

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on August 4, 2014, at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

PRESENT: Supervisor - Peter H. Parsons  
Councilmen - Peter DeLucia, Frank Kelly, John Pappalardo, Daniel Welsh  
Town Clerk - Janet Donohue  
Absent - None

Also attending was the Attorney for the Town Anthony Mole', Facilities Maintenance Manager Joel Smith and Confidential Secretary/Benefits Coordinator Mary Hafter.

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

There were no public comments.

CONSENT AGENDA

MINUTES - Approved

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted to approve meeting minutes and to receive monthly departmental reports.

On above motion and second, the Board voted 5-0 to approve the Town Board meeting minutes of July 14, 2014.

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

REPORTS – Monthly Report

On the above motion and second, the Board voted 5-0 to accept and file the July report from the Police Department.

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

Supervisor Parsons informed the Board that the housing monitor replied and acknowledged receipt of the Supervisor’s letter, which was originally sent in May, 2013.

WESTCHESTER MUNICIPAL OFFICIALS’ ASSOCIATION – Dinner Meeting

Mr. Parsons noted that it is Lewisboro’s turn to host the Westchester Municipal Officials Association dinner and program on March 15, 2015. The Board discussed possible venues and felt that LeChateau, where it was hosted in 2010, would again be appropriate.

TOWN EMPLOYEES AND OFFICIALS – Geoffrey Egginton

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

WHEREAS, the Town Board of the Town of Lewisboro wishes to recognize the passing of Geoffrey Egginton and offer its condolences to his family; and

WHEREAS, his loss will leave a large void in Lewisboro where he lived and volunteered since 1976, most recently serving on the Zoning Board of Appeals since 1994 and as its Chairman for the last six of those years and prior to that as a member of the Architecture and Community Appearance Review Council; and

WHEREAS, his contributions extended much beyond government to the Lewisboro Baseball Association where he served as a coach and Commissioner; to the Cross River Theater Company as a Board Member and designer & builder of sets; to his church where he served as a Warden of St. Luke’s in Katonah and more recently as an active parishioner of St. John’s in South Salem; and

WHEREAS, in all these pursuits he was known for ability to listen to all and his amazing grace as he epitomized the true meaning of being a gentleman; and

WHEREAS, the Town Board of the Town of Lewisboro wishes to pay its respects to Geoffrey Egginton and honor his service to the community, now

THEREFORE BE IT RESOLVED, that a copy of this resolution be spread upon the minutes of this August 4, 2014 Town Board Meeting for future generations to see and that a copy of this resolution be presented to his family.

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 Superintendent of Parks and Recreation be and hereby is authorized to sign the 2014-2015 Bus Lease agreement with the Katonah-Lewisboro School District.

CABARET LICENSE – Renewal Issued for Waccabuc Country Club

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 does hereby authorize renewal of a cabaret license for Waccabuc Country Club as submitted.

REFUSE LICENSE – Winter Brothers Hauling, LLC

On motion by Mr. Parsons, 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 Clerk be and hereby is authorized to issue a Commercial and Residential refuse license to Winters Brothers Hauling of CT, LLC, for a period of one year ending August 4, 2015, pending a violation for conducting business in the Town of Lewisboro without a license.

HIGHWAY – Use of South Salem Roads

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 approves the charitable 5K run/walk to be held on Saturday, May 2, 2015, that will raise research money and awareness for the prevention of stillbirths. This approval is conditional on proper insurance and approval by the Lewisboro Police Department.

HIGHWAY – Approve Paving Portion of Boway Road

Mr. Parsons stated that the town obtained the approvals from the Department of Environmental Conservation (DEC) who had to clear the wetlands, the town wetlands and town stormwater committee. The wetlands on the hill are not connected to anything so therefore the conclusion was that this was not a DEC wetland problem.

The Board also discussed the fact that the town does not own an inch of property on either side of the road and that is why horse trails cannot be installed.

Mr. Parsons stated that more homes have been allowed to be built on Boway and the result of that is that there is more runoff.

The current septic gets overwhelmed. The town had looked at installing a second septic however we didn't have the land to use for the installation.

There are no viable alternatives or solutions. Mr. DeLucia wanted the public to know that the Board has explored all avenues and they are making an educated decision.

On motion by Mr. Parsons, 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 does hereby approve paving the portion of Boway Road from Spring Street to 25 Boway Road, approximately .15 miles.

HIGHWAY – Application to NY State Department of Transportation (DOT) for Avery 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, that the Town Board does hereby approve an application to be sent to the New York State Department of Transportation for a “No left Turn” sign from Eastbound on Route 35 onto Avery Road in Cross River, NY between the hours of 7:30 a.m. – 9:30 a.m.

HIGHWAY – Application to NY State Department of Transportation (DOT) for Spring Hill Lane

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 does hereby approve an application to be sent to the New York State Department of Transportation for a “No Right Turn” sign for commercial traffic from northbound Route 123 onto Spring Hill Lane.

PUBLIC HEARING ANNOUNCED – No Commercial Traffic on Spring Hill Lane

Discussion regarding no commercial traffic being allowed on Spring Hill Lane took place. Mr. Parsons stated that Spring Hill Lane is no longer advocated on GPS as a thru road.

Smith Ridge Road (Route 123) resident John Cooley said that he has seen countless near misses from his driveway and recommended that Spring Hill be made one way going up the hill. Mr. Cooley stated that heading downhill and making a left-hand turn onto Route 123 is very dangerous because of the lack of sight line and the reverse heading uphill from Route 123 and making a turn is equally dangerous.

There is also overgrowth on both sides of Spring Hill Drive that need to be cut down. This will be brought to the attention of the Highway Superintendent. There is also overgrowth on Smith Ridge Road (Route 123) which is a state road and this should be brought to the attention of Department of Transportation (DOT).

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 of the Town of Lewisboro, will hold a public hearing on August 25, 2014, at 8:00 p.m. at the Lewisboro Town House, 11 Main Street, South Salem, New York, for the purpose of hearing the public with regard to installing a “No Commercial Traffic” sign at the east end of Spring Hill Lane.

PUBLIC HEARING ANNOUNCED - Amendment to Master Plan; Bicycle & Pedestrian Walkway Plans

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 of the Town of Lewisboro, will hold a public hearing on August 25, 2014, at 8:30 p.m. at the Lewisboro Town House, 11 Main Street, South Salem, New York, for the purpose of hearing the public with regard to amending the Master Plan to include a Bicycle and Pedestrian Walkway Plan.

LIBRARY – Generator Connection

On motion by Mr. DeLucia, seconded by Mr. Parsons, 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 approve a plan for an underground conduit on town property to accommodate the Lewisboro Library’s emergency generator connection, as submitted.

LIBRARY – Dogwood Tree in Front of Highway

The Lewisboro Library has a dogwood tree that needs to be moved from their property. They asked permission to plant this tree in front of the Highway Garage. The Board approved this.

BOND – Approve Amounts

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 approve the dollar amounts for the Bonds at \$315,000 for the highway Bond and \$75,000 for the basketball courts.

TYLER TECHNOLOGIES - Authorize Supervisor to Sign Contract

The Board reviewed a contract for services provided to the Assessor. The expense for the contract is budgeted in the Assessor's budget.

On motion by Mr. DeLucia, 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 the Supervisor to sign the contract with Tyler Technologies for Assessor as reviewed by counsel.

BIATHLON – Church Tavern

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 does hereby approve the road usage request for the Fourth Annual Church Tavern Biathlon to be held on September 1, 2014.

SCHOOL RESOURCE OFFICER PROGRAM - Approve Agreement

On motion by Mr. DeLucia, 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 approve the School Resource Officer program agreement with the Katonah-Lewisboro School District for the 2014-2015 school year and authorize forwarding said agreement to the Police Benevolent Association (PBA) for review.

Our Building Inspector, Peter Barrett, feels that our current Town Code is deficient with the definition of the word “Attachment” and he believes that a code revision should be made.

In a letter to the Town Board, Mr. Barrett states that currently our code allows for an accessory structure (garage, barn, etc) up to 600 square feet total floor area without a variance. If the structure is attached to the residence, this 600 square feet restriction does not apply.

In the past, this attachment could be a breezeway, pergola or loggia. In 2001, then Building Inspector Bill Cargain “clarified” the definition of “attachment” in a memo to the Zoning Board of Appeals. In this memo, dated January 16, 2001, Mr. Cargain stated that he uses the following guidelines for “Attachments”: Building is a structure under Section 220-2 and that the structure as defined by the Zoning Ordinance is “anything constructed or erected, the use of which requires location on or under the ground....” Therefore two buildings which are defined as structures may be attached to other structures by means of any device defined as a structure. In regards to the specific situation of attachment by a pergola, a pergola meets the definition of structure and can therefore be used to attach the structures.

The ZBA in its resolution of the matter that they were dealing with at the time concurred, stating that if a pergola attaches a garage to a residence, the garage becomes in essence part of the residence.

Mr. Barrett continues in his memo that this is fair and understandable under most circumstances. The pergola in the 2001 issue was approximately 60’ long. Mr. Barrett explains that the situation that we are facing now would entail a pergola of some 150’ to connect a 1,900 square foot garage to a residence, thereby negating the need for a variance.

Mr. Barrett feels that perhaps it is time to put a limit on the distance or to require that the attachment be “conditioned space” (heated/enclosed).

Mr. DeLucia, explained that the intent of the ZBA was never to extend to that degree the potential that we are now faced with. Mr. DeLucia spoke with the complainant and spoke with Mr. Barrett. Mr. Barrett would like the town attorney to see if we can amend the Zoning Code where we could still allow a pergola or a breezeway to attach with a reasonable distance to a dwelling and not use this to circumvent the law, which the town is not looking to do.

Mr. Parsons suggested that the code be changed to say “conditional space” (heated/enclosed).

Mr. Kelly suggested instead of being limited to a strict distance why don’t we look at a ratio of the square footage of the house.

Mr. Pappalardo feels that we should be more concerned with the illegality of the structure that is being connected than the conduit that is being use to connect it and he doesn’t understand why we are permitting the legalization of an illegal structure.

Mr. Parsons said that there a many homes that are not visible to the public and things are built

there and it only comes up when they try to sell the home and it is found that there are no certificates of occupancies.

Mr. Welsh feels that there has been no disincentive for breaking the Town Code. Mr. DeLucia said that people have had to tear things down.

Mr. Pappalardo suggested that we see the definition of “attachments” from neighboring town codes and come up with viable alternatives.

(This discussion took about 20 minutes)

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 \$196,600.06.

POLLING OF THE BOARD

HOUSING – Proposed Housing Ordinance

Mr. Pappalardo discussed the housing committee’s progress with the housing ordinance. They have forwarded it to our attorney to execute the final draft of the proposed housing ordinance. Zoning and Planning looked at what emerged from the Housing Committee and they worked very swiftly. Many meetings and great discussions have been had and they have looked at mixed use in the three essential shopping center areas. Mr. Pappalardo thanked all of the individuals involved.

PARKS & RECREATION – Rugby Clinic

Mr. Kelly shared that the Rugby Clinic went very well.

PARKS & RECREATION – Swim and Dive Team

Mr. DeLucia shared that the Lewisboro Swim and Dive team had an outstanding year. Lewisboro hosted the diving all stars. This is a great testament to our Parks and Recreation department.

MEETINGS – Dates Set

There will be a Town Board Work Session meeting on Monday, August 25, 2014 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

EXECUTIVE SESSION – To Discuss Personnel Issues

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to go into executive session at 8:55 p.m. to discuss personnel issues.

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. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to adjourn at 9:40 p.m.

Janet L. Donohue  
Town Clerk