

Meeting of the Planning Board of the Town of Lewisboro held at the Commons / Courtroom at 79 Bouton Road, South Salem, New York on Tuesday, December 19, 2023 at 7:30 p.m. The audio recording of this meeting is Lewisboro Planning Board 231219_001.MP3

Present: Janet Andersen, Chair
Susan Gerry
John Gusmano
Charlene Indelicato
Bruce Thompson
Jud Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Jan Johannessen, AICP, KSCJ Consulting
Ciorsdan Conran, Planning Board Administrator
Kevin Kelly, Building Inspector
John Wolff, Conservation Advisory Council (CAC)

Absent: None.

Ms. Andersen opened the meeting at 7:30 p.m., noted the exits and stated that the discussion of the Oakridge Water District and Oakridge Sewer District facilities has been adjourned to the January 16, 2024 meeting.

I. DECISION

Cal #91-19WP, Cal #10-19SW

(2:05 - 4:43)

McArthur and Salazar Residence, 40 Old Pond Road, South Salem, NY 10590, Sheet 33C, Block 11155, Lots 16, 17 & 44 (William McArthur, owner of record) - Amendment of the Wetland Permit Approval and Stormwater Permit Approval in connection with the reconstruction of a lakeside residence and cottage.

No one was present on behalf of the owners.

Ms. Andersen reminded the Board that they had discussed this matter with the applicant at their November 21, 2023 meeting and had directed Mr. Johannessen to draft a resolution for tonight's meeting. Mr. Johannessen reviewed the draft resolution.

On a motion made by Ms. Indelicato, seconded by Ms. Gerry, the Board granted an Amendment to the Wetland Permit Approval and Town Stormwater Permit Approval dated November 17, 2020 for the McArthur and Salazar Residence, 40 Old Pond Road, South Salem; the wetland planting bond (Condition #6) will be required no later than six months after the issuance of the building permit. In favor: Ms. Andersen, Ms. Gerry, Mr. Gusmano, Ms. Indelicato and Mr. Thompson. Absent: None. A copy of the Resolution is attached and is part of these minutes.

Cal #07-23PB

(4:44 - 7:33)

Rings End of Lewisboro solar, 382 Smith Ridge Road, South Salem, NY 10590; Sheet 49B, Block 9827, Lots 23 & 79 (Lewisboro Supply Co Inc, owner of record) - Application for roof-mounted solar panels.

Morgan Kennedy, Sync Renewables, was present on behalf of the owners.

Mr. Johannessen reviewed the draft resolution and noted that the Building Inspector would have to make a determination if this site improvement requires ACARC review.

On a motion made by Mr. Gusmano, seconded by Mr. Thompson, the Board granted a Waiver of Site Development Plan Procedures and Site Development Plan Approval dated December 19, 2023 for the solar panels at Rings End of Lewisboro, 382 Smith Ridge Road, South Salem. In favor: Ms. Andersen, Ms. Gerry, Mr. Gusmano, Ms. Indelicato and Mr. Thompson. Absent: None. A copy of the Resolution is attached and is part of these minutes.

II. CONTINUATION OF PUBLIC HEARING

Cal #06-17PB, Cal #43-23WP, Cal #18-23SW

(7:34 – 18:58)

Wolf Conservation Center, Buck Run, South Salem, NY 10590; Sheet 21, Block 10803, Lots 3, 65, 67, 81, 82, 83, 86 & 88 (Wolf Conservation Center, owner of record) - Application for a Site Development Plan Approval, Special Use Permit Approval, Wetland Activity Permit Approval and Stormwater Permit Approval for a private nature preserve.

Spencer Wilhelm, Wolf Conservation Center (WCC); Janet Giris, DelBello Donnellan Weingarten Wise and Wiederkehr; and Matt Girona, Bibbo Associates; were present.

The public hearing was reopened at 7:37 p.m.

There were no public comments on this application.

Ms. Giris stated that the Board granted subdivision approval at last month's meeting and now the plat is with the County Attorney and Dept. of Health. She noted that the latest submission included a revised business plan and once the 72-hour pump test results are received they will be reviewed by the Town's consulting hydrogeologist. Mr. Johannessen confirmed that William Canavan of HydroEnvironmental Solutions (HES) will review those pump test results.

Mr. Girona stated that the well has been drilled, the 6-hour yield test met the 5 gal / min minimum, and they will have the results from the 72-hour pump test shortly. He noted that the visits to WCC are by appointment only and the parking lot is to have 25 spaces with ADA compliant spaces closer to the education pavilion. Ms. Giris stated that there will be occasional galas / fundraisers that would require overflow parking at Town Park or Ward Pound Ridge Reservation with shuttle service to the site.

Ms. Giris stated that the enclosures' fence height (11') in the setback requires a variance and the ZBA application will be submitted soon after the Building Inspector issues the denial letter. She requested the public hearing be adjourned on a month-to-month basis.

Ms. Giris and Ms. Conran concurred that ACARC approval was granted October 11, 2023.

Mr. Johannessen stated he will work with HES and the applicant to review the 72-hour pump test results.

Ms. Giris stated they are waiting for comments from DEP and DEC.

Ms. Andersen stated this public hearing will continue January 16, 2024.

III. WETLAND PERMIT REVIEW

Cal #29-23WP, Cal #09-23SW

(18:59 – 35:30)

Bernabo Residence, 96 Post Office Road, Waccabuc, NY 10597; Sheet 25, Block 10812, Lot 3 (Alex Bernabo, owner of record) – Application for a new well, septic and house.

Faus Bernabo was present on behalf of the owner.

Mr. Thompson stated he would like to visit the site.

Mr. Bernabo stated the side deck has been decreased from 700 sf to 400 sf; the house has been revised from a single-story 2,400 sf to a two-story 1,700 sf home and the land disturbance has been decreased by 1,017 sf. Ms. Andersen stated the Town Code requires the Board to further applications that are the least impactful on the wetlands and these decreases in wetland / wetland buffer disturbance are steps in the right direction.

Mr. Johannessen stated a mitigation plan should be submitted and if 1:1 mitigation cannot be achieved on the subject property the Code allows for off-site mitigation. He recommended discussing mitigation on the upland portion of the parcel with a wetland consultant, possibly sliding the house to the north and decreasing the driveway coverage. He asked if there was a front walkway.

Mr. Kelly stated that while the proposed 10' rear deck is noted as cantilevered there will be ground disturbance with its installation and also that he will have to make the determination if a front yard setback variance is required.

Ms. Andersen requested the next submission have dimensions.

IV. DISCUSSION

(35:31 – 38:26)

Supervisor's response to Planning Board's inquiry about capacity and additional connections at the Oakridge Water District and Oakridge Sewer District facilities relating to this proposal:

Cal #12-22PB, Cal #36-22WP

Villas at Vista, 920 Oakridge Common, South Salem, NY 10590 Sheet 49D, Block 9829, Lot 10 (Smith Ridge Associates, owner of record) - Application for construction of 18 additional housing units.

No one was present on behalf of the owners.

Ms. Andersen reiterated that the discussion of the Oakridge Water District and Oakridge Sewer District facilities has been adjourned to the January 16, 2024 meeting.

V. CORRESPONDENCE

(38:27 – 39:30)

Ridgefield, CT Planning and Zoning Commission to amend its Town Code §2.2 and §3.3 - family day care and child daycare.

Ms. Andersen stated this matter is a referral from Ridgefield, Connecticut's Planning and Zoning Commission. She noted that Ridgefield is proposing changes to their Town Code permitting family day care homes and group day care homes as of right in residential zoning districts.

On a motion made by Mr. Gusmano, seconded by Ms. Gerry, the Board authorized the Chair to sign a letter to the Town Board stating that the Planning Board has 'no comment,' regarding recent changes to

Ridgefield, Connecticut's Town Code. In favor: Ms. Andersen, Ms. Gerry, Mr. Gusmano, Ms. Indelicato and Mr. Thompson. Absent: None.

VI. MINUTES OF November 21, 2023.

(39:31 – 39:53)

On a motion made by Ms. Indelicato, seconded by Mr. Thompson, the Board approved the minutes of the November 21, 2023 meeting, as submitted. In favor: Ms. Andersen, Ms. Gerry, Mr. Gusmano, Ms. Indelicato and Mr. Thompson. Absent: None.

VII. NEXT MEETING DATE: January 16, 2024.

(39:54 - 39:59)

Ms. Andersen stated the next meeting is to be held in the 79 Bouton Road courtroom / commons on Tuesday, January 16, 2024.

VIII. ADJOURN MEETING.

(40:00 – 40:10)

On a motion made by Ms. Indelicato, seconded by Mr. Gusmano, the meeting was adjourned at 8:09 p.m. In favor: Ms. Andersen, Ms. Gerry, Mr. Gusmano, Ms. Indelicato and Mr. Thompson. Absent: None.

Respectfully submitted,



Ciorsdan Conran
Planning Board Administrator

RECEIVED BY
DEC 21 2023

Town Clerk
Town of Lewisboro

**RESOLUTION
LEWISBORO PLANNING BOARD**

**AMENDMENT
WETLAND PERMIT APPROVAL
STORMWATER PERMIT APPROVAL**

**William McArthur
40 Old Pond Road**

**Sheet 33C, Block 11155, Lots 16, 17, & 44
Cal #91-19 W.P. and Cal. #10-19 S.W.**

December 19, 2023

WHEREAS, on November 17, 2020, the Planning Board adopted a Resolution granting, with conditions, a Wetland Permit and a Stormwater Permit in connection with the proposal of William McArthur (the "applicant") to demolish an existing residence and garage and construct a new, two (2) bedroom residence and a detached one (1) bedroom cabana upon property located at 40 Old Pond Road, which consists of three (3) tax lots, totals ± 1.17 acres of land and is within the R-2A and R-4A Zoning Districts ("the subject property"); and

WHEREAS, the subject property is identified on the Town Tax Maps as Sheet 33C, Block 11155, Lots 16, 17 and 44; and

WHEREAS, the applicant is the owner of the subject property; and

WHEREAS, Condition #6 of the Planning Board's November 17, 2020 Resolution requires that the applicant provide a wetland mitigation planting bond, or other acceptable form of security, in an amount approved by the Town Wetland Inspector; and

WHEREAS, the Resolution requires that the wetland mitigation planning bond/security be provided by the applicant prior to the signing of the plans by the Planning Board Chair and Administrator; and

WHEREAS, the applicant appeared before the Planning Board and stated that he was unable to obtain a bond, or other form of security acceptable to the Planning Board, and requested that the approving Resolution be amended to allow the submission of this bond, or other form of acceptable security, after the issuance of a Building Permit, at which time the applicant stated that the necessary financing will be in place for purposes of providing same;

NOW THEREFORE BE IT RESOLVED THAT the Planning Board hereby amends its November 17, 2020 Resolution to allow Condition #6 to be satisfied no less than six (6) months following the issuance of the Building Permit for the primary residence, as issued by the Building Inspector; and

BE IT FURTHER RESOLVED THAT all other conditions and expiration dates associated with the November 17, 2020 Resolution shall remain in place and unchanged.

ADOPTION OF RESOLUTION

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

The motion was moved by: Charlene Indelicato

The motion was seconded by: Susan Gerry

The vote was as follows:

JANET ANDERSEN	<u>aye</u>
CHARLENE INDELICATO	<u>aye</u>
BRUCE THOMPSON	<u>aye</u>
JOHN GUSMANO	<u>aye</u>
SUSAN GERRY	<u>aye</u>

Janet E. Andersen
Janet Andersen, Chair December 19, 2023

DEC 21 2023

**RESOLUTION
LEWISBORO PLANNING BOARD**

Town Clerk
Town of Lewisboro

**WAIVER OF SITE DEVELOPMENT PLAN PROCEDURES AND
SITE DEVELOPMENT PLAN APPROVAL**

RING'S END, INC. – ROOF MOUNTED SOLAR ARRAY

Sheet 49B, Block 9827, Lots 23 and 79

Cal. #05-23 PB

December 19, 2023

WHEREAS, application has been made by Ring's End, Inc., owner of property located at 386 Smith Ridge Road identified as Sheet 49B, Block 9827, Lots 23 and 79 on the Tax Map of the Town of Lewisboro (the "subject property"), for waiver of site development plan approval procedures and site development plan approval for the installation of a roof mounted solar array upon these premises; and

WHEREAS, the subject property consists of approximately 3.87 acres of land and is situated within the GB Zoning District; and

WHEREAS, the subject property is developed for commercial purposes and the site of a lumberyard operated by Rings End, Inc. ("the applicant"); and

WHEREAS, the applicant is proposing the installation of a roof mounted solar array upon an existing building located on Tax Lot 79; and

WHEREAS, the existing building roof area is approximately 180' x 80' and the building is oriented in an east-west direction; and

WHEREAS, the majority of the solar panel will be mounted on the south side of the building's roof area (facing south); and

WHEREAS, the system size is 142.59 kW (DC), 100kW (AC) and consists of 291 panels; and

WHEREAS, no ground-mounted equipment and/or site work is proposed or required as part of this application and the proposed installation; and

WHEREAS, the Planning Board has duly considered this application and evaluated the standards for waiver of site development plan procedures set forth in §220-47 of the Lewisboro Town Code;

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board hereby determines that the proposed action qualifies for a waiver of site development plan application procedures under §220-47A of the Lewisboro Town Code and that a public hearing is not required; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants site development plan approval subject to the below stated conditions; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby approves the following drawings, hereafter referred to as “the approved plans”, subject to the conditions listed below:

Plans, Prepared by Sync Renewables, LLC, dated November 10, 2023:

- Site Layout Plan
- Panel Aerial View

Conditions:

1. The applicant shall address any comments issued by the Town Consulting Engineer or Building Inspector.
2. Subject to the payment of all applicable fees and escrow.
3. All plans submitted to the Town of Lewisboro shall be signed/sealed by a NYS Licensed Professional Engineer.
4. Subject to review by the Building Inspector and the issuance of a Building Permit.
5. Subject to review and approval by ACARC, if such review is deemed necessary by the Building Inspector.
6. Site Development Plan approval shall expire within six (6) months of the date of this Resolution, unless a building permit has been issued, and shall remain valid thereafter until such time as a certificate of occupancy/completion has been issued by the Building Inspector.

ADOPTION OF RESOLUTION

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

The motion was moved by: John Gusmano

The motion was seconded by: Bruce Thompson

The vote was as follows:

JANET ANDERSEN	<u>aye</u>
CHARLENE INDELICATO	<u>aye</u>
BRUCE THOMPSON	<u>aye</u>
JOHN GUSMANO	<u>aye</u>
SUSAN GERRY	<u>aye</u>

Janet Andersen
Janet Andersen, Chair December 19, 2023