

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, February 25, 2014 at 7:30 p.m.

Present: Jerome Kerner, Chairman
Robert Goett
Gregory LaSorsa
John O'Donnell
Ronald Tetelman
Joseph Cermele, PE, Kellard Sessions Consulting, Town Engineer
David Sessions, RLA, AICP, Kellard Sessions Consulting, Wetland Inspector
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Greg Monteleone, Esq., Special Counsel
Lisa Pisera, Planning Board Secretary

Also in Attendance: Janet Andersen, Conservation Advisory Council (CAC) and Lawrence Praga, Esq., Keane & Beane P.C.

The Chairman called the meeting to order at 7:30 p.m. and noted the emergency exits.

I. PROJECT REVIEW

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

Heather Rice, owner, was present.

Mr. Sessions stated that the comments contained in the Kellard Sessions memo dated January 22, 2014 had been satisfied and that the Planning Board has the ability to waive the public hearing.

On a motion made by Mr. O'Donnell, seconded by Mr. LaSorsa, the Public Hearing regarding 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, was waived.

All In Favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

It was the consensus of the Board that the applicant appear before the Board on March 18, 2014 for a decision.

Mr. O'Donnell instructed the applicant to verify, to the satisfaction of Mr. Sessions, that there have been no Building Department violations, wetland violations, or prior Planning Board activities on either the Rice or Arfa properties. Mr. O'Donnell suggested that Mrs. Rice ask her surveyor, Mr. O'Dell, to contact Mr. Sessions.

Mr. O'Donnell stated that the technical requirements noted in the Kellard Sessions memo were all met; including wetlands, setback, and street access.

II. EXTENSIONS OF TIME

397 Smith Ridge, LLC, Smith Ridge Road, Vista – Wetland Activity Permit, Cal# 115-12WP

Steven Kaplan was present.

Mr. Kaplan stated that the extension was being requested to more accurately reflect the schedule of obtaining the building permit. Mr. Kaplan stated that he had applied for the building permit and that the Building Department was waiting on the insurance certificates of the contractors.

Mr. Sessions noted that the site plans were signed on November 16, 2012, and that construction would need to be completed by November 16, 2015.

Mr. Kaplan confirmed his intent to start construction in the next two or three months, and that construction would take approximately six months.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, an extension to November 16, 2014 was granted to 397 Smith Ridge, LLC, Smith Ridge Road, Vista, Wetland Activity Permit – Cal# 115-12WP.

All In Favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

The Board confirmed for Mr. Kaplan, that should the weather delay the progress of the project, another extension could be requested.

New York SMSA Limited Partnership d/b/a Verizon Wireless, applicant (Ash Tree Development, owner of record), 117 Waccabuc Road, Goldens Bridge – co-location – Special Use Permit & Approval to co-locate 12 panel antennas and four (4) GPS antennas at 137'-9" AGL and a 12' x 20' equipment shelter, a 50kw diesel generator, and related equipment within the approved compound area, Cal# 1-13-PB

Michael Sheridan, Esq., Snyder & Snyder, represented the applicant.

Mr. Sheridan stated, that due to logistical reasons, the applicant is requesting an extension of time. The property owners are not in privity to contract with Verizon, therefore Verizon had to go through the tower owner who was out of state.

In response to Mr. Tetelman, Mr. Sheridan responded that he did not know the status of the tower. The construction of the tower was previously approved under a separate application by Homeland Towers.

In response to Mr. O'Donnell, Mr. Sheridan confirmed that conditions 1-8 of the August 13, 2013 resolution were basically paperwork items.

On a motion made by Mr. O'Donnell, seconded by Mr. Goett, a 90-day extension of time was granted to New York SMSA Limited Partnership d/b/a Verizon Wireless, applicant (Ash Tree Development, owner of record), 117 Waccabuc Road, Goldens Bridge – co-location – Special Use Permit & Approval to comply with conditions 1-8 of the resolution dated August 13, 2013.

All In Favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

(The new expiration date is May 14, 2014.)

Mr. Sheridan stated his belief that there are two discrepancies in the resolution with regard to what was submitted. The resolution indicated a diesel generator with an internal (sub-base) 110 gallon double walled fuel tank; the April 22, 2013 documents submitted by Verizon wireless indicated a 210 gallon double walled fuel tank. The resolution indicates a 20 minute running time for the weekly testing of the generator. The testing time needs to be 30 minutes.

Mr. Kerner instructed the applicant to submit his statement in writing to the Planning Board Secretary. Mr. Sheridan agreed.

Mr. Kerner asked that Mr. Sheridan attach the manufacturer's recommendations on the running time of the generator during testing. The Board would like to see this information as backup.

III. WETLAND VIOLATIONS

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

Mr. Ramsay was present.

Mr. Ramsay stated that 11 trees are left to be planted.

Mr. Sessions stated that the remainder of the trees need to be planted, and the area needs to be stabilized. The stabilization cannot occur during the winter conditions.

In response to Mr. Sessions, Mr. Ramsay stated, that in the fall of 2013, he had been having difficulty obtaining the trees acceptable for mitigation.

Mr. Sessions stated that the native trees required by Mr. Ramsay would be difficult to find at the time of year when Mr. Ramsay had been looking. Mr. Ramsay had also spent time looking for smaller plants, which when reviewed by Kellard Sessions, were determined not to be acceptable. This caused a delay.

Mr. Sessions recommended: that by May 15, 2014, the remainder of the plants, in accordance with the resolution, be in the ground; and by June 1, 2014, the entire area be stabilized and/or vegetated.

Mr. Ramsay stated that grass seed had been planted.

Mr. Sessions stated that when he had been to the site in the fall, not all of the grass had germinated. The grass may have to be supplemented.

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman, an extension to June 30, 2014 was granted to Christopher and Sandra Ramsay, 14 Benedict Road, South Salem, Wetland Violation, 9-11WV, to comply with conditions of the Wetland Activity Permit, 61-12WP.

All In Favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

Mr. O'Donnell stated to Mr. Ramsay that he must satisfy the administrative requirements of Mr. Sessions. Should the requirements not be satisfied, Mr. Ramsay was informed that an additional violation is possible, either before the Planning Board, or the Town Court.

The Board requested that Mr. Sessions coordinate with Mr. Monteleone to prepare revised resolutions for both Mr. Ramsay, and **Mr. Oliveira**, who appeared before the Planning Board on January 28, 2014.

IV. PUBLIC HEARING

Guillermo Arias & Lexus Holding Company, LTD, 411 Smith Ridge Road, Vista – Application for Preliminary Subdivision Plat Approval of a two (2) lot subdivision – Cal# 12-13PB

The Chairman announced the commencement of the Public Hearing. There were no objections to the time, place or advertisement of the public hearing. The Chairman asked whether anyone wanted the notice to be read. No one present responded affirmatively.

The Planning Board Secretary confirmed receipt of a photo showing that the public hearing sign had been posted.

Jim DeLalla, DeLalla Associates, and Joe Riina, Site Design Consultants, were present on behalf of the applicant.

Mr. DeLalla stated that the project has been before the Planning Board since approximately 2001 and had been previously approved (June 10, 2008).

Mr. DeLalla stated that the previous owner had subdivided the property by filing a map with Westchester County, without going through the approval process. The lots were subsequently sold to two separate owners. When the Arias' attempted to do work on the property, they found out that the properties had never been legally subdivided.

The applicant then came before the Planning Board to subdivide the two lots, as they existed. The northwest property is approximately five acres. The remainder of the property is approximately 12 acres, totaling approximately 17 acres.

The existing, house, garage and barn are located in the northwest corner of the site. The existing driveway exits onto Route 123.

The front part of the property is relatively level, coming to a high point in the middle of the area that is proposed for development. It slopes down to a NYS DEC wetland area which flows in a southerly direction. There is another section of NYS DEC wetland on the far eastern portion of the property, also flowing in a southerly direction. There is a ridge area separating the two wetlands.

There is a third area of wetland, which is town regulated.

There is no change proposed for the existing house site, other than the installation of a new septic system.

The front portion of the second plat would have a house, driveway, and new septic system. Plans have been submitted. There is suitable buildable area and limited disturbance on each of the properties. This had been worked out with previous Planning Boards.

Mr. DeLalla stated that there is minimal impact on the property.

Mr. Riina stated that there was a previous DOT permit on the site. The applicant requested an extension of that approval and is waiting for final confirmation.

Mr. Riina stated that, upon recommendation by the Westchester County Health Department (WCHD), the septic areas were retested in the summer of 2013. The WCHD has been involved in the current plan. The layout shown complies with WCHD requirements.

Mr. Riina stated that the proposed house will have subsurface infiltrators placed at the corners of the house, anticipating improvements around the house. The driveway will be treated by a vegetated swale. Everything will slope from the driveway to the swale and make its way out to an existing swale in the DOT right-of-way.

Mr. Sessions stated that responses to the December 11, 2013 Kellard Sessions memo had not been received. However, those comments have been incorporated into the resolution's conditions. Mr. Sessions stated that should the Board grant preliminary approval, the applicant would need to come back for final approval. At that time, all comments would need to be satisfied. If preliminary approval is granted, the applicant would have six months to satisfy conditions.

Ms. Andersen stated that the CAC had no issues with the application.

Mr. O'Donnell stated that Mr. Femia was the only person who had spoken at previous public hearing. Mr. Femia was not present. Mr. Femia had raised two issues: the impact on Norwalk Reservoir; and the impact of subdividing. The Board has received legal advice that since the application had been previously approved, it would be improvident not to approve it again.

There were no comments from the public.

On a motion made by Mr. Tetelman, seconded by Mr. Goett, the Public Hearing of Guillermo Arias & Lexus Holding Company, LTD, 411 Smith Ridge Road, Vista, Cal# 12-13PB, was closed.

All in Favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the Board adopted the Negative Declaration of Guillermo Arias & Lexus Holding Company, LTD, 411 Smith Ridge Road, Vista, Cal# 12-13PB.

All in Favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

On a motion by Mr. LaSorsa, seconded by Mr. Tetelman, the resolution dated February 25, 2014, granting Preliminary Subdivision Plat Approval, to Guillermo Arias & Lexus Holding Company, LTD, 411 Smith Ridge Road, Vista, Cal# 12-13PB, was adopted.

All in Favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

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

There were no objections to the advertisement of the public hearing. The Chairman asked whether anyone wanted the notice to be read. No one present responded affirmatively.

Mr. Tetelman recused himself and stepped down from the podium.
Mr. Sirignano represented the applicant. Mr. Petruccelli was present.

Mr. Sirignano stated that, subsequent to the January 28, 2014 Planning Board meeting, he had received submissions made by the Three Lakes Council and various members of the public. Mr. Sirignano stated that he received the Kellard Sessions memo dated February 21, 2014 on that same date. Mr. Sirignano stated that additional time was needed to respond to the Kellard Sessions memo and comments by the public.

It was stated in the Kellard Sessions memo that the Wetland Functional Analysis had not been received. Mr. Sirignano stated that Mr. Marino, wetland consultant for the applicant, submitted the Wetland Functional Analysis directly to Kellard Sessions, although it had previously been submitted to the Planning Board Secretary, as is customary procedure.

Mr. Sirignano stated that the applicant is exploring opportunities for off-premise mitigation. Letters have been sent to the Town Board and the Three Lakes Council indicating the willingness of the applicant to do mitigation on either of the properties, at the applicant's expense.

Mr. Sirignano suggested a Town property to be considered may be the Old Field Preserve, and adjacent wetlands in the Town Park, stating that the Town Board has been making efforts to eliminate invasive species in that area. Should the Town Board and Kellard Sessions feel that the Old Field Preserve is a worthy site, the applicant would be willing to do mitigation on that property.

Mr. Sirignano stated that suggestions from the Board, and residents are welcome.

Mr. O'Donnell stated that there appears to be a piece of Town-owned property just beyond the NYS wetlands which abut Lake Waccabuc. Mr. O'Donnell stated that he had no particular knowledge of the property, but being that it is in close proximity to the site, it may be an option to be considered.

In response to Mr. Kerner, Mr. Sirignano stated that the applicant would be prepared to continue the public hearing at the March 18, 2014 meeting. Mr. Sirignano stated that responses to everything that had been submitted to this point would be submitted at least ten days prior to the March public hearing.

In response to Mr. O'Donnell, with regard to the six resolutions submitted by Mr. Sirignano, and the response from the Three Lakes Council, Mr. Sirignano stated that it is not his opinion that past approvals are precedential. He was challenged by a member of the public to submit any approvals involving extensive wetland or wetland buffer disturbance. Mr. Sirignano confirmed he had reviewed the submission by The Three Lakes Council concerning the six resolutions previously discussed.

David Wright, Esq., represented the Three Lakes Council. Mr. Wright submitted a letter dated February 25, 2014 (Attachment A). Mr. Wright reviewed the letter.

Mr. Wright stated that Mr. Meyerson would address Department of Health rules.

Mr. Wright submitted a copy of a letter dated March 5, 2013 from Mr. Petruccelli to the Planning Board (Attachment B). Mr. Wright pointed out a contradiction in the letter regarding the elevation of the absorption trench: the elevation was stated as 481.0 in paragraph 2, and as 487.0 in paragraph 3. Mr. Wright highlighted these sections in his submission. The six foot differential determines whether or not compliance with County Code is met.

Mr. Wright stated that in the Lewisboro Town Code, either §217-1 or §220-2, there is a specific definition of a "water table". The water table is defined as being the run of the ground water "in the wettest season". Mr. Wright stated that the pits that were dug to measure where the level of the ground water were taken on July 26, 2010. Mr. Wright stated his opinion that this date is not compliant with Town Code.

Mr. Wright discussed the zoning concerns as outlined in his letter.

With regard to letters from the NYS DEC, and WCHD stating that the septic system is approvable, Mr. Wright stated that he had attempted to FOIL the file from the WCHD. The WCHD would not provide any plans.

In response to Mr. O'Donnell, Mr. Wright stated that he would be appearing before the Zoning Board of Appeals (ZBA) on February 26, 2014. Mr. Wright agreed to provide copies of the opposition papers received to the Planning Board Secretary.

Lenny Meyerson, Professional Engineer, submitted the memo, Petruccelli Site Development Proposal – Additional Observations (Attachment C).

Mr. Meyerson stated that the NYC DEP had requested a two chamber septic tank. A two chamber tank will allow more settling of particulates, and hold greater volume. The system is designed in a professional way. The problem is the site. Proper site, soils, and separation from saturated and wet areas are needed.

Mr. Meyerson reviewed the memo submitted.

In reference to item 1(b) of the memo, Mr. Meyerson stated that, by observation, the site is wet. There is ground water in the area which gets into the neighbors' basements. There is standing water on the lot. In deep test hole and percolation test reports, soil mottling is not mentioned. Soil mottling is important because it reflects whether water reaches higher levels in different seasons.

In reference to item 1(d) of the memo, Mr. Meyerson stated his opinion that should the project be approved, perhaps residents should be notified to be cautious about drinking water from Lake Waccabuc.

Mr. Kerner stated that there are currently septic systems within close proximity to the lake. The lake is being used for potable water. Mr. Kerner asked Mr. Meyerson if it was his opinion that a caution sign be placed at the lake now. Mr. Kerner asked for clarification, that if Mr. Meyerson is recommending that the sign be placed should the Petruccelli project be approved, is he recommending that the sign be put up immediately.

Mr. Meyerson stated that a study would be required. Mr. Meyerson stated that one of the biggest fears of the NYC DEP is failing septic systems. One septic system is not going to cause an enormous problem. Mr. Meyerson is concerned that approval of the Petruccelli application will set a precedent.

Mr. Meyerson stated that Lake Waccabuc is currently designated as mesotrophic. The lake is on the cusp of being pushed too far. The septic systems that should not have been built are causing problems.

Mr. Meyerson reviewed page 3 of his memo.

In response to Mr. O'Donnell, Mr. Meyerson stated that he did not know the phosphate target for Lewisboro. Mr. O'Donnell stated that Mr. Wright's document indicated that Mr. Meyerson would quantify the adverse impact on the lakes. Mr. O'Donnell asked Mr. Meyerson how he would quantify the adverse effects on Lake Waccabuc and the lakes to which it is connected.

Mr. Meyerson stated that he would have to review data in order to respond.

Mr. Kerner asked for clarification on the issue of posting a caution sign at the lake, as the Planning Board is concerned about public safety.

In response, Ms. Andersen stated that there are septic systems around the lakes, but there may not be wetlands around those septic systems. Ms. Andersen stated that the Three Lakes Council talks to residents about the need to pump and monitor their septic systems.

Ms. Andersen stated that the NYS DEC does an evaluation of potable indicators. Lake Waccabuc has never had an arsenic reading that was elevated. It has had readings of iron and manganese which could cause taste and odor problems, of which the residents have been informed.

Ms. Andersen stated that in the past two years, harmful algal blooms monitoring has been done. The concern is that blue green algae is a type of bacteria that can be toxic. An elevated reading has only occurred once, at which time the community was notified by email.

Ms. Andersen stated that a conductivity meter is also used. If the cause of the reading going up is thought to be a septic system, a friendly letter is sent to the homeowner suggesting that a dye test be done.

Ms. Andersen stated that the proximity of a wetland to the proposed septic is a concern. Ms. Andersen stated that although what is done cannot be undone, things can be improved going forward.

In response to Mr. LaSorsa, Mr. Meyerson stated that Lake Waccabuc is mesotrophic. It is not a natural ecosystem. It is stressed. Mr. Meyerson stated that the lake is very close to being eutrophic.

In response to Mr. LaSorsa, Mr. Meyerson stated that one house is not the tipping point.

Mr. O'Donnell asked if there was an engineering way to ensure that a septic system on this plot of land would not impact the lake.

Mr. Meyerson stated that he has seen a variety of things that have been used. Ultimately, a holding tank and pump would be the safest method. Mr. Meyerson confirmed that there are systems like this currently in Lewisboro.

Paul Lewis, 44 Twin Lakes Road, South Salem, addressed the Board.

Mr. Lewis stated his concern with the septic system on the property.

At the request of Mr. Kerner, Mr. Lewis summarized his background stating that he is a mechanical engineer. Mr. Lewis stated that when he was in college, he worked for Jim Wilson, a surveyor in Twin Lakes Village. Mr. Lewis became the transit man for Mr. Wilson.

Mr. Lewis reviewed his memo, Lake Elevation and Land Elevation and Septic System Issues, dated February 23, 2014, (which is included in the February Agenda Packet).

In response to Mr. O'Donnell's request at the January 28, 2014 Planning Board meeting, Mr. Lewis submitted a 1946 USGS Topo which clearly shows a wetland.

Mr. O'Donnell thanked Mr. Lewis for his efforts, and stated that the purchase date of the property is the most significant date with regard to the existence of a wetland.

Mr. O'Donnell asked Mr. Lewis if he knew whether there was a copy of the wetlands law that was in effect at the time of purchase. Mr. Lewis responded that this law should be in the Planning Board Department or in the Town Clerk's records. Mr. Lewis stated that he has the Town Development Plan from 1975 that came with the Master Plan.

Mr. Lewis stated that he and Ms. Andersen had found the Development Limitations Map in the Planning Board file room. Mr. Lewis had requested that this map be brought to the meeting. The Board reviewed the Development Limitations Map. The Development Limitations Map is a combination of the Soils Map and the Steep Slopes Map. Mr. Petruccelli's parcel shows as "moderate" on the map.

Mr. O'Donnell stated that the Water Resources Map may be the most relevant.

In response to Mr. Goett, Mr. Lewis stated that the matter of "when" a septic fails pertains to everyone. The concern with regard to Mr. Petruccelli's septic is the flow of the phosphorous into the wetland. Mr. Lewis referred to Mr. Myerson's comments regarding the horizontal transport of the water. The horizontal transport of water carries the phosphorous. The phosphorous combines with the soil. The soil reaches its limit as to how much it can absorb. Eventually it gets to a point where the phosphorous comes to the surface. Mr. Lewis stated that it is easy to know if a system fails, however it is difficult to predict when it will fail.

Mr. Lewis suggested that wells be put in to monitor for coliforms and phosphorous.

Ms. Andersen reviewed her memo, Responses to topics at January 28, 2014 Public Hearing, dated February 24, 2013(should have been 2014) which is part of the February Agenda Packet.

Ms. Andersen stated that the Three Lakes Council is not interested in the offer presented by Mr. Marino to breach the berm on the Three Lakes Council property.

Ms. Andersen stated that the use of motorboats is permitted by town law.

With regard to Ms. Andersen's memo, Mr. Kerner asked how the horsepower of the boats on Lake Waccabuc affected pollution. Ms. Andersen responded that the higher the horsepower, the more fuel used.

Ms. Andersen stated, that at the January 28, 2014 Planning Board meeting, she was asked to find a government report indicating how many use lake water as a source of household water. Ms. Andersen could find no such report. Ms. Andersen found governmental reports that recognize Lake Waccabuc as a drinking water lake. The reports include potable indicators. Ms. Andersen included the map, "Lake Waccabuc is used for Household Water", with the memo dated February 24, (2014). The map shows household water supply sources for homes on Lake Waccabuc: lake; well; and Twin Lakes Water Works.

Ms. Andersen discussed her memo, Comparisons to Prior Wetland Approvals, dated February 24, 2014, which is included in the February Agenda Packet.

Ms. Andersen stated her opinion that the six examples provided by the applicant do not support approving the application.

The Board acknowledged that they had read the memo submitted.

Ms. Andersen provided additional information regarding the Bocklet and Kola approvals. The Bocklet boathouse had a septic tank that was close to the lake. The Bocklets put in a sealed pump station, and put a septic tank with a White Knight system close to the road. Over 90% of the Kola parcel became restricted from any future disturbance.

Ms. Andersen stated that the Elide Building, Joseph and Riina approvals have septic systems that are removed from the wetland.

Ms. Andersen discussed the Eastbrook application.

In response to Mr. O'Donnell, Ms. Andersen stated that when preparing the comparisons to prior wetland approvals, she reviewed the Brown's Reservoir resolution. For all other responses, Ms. Andersen stated that she reviewed the entire contents of the Planning Board files.

Mr. O'Donnell stated that the Eastbrook denial took place in approximately 1995. Ms. Andersen agreed. Mr. O'Donnell asked whether Ms. Andersen was aware of any cases in the last 20 years where a property owner was denied the right to build something on their property. Ms. Andersen stated that she remembered an application that was withdrawn without prejudice. Mr. O'Donnell suggested that the consultants would look into this matter, should it need to be pursued.

In response to Mr. Goett, Ms. Andersen stated that she could not confirm that all individuals using Lake Waccabuc for drinking water have a filtration system. At the January 28, 2014 Planning Board meeting, Peter Beardsley stated that all of the individuals in his neighborhood had a filtration system. Mr. Beardsley had also stated that the Waccabuc Country Club may not have a filtration system. Mr. O'Donnell stated that on a site visit to the Waccabuc Beach Club, the filtration system was seen. Ms. Andersen stated that some Lake Waccabuc residents have Poland Spring water delivered, but may be using the lake water to shower.

In response to Mr. Sirignano, Ms. Andersen stated that she recused herself from her role as CAC Co-chair, and was addressing the Board as a resident, and President of the Three Lakes Council.

There were no further from the public.

The Public Hearing of Rudolph C. Petruccelli, Osaleta 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 was adjourned to March 18, 2014.

Mr. O'Donnell stated that paperwork suggests that Mr. Petruccelli has been before the Planning Board since approximately 2010. Mr. O'Donnell stated that he was a member of the audience at a time when Mr. Petruccelli appeared before the Board to do test holes. To Mr. O'Donnell's recollection (as a member of the audience), during conversation with Mr. Petruccelli, it was mentioned that the site was very challenging. An administrative permit was granted for the test holes, but caution was given that building on the site would be difficult. Mr. O'Donnell asked that Mr. Sirignano confirm this with his client. Mr. Sirignano acknowledged that he had seen the minutes pertaining to this meeting, noting that the Chairman had made a comment about the development restrictions on the site. Mr. O'Donnell stated that subsequent to this meeting, an application was made.

Mr. Tetelman resumed his position at the podium.

V. MINUTES OF October 15, 2013 and November 19, 2013

On a motion made by Mr. Goett seconded by Mr. LaSorsa, the minutes of January 28, 2014 were adopted.

All In Favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

VI. DISCUSSION**Goldens Bridge Fire Station, 254 Waccabuc Road, Goldens Bridge**

Ms. Andersen resumed her role as CAC Co-Chairperson.

Mr. Kerner stated that a severe fire occurred at the Goldens Bridge Fire Station. Mr. Kerner stated that he had received a call from Jan Johannessen; prompted by a call Mr. Johannessen had received from Peter Helmes, architect, asking that a permit for a temporary structure be fast-tracked. Mr. Kerner stated that a Wetland Permit is the only permit required.

By phone conversation with Mr. Johannessen, and Peter Barrett, Building Inspector, and Peter Parsons, Town Supervisor, Mr. Kerner confirmed that no foundation is required. The structure would be temporary, and pinned to the asphalt. Because the area was already disturbed, Mr. Kerner felt that the project could be handled administratively. Mr. Parsons was in agreement that the fast-tracking of the permit could occur.

It was the consensus of the Board that the proposed action would be handled administratively by the Town Wetland Inspector.

VII. EXECUTIVE SESSION AND ADJOURNMENT

On a motion made by Mr. LaSorsa, seconded by Mr. Goett, the Board entered into Executive Session with counsel and consultants for attorney/client privilege discussions at 9:18 p.m. Mr. Tetelman recused himself from the Executive Session.

All In Favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetleman.

On a motion made by Mr. LaSorsa, seconded by Mr. Goett, the Board exited Executive Session at 10:45 p.m.

In Favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell.

Recused: Mr. Tetelman

On a motion made by Mr. LaSorsa seconded by Mr. Goett, the meeting was adjourned at 10:46 p.m.

In Favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell.

Recused: Mr. Tetelman

Respectfully Submitted,



Lisa M. Pisera
Planning Board Secretary