and is categorically exempt from the State Environmental Quality Review Act (SEQRA).

Chairman Jerome Kerner, AIA

March 11, 2014

Page 2

Required Approvals

1. Site Development Plan Approval is required from the Planning Board per Section 220-46.1 of the Zoning Code. Per Section 220-47A(4) of the Zoning Code, the application meets the criteria for “Waiver of Site Development Plan Procedures”.
2. The Planning Board should determine if a public hearing is required; per Section 220-46D of the Zoning Code, the Planning Board can waive a public hearing to be held on a Site Development Plan.
3. The application should be referred to the Architecture and Community Appearance Review Council (ACARC).
4. Disturbance will exceed 5,000 s.f. and a Town Stormwater Permit and coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) will be required.
5. The application should be referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law and Section 283-a of the NYS Town Law. This is a “notification only” referral and will be coordinated by the Planning Board Secretary.

Comments

1. According to Section 220-46.1G of the Zoning Code, the number of horses permitted shall be one horse for the first two acres and one horse for each additional acre if the landowner depends upon pasture to provide most of the sustenance for the animals. As the applicant is proposing to board a maximum of 14 horses on 7.6 acres of land and as the animals are not dependent upon pasture for sustenance, the Planning Board will need to determine if the maximum number of horses to be boarded is reasonable. Reference is made to an email from Bob Somers of the Department of Agriculture and Markets, dated February 21, 2014, which addressed this issue and indicated that he is of the opinion that the property could accommodate 14 horses.
2. This office has walked the property and agrees with the wetland boundary line, as illustrated on the submitted drawings. The Planning Board should note that this wetland boundary line was not field-delineated and is based on secondary source mapping (aerial imagery and topography) and our field observations. Based on the drawings submitted, no disturbance is

proposed within the NYSDEC's 100-foot wetland adjacent area or within the Town's 150-foot regulated wetland buffer.

3. This office has been in communication with Rebecca Lepore of the Westchester County Department of Health (WCDH) concerning the subject application. Specifically, we discussed separation distance requirements between manure storage areas and potable water wells and whether the subject application would reach thresholds requiring a public water system. While the separation distance between the existing well and existing manure storage area may not meet WCDH requirements, the WCDH considers this an existing condition and, therefore, exempt from their review/requirements. According to our conversation with Ms. Lepore, the WCDH has reviewed the application and program information and has determined that a public water system is not required.
4. As the Board is aware, the subject property is accessed via a private road which extends of the terminus of Waccabuc River Lane and the applicant's private driveway crosses three (3) flag lots. The applicant has submitted a "Declaration and Maintenance Agreement Together with Easement", which grants Lot #11 (the subject property) ingress and egress over the private road and over Lots #7, #9 and #10.
5. The Board may recall that questions arose at the last Planning Board meeting concerning the parcel's lot area; the lot area had been inconsistently referenced on various documents submitted to the Board. Following the original subdivision, it appears that there was a lot line adjustment made between the subject property and the adjacent parcel to the south (identified as Lot #12 on the subdivision map). The applicant has submitted an amended subdivision plat, which reflects this change and which identifies the subject property as being 7.617 acres (post-lot line adjustment). The amended subdivision plat was endorsed by the Planning Board Chairman in July of 1986.
6. We note that, according to 2009 aerial imagery and available tax parcel data, it appears that portions of certain paddocks and parking areas extend off-site and onto a neighboring parcel to the west.
7. As requested, the applicant has submit an Agricultural Data Statement per Section 305-a of the Agriculture and Markets Law. Per Town Law Section 283-a, the Planning Board Secretary shall mail written notice of the subject application to the owners of land identified by the applicant in the Agricultural Data Statement. This notice shall include a description of the

proposed action and project location and may be sent out in conjunction with any other notices for the project.

8. The applicant has submitted a NOI for coverage under GP-0-10-001, which for this project, requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP) that only includes erosion and sediment controls. Our comments regarding the NOI are provided below:
 - Question #2: The project is classified as “redevelopment w/ increase in impervious area”.
 - Question #3: Existing and proposed use should include “horse farm” under “other” rather than “recreational/sports field”.
 - Question #4: Total site area should be corrected as 7.6 acres.
 - Question #9a: Select Wetland/State jurisdiction on site, Wetland/Federal jurisdiction on site, and stream/creek on site.
 - Question #22: Answer “no”.
 - Question #23, #27-39 Skip all questions.
 - Question #26: Select silt fence, stabilized construction entrance, mulching and seeding.
9. The applicant has prepared a SWPPP to mitigate the increased stormwater runoff generated by the proposed impervious surface for the 100-year storm event. While the design approach is conservative in that it appears no credit for soil and percolation was taken, this office will need to witness soil deep and percolation tests, to be performed by the applicant, to ensure the soils are suitable for infiltration.
10. The applicant should verify the proposed invert elevation of the infiltration system. It appears that the layout, as proposed, will not provide the minimum cover required, as per the detail provided. The invert elevations for the proposed emergency overflow shall be provided as well.
11. The applicant shall provide pre-treatment for the infiltration system as well as a means of providing long-term inspection and maintenance of the system.
12. The perimeter of the riding ring is proposed to be graded at a slope of 1H: 1V. The grade for earth embankments shall be revised to provide a maximum slope of not more than one foot vertical for each two feet horizontal (2H: 1V), unless other engineered earth retaining systems are proposed.

13. The Soil Erosion and Sediment Control Plan shall be revised to address the following:
 - a. The location of a temporary construction entrance shall be illustrated and detailed on the plan.
 - b. Silt fence shall be shown to be installed parallel to the contours.
 - c. The down-gradient side of the soil stockpile area shall be protected with silt fence immediately rather than within 14 days, as proposed. Provide detail.
14. Future submissions of engineering plans and reports shall be signed and sealed by the Professional responsible for the design.

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 AC Engineering, PLLC and dated January 2014:

- Coverage Plan (Dr. No. 1)
- Soil Erosion and Sediment Control Plan (Dr. No. 2)
- Overall Site Plan (Dr. No. 1)
- Existing and Proposed Conditions Site Plan (Dr. No. 2)

Documents Submitted:

- Letter from Hazelnut Farms, dated January 20, 2014
- Letter from NYSDEC, dated January 16, 2014
- Agricultural Data Statement
- *Horse Management Plan Report*
- *Stormwater Pollution Prevention Plan*, dated January 22, 2014
- NYSDEC Notice of Intent

JKJ/JMC/DJS/dc

TO: Town of Lewisboro Planning Board

FROM: Lewisboro Conservation Advisory Council (CAC)

SUBJECT: Hazelnut Farms
Project Review, Soil Erosion Plan and Site Plan Review

DATE: March 10, 2014

The Conservation Advisory Council (CAC) has reviewed the Hazelnut Farm Project Review, Soil Erosion Control Plan and Site plan for the proposed action to construct a 60 x 80 covered riding arena at 21 Waccubuc River Lane. The plans prepared by AC Engineering and Andy Cheung amply document the location and nearby supporting structures for the proposed Arena. No comment is made relative to these supporting structures.

The following specific concerns and questions arise from our review of the plans and drawings at our March 3, 2014 meeting:

- We note the inclusion in the Hazelnut Farm Horse Management Plan booklet that the uncovered concrete manure dumpster “pad complies with NYS guidelines”. While this may be true, the dumpsters supplied by the applicant’s stated servicer are NOT sealed, and the concrete pad shows a drain, both as pictured and on the site plans.
- We further note that proposed combined drains from other higher-ground Hazelnut Farms buildings pass directly beneath this manure pad, and are joined to the pad’s drain, potentially taking on manure effluent and following further drains dumping directly and unacceptably into the wetland buffer.
- We would ask that the Board clearly indicate to the applicant that they need to more effectively engineer the drains such that potential manure run-off from rain, urine, etc is completely separate from the storm drain system, and NOT feed directly into the wetland buffer as shown.
- The WAC (Westchester Agricultural Council) Farm Plan quoted and included by the applicant states the following as possible solutions for manure run-off:
 - Storage areas should also be well drained and not situated in sloped areas near water sources (streams, wetlands, wells, ponds) or where excess water can enter the area. Contact your County Soil and Water Conservation District to assist you with identifying the best site.
 - Manure and farm waste are best stored on hard surfaces such as packed gravel or concrete.
 - Depending on cost and conditions, you may consider building a roof over your manure pile to exclude rainfall and eliminate runoff.

We would agree with the applicant’s intent to incorporate the WAC suggestions, and provide an appropriate solution - either a separate system for the “pad” effluent, or simply a covering roof to exclude rain. But either way, any potential source of manure contamination must be disconnected from the storm water system.

- On a more minor note, we would further question why the Arena's "Temporary Soil Stockpile" located just feet from the 150' Wetland Buffer shows on the site plan that it will only be erected if "the soil is stockpiled more than 14 days". Is this indicated stockpile part of the Arena's construction, or, a ready-to-use source of soil to be used as ongoing make-up for Arena soil lost in normal use. The latter does not make sense with the longer-viewed variability of use, or weather change.

**Pasquale Popoli &
Angelo Sicuranza
Request for Extension of Time
Cal# 8-02 PB**



DELALLA & ASSOCIATES, LLC.
Landscape Architects

March 06, 2014

Mr. Jerome Kerner
Chairman, Planning Board
Cross River Shopping Center @
Orchard Square
Suite L/Lower Level
Cross River, NY 10518

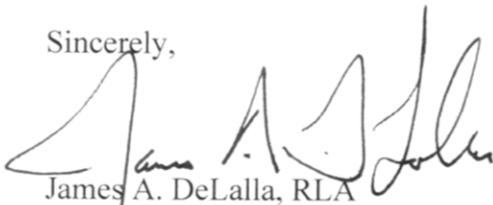
Re: Popoli/Sicuranza Subdivision
NYS Route 35
South Salem, NY 10590
(Sheet 40, Block 10552, Lots 3, 4 & 5)

Dear Mr. Kerner,

I am writing to request an additional 90 day extension of time for the Final Subdivision Plat Approval granted by the Planning Board on December 8, 2009. The applicants need additional time to complete work related to construction of the common driveway/private lane. Therefore we are requesting the application be placed on the next agenda of Planning Board to consider this request.

Please do not hesitate to contact me if you have any questions or require any additional information.

Sincerely,



James A. DeLalla, RLA

Cc: Mr. Pat Popoli
Mr. Angelo Sicuranza
Michael Sirignano Esq.

Rozo-Gil
Request for Extension of Time
Cal# 3-11WV and
Cal# 71-11WP

Ms Pisera & Lewisboro Planning Board,

We are respectfully asking for an extension to our wetland activity permit. It would expire on 03/12/2014.

While the majority of the work has been completed for some time, a few of the tedious and seasonal tasks need to be finished.

The main reasons for the delay are financial and weather. The architect and contractors provided cost estimates that were far below actual costs. In fact, to date we have spent double what was estimated. Unfortunately, the financial delays caused other projects to be pushed into the fall-winter months. We were advised not to plant trees and shrubs late fall because their survival would be jeopardized. Also, the stockpile of stone near the driveway entrance is being used for various projects that are also weather/temperature dependent.

The following describes the work initiated, completed and yet to be started.

The entire structure including the foundation was completed mid August. The master bathroom is nearly complete (minor finishes).

The "rain garden" was constructed from the plans and receives the rain water from the addition. The shrubs, grass and trees in and around the rain garden have not been planted yet.

Debris along Glen Dr was removed with a barrier used to protect the waterway. The debris included car parts, concrete, asphalt and miscellaneous trash. We intended to dig and remove further but NYSEG power lines appear to be buried in that area and are unmarked.

We have yet to remove all the stone from the clearing from the front left portion of our driveway and are using the native stone on various projects. The entire addition and front steps are faced with the stone. The driveway apron is stone instead of traditional concrete. Flower beds will also have some stone work. The largest use of the stone will be for the proposed pillars and half moon walls at the driveway entrance. We were able to dig the footings before the first snowfall but haven't been able to start the pillars or walls.

We hope to resume work as soon as the weather breaks and anticipate the completion of all work by fall of this year. This would include the completion of the rain garden and required plantings. We also plan to replace 3 pine trees that were lost during the fall storms. The pillars will be built using the stock piled stone and any remaining stone will be removed.

Thank you for your time and consideration and please contact us if there are any questions.