

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on November 3, 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, Comptroller Leo Masterson, and Confidential Secretary/Benefits Coordinator Mary Hafter.

Mr. Parsons called the meeting to order at 7:32 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. Kelly, the Board voted to approve meeting minutes of October 27, 2014.

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

RESIGNATION – Sustainability Chairperson

Supervisor Parsons announced the resignation of Sustainability Chairperson Heather Flournoy effective November 3, 2014. The Board thanked Ms. Flournoy for her enthusiasm and many years of service. She was a very active member of the Sustainability Committee.

PUBLIC HEARING – Zoning Map Amendment

Before opening the public hearing for comment Mr. Parsons shared some emails and letters that he received regarding this zoning change (see attached). Mr. Parsons also explained that this public hearing just amends the zoning boundaries. The Ciprianos still have to go in front of the Planning Board to amend the site plan.

Several residents came to the public hearing on the rezoning of Pietro and Jennifer Cipriano's house and property at 5 East Street in Vista, which is adjacent to their business, Copia Home and Garden Center. The zoning petition asks the town to change the zoning on the Ciprianos' home and property at 5 East Street from a one-family residential, to general business.

First to speak was Engjell Berisha of East Street. He is concerned about the impact on the East Street neighborhood. He stated that you have people walking and the trucks and trailers are hazardous to children. He said that he has lived in the neighborhood for about 8 years and has seen an increase in the amount of traffic, primarily landscaping trucks. He would like the 18-wheelers and big tractor trailers kept off East Street and kept on Route 123. He is concerned about his neighborhood becoming unsafe.

Michael Sirignano, the attorney representing the Ciprianos presented the Board with a petition signed by 14 individuals in the neighborhood who support the project. Mr. Sirignano noted that the application had received favorable comments from the town Planning Board and the Westchester County Planning Board. Mr. Sirignano also stated that that they are sensitive to the truck issue. They are through the site plan process with the Planning Board. The traffic will be addressed and will be improved. They have a long way to go before changes are made, but they are on their way.

Mr. Elmir Pasalik spoke out in favor of the rezoning. He said that he didn't see many issues with the trucks and that he would love to see this town business continue to succeed. He also said that he felt the Ciprianos are doing an excellent job and that combining the two properties will give them the room that they need for unloading.

Roger Langevin of Robins Wood Lane said that the previous owners would unload the trucks from the Vista Town Park and that the Ciprianos do not do this.

Bill Carugan of Robins Wood Lane stated that in his opinion, there was no problem with the tractor trailers.

Mr. Welsh stated that Mr. Cipriano is an active member of the bike and pedestrian path group and that he hopes Mr. Cipriano will continue to be proactive.

Mr. DeLucia stated that he deals with many businesses in town and that Copia has been very giving to the town. He would like to see them succeed and flourish.

The public hearing closed at 7:52 p.m.

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 local law amending Chapter 220, Section 220-4, entitled “Zoning Map”, of the Code of the Town of Lewisboro, to re-zone as GB (General Business) the parcels known as 5 East Street, is now closed.

PUBLIC HEARING – Zoning Map Amendment; NEGATIVE DECLARATION

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 OF NEGATIVE DECLARATION OF SIGNIFICANCE FOR THE RE-ZONING OF CERTAIN PARCELS IN THE TOWN OF LEWISBORO

WHEREAS, the Town Board of the Town of Lewisboro has received a Petition pursuant to New York State Town Law Sections 264 and 265 seeking amendments to the Zoning Map of the Town of Lewisboro in order to re-zone as GB (General Business) certain parcels owned by Pietro Cipriano, Jr. and Jennifer Cipriano (the “Petitioners”); and

WHEREAS, the Petitioners are the owners of a parcel of real property known as 5 East Street, South Salem, New York designated on the Tax Assessment Map of the Town of Lewisboro as Sheet 53, Block 9834, Lot 36 and which is currently zoned R-1A (Residential 1 Acre); and the Petitioners are the owners of two adjoining parcels of real property known as 475 Smith Ridge Road, South Salem, New York designated on the Tax Assessment Map of the Town of Lewisboro as Sheet 53, Block 9834, Lots 35 and 48 and which is currently zoned RB (Retail Business), which three aforementioned parcels are hereinafter collectively referred to as the “parcels;” and

WHEREAS, the Petitioners seek to have the Town of Lewisboro re-zone the parcels as GB (General Business), in order for the Petitioners to seek approval to extend their nursery business currently located at 475 Smith Ridge Road South Salem, New York to the parcel located at 5 East Street, South Salem, New York; and

WHEREAS, a Short Environmental Assessment form was received in relation to the petition for re-zoning; and

WHEREAS, Town Board of the Town of Lewisboro made a declaration of lead agency and circulated the appropriate documentation to all involved agencies; and

WHEREAS, on November 3, 2014 the Town Board of the Town of Lewisboro held a public hearing pursuant to the aforementioned petition for re-zoning; and

WHEREAS, the Town Board of the Town of Lewisboro has reviewed and considered the Petition and associated documents submitted on behalf of the Petitioner, the Short Environmental Assessment Form prepared by the Town’s consultants, and the information provided to the Board during the public hearing held in this matter; and

WHEREAS, in accordance with Article 8 of the Environmental Conservation Law (the State Environmental Quality Review Act) and 6 NYCRR Part 617 of the implementing regulations, the proposed action has been determined to be an UNLISTED Action; and

WHEREAS, the Town Board of the Town of Lewisboro has reviewed the Environmental Assessment Form submitted for the project, and has completed review of the project; and

WHEREAS, the Town Board of the Town of Lewisboro has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7(c) and determined that the proposed action will not have a significant adverse impact on the environment; and

WHEREAS, the Town Board of the Town of Lewisboro has considered all reasonably related long-term, short-term, direct, indirect and cumulative environmental effects associated with the proposed action, including other simultaneous or subsequent actions; and

WHEREAS, the re-zoning of the subject properties pursuant to the Petition will have no significant environmental impact, and any and all plans for the use of the property will be subject to site plan review by the Planning Board of the Town of Lewisboro, during which a thorough environmental review will be conducted by the Planning Board with respect to the particular use proposed in such site plan;

NOW, THEREFORE, BE IT RESOLVED that pursuant to 6 NYCRR Part 617.7, the Town Board of the Town of Lewisboro hereby issues a NEGATIVE SEQRA Determination of Significance.

PUBLIC HEARING – Zoning Map Amendment to Re-Zone 5 East Street

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 Chapter 220, Section 220-4, entitled “Zoning Map”, of the Code of the Town of Lewisboro, to re-zone as GB (General Business) the parcels known as 5 East Street has been amended as follows:

TOWN OF LEWISBORO
LOCAL LAW NO. 5 OF 2014

WHEREAS, the Town Board of the Town of Lewisboro has received a Petition pursuant to New York State Town Law Sections 264 and 265 seeking amendments to the Zoning Map of the Town of Lewisboro in order to re-zone as GB (General Business) certain parcels owned by Pietro Cipriano, Jr. and Jennifer Cipriano (the “Petitioners”); and

WHEREAS, the Petitioners are the owners of a parcel of real property known as 5 East Street, South Salem, New York designated on the Tax Assessment Map of the Town of Lewisboro as Sheet 53, Block 9834, Lot 36 and which is currently zoned R-1A (Residential 1 Acre); and the Petitioners are the owners of two adjoining parcels of real property known as 475 Smith Ridge Road, South Salem, New York designated on the Tax Assessment Map of the Town of Lewisboro as Sheet 53, Block 9834, Lots 35 and 48 and which is currently zoned RB (Retail Business), which three aforementioned parcels are hereinafter collectively referred to as the “parcels;” and

WHEREAS, the Petitioners seek to have the Town of Lewisboro re-zone the parcels as GB (General Business), in order for the Petitioners to seek approval to extend their nursery business currently located at 475 Smith Ridge Road South Salem, New York to the parcel located at 5 East Street, South Salem, New York; and

WHEREAS, an amendment of Chapter 220, Section 220-4, entitled “Zoning Map,” of the Code of the Town of Lewisboro has been proposed, in order to amend the Zoning Map of the Town of Lewisboro, which amendment will re-zone as GB (General Business) the parcels of real property in the Town of Lewisboro known as 5 East Street, South Salem, New York designated on the Tax Assessment Map of the Town of Lewisboro as Sheet 53, Block 9834, Lot 36 and which is currently zoned R-1A (Residential 1 Acre); and the two adjoining parcels of real property known as 475 Smith Ridge Road, South Salem, New York designated on the Tax Assessment Map of the Town of Lewisboro as Sheet 53, Block 9834, Lots 35 and 48 and which is currently zoned RB (Retail Business), which three aforementioned parcels are hereinafter collectively referred to as the “parcels;” and

WHEREAS, a public hearing was held on November 3, 2014, upon notice duly published and posted, and

WHEREAS, public discussion was heard at such hearing concerning the merits of said local law, and

WHEREAS, in accordance with Article 8 of the Environmental Conservation Law (the State Environmental Quality Review Act) and 6 NYCRR Part 617 of the implementing regulations, the proposed action has been determined to be an UNLISTED Action; and

WHEREAS, the Town Board of the Town of Lewisboro has reviewed the Environmental Assessment Form submitted for the project, and has completed review of the project; and

WHEREAS, the Town Board of the Town of Lewisboro has issued a negative declaration of significance pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, and has determined that the proposed action will not have a significant environmental impact and that a Draft Environmental Impact Statement will not be prepared; and

WHEREAS, the Town Board of the Town of Lewisboro wishes to amend Chapter 220, Section 220-4, entitled "Zoning Map," of the Code of the Town of Lewisboro, in order to amend the Zoning Map of the Town of Lewisboro, which amendment will re-zone as GB (General Business) the parcels of real property in the Town of Lewisboro known as 5 East Street, South Salem, New York designated on the Tax Assessment Map of the Town of Lewisboro as Sheet 53, Block 9834, Lot 36 and the two adjoining parcels of real property known as 475 Smith Ridge Road, South Salem, New York designated on the Tax Assessment Map of the Town of Lewisboro as Sheet 53, Block 9834, Lots 35 and 48; and

THEREFORE BE IT RESOLVED that the Town Board of the Town of Lewisboro hereby amends Chapter 220, Section 220-4, entitled "Zoning Map," of the Code of the Town of Lewisboro, to amend the Zoning Map of the Town of Lewisboro to re-zone as GB (General Business) the parcels of real property in the Town of Lewisboro known as 5 East Street, South Salem, New York designated on the Tax Assessment Map of the Town of Lewisboro as Sheet 53, Block 9834, Lot 36 and the two adjoining parcels of real property known as 475 Smith Ridge Road, South Salem, New York designated on the Tax Assessment Map of the Town of Lewisboro as Sheet 53, Block 9834, Lots 35 and 48; and

BE IT FURTHER RESOLVED that this local law is hereby enacted by the Town Board of the Town of Lewisboro as Local Law No. 5 of 2014 of the Town of Lewisboro; and

BE IT FURTHER RESOLVED that the Zoning Map of the Town of Lewisboro is to be amended to reflect that the parcels described herein are in the GB (General Business) District.

PUBLIC HEARING - Date Set for Cablevision Franchise Renewal Agreement

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

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, 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 November 17, 2014, at the Lewisboro Town House, 11 Main Street, South Salem, New York, at 7:30 p.m. or soon thereafter as time permits, for the purpose of hearing the public with regard to the renewal of the franchise of Cablevision Systems Westchester Corporation in the Town of Lewisboro. A copy of the proposed franchise renewal agreement is available for review in the Town Clerk's office.

PUBLIC HEARING - Date Set for Public Hearing re Budget 2015

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

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

RESOLUTION

RESOLVED, that the Town Board of the Town of Lewisboro will meet and review said preliminary budget and will hold a public hearing thereon at the Town House, 11 Main Street, South Salem, New York at 7:30 p.m. or soon thereafter as time permits on the 17th day of November, 2014, and that at such hearing any person may be heard in favor of or against the preliminary budget as compiled, or for or against any item or items therein contained.

TOWN PROPERTY – Lease Agreement with Madava Sugar Maple, LLC

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

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

RESOLUTION

WHEREAS, the Town of Lewisboro owns a certain parcel of property known as the Brownell Preserve, Waccubuc Road, Lewisboro, New York, designated as Sheet: 11, Block: 11137, Lot: 33 on the tax maps of the Town of Lewisboro (the “premises”); and

WHEREAS, Madava Sugar Maple, LLC (“MSM”) has expressed interest in leasing on the premises approximately 1,500 maple trees to use for tapping and the production of maple sap; and

WHEREAS, the Town Board of the Town of Lewisboro does not have a current use for the premises that would prohibit the intended use by MSM; and

WHEREAS, the Town Board of the Town of Lewisboro has reviewed the covenants and restrictions affecting the premises, and determines that the intended use is not prohibited by any covenants and restrictions affecting the premises; and

WHEREAS, this action constitutes a Type II action under 6 NYCRR Part 617, and under Section 110-15 of the Lewisboro Town Code, and therefore, requires no further review under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board of the Town of Lewisboro finds that it is in the best interest of the Town to enter into the Lease with MSM for the purposes stated herein;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Lewisboro hereby approves and authorizes the Lease as described herein to Madava Sugar Maple, LLC of approximately 1,500 maple trees on the premises to use for tapping and the production of maple sap, in the form attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that the Supervisor of the Town of Lewisboro is hereby directed and authorized to execute said Lease with Madava Sugar Maple, LLC; and

BE IT FURTHER RESOLVED, that this resolution is subject to a permissive referendum pursuant to Section 64(2) of the Town Law of the State of New York, and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Lewisboro is authorized and directed to publish notice of this resolution in accordance with Section 90 of the Town Law of the State of New York.

NATURE CONSERVANCY – Authorize Supervisor to Sign License Agreement

On motion by Mr. DeLucia, 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 does authorize the Supervisor to sign the Nature Conservancy License Agreement for the Long Pond Preserve pertaining to construction and maintenance of a proposed catch basin.

PARKS & RECREATION – Senior Automobile

The Board discussed the lease of an automobile for the Parks and Recreation department to use for senior citizen transportation. Both Peter Parsons and Peter DeLucia reached out to Arroway of Mount Kisco to discuss the possibility of them giving the department a car to use at no charge in turn for free advertising on the car. Arroway had not returned their calls (manager was out of town). Mr. DeLucia also spoke with Estate Motors about the possibility of them loaning the Parks and Recreation department a Mercedes at no charge in exchange for advertising.

Both Mr. DeLucia and Mr. Parsons will report back to the Board.

TEMPORARY LIGHTING – John Jay Youth Football

The John Jay Youth Football Cooperating Agency sent Dana Mayclim, Superintendent of Parks and Recreation an email requesting the use of generator lights to be used for evening practices up until the playoffs are over. They would only use these lights into the early evening hours.

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 Town Board does approve the request from the John Jay Youth Football to use portable lighting at the Vista Field for evening practices, until the playoffs are over, up until 7:30 p.m.

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 \$90,285.41.

POLLING OF BOARD

METRO NORTH – Goldens Bridge Commuter Lot

Mr. Pappalardo was approached by a constituent saying that when she tries to park in the metered parking area mid morning, all of the metered spots are taken by Connecticut drivers. She feels that some metered spots should be reserved specifically for the Lewisboro drivers.

There are permit spots that have been reserved for Lewisboro residents, but not metered spots. Our attorney will reach out to the company that handles the parking lot, Laz Parking, and will further research this request.

FOOD TRUCKS – Request for Proposals

Conversation continued regarding allowing mobile food trucks (MFUs) in our parks. Request for proposals would have to be created and the trucks that are interested would have to put in bids.

VETERAN’S DAY – Ceremony

Mr. Parsons hopes that several people will attend the ceremony for Veteran’s Day which will start at approximately 10 a.m. on Tuesday, November 11, 2014 at the Town House, 11 Main Street.

MEETINGS – Date Set

There will be Town Board meeting on Monday, November 17, 2014 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

EXECUTIVE SESSION – To Discuss Personnel Issues, Litigation and Contracts

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to go into executive session at 8:45 p.m. to discuss personnel issues, litigation and contracts

On motion by Mr. DeLucia, seconded by Mr. Parsons, the Board voted 5-0 to come out of executive session at 8:55 p.m.

SUSTAINABILITY COMMITTEE – Appointment of Member

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 Robert Karpel hereby is appointed member of the Sustainability Committee for a term ending December 31, 2015.

SUSTAINABILITY COMMITTEE – Appointment of Chairperson

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 Robert Karpel hereby is appointed Chairperson of the Sustainability Committee for a term ending December 31, 2014.

ADJOURNMENT

On motion by Mr. Kelly, seconded by Mr. DeLucia, the Board voted 5-0 to adjourn at 9:00 p.m.

Janet L. Donohue
Town Clerk