

To: Town of Lewisboro Planning Board

From: Janet Andersen
5 Orchard Drive
South Salem, NY 10590

Date: January 28, 2014

Subject: Petruccelli Applications for Subdivision and Wetland Permit
Oscaleta Road, South Salem, NY 10590

Dear Chair Kerner and Members of the Planning Board:

Thank you for the opportunity to present my views on this application. I have already spoken about my environmental concerns with this application, and its potential impact upon the applicant's wetlands, the wetlands on the adjacent Three Lakes Council parcel, upon downstream Lake Waccabuc, and, because of the precedent that approval may set, upon the wetlands and lakes throughout the Town. I still have those concerns.

I am going to address two different subjects tonight. Mr. Petruccelli has repeatedly stated that he has paid taxes on this parcel and therefore should be able to build upon the land. I don't believe that paying taxes gives you any exceptional rights to your property. But I wanted to find out more. As best as I can tell, he paid \$563.60 in taxes in 2013, and a total of less than \$10,500 throughout his 32 years of ownership, based on an assessed lot value of \$2200.

I've attached a map that I've prepared of the lands that are classified as Residential Vacant in this area. This relies on information from the Westchester County and Town of Lewisboro web sites, and for some parcels, the information was not available. The average assessed values of the parcels that are 0.5 to 1.3 acre in size is \$9,000, and for parcels under 0.5 acre, the average assessment was \$3,170. Mr. Petruccelli's lot is assessed at \$2200, below the average for undersized lots. Since this area is zoned for one-half acre, Mr. Petruccelli has been paying taxes in the range of properties not sized as a building lot. In my personal opinion, he has not been paying high taxes that would imply a right to a building permit.

The second topic I want to bring to your attention is my confusion over the local wetland on this property. Please see the second attached map. I am not a professional, and some of this data comes from my manual translation of x,y coordinates measured off submitted plans and entered into a GIS system. My approach may not be perfect, but I believe it's reasonably accurate. I first noticed that the wetlands on maps that were submitted in 2013 were different from that in 2012. This is after a delineation in 2012 that was deemed to be "essentially the same" as that done in 2004. By my measure, the wetland was reduced in size by about a quarter. After the second delineation, in an August 2012 memo, the wetland size was documented as 8,560 square feet. In Mr. Marino's wetland description, the size is given as 7700 square feet. The filled wetland area (2662 square feet), and the enhanced wetland

area (3847 square feet), which together make up the total local wetland, sum to 6509 square feet. I feel strongly that before the Planning Board moves to approve this application, they should know how much wetland is on the property.

Additionally, if you look at the flag numbers on the map, you will see that the later wetland delineation that appeared on the plans in 2013 is missing flags 7 and 8. It may be that they were skipped in the field for the second delineation, or it could be that they were overlooked by the surveyor who prepared the map. If flags 7 and 8 were not skipped in the field, I assume they would be located further to the north, closer to the wetland in the prior delineation.

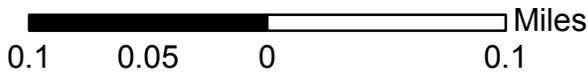
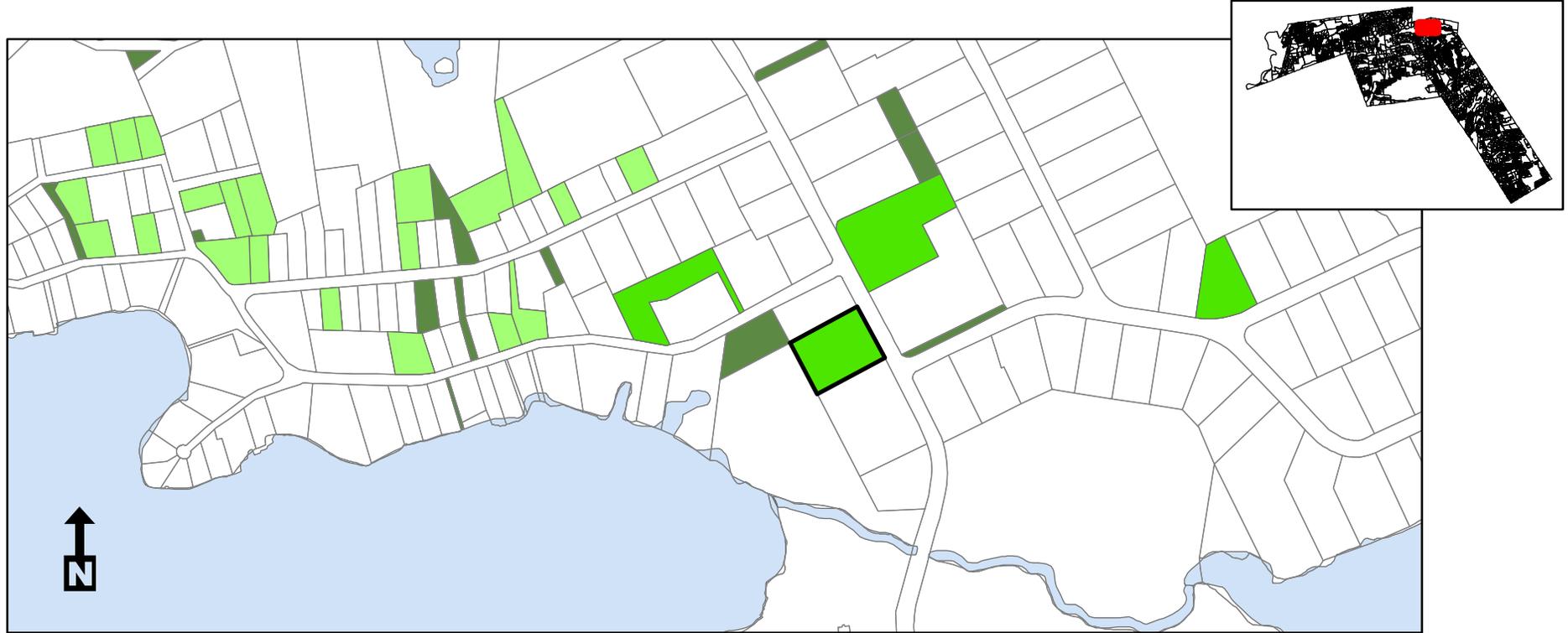
I have transferred the lines from the first wetland delineation on to the current plans. The original delineation is in red, and the new is in blue. You can see that the septic tank and part of the house intrude into the wetland as it was originally delineated, and are not in the wetland as delineated in 2012.

I can't explain the differing wetland sizes, and I am concerned about the wetland delineation. I expect that the Planning Board members will reconcile these numbers. You should be confident about the wetland delineation and the wetland size before you consider approving this application.

For all the environmental reasons that I have previously discussed, and because of the unanswered questions on the wetland size, I urge you not to approve this application.

Thank you again for your time.

Residential Vacant Lands In Lewisboro near Three Lakes

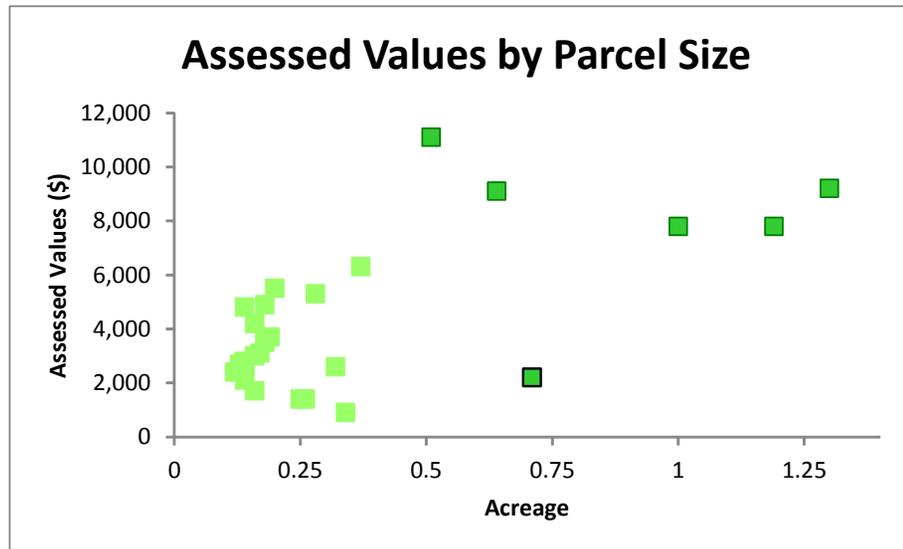


1:5,077

Westchester County Data Warehouse
 Parcel Based Land Use (2009)
 NAD 83 NY State Plane FIPS 3101 (feet)
 Assessment values: Lewisborogov.com

Janet Andersen GIS F2013
 LboroVac7
 December 3, 2013

Applicant's Assessed Value:
is below that of lots over .5 acre
is in the middle of lots < .5 acres
(ie, not building lots)

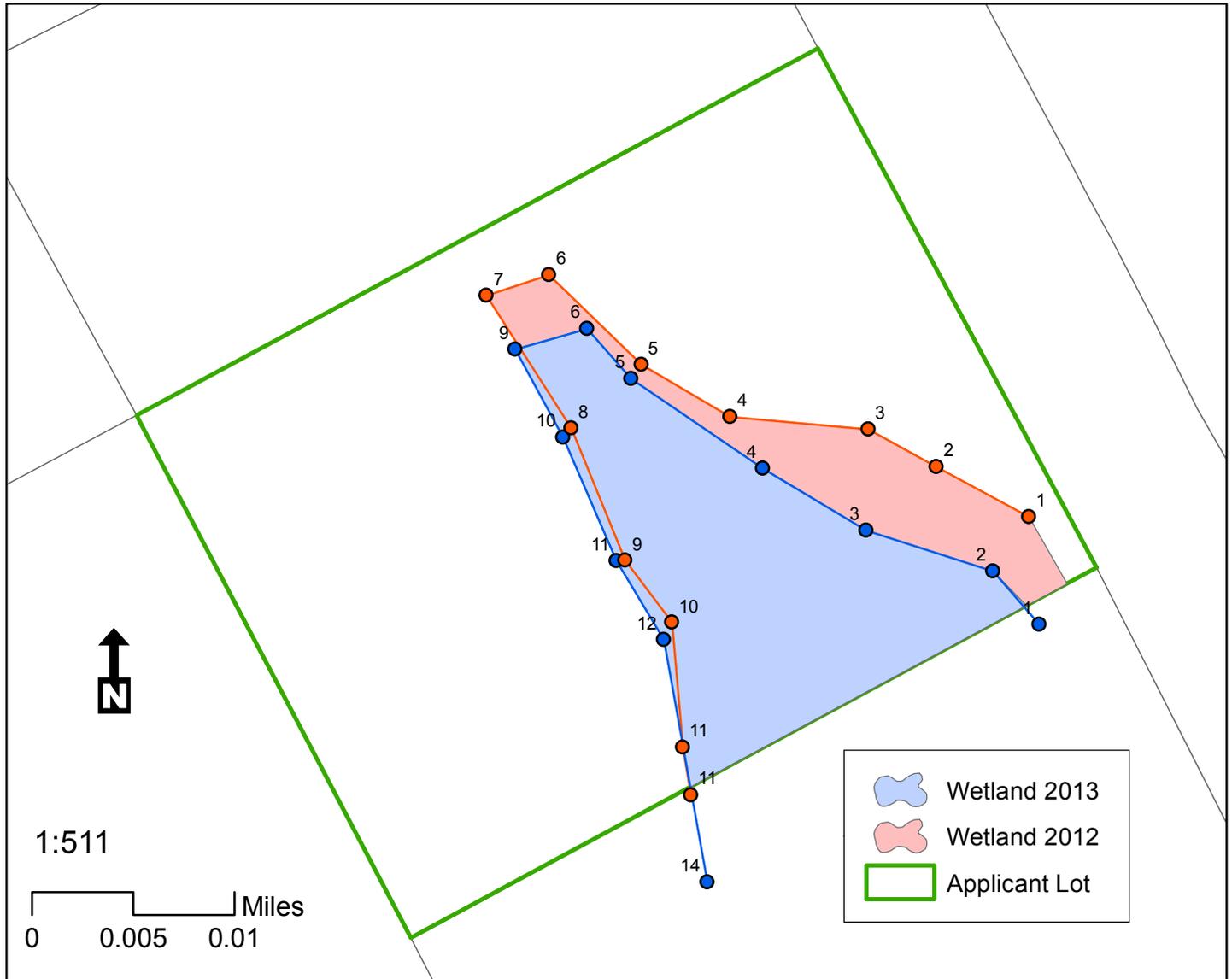


Average Assessed Values	
0.1 - 0.5 acre	\$3,177
0.5 - 1.3 acre	\$9,000
Applicant .7 acre	\$2,200

-  Application
-  Under.5
-  0.5 to 1.3
-  Assessment Value NA
-  LewisboroParcels
-  Lakes

Petrucelli Local Wetland Areas

Wetland areas shown on the maps changed mid-2013
 Over 24% of the wetland area removed from plans in 2013
 Wetland redelineation was on July, 2012.
 August 2012 documented wetland of 8560 sq ft
 November 2013 memo wetland at 7700 sq ft
 Filled wetland & enhanced wetland sum to 6509 sq ft



Plan labels 2012:
 Local wetlands flagged by Mary Jaehnig
 Survey and wetlands information shown on this plan was obtained from
 H. Stanley Johnson and company land surveyors
 wetland located August 9, 2007 and map prepared August 13, 2007

Plan Labels 2013:
 Local wetlands flagged by Mary Jaehnig certified soil scientist on
 May 28, 2004 and updated on July 29, 2012.
 Survey and wetlands information shown on this plan was obtained
 from H. Stanley Johnson and company land surveyors
 wetland located August 9, 2007 and updated May 1, 2013

Janet Andersen
 NAD 83 State Plane NY FIPS 3101 Feet
 Parcel Data from Westchester County
 Wetland data from Applicant Plans
 7/10/12 and 7/16/13
 Ed..PetrucelliWetland3.mxd
 January 27, 2014