

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on March 18, 2013, at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, New York.

PRESENT: Supervisor - Peter H. Parsons  
Councilmen - Peter DeLucia, Frank Kelly\*, John Pappalardo, Daniel Welsh  
Town Clerk - Janet Donohue

Also in attendance were Facilities Maintenance Manager Joel Smith, Attorney for the Town Anthony Mole', Highway Superintendent Peter Ripperger, and Parks and Recreation Superintendent, Dana Mayclim.

Mr. Parsons called the meeting to order at 7:34 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

Project Hope

A representative from Project Hope made a short presentation. Project Hope is a FEMA-granted program operating out of Mental Health Associates of Westchester. They are interested in creating a lasting partnership and would like to present details of their free and confidential Crisis Counseling program for Hurricane Sandy survivors.

\*Mr. Kelly arrives at 7:51

Yellow Lines on Roads

During the public comment period, several residents, mainly from Waccabuc, came forward to voice their opposition to the possibility of yellow striping to some of the town roads.

Jim Henry – Mead Street resident. Mr. Henry sent a letter to the Supervisor stating his opposition to any type of striping to the Town roads. He has been a 50-year resident and has never seen a head on collision and has strong opposition to yellow lines. He has started a petition and has several signatures from Waccabuc residents and will continue to obtain signatures from the entire Lewisboro area in opposition of striping. He suggested forming a task force/committee made up of thoughtful and competent individuals.

Allen Hershowitz – Post Office Road. Mr. Hershowitz stated that he walks Mead Street all the time. Basically, if it is not broke, don't fix it.

Jeff Hapoienu – Logging Road. Mr. Hapoienu is an avid biker. He feels that it would be a hindrance putting lines down on the local roads. When lines are down, people do not give bikers the room that they need since they feel they cannot cross the double yellow lines.

Alan Cole – Todd Road. Mr. Cole supports center line striping.

Phyllis and Mike Salowey – Howe St. They asked what roads the Town was thinking about lining. Highway Superintendent Peter Ripperger did map out several roads. The Board will look this map over with the Highway Superintendent and will post these roads on the website. They are mainly feeder roads.

Grant Stinchfield – a builder and resident of Waccabuc. Mr. Stinchfield claims that if we stripe our roads with yellow lines, it will automatically reduce the property values by 20%. Councilman Kelly asked Mr. Stinchfield for the back up to this number, and he will send this information to the Board.

The next step is to invite someone from the Department of Transportation to a work session and have them answer resident’s questions regarding State and Federal mandates, etc., regarding yellow lines on roads.

COMMENDATION – Police Officers David Alfano and Andrew Llewelyn

The Supervisor read letters from Chief Frank Secret to Police Officers David Alfano and Andrew Llewelyn, thanking them for a superb job in apprehending a burglar at the John Jay High School on March 2, 2013.

TOWN OFFICIALS AND EMPLOYEES - Resignations of Anthony C. LoBalbo

The Supervisor read a letter of resignation/retirement from Officer Anthony C. LoBalbo who began his career with the Town in May of 1999 and resigned on March 15, 2013. The Board thanked Officer LoBalbo for his fourteen years of service to the Town of Lewisboro.

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Pappalardo, Parsons, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby accept the letter of retirement/resignation from Officer Anthony C. LoBalbo, effective March 15, 2013.

HIGHWAY – Yellow Lines

Jim Henry, a resident of Waccabuc, sent a letter to the supervisor stating his opposition to any type of striping to the town roads. The letter is as follows:

Gentleman:

It is my understanding that the Town Board intends to place yellow lines on roads in Lewisboro, allegedly as a precaution against head on collisions. The Board agreed that the lines would be an unattractive addition to a pleasant environment. The Board stated that strips would be commenced around April 15 with State funding. Failing such action the Board asserted that the State would require such action sooner or later, although no requirement apparently now exists. Mead Street is one of the roads under consideration; hence my comments relate mostly but not exclusively to Mead Street.

Since the Waccabuc citizens strongly rejected this proposed project only a few years ago, it is obviously of considerable concern to Waccabuc and other Lewisboro residents. Before any action is taken by the Town government, important questions must be answered to assess responsibly the necessity and possible options that serve the interests of taxpayers and the voters.

I am writing to request your agreement to delay any action until this matter can be thoroughly discussed and the citizens are thoroughly informed. We certainly have the time. Otherwise we in Waccabuc doubtlessly would have to take legal action, which would be unfortunate. Mr. Supervisor, you already know how I feel about the limitations of the courts in solving problems.

A few of the unanswered questions and issues appear below.

What is the authority for this alleged requirement and who do we contact for information and further discussion. Why have the Towns of Bedford and Pound Ridge apparently not been faced with this regulatory action, notwithstanding heavier traffic pressures?

The Board cited studies showing the value of yellow lines. Those studies relevant to roads like Mead Street as distinguished from numbered routes should be disclosed and examined.

The Board noted the special value of yellow lines to elderly drivers. The value to the elderly should be substantiated. The AAA instructs older drivers to focus on the edge of the road in the dark or fog since the oncoming traffic lights obliterate the center line.

Police records should disclose the number of the head on collisions on Mead Street. Over fifty years this resident is aware of none.

Residents fear that yellow lines will increase an already serious speeding problem on Mead Street and other roads. They and the Board need the facts for a responsible decision.

Residents fear a decrease in their already depressed realty values by transforming the pleasant rural quality of their community into an urban neighborhood.. Such a devaluation has

implications for reduction of tax revenues to the Town and/or the possibility of tax increases imposed on other residents. Realty experts can assuredly assess that possibility.

I am repeatedly told by others how beautiful it is to drive up Mead Street. The WLC members put a lot of work into its character.

We are informed that the proposed regulation makes no allowance for Special Character Districts but what is the potential for amendment of such bureaucratic numbness?

Along the same thinking I was wondering if an eighteenth century road that carried Rochambeau’s troops really should be treated like an urban street.

Last and possibly a most important consideration in the decision making is the fact that Mead Street is progressively pedestrian and cyclist. From my office at Mead and Schoolhouse there is on a nice day a welcome parade of joggers, dogs on leash, baby carriages, walkers and increasingly cyclists. Cars overwhelmingly swing over to assure safe passage. This represents the fact that Mead Street has a special character and away from a car dictated syndrome. The constraint of a yellow line promises to make this narrow rural road a dangerous place and at the very least change the multiple uses of Mead Street for the worst.

I shall appreciate hearing from you at the earliest practical moment. We shall, of course, provide you with a petition unless it proves unnecessary.

CONSENT AGENDA

On motion by Mr. Kelly, seconded by Mr. Pappalardo, the Board voted 4-0 to approve the Town Board minutes of February 25, 2013.

THE VOTE:	Yes	- Parsons, Kelly, Pappalardo, Welsh	(4)
	No	- DeLucia (abstain)	(1)
	Absent	- None	(0)

MINUTES - Approved

On the above motion and second, the Board voted 4-0 to approve the Town Board minutes of the February 25, 2013.

REPORTS – Monthly Reports

On the above motion and second, the Board voted 5-0 to accept and file the February, 2013 reports from the Building and Planning Departments.

PUBLIC HEARING - Proposed Local Law which would activate and re-state Article 5L of the General Municipal Law which empowers local New York State municipalities to offer Energize (PACE) financing to local property owners.

Mr. Parsons called the public hearing to order. There was no objection to the time or form of the public notice (attached). Mr. Parsons called for comments from the public.

No public comments were heard.

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Pappalardo, Parsons, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLVED, that the public hearing for the proposed local law to activate and re-state Article 5L of the General Municipal Law which empowers local New York State municipalities to offer Energize (PACE) financing to local property owners, is now closed.

ENERGIZE (PACE) – Authorize Supervisor to sign letter requesting membership

On motion by Mr. Welsh, seconded by Mr. DeLucia, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Pappalardo, Parsons, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

ENERGIZE (PACE) – Authorize Supervisor to sign municipal agreement

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Pappalardo, Parsons, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

WHEREAS, the Town of Lewisboro has adopted “the Local Law” pursuant to Article 5-L of the General Municipal Law of the State of New York, which Local Law also authorizes Energy Improvement Corporation (EIC) to act on its behalf in carrying out its Programs, and

WHEREAS, the Town of Lewisboro wishes to apply for membership of Energy Improvement Corporation in order to offer property owners within the Municipal Borders the public benefits available through the Energy Improvement Corporation; and

WHEREAS, the Energy Improvement Corporation (hereafter EIC) is a non-profit, local development corporation chartered under New York State Law to act on behalf of its municipal members “to facilitate and finance qualified energy efficiency improvement projects and renewable energy system projects for residents, organizations, institutions and businesses in participating municipalities in New York”; and

WHEREAS, the Town of Lewisboro meets the requirements for membership in the Energy Improvement Corporation, including:

- (1) The Town of Lewisboro has a current credit rating of A+, meeting the credit requirement of above “A” and/or above “A2” for EIC member municipalities; and
- (2) The Town of Lewisboro had adopted the Local Law pursuant to Article 5-L of the General Municipal Law of the State of New York, which Local Law also authorizes EIC to act on the Town of Lewisboro’s behalf in carrying out its Programs, such as the Energize NY Benefit Finance Program; and
- (3) The Town of Lewisboro has voted to authorize Supervisor Parsons to sign the EIC Municipal Agreement.
- (4) The Town of Lewisboro acknowledges the duty, if the application for membership is successful, to participate in the EIC Annual Meeting to be held on or about March 31 of each year.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Lewisboro, hereby authorizes Supervisor Parsons to submit a letter requesting membership to Energy Improvement Corporation and include the signed Municipal Agreement with the letter.

TOWN CODE – Proposed Amendment to Chapter 107: Energize NY Benefit Financing Program in the Town of Lewisboro

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Pappalardo, Parsons, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLVED, that Chapter 107: Energize NY Benefit Financing Program, to the town Code of the Town of Lewisboro, has been added as follows:

LOCAL LAW NO. 4-2013  
A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN  
PROGRAM IN THE TOWN OF LEWISBORO

**Section 1.** The Code of the Town of Lewisboro is hereby amended by adding a new Chapter 107, entitled “Energize NY Benefit Financing Program,” to read as follows:

**ARTICLE I**

**§1. Legislative findings, intent and purpose, authority.**

A. It is the policy of both the Town of Lewisboro and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy.

The Town of Lewisboro finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation, acting on behalf of the Town of Lewisboro, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this chapter and fulfilling an important public purpose.

B. The Town of Lewisboro is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.

C. This chapter shall be known and may be cited as the “Energize NY Benefit Financing Program Law of the Town of Lewisboro”.

**§2. Definitions**

For purposes of this chapter, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**Authority** – The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the public authorities law, or its successor.

**EIC** – the Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the Town of Lewisboro to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this chapter) and providing for repayment of such funds from monies collected by the Town of Lewisboro tax collector as a charge to be levied on the real property and collected in the same manner and same form as the Town of Lewisboro taxes.

**Energy Audit** – A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

**Energy Efficiency Improvement** – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking,

weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

**Qualified Property Owner** – An owner of residential or commercial real property located within the boundaries of the Town of Lewisboro that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this chapter.

**Renewable Energy System** – An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

**Renewable Energy System Feasibility Study** – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

### **§3. Establishment of an Energize NY Benefit Financing Program**

A. An Energize NY Benefit Financing Program is hereby established by the Town of Lewisboro, whereby EIC acting on its behalf, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this chapter, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.

B. The funds provided shall not exceed the lesser of ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

### **§4. Procedures for eligibility**

A. Any property owner in the Town of Lewisboro may submit application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Town of Lewisboro offices.

B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the Town of Lewisboro, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in subsection A of section 5 of this chapter. EIC may also request further information from the property owner where necessary to aid in its determination.

C. If a positive determination on an application is made by EIC acting on behalf of the Town of Lewisboro, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this chapter;

provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

**§5. Application criteria**

- A. Upon the submission of an application, EIC acting on behalf of the Town of Lewisboro, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:
1. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective by the Authority;
  2. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems will generate an estimated annual cost savings greater than the annual charge payments;
  3. Sufficient funds are available to provide to the property owner;
  4. The property owner is current in payments on any existing mortgage;
  5. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
  6. Such additional criteria, not inconsistent with the criteria set forth above, as the Town of Lewisboro, or EIC acting on its behalf, may set from time to time.

**§6. Opt-in, Energize Finance Agreement**

- A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an Energize Finance Agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the Town of Lewisboro.
- B. Upon execution of the Energize Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of the Town of Lewisboro, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of section 7 of this chapter have been met.
- C. The Energize Finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this chapter.

**§7. Energy audit, renewable energy system feasibility study**

- A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.
- B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.
- C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

**§8. Terms and conditions of repayment**

The Energize Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the Town of Lewisboro, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their Town of Lewisboro tax bill and shall be levied and collected at the same time and in the same manner as Town of Lewisboro property taxes, provided that such charge shall be separately listed on the tax bill. The Town of Lewisboro, shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the Town of Lewisboro tax due date.
- B. The term of such repayment shall be determined at the time the Energize Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the Town of Lewisboro.
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the Town of Lewisboro at the time the Energize Finance Agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

**§9. Verification and report**

- A. EIC shall be responsible for verifying and reporting to the Town of Lewisboro on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such program.
- B. The Town of Lewisboro shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

**Section 2.** This local law shall take effect upon filing with the Secretary of State.

DRUG DISPOSAL – Westchester County

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Pappalardo, Parsons, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board authorizes the Town to participate with the Westchester County Assistance program on proper drug disposal. A lock box for unwanted drug disposal will be kept at the Police Department.

TOWN PROPERTY – Recycling Center E-Waste

Mr. Welsh presented a free program to the Board for E-Waste recycling. The vendor, Regional Computer Recycling & Recovery works with other towns in the area and they seem very happy with this vendor. This vendor will also supply the container that e-waste will be collected in.

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Pappalardo, Parsons, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLVED, that the Town Board authorizes the Supervisor to sign the agreement with Regional Computer Recycling & Recovery for the collection of E-Waste.

HIGHWAY – Pavement presentation by Sealcoating, Inc.

The Board was given a pavement presentation by Sealcoating, Inc., on proactive pavement preservation. This presentation was coordinated by the Highway Superintendent, Peter Ripperger.

PUBLIC HEARING - Proposed Amendment to Chapter 195-15(G), Subdivision and Chapter 217-6 (F) 6, Wetlands of the Town Code of the Town of Lewisboro, in order to amend the public notice requirements for subdivision and wetland permit applications.

This public hearing was closed on February 25, 2013. The Town Board could not pass the new law until it was presented with an Environmental Assessment Form (EFA) and a Negative Declaration.

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Pappalardo, Parsons, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLVED, that the Town Board did adopt the Environmental Assessment Form (EAF) and a Negative Declaration for the Proposed Amendment to Chapter 195-15(G), Subdivision and Chapter 217-6 (F) 6, Wetlands of the Town Code of the Town of Lewisboro, in order to amend the public notice requirements for subdivision and wetland permit applications.

On motion by Mr. Kelly, seconded by Mr. Pappalardo, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Pappalardo, Parsons, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLVED, that the Town Board authorizes the Supervisor to sign the Environmental Assessment Form (EAF) and a Negative Declaration for the Proposed Amendment to Chapter 195-15(G), Subdivision and Chapter 217-6 (F) 6, Wetlands of the Town Code of the Town of Lewisboro, in order to amend the public notice requirements for subdivision and wetland permit applications.



On motion by Mr. Pappalardo, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- Kelly, Pappalardo, Parsons, Welsh	(4)
	No	- DeLucia (abstain)	(1)
	Absent	- None	(0)

RESOLVED, that the Town Board adopted the amendments to Chapter 195-15(G), Subdivision and Chapter 217-6 (F) 6, Wetlands of the Town Code of the Town of Lewisboro, in order to amend the public notice requirements for subdivision and wetland permit applications. Chapter 195-15(G), Subdivision and Chapter 217-6 (F) 6, Wetlands of the Town Code of the Town of Lewisboro have been amended as follows:

TOWN OF LEWISBORO  
 LOCAL LAW NUMBER 2-2013 OF THE TOWN OF LEWISBORO  
 AMENDMENT OF SECTION 195-15(G)  
 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. TITLE

This Local Law shall be known as 2013 Amendment of Section 195-15(G) of Chapter 195: Subdivision of Land.

SECTION 2. ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law 2-2013 that this law shall take effect immediately upon its passage:

SECTION 3. Chapter 195, SECTION 195-15(G) is hereby amended to read as follows:

G. Public hearing notice.

- (1) An applicant shall give prior written notice to affected property owners, as hereinafter defined, by certified mail, return receipt requested, mailed not less than 15 days prior to the date of the public hearing. The notice shall be provided by the Planning Board through its secretary, who shall also publish the same in the official newspaper of the Town of Lewisboro at least 5 days prior to the public hearing.

- (2) “Affected property owners” shall be defined as owners of properties neighboring or in the vicinity of the property for which the application has been filed, (“subject property”) as listed in the current Town Assessor Records, as follows:
- (a) In the R-4A and R-2A Districts, property owners within 500 feet of the perimeter of the subject property.
  - (b) In the R-1A, R-½A and R-¼A, R-2F10 and R-2F-7.5 Districts, property owners within 250 feet of the perimeter of the subject property.
  - (c) In the R-MF District, property owners within 250 feet of the perimeter of the subject property.
  - (d) In all non-residential districts, property owners within 250 feet of the perimeter of the subject property.
  - (e) If notice is to be given to the common element of a condominium, it shall not be necessary to provide notice to each owner of an undivided interest in the common element of the condominium. In such case, notice must be given to the managing agent of the condominium and the chair of the board of managers of the condominium.
- (3) At the public hearing, the applicant shall submit the receipts evidencing proof of mailing and a copy of the notice actually sent, certified to be true and accurate. The applicant shall also submit an affidavit of mailing, a location map (such as a copy of the tax map or its equivalent) sufficient to show the parcels to which notices were mailed and a directory showing the names of the property owners on the map.

(4) For each such application, the applicant shall post a sign, to be supplied by the Town, on the subject property on or before the seventh day prior to the scheduled opening of the public hearing. Such sign shall be placed in a location plainly visible from the most commonly traveled street or highway upon which the subject property fronts. In no case shall the sign be more than 10 feet from the front lot line and shall be at least 4 feet above the ground.

- (a) In the event an application is withdrawn, becomes inactive, or the public hearing is closed, the applicant shall remove the sign within 5 business days. For the purposes of this section, any application which has not appeared on the Planning Board's agenda for Three (3) months or more shall be designated inactive. If an application is thereafter reactivated, signs shall be posted within 3 days.
- (b) Prior to the commencement of the public hearing, the applicant shall submit a sworn certification, with photographic evidence, to verify the placement and maintenance of the required sign.
- (c) An applicant shall deposit the sum of \$50.00 with the Planning Board Secretary to insure the return of the sign in good condition. Such deposit shall be returned to the applicant unless the sign is not returned in a condition substantially equivalent to its condition when provided to the applicant.

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.

TOWN OF LEWISBORO  
LOCAL LAW NUMBER 3-2013 OF THE TOWN OF LEWISBORO  
AMENDMENT OF SECTION 217-6(F)(6)(d)  
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. TITLE

This Local Law shall be known as 2013 Amendment of Section 217-6(F)(6)(d) of Chapter 217: Wetlands and Watercourses.

SECTION 2. ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law 3-2013 that this law shall take effect immediately upon its passage:

SECTION 3. Chapter 217, SECTION 217-6(F)(6)(d) is hereby amended to read as follows:

(d) An applicant shall give prior written notice to affected property owners, as hereinafter defined, by certified mail, return receipt requested, mailed not less than 15 days prior to the date of the public hearing. The notice shall be provided by the Planning Board through its secretary, who shall also publish the same in the official newspaper of the Town of Lewisboro at least 5 days prior to the public hearing.

[1] “Affected property owners” shall be defined as owners of properties neighboring or in the vicinity of the property for which the application has

been filed, (“subject property”) as listed in the current Town Assessor

Records, as follows:

- (a) In the R-4A and R-2A Districts, property owners within 500 feet of the perimeter of the subject property.
  - (b) In the R-1A, R-½A and R-¼A, R-2F10 and R-2F-7.5 Districts, property owners within 250 feet of the perimeter of the subject property.
  - (c) In the R-MF District, property owners within 250 feet of the perimeter of the subject property.
  - (d) In all non-residential districts, property owners within 250 feet of the perimeter of the subject property.
  - (e) If notice is to be given to the common element of a condominium, it shall not be necessary to provide notice to each owner of an undivided interest in the common element of the condominium. In such case, notice must be given to the managing agent of the condominium and the chair of the board of managers of the condominium.
- [2] At the public hearing, the applicant shall submit the receipts evidencing proof of mailing and a copy of the notice actually sent, certified to be true and accurate. The applicant shall also submit an affidavit of mailing, a location map (such as a copy of the tax map or its equivalent) sufficient to show the parcels to which notices were mailed and a directory showing the names of the property owners on the map.

- [3] For each such application, the applicant shall post a sign, to be supplied by the Town, on the subject property on or before the seventh day prior to the scheduled opening of the public hearing. Such sign shall be placed in a location plainly visible from the most commonly traveled street or highway upon which the subject property fronts. In no case shall the sign be more than 10 feet from the front lot line and shall be at least 4 feet above the ground.
- [4] In the event an application is withdrawn, becomes inactive, or the public hearing is closed, the applicant shall remove the sign within 5 business days. For the purposes of this section, any application which has not appeared on the Planning Board's agenda for Three (3) months or more shall be designated inactive. If an application is thereafter reactivated, signs shall be posted within 3 days.
- [5] Prior to the commencement of the public hearing, the applicant shall submit a sworn certification, with photographic evidence, to verify the placement and maintenance of the required sign.
- [6] An applicant shall deposit the sum of \$50.00 with the Planning Board Secretary to insure the return of the sign in good condition. Such deposit shall be returned to the applicant unless the sign is not returned in a condition substantially equivalent to its condition when provided to the applicant.

[7] The legal notice shall be in a form prescribed by the Planning Board and shall:

- (a) Describe the proposed regulated activity; specify the location and Tax Assessor identification of the subject property; and specify the name and address of the property owner and applicant.
- (b) Specify that persons wishing to comment on the proposed application can do so in writing or at the public hearing.
- (c) Specify that the proposed application materials, including all documents and maps therewith, are available for public inspection at the office of the Planning Board prior to the public hearing.

[8] Inactive permit applications. All permit applications must be diligently pursued by an applicant. Should any application before the Planning Board remain inactive for a period exceeding one year without submission of written correspondence or an appearance before the Planning Board, the application shall be considered withdrawn. Withdrawn applications may be resubmitted as new applications, subject to all fees and review requirements of this chapter.

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.

TOWN PROPERTY – Onatru Farm Soccer Field #6

The Town Board heard from Dana Mayclim, Superintendent of Parks & Recreation, and Drew Hoffman, representative of the Lewisboro Soccer Club regarding improvements that the Soccer Club would like to make at Onatru Field 6. The soccer club received a \$4,000 grant from the Forever Molly and Gregory Fund. They are looking to make improvements which include the installation of player and spectator benches and the installation of five plaques. The Soccer Club has already been in front of ACARC and PRAC and has received their approval.

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Pappalardo, Parsons, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLVED, that the Town Board authorizes the Lewisboro Soccer Club to make improvements to Onatru Field 6. These improvements will include two players’ benches, a spectator bench and five plaques. ACARC and PRAC have also given their approval.

BUILDING INSPECTOR - Authorize Building Inspector to Attend Training Seminar

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Pappalardo, Parsons, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Building Inspector, Peter Barrett, is authorized to attend the 2013 Hudson Valley Code Enforcement Officials Educational Conference to be held April 17, 18 and 19.

TOWN CODE – Proposed amendment to Section 210.3.B, Vehicles, Off Road

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, the Town Board set a public hearing with regard to a local law amending Chapter 210.3 B, Vehicles, Off-Road, of the Code of the Town of Lewisboro, to prohibit *all* motorized vehicles on Town-owned properties, other than by Town employees for Town use. This public hearing will take place on Monday, April 8<sup>th</sup>, 2013, at the Lewisboro Library at 8:00 p.m.

STORMWATER- Authorize Supervisor to sign East of Hudson Grant

On motion by Mr. DeLucia, seconded by Mr. Welsh, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board authorizes the Supervisor to sign the Stormwater East of Hudson Grant, prepared by Kellard Sessions, as reviewed by Counsel.

TOWN PROPERTY – Old Field Preserve

On motion by Mr. DeLucia, seconded by Mr. Welsh, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board authorizes the Supervisor to sign an application for \$2,652 in funding for invasive plant removal at the Old Field Preserve in Waccabuc. The funding will come from the Watershed Agricultural Council Forestry Management Assistance Program.

TOWN PROPERTY – Parks & Recreation Old Senior Bus

Mr. Parsons informed the Board that the old Parks & Recreation Senior bus was sold at auction for \$3,300.

NYSEG – Meeting Date

Mr. Parsons explained that NYSEG will be present to explain their tree-cutting program and answer residents' questions, this Thursday, March 21, at the Lewisboro Library.

CLAIMS – Authorized for Payment

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted 5-0 to authorize payment of the Town’s bills in the amount of \$340,193.87.

MEETINGS – Dates Set

The Supervisor noted there will be a Town Board meeting on Monday, April 22, 2013, at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, NY. There will also be a Town Board work session on Monday, April 8<sup>th</sup> at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, NY.

EXECUTIVE SESSION – Various Appointments

On motion by Mr. Parsons, seconded by Mr. Welsh, the Board voted 5-0 to go into executive session to discuss various appointments.

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to come out of executive session.

TOWN EMPLOYEES AND OFFICIALS – Pam Veith

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLVED, that the Town Board authorizes the Parks and Recreation Department to hire Pam Veith as a full-time Recreation Assistant to commence on March 25, 2013 at the annual salary of \$43,219.00.

TOWN EMPLOYEES AND OFFICIALS – Donna Orban

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLVED, that the Town Board does hereby appoint Donna Orban to the position of part-time assistant assessment clerk in the Assessor’s Office at a rate of \$20.14 per hour effective March 25, 2013, subject to an interview with the Town Board.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted 5-0 to adjourn at 11:00 p.m.

Janet L. Donohue  
Town Clerk