



## Board denies Petruccelli home

By [Reece Alvarez](#) on October 9, 2014 in [Lead News](#), [News](#), [Town Government](#) - 0 Comments



*The Planning Board denied Rudolph Petruccelli's proposed three-bedroom home on Lake Waccabuc. (Reece Alvarez)*

### About author



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In a three-to-one decision, the Planning Board on Tuesday struck down Rudolph Petruccelli's multi-year effort to build a single-family lakefront home on his Oscaleta Road property.

At their meeting on Tuesday, Oct. 7, board members cited a lack of cooperation from Mr. Petruccelli to meet wetland protection requirements for their decision, rather than the group of Lake Waccabuc residents that have maintained steady opposition to the development of the home out of environmental concerns.

"There was much testimony about the impact this one house might or might not have on Lake Waccabuc," board member John O'Donnell said in a carefully worded statement at the meeting. "I am unpersuaded that there is



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going to be any substantial impact on Lake Waccabuc. The real problem with the lakes is what is already there. So I think trying to talk about some future horrible event on Lake Waccabuc as a result of the Petruccelli application might be misplaced.”

Mr. O'Donnell, however, said he believed there would be impacts on the wetland area Mr. Petruccelli proposed to build on, and agreed with board member Bob Goett and board chairman Jerome Kerner that Mr. Petruccelli had not done enough to mitigate the exceptional circumstances of his proposal to build a three-bedroom home on a property slightly larger than a half-acre and completely within a wetland or wetland buffer area.

“To my mind, clearly filling a wetland or a portion of a wetland with three feet of fill, and developing almost the entire property, which is entirely within wetland or wetland buffer, certainly indicates to me that there is going to be a substantial impact as a result of the proposed development,” he said. “I agree that on this site it is extraordinarily



*From left, Lewisboro Planning Board members Ron Tetelman, Greg LaSorsa, Jerome Kerner, Bob Goett, and John O'Donnell. (Matt Spillane)*

difficult considering the scale of the project that is proposed to successfully mitigate [impacts to the wetland]. However, as I will mention in a moment, there were suggestions made to the applicant that he decided, for one reason or the other, not to follow.”

#### **Some leeway**

Greg LaSorsa was the only board member to show support for Mr. Petruccelli's application, which has been on and off the Planning Board's agenda since 2010.

He recognized fellow board members' concerns regarding mitigation and inconsistencies by the applicant, but gave Mr. Petruccelli credit for past attempts to comply with requests from the board and coming close to requested mitigation standards.

“He is willing to do a number of stipulations and conditions in order to take away any prospective concerns there might be,” Mr. LaSorsa said.

While Mr. Petruccelli was denied a wetland activity permit to build the home, he was unanimously approved by the four members of the five-man board (Ron Tetelman recused himself from the vote) for a subdivision plat approval for possible future development of the property with the understanding that the board will have ongoing review capabilities.

“Nothing is going to happen on that property without coming back to us,” Mr. Kerner said.

Jan Andersen, co-chair of the Conservation Advisory Council, which has been adamantly opposed to Mr. Petruccelli's construction plans and his request for a subdivision approval, also recused herself from the discussion.

In a correspondence with *The Ledger*, she expressed concern that approval of the proposed home would set a dangerous precedent for wetland protection in town and would contribute to the current issue of phosphorus damage in the lake.

“The subdivision application does not meet current requirements for development of environmentally sensitive properties,” she told *The Ledger*.



"This application disregards what is now known about lake management and protection. The townwide lake management plan, prepared in 2009, identifies phosphorus as the pollutant of concern for all the town's lakes. This includes Lake Waccabuc, which is classified as a drinking water lake, and is used as a source of household water by at least 20 homes. The management plan recommended that no new septic systems be placed within 100 meters (330 feet) of a water body, and this septic system would be placed less than 50 feet from DEC wetlands that form the shore of Lake Waccabuc."

Neither Mr. Petruccelli nor his attorney, Michael Sirignano, could be reached for comment before *The Ledger* went to press Wednesday morning.

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