

**TOWN OF LEWISBORO
Westchester County, New York**



**Planning Board
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AGENDA

Thursday, May 7, 2015

Cross River Plaza, Cross River

Note: Meeting will start at **7:45 p.m.** and end at or before 11:30 P.M.

I. TOWN BOARD REFERRALS

Proposed Bed and Breakfast Ordinance – proposed change to zoning code

Proposed Hotel/Inn Ordinance – proposed change to zoning code

Multi-family Housing – proposed change of zoning to allow multi-family housing in all non-residential zoning districts

II. CORRESPONDENCE AND GENERAL BUSINESS

LOCAL LAW NUMBER __-2015 OF THE TOWN OF LEWISBORO

SECTION 1: TITLE

This Local Law shall be known as 2015 amendment of Section 220-2(B), enactment of Sections 220-23(A)(19), 220-24(A)(1)(f), 220-24(B)(1)(d), 220-24(C)(1)(o), 220-24(D)(1)(i), and enactment of Section 220-43.4 of Chapter 220: Zoning.

SECTION 2: ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law __-2015 that this law shall take effect immediately upon its passage:

SECTION 3:

Section 220-2(B) of Chapter 220: Zoning, is hereby amended to add the definition of bed and breakfast establishments to read as follows:

§220-2. Definitions and word usage.

- B. For the purposes of this chapter only, certain words and terms used herein are defined as follows:

BED AND BREAKFAST ESTABLISHMENTS -- An owner occupied dwelling in which no more than three bedrooms are available as overnight accommodations for paying, transient guests to whom a morning meal may be served.

SECTION 4:

Section 220-23(A)(19) of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-23. Schedule of regulations for residential districts.

- A. Permitted principal uses in R-4A, R-2A, R-1A, R-1/2A and R-1/4A Districts are as follows:

(19) *Bed and breakfast establishments.

SECTION 5:

Section 220-24(A)(1)(f) of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-24. Schedule of regulations for nonresidential districts.

A. Permitted uses in CC-20 Districts.

1. Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter. Permitted principal uses are as follows:

- (f) Bed and breakfast establishments in existing residential buildings used for residential purposes, in accordance with §220-43.4.

SECTION 6:

Section 220-24(B)(1)(d) of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-24. Schedule of regulations for nonresidential districts.

B. Permitted uses in SU Districts.

1. Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter or as may be approved by the Planning Board as part of site development plan review. Permitted principal uses are as follows:

- (d) Bed and breakfast establishments in existing residential buildings used for residential purposes, in accordance with §220-43.4.

SECTION 7:

Section 220-24(C)(1)(o) of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-24. Schedule of regulations for nonresidential districts.

C. Permitted uses in RB Districts.

1. Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter. Permitted principal uses are as follows:

- (o) Bed and breakfast establishments in existing residential buildings used for residential purposes, in accordance with §220-43.4.

SECTION 8:

Section 220-24(D)(1)(i) of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-24. Schedule of regulations for nonresidential districts.

D. Permitted uses in GB Districts.

1. Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter. Permitted principal uses are as follows:
 - (i) Bed and breakfast establishments in existing residential buildings used for residential purposes, in accordance with §220-43.4.

SECTION 9:

Section 220-43.4 of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-43.4. Bed and Breakfast establishments.

- A. Purpose. It is the specific purpose and intent of this provision to address the need of residents to locate convenient accommodation for visitors, to provide local accommodation for short-term visitors to the community, to encourage preservation of large older dwellings by providing a cost-effective alternate or adaptive use that can relieve the maintenance burden on the owners of such buildings and to encourage the preservation of large residential lots and their open space character by permitting an alternative use consistent with the residential character of the community. Furthermore, it is the purpose and intent of this provision to provide economic support for present resident families, to protect and preserve property values, to ensure healthy and safe living conditions and to have more effective regulation and control of Town growth and development. In furtherance of these purposes, specific conditions are set forth herein for bed and breakfast establishments.
- B. Bed and breakfast establishments shall be special uses as follows:
 - (1) In addition to the specific requirements set forth herein, the property and the principal and accessory structures located thereon shall conform to the lot area, yard and other requirements for the zoning district in which the property and structures are located unless a variance therefor shall have been granted by the Board of Appeals.
 - (2) The building housing a bed and breakfast establishment shall be an existing, detached single-family dwelling and its use as a bed and breakfast establishment shall not conflict with its appearance or function as such.
 - (3) The minimum lot size on which a bed and breakfast establishment may be located is two (2) acres. A bed and breakfast establishment may be permitted

on a lot with a smaller area only if such lot is located in a nonresidential district, the Planning Board finds that a bed and breakfast establishment can be adequately accommodated within the existing principal dwelling building, that it will not overburden the property, and that it will be a use compatible with the surrounding properties.

- (4) The owner of the lot upon which the bed and breakfast establishment is to operate shall occupy and maintain the bed and breakfast establishment as his/her primary legal residence. The owner of the lot must reside in the premises at the time rooms are being used by guests.
- (5) The maximum number of bedrooms that may be available to overnight guests shall be three (3) bedrooms. The Planning Board shall be responsible for determining and limiting the number of bedrooms in each dwelling in connection with its review of the special use permit application.
- (6) Guests in such bed and breakfast establishment may reside in such establishment for a maximum of three (3) nights. The maximum occupancy of each guest room in the bed and breakfast establishment shall be two (2) adults and their minor children, as long as such occupancy is in compliance with the New York State Uniform Fire Prevention and Building Code.
- (7) Meal service shall be limited to a morning meal served to overnight guests of the bed and breakfast establishment only.
- (8) There shall be one price per night for overnight guests of the bed and breakfast establishment, which price shall include the morning meal.
- (9) No less than one (1) off-street parking space shall be provided per bedroom designated as available for overnight guests. Said parking shall be in addition to the parking required by this chapter for the single-family dwelling use. The Planning Board shall be responsible in connection with its review of the special use permit application for determining that the required number of parking spaces can be provided in a safe manner on the subject lot so as to not establish a nuisance or burden for adjacent and surrounding lots.
- (10) Evidence of the approval of the proposed method and adequacy of water supply and sewage disposal shall be obtained from the Westchester County Department of Health.
- (11) The special use permit shall be granted for a period of three (3) years and may be renewed for additional three (3) year periods. An application, and a renewal, of the special use permit shall be made to the Building Department on a form provided by the Building Department for such purpose, and by payment of a fee in an amount set forth in a Fee Schedule as adopted and as may be amended from time to time by resolution of the Town Board. The

Building Department, after receiving the completed application and fee, shall reissue the special use permit if inspection of the premises finds it to be in compliance with all applicable codes including the New York State Uniform Fire Prevention and Building Code, the requirements of this section and the provisions of the original special use permit approval. If the Building Department finds that the property is not in compliance with all applicable codes including the New York State Uniform Fire Prevention and Building Code, the requirements of this section and the provisions of the original special use permit approval, then the Building Department shall refer the application to the Planning Board for action.

- (12) Each property for which a special permit has been issued for use as a bed and breakfast establishment is subject to periodic inspections by the Building Department and Fire Inspector to ensure continued compliance with all applicable codes including the New York State Uniform Fire Prevention and Building Code, the requirements of this section and the provisions of the original special use permit approval. Such inspections shall be conducted at least annually, and may be conducted more frequently if the Building Department or Fire Inspector reasonably suspects that more frequent inspections are necessary to ensure the safety of the bed and breakfast establishment.
- (13) If any inspection of the property and dwelling by the Building Department or Fire Inspector for the purpose of ensuring compliance with the provisions of this section is refused by the owner, when said inspection occurs at any reasonable time during daylight hours, or if the continuing conditions of the special use permit are violated, the special permit shall be subject to revocation after a hearing by the Planning Board at which the permit holder is provided an opportunity to be heard.
- (14) When during the review of an application the Planning Board finds that significant site work will be required to increase parking areas, to enlarge subsurface sewage disposal areas or to otherwise alter the physical site conditions, the Planning Board shall require the submission of a site plan which shall be processed concurrently with the application for a special use permit. In all other situations, site plan approval by the Planning Board shall not be required.
- (15) In addition to the special standards described above, bed and breakfast establishments shall comply with any other requirements of this chapter and any special requirements deemed appropriate by the approving agency in accordance with the requirements of Section 220-32 herein.

SECTION 10: HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 11: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town of Lewisboro hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 12: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated: _____, 2015

**BY THE ORDER OF THE TOWN BOARD
OF THE TOWN OF LEWISBORO**

JANET DONOHUE, TOWN CLERK

LOCAL LAW NUMBER __-2015 OF THE TOWN OF LEWISBORO

SECTION 1: TITLE

This Local Law shall be known as 2015 amendment of Section 220-2(B) of Chapter 220: Zoning.

SECTION 2: ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law __-2015 that this law shall take effect immediately upon its passage:

SECTION 3:

Section 220-2(B) of Chapter 220: Zoning, is hereby amended to delete the definition of motel as follows:

The Definition of "MOTEL" is hereby deleted from Section 220-2(B) of chapter 220: Zoning, of the Town Code of the Town of Lewisboro.

SECTION 4: HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 5: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town of Lewisboro hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated: _____, 2015

BY THE ORDER OF THE TOWN BOARD
OF THE TOWN OF LEWISBORO

JANET DONOHUE, TOWN CLERK

LOCAL LAW NUMBER __-2015 OF THE TOWN OF LEWISBORO

SECTION 1: TITLE

This Local Law shall be known as 2015 Amendment of Section 220-2(B), enactment of Section 220-23(A)(18), enactment of Sections 220-23(A)(18), 220-24(A)(1)(e), 220-24(B)(1)(c), 220-24(C)(1)(n), 220-24(D)(1)(h), and Section 220-43.3 of Chapter 220: Zoning.

SECTION 2: ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law __-2015 that this law shall take effect immediately upon its passage:

SECTION 3:

Section 220-2(B) of Chapter 220: Zoning, is hereby amended to add "Inn" to the definition of "Hotel," to read as follows:

HOTEL / INN – A building or portion thereof containing rooms, without individual kitchen facilities, occupied by transient guests who are lodged with or without meals, which rooms have primary access from public halls, and in which building or portion thereof there are certain public rooms or halls for the service of food and drink, with or without entertainment, and other facilities intended to provide customary accessory conveniences or services normally incidental to and associated with such a use. For purposes of this chapter, the term "Hotel" shall also include "Inns."

SECTION 4:

Section 220-23(A)(18) of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-23. Schedule of regulations for residential districts.

- A. Permitted principal uses in R-4A, R-2A, R-1A, R-1/2A and R-1/4A Districts are as follows:

(18) *Hotels.

SECTION 5:

Section 220-24(A)(1)(e) of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-24. Schedule of regulations for nonresidential districts.

A. Permitted uses in CC-20 Districts.

1. Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter. Permitted principal uses are as follows:

- (e) Hotels in accordance with §220-43.3.

SECTION 6:

Section 220-24(B)(1)(c) of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-24. Schedule of regulations for nonresidential districts.

B. Permitted uses in SU Districts.

1. Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter or as may be approved by the Planning Board as part of site development plan review. Permitted principal uses are as follows:

- (c) Hotels in accordance with §220-43.3.

SECTION 7:

Section 220-24(C)(1)(n) of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-24. Schedule of regulations for nonresidential districts.

C. Permitted uses in RB Districts.

1. Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter. Permitted principal uses are as follows:

- (n) Hotels in accordance with §220-43.3.

SECTION 8:

Section 220-24(D)(1)(h) of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-24. Schedule of regulations for nonresidential districts.

D. Permitted uses in GB Districts.

1. Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter. Permitted principal uses are as follows:

- (h) Hotels in accordance with §220-43.3.

SECTION 9:

§220-43.3. Hotels

Hotels shall be special uses as follows:

- A. Location. The special use listed in this section may be permitted in a residence district only in locations fronting on or having direct access to major or collector roads as determined by the Planning Board and shown on the Town Development Plan Map.
- B. Coverage. Building coverage, including accessory buildings, shall not exceed 20% of the lot area, nor shall the sum total of the land covered with buildings and parking, including driveways, exceed 50% of the lot area, within any residence district.
- C. Setbacks. All new buildings shall be set back from adjoining properties in residence districts and street lines directly opposite properties in residence districts a distance equal to at least twice the normally applicable front yard setback requirement for detached one-family dwellings in the zoning district in which they are located, but in no case less than 50 feet. Setback requirements may be modified by the Board of Appeals in case of conversions of existing buildings.
- D. Buffer area. A landscaped buffer area, meeting at least the minimum requirements of Section 220-15 of this chapter, shall be required along all lot lines adjoining properties in residence districts, except where determined by the approving agency that a lesser width or no buffer will meet the purpose of this requirement.
- E. Parking. Parking shall be in accordance with Section 220-56(D) of this chapter.
- F. Other requirements. In addition to the special standards described above, hotels shall comply with any other requirements of this chapter and any special requirements deemed appropriate by the approving agency in accordance with the requirements of Section 220-32 herein. Further, hotels shall be subject to review

and recommendation by the Architecture and Community Appearance Review Council.

SECTION 10: HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 11: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town of Lewisboro hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 12: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated: _____, 2015

BY THE ORDER OF THE TOWN BOARD
OF THE TOWN OF LEWISBORO

JANET DONOHUE, TOWN CLERK

TOWN OF LEWISBORO

LOCAL LAW NUMBER __-2015 OF THE TOWN OF LEWISBORO

AMENDMENT TO CHAPTER 220, SECTIONS 220-2, 220-24, AND 220-26 OF THE
LEWISBORO TOWN CODE

BE IT ENACTED by the Town Board of the Town of Lewisboro, Westchester
County, New York, as follows:

Section 1. Chapter 220, Section 220-2(B), entitled “Definitions and word usage,”
is hereby amended to add the following definition to read as follows:

§ 220-2. Definitions and word usage.

B. For the purposes of this chapter only, certain words and terms used herein are defined
as follows:

AFFORDABLE AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) UNIT –
A for-purchase housing unit that is affordable to a household whose income does not
exceed 80% of the area median income (AMI) for Westchester as defined annually by the
U.S. Department of Housing and Urban Development (HUD) and for which the annual
housing cost of a unit including common charges, principal, interest, taxes and insurance
(PITI) does not exceed 33% of 80% AMI, adjusted for family size ~~and that is marketed in
accordance with the Westchester County Fair & Affordable Housing Affirmative
Marketing Plan.~~ A rental unit that is affordable to a household whose income does not
exceed 60% AMI and for which the annual housing cost of the unit, defined as rent plus
any tenant paid utilities, does not exceed 30% of 60% AMI adjusted for family size ~~and
that is marketed in accordance with the Westchester County Fair & Affordable Housing
Affirmative Marketing Plan.~~

Section 2. Chapter 220, Subsections A(1), B(1), C(1), and D(1) of Section 220-24, entitled “Schedule of regulations for nonresidential districts,” is hereby amended to read as follows:

§ 220-24. Schedule of regulations for nonresidential districts.

A. Permitted uses in CC-20 Districts.

(1) Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter.

Permitted principal uses are as follows:

- (a) Any principal use, including special permit uses, permitted in the R-4A District as regulated therein.
- (b) Multifamily dwellings, subject to the requirements of §220-26 of this chapter excluding subsections B(5) and D therein.
- (c) Separate dwelling unit or units on floors above any permitted principal nonresidential use if separated by un-pierced fire walls and ceilings and provided with an exterior entrance separate from the nonresidential use.
- (d) Office buildings for business, governmental or professional use.
- (e) *Research laboratories.
- (f) *Manufacturing, fabricating, finishing or assembling or products.

NOTE: * Indicates special permit uses subject to special permit review and approval procedures in § 220-32 and to requirements specified in Article V.

B. Permitted uses in SU Districts.

(1) Permitted principal uses. All uses must be conducted from fully enclosed structures except as may be otherwise expressly provided in this chapter or as may be approved by the Planning Board as part of site development plan review.

Permitted principal uses are as follows:

- (a) Any principal use, including special permit uses, permitted in the R-4A District as regulated therein.

(b) Multifamily dwellings, subject to the requirements of §220-26 of this chapter excluding subsections B(5) and D therein.

(c) Any facility required for transmission, treatment or temporary storage of electricity, gas, water, sewage, steam, refuse, cable television, telephone service and telegraph service, except a communication facility as defined in this chapter. Such facilities shall include but not be limited to electric transformers, pumping stations and reservoir structures.

C. Permitted uses in RB Districts.

(1) Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter.

Permitted principal uses are as follows:

(a) Stores and shops for the conduct of retail businesses, but excluding automobile service.

(b) Multifamily dwellings, subject to the requirements of §220-26 of this chapter excluding subsections B(5) and D therein.

(c) Full-service restaurants and taverns, excluding fast-food restaurant establishments and outdoor counter, drive-in or curbside service.

(d) Limited-service carry-out restaurants including 10 or fewer seats.

(e) *Limited-service carry-out restaurants including more than 10 seats.

(f) Grocery stores, food markets, health-food stores and supermarkets.

(g) Personal service businesses, such as but not limited to, hairdressers, shoemakers and tailors, serving the public directly.

(h) Professional, banking, governmental and business offices.

(i) Indoor recreation facilities.

(j) Separate dwelling unit or units on floors above any permitted principal nonresidential use if separated by un-pierced fire walls and ceilings and provided with an exterior entrance separate from the nonresidential use.

- (k) Any principal use, including special permit uses, permitted in the R-2F-10 District as regulated herein.
- (l) *Laundry, dry-cleaning, furniture stripping/refinishing and photo/printing processing establishments.
- (m) *Gasoline service stations.
- (n) Child day care, provided that child day care shall at all times comply with any applicable New York State laws and regulations. All child day-care centers, group family day-care homes, family day-care homes and school-age child-care programs shall register with and furnish proof of current New York State approval to the Building Department of the Town of Lewisboro.

NOTE: * Indicates special permit uses subject to special permit review and approval procedures in § 220-32 and to requirements specified in Article V.

D. Permitted uses in GB Districts.

- (1) Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter.

Permitted principal uses are as follows:

- (a) Any principal use, including special use permit uses, permitted in the RB District as regulated therein.
- (b) Multifamily dwellings, subject to the requirements of §220-26 of this chapter excluding subsections B(5) and D therein.
- (c) Separate dwelling unit or units on floors above any permitted principal nonresidential use if separated by un-pierced fire walls and ceilings and provided with an exterior entrance separate from the nonresidential use.
- (d) Sales and service agencies for motor vehicles, provided that any outdoor storage or display of vehicles offered or intended for sale complies with the requirements for accessory outdoor storage or display. Overnight outdoor storage of vehicles awaiting servicing shall be limited to the number of

parking spaces designated for such use on an approved site development plan.

- (e) Landscape nurseries.
- (f) Storage and sale of building materials, provided that any outdoor storage or display complies with the requirements for accessory outdoor storage or display.
- (g) *Commercial kennels.
- (h) *Fast-food establishments.
- (i) *Manufacturing, fabricating, finishing or assembling of products and research laboratories.

NOTE: * Indicates special permit uses subject to special permit review and approval procedures in § 220-32 and to requirements specified in Article V.

Section 3. Chapter 220, subsections A, B(1), B(2), B(5), D, E(1) and E(2) of Section 220-26, entitled “R-MF Multifamily residence District,” are hereby amended to read as follows:

§ 220-26. R-MF Multifamily Residence District.

- A. Minimum site area. The lot upon which such dwelling units shall be constructed shall have an area of not less than ~~7~~ ~~15~~ acres, except when located within and served by a public water and sewer district of the Town of Lewisboro, in which case the minimum lot area shall be 15,000 square feet.
- B. Development density.
 - (1) The average gross density shall not exceed ~~two~~ ~~two~~ **four (4)** density units per acre of net lot area. The area of any wetlands, water bodies, watercourses or steeply sloped land, as defined by § 220-21 of this chapter, shall first be identified and multiplied by a factor of 0.75. The resulting number shall then be deducted from the gross total lot area to yield the net total lot area to be used in calculating the maximum allowable development density.

(2) The Planning Board may authorize an increase in permitted density by not more than ~~50%~~ ~~40%~~ if the applicant constructs at least 1/3 of the additional density units as middle-income dwelling units ~~and/or affordable affirmatively furthering fair housing (AFFH) units, as defined in this chapter.~~ The Planning Board shall base its determination of the appropriate number of additional density units upon consideration of the location and environmental suitability of the specific site and the proposed development design to accommodate such an increased density.

(5) The site plan for multifamily dwellings proposed to be constructed on property immediately adjacent to land located in a single-family residence district shall incorporate a density transition area. For purposes of this subsection, the “density transition area” is defined as land in an R-MF district, ~~or a district in which R-MF is a permitted use,~~ located within a prescribed distance of the boundary line between the R-MF district ~~or other district in which R-MF is a permitted use,~~ and a single-family residence district not located along a street right-of-way. The distance shall be equal to ~~fifty percent (50%)~~ of the minimum lot width applicable in the adjacent single-family residence district. Within such an area, the average gross development density shall not exceed two density units per acre of land area. The Planning Board may modify this requirement if existing features or land use reduce the need or substitute for the density transition area.

D. Open space and recreation area. At least ~~30%~~ ~~50%~~ of the gross area of the site shall be preserved as permanent open space, free of buildings and parking areas, and shall be landscaped or left in its natural state in accordance with plans

approved by the Planning Board.

- (1) Character. Such areas shall encompass land having meaningful ecological, aesthetic and recreational characteristics, with access, shape, drainage, location, topography and extent of improvements suitable, in the opinion of the Planning Board, for the intended purposes.
- (2) Preservation. Permanent preservation of such areas shall be legally assured, to the satisfaction of the Planning Board and the Town Attorney, by the filing of appropriate covenants, deed restrictions, easements or other agreements or the creation of a park district. Except for developments comprised solely of rental units and except where all or parts of such open space areas are deeded to and accepted by the Town of Lewisboro or a recognized conservation organization, ownership of such open space areas shall be divided equally among all property owners within the development, and a property owners association, membership in which shall be mandatory for all owners in the development, shall be incorporated, which association shall be responsible for maintenance, liability insurance and local taxes. Such association shall be empowered to levy assessments against property owners to defray the cost of maintenance, and to acquire liens, where necessary, against property owners for unpaid charges or assessments. In the event that the property owners' association fails to perform the necessary maintenance operations, the Town of Lewisboro shall be authorized to enter on such premises for the purpose of performing such operations and to assess the cost of so doing equally among all affected property owners.
- (3) Improvements. Except as provided below, within such common open

space areas, a total of not less than 300 square feet per density unit shall be improved with common recreational facilities, such as swimming pools; tennis, basketball, volleyball and shuffleboard courts; playground equipment, etc., for the use of the residents of the premises and their guests, which facilities shall not be operated for profit. Where the Planning Board determines that a suitable recreation area of adequate size cannot be properly located within a multifamily development, or is otherwise not practical, the Board may require as a condition of approval of any site development plan a payment to the Town of a sum which shall constitute a trust fund to be used by the Town exclusively for neighborhood park, playground or recreation purposes, including the acquisition of property. Such sum shall be determined in accordance with a fee schedule established by resolution of the Town Board, and which shall be filed in the Office of the Town Clerk.

E. Required parking.

(1) Parking spaces shall be provided in number and design according to the provisions of Article VII of this chapter.

~~(2) At least 1/3 of the minimum required parking spaces shall be enclosed within garages or carports, except where the Planning Board determines, in connection with its review of the site development plan, that a lesser number is appropriate. In no case shall more than 2/3 of the minimum required parking spaces be so enclosed.~~

(3) The Planning Board may require, if deemed appropriate, the provision of a suitable screened parking area solely for the storage of boats, motor homes and similar recreational vehicles belonging to inhabitants of the development.

Section 4. If any provision of this Local Law is declared illegal, unconstitutional or unenforceable by a court of competent jurisdiction, the remainder of this Local Law shall be declared to have been separately adopted and shall remain in full force and effect.

Section 5. This local law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

Dated: _____, 2015

BY THE ORDER OF THE TOWN BOARD OF
THE TOWN OF LEWISBORO

JANET L. DONOHUE, TOWN CLERK