



**AGENDA
TOWN OF LEWISBORO
TOWN BOARD MEETING
DECEMBER 15, 2014
TOWN HOUSE
7:30 P.M.**

I. PUBLIC COMMENT PERIOD

II. COMMUNICATIONS

- 1. Eagle Scout Proclamations**

III. CONSENT AGENDA

- 1. Approval of Minutes November 17, 2014**
- 2. Monthly Reports – November 2014**
 - i. Building Department**
 - ii. Planning Board**
 - iii. Police Department**

IV. NEW BUSINESS

- 1. Resolution Authorizing Renewal of a Cabaret License for the Horse and Hound for a Period of One Year**
- 2. Resolution Granting Permission to the Horse & Hound Restaurant to Extend Musical Entertainment One Hour Past Midnight on New Year's Eve 2014**
- 3. Resolution Authorizing the Planning Board to Consider and Act Upon Laurel Ridge Development's Request for a Bond Reduction**
- 4. Discussion Regarding Federal Transportation Funds**
- 5. Discussion of Draft Letter to Governor Cuomo Regarding Impact of the Tax Freeze on the Town**

6. Discussion of Housing Amendments to the Zoning Code

V. OLD BUSINESS

1. Food Trucks – Discussion Applicability of Previous RFP

VI. APPROVAL OF CLAIMS

VII. POLLING OF BOARD

VIII. ANNOUNCEMENTS

Town Offices will close for two hours on Thursday, December 18, for the annual Highway Holiday Party.

Town Board Organizational Meeting on Monday, January 5, 2015 at 7:30 p.m. at the Town House, 11 Main Street, South Salem.

Save the Date – On March 12, 2015, the Town will host the Westchester Municipal Officials Association (WMOA) Meeting and Dinner.

IX. MOTION TO GO INTO EXECUTIVE SESSION

Items submitted for inclusion on the agenda for regular Town Board Meetings must be received by the Supervisor's Office by noon on the Thursday preceding the meeting. Items of significant importance may be added if deemed necessary by the Town Board or Supervisor.

Town Board Meetings Accessibility: The Town of Lewisboro is committed to providing equal access to all its facilities, services and activities to the fullest extent possible. The Town House, Cyrus Russell Community House, Onatru Farmhouse, and the Town Offices at Orchard Square are accessible to persons with physical handicaps. If anyone who wishes to attend any meeting of the Town Board has special needs, please contact the Supervisor's Office (763-3151) at least one week before any scheduled meeting, and we will try to accommodate whenever possible.

**RESOLUTION ADOPTED BY THE TOWN BOARD OF THE TOWN OF
LEWISBORO AT A MEETING HELD ON DECEMBER 15, 2014**

WHEREAS, BRENDAN CULLEN of Lewisboro, New York, is a member of Boy Scouts of America Troop One Lewisboro, and

WHEREAS, BRENDAN CULLEN by his conduct, responsibility, principles and achievements in following the trail of Scouting, has acquired the resourcefulness and leadership ability that will stand him in good stead in his future life, and

WHEREAS, BRENDAN CULLEN by virtue of his Scouting experience and unselfish service to home and community has earned the highest honor of the Boy Scouts of America, the rank of Eagle Scout, and

WHEREAS, BRENDAN CULLEN recognized an opportunity to add interest to the trails in Sal J. Prezioso Mountain Lakes Park in North Salem, New York, by identifying, documenting and marking various historical landmarks in the park, and

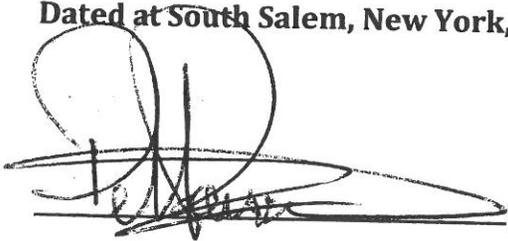
WHEREAS, BRENDAN CULLEN built stands on which to display this information so that a hiking in the park would become a walk through history, and

WHEREAS, this honor is deserving of public notice, now therefore,

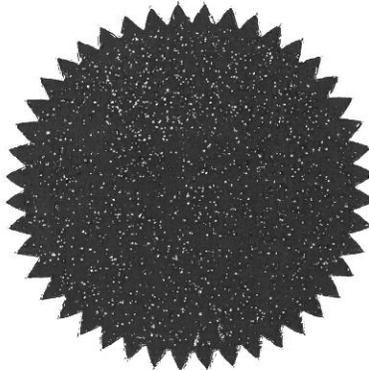
BE IT RESOLVED, that the Town Board of the Town of Lewisboro, in recognition of the worthy achievement of this citizen of the Town of Lewisboro, does hereby offer the congratulations of its populace to Eagle Scout BRENDAN CULLEN, and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this December 15, 2014 Town Board Meeting for future generations to see and that copies of this resolution be presented to Eagle Scout BRENDAN CULLEN and his parents.

Dated at South Salem, New York, on this 15th day of December, 2014,



Peter H. Parsons, Town Supervisor



**RESOLUTION ADOPTED BY THE TOWN BOARD OF THE TOWN OF
LEWISBORO AT A MEETING HELD ON DECEMBER 15, 2014**

WHEREAS, JAMES KELLY of Lewisboro, New York, is a member of Boy Scouts of America Troop One Lewisboro, and

WHEREAS, JAMES KELLY by his conduct, responsibility, principles and achievements in following the trail of Scouting, has acquired the resourcefulness and leadership ability that will stand him in good stead in his future life, and

WHEREAS, JAMES KELLY by virtue of his Scouting experience and unselfish service to home and community has earned the highest honor of the Boy Scouts of America, the rank of Eagle Scout, and

WHEREAS, JAMES KELLY recognized the diminishing Purple Martin population in our area, researched online designs for nesting boxes most suited to the species and then adapted them to our local lakes, and

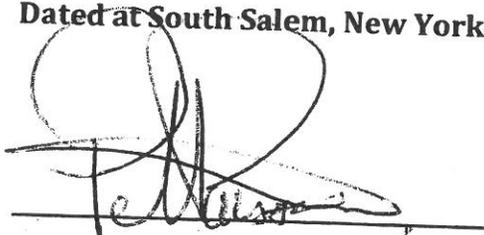
WHEREAS, JAMES KELLY built three Purple Martin homes to this design and erected them in the vicinity of these lakes, and

WHEREAS, this honor is deserving of public notice, now therefore,

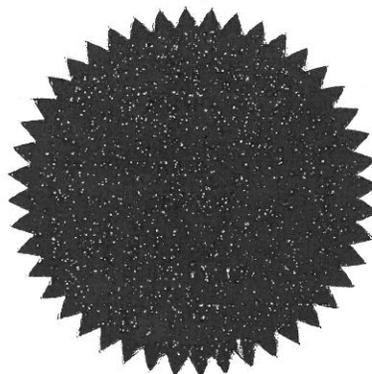
BE IT RESOLVED, that the Town Board of the Town of Lewisboro, in recognition of the worthy achievement of this citizen of the Town of Lewisboro, does hereby offer the congratulations of its populace to Eagle Scout JAMES KELLY, and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this December 15, 2014 Town Board Meeting for future generations to see and that copies of this resolution be presented to Eagle Scout JAMES KELLY and his parents.

Dated at South Salem, New York, on this 15th day of December, 2014,



Peter H. Parsons, Town Supervisor



**RESOLUTION ADOPTED BY THE TOWN BOARD OF THE TOWN OF
LEWISBORO AT A MEETING HELD ON DECEMBER 15, 2014**

WHEREAS, EVAN LEIBMAN of Lewisboro, New York, is a member of Boy Scouts of America Troop One Lewisboro, and

WHEREAS, EVAN LEIBMAN by his conduct, responsibility, principles and achievements in following the trail of Scouting, has acquired the resourcefulness and leadership ability that will stand him in good stead in his future life, and

WHEREAS, EVAN LEIBMAN by virtue of his Scouting experience and unselfish service to home and community has earned the highest honor of the Boy Scouts of America, the rank of Eagle Scout, and

WHEREAS, EVAN LEIBMAN recognized the opportunity to greatly extend a local trail system by building a new trail to connect Sal J. Prezioso Mountain Lakes Park with a neighboring park owned by the North Salem Open Land Foundation, and

WHEREAS, EVAN LEIBMAN led his troop in blazing and clearing a trail to achieve this, and

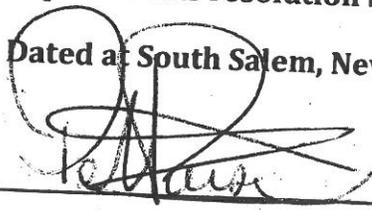
WHEREAS, EVAN LEIBMAN built a picnic table at a scenic point where the two parks meet so that hikers could take a break and refresh themselves with food and drink while enjoying the landscape, and

WHEREAS, this honor is deserving of public notice, now therefore,

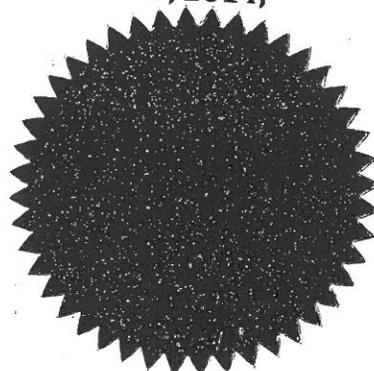
BE IT RESOLVED, that the Town Board of the Town of Lewisboro, in recognition of the worthy achievement of this citizen of the Town of Lewisboro, does hereby offer the congratulations of its populace to Eagle Scout EVAN LEIBMAN, and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this December 15, 2014 Town Board Meeting for future generations to see and that copies of this resolution be presented to Eagle Scout EVAN LEIBMAN and his parents.

Dated at South Salem, New York, on this 15th day of December, 2014,



Peter H. Parsons, Town Supervisor



A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on November 17, 2014, at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

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

Also attending was the Attorney for the Town Jennifer Herodes, Facilities Maintenance Manager Joel Smith, Comptroller Leo Masterson, and Confidential Secretary/Benefits Coordinator Mary Hafter.

Mr. Parsons called the meeting to order at 7:36 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

Glenn DeFaber, a town resident, stated that he is running for the open seat on the South Salem Fire District Board. The election will be held at the South Salem firehouse on December 9th, 2014, from 6 p.m. – 9 p.m. Mr. DeFaber explained that also on the ballot is a proposal to borrow an additional \$250,000 to be combined with existing funds to purchase a 100' ladder truck for approximately \$800,000 (not including ancillary extra expenses). Mr. DeFaber encouraged all registered voters in the South Salem Fire District to come out and vote. He suggested that if anyone had a question as to whether or not they were in the South Salem fire district to call the Town Clerk.

VETERANS PROCLAMATION – Congressman Sean Patrick Maloney

Congressional Proclamation

Honorable Sean Patrick Maloney

WHEREAS, millions of Americans have answered the call to defend the American ideals of freedom and democracy throughout the world;

WHEREAS, we gather once again on the eleventh hour on the eleventh day of the eleventh month, as we have every year since November 11, 1919, to express our collective gratitude and appreciation for life's liberties and privileges that veterans and military families have so selflessly provided;

WHEREAS, our community, especially now, has a fundamental responsibility to acknowledge the contributions of veterans and to ensure that their unique concerns and priorities are addressed, for their courage and devotion to duty, honor, and country reflect the exemplary attributes of American servicemen and women;

WHEREAS, this Veterans Day, the people of Lewisboro are proud to recognize the many who have served our Armed Forces and reaffirm our commitment to ensuring that their needs are met; and

WHEREAS, it is essential that we salute those who have fought to defend our nation; never forget the many brave men and women who made the ultimate sacrifice to ensure freedom for all people, and once again fully support those who are overseas and everyday make our nation proud;

NOW, THEREFORE, BE IT RESOLVED: that all of America's veterans be recognized and honored for their enduring commitment to preserve the highest ideals on which America was founded.

November 11, 2014



A handwritten signature in black ink, appearing to read "Sean Patrick Maloney".

Sean Patrick Maloney
Member of Congress

LETTER OF APPRECIATION – Highway Superintendent and Staff

The Supervisor read a letter from Joseph Niola, President of the Lake Kitchawan Association, expressing gratitude and appreciation to the Highway Department for the repairs made to Laurel Road.

VETERANS' HALL OF FAME – Waldie Gullen

A local long time resident, Waldie Gullen has been nominated to Senator Greg Ball's 4th Annual Veterans Hall of Fame. Mr. Gullen will be inducted into the Veterans Hall of Fame on Thursday, November 20, 2014 at Mahopac Falls Elementary School, 100 Myrtle Ave in Mahopac. Registration is at 5 p.m. and the ceremony is at 6 p.m.

CONSENT AGENDA

MINUTES - Approved

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

On above motion and second, the Board voted 3-0 to approve the Town Board meeting minutes of November 3, 2014.

THE VOTE:	Yes	- Kelly, Parsons, Welsh	(3)
	No	- None	(0)
	Absent	- DeLucia, Pappalardo	(2)

REPORTS – Monthly Reports

On the above motion and second, the Board voted 3-0 to accept and file the October reports from the Building, Planning and Police Departments.

THE VOTE:	Yes	- Kelly, Parsons, Welsh	(3)
	No	- None	(0)
	Absent	- DeLucia, Pappalardo	(2)

PUBLIC HEARING – Cablevision Franchise Renewal

Supervisor Parsons opened the public hearing at 7:41 p.m. Cablevision representative Dan Ahouse said that the renewal agreement had been under discussion for several months and he believed it was a robust one for Lewisboro. It is a 15 year term which is standard and it is based on the existing franchise with some changes made due to updates to the law.

They plan on giving discounts to senior citizens who are 62 and older. The agreement includes \$50,000 in grants from Cablevision to the town, \$7,000 of which is a technical grant that could be used for WiFi.

*John Pappalardo arrives at 7:46 p.m.

In Section 17, support for the public education and government access programs is discussed. This includes a \$43,000 grant, \$28,000 which will become available 60 days after the certification of the agreement and then another \$15,000 on the 8th anniversary which will allow the town to update equipment.

The agreement does acknowledge the possibility of the town moving the origination point to the Town Hall or another town property and the agreement does recognize that Cablevision will provide the town with some technical assistance to support that effort.

The agreement provides for continuation of the 5% franchise fee on revenue generated by the customers in the town.

Mr. Welsh asked if there was any hope for containing the escalating rates. Mr. Ahouse responded that Cablevision has been working to keep rates as low as possible. He also said that customers have choices and that Cablevision has been adding a lot of value with new services that keep abreast of the latest technology. Mr. Ahouse also stated that you have to keep in mind that Cablevision has to pay broadcasters higher rates which have gone up tremendously in recent times.

Dean Travalino, Chairman of the town's Cable TV Advisory Committee, along with Glenn DeFaber and Henri Wolfe, who are members of this committee were present. Mr. Travalino felt that this was a good agreement and reiterated that technology is moving so quickly that we won't know what will be happening in a few years. Mr. Travalino said that we also don't know the impact of Verizon entering the picture. He stated that he gets many calls on this. This agreement does nothing to put up barriers against Verizon.

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

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

RESOLUTION

RESOLVED, that the public hearing for the Cablevision Franchise agreement, is now closed at 7:58 p.m.

CABLEVISION FRANCHISE RENEWAL AGREEMENT – Authorize Supervisor to Sign

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

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

RESOLUTION

RESOLVED, that the Town Board does authorize the Supervisor to sign the Cablevision Franchise Renewal Agreement subject to amending: (a) item 17.5.1 to include any of the buildings within the Town of Lewisboro listed in Exhibit A as the Government Access Origination Site; (b) Exhibit A to include all current Municipal and School buildings; and (c) item 17.8 to allow earlier payment of the second installment of the PEG grant if needed to improve the new head-end.

PUBLIC HEARING - 2015 Budget Hearing Closed (7:59 – 8:01 p.m.)

Mr. Parsons asked if there were any comments regarding the 2015 Budget. There were no comments.

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

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

RESOLUTION

RESOLVED, that the public hearing for the 2015 town budget is closed.

PUBLIC HEARING – 2015 Budget Adopted

Mr. Parsons believes this budget represents a sensible middle course which restrains spending to comply with the New York state tax cap while increasing our expenditure on road repaving in line with the plan adopted by the Town Board in 2013. At the same time it allocated funds to rebuilding the highway contingency account to answer comments made by the New York state comptroller's office. He continued that this budget is a result of a collaborative process which began early in August. Mr. Parsons thanked each department head, the town comptroller and the Town Board.

Mr. Welsh stated that because of the tax cap he feels we were locked into an austerity budget. He wanted to take another opportunity to criticize the tax cap situation and equated it to a game of musical chairs. He stated that we are locked into an ongoing situation of very low spending that he would like to see change. He feels that we should be spending more on roads. He continued that he feels the tax-cap approach was too inflexible and that we are being penalized for being in a tight situation financially.

Mr. Pappalardo stated that he feels the town has managed to cope. Within the tax cap, he feels that the town has still managed to upgrade roads and preserve essential services. He stated that he feels they have also managed to keep up the morale of the employees.

Mr. Kelly is satisfied with the end result. He feels that the town has flattened out in terms of our ups and downs. We are now stable and watching expenditures.

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

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

RESOLUTION

RESOLVED, that the 2015 Town Budget be and hereby is adopted.

PARKS & RECREATION – Senior Automobile

Mr. Parsons stated that they would be making a decision one way or another by next week on the automobile that would be used for senior citizen transportation.

FOOD TRUCKS – Request for Proposals

Conversation continued regarding allowing mobile food trucks (MFUs) in our parks. Request for proposals (RFPs) will be created by the Parks and Recreation department. The trucks would be allowed at Onatru and Fox Valley parks during athletic and town events. They would be restricted to operating in the parking lots. Mr. Welsh would like language built in to the RFP regarding the fact that the clam shells need to be white and not black for them to be appropriately recycled.

CLAIMS – Authorized for Payment

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted 4-0 to authorize payment of the Town's bills in the amount of \$203,852.16.

POLLING OF BOARD

VETERAN'S DAY – Ceremony

Mr. Kelly relayed that several people did attend the Veteran's Day ceremony which took place at 10 a.m. on Tuesday, November 11, 2014 at the Town House, 11 Main Street. Mr. Kelly thanked all who played an important role in this event.

HOUSING – Middle Income Housing

Mr. Pappalardo expressed that the town continues to make progress in addressing the mandated affordable housing issue. He stated that at a recent meeting of the Housing Committee, they continued to discuss mixed use and accessory apartment housing which would be district wide. He feels that the town is close to submitting a proposal to the town board and then to the county.

Mr. Parsons stated that he would be attending a meeting regarding the Pace Land Use law on Thursday of this week along with a meeting with the county in White Plains.

MEETINGS – Date Set

There will be Town Board meeting on Monday, December 1, 2014 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

EXECUTIVE SESSION – To Discuss Contracts

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 4-0 to go into executive session at 8:19 p.m. to discuss contracts.

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted 4-0 to come out of executive session at 8:35 p.m.

ADJOURNMENT

On motion by Mr. Kelly, seconded by Mr. Parsons, the Board voted 4-0 to adjourn at 8:37 p.m.

Janet L. Donohue
Town Clerk

Supervisor

Monthly Report November 2014

Quantity	Bld Permit	Permit	CC/CO	RM	EQ
31	Res Minor Work	4690	1610	62	700
5	Res ADD	7170	6670	10	250
0	Res Acc Str	0	0	0	0
4	Res Alt	1109	709	8	50
0	Res New	0	0	0	0
0	Res Renew	0	0	0	0
0	Comm Alt/Add	0	0	0	0
0	Comm Minor	0	0	0	0
2	ZBA/ACARC	50	0	4	0
0	Other Permits	0	0	0	0
0	220-76C	0	0	0	0
28	Wetlands	0	0	0	0
2	Civil Penalty	600	0	0	200
0	Copies	240	0	0	0
0	Misc	0	0	0	0

Total

Total Receipts :

24132

Total Deposits:

24132

Bldg Insp: Peter Smith

Date: 12/15/14

Res. MW	BP	CC	RM	EQ	Residential Add	BP	CO	RM	EQ
Bergstrom	170	70	2	50	Sarner		1500	1400	2 50
Hickey	200	100	2	50	Avenn/Rosser		1920	1820	2 50
McDough	160	60	2	0	Capobianco		650	550	2 50
Frank/Owen	140	40	2	0	Headouis		1000	900	2 50
Lemke	130	30	2	0	Liegery		2100	2000	2 50
Baren	140	40	2	0					
Baker	130	30	2	0					
Egginton	120	20	2	0					
Placical	170	70	2	0					
Berlin	180	80	2	0					
Hoffman	180	80	2	50					
Grammas	250	150	2	50					
Grammas	140	40	2	50					
Alvarez	120	20	2	0	Column Total		7170	6670	10 250
Richmann	180	80	2	50	Subtotal			14100	
Cannell	120	20	2	0	Comm. MW	BP	CO	RM	EQ
Foley	110	20	2	0					
Todd	140	40	2	0					
Ugrinaj	110	20	2	50					
Peck	140	40	2	50					
Bairn	130	30	2	0	Column Total		0	0	0 0
Todd	130	30	2	50	Subtotal			0	
Knutism	200	100	2	50	Res. Alt	BP	CO	RM	EQ
Durst	160	60	2	0	Colhan		200	100	2 50
Polin	200	100	2	50	Treyz		509	409	2 0
Siegel	130	30	2	50	Rodeschini		200	100	2 0
Levine	130	30	2	0	Portico		200	100	2 0
Nowak	130	30	2	0					
Biddle	160	60	2	0					
Nadien	140	40	2	50					
Schmidt	150	50	2	50					
					Column Total		1109	709	8 50
					Subtotal			1876	
					Res. New	BP	CO	RM	EQ
					Column Total		0	0	0 0
					Subtotal			0	
					220-76C	BP	CO	RM	EQ
					Column Total		0	0	0 0
					Subtotal			0	
					Res Renewal	BP	CO	RM	EQ

Column Total	0	0	0	0
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Subtotal	0			
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Wetland	W/P	S/W	EQ	
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Goldstein	150			
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Alvarez	150			
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Seirup				50
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Pious				50
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Westchester LT				50
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Arias	150			
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Gorton				50
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Bergstrom	150			
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Column Total	4690	1610	62	700
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Subtotal	7062			
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Column Total	600	0		200
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Subtotal	800			
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Civil Penalty	CP			
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Durst	120			
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Biddle	120			
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Other Permits	BP	CC	RM	EQ
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Subtotal	240			
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Comm. Add/Alt	BP	CO/CC	RM	EQ
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Column Total	0	0	0	0
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Subtotal	0			
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Column Total	0	0	0	0
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Subtotal	0			
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ZBA / ACARC	Permit Application	RM		
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Design Artisans	25	2		
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Schaeffer	25	2		
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Misc	BP	CO/CC	RM	EQ
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Column Total	0	0	0	0
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Subtotal	0			
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Column Total	50	0	4	0
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Subtotal	54			
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Cash	Res. A/S	BP	CO	RM	EQ
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Copies					
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Column Total	0	0	0	0
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Subtotal	0	Subtotal	0
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PLANNING BOARD
FINANCIAL REPORT
11/30/14

Current Month Receipts:

General Fund:

Subdivision Fees:		
0	Preliminary	-
1	Final	305.00
1	Tax Map	70.00
Application Fees:		
0	Sketch Plan	-
0	Site Plan	-
0	Waiver of Site Plan	-
	Special Use Permit	-
1	Wetland Permit	255.00
1	Stormwater Permit	310.00
0	Engineering and Inspection	-
0	Civil Penalty	-
0	Photocopies	-
0	Public Hearing Sign Deposit	-
0	Reimbursement for Escrow Paid	-
Total General Fund Receipts		<u>940.00</u>

Planning Board Escrow:

	Wild Oaks	1,000.00
	J2Boniello	2,000.00
	Snyder, James	500.00
	Bacio	2,000.00
	Estate Motors	1,500.00
0		-
0		-
0		-
0		-
Total PB Escrow Receipts		<u>7,000.00</u>
0	SEQR Escrow Receipts	<u>-</u>
0	Parks & Rec Receipts	<u>-</u>

Total Receipts

7,940.00

Respectfully Submitted,



Lisa M. Pisera
Planning Board Secretary

PATROL ACTIVITY

	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	YTD
INCIDENTS REPORTED													
Auto Accidents	15	12	15	13	14	10	19	11	12	15	12	0	148
Aided Cases	21	28	24	15	28	18	25	20	24	30	20	0	253
Alarms	28	34	0	39	34	44	38	45	25	50	31	0	368
Animal	7	11	9	8	11	10	7	12	7	8	4	0	94
Assist Other Depts.	4	7	5	11	16	12	6	12	8	13	6	0	100
Burglary	0	0	0	2	2	1	0	0	0	0	0	0	5
Civil Complaints	0	1	0	6	3	0	4	3	1	5	6	0	29
Criminal Activity	0	3	2	3	2	2	2	2	1	0	0	0	17
Domestic Incidents	1	4	4	3	4	1	2	2	3	0	0	0	24
Drug Related Activity	2	1	6	4	5	0	4	2	1	1	1	0	27
Fingerprints	0	4	5	1	4	2	3	0	2	2	4	0	27
Fire	6	1	0	3	3	7	2	1	2	6	2	0	33
Harassment	1	2	6	1	2	2	2	1	4	2	1	0	24
Larceny	1	2	2	3	2	2	4	5	2	4	6	0	33
Miscellaneous	23	10	15	22	26	5	23	22	22	21	22	0	211
Mischief/Vandalism	1	1	8	2	5	3	1	4	1	0	0	0	26
Property Lost/Found	2	2	2	2	1	5	5	3	0	7	5	0	34
Summons/papers served	0	3	6	2	5	17	1	4	1	0	0	0	39
Suspicious Activity	9	5	9	0	2	0	0	2	5	2	1	0	35
Trespass	0	0	4	2	4	6	13	8	12	10	14	0	73
Utilities	0	3	0	0	0	3	6	2	0	1	1	0	16
TOTAL INCIDENTS	121	134	122	142	173	150	167	161	133	177	136	0	1616
D.W.I. ARRESTS	0	2	0	2	0	0	4						
PARKING SUMMONS	12	21	7	6	5	21	29	6	6	8	11	0	132
APPEARANCE TICKETS	1	2	17	10	12	10	26	0	0	3	3	0	84
VEHICLE AND TRAFFIC													
Speeding	7	15	28	34	23	20	23	18	42	25	18	0	253
Agg. Unlic	2	2	6	4	0	0	2	0	1	1	2	0	20
Stop Sign	2	12	17	14	9	19	16	13	15	8	4	0	129
Seat Belts	9	6	10	6	11	3	14	7	4	12	2	0	84
Other	51	80	131	114	91	101	119	71	80	102	40	0	980
TOTAL TRAFFIC	71	115	192	172	134	143	174	109	142	148	66	0	1466

RESOLUTION ADOPTED BY THE TOWN BOARD
OF THE TOWN OF LEWISBORO
AT A MEETING HELD ON DECEMBER 15, 2014

WHEREAS, the Horse & Hound Restaurant, a local business establishment located on Spring Street in South Salem, has requested permission to permit musical entertainment at its premises after midnight on New Year's Eve 2014/15; and

WHEREAS, Section 98-7(A) provides that no musical entertainment is permitted between the hours of midnight until noon by any premises holding a cabaret license; and

WHEREAS, the Horse & Hound Restaurant is the holder of a cabaret license issued December 18, 2014; and

WHEREAS, the Town recognizes that New Year's Eve is a special event at which patrons of the restaurant are likely to desire to celebrate beyond Midnight.

NOW THEREFORE, BE IT

RESOLVED, THAT the Town Board hereby exercises its discretion as set forth in Town Code Section 98-7(A) and grants permission to the Horse & Hound Restaurant to permit musical entertainment to continue for no more than one (1) hour past midnight on New Year's Eve 2014/15.

STATE OF NEW YORK
COUNTY OF WESTCHESTER

I, JANET L. DONOHUE, Town Clerk of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a Resolution adopted by the Town Board of the Town Board of Lewisboro at a meeting held on the 15th day of December, 2014, to the original thereof, and that the same is a true and exact copy of said original and of the whole thereof.

Janet L. Donohue
Town Clerk

Dated at South Salem, New York
this 16th day of December, 2014

TOWN OF LEWISBORO
Westchester County, New York



Planning Board
PO Box 725
Cross River, New York 10518

Tel: (914) 763-5592
Fax: (914) 763-3637
Email: planning@lewisborogov.com

TO: Town of Lewisboro Town Board

FROM: Jerome Kerner – Chairman, Town of Lewisboro Planning Board *JK*

SUBJECT: Oakridge Gardens (Laurel Ridge) Release of Bond

DATE: November 20, 2014

Whereas, the Planning Board has received a written request from Laurel Ridge Development, Inc. (see attached) for the release of \$190,281 of a previously posted \$243,770 performance bond for the construction of water and sewer improvements servicing the Laurel Ridge Townhome project; and

Whereas, the Planning Board, upon approval of the Town Board, may reduce the required amount of performance security following due notice and a public hearing;

It is therefore hereby resolved, that the Town Board be notified that the Planning Board seeks approval authorizing it to consider and act upon the requested bond reduction; and

It is further resolved, that, in anticipation of Town Board approval and authorization, the bond reduction request be tentatively placed on the Planning Board's December 16, 2014 agenda for public hearing.

Laurel Ridge Development Inc.

450 Oakridge Commons

South Salem, New York 10590

Telephone 914-533-6800

October 30, 2014

Town of Lewisboro Planning Board

20 Cross River Shopping Center at Orchard Square, Suite L

Cross River, New York 10518

Attention: Lisa Pisera, Secretary

RE: Laurel Ridge Townhomes

Sheet 49D, Block 9830, Lots 279 & 325

Cal # 6-02 P.B.

Dear Chairman Kerner and Members of the Planning Board:

We respectfully request a place on the November 18th meeting Agenda to discuss the following items in connection with the Laurel Ridge Townhome project.

1. PHASE 1 REQUIREMENTS:

- We request Planning Board approval for the release of \$190,281 of the \$243,770 bond. This is in accordance with item #3 a) of the Security Agreement for Construction of Water & Sewer Improvements to be conveyed to Oakridge Water & Sewer Districts. We have been advised that Planning Board approval is a pre-requisite to the Town Board approval to release the requested amount.
- We request a Planning Board amending resolution on the timing of installation of the Downstream Defender hydrostatic separator from prior to 1st C of O to on or before December 31, 2014.

2. PHASE 2 ARCHIRECTURAL PLAN REVISION:

- Further to discussion at the October meeting, we request approval on offering Phase 2 buyers the option to purchase an alternate C Unit floor plan OR and alternate E unit floor plan that provides a 1st Floor Master Bedroom. In both instances, this design change requires the elimination of one of the two attached garage spaces. Each/all of the units in PHASE 2 will have two exterior (driveway) parking spaces. If all of the units in PHASE 2 (27) were to elect a 1st Floor Master Bedroom plan, the total project parking space count would be reduced by 27 spaces from 191 spaces to 164 spaces. The 164 spaces would remain significantly higher than the 138 spaces required per zoning.

- Our Architect, Cross River Architect will be submitting under separate cover, the alternate 1st Floor Master Bedroom C and E Unit plans. Per your request, we will be presenting revised Bld #5 elevations to ACARC at their next meeting that illustrate the front elevations with each unit having a single garage.

We thank you in advance for your consideration of our requests.

Very truly yours,

Philip G. Pine

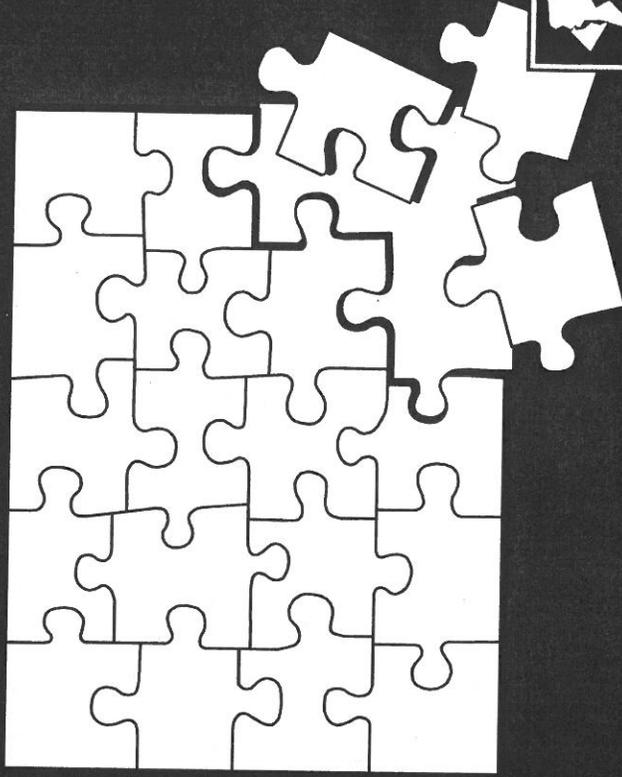
President

CC: File

Metropolitan Transportation Planning Process

New York Metropolitan Transportation Council
MHSTCC

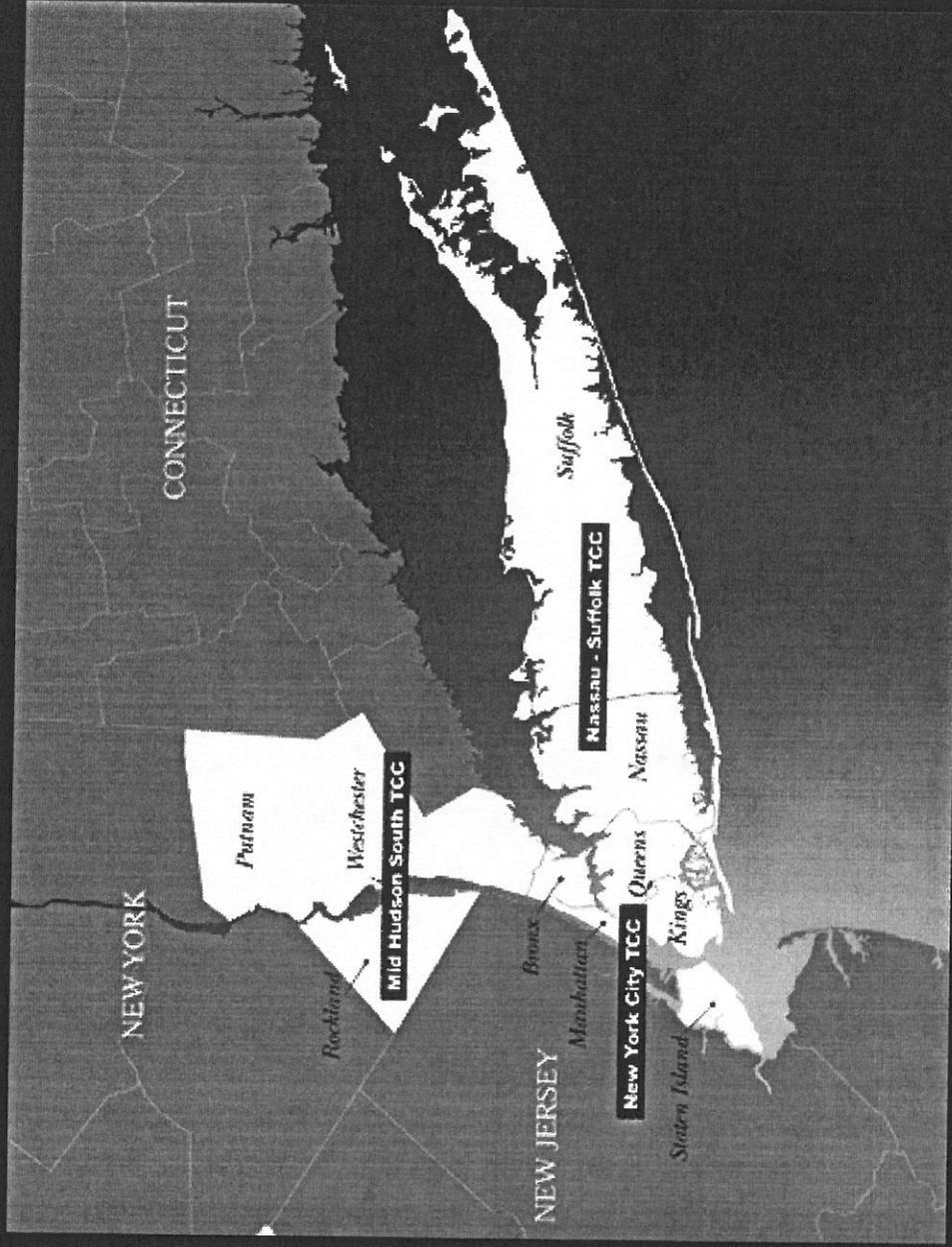
December 11, 2014



Metropolitan Planning Organizations (MPOs)

- Required in metropolitan areas over 50,000 population
- The MPO for the NY Metropolitan Region is the New York Metropolitan Transportation Council (NYMTC)
- Three Transportation Coordinating Committees
 - Mid-Hudson South
 - Nassau/Suffolk
 - New York City

Map of the NYMTC Region



NYMTC Members

Voting Members

- New York State Dept. of Transportation
- Metropolitan Transportation Authority
- New York City Dept. of Transportation
- New York City Dept. of City Planning
- Suffolk County Executive
- Nassau County Executive
- Putnam County Executive
- Rockland County Executive
- Westchester County Executive

Advisory Members

- Federal Highway Administration
- Federal Transit Administration
- New York State Dept. of Environmental Conservation
- North Jersey Transportation Planning Authority
- Port Authority of NY&NJ
- U.S. Environmental Protection Agency

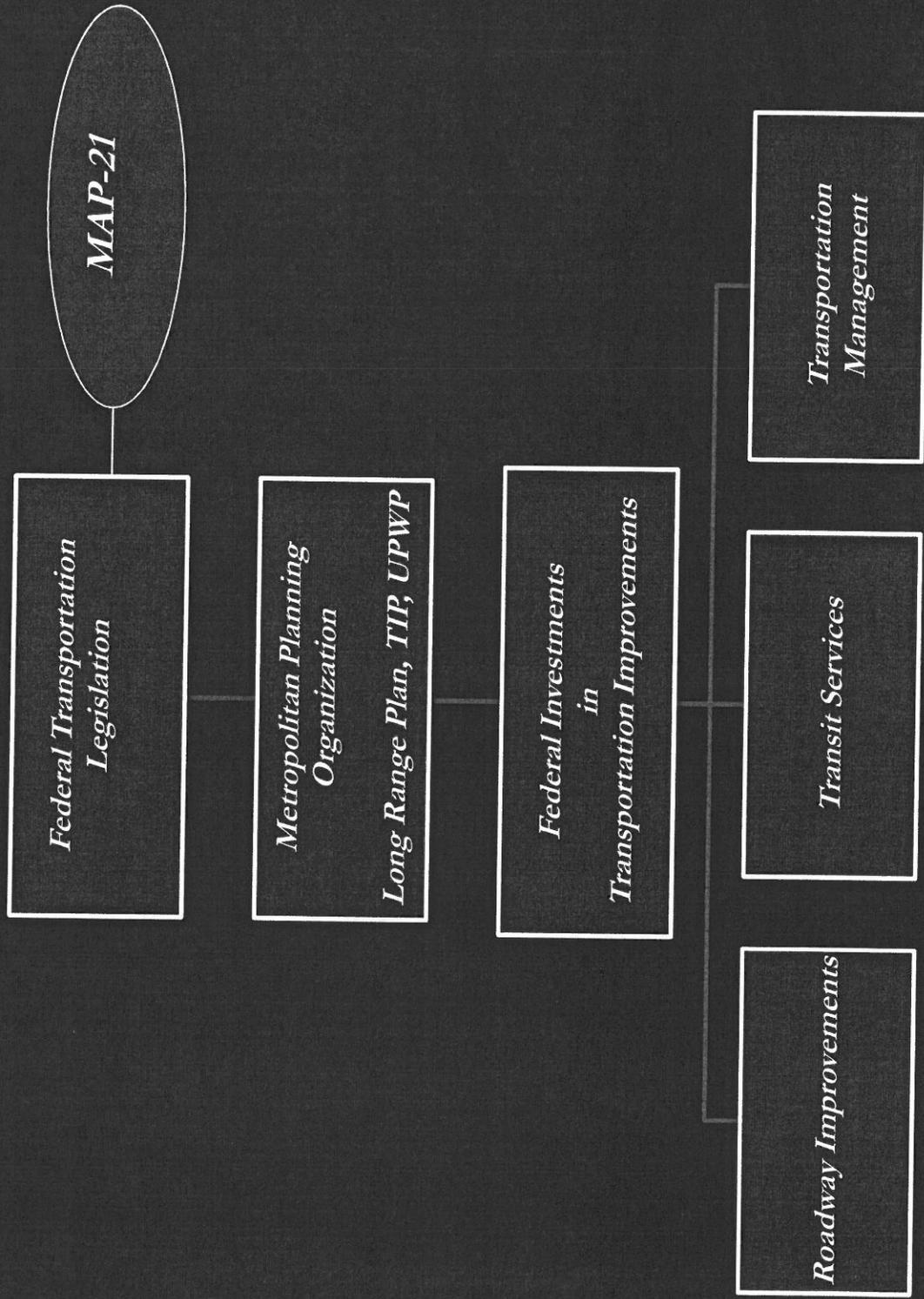
MHSTCC Voting Members

- NYSDOT Commissioner
- NYSTA Executive Director
- MTA Chairman
- Rockland County Executive
- Putnam County Executive
- Westchester County Executive

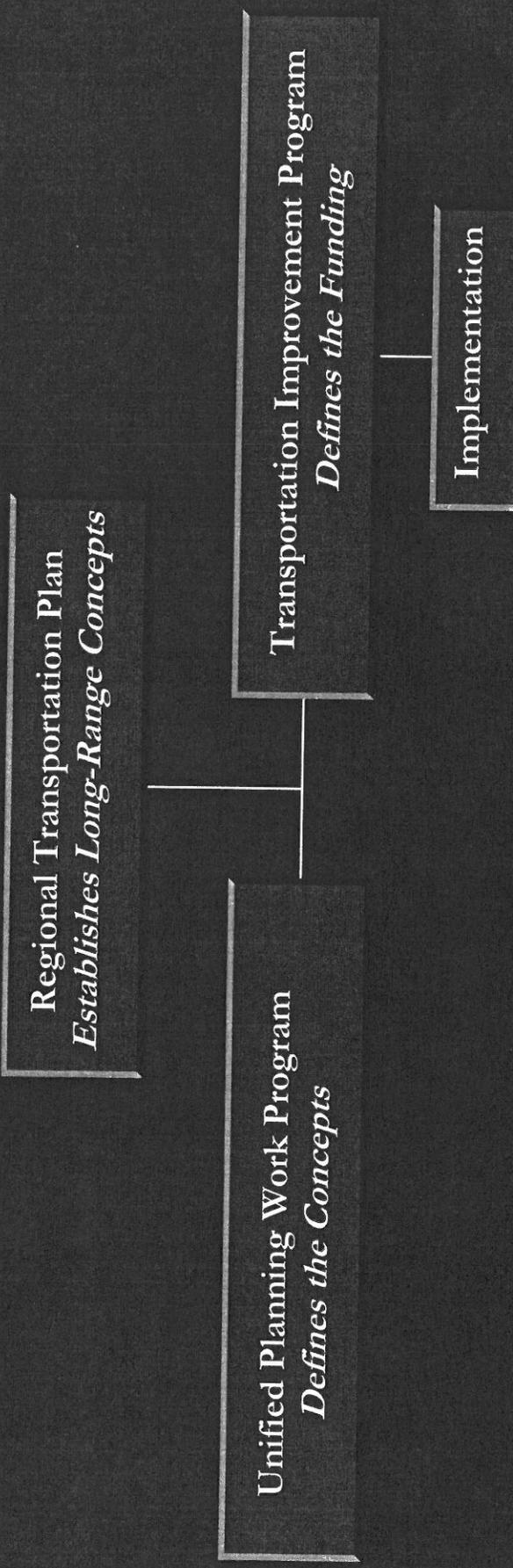
Local Governments and the Metropolitan Planning Process

- Local municipalities are represented through their county (except for the City of New York)
- They also participate directly in a number of ways:
 - Solicitation of project proposals and development of individual projects
 - Planning workshops and review meetings
 - Working groups
 - Development of products
 - Sub-area and corridor studies

Major Elements of the Metropolitan Planning Process



How the Process Operates



Regional Transportation Plan (RTP)

- A required product of the metropolitan transportation planning process
- Analysis of future transportation issues, needs, funding and goals
 - Sets the stage for the TIP and UPWP
- Covers every mode of transportation eligible for Federal funding in the NYMTC region
- Serves as a basis and a guideline for the use of Federal funding for planning and for improvements
- Long Range – 20 years or more
 - Current plan – Plan 2040 (2015-2040)
 - Next plan – Plan 2045 (2018-2045)
- Represents the Shared Vision of the Principals

RTP Foundation

- Principals' Shared Vision
 - 6 shared goals with outcomes
 - Shared Land Use Designations
 - Strategic Major Transportation Investment Options
- Major Assumptions
 - Current and future demand
 - Socio-economic & demographic forecasts
 - Population, employment, labor force, households
 - Travel, freight, congestion & safety
 - Current and future needs
 - Infrastructure (transportation system)
 - Resources

RTP Elements

- Socio-Economic Demographic Forecasts
- Financial Plan
- Freight Plan
- Coordinated Public Transit Human Services
- Bicycle and Pedestrian Plan
- Air Quality Conformity
- Public Participation

Transportation Improvement Program (TIP)

- Multi-year, multi-modal capital program outlining:
 - Transit Projects
 - Highway Projects
 - Bicycle/Pedestrian Projects
 - Demand Management
 - Other miscellaneous projects
- Five year document – by Federal Fiscal Year
- Typically updated every 2 years

Building the TIP

- Update Existing Projects
- Solicit for New Projects
 - ***last solicitation: 2006
- Fiscal Constraint
- Public review
- Address public comments
- TCC's endorse project listings
- Develop the NYMTC TIP
- Conduct the regional air quality analysis
 - Public review
- Adoption by NYMTC

Unified Planning Work Program (UPWP)

- Annual program of planning activities
- Tied to long range plan and TIP
- Includes support of required federal planning activities
- State Fiscal Year April 1 – March 31

Ways to get involved with NYMTC...

- Mobility Advisory Forum (MAF)
- Subscribe to NYMTC-Notes
- Brown Bag lunches
- Community Workshops, Panels and Roundtables
- View our Webcasts and Webinars
- Check out www.NYMTC.org
- Contact me directly –
 - Darrin.Moret@dot.ny.gov
 - 845-431-5768

Meeting Amongst Member Towns



- Started March 2014.
 - *Previous meetings individually with the Region 8 DOT.*
- Creation of original improvement project list
- Individual Town Board discussions for several months
- Resolutions approving projects
- Consortium approved list to improve traffic flow
- Discussions with Westchester and Putnam Counties and MTA.

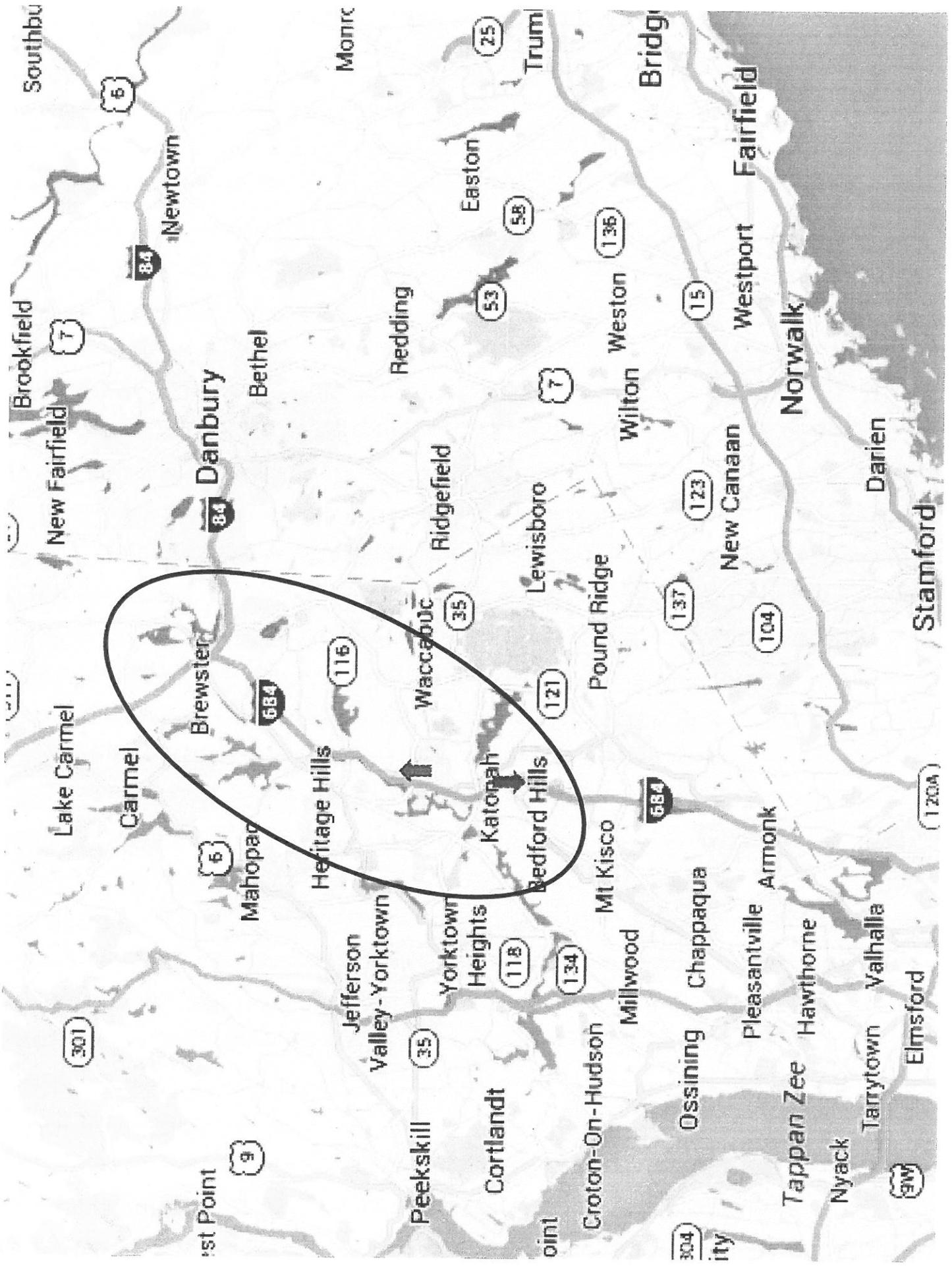
I684-I84 Consortium



**BEDFORD
LEWISBORO
NORTH SALEM
SOMERS
SOUTHEAST**



IMPROVING THE CORRIDOR



Issues Discussed

- No major improvements to Northern I84/684 corridor in Consortium area since 1971 ramp for Route 138
- Serious impact to side roads through member Towns for rush hour traffic bypassing sections of I684/84.
- MTA parking improvements requiring roadway and Exit enhancements.
- No items we are concerned about in the TIP.

Our Focus



- To have an open discussion about required improvements to the corridor.
- To get mutual agreement among the municipalities on improvements to the corridor.
- Work with the County, DOT, MTA and others getting the improvements into the TIP and to get funding for DOT Region 8.

Next Steps



- Understand the process
- Produce the proper documentation required
- Get the New York Metropolitan Transportation Council (NYMTC) to understand and focus on I684/84 Consortium issues.
- Get I684/84 improvements into the TIP

Capital Improvements



• Capital Projects

- Widen I684 at Katonah to three lanes to improve traffic flow; the roadway decreases from three to two lanes in Katonah.
- Direct access to Golden's Bridge, Purdy's MTA parking from I-684, Direct access to Southeast train station from I-84
- Install southbound exits in Purdy's and Golden's Bridge
- Install northbound entrance at Golden's Bridge
- Improve dangerous merge for exit/entrance ramps at 684/Saw Mill.
- Blacktopping 684 – those portions not presently blacktopped.
- Improve and enhance I84/684 interchange to handle additional cars at proper traffic speeds onto I-684.
- Install noise barrier along 684 in Katonah.

Intermodal Improvements



Pedestrian Improvements

- Improve pedestrian access to MTA train stations; Southeast, Purdy's and Golden's Bridge.
- Cross walk at the light where Route 172 and Route 22 meet at the fork in Bedford Village

Bridges

- Replace Prospect Hill Bridge in Southeast and in the Village of Brewster (the bridge on Route 6- over the MTA tracks just north of the Brewster Station).

Requested Tactical Repairs

Maintenance and Repair Matters

- Some of these roads have not been repaved in 20 years.
- Repave Routes 22, 117, 121, 137 and 172 in Bedford
- Repave Route 138 through Lewisboro between Route 121 and Old Bedford Road *DONE*
- Repave Route 100 from Route 35 to Croton Falls
- Repave Route 116 from its intersection of 121 to its intersection of Route 22.
- Clear catch basins along Cantitoe Road in Katonah, now causing flooding on residents' properties.
- Until 84 and 684 are improved to maintain the optimal traffic flow, the State should provide additional funding for Town and County repaving projects. Many of the side roads, such as Bloomer Road and Hardscrabble Road in North Salem handle 10,000 cars per day and are used as bypasses for 84 and 684 traffic.

Other Items

- **Speed limits**
- Support local control of speed limits bills S1356/A6089
- Reduce the 40 MPH to 30 MPH speed limit of Route 172 from the Pound Ridge border to Route 22 and on Route 22 from 200 yards north of Guard Hill Road to the Hunting Ridge Mall to make the speed limit the same as the speed limit for comparable stretches of state roads in Bedford.

**STATUS OF TRANSPORTATION PROJECTS
RECOMMENDED BY I-684/I-84 CONSORTIUM**

Per NYMTC Letter dated October 1, 2014

Work scheduled:

3. The 1-684 NB to 1-84 EB ramp will be reconstructed in 2015 by NYS DOT improving the horizontal curvature at both ends of the ramp to safely accommodate 40 mph speeds.
4. Design of a pavement rehabilitation project on 1-684 between Hardscrabble Road and 1-84 is underway by NYS DOT in anticipation of a construction start date in mid 2015.
14. *Resurface Routes 22, 117, 121, 137 and 172 in Bedford.* Route 121 between Route 22 and Upper Hook Road is scheduled to be resurfaced this fall under a NYS DOT contract. NYS DOT maintenance forces have made pavement repairs to Route 172, Route 22, Route 137, and filled pot holes on Route 117.
15. Route 138 between 1-684 and Route 121 in Lewisboro is scheduled to be resurfaced this fall under NYS DOT contract.

Work can be done but no timing is provided:

10. NYS DOT will work with Metro-North Railroad and the municipalities to improve pedestrian access to the train stations at Southeast, Purdy's and Goldens Bridge.
11. NYS DOT's Traffic Engineering Group has discussed the request for a crosswalk at Route 22 and Route 172 (*in Bedford Village*) with the Town. *Result?*
13. NYS DOT recognizes the need for replacing the Route 6 bridge over Metro-North Railroad in Brewster and has made it a top bridge priority should funding become available.
14. *Resurface Routes 22, 117, 121, 137 and 172 in Bedford.* These routes will be monitored by NYS DOT and considered for resurfacing under contract in the future within the constraints of the available funding.
16. Route 100 between Route 35 and Croton Falls will be monitored by NYS DOT and considered for resurfacing under contract in the future within the constraints of the available funding.
17. Route 116 between Route 22 and Route 121 will be monitored by NYS DOT and considered for resurfacing under contract in the future within the constraints of the available funding.
18. Not enough information was provided about the need for clearing catch basins along Cantitoe Road in Katonah (*that now cause flooding on residential lots*). If this is a state highway (*it is a section of Route 22*), the Town should contact the NYS DOT Resident Engineer in Katonah who can make an assessment and take appropriate action.

21. The NYS DOT Regional Traffic Engineer has conducted speed studies on Route 22 and Route 172 at the Town's request. *Result?*

Work that will not be scheduled:

4. The other remaining concrete section (*of I-684*), Harris Road to Route 35, is not currently funded though NYS DOT will continue to pursue funding opportunities.

7. A noise barrier (*along I-684 in Katonah*) can't be installed using funds available to NYS DOT unless it is determined to be warranted and cost effective by a noise study for a project in which the highway is to be widened and traffic moved closer to residences. Only separate funds provided by the Legislature or Congress may be used by NYS DOT to construct noise walls along existing roadways.

8. Ramps from an Interstate Highway providing direct access to a facility (*Metro-North parking lots at Goldens Bridge, Purdy's and Southeast*) are not likely to be approved by the Federal Highway Administration (FHWA). Ramps should connect the Interstate Highway with a public road.

12. The Prospect Hill bridge carries a local road over Metro-North Railroad in the Town of Southeast. The priority of this bridge to other infrastructure projects will determine how well it competes for local federal aid funding that may become available in the next TIP update.

19. *Provide additional funds to maintain roads used as bypass for I-684/I-84 congestion.* On Federal Aid eligible roads, the municipalities may seek local federal aid funding that may become available in the next TIP update. The priority of these roads to other infrastructure projects will determine how well they compete for the funding.

20. *Support local control of speed limits.* NYMTC does not offer an opinion on speed limit issues.

More discussion required – not necessarily long-range?:

2. *Improve dangerous merge for exit/entrance ramps.* Opportunities for improving the 1-684/SMRP/ Route 35 interchange must be considered together with the proposal for widening 1-684 at this location (see no. 1 below).

Inclusion in Regional Transportation Plan (long range planning) required:

1. Widening 1-684 from two lanes to three lanes in each direction near the Saw Mill River Parkway (SMRP) would be a major project with possible impacts to the reservoir and to the interchange with the SMRP and Route 35 that goes beyond preservation of the existing system. With transportation funding constrained, "beyond preservation" projects face an uphill battle to gain funding. The consortium members are invited to participate in the development of the next NYMTC Regional Transportation Plan (RTP) that will identify goals, needs and implementation strategies for the region. The RTP development process is the appropriate forum to identify major transportation system enhancement proposals such as adding lanes on 1-684.

3. The other ramps in the interchange (I-684 and I-84) will be evaluated in the future when the capacity needs of I-84 are studied. *(Is this scheduled?)*

5. Providing new southbound exits from I-684 in Purdy's and Goldens Bridge goes beyond maintaining the existing system and the consortium is invited to participate in the development of the next NYMTC Regional Transportation Plan (RTP) where this may appropriately be discussed.

6. Providing a northbound entrance ramp to I-684 at Goldens Bridge also goes beyond maintaining the existing system and the consortium is invited to participate in the development of the next NYMTC Regional Transportation Plan (RTP) where this may appropriately be discussed.

9. *Consider ramp metering.* Ramp metering on I-684 will require a study to determine feasibility and impacts/cost effectiveness. The consortium is invited to participate in the development of the next NYMTC Regional Transportation Plan (RTP) where this may appropriately be discussed.

Impact of the Tax Freeze on the Town of Lewisboro

I and my Town Board understand the importance of changing the perception of New York as a high tax state. In the case of the Town of Lewisboro, however, the impacts of the Tax Freeze seem to be more negative than positive.

Background

Lewisboro is a Town in northern Westchester with a population of 12,400, most of who commute to jobs outside of the Town. Based on data supplied by the NY State Comptroller's office Lewisboro's Average Full Value Property Tax Rate is 1.54. This is half of Bedford, New Castle, North Castle and North Salem and 26% less than Pound Ridge. The Town had become heavily reliant on its share of the mortgage tax until this source of income declined by over 50% in 2009. The result of this was an increase in tax rates to essentially their current level and a severe pruning of expenditures which fell most heavily on the Town's Highway budget inevitably leading to deterioration of the Town's roads. Sharing more services than we already do is made difficult because Lewisboro is a union town while our two most similar neighbors are non-union towns. The State Comptroller's Office is strongly encouraging Lewisboro to increase its fund balances.

The impacts

- 1. Increased Borrowing to repave the Town's 96 miles of roads.** In 2013 Cornell University worked with the Town Highway Department to create a 15 year program to remediate and maintain the quality of Lewisboro's roads. The Town Board planned to finance a diminishing part of the \$480,000 a year cost by borrowing so that after four years funding would be entirely covered by CHIPS and current year taxes. It is not possible to attain this goal while keeping under the Tax Cap.
- 2. Keeping spending under the cap prevents the Town Board from grasping opportunities to improve the quality of life for our tax payers.** The Katonah-Lewisboro School district has recently closed an elementary school which provides an opportunity for the Town to satisfy currently unmet needs for teens and seniors by using the gym, kitchen and dramatic space for social, cultural and athletic activities. The cost of converting this portion of the school to meet the Town's needs while providing on-going maintenance and supervision would break the cap.
- 3. The cap can prevent a Town providing a service to taxpayers which would save them money.** A garbage hauler contacted us suggesting that his company could collect all of the Town's trash for a price very substantially less than individual residents are now paying for their weekly collection. The increase in taxes would have been significant though much less than what residents are now paying for private collection. Pursuing this option is made harder by the Tax Freeze.

Summary

New York State needs to amend the Tax Cap legislation in such a way as to allow a Municipality such as Lewisboro more freedom to manage its own affairs to the benefit of its tax payers. If Town Boards get it wrong, history shows that voters are not slow to remedy the situation. The following two amendments would help:

- Keep the Tax Cap but abolish the Tax Freeze for municipalities with average full value property tax rates below 3.50 or some other reasonable level. The need to vote to break the Tax Cap would force Members of a Board to publically justify themselves in a way that gained media attention but would avoid giving their opponents the opportunity to shout that their government had robbed their Taxpayers pocket books twice over.
- Exempt capital expenditures, the costs of providing a new service and Highway paving from the Tax Cap calculation.

The overall problem is clear. New York is a large state with huge differences between its regions. On issues such as this, one size will never fit all which is why we give as much power as practical to the government which is closest to its constituents – city, town and village.

Yours,

cc: Terence Murphy, David Buchwald, Lawrence Schwartz, Joseph Percoco, Town Board, Leo Masterson

Proposed Lewisboro Zoning Amendments

The brief from the Town Board was to consider amending the Town Code:

- To allow multi-family housing in business areas
- To eliminate the special permit requirement for accessory apartments
- To incorporate as much of the model ordinance as we felt appropriate.

The purpose was to answer the Federal Housing Monitor's comments concerning Lewisboro:

- **Multifamily housing is restricted to one zoning district (MF) "in which a single development site has been identified" and that site "can accommodate only about 18 housing units"**. The attached proposal answers this by allowing such housing in an additional four districts (RB, GB, SU & CC20)
- **Accessory apartments require special permits and are restricted to occupancy by four people or less.** These amendments allow accessory apartments as of right and raise the occupancy limit to six
- **Model Ordinance has not been adopted.** We answer by adopting all key elements.

I believe these amendments fulfill the Town Board's charge and provide a reasonable answer to the Monitor's zoning comments. The revisions incorporate essentially all the comments made by the County Planning Department (Ed Burroughs) and the Pace Land Use Law Center (John Nolon). Once the Board has reached consensus on a draft, we need to schedule a Public Hearing and set a time line for adoption. Simultaneously we would ask the Monitor to review the amendments giving his office a schedule which would allow us comply with SEQR and 239-m.

Finally the Board should be aware that draft has been made possible through the long hours of work of the Housing Committee, ZBA and Planning Board.

Thank you.

TOWN OF LEWISBORO

LOCAL LAW NUMBER ___-2014 OF THE TOWN OF LEWISBORO

AMENDMENT TO CHAPTER 220, SECTIONS 220-2, 220-23, 220-24, 220-25.1,
220-26, 220-32, 220-40 AND 220-40.1 OF THE LEWISBORO TOWN CODE

BE IT ENACTED by the Town Board of the Town of Lewisboro, Westchester County, New York, as follows:

Section 1. Chapter 220, Section 220-2(B), entitled “Definitions and word usage,” is hereby amended to add the following definition to read as follows:

§ 220-2. Definitions and word usage.

B. For the purposes of this chapter only, certain words and terms used herein are defined as follows:

AFFORDABLE AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) UNIT –
A for-purchase housing unit that is affordable to a household whose income does not exceed 80% of the area median income (AMI) for Westchester as defined annually by the U.S. Department of Housing and Urban Development (HUD) and for which the annual housing cost of a unit including common charges, principal, interest, taxes and insurance (PITI) does not exceed 33% of 80% AMI, adjusted for family size and that is marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan. A rental unit that is affordable to a household whose income does not exceed 60% AMI and for which the annual housing cost of the unit, defined as rent plus any tenant paid utilities, does not exceed 30% of 60% AMI adjusted for family size and that is marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.

Section 2. Chapter 220, Subsections A and D(13) of Section 220-23, entitled “Schedule of regulations for residential districts,” is hereby amended to read as follows:

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

A. Permitted principal uses in R-4A, R-2A, R-1A, R-1/2A and R-1/4A Districts are as follows:

- (1) One-family detached dwellings, not to exceed one dwelling on each lot.
- (2) Two-family dwellings, when at least one such dwelling unit meets the requirements of section 220-25.1 of this chapter. ~~only for the purposes of compliance with the affordable affirmatively furthering fair housing (AFFH) requirements of this chapter.~~
- (3) Public schools.
- (4) Town of Lewisboro municipal uses.
- (5) *Ranching, and the raising of field and garden crops, provided that:
 - (a) No storage of manure or any other odor- or dust-producing substance shall be permitted within 150 feet of a street, property line, watercourse or wetlands area.
 - (b) No retail sales shall be permitted on the premises except as provided in Subsection A(11) below.
 - (c) Not less than two acres of land is available for the first animal and one acre for each additional animal.
 - (d) All animal feed is stored in rodent-proof containers.
- (6) *Landfilling, regrading and removal of earth material, subject to Town Board rather than Board of Appeals review.
- (7) *Places of worship or religious instruction, including parish houses.
- (8) *Hospitals, nursing homes and eleemosynary institutions.
- (9) *Private kennels.
- (10)*Temporary storage of contractors' equipment.
- (11)*Temporary stands for the sale and display of field and garden crops grown on the premises.

- (12) *Public utilities, except a communication facility as defined in this chapter.
- (13) *Professional offices (to be permitted only in the R-2A, R-1A, R-1/2A and R-1/4A Districts). See also §220-43.1 for additional requirements.
- (14) Child day care, provided that child day care shall at all times comply with any applicable New York State laws and regulations. All child day-care centers, group family day-care homes, family day-care homes and school-age child-care programs shall register with and furnish proof of current New York State approval to the Building Department of the Town of Lewisboro.
- (15) *Communication facility, communication tower, antenna tower or monopole, as further regulated in §220-41.1 of this chapter.
- (16) *Private nature preserves.
- (17) Riding academies.
- (18) *Private schools, colleges, public libraries, museums and art galleries.

NOTE: * Indicates use is subject to special permit approval as set forth in Article V and must conform to any additional requirements in connection with such approval.

D. Permitted accessory uses. Uses or structures customarily incidental to any permitted principal use are permitted, provided that such accessory use shall not include any activity commonly conducted for gain, except as hereinafter excepted, or any private way or walk giving access to such activity. Permitted accessory uses are as follows:

- (12) Accessory apartments.
- (13) Accessory residence dwelling.

Section 3. Chapter 220, Subsections A(1), B(1), C(1), and D(1) of Section 220-24, entitled “Schedule of regulations for nonresidential districts,” is hereby amended to read as follows:

§ 220-24. Schedule of regulations for nonresidential districts.

A. Permitted uses in CC-20 Districts.

(1) Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter.

Permitted principal uses are as follows:

(a) Any principal use, including special permit uses, permitted in the R-4A District as regulated therein.

(b) Multifamily dwellings, subject to the requirements of §220-26(~~J~~) of this chapter excluding subsections B(5), D, F and H therein.

(c) Separate dwelling unit or units on floors above any permitted principal nonresidential use if separated by un-pierced fire walls and ceilings and provided with an exterior entrance separate from the nonresidential use.

(d) Office buildings for business, governmental or professional use.

(e) *Research laboratories.

(f) *Manufacturing, fabricating, finishing or assembling or products.

NOTE: * Indicates special permit uses subject to special permit review and approval procedures in § 220-32 and to requirements specified in Article V.

B. Permitted uses in SU Districts.

(1) Permitted principal uses. All uses must be conducted from fully enclosed structures except as may be otherwise expressly provided in this chapter or as may be approved by the Planning Board as part of site development plan review.

Permitted principal uses are as follows:

(a) Any principal use, including special permit uses, permitted in the R-4A District as regulated therein.

(b) Multifamily dwellings, subject to the requirements of §220-26(~~J~~) of this chapter excluding subsections B(5), D, F and H therein.

(c) Any facility required for transmission, treatment or temporary storage of

electricity, gas, water, sewage, steam, refuse, cable television, telephone service and telegraph service, except a communication facility as defined in this chapter. Such facilities shall include but not be limited to electric transformers, pumping stations and reservoir structures.

C. Permitted uses in RB Districts.

(1) Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter.

Permitted principal uses are as follows:

- (a) Stores and shops for the conduct of retail businesses, but excluding automobile service.
- (b) Multifamily dwellings, subject to the requirements of §220-26(J) of this chapter excluding subsections B(5), D, F and H therein.
- (c) Full-service restaurants and taverns, excluding fast-food restaurant establishments and outdoor counter, drive-in or curb service.
- (d) Limited-service carry-out restaurants including 10 or fewer seats.
- (e) *Limited-service carry-out restaurants including more than 10 seats.
- (f) Grocery stores, food markets, health-food stores and supermarkets.
- (g) Personal service businesses, such as but not limited to, hairdressers, shoemakers and tailors, serving the public directly.
- (h) Professional, banking, governmental and business offices.
- (i) Indoor recreation facilities.
- (j) Separate dwelling unit or units on floors above any permitted principal nonresidential use if separated by un-pierced fire walls and ceilings and provided with an exterior entrance separate from the nonresidential use.
- (k) Any principal use, including special permit uses, permitted in the R-2F-10 District as regulated herein.
- (l) *Laundry, dry-cleaning, furniture stripping/refinishing and photo/printing

processing establishments.

(m) *Gasoline service stations.

(n) Child day care, provided that child day care shall at all times comply with any applicable New York State laws and regulations. All child day-care centers, group family day-care homes, family day-care homes and school-age child-care programs shall register with and furnish proof of current New York State approval to the Building Department of the Town of Lewisboro.

NOTE: * Indicates special permit uses subject to special permit review and approval procedures in § 220-32 and to requirements specified in Article V.

D. Permitted uses in GB Districts.

(1) Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter.

Permitted principal uses are as follows:

(a) Any principal use, including special use permit uses, permitted in the RB District as regulated therein.

(b) Multifamily dwellings, subject to the requirements of §220-26(~~J~~) of this chapter excluding subsections B(5), D, F and H therein.

(c) Separate dwelling unit or units on floors above any permitted principal nonresidential use if separated by un-pierced fire walls and ceilings and provided with an exterior entrance separate from the nonresidential use.

(d) Sales and service agencies for motor vehicles, provided that any outdoor storage or display of vehicles offered or intended for sale complies with the requirements for accessory outdoor storage or display. Overnight outdoor storage of vehicles awaiting servicing shall be limited to the number of parking spaces designated for such use on an approved site development plan.

(e) Landscape nurseries.

(f) Storage and sale of building materials, provided that any outdoor storage or

display complies with the requirements for accessory outdoor storage or display.

(g) *Commercial kennels.

(h) *Fast-food establishments.

(i) *Manufacturing, fabricating, finishing or assembling of products and research laboratories.

NOTE: * Indicates special permit uses subject to special permit review and approval procedures in § 220-32 and to requirements specified in Article V.

Section 4. Chapter 220, Section 220-25.1, entitled “Inclusionary Affordable Affirmatively Furthering Fair Housing (AFFH) Dwelling Units” is hereby enacted to read as follows:

§ 220-25.1. Inclusionary Affordable Affirmatively Furthering Fair Housing (AFFH) Dwelling Units.

A. Required Affordable AFFH Dwelling Units. Within all residential developments of ten (10) or more dwelling units created by subdivision or site plan, no less than ten percent (10%) of the total number of dwelling units must be created as affordable AFFH dwelling units. In residential developments of five (5) to nine (9) dwelling units, at least one affordable AFFH dwelling unit shall be created. No preferences shall be utilized to prioritize the selection of income-eligible tenants or purchasers for affordable AFFH dwelling units created under this section. Notwithstanding the above, all such affordable AFFH dwelling units, whether for purchase or for rent, shall be marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan. This section shall not apply to any development of dwelling units constructed prior to the enactment of this section, or to any development of dwelling units to be constructed which has received Planning Board approval prior to the enactment hereof. Previously approved middle-income

dwelling units shall continue to comply with Section 220-26(F) of this chapter.

B. Time period of affordability and property restriction. Dwelling units designated as affordable AFFH dwelling units must remain affordable in perpetuity from date of initial certificate of occupancy for rental properties and from date of original sale for ownership units. A property containing any affordable AFFH dwelling units must be restricted using a mechanism such as a declaration of restrictive covenants in recordable form acceptable to the Town Attorney which shall ensure that the affordable AFFH dwelling unit shall remain subject to the affordable regulations of this section. Among other provisions, the covenants shall require that the affordable AFFH dwelling unit be the primary residence of the resident household selected to occupy the unit. Upon approval, such declaration shall be recorded against the property containing the affordable AFFH dwelling unit prior to the issuance of a Certificate of Occupancy for the development.

C. Eligibility. Such affordable AFFH dwelling units shall be available for sale, resale or continuing rental only to income-eligible families for AFFH dwelling units as defined in §220-2 of this chapter.

D. Unit appearance and integration.

(1) Within one-family dwelling developments, the affordable AFFH dwelling units may be one-family dwellings or may be incorporated into one or more two-family dwellings or multifamily dwellings, subject to the review and

approval of the Planning Board. Each one-family affordable AFFH dwelling unit may be located on a lot meeting fifty percent (50%) of the minimum lot area for the one-family dwellings in the development. Each two-family affordable AFFH dwelling and each multifamily affordable AFFH dwelling shall be located on a lot meeting the minimum lot area for the one-family dwellings in the development. The Planning Board shall take into consideration whether the affordable AFFH dwellings shall be generally indistinguishable in appearance, siting and exterior design from the other one-family dwellings in the development, to the furthest extent possible. Interior finishes and furnishings may be reduced in quality and cost to assist in the lowering of the cost of development of the affordable AFFH dwelling units.

- (2) Within multifamily developments, affordable AFFH dwelling units shall be physically integrated into the design of the development in a manner satisfactory to the Planning Board and shall be distributed among efficiency, one-, two-, three- or four-bedroom units in the same proportion as all other units in the development unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the Town of Lewisboro. Interior finishes and furnishings may be reduced in quality and cost to assist in the lowering of the cost of development of the affordable AFFH dwelling units.
- (3) The Planning Board must authorize clustering of dwelling units in a residential development in order to permit the construction of the minimum

number of affordable AFFH units required by this section. Any type of housing units may be incorporated into a residential development for this purpose. The Planning Board is not to distinguish the affordable AFFH units any more than is necessary to accommodate the construction of the minimum number of affordable AFFH units required by this section in a residential development.

E. Minimum floor area.

- (1) The minimum gross floor area per dwelling unit shall not be less than the following:

Dwelling Unit	Minimum Gross Floor Area (square feet)
Efficiency	450
1-bedroom	700
2-bedroom	900
3-bedroom	1,100 (including at least 1.5 baths)
4-bedroom	1,300 (including at least 1.5 baths)

- (2) For purposes of this section, the Planning Board may allow paved terraces or balconies to be counted toward the minimum gross floor area requirement in an amount not to exceed 1/3 of the square footage of such terraces or balconies.

F. Occupancy standards. In renting or selling, the following occupancy schedule shall apply to affordable AFFH dwelling units, subject to the New York State Uniform Fire Prevention and Building Code requirements:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
Efficiency	1	1
1	1	2
2	2	5
3	3	7
4	4	9

G. Affirmative marketing. The affordable AFFH dwelling units created under the provisions of this section shall be sold or rented, and resold and re-rented during the required period of affordability, to only qualifying income-eligible households. Such income-eligible households shall be solicited in accordance with the requirements, policies and protocols established in the Westchester County Fair & Affordable Housing Affirmative Marketing Plan so as to ensure outreach to racially and ethnically diverse households.

H. Continued eligibility for occupancy of rental dwelling units.

- (1) Applicants for rental units referred to in this section shall, if eligible and if selected for occupancy by the owner or manager of the development in accordance with the provisions of this Chapter, sign leases for a term of no more than two years.
- (2) As long as a resident remains eligible and has complied with the terms of the lease, said resident shall be offered a two-year renewal of the lease. If a resident's

annual gross income should subsequently exceed by more than 20% the maximum then allowable, as defined in §220-2 of this Chapter, said resident may complete his current lease term and shall be offered a non- AFFH rental dwelling unit available in the development at the termination of such lease term, if available. If no such dwelling unit shall be available at said time, the resident may be allowed to sign one additional one-year lease for the AFFH dwelling unit he occupies but shall not be offered a renewal of the lease beyond the expiration of said term.

- (3) Notwithstanding the foregoing, renewal of a lease shall be subject to the conditions of federal, state or county provisions that may be imposed by the terms of the original development funding agreements for the development or to the provisions of other applicable local law.

I. Resale requirements. In the case of owner-occupied affordable AFFH dwelling units, the title to said property shall be restricted so that in the event of any resale by the home buyer or any successor, the resale price shall not exceed the then-maximum sales price for said unit, as determined in this chapter, or the sum of:

- (1) The net purchase price (i.e. gross sales prices minus subsidies) paid for the unit by the selling owner, increased by the percentage increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers in the New York-Northern New Jersey Area, as published by the United States Bureau of Labor

Statistics (the “Index”) on any date between (a) the month that was two months earlier than the date on which the seller acquired the unit and (b) the month that is two months earlier than the month in which the seller contracts to sell the unit. If the Bureau stops publishing this index, and fails to designate a successor index, the Town will designate a substitute index; and

- (2) The cost of major capital improvements made by the seller of the unit while said seller of the unit owned the unit as evidenced by paid receipts depreciated on a straight line basis over a 15 year period from the date of completion and such approval shall be requested for said major capital improvement no later than the time the seller of the unit desires to include it in the resale price.
- (3) Notwithstanding the foregoing, in no event shall the resale price exceed an amount affordable to a household at 80% of AMI at the time of the re-sale.

J. Administration. The administration of the compliance and eligibility related to the rental, sales and marketing of such AFFH dwelling units shall be performed by the County of Westchester.

K. Tax assessment. The limited rental income and/or sales value of AFFH dwelling units shall be taken into consideration by the Town Assessor in determining the full value basis for assessments on such units.

Section 5. Chapter 220, Section 220-26, entitled “R-MF Multifamily residence District,” is hereby amended to ~~enact subsection “J” entitled “Affordable housing,”~~ and to amend the subsections A, B(1), B(2), B(5), D, E(1) and E(2) to read as follows:

§ 220-26. R-MF Multifamily Residence District.

- A. Minimum site area. The lot upon which such dwelling units shall be constructed shall have an area of not less than 7 acres, except when located within and served by a public water and sewer district of the Town of Lewisboro, in which case the minimum lot area shall be 15,000 square feet.
- B. Development density.

(1) The average gross density shall not exceed four (4) density units per acre of net lot area. The area of any wetlands, water bodies, watercourses or steeply sloped land, as defined by § 220-21 of this chapter, shall first be identified and multiplied by a factor of 0.75. The resulting number shall then be deducted from the gross total lot area to yield the net total lot area to be used in calculating the maximum allowable development density.

(2) The Planning Board may authorize an increase in permitted density by not more than 50% if the applicant constructs at least 1/3 of the additional density units as middle-income dwelling units and/or affordable affirmatively furthering fair housing (AFFH) units, as defined in this chapter. The Planning Board shall base its determination of the appropriate number of additional density units upon consideration of the location and environmental suitability of the specific site and the proposed development design to accommodate such an increased density.

(5) The site plan for multifamily dwellings proposed to be constructed on property immediately adjacent to land located in a single-family residence district shall incorporate a density transition area. For purposes of this subsection, the “density transition area” is defined as land in an R-MF district, or a district in which R-MF is a permitted use, located within a prescribed distance of the boundary line between the R-MF district or

other district in which R-MF is a permitted use, and a single-family residence district not located along a street right-of-way. The distance shall be equal to fifty percent (50%) of the minimum lot width applicable in the adjacent single-family residence district. Within such an area, the average gross development density shall not exceed two density units per acre of land area. The Planning Board may modify this requirement if existing features or land use reduce the need or substitute for the density transition area.

D. Open space and recreation area. At least 30% of the gross area of the site shall be preserved as permanent open space, free of buildings and parking areas, and shall be landscaped or left in its natural state in accordance with plans approved by the Planning Board.

- (1) Character. Such areas shall encompass land having meaningful ecological, aesthetic and recreational characteristics, with access, shape, drainage, location, topography and extent of improvements suitable, in the opinion of the Planning Board, for the intended purposes.
- (2) Preservation. Permanent preservation of such areas shall be legally assured, to the satisfaction of the Planning Board and the Town Attorney, by the filing of appropriate covenants, deed restrictions, easements or other agreements or the creation of a park district. Except for developments comprised solely of rental units and except where all or parts of such open space areas are deeded to and accepted by the Town of Lewisboro or a recognized conservation organization, ownership of such open space areas shall be divided equally among all property owners within the development, and a property owners association, membership in which shall be mandatory for all owners in the development, shall be

incorporated, which association shall be responsible for maintenance, liability insurance and local taxes. Such association shall be empowered to levy assessments against property owners to defray the cost of maintenance, and to acquire liens, where necessary, against property owners for unpaid charges or assessments. In the event that the property owners' association fails to perform the necessary maintenance operations, the Town of Lewisboro shall be authorized to enter on such premises for the purpose of performing such operations and to assess the cost of so doing equally among all affected property owners.

- (3) Improvements. Except as provided below, within such common open space areas, a total of not less than 300 square feet per density unit shall be improved with common recreational facilities, such as swimming pools; tennis, basketball, volleyball and shuffleboard courts; playground equipment, etc., for the use of the residents of the premises and their guests, which facilities shall not be operated for profit. Where the Planning Board determines that a suitable recreation area of adequate size cannot be properly located within a multifamily development, or is otherwise not practical, the Board may require as a condition of approval of any site development plan a payment to the Town of a sum which shall constitute a trust fund to be used by the Town exclusively for neighborhood park, playground or recreation purposes, including the acquisition of property. Such sum shall be determined in accordance with a fee schedule established by resolution of the Town Board, and which shall be filed in the Office of the Town Clerk.

E. Required parking.

- (1) Parking spaces shall be provided in number and design according to the

provisions of Article VII of this chapter.

- (2) The Planning Board may require, if deemed appropriate, the provision of a suitable screened parking area solely for the storage of boats, motor homes and similar recreational vehicles belonging to inhabitants of the development.

~~J. Affordable AFFH housing. Within a residential housing development that includes the construction of ten or more units created by subdivision or site plan approval, no less than ten (10%) percent of the total number of units must be created as affordable AFFH units. In residential developments of five to nine units, at least one affordable AFFH unit shall be created. No preferences shall be utilized to prioritize the selection of income eligible tenants or purchasers for affordable AFFH units created under this subsection. Notwithstanding the above, all such affordable AFFH units, whether for purchase or for rent, shall be marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan. Any such AFFH units shall comply with Section 220-31.1 of this chapter. This Section shall not apply to any units constructed prior to the enactment of this subsection, or to any units to be constructed which have received Planning Board approval prior to the enactment hereof.~~

- ~~(1) Application. Affordable Affirmatively Furthering Fair Housing (AFFH) units, as defined in Section 220-2 of this chapter, shall be subject to the provisions of this Section, in addition to any other applicable sections of this chapter. This Section shall not apply to any units constructed prior to~~

~~the enactment of this Section, or to any units to be constructed which have received Planning Board approval prior to the enactment hereof. The purpose of this section is to encourage the development of affordable housing while preserving the uniquely rural character and environmentally significant areas within the Town. This section shall apply to all AFFH units constructed in the Town of Lewisboro, and shall supersede any conflicting sections of the Town Code with respect thereto.~~

~~(2) — Marketing. All such AFFH units, whether for purchase or rent, shall be marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan, in accordance with the Westchester Housing Settlement Agreement.~~

~~(3) — Limitation. The provisions of this chapter are not intended to abrogate the Town's ability to provide housing for first responders or other emergency personnel providing services to the Town of Lewisboro, or to abrogate the ability of the Town to provide housing for senior citizens or disabled residents, as the Town may deem appropriate in the interest of the health, safety and welfare of the community.~~

~~(4) — Duration of designation. Any units designated as AFFH units in the Town of Lewisboro in accordance with this Section shall maintain its designation as an AFFH unit for a period of fifty years from the date of~~

such designation.

(5) ~~Distribution. Such units shall be available for sale, resale, or continuing rental only as AFFH units in accordance with this section. Such units shall be physically integrated into the design of the development in a manner satisfactory to the Planning Board and shall be distributed among efficiency, one, two, three or four bedroom units in the same proportion as all other units in the development unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the Town of Lewisboro.~~

(6) ~~Minimum floor area.~~

(a) ~~The minimum floor area per dwelling unit shall not be less than the following:~~

Dwelling Unit	Minimum Gross Floor Area (square feet)
Efficiency	450
1 bedroom	675
2 bedroom	750
3 bedroom	1,000 (including at least 1.5 baths)
4 bedroom	1,200 (including at least 1.5 baths)

(b) ~~For the purposes of this section, paved terraces or balconies may be counted toward the minimum gross floor area requirement in an amount not to exceed 1/3 of the square footage of such terraces or~~

balconies. _____

(7) ~~Occupancy standards. In the renting or sale of AFFH units, the following occupancy schedule shall apply:~~

Number of Bedrooms	Number of Persons
Efficiency	Minimum 1 ; Maximum 1
1 bedroom	Minimum 1 ; Maximum 3
2 bedroom	Minimum 2 ; Maximum 5
3 bedroom	Minimum 3 ; Maximum 7
4 bedroom	Minimum 4 ; Maximum 9

(8) ~~Maximum rent and sales price. The monthly rent or sales price of such units shall be in accordance with the following standards. A for purchase housing unit that is affordable to a household whose income does not exceed 80% of the area median income (AMI) for Westchester as defined annually by the U.S. Department of Housing and Urban Development (HUD) and for which the annual housing cost of a unit including common charges, principal, interest, taxes and insurance (PITI) does not exceed 33% of 80% AMI, adjusted for family size. A rental unit that is affordable to a household whose income does not exceed 60% AMI and for which the annual housing cost of the unit, defined as rent plus any tenant paid utilities, does not exceed 30% of 60% AMI adjusted for family size.~~

~~(9) Administration. The administration of the compliance and eligibility related to the rental, sales and marketing of such AFFH units shall be performed by the County of Westchester.~~

Section 6. Chapter 220, Subsections (B)(2) of Section 220-32 entitled

“Approving agency,” is hereby amended to read as follows:

§ 220-32. Special permit uses.

B. Approving agency. Applications for special permit uses shall be reviewed and acted upon by the Planning Board with the following exceptions:

(2) The Board of Appeals is hereby designated and authorized to review and take action on applications for the following special uses:

- (a) Temporary storage of contractor’s equipment.
- (b) Private kennels.
- (c) Ranching and the raising of field and garden crops.
- (d) Temporary stands for the sale and display of field and garden crops grown on the premises.
- (e) Any use that was established legally as a special permit use and for which a special permit was issued, but for which provisions have since been deleted by amendment from the schedule of permitted principal and accessory uses. If such previously issued permit was in effect at the time of deletion by amendment, it may be continued or renewed upon review in accordance with special permit procedures.

Section 7. Chapter 220, Subsections A, C, E, F, G, H, I, and J of Section 220-40,

entitled “Accessory apartments,” are hereby amended to read as follows:

§ 220-40. Accessory apartments.

It is the specific purpose and intent of this section to allow accessory apartments on one-family parcels of minimum size of ½ acre to provide the opportunity for the development of affordable housing AFFH units. It is also the purpose of this provision to allow more efficient use of the Town's existing dwellings and accessory buildings, and to afford existing residents the opportunity to remain in large, underutilized houses by virtue of the added income produced by accessory apartments, and to protect and preserve property values in the Town of Lewisboro. To help achieve these goals to promote the other objectives of this chapter and of the Town Development Plan, the following specific standards and limitations are set forth for such accessory apartment use.

A. Occupancy.

- (1) The owner(s) of the one-family lot upon which the accessory apartment is to be located shall occupy and maintain as his or her legal full-time residence at least one of the dwelling units on the lot, either the accessory or the main dwelling.
- (2) The maximum occupancy of the accessory apartment is two persons per bedroom. If the apartment has three or more bedrooms, the maximum occupancy is six persons.

C. Size.

- (1) The minimum floor area for an accessory apartment located within a principal dwelling building shall be 300 square feet, but in no case shall it exceed 50% of the total floor area of the dwelling building in which it is located. In no case shall the footprint of the principal dwelling building exceed 50% of the existing footprint. Any such addition shall be accompanied by an approved building permit and certificate of occupancy.
- (2) For an accessory apartment located in an existing accessory building, the minimum floor area shall also be 300 square feet. Any such addition shall have

an approved building permit and a certificate of occupancy.

E. Inspection and registration.

- (1) Accessory apartments shall be subject to inspection by the Building department every five years to verify compliance with building and fire codes. A fee for this inspection, the amount of which is to be set by the Town Board, may be charged for each inspection.

- (2) At the time of the inspection referred to herein, a registration form shall be completed by the owner of the accessory apartment and returned to the Building Department within 10 days of receipt. This form shall include the basic facts about the accessory apartment, including the owner's name(s), tenant's name(s), location, size, and percentage of the principal building it occupies. Registration forms must be signed by the property owner and notarized. Registration forms for middle-income accessory apartments shall include the amount of monthly rent paid by the tenant, and the annual gross income of the tenant as reported on federal income tax forms for the previous year.

F. All accessory apartments, whether in the principal dwelling building or an accessory building, must meet the standards of the Town of Lewisboro Housing Code and regulations. Accordingly, inspections for compliance as required by the Building Inspector shall be made, and a certificate of occupancy must be secured prior to the use of the accessory apartment.

G. Assessment. The property which contains any accessory apartment shall be assessed in the manner authorized by the State of New York. If the owner of an

accessory apartment has agreed to register the apartment as a middle-income apartment and to limit the monthly rent to the amount set forth in §220-26(F)(4) of this chapter, or if the accessory apartment is an affordable housing unit, the assessor shall take the limitation on rental income into account in determining the amount, if any, the accessory apartment will add to the assessed value of the property.

H. Administration. The Housing Committee shall monitor middle-income accessory apartments in the Town and, through the Building Department, shall oversee the regulations pertaining thereto. Specifically, the Housing Committee shall be responsible for:

- (1) Maintaining a list of available middle-income accessory apartments.
- (2) Determining a prospective renter's eligibility for renting a middle-income accessory apartment.
- (3) Maintaining a list of eligible renters of middle-income accessory apartments.
- (4) Monitoring the turnover in the owners of middle-income accessory apartments.
- (5) Monitoring the turnover in the renters of middle-income accessory apartments.
- (6) Establishing policies and procedures, as well as the requisite forms required, to review income and eligibility requirements and rents charged.

I. Other provisions.

- (1) Rent. The rent for any middle-income accessory apartment shall not exceed the permitted rentals for middle-income dwelling units, as described in §220-26(F)(4) of this chapter.

- (2) If any middle-income unit shall become vacant, the owner shall inform the Housing Committee of the vacancy. The Housing Committee shall inform the eligible middle-income persons on the waiting list of the vacancy.

- (3) The owner of a unit may list his or her as a middle-income unit. The unit, once listed as a middle-income unit, will be eligible for assessment as provide in this chapter and shall be subject to the rent limitations and other rules established for middle-income housing units.

- (4) Occupancy. The occupants of a middle-income accessory unit must qualify as members of a middle-income family, as defined in §220-2 of this chapter.

- (5) The owner of a middle-income accessory apartment shall have the right to choose any tenant from the list of eligible tenants that is maintained by the Housing Committee.

- (6) Exemptions. In the event no middle-income family is on the Housing Committee's waiting list for a middle-income accessory apartment, or in the event that no family on the waiting list agrees to rent the accessory apartment, the Housing Committee may exempt the accessory apartment from the above middle-income requirements for the term of the next lease or occupancy.

Section 8. Chapter 220, Subsections A, E(1), and G of Section 220-40.1, entitled "Accessory residence dwellings," are hereby amended to read as follows:

§ 220-40.1. Accessory residence dwellings.

- A. Minimum lot area. A minimum lot area of 4 acres shall be provided and shall include a minimum buildable area, as defined herein, equal to that required for an individual lot in the zoning district in which the accessory residence dwelling is to be located.

- E. Size; number of bedrooms.
 - (1) The exterior size of an accessory residence dwelling shall not exceed 2,000 square feet, or be less than 600 square feet, in gross floor area, excluding uninhabitable and unfinished garage and basement space as defined herein.

- G. Prohibition of other accessory uses. The establishment of an accessory residence dwelling on a lot shall prohibit the use of that lot and any buildings on the lot as an accessory apartment, as defined herein; and the existence of an accessory apartment shall prohibit the establishment of an accessory residence dwelling. The accessory use of a professional office, studio or home occupation shall be strictly prohibited in the accessory residence dwelling, or by any occupant of the accessory dwelling.

Section 9. 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 10. This local law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

Dated: _____, 2014

BY THE ORDER OF THE TOWN BOARD OF
THE TOWN OF LEWISBORO

JANET L. DONOHUE, TOWN CLERK