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, June 9, 2015 at 7:00 p.m.

Present: Jerome Kerner, Chairman
Robert Goett
Gregory LaSorsa
Ron Tetelman
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel

The Chairman called the meeting to order at 7:00 p.m. and noted the exit.

I. TOWN BOARD REFERRAL

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

The Board discussed the draft resolution and recommendation that was prepared by Mr. Siebert.

Discussion focused on the required minimum lot area for parcels on which multifamily housing may be sited, the number of density units per acre of net lot area, and bonus density. Discussion of the density transition area, floor area ratio (FAR), and recreation fee also took place.

The Board requested that the format of the resolution and recommendation be revised so that the recommendations made by the Planning Board appear within the resolution.

The Board requested that the resolution and recommendation be revised to state that the minimum lot size area standard remain at 15, as currently stated in the Town Code; and the permitted maximum average gross density within a multifamily housing development remain at 2 units per acre of net lot area, as currently stated in the Town Code. It was stressed that the objection to the density waiver proposal be set forth within the Resolution itself.

On a motion made by Mr. Tetelman, seconded by Mr. Goett, the Resolution Authorizing Submission of a Report and Recommendation to the Town Board of the Town of Lewisboro Regarding Proposed Local Law Amending §§220-2(B), 220-24, and 220-26 of Chapter 220, Zoning of the Town Code of the Town of Lewisboro, to be amended as discussed, was adopted.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. Tetelman.

Absent: Mr. O'Donnell

VIII. ADJOURNMENT

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the meeting was adjourned at 8:05 p.m.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. Tetelman.

Absent: Mr. O'Donnell

Respectfully Submitted,

Lisa M. Pisera

Lisa M. Pisera
Planning Board Secretary

RESOLUTIONS

RESOLUTION
LEWISBORO PLANNING BOARD

AUTHORIZING SUBMISSION OF A REPORT AND RECOMMENDATION TO THE TOWN BOARD OF THE TOWN OF LEWISBORO REGARDING PROPOSED LOCAL LAW AMENDING §§220-2(B), 220-24 AND 220-26 OF CHAPTER 220, ZONING, OF THE TOWN CODE OF THE TOWN OF LEWISBORO

WHEREAS, a proposed Local Law amending Chapter 220, Zoning, of the Town Code of the Town of Lewisboro (the "Zoning Code") has been referred to the Planning Board by the Town Board of the Town of Lewisboro for a report and recommendation pursuant to §220-80 of the Zoning Code; and

WHEREAS, the proposed Local Law will amend §220-2(B) of the Zoning Code to include and utilize a definition of "Affordable Affirmatively Furthering Fair Housing (AFFH) Unit"; and

WHEREAS, the proposed Local Law will amend §220-24 of the Zoning Code to allow multifamily dwellings, subject to certain provisions contained in §220-26 of the Zoning Code, within the CC-20, SU, RB, GB Districts; and

WHEREAS, the proposed Local Law will amend §220-26 of the Zoning Code to (1) reduce the required minimum lot area for parcels on which multifamily housing may be sited from 15 to 7 acres, (2) increase the average gross density standard governing multifamily housing from 2 to 4 density units per acre of net lot area, (3) allow the Planning Board to authorize an increase in permitted density for multifamily housing to 50%, as opposed to 40%, when at least one-third of the additional units will serve as middle-income units or affordable affirmatively furthering fair housing units, (4) reduce the open space and recreation area requirements for multifamily housing from 50% to 30% of the gross area of a site and (5) eliminate the requirement that at least one-third of minimum required parking area servicing a multifamily dwelling(s) be enclosed within garages or carports; and

WHEREAS, the Planning Board has duly considered the proposed Local Law, in accordance with the provisions of §220-80 of the Zoning Code, and is prepared to issue a report and recommendation as required thereunder; now, therefore

BE IT RESOLVED, that the Planning Board adopts the attached Report and Recommendation to the Town Board with regard to the proposed Local Law amending §§220-2(B), 220-24 and 220-26 of the Zoning Code; and

BE IT FURTHER RESOLVED that, as set forth in this Report and Recommendation, the Planning Board supports the enactment of proposed Local Law, except as follows:

(1) As stated in this Report and Recommendation, the Planning Board recommends the rejection of the proposed exclusion of R-MF District density transition area requirements for multifamily dwellings in the CC-20, SU, RB and GB Districts;

(2) As stated in this Report and Recommendation, the Planning Board recommends the rejection of the proposed exclusion of the R-MF District open space area requirement for multifamily dwellings in the CC-20, SU, RB and GB Districts;

(3) As stated in this Report and Recommendation, the Planning Board recommends the rejection of the proposed reduction of the R-MF District minimum lot area requirement from fifteen (15) to seven (7) acres; and

(4) As stated in this Report and Recommendation, the Planning Board recommends the rejection of the proposed increase of the R-MF District maximum average gross density for multifamily dwellings from two (2) to four (4) density units per acre of net lot area; and

BE IT FURTHER RESOLVED, that the Planning Board Chairman is authorized to sign this Report and Recommendation; and

BE IT FURTHER RESOLVED, that the Planning Board Secretary is directed to forward a copy of the Report and Recommendation, in executed form, to the Town Board and Town Clerk.

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: Mr. Tetelman

The motion was seconded by: Mr. Goett

The vote was as follows:

JEROME KERNER	Aye
JOHN O'DONNELL	Absent
RON TETELMAN	Aye
ROBERT GOETT	Aye
GREG LASORSA	Aye

Jerome Kerner, Chairman , 2015

STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF LEWISBORO

I, Lisa M. Pisera, Secretary to the Planning Board of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a resolution adopted by the Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 9th day of June, 2015 and that the same is a true and correct copy of said original and of the whole thereof.

Lisa M. Pisera
Planning Board Secretary

Dated at Cross River, New York
This 12th day of June, 2015

PLANNING BOARD OF THE TOWN OF LEWISBORO REPORT AND RECOMMENDATION TO THE TOWN BOARD OF THE TOWN OF LEWISBORO ON PROPOSED LOCAL LAW AMENDING §§220-2(B), 220-24 AND 220-26 OF CHAPTER 220, ZONING, OF THE TOWN CODE OF THE OF TOWN OF LEWISBORO

I. PROPOSED AMENDMENT

The Town Board of the Town of Lewisboro (the "Town Board") has referred a proposed Local Law, a copy of which is attached, to the Planning Board for a report and recommendation pursuant to §220-80 of the Zoning Code. The proposed Local Law, if enacted, will implement a series of amendments to Chapter 220, Zoning, of the Town Code of the Town of Lewisboro (the "Zoning Code").

The amendments will affect the following changes to Zoning Code:

- A new definition, and defined term, will be placed within the Zoning Code. This term is "affordable affirmatively furthering fair housing (AFFH) unit". This term will be defined at §220-2(B) and incorporated into §220-26 of the Zoning Code. With this change, §220-26 of the Zoning Code will provide that the inclusion of at least one-third of this defined type of unit within a multifamily dwelling development will allow the Planning Board to increase permitted density standards by not more than 50%;

- Multifamily dwellings will be permitted principal uses in the CC-20, SU, RB and GB Districts.

- Multifamily dwellings in the CC-20, SU, RB and GB Districts will remain subject to the requirements contained in §220-26 of the Zoning Code, which governs the R-MF District. As a result, the development of multifamily dwellings in the CC-20, SU, RB and GB Districts will be subject to site plan review and approval by the Planning Board, as well as various dimensional, density, water and sewage, parking and unit-specific requirements currently set forth in §220-26 of the Zoning Code.

- Two of the R-MF District standards set forth in §220-26 of the Zoning Code, however, will not apply to multifamily dwellings in the CC-20, SU, RB and GB Districts: (1) the density transition area, which is mandated when a multifamily dwelling development is located adjacent to residentially zoned lands and (2)

open space and recreation area requirements otherwise required in the R-MF District.

- The standards governing the R-MF District will also be modified in several respects. First, the minimum lot size standard for multifamily dwellings will be reduced from fifteen (15) to seven (7) acres. This standard will not be modified for lands serviced by a public water and sewer district, in which case the minimum lot area will remain at 15,000 square feet. Second, the maximum average gross density within a multifamily dwelling development will be increased from two (2) to four (4) density units per acre of net lot area. Third, the Planning Board will be empowered to authorize an increase in permitted density of up to 50%, rather than the current 40% ceiling, when at least one-third of the units within a multifamily dwelling development are middle-income or affordable affirmatively furthering fair housing units. Fourth, the specified open space and recreation area requirement will be reduced from 50% to 30% of the gross area of a site. Finally, the parking standards will be modified to eliminate the requirement that at least one-third of required parking be housed in an enclosed structure (a carport or garage).

These amendments are intended to expand the number of sites within the Town available for potential multifamily and affordable housing developments. They do so by rendering multifamily dwellings a permitted use in all commercial districts, eliminating certain multifamily dwelling standards for such developments situated within commercial districts and relaxing certain standards applicable to multifamily dwelling developments within the R-MF District and, by extension, to those within the CC-20, SU, RB and GB Districts. In easing certain standards for middle income and affordable affirmatively furthering fair housing units, the amendments are intended to make the development of affordable units more economical to potential developers.

II. SCOPE OF REVIEW

The Planning Board entertained these amendments as a result of a referral made by the Town Board under §220-80 of the Zoning Code. Section 220-80 specifies the review to be undertaken by the Planning Board upon a referral and states:

> In recommending the adoption of any such proposed amendment, the Planning Board shall state its reasons for such recommendation, describing any condition that it believes makes the amendment advisable, and specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the Comprehensive Plan of land use for the

> Town and would be in furtherance of the purposes set forth in § 220-1 of this chapter. In recommending the rejection or revision of any proposed amendment, the Planning Board shall similarly state its reasons.

Pursuant to this directive, the Planning Board has considered the amendments in light of the Town Master Plan, as well as the Zoning Code. Consequently, its conclusions are based solely upon the goals and objectives articulated in the Town Master Plan and those stated in the Zoning Code.

III. PLANNING BOARD COMMENTS

The Planning Board reviewed the proposed amendments to the Zoning Code at meetings conducted on May 19, 2015 and June 9, 2015. Public comment was offered at its May 19, 2015 meeting and the Planning Board's review and deliberations continued at its June 9, 2015 meeting.

Based upon its review of the proposed legislation, the Town Master Plan, the statement of purpose set forth in §220-1 of the Zoning Code and comments received at its May 19th meeting, the Planning Board reports as follows:

- The Planning Board supports the inclusion of the proposed definition of "affordable affirmatively furthering fair housing unit" in §220-2(B) of the Zoning Code and its use in existing § 220-26 of the Zoning Code. The proposed definition will further refine local regulations concerning the provision of affordable housing units within the Town of Lewisboro. The incorporation of this definition within the Zoning Code is consistent with the Goal and Policy set forth in the Town Master Plan, which recites that "[o]pportunities should be provided for a range of housing, including type, cost and character." (Town Master Plan, Goal 1[C]).

- The Planning Board supports the introduction of multifamily dwellings as a permitted use within commercial districts. This, too, is consistent with the objective of the Town Master Plan to provide opportunities for a range of housing within the Town of Lewisboro.

- The Planning Board, however, objects to the exclusion of the density transition area requirement for multifamily dwellings in the CC-20, SU, RB and GB Districts. The Planning Board finds the elimination of this requirement is inconsistent with local zoning and planning policies and unwarranted due to existing authority granted to the Planning Board in the Zoning Code.

- Section IV of the Town Master Plan, entitled "Community Character and Appearance" expressly notes that the prevailing development pattern within the Town of Lewisboro separates areas of differing density. Similarly, the Town Master Plan recognizes

that "[t]he level of permitted housing density must be related to the physical development limitations of the land." (Town Master Plan, Goal 1[A]). Furthermore, the Town Master Plan recites, as a goal, the enhancement of community character and appearance. In this regard, it states that: "[t]he low density residential character of most of the Town's land is to be preserved by maintaining a rural and low density development standards by incorporating major features of the natural and man-made terrain into subdivision design." (Town Master Plan, Goal 4[A]). Moreover, as set forth in §220-1, one of the purposes of the Zoning Code is to "promote the most beneficial and convenient relationship among the residential, commercial, industrial and public areas of the Town, considering the suitability of each area for such uses as indicated by existing conditions, trends, and development and changing modes in living . . ." Taken collectively, the Town Master Plan and Zoning Code promote the separation of low- and high-density uses within the Town and the maintenance of relative consistency between prevailing development patterns. The density transition area gives effect to this objective, and the Planning Board sees no reason to eliminate this standard simply because a multifamily dwelling development may be within a commercial zone. Even in a commercial setting, an appropriate transition area should be employed to separate a higher density use from neighboring, lower density residential development. For this reason, the density transition area should be maintained for multifamily dwellings in the CC-20, SU, RB and GB Districts.

- Section 220-26(B)(5) of the Zoning Code, which sets forth the density transition area requirement, states: "The Planning Board may modify this requirement if existing features or land use reduce the need or substitute for the density transition area." Thus, this requirement is *not* inflexible and may be adjusted by the Planning Board under appropriate circumstances. This further supports the application of this requirement for multifamily dwellings in the CC-20, SU, RB and GB Districts.

- Although the Planning Board may adjust the density transition standard, the Zoning Code provides sparse guidance concerning the conditions under which this authority may be exercised. If this authority is to remain in place for multifamily dwelling development in the CC-20, SU, RB and GB Districts, the Town Board should consider the adoption of more specific standards and parameters with respect to the Planning Board's relaxation of this requirement. These may include, for example, a threshold size of proposed multifamily dwellings that, if met, would allow elimination of this requirement, dimensional separation from existing residential structures and the placement or existence of barriers, screening or buffers to separate residential structures from proposed multifamily dwelling uses. The Planning Board suggests the Town Board obtain guidance from the Town Planning Consultant, Kellard Sessions, regarding the development of more precise standards for the exercise of this authority.

- The Planning Board also objects to the exclusion of the open space area requirement for multifamily dwellings in the CC-20, SU, RB and GB Districts. In this regard, the proposed Local Law further proposes a reduction of the open space requirement from 50% to 30%, which will apply in commercial districts, as well as the R-MF District.

Thus, the amendments already make adjustments in this regard. Furthermore, if the open space provision is eliminated, a recreation fee in lieu of recreation area requirement would not apply to multifamily dwellings in the CC-20, SU, RB and GB Districts, even though they would produce demand for recreation facilities. As an alternative, the Planning Board is of the opinion that the open space requirement should only be eliminated for parcels in the CC-20, SU, RB and GB Districts that fall below a specific size (e.g., 5 acres), but the recreation fee in lieu of recreation area requirement should be maintained even for these parcels.

- The Planning Board objects to two of the proposed modifications to the R-MF District standards. It cannot recommend the reduction of the minimum lot size area standard from 15 to 7 acres and the increase in permitted maximum average gross density within a multifamily housing development from 2 to 4 density units per acre of net lot area.

- The Town Master Plan, as stated above, explicitly recites that the "low density residential character of most of the Town's land is to be preserved by maintaining rural and low development standards." (Town Master Plan, Goal 4[A]). The Zoning Code also identifies, among its purposes, the promotion of the "beneficial and convenient relationship" among properties and their uses and "[t]o prevent overcrowding of land and undue congestion of population." (Zoning Code, §220-1[A], [D]). The RM-F District standards requiring 15 acres as a minimum lot size and limiting multifamily dwelling development to 4 density units per acre of net lot are the product of these considerations – that is, they were incorporated into the Zoning Code to serve these precise objectives. The Planning Board, in its review of the proposed amendments, has not been provided with any analysis or empirical data projecting the eventual effect of the revised requirements. In particular, it cannot ascertain their potential influence on the scope and intensity of development within the zoning districts in which multifamily dwellings will be permitted. However, a cursory review of the proposed amendments and the Zoning Code suggests the revision of these standards, at a minimum, warrants further study. For example, under the Zoning Code, the definition of a "density unit" includes a range of dwelling types, including a "[o]ne dwelling unit containing four or more bedrooms in a permitted type of dwelling other than a one-family detached unit" and "[t]wo dwelling units containing two bedrooms each in permitted dwellings other than one-family detached units." If the minimum lot size is reduced to 7 acres, the maximum average gross density is increased to 4 "density units" and (as proposed) a density increase of 50% may be obtained, a 168-bedroom development could theoretically be placed on a 7 acre site. Admittedly, this is a purely hypothetical exercise (because it assumes no site constraints and the maximum average gross density applies to net lot area). Nonetheless, it suggests the proposed revisions to these two existing standards could give sanction to high-density development that is inconsistent with the Town Master Plan and the purposes of the Zoning Code. Consequently, the Planning Board cannot, without a substantive analysis concerning the potential development that may be permitted under these changed standards, support these aspects of the proposed amendments.

- The Planning Board has no objection to the proposed increase in its authority to allow an increase in permitted density to 50%, the reduction in the open space and recreation area requirement from 50% to 30% of the gross area of a site and the elimination of the requirement for covered parking within a multifamily dwelling development. As with other aspects of the proposed Local Law, these amendments serve the objective of the Town Master Plan to provide opportunities for a range of housing within the Town of Lewisboro.

IV. PLANNING BOARD RECOMMENDATION

After discussion and consideration of the comments provided by Town Supervisor Peter Parsons, the Town Master Plan, the Zoning Code and upon review conducted with the Planning Board's consultant and attorney, the Planning Board recommends enactment of the proposed local law, subject to the following conditions and clarifications:

The proposed amendments to §220-24(A)(1)(b), §220-24(B)(1)(b), §220-24(C)(1)(b) and §220-24(D)(1)(b) of the Zoning Code should be revised to eliminate the phrase "excluding subsections B(5) and D therein."

The proposed amendments to §220-26 of the Zoning Code should be altered in the following respects:

- The proposed amendment to §220-26(A), replacing fifteen (15) with seven (7) acres for purposes of minimum site area, should be deleted;

- The proposed amendment to §220-26(B), replacing two (2) with four (4) density units for purposes of average gross density per acre of net lot area, should be deleted;

- The proposed amendment to §220-26(B)(5) should delete the references to "RM-F," which should be replaced with "multifamily dwellings."

- The existing language in §220-26(B)(1)(5) permitting the Planning Board to modify the density transition area requirement, should be examined with a view toward the formulation and inclusion of more specific standards as to when this authority may be exercised and parameters as to the level of adjustment. The Planning Board recommends that the Town Board consult with the Town Planning Consultant for this purpose.

- The Town Board should consider the elimination of the open space and recreation area requirement for multi-family dwellings within the CC-20, SU, RB and GB Districts for parcels that fall below a specified size. In its deliberations, the Planning Board considered a threshold of five (5) acres. However, the Town Board is urged to consult with its Planning Consultant, Kellard Sessions, concerning an appropriate threshold should it pursue this alternative. In addition, in no event should the recreation fee in lieu of recreation space requirement be eliminated for multi-family dwellings, even those within commercial districts that may be exempted from the open space requirement on account of their size.

Dated: Lewisboro, New York
June 17, 2015

LEWISBORO PLANNING BOARD

By: _____
Honorable Jerome Kerner, Chairman

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 curb 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 four (4) ~~two~~ 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