

Meeting of the Planning Board of the Town of Lewisboro held at the Town Offices at Orchard Square, 20 Cross River Plaza, Lower Level, Cross River, New York on Tuesday January 8, 2013 at 7:30 P.M.

Present: Jerome Kerner, Chairman  
Robert Goett  
John O'Donnell  
Jan Johannessen, Kellard Sessions Consulting, Planning/Wetland Consultant  
Joseph Cermele, PE, Kellard Sessions Consulting, Engineering Consultant  
Lawrence Praga, Esq., Planning Board Counsel  
Janet Andersen, CAC Chairwoman  
Aimee Hodges, Planning Board Secretary

Absent: Ronald Tetelman

Also in Attendance: Peter Parsons, Town Supervisor

The Chairman called the meeting to order at 7:30 and pointed out the emergency exits.

## **I. DECISION**

**Lewisboro Library Association, 15 Main Street, South Salem – Applications for Special Use Permit Approval and Wetland Activity Permit Approval to construct three, 1-story additions totaling 1,543 s.f., the addition of an outdoor reading patio, the replacement of the existing sidewalks, and the updating of the exterior and interior of the building and landscaping – Cal. #7-12 P.B.**

Dawn McKenzie, RLA of Insite Engineering was present.

Mr. Johannessen reviewed the draft resolution he prepared for the Board's consideration.

Mr. Kerner noted that the "statue" referred to in the tenth whereas on page two is a sculpture by a highly regarded resident, Axel Horn.

On a motion made by Mr. O'Donnell, seconded by Mr. Goett, the resolution Special Use Permit Approval, Wetland Activity Permit Approval, Town Stormwater Permit, Lewisboro Library Association, 15 Main Street, Cal. #7-12 P.B. was adopted as amended by the Chairman.

Vote: In Favor: Goett, Kerner, O'Donnell

Absent: Tetelman

Mr. O'Donnell noted that this resolution included the provision for the waiver for the permanent encroachments within the landscape buffer. Mr. O'Donnell suggested that the correspondence received at the previous meeting from Dean Travalino regarding his concerns with stormwater be forwarded to the Town Board and Stormwater Committee.

Mr. Kerner agreed and advised that the intent of the letter was not necessarily requesting that the Library be responsible for the remediation on their site, but rather a desire to combine the permitting

for the work as the letter writer has expressed his willingness to take on doing all of the work on his property.

## II. DISCUSSION

### **Leon Levy Preserve Parking Area (Town of Lewisboro, owner of record), NYS Route 123, South Salem - Cal. #7-06 P.B.**

Mr. Johannessen reviewed the site plan approved by the Planning Board in 2006, which has long expired. The required approvals from the outside agencies have also expired.

Mr. O'Donnell questioned whether there were any legal or deed restrictions on the property.

Mr. Parsons advised that it was unlikely as the Westchester Land Trust who holds the easements and the donor are requesting that the parking lot be built.

Mr. Kerner expressed concerns with horse trailers being able to back out of the space provided.

Mr. Johannessen advised that the plans and application would be forwarded shortly. The Board discussed the possibility of scheduling the public hearing for March 12, 2013. Mr. Parsons will get a letter from the Westchester Land Trust to address the concerns of Mr. O'Donnell. Mr. O'Donnell advised that he would like to have the attorneys read through the deed. In addition, he wanted clarification as to whether this activity would involve the review and approval of the NYCDEP. The Town Board will refer the project to ACARC. The goal is to construct the parking lot during the summer of 2013.

Mr. Parsons exited the meeting.

## III. PROJECT REVIEW

### **Sarner/Trunzo Lot Line Change, 25 & 27 Bishop Park Road, Pound Ridge – Cal. #9-12 P.B.**

Charles Banks, Esq., was present representing the applicants.

The public hearing was scheduled for February 12, 2013. The Board requested that a draft resolution be prepared for that evening.

## IV. SKETCH PLAN REVIEW

### **“Silvermine Preserve”, DH Mayo & Ridgeview Designer Builders, Inc., applicants (Roman Kent, Susan Avjian, Jeffrey Edward Kent, owners of record), Silvermine Drive & Lockwood Road, Lewisboro – Applications for Subdivision & Wetland Activity Permit Approvals**

Eric Moss was present with Tim Allen, PE of Bibbo Associates.

Mr. Allen displayed the proposed 12 lot conservation subdivision plan on 56 acres. He indicated that they had received the comments from the consultants, CAC and OSPAC. The entrance to the proposed subdivision is a private cul de sac off of Lockwood Road. Forty of the fifty-six acres are proposed to be preserved. There are existing trails connected to lands owned by the Town of Lewisboro or land that the Town has maintained control over; the trail accesses will be maintained over the back side of the property. Mr. Allen advised that they had met with Chief Dingee of the Vista Fire Department. The VFD was not keen on the emergency access and requested as an alternative, a 30,000 gallon fire storage tank on the property.

Mr. Allen displayed the construction plan CP-1 and noted that there had been various discussions regarding the intersection into the site. He advised that the NYSDEC did not approve the "T" intersection. The sight distance at the intersection now proposed is adequate from both directions.

Mr. Kerner stated that the applicant has done a good job utilizing the existing stone walls; some lots are marginally below the standards but are off set by the utilization of the stone walls as property lines. He noted his concerns with the amount of tree clearing; for example, he noted the combined disturbance of the cul de sac, driveways and stormwater basin in close proximity to a steep slope. There may be some need for give and take to make this work. This highlighted and emphasized the importance of a tree location plan.

Mr. Allen acknowledged that the wetland ordinance required trees of a certain diameter within the wetland buffer to be identified. Most of the mature trees are located along the stone walls which are being utilized as property lines and would for the most part preserve these trees. He advised that now they have a lot layout that made sense that they would look over the site to determine if there were any other trees of significance that should be identified.

Mr. Kerner echoed the CAC suggestion in their January 4, 2013 memo to the Planning Board with respect to the consideration of enabling sustainability practices, including the potential to orient the roofs to allow for solar panels.

Mr. Goett expressed concern with the distance of the proposed fire storage tank to the homes at the end of the cul de sac.

Mr. Allen advised that the fire department had asked that the storage tank be located roughly at station 6+00. This location will also provide some benefit to neighboring properties. In response to Mr. Goett's concern that the exit lines may potentially be covered in snow banks, Mr. Allen assured him that similar to fire hydrants, the lines would be marked out.

With respect to access to the open space areas, Mr. Goett noted that the documentation provided to the Board advised that the HOA would grant access in a method that would be decided at a later date. He believed that it would be helpful now to have more of a definition and understanding of what the expectation of this open space would be. He questioned whether the HOA would grant public access.

Mr. Kerner noted that it is not enough to just provide trails, and asked that the applicant consider providing a small area for parking vehicles.

Mr. Allen advised that OSPAC had previously provided a trail map for the site. He noted some areas off site that might be potential parking areas. There may be a possible space at the trail head, but this is not something that has been discussed with his client.

Mr. O'Donnell noted that there is an aerial where GPS had been utilized to locate the existing trails.

Mr. Allen advised that Mark Patek (previous OSPAC Chairman) had prepared this aerial. He will address the parking concern.

In response to a question of Mr. O'Donnell, Mr. Allen advised that he has reviewed the January 7, 2013 memo to the Planning Board from the Open Space and Preserves Advisory Committee. He did not see any issues with the ownership of the open space; if the Town wants the land, he didn't think that this would be an issue.

Mr. O'Donnell noted that previously that there had been some indications of earlier conversations with the First Taxing District and that he has not seen any evidence of these conversations. He further noted that there was a suggestion that once they are close to a proposed plan, that there be further conversation. He stated that it was his sense that they were close and that there should be another conversation.

Mr. Johannessen noted that once the EAF is satisfactorily completed, the Board could issue their intent to act as Lead Agency in a coordinated review. The First Taxing District would be notified as an interested agency.

Mr. Allen noted that this application would also need to go before the Town Board for an Open Development Area Approval as well as an approval for the lots that not meet the dimensional requirements.

Mr. Kerner advised that another site walk is in order. The road centerline should be staked and the significant trees should be marked.

Mr. Johannessen advised that protocol required that all trees with a dbh of 8" or greater be surveyed within the wetland buffer. He suggested that the Board provide the applicant with some direction with respect to what trees they would like identified outside of the wetland buffer.

After some discussion, the Board determined that all trees with a dbh of 17" or greater be marked outside of the wetland buffer.

Mr. O'Donnell noted that there had been some correspondence with the Vista Fire Department in 2006 and the Highway Superintendent in 2007. If they are readily accessible, he would like to see them. He requested the correspondence from the NYSDEC denying the "T" intersection.

Mr. Johannessen advised that when the revised EAF is received, the next step is to circulate for Lead Agency designation. He suggested that this be placed on the February agenda. Referring to the Kellard Sessions memo to the Board dated January 7, 2013; he discussed the size of the proposed lots and advised that several of the lots are just shy of one acre, which he did not believe was significant

as the applicant was utilizing the existing stonewalls as lot lines. He had previously suggested that the applicant provide building envelopes to give them some flexibility in siting the homes, but did not intend for the building envelopes to coincide with the building setback lines. He asked that the envelopes be tightened.

Mr. Moss advised that he would be open minded in orienting the homes to take advantage of solar panels. He did not necessarily agree that the homes had to be parallel with the road as suggested by Mr. Allen. In response to a question of Mr. O'Donnell he advised that he is a builder who has built both custom and spec homes. Over the past five years he has primarily built custom homes and has noticed a shift in the desire for geothermal, solar and passive technologies.

Mr. Allen noted that some of the lots may support a pool, but not tennis courts. If the Board wished, he could put a note on the plans advising that there could not be any tennis courts.

Mr. Johannessen reviewed his comments in the memo.

Mr. Cermele advised that his comments relative to the SWPPP are not insurmountable. He noted though that the details such as walkways, patios, pools, ect have not been shown and will add to the stormwater requirements. He questioned at what point the Board should require the applicant to design for "x" amount of impervious surface.

In response to Mr. Johannessen's suggestion for a school bus pickup area and a bank of mailboxes in the right of way, Mr. Goett observed that the parents typically will drive their children to the bus stop and pull over along side the road. Mr. Allen agreed with Mr. Goett's observation that the children would not utilize a shelter while waiting for the bus. Mr. Allen will verify his belief that the Post Office will deliver to houses on private roads.

Ms. Andersen reviewed the January 4, 2013 CAC memo to the Board.

Mr. Kerner noted that at least two of the Board members did not agree with the CAC's concern with respect to the size of the lots given that the plan that is achieved is in the spirit of conservation. He was of the opinion that the Planning Board could recommend that the Town Board approve a request to modify the dimensional zoning requirements.

With respect to the open space parcel, Ms. Andersen stated that she was not concerned with the HOA retaining ownership of the parcel as long as there is public access.

Mr. O'Donnell stated that the important part of that issue is the maintenance requirement; some entity should own the land where the stormwater facilities are located.

In response to a question of Mr. Allen, Mr. Johannessen advised that the Vista Fire Department and the Highway Department are interested agencies in the coordinated SEQR review and will receive the lead agency circulation documents for comment. This could act as the referral and request for comment.

Mr. O'Donnell advised that he would rather see that the fire storage tank located closer to the end of the cul de sac.

It was noted that the Town Board could not render a decision with regard to the cluster subdivision until the SEQR determination is made by the Planning Board. The applicant will submit the revised EAF by the end of January. The Board discussed the scheduling of a site walk for the beginning of

March, prior to the public hearing. The intention is to schedule a technical meeting with staff as soon as possible so that the applicant could submit the revised application materials for a March agenda.

**V. CORRESPONDENCE & GENERAL BUSINESS**

**Vicente, 19 Mohawk Trail**

Mr. Johannessen noted that in August an administrative wetland activity permit had been issued for a deck expansion and hot tub. During the final inspection he noted some minor discrepancies from the approved plan; a water feature was installed approximately 90 feet from the wetland and a pervious walkway from the driveway to the water feature. The landscaping is beautiful and there is no erosion occurring. The water feature is something that would have required Planning Board approval so he is unable to issue a certificate of compliance without the Board's authorization. There is very little impact other than it is in the buffer.

The Board authorized these changes to the wetland permit.

**Eager Beaver Tree Service**

Mr. O'Donnell advised there had been substantial conversations between various attorneys who have been involved in this matter. There is a proposed stipulation of discontinuance. He believed that they were close and it is his understanding that Mr. Praga would follow up with the attorney representing the Town in this litigation and perhaps with the Town Attorney to make certain that there is protection for the various attorneys involved with the Town. With these modifications, he would leave the matter with Mr. Praga to advise the Town Board and/or Mr. Randazzo that the Planning Board is in favor of the document as proposed.

**Proposed Zoning Text Amendment**

Mr. Kerner noted that the Town Board minutes indicated that the Town Attorney would revise the wording in the ordinance to comply with the New York State Department of Agriculture and Market's concerns with the Town's ordinance.

**VI. MINUTES OF December 11, 2012**

On a motion made by Mr. O'Donnell, seconded by Mr. Goett, the minutes of December 11, 2012 were adopted.

Vote: In Favor: Goett, Kerner, O'Donnell

Absent: Tetelman

On a motion made by Mr. Goett, seconded by Mr. O'Donnell, the meeting was adjourned at 8:53 P.M.

Respectfully submitted,

Aimee M. Hodges  
Planning Board Secretary