

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on July 29, 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 Jennifer Herodes and Comptroller Leo Masterson.

Mr. Parsons called the meeting to order at 7:37 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

There were no public comments.

CABARET LICENSE – Renewal Issued for Waccabuc Country Club

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, that the Town Board does hereby authorize renewal of a cabaret license for Waccabuc Country Club as submitted.

CONSENT AGENDA

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted 5-0 to approve the Town Board minutes of July 8 and July 15, 2013 and the Building Department Report for June, 2013.

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

MINUTES - Approved

On the above motion and second, the Board voted 5-0 to approve the Town Board minutes of the July 8 and July 15, 2013.

REPORTS – Monthly Reports

On the above motion and second, the Board voted 5-0 to accept and file the June, 2013 report from the Building Department.

TOWN CODE – Proposed amendment to Article 6, Chapter 212-28 Schedule VII, of the Code of the Town of Lewisboro to allow parking on the west side of Mead Street, beginning at a point 270 feet south of Chapel road and continuing for a further 100 feet south on Mead Street.

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)

RESOLUTION

RESOLVED, that the Town Board set a public hearing with regard to a local law amending Article 6, Chapter 212-28 Schedule VII, of the Code of the Town of Lewisboro to allow parking on the west side of Mead Street, beginning at a point two hundred seventy (270) feet south of Chapel road and continuing for a further one hundred (100) feet south on Mead Street. This public hearing will take place on Monday, August 12, 2013, at the Town House at 8:00 p.m.

PUBLIC HEARING - Proposed amendment to Chapter 220 Zoning of the Code of the Town of Lewisboro related to the changes to the Agricultural and Market law requirements.

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.

Mark Casella, a resident of Waccabuc River Lane, did say he lives on a small private road, with a few amount of houses, one of which is a horse farm at the end of the road. He is under the impression that the owner of this farm wants to double the amount of horses that they have on this farm. He is personally not comfortable with what he feels will be additional use of the road. He feels there will be more traffic both with added vehicles and added horses. The owner of the horse farm currently does not clean up after her horses after they walk down the road. He is not in favor of changing the use of this farm.

Supervisor Parsons expressed, that with all due respect, this is not the forum to discuss Waccabuc River Lane. It is a forum to discuss the revision to the law, which is required by the New York State Department of Agriculture and Markets (NYSDAM).

Mr. DeLucia stated that it was his understanding that our code was deficient according to NYSDAM so this is an amendment that needed to be taken care of. There were parts that needed to be revised and there was also a part of the law that had to be enacted (43.3) There is also a horse management plan that needs to be addressed, which would include the clean-up and removal of the horses and the care of the animals.

Mr. Pappalardo expressed that if we are being told that we need to make these amendments and additions then we do not have a choice. It needs to be done.

The Board thanked our attorneys for the amount of work that they put into revising this local law, they thanked the Planning Board and also Ed Buroughs, from Westchester County Planning.

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 public hearing for the proposed amendment to Chapter 220 Zoning of the Code of the Town of Lewisboro related to the changes to the Agricultural and Market law requirements, is now closed.

On motion by Mr. Parsons, seconded by Mr. Welsh, 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 of the Town of Lewisboro did, at a public hearing held on Monday, July 29, 2013, adopt Local Law No. 7-2013 which amends Chapter 220, Zoning of the Code of the Town of Lewisboro related to the changes to the Agricultural and Market law requirements, as follows:

TOWN OF LEWISBORO  
 LOCAL LAW NUMBER 7-2013 OF THE TOWN OF LEWISBORO  
 AMENDMENTS TO CHAPTER 220 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” relating to the definition of Riding Academy, is hereby amended to read as follows:

**§ 220-2. Definitions and word usage.**

RIDING ACADEMY – A facility for the boarding, keeping, training and showing of horses and for the instruction of persons in the art of horsemanship, including boarding stables and breeding

farms. A riding academy shall include such improvements as are necessary for the safety and welfare of the horses, the persons using or employed at the facility and the general public and may include paddocks and other enclosures, stables, barns and other storage buildings, riding rings, riding trails, residential facilities for the managers and employees of the facility and such other improvements as are customary or incidental to the use of property as a riding academy, as determined by the approving agency.

Section 2. Chapter 220, Section 220-23(A)(6), 220-23(A)(16) and 220-23(A)(17), entitled "Schedule of regulations for residential districts," is hereby amended and enacted to read as follows:

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

- (A)(6) \*Places of worship or religious instruction, including parish houses.
- (A)(16) \*Riding academies.
- (A)(17) \*Private schools, colleges, public libraries, museums and art galleries.

Section 3. Chapter 220, Section 220-35, entitled "Places of worship or religious instruction" is hereby amended to read as follows:

**§ 220-35. Places of worship or religious instruction, including parish houses, private schools, colleges, public libraries, museums and art galleries.**

Places of worship or religious instruction, including parish houses, private schools, colleges, public libraries, museums and art galleries shall be special uses as follows:

- A. Location. The special uses 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 it is located, but in no case less than 50 feet. Off-street parking areas shall not be permitted in any required front yard, nor in any required side or rear yard within 20 feet of any adjoining property in a residence district. 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 § 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. Other requirements. In addition to the special standards described above, places of worship or religious instruction, including parish houses, private schools, colleges, public libraries, museums and art galleries 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 § 220-32 herein.

Section 4. Chapter 220, Section 220-43.3, entitled “Riding academies,” is hereby

enacted to read as follows:

**§ 220-43.3. Riding academies.**

Riding academies shall be permitted in residence districts on lots of seven acres or more, provided that:

- A. Location. The location of the use shall have safe and adequate access as determined by the Planning Board.
  
- 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 it is located, but in no case less than 50 feet. Off-street parking areas shall not be permitted in any required front yard, nor in any required side or rear yard within 20 feet of any adjoining property in a residence district. 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 § 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. Reasonable and appropriate off-street parking requirements shall be determined by the approving agency upon consideration of all factors entering into the parking needs of each such use.

F. Horse management plan. A horse management plan must be submitted to and approved by the Planning Board. The horse management plan must include provisions for the storage, disposal or removal of manure and other wastes, provisions for the feeding and exercise of the horses and provisions for the protection of adjacent properties and delineate the areas on the property which will be actually utilized by the horses. A horse management plan compliant with the provisions of this section shall be considered to meet the requirements of a site plan as described in Article VI. The horse management plan shall include the following:

- [1] The method for the storage and disposal of manure, soiled bedding and other materials that could potentially negatively affect air quality and surface and ground water quality must be specified. No storage of such materials shall be permitted within 200 feet of a water well. Barnyards and animal pens may not be located within 100 feet of a water well. Any storage and disposal of manure and soiled bedding located within 150 feet of a street, property line, watercourse or wetlands area must be identified and mitigation of potential impacts described.
- [2] Provisions must be made for the storage of feed and bedding. All feed must be stored in rodent proof containers.
- [3] A description of any proposed stables, storage buildings, grooms' quarters and other facilities must be provided, including provisions for fire safety.
- [4] Areas where existing vegetation will be cleared for grazing and/or exercising must be identified, including provisions for the upkeep and maintenance of those areas. If riding trails are included as part of the facility, provision must be made for the upkeep and maintenance of such trails.
- [5] All wetlands must be designated and measures identified to prevent animal waste from contaminating ground or surface waters.
- [6] If the horses are to leave the property other than by vehicle, there must be a description of the proposed use of horse trails and roadways.

G. Number of horses. The number of horses permitted will be one horse for the first two acres and one horse for each additional acre if the landowner is dependent upon pasture to provide most of the sustenance required by such animals. As provided in New York State Agriculture and Markets Law Sections 301(13) and 301(17), commercial horse boarding and commercial equine must have, at a minimum, seven acres of land area and ten horses, regardless of ownership. The horse management plan will specify the maximum number of horses allowed on the farm operation.

- H. Sound systems. The use of outdoor public-address systems may be permitted for horse farms, academies or stables, provided that no more sounds shall carry beyond the limits of the site than would be inherent in the ordinary residential use of the property.
- I. Inspections. The approving agency or its representative shall be entitled, upon reasonable notice to the owner, to conduct inspections of the facility to ensure compliance with the horse management plan and any other conditions contained in the special permit. The reasonable cost of no more than two such inspections per year may, in the discretion of the approving agency, be charged to the owner.
- J. Other requirements. In addition to the special standards described above, riding academies 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 § 220-32 herein.

Section 5. Chapter 220, Section 220-47(A), entitled “Waiver of application procedures,” is hereby amended to read as follows:

**§ 220-47. Waiver of application procedures.**

- A. Applicability. A property owner may apply to the Planning Board for a waiver of the site development plan application procedures specified in §§220-45 and 220-46 when the proposal is for one of the following activities:
  - (1) A change from one use to another use.
  - (2) Revision of an approved site development plan.
  - (3) Improvement to a structure or lot that will not have any effect on the compliance of the lot or use with any provision of this chapter and does not require physical site work subject to Planning Board review.
  - (4) An agricultural use on a property located within a county adopted , State certified agricultural district. However, the Planning Board may not waive the requirement of the submission of an agricultural data statement as required by Section 305-a of the Agriculture and Markets Law of the State of New York.

Section 6. Chapter 220, Section 220-47(C)(1), entitled “Waiver of application procedures,” is hereby amended to read as follows:

**§ 220-47. Waiver of application procedures.**

(C) Planning Board action.

(1) The Planning Board shall act on a request for a waiver within 45 days of receipt of the required description. In the case of an application for a waiver involving an agricultural use on a property located within a county adopted, State certified agricultural district, the Planning Board shall act on a request for a waiver at the meeting next succeeding the submission of such application for a waiver, as long as the application for a waiver is submitted to the Planning Board at least two weeks prior to the Planning Board meeting. If the waiver is not approved, the Board shall specify the reasons for denial.

Section 7. 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 8. This local law shall take effect upon filing in the Office of the Secretary of State of the State of New York.

HEALTH CARE – Presentation by David Hogan of Travers, O’Keefe

OLD FIELD PRESERVE – Grant Approved

Supervisor Parsons announced that a \$2,700 grant for the clearing of invasive plants from sections of the Old Field Preserve in Waccabuc had been approved by the Watershed Agricultural Council. Mr. Parsons thank Jim Nordgren for all of his hard work.

LIBRARY – Inspection Fees

The Lewisboro Library requested the Town Board to waive the required town inspection fees in connection with the expansion of the library. The Town Board has already waived the other fees on this project. If the Board waives the inspection fees, the Town would still be charged by the consultants, Kellard Sessions. Kellard Sessions, has, however agreed to reduce their fee by fifty percent. They will charge the library three thousand dollars as opposed to six thousand dollars. The Town Board felt that this was a good compromise.

SOUTH SALEM FIRE DEPARTMENT – Installation of Dry Hydrant in Town Park

Supervisor Parsons feels that the Architectural and Community Appearance Review Council, Department of Environmental Protection, and Parks and Recreation Advisory Council should be involved with the installation of the dry hydrant in the Town Park and that it needs to be coordinated with the aforementioned committees before the Town Board gets involved. The Town Board agreed.

ENERGIZE EXPANSION – Authorize Supervisor to sign

On motion by Mr. Welsh, seconded by Mr. DeLucia, 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 letters of support for the Energize Expansion.

LEON LEVY BID – Authorize Town Clerk to sign notice to bidders

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)

RESOLUTION

RESOLVED, that the Town Board authorizes the Town Clerk to sign the notice to bidders for the Leon Levy parking area bid, after review by counsel.

NOTICE TO BIDDERS

Sealed proposals for performing the work herein described will be received by the Town Board, Town of Lewisboro, New York, at the Office of the Town Clerk, Town House, 11 Main Street, South Salem New York 10590, until 11:00 A.M., **August 7, 2013** and immediately thereafter the bids will be publicly opened and read aloud in the said office.

The work consists of drainage improvements and parking lot construction within the Town of Lewisboro, Westchester County, New York. The Town is seeking prospective contractors to prepare a bid to install site improvements within the Town of Lewisboro. The work is more fully described in the Specifications and attached Details.

Contract Documents will be available online at: <http://www.lewisborogov.com> under the project title "**Leon Levy Preserve Parking Area**" or may be obtained at the above office of the Town Clerk after **July 31, 2013**. The Bidder is solely responsible for checking the URL shown above for notices and/or addenda.

A **MANDATORY** pre-bid meeting will be held at 9:00 A.M. on **August 2, 2013** at the site which is located on the west side of NYS Route 123 approximately 1,000 feet north of the intersection with Mill River Road. Requests for information must be submitted via e-mail to [jcermele@kelses.com](mailto:jcermele@kelses.com) and will be received until 4:00 p.m. on **August 5, 2013**.

Bids shall be made on the Proposal Forms furnished with the Specifications, and must be accompanied by a Bid Bond acceptable by the Town, or a certified cashier's check, drawn on a solvent bank, in the amount of not less than 5% of the total amount of the Bid. Bidders who submit certified checks must accompany them with a Consent of Surety from a recognized Bonding Company. Checks shall be made payable to the Town of Lewisboro, New York, and are to be held by the Town as a guarantee for the proper execution and delivery of the Contract and bonds to secure the faithful performance thereof. In default of such execution and delivery of Contract and Bonds, the amount of the deposit represented by the check shall be forfeited to and retained by the Town of Lewisboro as liquidated damages.

Proposals shall be enclosed in a sealed envelope bearing the name and address of the Bidder, addressed to the Town Board, Town of Lewisboro, New York, at the Office of the Town Clerk,

Town House, 11 Main Street, South Salem New York 10590 and endorsed "**Leon Levy Preserve Parking Area**", Town of Lewisboro, New York.

The Town of Lewisboro reserves the right to reject any and all Bids, to waive any informality in any Bid, and to award the Contract to other than the lowest Bidder if deemed in the best interest of the Town to do so. The bids shall be awarded in accordance with Section 103 of the General Municipal Law of the State of New York.

TOWN OFFICIALS AND EMPLOYEES - Appointment of Aimee Hodges as Secretary to the Building Department

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)

RESOLUTION

RESOLVED, that Aimee Hodges is hereby appointed as Secretary to the Building Department, at no additional salary, effective July 29, 2013.

KATONAH-LEWISBORO SCHOOL DISTRICT – Authorize Bus Lease Agreement

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, that the Park & Recreation Superintendent be and hereby is authorized to sign the 2013-2014 Bus Lease agreement with the Katonah-Lewisboro School District, which is identical to the previous year agreement.

CELL TOWER – Town Park

Councilman Kelly asked if the cell tower at the Town Park was up and running. Supervisor Parsons believes that it is but will call Leslie Snyder to verify that the work has been completed.

TOWN PARK – Basketball and Tennis Courts

Councilman Kelly asked about when the basketball and tennis courts were finally going to be repaired in the Town Park. Mr. DeLucia seems to remember that they needed to wait until after camp ended for the season before doing the repairs. The Board will follow up with Dana Mayclim, the Superintendent of Parks and Recreation.

EMERGENCY MANAGEMENT COMMITTEE – Meeting

Councilman Kelly would like to get the Emergency Management Committee together for a short meeting to go over the Town’s emergency plan. There is talk about making the John Jay High School the Emergency Operations Center. Mr. Kelly will reach out to the committee to coordinate a date and time.

NYSEG (NEW YORK STATE ELECTRIC AND GAS) – Discussions

Councilman DeLucia said that he has had several productive conversations and meetings with NYSEG as it pertains to emergency and storm related issues. They have been very responsive since the storm.

PARKS AND RECREATION – Updates

The Parks and Recreation summer programs have been going along well this season. Councilman DeLucia has been in touch with Senator Ball to discuss the possibility of a grant to upgrade some facilities at the pool; wells, bathhouse, etc. Also, Zumba class is being offered by a local resident at Onatru Park under the Lions Pavilion.

SOUTH SALEM FIRE DEPARTMENT – Annual Carnival and Parade

Supervisor Parsons announced that the South Salem Fire Department was celebrating their 75<sup>th</sup> Anniversary this year. The carnival will start on Tuesday, August 6 and go through August 10<sup>th</sup>. The parade will be on Wednesday, August 7 and will start at 7 p.m.

PACE UNIVERSITY – Grant Application

Councilman Welsh announced that he is working with Pace University on a grant application. As opposed to looking at the whole town, he feels it would be more manageable to focus on Goldens Bridge to start. He will be following up with additional information to the Town Board members.

CLAIMS – Authorized for Payment

On motion by Mr. DeLucia, seconded by Mr. Pappalardo, the Board voted 5-0 to authorize payment of the Town's bills in the amount of \$146,662.20.

MEETINGS – Dates Set

There will be a Town Board work session on Monday, August 12, 2013 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

EXECUTIVE SESSION – Legal Issues

On motion by Mr. Parsons, seconded by Mr. DeLucia, 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.

ADJOURNMENT

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted 5-0 to adjourn at 9:10 p.m.

Janet L. Donohue  
Town Clerk