



**TOWN OF LEWISBORO
TOWN BOARD WORK SESSION
AGENDA
TOWN HOUSE
JUNE 1, 2015
7:30 P.M.**

PUBLIC COMMENT

COMMUNICATIONS

CONSENT AGENDA

- **Approval of Minutes for May 18, 2015**
- **Monthly Reports May 2015**
 - **Police Department**

NEW BUSINESS

- **Resolution to Accept Sludge Bid**
- **Discussion of Planning Board Recommendations on Proposed “Motel” Zoning Amendment**
- **Discussion of Planning Board Recommendations on Proposed “Bed & Breakfast” Zoning Amendment**
- **Discussion of Planning Board Recommendations on Proposed “Hotel” Amendment**

OLD BUSINESS

- **Follow-up Discussion on Retaining Waste Zero – Councilman Dan Welsh**
- **Resolution to Adopt Stormwater Pollution Prevention Plan**

APPROVAL OF CLAIMS

POLLING OF THE BOARD

ANNOUNCEMENTS

- **Town Board Meeting June 15, 2015 at 7:30 p.m. at the Town House, 11 Main Street, South Salem.**

MOTION TO GO INTO EXECUTIVE SESSION

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.

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Monday, May 18, 2015, at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

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

Also attending was the Attorney for the Town Jennifer Herodes, Facilities Maintenance Manager Joel Smith, Comptroller Leo Masterson, Highway Superintendent Peter Ripperger, Kellard and Sessions Engineer Joseph Cermele, Parks and Recreation Superintendent Dana Mayclim and Confidential Secretary/Benefits Coordinator Mary Hafter.

Mr. Parsons called the meeting to order at 7:35 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

There were no public comments.

CORRESPONDENCE

MEMORIAM – Alfred DelBello

Mr. Parsons stated that town resident, Alfred DelBello, passed away on Friday, May 15, 2015. Mr. DelBello was a past Mayor of Yonkers, a three time Westchester County Executive and the Lt. Governor under Mario Cuomo Senior. Mr. Parsons requested town flags be flown at half mast.

HIGHWAY – Commendation

Mr. Parsons stated that he received a letter from town resident, Stanley Weil, praising the excellent job that Highway Superintendent Peter Ripperger and the highway department did over this past winter. Mr. Parsons also stated that he has received several words of praise from other residents regarding the outstanding job that the highway department did over this brutal winter.

CONSENT AGENDA

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted 4-0 to approve meeting minutes and the Board voted 5-0 to receive and file a departmental report.

MINUTES - Approved

On the above motion and second, the minutes of the May 4, 2015, Town Board meeting were approved.

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

REPORTS – Monthly Report

On the above motion and second, the April reports from the Planning Department was received and filed.

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

PUBLIC HEARING – Change in Zoning Law 220-2 Regarding Multi-Family Residence District (7:39 – 7:58 p.m.)

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

Mr. Parsons stated he wanted to make it clear that the hearing was to take comments on a zoning change to allow multifamily housing in sections of town zoned non-residential. The proposed change would include affordable housing and middle income housing and on a permanent basis.

A statement was delivered by the League of Women Voters of Bedford, Lewisboro and North Salem’s President Harry MacLaughlin. The following was read into the minutes:

We applaud the efforts of the Lewisboro Town Board to have zoning code changes proposed to include apartments over shops and to legalize other existing accessory apartments to increase the supply of affordable housing. Now is the time to pass such an amendment to the housing code. This is in conjunction with our State and County League's support position for affordable housing. We urge the Town to pass an ordinance to allow construction of federally mandated affordable housing.

We realize that our civic leaders face constraints on new building caused by DEC and potable water needs of the NYC reservoirs located throughout our town. The local League also realizes that lack of sewers, sewage treatment plants and public transportation hamper our town planning efforts in regard to placement of affordable housing. Rather than levy half million dollar fines on Lewisboro, we agree with County Executive Rob Astorino and our County Legislator Peter Harckham that the funds be kept locally and used to help overcome the infrastructure barriers alluded to earlier. The League of Women Voters believes in the efficacy of carrots rather than sticks to accomplish challenging civic goals.*

**alludes to NYS LWV '99 position to support incentives to encourage communities to accept their share of responsibility for providing housing for low and moderate income families. Lewisboro is only 1 of 2 towns in Westchester that has not yet passed an affordable housing ordinance.*

Jonathan Monti, a Goldens Bridge resident asked if the multifamily housing would only pertain to the four zones that they were referring to and the Board replied yes.

Dean Travalino, Spring Street, South Salem resident stated that he thought this version has many changes that were positive including what the League of Women Voters said incentivizing people to build some of these houses. He thinks it is also positive that the town is keeping both types of housing; the workforce affordable and the federal housing in the law.

Mr. Travalino did have one concern and that was the idea of one size fits all. He feels that there is a wide disparity between campus commercial districts, where the minimum size is 20 acres, to general business and/or retail business zones like those in the South Salem hamlet, are three different types of animals. Mr. Travalino stated that he did not want to appear as a NIMBY but had met with several proponents of a small HUD housing project proposed for acreage in the hamlet. He stated that it looks like the proposal changes the minimum required from 14 acres down to seven acres and doubles the density from 2 units per acre to four units per acre. He stated that this could lead to a project on seven acres ending up with 34 units, more housing than currently exists in the entire historic South Salem hamlet. Bottom line is he does support the changes if it is scaled properly.

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

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

RESOLVED, that the public hearing regarding the proposed amendment to the Town Code of the Town of Lewisboro, Chapter 220 – Zoning, with regard to Multi-Family resident district, is now closed.

Mr. DeLucia agreed with Mr. Travlino’s statements regarding the density. He feels that the town has to look at certain zones where there might be issues and head them off.

Mr Parsons said he was discussing the newly revised ordinance at Tuesday night’s Planning Board meeting and would report back to Town Board members.

PUBLIC HEARING – Change in Chapter 92-4(I) Entitled Building Permits (7:58 – 8:01 p.m.)

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

There were no comments from the public.

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

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

RESOLUTION

RESOLVED, that the public hearing regarding the proposed amendment to the Town Code of the Town of Lewisboro, Chapter 92-4(I) Entitled Building Permits, is now closed.

TOWN CODE – Building Permits

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

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

RESOLUTION

RESOLVED, that Chapter 92-4(I) Entitled Building Permits of the Code of the Town of Lewisboro has been amended as follows and will be known as Local Law 2-2015:

TOWN OF LEWISBORO
LOCAL LAW NUMBER 2-2015 OF THE TOWN OF LEWISBORO
AMENDMENTS TO CHAPTER 92 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 92, Section 92-4(I), entitled “Building Permits,” is hereby amended and enacted to read as follows:

§ 92-4. Building permits.

- (I) Time limits. Building permits shall become invalid unless the authorized work is commenced within three (3) months following the date of issuance. Building permits shall expire eighteen (18) months after the date of issuance, except that certain projects may receive a six (6) month extension, if reasonable, in the sole discretion of the Building Inspector. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed for a period of twelve (12) months upon application by the permit holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

The first renewal of a permit shall cost the same as the cost of the initial permit plus 25% additional cost for each and every permit. The second renewal of a permit shall cost double the fee of the first renewal of the permit. The third renewal of a permit shall cost triple the fee of the first renewal of the permit. The fourth renewal of a permit shall cost quadruple the fee of the first renewal of the permit. Each renewal after the fourth renewal shall cost the same fee as the fourth renewal. Building permits may be renewed without a fee for units in a multifamily residential development that remain incomplete due to the fact that the items remaining to be completed are to be selected by a purchaser of such unit, as long as such unit is being actively marketed for sale.

Section 2. 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 3. This local law shall take effect upon filing in the Office of the Secretary of State of the State of New York.

FUNDRAISER – Town Property

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

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

RESOLUTION

RESOLVED, that the Town Board does approve a request from the Echo Farm Team for a “Relay for Life” fundraiser to be held at the Town Park on Friday, May 29th, 2015.

STORMWATER - Annual Report (8:02 – 8:18 p.m.)

Joe Cermele, from Kellard Sessions, presented the Town’s annual stormwater report. The report provides required documentation to New York State of what the Town has done and what it plans to do toward compliance with its stormwater permit, also known as an MS-4. The Annual MS4 Report is for the 2014-2015 reporting period of 3/10/14 thru 3/9/15. Upon acceptance by the Town Board, the report is to be signed by the Supervisor and filed with the New York State Department of Environmental Conservation prior to June 1.

The current permit (GP-0-10-002) expired April 30, 2015. The GP-0-15-003 is a 2 year interim permit (May 2015 – April 217) issued to allow time for resolution of a Pending Article 78 Petition challenging provisions of GP-0-10-002 filed in 2010 by environmental organizations.

Mr. Cermele stated that Lewisboro is located within 7 sub-watershed basins. Five basins within the NYC Watershed which is a phosphorous restricted watershed and there are heightened stormwater requirements. The seven are Croton River East, Cross River, Cross River East, Titicus River, Waccabuc River and the 2 basins located outside of the NYC watershed are Mill River and Silvermine River.

He spoke about the 6 MCMS or the minimal control measures.

The first minimum control measure is public education and outreach. Direct mailing, emails blasts, and television spots have helped with educating the public.

The second minimum control is public involvement and participation. Several Stormwater meetings have been held which have been posted on the town's website and bulletin boards.

The third minimum control measure is illicit discharge detection and elimination. The town has six hundred and ninety four out falls. These have all been mapped out on GIS (Geographical Information System).

The fourth minimum control measure is the construction site stormwater runoff control. The town has updated the stormwater ordinance to reflect updates to the general permit, as well as implement a local stormwater permit for disturbances greater than five thousand square foot town-wide.

The fifth minimum control measure is post-construction stormwater management. The town participates in the Croton Kensico Watershed Intermunicipal Coalition (CKWIC) regarding retrofitting programming and other aspects of regional stormwater cooperation. The town will continue to inspect stormwater management practices and report on condition.

The sixth and final minimum control measure is stormwater management for municipal operations. This refers to good housekeeping for the town. For example, the salt dome, parking lots, roadway being swept, catch basins being cleared, etc.

Joe Cermele thanked members of the stormwater committee which included Paul Lewis, Janet Anderson, Peter Ripperger and Joel Smith for all of their hard work on these projects and reports.

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby accept the Annual (MS4) Storm Water Management Report and be it further

RESOLVED, that the Supervisor be and hereby is authorized to sign the Town's Stormwater Management Report by June 1st, 2015.

STORMWATER – Stormwater Pollution Prevention Plan (SWPPP) (8:19 – 8:27 p.m.)

Joe Cermele from Kellard Sessions also presented the Town Stormwater Pollution Prevention Plan (SWPPP) to the Town Board. He stated that it is a growing document. This is prepared in accordance with the general permit for stormwater discharge from the Municipal Separate Storm Sewer Systems (MS4s). It is specifically in response to the Minimum Control Measure (MCM) 6, which is pollution prevention and good housing keeping for municipal operations.

He continued to explain that it was developed to address municipal operations and facilities that contribute or potentially contribute phosphorous including street maintenance, stormwater systems, vehicle and fleet maintenance, park and open space maintenance and municipal building maintenance.

The plan provides a protocol for maintenance and operation of various town facilities and a means to inspect, record, report and repair. The general permit requires that the plan be assessed at a minimum three year frequency and updated or amended as required. The town Stormwater Committee created a Pollution Prevention Team to review the SWPPP annually.

Mr. Parsons will circulate the report to the appropriate department heads. The Town Board members already have this and they will resolve to accept this at the next town board meeting.

HIGHWAY- Road Paving (8:27 p.m. – 8:44 p.m.)

Highway Superintendent Peter Ripperger stated that at this point there is a company in the area called Gorman who is doing crack sealing as preemption over about 21 miles of good roads. This is to prevent these roads from pulling up next year. These roads include Spring Street, Elmwood Road, West Lane, West Road, Lake Kitchawan Drive, Chapel Road, Oscaleta Road, Main Street, Bouton Road, Ridgfield Avenue, Mead Street, Rock Shelter Road, Five Ponds, Mt. Holly East, Holly Hill Lane, and Michele Estates. The crack sealing will cost approximately \$80,000.

Mr. Ripperger and Mr. Parsons toured all of the town roads. The roads to be considered for paving are among those in the worst condition. They include Upper Lake Shore Drive, Lake View Pass, Deer Field (parts), Out Post, Big Rock Loop, South Mt. Pass, South Mountain, Woods Ridge, Forest Range, Increase Miller Road, Stewart Road, Captain Lawrence Drive, Mark Mead Road, and Tri-Brook Drive. The estimated paving will cost approximately \$346,112 for 5 miles of roads.

Drainage will be added to Tri Brook Drive and Timberwood at an estimated cost of \$25,000. The contractor did not properly add drainage. The road was built in 1974. Every basin top has to be replaced and a lot of the basins will be replaced. New curbing has to be put in place as well.

Mr. Ripperger also stated that 500 feet of Schoolhouse Road will be blacktopped as a joint project with the East of Hudson (EOH). The town will pay \$75,000 and so will EOH.

They will do the crack sealing first, and paving will take place toward the end of July or beginning of August. Mr Ripperger said that he feels that for the money we are spending this is a great deal and that he is confident the paving contractor that was selected will do a good job. He stated that they will start them out with one mile and make an assessment.

Mr. Ripperger will get all this information pertaining to the roads to the webmaster to put on the website.

The town has a total of \$700,000, including CHIPs funding, in its road repair and paving budget for 2015 and the total amount projected to be used, including the winter damage repairs, will leave a cushion of \$100,000.

The Board would like to have a Cornell intern back next year, which will be 3 years from the first time they came, to give us their report.

REFUSE – Pay As You Throw Program from Waste Zero (8:45 p.m. – 9:14 p.m.)

Mr. Welsh has been working with Kristen Brown of Waste Zero, Inc., a Raleigh, N.C. company, about the possibility of a refuse collection system called Pay-As-You-Throw (PAYT). Mr. Welsh explained that the new system would be based on rolling costs into a special bag to be made available at local stores. He also stated that municipalities that have adopted this system have seen waste volumes go down by about 50%, recycling rates go up and totals costs go down.

Mr. Welsh stated that the \$30 to \$60 per month paid for private contracts represents \$360 to \$600 per year per household. He continued that initial surveys by WasteZero show the annual cost realized by an aggregated contract should fall between \$185 and \$320 per household and that across approximately 4,000 Lewisboro households, savings should start at \$160,000 annually.

Mr. Welsh also stated that a centralized contract would rationalize routes versus the current situation where multiple haulers run duplicate routes through a given neighborhood.

The PAYT program would be funded through the purchase of special refuse bags at designated retailers. The income from the bags would be run through a dedicated account. WasteZero administrative fees would then be paid from that account. Bags would cost around \$2 each and there would be several sizes of bags. The bags would be sold in a few local stores, which Mr. Welsh said would increase traffic into local establishments. The fewer bags purchased and used, the lower the cost of refuse disposal to each household.

Moving forward, WasteZero is proposing a consulting arrangement that would develop a waste “snapshot”; provide program recommendations; provide a benefit analysis; educate town government about the program and provide an outreach strategy for residents; assist in drafting a Request for Proposals (RFP) to solicit bids for collection and disposal; coordinate with a PAYT program; and assist in reviewing incoming bids, as appropriate.

WasteZero’s fee would be \$8,000 and is refundable if Lewisboro adopts the program within nine months and signs a five-year program management agreement.

Mr. Welsh asked the Board to review the information on PAYT, the draft consulting agreement, and the overview presentation, and then formulate questions and concerns so the board could aim at putting together a final engagement proposal to go to a vote.

Mr. Welsh said that there was a list of about 14 references that were given to him. He asked each board member to speak to at least one reference for WasteZero and the PAYT program.

Mr. DeLucia stated that this would be a major change and would like to get some feedback on this from the public before the town moves forward. Mr. DeLucia continued by saying that people are creatures of habit, and a lot of residents might be happy with their current situation and not want to change.

The Board decided to post this information on the town website and start to get people informed. Mr. Kelly suggested that a survey be sent out as a way to get feedback from the residents.

Mr. DeLucia suggested that since there was a possible \$8,000 fee associated with this, that this be part of the budgetary process that will begin in August for next year.

METALS/TEXTILES – Recycling Proposal (9:14 p.m. – 9:18 p.m.)

Mr. Welsh stated that Robert Karpel, town resident and Chairperson of the Sustainability, is working to include a textiles recycling program in the recycling center through a company called Spin Green. This would include not only clothing that can be donated, but also soiled material. There is an alert system on the container that alerts Spin Green when the container is full and they will then retrieve the container, weigh it and pay a fee to the town.

Mr. Parsons feels that this is fundamentally a good idea. The Board agreed that this would be a positive item for the town to partake in and they authorized moving forward on this project.

CLAIMS – Authorized for Payment

On motion by Mr. DeLucia, seconded by Mr. Pappalardo, the Board voted 5-0 to authorize payment of the Town’s bills in the amount of \$275,512.04.

ONATRU FARM - Garden Plots for Community Based Services, Inc.

Mr. Parsons stated that the Garden Plots for Community Based Services, Inc. are looking for six challenged adults from their organization to work on two garden plots at Onatru Farm that the Garden Club will assign to them. The individuals will work under the supervision of the garden club and two internal supervisors.

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

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

RESOLUTION

RESOLVED, that the Town Board does authorize the Supervisor to enter into an agreement with Garden Plots for Community Based Services, Inc., who are affiliated with the Lewisboro Garden Club, to allow a number of individuals from this group the opportunity to work, under proper supervision, on two garden plots at the Onatru Farm Community Garden, subject to review by counsel and proper insurance.

LEWISBORO LAND TRUST – Nature Hike at Leon Levy

Dana Mayclim, Parks and Recreation Superintendent, was approached by the Access Nature/Lewisboro Land Trust, who was awarded a grant to allow them to take clients from the Katonah Community Center of Northern Westchester on a guided hike of the Leon Levy Preserve on August 2, 2015. They are asking to use a school bus and driver under our day camp contract, and they will cover all costs associated with this event.

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

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

RESOLUTION

RESOLVED, that the Town Board does authorize the Access Nature/Lewisboro Land Trust to use a school bus and driver under our day camp contract, and they will cover all costs associated with this event, subject to review by counsel and appropriate insurance.

TOWN BOARD REPORTS

MUNICIPAL SOLAR BUYERS GROUP – Request for Proposal

Mr. Welsh stated that the aggregated submissions have been made public and he will continue to update the Board on that and there will be a finite response date.

TRAILS – John Jay School

Mr. Welsh met with Coach Nohilly again for the cross country trail by the school and Michelle Estates. A few modifications have been made to the layout and this will go in front of the school board soon. He will continue to keep the Board updated.

GOLDENS BRIDGE COMMUNITY MEETING – Meeting Announced

Mr. Welsh stated that the Goldens Bridge community meeting last weekend went well and they are planning on calling a general community meeting on Sunday, June 14th, 2015 from 3 – 5 p.m.

FIREWORKS – Sponsorships

Mr. DeLucia noted that the fireworks would be held at Onatru Farm on Saturday, June 27, 2015 and that the town was looking for donations from local businesses and residents. They will be acknowledged on t-shirts and on signs posted around town. He thanked everyone who participated in the past and asked anyone who was interested to contact Dana Mayclim, Parks and Recreation Superintendent.

PARKS AND RECREATION – Town Pool

Mr. DeLucia stated that the Town Pool would be opening on Saturday of Memorial Day weekend. He thanked Nicole Stone, Randy Price and the entire pool and parks and recreation staff for a great job getting the pool ready.

HOUSING – Amnesty for Legalizing Apartments

Mr. DeLucia would like to discuss at a future meeting granting amnesty to any resident who wants to legalize any accessory apartments. It can benefit the town by getting a few more dollars in taxes and the homeowners who are looking to sell.

WETLANDS - Committee

There used to be a Wetlands Committee that consisted of Dean Travalino, Ed Delaney and some others. There was talk about things that could be done such as building envelopes around the house, generator permits, and he would like to move forward with this in the fall.

WESTCHESTER COUNTY – Minnows for West Nile Virus

Mr. DeLucia said the county is distributing the mosquito larvae eating minnows again. The county will be handing them out this Wednesday and Thursday. The town has also taken advantage of this for the pond at Onatru.

MEETINGS – Date Set

There will be a Town Board meeting on Monday, June 1, 2015 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

EXECUTIVE SESSION – To Discuss Contracts and Personnel Issues

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to go into executive session at 9:35 p.m. to discuss contracts and personnel issues.

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to come out of executive session at 10:21 p.m.

TOWN OFFICIALS AND EMPLOYEES – Nicole Stone, Provisional Recreation Leader

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

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

RESOLUTION

RESOLVED, that the Town Board does promote Nicole Stone to provisional recreation leader at a salary of \$51,871.60 effective June 1, 2015.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to adjourn at 10:22 p.m.

Janet L. Donohue
Town Clerk

TOWN OF LEWISBORO

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lewisboro, will hold a public hearing on May 18, 2015, at 7:30 p.m. or soon thereafter as time permits, at the Lewisboro Town House, 11 Main Street, South Salem, New York, for the purpose of hearing the public with regard to amendments to Chapter 92, Sections 92-4(I) entitled "Building Permits" of the Town Code of the Town of Lewisboro. Lewisboro is committed to equal access for all. Anyone needing accommodations to attend or participate in this meeting is encouraged to call the Town Clerk's office at 914-763-3511 in advance. Notices can also be viewed on the town's website at www.lewisborogov.com.

BY ORDER OF THE TOWN BOARD
TOWN OF LEWISBORO
JANET L. DONOHUE
TOWN CLERK

Dated at South Salem, New York
this 5th day of May, 2015

TOWN OF LEWISBORO

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lewisboro, will hold a public hearing on May 18, 2015, at 7:30 p.m. or soon thereafter as time permits, at the Lewisboro Town House, 11 Main Street, South Salem, New York, for the purpose of hearing the public with regard to amendments to Chapter 220, Sections 220-2 “Definitions and word usage”, 220-24 “Schedule of regulations for nonresidential districts”, and 220-26 “R-MF Multifamily Residence District” of the Town Code of the Town of Lewisboro. Lewisboro is committed to equal access for all. Anyone needing accommodations to attend or participate in this meeting is encouraged to call the Town Clerk’s office at 914-763-3511 in advance. Notices can also be viewed on the town’s website at www.lewisborogov.com.

BY ORDER OF THE TOWN BOARD
TOWN OF LEWISBORO
JANET L. DONOHUE
TOWN CLERK

Dated at South Salem, New York
this 8th day of April, 2015

**PROPOSAL
IN ACCORDANCE WITH SPECIFICATIONS
FOR
SLUDGE REMOVAL**

TO: TOWN OF LEWISBORO

The undersigned having a principal place of business at 99 Maple Grange Rd., Vernon, NJ and being responsible for the performance of same, agrees to furnish labor and equipment to perform the pumping, hauling, and properly disposing liquid sludge from the Town of Lewisboro's two Sewage Treatment Plants (Wild Oaks Sewer and Oakridge Sewer) for the Town of Lewisboro for one year from the date of execution of a contract by the Town Supervisor in accordance with the bid specifications.

BID AMOUNT (IN NUMBERS) \$0.125 per gallon

BID AMOUNT (IN WORDS) \$Twelve and One Half Cents per gallon

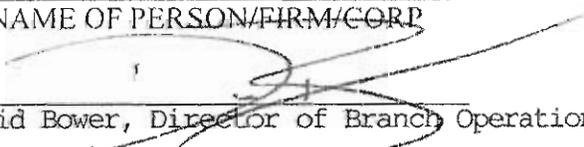
INDICATE ANY AND ALL VARIANCES WITH THE SPECIFICATIONS (ATTACH AN ADDITIONAL PAGE IF REQUIRED)

1. NONE
2. _____
3. _____

UPON ACCEPTANCE OF THIS PROPOSAL, BIDDER AGREES TO COMPLY IN ALL RESPECTS WITH THE SPECIFICATIONS AS INDICATED.

DATED: April 29, 2015

Residuals Management Services, LLC dba EarthCare
LEGAL NAME OF PERSON/FIRM/CORP

BY: 
David Bower, Director of Branch Operations

99 Maple Grange Road
STREET

Vernon
CITY

NJ
STATE

07462
ZIP CODE

973-764-6100
TELEPHONE NUMBER

973-764-9148
FAX NUMBER

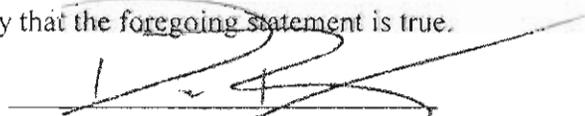
NON-COLLUSION BID CERTIFICATE

Made pursuant to Section 103-d of the General Municipal law of the State of New York as amended by the Laws of 1966.

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to his own organization, under penalty of perjury, that to the best of his knowledge and belief:

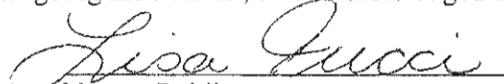
1. The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor. Prices will remain in effect until June 1, 2018.
2. Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to the opening, directly, or indirectly to any other bidder or to any competitor; and
3. No attempt has been made or will be made by the bidder to induce any other person, partnership, or corporation to submit or not to submit a bid for the purpose of restricting competition.
 - a. A bid shall not be considered for award nor shall any award be made where (a) 1, 2, and 3, above, have not been complied with; provided, however, that in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where (a) 1, 2, and 3, above, have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

I hereby affirm under the penalties of perjury that the foregoing statement is true.


Vendor David Bower
Director of Branch Operations
Title

State of ~~New York~~ New Jersey
County of ~~Westchester~~ Sussex ss.:

On the 29th day of April, ^{fifteen} two thousand and fourteen, before me personally came the individual described in and who executed the foregoing instrument, and acknowledged that and executed the same.


Notary Public

Lisa Tuodi
Notary Public of New Jersey
My Commission Expires April 10, 2018

TOWN OF LEWISBORO SLUDGE DISPOSAL BID SPECIFICATIONS

Sealed bids will be received by the Town of Lewisboro, Town Clerk, P. O. Box 500, South Salem, New York 10590 until 11:00 am on May 15, 2015. All bids for pumping, hauling, and properly disposing liquid sludge from the Town of Lewisboro's two Sewage Treatment Plants (Wild Oaks Sewer and Oakridge Sewer) must conform to the following:

1. Signed and notarized Non-Collusion Bid Certificate included with sealed bid.
2. Oakridge Sewer sludge amount is approximately 150,000 to 300,000 gallons per year. Wild Oaks Sewer sludge is approximately 100,000 to 200,000 gallons per year. Minimum sludge pickup amount per day of requested pick up is: 6,500 gallons for Wild Oaks (NO TRACTOR TRAILERS PERMITTED); 13,000 gallons for Oakridge (ANY SIZE TRUCK PERMITTED)
3. Sludge will be properly disposed of in accordance with all Westchester County, New York State, and Federal Requirements.
4. The Contractor must have in existence an executed agreement with a licensed facility for the disposal of sludge. Said contract shall provide adequate disposal capacity for the term of this proposed contract.
5. The contractor must be available to remove the sludge within forty-eight (48) hours notice.
6. Sludge pick up receipts / tickets must be signed by the Plant operators.
7. The contractor agrees to be responsible for all spills within and outside of the Town properties during loading, unloading and transportation of the sludge.
8. The contractor is responsible for obtaining and maintaining all required permits. Copies of such permits must be received by the Town of Lewisboro with all bids.
9. The contractor is responsible for all laboratory testing required to obtain all required permits.
10. Sludge hauled will be approximately 1% - 5% solids.
11. All equipment for loading and unloading of sludge will be the responsibility of the contractor. The Town of Lewisboro will not be responsible for any item relative to loading and unloading.
12. The contractor is responsible for compliance with all applicable safety standards.
13. The contractor is responsible for the difference between the original bid and the actual amount expended by the Town of Lewisboro if another contractor must be hired due to lack of performance by the contractor.
14. The Town of Lewisboro or their representative reserves the right to inspect the equipment, and/or documents of the contractor at all times if a safety violation is believed to exist.
15. The Town of Lewisboro shall be a named insured on all policies of insurance, which shall be in effect throughout the period of the contract. All certificates of insurance shall be filed with the Town Clerk and shall be subject to the Town's approval for adequacy of protection. Said certificate shall contain a thirty-day notice of cancellation in favor of the Town of Lewisboro.
16. The bidder must have all licenses, certifications, permits and approvals required by any and all local, State or Federal departments or agencies to perform the work under the contract.
17. The term of the contract shall be for one (1) year from the date of execution by the Town Supervisor
18. Contractor must meet New York State prevailing wage requirements for Westchester County.

UPON ACCEPTANCE OF THIS PROPOSAL, BIDDER AGREES TO COMPLY IN ALL RESPECTS WITH THE SPECIFICATIONS AS INDICATED ABOVE.

DATED: April 29, 2015

Residuals Management Services, LLC dba EarthCare
LEGAL NAME OF PERSON/FIRM/CORP

THE TOWN OF LEWISBORO RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS.

Joel Smith (914) 490-4601

Sewer Administrator, Town of Lewisboro, E-mail: jsmith@lewisborogov.com

TOWN OF LEWISBORO
CONTRACTING AGENCY PREVAILING WAGE CERTIFICATION FORM

I, David Bower, acting in my official capacity as Director of Branch Operation
authorized representative title

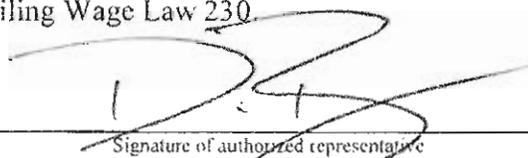
for Residuals Management Services, LLC located at 99 Maple Grange Rd., Vernon, NJ 07462
contracting agency dba EarthCare business address

do hereby certify that all the employees working on the public works project,

Sludge Plumping, Hauling & Disposal, New York State PRC# _____
project name/number/description

contract period one year, located at Town of Lewisboro-Wild Oaks Sewer & Oakridge Sewer)
date

will be paid at prevailing wage rates as specified by the New York State Department of Labor Law 230. I also certify that I will comply with all required reporting and record keeping as set forth by the New York State Prevailing Wage Law 230.



Signature of authorized representative

April 29, 2015

Date of Signature

David Bower, Director of Branch Operations



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
06/30/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER THE POWDERHORN AGENCY INC. 353 CANDLEWOOD LAKE RD. BROOKFIELD, CT 06804	CONTACT NAME	
	PHONE (A/C, No, Ext): 888-354-0677	FAX (A/C, No): 203-775-1542
	E-MAIL ADDRESS	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: ARGONAUT INSURANCE COMPANY	19801
	INSURER B: DARWIN SELECT INSURANCE COMPANY	24319
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

INSURED
RESIDUALS MANAGEMENT SERVICES LLC
DBA EARTHCARE
99 MAPLE GRANGE RD.
VERNON, NJ 07462

CERTIFICATE NUMBER: 100345 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

NSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURER	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		CSC710077702	6/30/14	6/30/15	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	GENT'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		CSC710077702 COLLISSION DED: 5,000 COMP. DED: 5,000	6/30/14	6/30/15	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below					WC STATUTORY LIMITS OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	PROFESSIONAL LIABILITY		0308-6817	11/03/13	11/03/14	EA. OCCURRENCE \$1,000,000 AGGREGATE \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
RE: DISPOSAL OF LIQUID SLUDGE FROM THE TOWN OF LEWISBORO SEWAGE TREATMENT PLANTS (WILD OAKS SEWER AND JAKRIDGE SEWER) TOWN OF LEWISBORO SHALL BE LISTED AS ADDITIONAL INSURED WITH RESPECT TO OPERATIONS AND/OR WORK PERFORMED AND/OR COMPLETED BY THE NAMED INSURED AS REQUIRED BY CONTRACT.

CERTIFICATE HOLDER TOWN OF LEWISBORO 11 MAIN STREET PO BOX 500 SOUTH SALEM NY 10590-0000	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
----------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

<p>1a. Legal Name & Address of Insured (Use street address only)</p> <p>Residuals Management Services, LLC DBA EarthCare 99 Maple Grange Road Vernon, NJ 07462</p> <p>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)</p>	<p>1b. Business Telephone Number of Insured</p> <p>1-973-764-6100</p> <p>1c. NYS Unemployment Insurance Employer Registration Number of Insured</p> <p>47-977686</p> <p>1d. Federal Employer Identification Number of Insured or Social Security Number</p> <p>20-5371263</p>
<p>2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)</p> <p>Town of Lewisboro 11 Main Street PO Box South Salem, NY 10590</p>	<p>3a. Name of Insurance Carrier</p> <p>Insurance Company of State of Pennsylvania</p> <p>3b. Policy Number of entity listed in box "1a"</p> <p>WC059901228</p> <p>3c. Policy effective period</p> <p>06/30/2014 to 06/30/2015</p> <p>3d. The Proprietor, Partners or Executive Officers are <input checked="" type="checkbox"/> included. (Only check box if all partners/officers included) <input type="checkbox"/> all excluded or certain partners/officers excluded.</p>

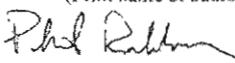
This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. (To use this form, New York (NY) must be listed under **Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy**). The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The Insurance Carrier will also notify the above certificate holder within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.

Please Note: Upon the cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: Phil Rosenbloom
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by:  4/29/2015
(Signature) (Date)

Title: Agent

Telephone Number of authorized representative or licensed agent of insurance carrier: 651-379-7800

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
CERTIFICATE OF INSURANCE COVERAGE UNDER THE NYS DISABILITY BENEFITS LAW

PART 1. To be completed by Disability Benefits Carrier or Licensed Insurance Agent of that Carrier

<p>1a. Legal Name and Address of Insured (Use street address only)</p> <p>Residuals Management Services, LLC DBA Earthcare 99 Maple Grange Road Vernon, NJ 07462</p>	<p>1b. Business Telephone Number of Insured 973 764 6100</p> <p>1c. NYS Unemployment Insurance Employer Registration Number of Insured</p> <p>1d. Federal Employer Identification Number of Insured or Social Security Number 043487677</p>
<p>2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)</p> <p>Town of Lewisboro 11 Main Street PO Box 500 South Salem, NY 10590</p>	<p>3a. Name of Insurance Carrier First Unum Life Insurance Company</p> <p>3b. Policy Number of entity listed in box "1a": 126913</p> <p>3c. Policy effective period: 04/29/2015 to 04/29/2016</p>

4. Policy covers:

a. All of the employer's employees eligible under the New York Disability Benefits Law

b. Only the following class or classes of the employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability Benefits insurance coverage as described above.

Date Signed 04/29/2015 By *Linda Wescott*
Digitally signed by lwescott@unum.com
DN: cn=Lwescott@unum.com
Date: 2015.04.29 13:42:42 -04'00'
 (Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number 1-800-ASK-UNUM Title DBL Specialist

IMPORTANT: If box "4a" is checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.
 If box "4b" is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the Disability Benefits Law. It must be mailed for completion to the Workers' Compensation Board, DB Plans Acceptance Unit, 328 State Street, Schenectady, NY 12305.

PART 2. To be completed by NYS Workers' Compensation Board (Only if box "4b" of Part 1 has been checked)

**State Of New York
Workers' Compensation Board**

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability Benefits Law with respect to all of his/her employees.

Date Signed _____ By _____
(Signature of NYS Workers' Compensation Board Employee)

Telephone Number _____ Title _____

Please Note: Only insurance carriers licensed to write NYS disability benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. Insurance brokers are NOT authorized to issue this form.

DB-120.1 (12-13)

Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in box "3" on this form is certifying that it is insuring the business referenced in box "1a" for disability benefits under the New York State Disability Benefits Law. The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed as the certificate holder in box "2". *This Certificate is valid for the earlier of one year after this form is approved by the insurance carrier or its licensed agent, or the policy expiration date listed in box "3c".*

Please Note: Upon the cancellation of the disability benefits policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of NYS Disability Benefits Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Disability Benefits Law.

DISABILITY BENEFITS LAW

§220. Subd. 8

(a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article, and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits for all employees has been secured as provided by this article.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF MATERIALS MANAGEMENT

PART 364
WASTE TRANSPORTER PERMIT NO. 1A-895

Pursuant to Article 27, Titles 3 and 15 of the Environmental Conservation Law and 6 NYCRR 364

PERMIT ISSUED TO:

RESIDUALS MANAGEMENT SERVICES, INC./DBA
EARTHCARE
99 MAPLE GRANGE RD
VERNON, NJ 07462

PERMIT TYPE:

- NEW
- RENEWAL
- MODIFICATION

CONTACT NAME: DAVID BOWER
COUNTY: OUT OF STATE
TELEPHONE NO: (973)764-6100

EFFECTIVE DATE: 03/24/2015
EXPIRATION DATE: 11/16/2015
US EPA ID NUMBER:

AUTHORIZED WASTE TYPES BY DESTINATION FACILITY:

The Permittee is Authorized to Transport the Following Waste Type(s) to the Destination Facility listed :

Destination Facility	Location	Waste Type(s)	Note
ALBANY COUNTY SEWER DISTRICT	ALBANY , NY	Grease Trap Waste Residential Raw Sewage including Portable Toilet Waste Sludge from Sewage or Water Supply Treatment Plant	
All County Beacon Facility	Beacon , NY	Non-Hazardous Industrial/Commercial Grease Trap Waste Septage only (residential) Residential Raw Sewage including Portable Toilet Waste Non-Residential Raw Sewage or Sewage-Contaminated Wastes Sludge from Sewage or Water Supply Treatment Plant	
APEX ENVIRONMENTAL, LLC	AMSTERDAM , OH	Non-Hazardous Industrial/Commercial Sludge from Sewage or Water Supply Treatment Plant	
City of Beacon WWTP	Beacon , NY	Septage only (residential) Residential Raw Sewage including Portable Toilet Waste Non-Residential Raw Sewage or Sewage-Contaminated Wastes Sludge from Sewage or Water Supply Treatment Plant	
GLENS FALLS WWTP	GLENS FALLS , NY	Grease Trap Waste Septage only (residential) Sludge from Sewage or Water Supply Treatment Plant	
HAWTHORNE MANHOLE	HAWTHORNE , NY	Grease Trap Waste Septage only (residential)	

*** AUTHORIZED WASTE TYPES BY DESTINATION FACILITY LISTING (continued on next page) ***

NOTE: By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the Environmental Conservation Law, all applicable regulations, and the General Conditions printed on the back of this page.

ADDRESS: New York State Department of Environmental Conservation
Division of Materials Management - Waste Transporter Program
625 Broadway, 9th Floor
Albany, NY 12233-7251

AUTHORIZED SIGNATURE: *M. J. McTaggart* Date: 3/24/15

WASTE TRANSPORTER PERMIT

GENERAL CONDITIONS

The permittee must:

1. Carry a copy of this waste transporter permit in each vehicle to transport waste. Failure to produce a copy of the permit upon request is a violation of the permit.
2. Display the full name of the transporter on both sides of each vehicle and display the waste transporter permit number on both sides and rear of each vehicle containing waste. The displayed name and permit number must be in characters at least three inches high and of a color that contrasts sharply with the background.
3. Transport waste only in authorized vehicles. An authorized vehicle is one that is listed on this permit.
4. Submit to the Department a modification application for additions/deletions to the authorized fleet of vehicles. The permittee must wait for a modified permit to be issued before operating the vehicles identified in the modification application.
5. Submit to the Department a modification application to add a new waste category or a new destination facility, or to change the current waste or destination facility category. The permittee must wait for a modified permit before transporting new waste types or transporting to new destination facilities.
6. Submit to the Department a modification application for change of address or company name.
7. Comply with requirements for placarding and packaging as set forth in New York State Transportation Law as well as any applicable federal rules and regulations.
8. Contain all wastes in the vehicle so there is no leaking, blowing, or other discharge of waste.
9. Use vehicles to transport only materials not intended for human or animal consumption unless the vehicle is properly cleaned.
10. Comply with requirements for manifesting hazardous waste, regulated medical waste, or low-level radioactive waste as set forth in the New York State Environmental Conservation Law and the implementing regulations.
11. Deliver waste only to transfer, storage, treatment and disposal facilities authorized to accept such waste. Permittee must demonstrate that facilities are so authorized if requested to do so.
12. Maintain liability insurance as required by New York State Environmental Conservation Law.
13. Maintain records of the amount of each waste type transported to each destination facility on a calendar-year basis. The transporter is obligated to provide a report of this information to the Department at the time of permit renewal, or to any law enforcement officer, if requested to do so.
14. Pay regulatory fees on an annual basis. Non-payment may be cause for revocation or suspension of permit.
15. This permit is not transferrable. A change of ownership will invalidate this permit.
16. This permit does not relieve the permittee from the obligation to obtain any other approvals or permits, or from complying with any other applicable federal, state, or local requirement.
17. Renewal applications must be submitted no less than 30 days prior to the expiration date of the permit to:

New York State Department of Environmental Conservation
Division of Materials Management, Waste Transporter Program
625 Broadway, 9th Floor
Albany, NY 12233-7251

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF MATERIALS MANAGEMENT

PART 364

WASTE TRANSPORTER PERMIT NO. 1A-895

Pursuant to Article 27, Titles 3 and 15 of the Environmental Conservation Law and 6 NYCRR 364

PERMIT ISSUED TO:

RESIDUALS MANAGEMENT SERVICES, INC./DBA
EARTHCARE
99 MAPLE GRANGE RD
VERNON, NJ 07462

PERMIT TYPE:

- NEW
 RENEWAL
 MODIFICATION

CONTACT NAME: DAVID BOWER
COUNTY: OUT OF STATE
TELEPHONE NO: (973)764-6100

EFFECTIVE DATE: 03/24/2015
EXPIRATION DATE: 11/16/2015
US EPA ID NUMBER:

AUTHORIZED WASTE TYPES BY DESTINATION FACILITY: (Continued)

The Permittee is Authorized to Transport the Following Waste Type(s) to the Destination Facility listed :

Destination Facility	Location	Waste Type(s)	Note
HAWTHORNE MANHOLE	HAWTHORNE , NY	Residential Raw Sewage including Portable Toilet Waste Non-Residential Raw Sewage or Sewage-Contaminated Wastes Sludge from Sewage or Water Supply Treatment Plant	
MONTECELLO TREATMENT PLANT	MONITCELLO , NY	Septage only (residential) Sludge from Sewage or Water Supply Treatment Plant	
NEW JERSEY RAIL CARRIERS	KEARNY , NJ	Sludge from Sewage or Water Supply Treatment Plant	
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	SWTCKOFF , NJ	Septage only (residential) Residential Raw Sewage including Portable Toilet Waste Non-Residential Raw Sewage or Sewage-Contaminated Wastes	
OLD LYME WPCA SEPTAGE STORAGE & TRANSFER FACILITY	OLD LYME , CT	Septage only (residential)	
PARSIPPANY TROY HILLS SEWAGE TREAT PLANT	PARSIPPANY , NJ	Sludge from Sewage or Water Supply Treatment Plant	
PASSAIC VALLEY SEWERAGE	NEWARK , NJ	Non-Hazardous Industrial/Commercial Septage only (residential) Residential Raw Sewage including Portable Toilet Waste Non-Residential Raw Sewage or Sewage-Contaminated Wastes Sludge from Sewage or Water Supply Treatment Plant	
PIKE COUNTY ENVIRONMENTAL	MATAMORAS , PA	Grease Trap Waste Septage only (residential) Residential Raw Sewage including Portable Toilet Waste Non-Residential Raw Sewage or Sewage-Contaminated Wastes Sludge from Sewage or Water Supply Treatment Plant	
POUGHKEEPSIE WPCP - VEOUA	POUGHKEEPSIE , NY	Septage only (residential) Residential Raw Sewage including Portable Toilet Waste	
RIDGEWOOD GREEN	GLEN ROCK , NJ	Grease Trap Waste	
SCHENECTADY WPCP	SCHENECTADY , NY	Non-Hazardous Industrial/Commercial Septage only (residential)	
Seneca Meadows LF	Waterloo , NY	Non-Hazardous Industrial/Commercial Sludge from Sewage or Water Supply Treatment Plant	
SOMERSET RARITAN VALLEY SEWER AUTHORITY	BRIDGEWATER , NJ	Septage only (residential) Residential Raw Sewage including Portable Toilet Waste Sludge from Sewage or Water Supply Treatment Plant	
SPECTRASERV INC	SOUTH KEARNY , NJ	Non-Hazardous Industrial/Commercial	

*** AUTHORIZED WASTE TYPES BY DESTINATION FACILITY LISTING (continued on next page) ***

PART 364

WASTE TRANSPORTER PERMIT NO. 1A-895

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PERMIT TYPE:

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CONTACT NAME: DAVID BOWER
 COUNTY: OUT OF STATE
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 EXPIRATION DATE: 11/16/2015
 US EPA ID NUMBER:

AUTHORIZED WASTE TYPES BY DESTINATION FACILITY: (Continued)

The Permittee is Authorized to Transport the Following Waste Type(s) to the Destination Facility listed :

Destination Facility	Location	Waste Type(s)	Note
SPECTRASERV INC	SOUTH KEARNY , NJ	Septage only (residential) Residential Raw Sewage including Portable Toilet Waste Non-Residential Raw Sewage or Sewage-Contaminated Wastes Sludge from Sewage or Water Supply Treatment Plant	
THE PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE	LINCOLN PARK , NJ	Septage only (residential) Residential Raw Sewage including Portable Toilet Waste Sludge from Sewage or Water Supply Treatment Plant	
WANAQUE VALLEY REGIONAL SEWERAGE AUTHORITY	WANAQUE , NJ	Non-Hazardous Industrial/Commercial Grease Trap Waste Septage only (residential) Residential Raw Sewage including Portable Toilet Waste Non-Residential Raw Sewage or Sewage-Contaminated Wastes Sludge from Sewage or Water Supply Treatment Plant	

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF MATERIALS MANAGEMENT

PART 364
WASTE TRANSPORTER PERMIT NO. 1A-895

Pursuant to Article 27, Titles 3 and 15 of the Environmental Conservation Law and 6 NYCRR 364

PERMIT ISSUED TO:

RESIDUALS MANAGEMENT SERVICES, INC./DBA
EARTHCARE
99 MAPLE GRANGE RD
VERNON, NJ 07462

PERMIT TYPE:

- NEW
 RENEWAL
 MODIFICATION

CONTACT NAME: DAVID BOWER
COUNTY: OUT OF STATE
TELEPHONE NO: (973)764-6100

EFFECTIVE DATE: 03/24/2015
EXPIRATION DATE: 11/16/2015
US EPA ID NUMBER:

AUTHORIZED VEHICLES:

The Permittee is Authorized to Operate the Following Vehicles to Transport Waste:

(Vehicles enclosed in <>'s are authorized to haul Residential Raw Sewage and/or Septage only)

58 (Fifty Eight) Permitted Vehicle(s)

< CT 47561A >	NJ TDH58W
< CT L18152 >	NJ TDH59W
< CT L18153 >	NJ TDH60W
CT 51545A	NJ TDH61W
CT 54666A	NJ TDH62W
CT 54667A	NJ TDH63W
CT 54817A	NJ TLM39D
CT 54818A	NJ TNK78C
MA 73477	NJ TNR28P
MA 89333	NJ TNR43R
MA SM87504	NJ TNR44R
MA SM88298	NJ TNV13X
MA SM90178	NJ TNV37W
MA SM91622	End of List
NJ AK510U	
NJ AK617U	
NJ AK766V	
NJ AK776V	
NJ AK778V	
NJ AL224T	
NJ AL225T	
NJ AL441A	
NJ AL553W	
NJ AL682D	
NJ AL728D	
NJ AM320P	
NJ AM498U	
NJ AN550R	
NJ AP122S	
NJ AP276G	
NJ AP485B	
NJ AP959D	
NJ AR308G	
NJ AR399H	
NJ AR400H	
NJ AS100C	
NJ AS335B	
NJ AS336B	
NJ AS476B	
NJ AS690K	
NJ AS714D	
NJ AS715D	
NJ AS768B	
NJ TDH55W	
NJ TDH57W	

CERTIFICATE OF PUBLICATION

State of Connecticut
County of Fairfield

ss Ridgefield

I, Thomas B. Nash, being duly cautioned and sworn depose and say that I am the Publisher of Hersam Acorn, LLC. and that there was printed in The Lewisboro Ledger, a weekly paper published in the Town of Ridgefield, CT on April 30, 2015 a copy of the attached order of notice.

Thomas B. Nash

Subscribed and sworn to this 1st day of May 2015 before me.

Linda Zarczynski

Notary Public

Linda Zarczynski

My Commission Exp. Oct 31, 2018

of liquid sludge from the Town of Lewisboro's two Sewage Treatment Plants (Wild Oaks Sewer and Oakridge Sewer) for the Town of Lewisboro will be received by the Town of Lewisboro at the Office of the Town Clerk, 11 Main Street, P.O. Box 500, South Salem, New York 10590, until 11:00 a.m. Friday, May 15, 2015 and then at said place be publicly opened and read aloud.

Copies of the information for bidders, general requirements, bid specifications, non-collusive bidding certification, and bid proposals, may be obtained at the office of the Town Clerk or on line at HYPERLINK "http://www.lewisborogov.com" www.lewisborogov.com. Bids must be submitted

in sealed envelopes at the above address and must bear on the face thereof the name and address of the bidder and the inscription, Bid for Sludge Removal, Town of Lewisboro. The Town reserves the right to reject any and/or all bids and to re-advertise for new bids. Bids shall be awarded in accordance with General Municipal Law Section 103.

DATED: April 24, 2015

BY ORDER OF THE
TOWN BOARD TOWN
OF LEWISBORO
HON. JANET L.
DONOHUE, Town Clerk

4-30

TOWN OF
LEWISBORO
NOTICE TO
BIDDERS
SLUDGE REMOVAL
Notice is hereby
given that sealed bids
for pumping, hauling,
and properly disposing

**RESOLUTION
LEWISBORO PLANNING BOARD**

**AUTHORIZING SUBMISSION OF A REPORT AND RECOMMENDATION
TO THE TOWN BOARD OF THE TOWN OF LEWISBORO REGARDING
PROPOSED LOCAL LAW AMENDING §220-2(B) OF CHAPTER 220,
ZONING, OF THE TOWN CODE OF THE TOWN OF LEWISBORO**

WHEREAS, a proposed Local Law amending Chapter 220, Zoning, of the Town Code of the Town of Lewisboro (the "Zoning Code") has been referred to the Planning Board by the Town Board of the Town of Lewisboro for a report and recommendation pursuant to §220-80 of the Zoning Code; and

WHEREAS, the Planning Board has duly considered the proposed Local Law and is prepared to issue a report and recommendation as required under §220-80 of the Zoning Code; now, therefore

BE IT RESOLVED, that the Planning Board adopts the attached Report and Recommendation to the Town Board with regard to the proposed Local Law amending §220-2(B) of the Zoning Code; and

BE IT FURTHER RESOLVED, that the Planning Board Chairman is authorized to sign this Report and Recommendation; and

BE IT FURTHER RESOLVED, that the Planning Board Secretary is directed to forward a copy of the Report and Recommendation, in executed form, to the Town Board and Town Clerk.

ADOPTION OF RESOLUTION

WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: Mr. O'Donnell

The motion was seconded by: Mr. Goett

The vote was as follows: _____

JEROME KERNER Aye

JOHN O'DONNELL Aye

RON TETELMAN Aye

ROBERT GOETT Aye

GREG LASORSA Aye

Jerome Kerner, Chairman Jerome Kerner, 2015

May 26

STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF LEWISBORO

I, Lisa M. Pisera, Secretary to the Planning Board 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 Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 19th day of May, 2015 and that the same is a true and correct copy of said original and of the whole thereof.



Lisa M. Pisera
Planning Board Secretary

Dated at Cross River, New York
This 26th day of May, 2015

**PLANNING BOARD OF THE TOWN OF LEWISBORO REPORT AND
RECOMMENDATION TO THE TOWN BOARD OF THE TOWN
OF LEWISBORO ON PROPOSED LOCAL LAW AMENDING
§220-2(B) OF CHAPTER 220, ZONING, OF THE
TOWN CODE OF THE TOWN OF LEWISBORO**

I. PROPOSED ZONING AMENDMENT

The Town Board of the Town of Lewisboro (the “Town Board”) has referred a proposed amendment to Chapter 220, Zoning, of the Town Code of the Town of Lewisboro (the “Zoning Code”) to the Planning Board for a report and recommendation pursuant to §220-80 of the Zoning Code. This amendment is to be made through the enactment of a local law, a copy of which is attached. The proposed amendment will delete the definition of “motel” from the Zoning Code.

The stated purpose of this amendment is to clarify the Zoning Code. At present, “motel” is a defined term in the Zoning Code. This definition is set forth in §Section 220-2(B) of the Zoning Code. This definition, which is circular in nature, reads as follows:

MOTEL

See “Hotel”.

The proposed Local Law will delete this definition. With the elimination of the “Motel” definition, only “Hotel” will remain as a defined term in the Zoning Code.

II. PLANNING BOARD COMMENTS

The Planning Board reviewed this proposed amendment to the Zoning Code at a May 7, 2015 meeting. The proposed amendment was further discussed at its May 19, 2015 meeting.

The consensus of the Planning Board is that the proposed amendment will serve to clarify the Zoning Code. Specifically, it will eliminate a definition that, at present, is surplus in nature and serves no purpose within the context of current zoning regulations.

In this regard, the Planning Board finds:

- There is no need for an extant definition of “Motel” in the Zoning Code, particularly as it merely incorporates the Zoning Code’s current definition of “Hotel”.

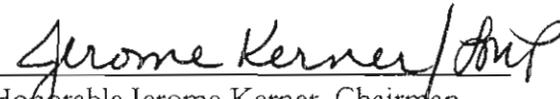
- At present, the term “Motel” is not utilized in any portion of the Zoning Code in either specifying a permitted use or for purposes of specific regulations pertaining to the development of land (such as off-street parking requirements).
- The continued existence of a “Motel” definition creates unnecessary uncertainty and ambiguity insofar as the Zoning Code is concerned and, accordingly, should be eliminated.
- The elimination of this definition produces no substantive change in local land use regulations and is therefore consistent with the Town of Lewisboro Master Plan and the purposes enumerated in §220-1 of the Zoning Code.

III. PLANNING BOARD RECOMMENDATION

After discussion and consideration of the comments provided by the Town Supervisor, the Planning Board’s consultants and its attorney, the Planning Board recommends adoption of the amendment contained in the proposed Local Law.

Dated: Lewisboro, New York
May 19, 2015

LEWISBORO PLANNING BOARD

By: 
Honorable Jerome Kerner, Chairman

LOCAL LAW NUMBER __-2015 OF THE TOWN OF LEWISBORO

SECTION 1: TITLE

This Local Law shall be known as 2015 amendment of Section 220-2(B) of Chapter 220: Zoning.

SECTION 2: ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law __-2015 that this law shall take effect immediately upon its passage:

SECTION 3:

Section 220-2(B) of Chapter 220: Zoning, is hereby amended to delete the definition of motel as follows:

The Definition of "MOTEL" is hereby deleted from Section 220-2(B) of chapter 220: Zoning, of the Town Code of the Town of Lewisboro.

SECTION 4: HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 5: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town of Lewisboro hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated: _____, 2015

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

JANET DONOHUE, TOWN CLERK

**RESOLUTION
LEWISBORO PLANNING BOARD**

**AUTHORIZING SUBMISSION OF A REPORT AND RECOMMENDATION
TO THE TOWN BOARD OF THE TOWN OF LEWISBORO REGARDING
PROPOSED LOCAL LAW AMENDING CHAPTER 220, ZONING, OF THE
TOWN CODE OF THE TOWN OF LEWISBORO TO ALLOW
BED AND BREAKFAST ESTABLISHMENTS AS A SPECIAL PERMIT USE**

WHEREAS, a proposed Local Law amending Chapter 220, Zoning, of the Town Code of the Town of Lewisboro (the “Zoning Code”) has been referred to the Planning Board by the Town Board of the Town of Lewisboro for a report and recommendation pursuant to §220-80 of the Zoning Code; and

WHEREAS, the proposed Local Law will amend the Zoning Code to allow “Bed and Breakfast Establishments” as a special permit use in specified zoning districts; and

WHEREAS, the Planning Board has duly considered the proposed Local Law and is prepared to issue a report and recommendation as required under §220-80 of the Zoning Code; now, therefore

BE IT RESOLVED, that the Planning Board adopts the attached Report and Recommendation to the Town Board with regard to the proposed Local Law amending the Zoning Code so as to allow “Bed and Breakfast Establishments” as a special permit use in specified zoning districts; and

BE IT FURTHER RESOLVED, that the Planning Board Chairman is authorized to sign this Report and Recommendation; and

BE IT FURTHER RESOLVED, that the Planning Board Secretary is directed to forward a copy of the Report and Recommendation, in executed form, to the Town Board and Town Clerk.

ADOPTION OF RESOLUTION

WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: Mr. Tetelman

The motion was seconded by: Mr. Goett

The vote was as follows: _____

JEROME KERNER Aye

JOHN O'DONNELL Aye

RON TETELMAN Aye

ROBERT GOETT Aye

GREG LASORSA Nay

Jerome Kerner, Chairman, Jerome Kerner, 2015

May 26

**STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF LEWISBORO**

I, Lisa M. Pisera, Secretary to the Planning Board 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 Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 19th day of May, 2015 and that the same is a true and correct copy of said original and of the whole thereof.

Lisa M Pisera

Lisa M. Pisera
Planning Board Secretary

Dated at Cross River, New York
This 26th day of May, 2015

**PLANNING BOARD OF THE TOWN OF LEWISBORO REPORT
AND RECOMMENDATION TO THE TOWN BOARD OF
THE TOWN OF LEWISBORO ON PROPOSED LOCAL LAW
AMENDING CHAPTER 220, ZONING, OF THE TOWN CODE
OF THE TOWN OF LEWISBORO TO ALLOW BED AND
BREAKFAST ESTABLISHMENTS AS A SPECIAL PERMIT USE**

I. PROPOSED AMENDMENT

The Town Board of the Town of Lewisboro (the "Town Board") has referred a proposed Local Law, a copy of which is attached, to the Planning Board for a report and recommendation pursuant to §220-80 of the Zoning Code. The proposed Local Law, if enacted, will implement a series of amendments to Chapter 220, Zoning, of the Town Code of the Town of Lewisboro (the "Zoning Code"). The amendments will allow the operation of bed and breakfast establishments as a special permit use in the R-4A, R-2A, R-1A, R-1/2A and R-1/4A, CC-20, SU, RB and GB Districts.

The rationale for these amendments is to promote the productive use of under-occupied homes within the Town for limited commercial purposes. Furthermore, the proposed amendments are intended to foster the creation of overnight accommodations for visitors traveling to the Town of Lewisboro and surrounding area. In this regard, the proposed amendments are intended to enhance efforts to market the Town of Lewisboro as a weekend or "short stay" destination.

The proposed amendments are intended to serve these objectives by creating a new, specific "Bed and Breakfast Establishments" use, to be defined as "[a]n owner occupied dwelling in which no more than three bedrooms are available as overnight accommodations for paying, transient guests to whom a morning meal may be served." The amendments, if implemented, will allow the operation of a "bed and breakfast establishment" within the R-4A, R-2A, R-1A, R-1/2A and R-1/4A, CC-20, SU, RB and GB Districts. The amendments provide this use may proceed upon the issuance of a special use permit by the Planning Board. The issuance of a special use permit for this use would be subject to existing, general special permit standards set forth in §220-32(E) of the Zoning Code. In addition, the amendments provide for the enactment of a new §220-43.4 of the Zoning Code ("Proposed §220-43.4"), which enumerates specific standards for the issuance of a special use permit for the "bed and breakfast establishment" use.

II. PLANNING BOARD COMMENTS

The Planning Board reviewed the proposed amendments to the Zoning Code at a May 7, 2015 meeting. The proposed amendments were further discussed at its May 19, 2015 meeting.

Divergent views were voiced by the Planning Board membership concerning the placement of this type of use within the Town of Lewisboro and, in particular, within the R-4A, R-2A, R-1A, R-1/2A and R-1/4A Districts. Based upon its review and comments received regarding the proposed Local Law, the Planning Board identified several items of concern relative to the amendments. These include:

- The amendments will allow for a commercial use within residential districts. The introduction of a commercial use in residential areas must be carefully scrutinized because the Town Master Plan recites, as one of its goals and policies, that “business and commercial uses should not be permitted to locate in residential areas shown on the Plan map.” (Town Master Plan, Goal 1). This same goal and policy, however, recognizes that “[l]ow profile activities which are incidental to a residence, such as a home occupation, may be permitted as accessory uses.” In light of this admonition, the Planning Board maintains “bed and breakfast establishments,” if allowed, must appear and operate as a “low profile activity” within residential districts. This position informs several of the following comments and observations regarding the proposed Local Law.
- Proposed §220-43.4(5) should recite that the maximum number of bedrooms available to overnight guests is limited to three bedrooms on an individual building lot.
- Proposed §220-43.4 should expressly prohibit the utilization of any dwelling unit contained in a structure detached from the principal residence on a building lot for a bed and breakfast establishment use.
- Proposed §220-43.4 should prohibit any signage on building lots upon which a bed and breakfast establishment is to be sited that advertises or identifies the bed and breakfast establishment.
- Proposed §220-43.4(B) should require the creation of a landscape buffer on building lots upon which a bed and breakfast establishment is to be sited, for the purpose of providing screening and separation from adjacent residential parcels.

- Proposed §220-43.4(11) should provide that a special use permit for a “bed and breakfast establishment” shall be granted for an initial period of one (1) year and, thereafter, subject to renewal for additional periods of up to three (3) years. Proposed §220-43.4(11) should be revised to direct that all renewals must be approved by the Planning Board, as opposed to the Building Department. The amendment should further specify these renewal applications will be subject to a public hearing conducted by the Planning Board. These requirements and periodic time limitations will facilitate monitoring and enforcement of adherence to permit requirements on an ongoing basis.
- The Planning Board identified, as an issue that should be addressed prior to enactment of the proposed Local Law, whether the Westchester County Department of Health (the “WCDOH”) will treat the creation of a bed and breakfast establishment within a residence as an expansion of use subject to additional septic disposal requirements or approvals. The Town Board should obtain clarification from the WCDOH concerning this issue.
- The Planning Board also identified, as an issue that warrants review prior to enactment of the proposed Local Law, whether the creation of a bed and breakfast establishment within a residence will enable an adjustment to the real property tax assessment of the tax parcel on which it is sited. The Planning Board recommends that the guidance of the Town Assessor be obtained on this issue.
- The Planning Board notes Proposed §220-43.4(B)(2) sets forth that “bed and breakfast establishment” shall be sited in “an *existing*, detached single family dwelling.” The reference to an “existing” dwelling is unnecessary and ambiguous and should be removed.
- An ambiguity exists concerning the status of a “bed and breakfast establishment” use in commercial districts. Specifically, the proposed local law makes clear, in amending §220-23(A)(19), that bed and breakfast establishments will be a special permit use in the designated residential districts. It does so by utilizing an asterisk notation incorporating existing text within §220-23 specifying uses that are “subject to special permit approval as set forth in Article V.” The proposed amendments to §§220-24(A)(1)(F), 220-24(B)(1)(D), 220-24(C)(1)(O) and Section 220-24(D)(1)(I) do not incorporate this asterisk notation, although the amendments otherwise indicate that a “bed and breakfast establishment” is to be a special permit use in the commercial districts within which they may be sited. The amendments to §§220-24(A)(1)(F), 220-24(B)(1)(D), 220-24(C)(1)(O) and Section 220-24(D)(1)(I) should also include this asterisk notation.

- The proposed amendments create an ambiguity in light of an existing provision of the Zoning Code, which is contained in §220-23(D)(9). Section 220-23(D)(9) currently permits, as an accessory use in the R-4A, R-2A, R-1A, R-1/2A and R-1/4A Districts, “the renting of rooms to not more than two persons not members of the resident family” subject to certain conditions. Consequently, under this provision, a residence may be utilized under existing zoning regulations for the “renting of rooms”. In reviewing the proposed amendments, the Planning Board concluded that §220-23(D)(9) is intended to authorize the renting of rooms within a private home for periods of an extended duration, as opposed to stays of three nights or less. Specifically, §220-23(D)(9) appears to address the renting of rooms within a private residence to tenants for use as a place of temporary residence. In order to address this ambiguity, the Planning Board recommends the proposed Local Law also amend §220-23(D)(9) so as to provide that the rented quarters addressed in this provision shall be utilized for periods of one month or longer.

III. PLANNING BOARD RECOMMENDATION

After discussion and consideration of the comments provided by Town Supervisor Peter Parsons and the Planning Board’s consultant and attorney, the Planning Board recommends enactment of the proposed local law, subject to the following conditions and clarifications:

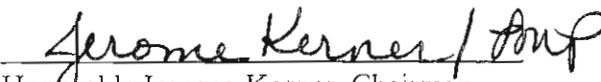
- A thorough evaluation of the standards to be imposed under Proposed §220-43.4 so as to insure that “bed and breakfast establishments” will constitute a low intensity use and one that may be integrated within a residential setting (1) without disruption and (2) in a way that comports to the objectives stated in §220-1 of the Zoning Code (including the “beneficial and convenient relationship” among residential and commercial areas within the Town of Lewisboro) and the Town Master Plan. In this regard, the Town Board is encouraged to obtain additional guidance from the Town Planning Consultants, Kellard Sessions, regarding additional operational and development measures that may be incorporated within the Proposed §220-43.4 to achieve this objective.
- In order to insure this objective, §220-43.4 should (1) recite that the maximum number of bedrooms available to overnight guests is limited to three bedrooms on an individual building lot; (2) prohibit the utilization of any dwelling unit contained in a structure detached from the principal residence on a building lot for a bed and breakfast establishment use; (3) prohibit the placement and use of

signage on the building lot on which a bed and breakfast establishment use is sited that advertises or identifies its presence; (4) require the creation of a landscape buffer on building lots upon which a bed and breakfast establishment is to be sited; and (5) provide that a special use permit for a "bed and breakfast establishment" shall be granted initially by the Planning Board for a period of one (1) year and, thereafter, renewed by the Planning Board alone for additional periods of up to three (3) years.

- The revisions noted in the Planning Board comments regarding the ambiguity as to the status of a "bed and breakfast establishment" in commercial districts should be addressed. The amendments can do so by incorporating the asterisk notation that accompanies all special use permit uses identified in the Zoning Code.
- The Town Board should inquire and examine whether the WCDOH will treat the creation of a bed and breakfast establishment within a residence as an expansion of use subject to additional septic disposal requirements or approvals prior to enactment of the proposed Local Law.
- The Town Board should obtain the opinion of the Town Assessor concerning the real property tax assessment ramifications of creating a bed and breakfast establishment on a residential tax parcel.
- Section 220-23(D)(9) of the Zoning Code should be amended to provide that that the renting of rooms is a permitted accessory use within residential district provided they are rented for periods of one month or longer.
- Proposed §220-43.4(B)(2) should not reference an "existing" dwelling, which is ambiguous.

Dated: Lewisboro, New York
May 19, 2015

LEWISBORO PLANNING BOARD

By: 
Honorable Jerome Kerner, Chairman

LOCAL LAW NUMBER __-2015 OF THE TOWN OF LEWISBORO

SECTION 1: TITLE

This Local Law shall be known as 2015 amendment of Section 220-2(B), enactment of Sections 220-23(A)(19), 220-24(A)(1)(f), 220-24(B)(1)(d), 220-24(C)(1)(o), 220-24(D)(1)(i), and enactment of Section 220-43.4 of Chapter 220: Zoning.

SECTION 2: ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law __-2015 that this law shall take effect immediately upon its passage:

SECTION 3:

Section 220-2(B) of Chapter 220: Zoning, is hereby amended to add the definition of bed and breakfast establishments 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:

BED AND BREAKFAST ESTABLISHMENTS -- An owner occupied dwelling in which no more than three bedrooms are available as overnight accommodations for paying, transient guests to whom a morning meal may be served.

SECTION 4:

Section 220-23(A)(19) of Chapter 220: Zoning, is hereby enacted 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:

(19) *Bed and breakfast establishments.

SECTION 5:

Section 220-24(A)(1)(f) of Chapter 220: Zoning, is hereby enacted 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:

- (f) Bed and breakfast establishments in existing residential buildings used for residential purposes, in accordance with §220-43.4.

SECTION 6:

Section 220-24(B)(1)(d) of Chapter 220: Zoning, is hereby enacted to read as follows:

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

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:

- (d) Bed and breakfast establishments in existing residential buildings used for residential purposes, in accordance with §220-43.4.

SECTION 7:

Section 220-24(C)(1)(o) of Chapter 220: Zoning, is hereby enacted to read as follows:

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

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:

- (o) Bed and breakfast establishments in existing residential buildings used for residential purposes, in accordance with §220-43.4.

SECTION 8:

Section 220-24(D)(1)(i) of Chapter 220: Zoning, is hereby enacted to read as follows:

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

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:

- (i) Bed and breakfast establishments in existing residential buildings used for residential purposes, in accordance with §220-43.4.

SECTION 9:

Section 220-43.4 of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-43.4. Bed and Breakfast establishments.

- A. Purpose. It is the specific purpose and intent of this provision to address the need of residents to locate convenient accommodation for visitors, to provide local accommodation for short-term visitors to the community, to encourage preservation of large older dwellings by providing a cost-effective alternate or adaptive use that can relieve the maintenance burden on the owners of such buildings and to encourage the preservation of large residential lots and their open space character by permitting an alternative use consistent with the residential character of the community. Furthermore, it is the purpose and intent of this provision to provide economic support for present resident families, to protect and preserve property values, to ensure healthy and safe living conditions and to have more effective regulation and control of Town growth and development. In furtherance of these purposes, specific conditions are set forth herein for bed and breakfast establishments.
- B. Bed and breakfast establishments shall be special uses as follows:
 - (1) In addition to the specific requirements set forth herein, the property and the principal and accessory structures located thereon shall conform to the lot area, yard and other requirements for the zoning district in which the property and structures are located unless a variance therefor shall have been granted by the Board of Appeals.
 - (2) The building housing a bed and breakfast establishment shall be an existing, detached single-family dwelling and its use as a bed and breakfast establishment shall not conflict with its appearance or function as such.
 - (3) The minimum lot size on which a bed and breakfast establishment may be located is two (2) acres. A bed and breakfast establishment may be permitted

on a lot with a smaller area only if such lot is located in a nonresidential district, the Planning Board finds that a bed and breakfast establishment can be adequately accommodated within the existing principal dwelling building, that it will not overburden the property, and that it will be a use compatible with the surrounding properties.

- (4) The owner of the lot upon which the bed and breakfast establishment is to operate shall occupy and maintain the bed and breakfast establishment as his/her primary legal residence. The owner of the lot must reside in the premises at the time rooms are being used by guests.
- (5) The maximum number of bedrooms that may be available to overnight guests shall be three (3) bedrooms. The Planning Board shall be responsible for determining and limiting the number of bedrooms in each dwelling in connection with its review of the special use permit application.
- (6) Guests in such bed and breakfast establishment may reside in such establishment for a maximum of three (3) nights. The maximum occupancy of each guest room in the bed and breakfast establishment shall be two (2) adults and their minor children, as long as such occupancy is in compliance with the New York State Uniform Fire Prevention and Building Code.
- (7) Meal service shall be limited to a morning meal served to overnight guests of the bed and breakfast establishment only.
- (8) There shall be one price per night for overnight guests of the bed and breakfast establishment, which price shall include the morning meal.
- (9) No less than one (1) off-street parking space shall be provided per bedroom designated as available for overnight guests. Said parking shall be in addition to the parking required by this chapter for the single-family dwelling use. The Planning Board shall be responsible in connection with its review of the special use permit application for determining that the required number of parking spaces can be provided in a safe manner on the subject lot so as to not establish a nuisance or burden for adjacent and surrounding lots.
- (10) Evidence of the approval of the proposed method and adequacy of water supply and sewage disposal shall be obtained from the Westchester County Department of Health.
- (11) The special use permit shall be granted for a period of three (3) years and may be renewed for additional three (3) year periods. An application, and a renewal, of the special use permit shall be made to the Building Department on a form provided by the Building Department for such purpose, and by payment of a fee in an amount set forth in a Fee Schedule as adopted and as may be amended from time to time by resolution of the Town Board. The

Building Department, after receiving the completed application and fee, shall reissue the special use permit if inspection of the premises finds it to be in compliance with all applicable codes including the New York State Uniform Fire Prevention and Building Code, the requirements of this section and the provisions of the original special use permit approval. If the Building Department finds that the property is not in compliance with all applicable codes including the New York State Uniform Fire Prevention and Building Code, the requirements of this section and the provisions of the original special use permit approval, then the Building Department shall refer the application to the Planning Board for action.

- (12) Each property for which a special permit has been issued for use as a bed and breakfast establishment is subject to periodic inspections by the Building Department and Fire Inspector to ensure continued compliance with all applicable codes including the New York State Uniform Fire Prevention and Building Code, the requirements of this section and the provisions of the original special use permit approval. Such inspections shall be conducted at least annually, and may be conducted more frequently if the Building Department or Fire Inspector reasonably suspects that more frequent inspections are necessary to ensure the safety of the bed and breakfast establishment.
- (13) If any inspection of the property and dwelling by the Building Department or Fire Inspector for the purpose of ensuring compliance with the provisions of this section is refused by the owner, when said inspection occurs at any reasonable time during daylight hours, or if the continuing conditions of the special use permit are violated, the special permit shall be subject to revocation after a hearing by the Planning Board at which the permit holder is provided an opportunity to be heard.
- (14) When during the review of an application the Planning Board finds that significant site work will be required to increase parking areas, to enlarge subsurface sewage disposal areas or to otherwise alter the physical site conditions, the Planning Board shall require the submission of a site plan which shall be processed concurrently with the application for a special use permit. In all other situations, site plan approval by the Planning Board shall not be required.
- (15) In addition to the special standards described above, bed and breakfast establishments shall comply with any other requirements of this chapter and any special requirements deemed appropriate by the approving agency in accordance with the requirements of Section 220-32 herein.

SECTION 10: HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 11: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town of Lewisboro hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 12: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated: _____, 2015

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

JANET DONOHUE, TOWN CLERK

**RESOLUTION
LEWISBORO PLANNING BOARD**

**AUTHORIZING SUBMISSION OF A REPORT AND RECOMMENDATION TO
THE TOWN BOARD OF THE TOWN OF LEWISBORO REGARDING
PROPOSED LOCAL LAW AMENDING CHAPTER 220, ZONING, OF THE
TOWN CODE OF THE TOWN OF LEWISBORO TO ALLOW AND
REGULATE HOTELS AS A SPECIAL PERMIT USE**

WHEREAS, a proposed Local Law amending Chapter 220, Zoning, of the Town Code of the Town of Lewisboro (the “Zoning Code”) has been referred to the Planning Board by the Town Board of the Town of Lewisboro for a report and recommendation pursuant to §220-80 of the Zoning Code; and

WHEREAS, the proposed Local Law will amend the Zoning Code to revise the definition of “Hotel” and allow the development and operation of “Hotels” as a special permit use in specified zoning districts; and

WHEREAS, the Planning Board has duly considered the proposed Local Law and is prepared to issue a report and recommendation as required under §220-80 of the Zoning Code; now, therefore

BE IT RESOLVED, that the Planning Board adopts the attached Report and Recommendation to the Town Board with regard to the proposed Local Law amending the Zoning Code so as to allow “Hotels” as a special permit use in specified zoning districts; and

BE IT FURTHER RESOLVED, that the Planning Board Chairman is authorized to sign this Report and Recommendation; and

BE IT FURTHER RESOLVED, that the Planning Board Secretary is directed to forward a copy of the Report and Recommendation, in executed form, to the Town Board and Town Clerk.

ADOPTION OF RESOLUTION

WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: Mr. Tetelman

The motion was seconded by: Mr. O'Donnell

The vote was as follows: _____

JEROME KERNER Aye

JOHN O'DONNELL Aye

RON TETELMAN Aye

ROBERT GOETT Aye

GREG LASORSA Aye

Jerome Kerner, Chairman *Jerome Kerner* 2015
May 26

**STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF LEWISBORO**

I, Lisa M. Pisera, Secretary to the Planning Board 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 Planning Board of the Town Lewisboro, County Westchester at a meeting held on the 19th day of May, 2015 and that the same is a true and correct copy of said original and of the whole thereof.

Lisa M Pisera

Lisa M. Pisera
Planning Board Secretary

Dated at Cross River, New York
This 26th day of May, 2015

**PLANNING BOARD OF THE TOWN OF LEWISBORO REPORT
AND RECOMMENDATION TO THE TOWN BOARD OF
THE TOWN OF LEWISBORO ON PROPOSED LOCAL LAW
AMENDING CHAPTER 220, ZONING, OF THE TOWN CODE
OF THE TOWN OF LEWISBORO
TO ALLOW AND REGULATE HOTELS AS A SPECIAL PERMIT USE**

I. PROPOSED AMENDMENT

The Town Board of the Town of Lewisboro (the "Town Board") has referred a proposed Local Law, a copy of which is attached, to the Planning Board for a report and recommendation pursuant to §220-80 of the Zoning Code. The proposed Local Law, if enacted, will implement a series of amendments to Chapter 220, Zoning, of the Town Code of the Town of Lewisboro (the "Zoning Code"). The amendments revise the current definition of "Hotel," as set forth in §220-2(B) of the Zoning Code. The amendments also explicitly allow the operation of "Hotels" as a special permit use in the R-4A, R-2A, R-1A, R-1/2A and R-1/4A, CC-20, SU, RB and GB Districts.

The rationale for these amendments is to promote the creation of overnight accommodations for travelers visiting the Town of Lewisboro and surrounding area, thereby enhancing the Town of Lewisboro's status as a weekend or "short stay" destination and allowing visitors to remain within the Town and patronize its restaurants and businesses.

The proposed amendments are intended to serve these objectives by amending the current definition of "Hotel" contained in the Zoning Code; explicitly permitting the development and operation of "Hotels" within the R-4A, R-2A, R-1A, R-1/2A and R-1/4A, CC-20, SU, RB and GB Districts; and limiting the placement of "Hotels" by categorizing this use as one requiring a special use permit to be issued by the Planning Board. The issuance of a special use permit for a "Hotel" would be subject to the existing, general special permit standards set forth in §220-32(E) of the Zoning Code. The amendments seek to augment these standards by enacting a new §220-43.3 of the Zoning Code ("Proposed §220-43.3"), which enumerates additional requirements for the issuance of a special use permit for "Hotel" use.

II. PLANNING BOARD COMMENTS

The Planning Board reviewed the proposed amendments to the Zoning Code at a May 7, 2015 meeting. The proposed amendments were further discussed at its May 19, 2015 meeting.

The Planning Board membership expressed reservations regarding the placement of this type of use within residential districts and in portions of the Town that are not serviced by State highways capable of supporting the traffic demands that may be associated with a "Hotel," as defined in the Zoning Code. A principal concern voiced by the Planning Board is that varied types of establishments fall within this proposed zoning classification, which is broadly defined and regulated under the proposed amendments. Consequently, the Planning Board voiced objections to the amendments, in their current iteration, due to the absence of more detailed locational, dimensional and operational standards and requirements governing this type of use. Although the Planning Board has not voiced a blanket objection to this type of use within the Town of Lewisboro, it cannot conclude the amendments are in harmony with the Town Master Plan, nor consistent with the purposes of local land use regulations as enunciated in §220-1 of the Zoning Code.

Accordingly, the Planning Board recommends further, detailed examination of this use by the Town Board and suggests it obtain the guidance of the Town Planning Consultant, Kellard Sessions, regarding use-specific measures that may be incorporated within Proposed §220-43.3 to (1) allow "Hotels" as a special permit use in designated locations and (2) insure that the introduction of a "Hotel" within the Town of Lewisboro will not disrupt existing development and land use objectives and patterns, nor give rise to undesirable impacts within the community.

In order to assist the Town Board in this endeavor, and to specify its particular objections and observations concerning the proposed amendments, the Planning Board offers the following comments:

- The amendments revise the current definition of "Hotel," set forth in §220-2(B) of the Zoning Code, by renaming it "Hotel/Inn" and inserting a single, concluding phrase: *'For purposes of this chapter, the term 'Hotel' shall also include 'inns.'* Otherwise, the existing definition of "Hotel" remains unchanged. The assumed purpose of this additional language is to recognize, and perhaps encourage the creation of, smaller, countryside houses of lodging within existing structures, as opposed to the development of traditional hotels offering a large number of rooms, recreational amenities, conference and meeting space and a bar/restaurant. Yet, the substance of the existing "Hotel" definition remains in place and embraces a wide range of lodging accommodations. Thus, in the opinion of the Planning Board, this amendment will not achieve a

substantive change in existing regulations. In other words, the proposed “Hotel/Inn” definition would continue to apply to a national chain hotel (such as a Hampton Inn) as well as a small, locally-owned inn. The Town Board should consider creating a separate “Inn” definition and zoning classification, which may be limited to the number of rooms, guests and attendant amenities that may be incorporated within this stand-alone use.

- Similarly, although the “Hotel” definition is to be changed to “Hotel/Inn”, the proposed amendments to §§220-23(A), 220-24(A)(1), 220-24(B)(1), 220-24(C)(1) and 220-24(D) specify that “Hotels,” rather than a “Hotel/Inn,” shall be a special permit use in the R-4A, R-2A, R-1A, R-1/2A and R-1/4A, CC-20, SU, RB and GB Districts. This, again, underscores that the amendments draw no distinction between the placement of a traditional hotel and a smaller inn within these zoning districts.
- The amendments allow for a commercial use within residential districts. The effect of this change warrants close scrutiny because the Town Master Plan recites, as one of its goals and policies, that “business and commercial uses should not be permitted to locate in residential areas shown on the Plan map.” (Town Master Plan, Goal 1). In light of this admonition, the Planning Board is of the opinion that the proposed amendments, as drafted, are inconsistent with this objective. In adopting this position, the Planning Board reiterates that it is not rejecting, on a conceptual basis, the formulation of regulations pertaining to the placement of houses of lodging within residential and commercial districts under controlled conditions. However, the amendments, in their current form, do not adequately address the potential impacts of a “Hotel” use.
- Proposed §220-43.3(A) would limit the location of hotels “only in locations fronting or having direct access to major or collector roads as determined by the Planning Board and shown on the Town Development Plan Map.” The Planning Board has concluded the potential placement of a hotel (which, under the current and proposed definition, has no limitation on the number of rooms, guest, meeting space, accompanying dining facilities and the like) on certain major roads and all collector roads is not consistent with the Town Master Plan. The Town Master Plan states: “[t]he State Road network in Lewisboro has limited capacity. The level of development recommended by this Plan does not support and is not consistent with major reconstruction or widening of these roads.” (Town Master Plan, Goal 5[A]). With regard to collector roads, it further recognizes: “[l]ocal roads are established to provide safe and adequate access between Town’s residences and the State roads.” (Town Master Plan, Goal 5[B]). These findings evince a land use objective of limiting commercial

traffic to major roadways. In this instance, the Planning Board maintains that, under the proposed amendments, a hotel should be limited to the Route 22 and Route 35 corridors alone.

- The amendments delegate the authority to issue a special use permit for a “Hotel” to the Planning Board. This delegation must therefore be accompanied by meaningful standards to delineate and contain the Planning Board’s discretion. Although the issuance of a special use permit would be governed by the general standards set forth in §220-32(E) of the Zoning Code, Proposed §220-43.3 should buttress these standards with conditions specific to a “hotel” or, if distinguished through further revision to the amendments, an “inn” use. At present, the standards recited in Proposed §220-43.3 pertain only to location, coverage, setbacks, buffer area and parking. The Town Board should examine these standards and secure the assistance of the Town Planning Consultant, Kellard Sessions, in developing a more comprehensive set of requirements that address, without limitation, lot size, room limitation (by way of a specified number or a formula related to location, lot size and related site constraints), spatial relationship of lodging area to areas devoted to associated on-site functions (such as dining, food and beverage service, recreational space, spa and/or other amenities), hours of operation and staffing, limitations on occupancy (by restricting the length of stay) and limiting the number of occupants per room.
- Proposed §220-43.3 should provide that a special use permit for a “hotel” or, if distinguished through further revision to the amendments, an “inn” use shall be granted by the Planning Board for an initial period of one (1) year and, thereafter, subject to renewal for additional periods of up to three (3) years. All renewals should be approved by the Planning Board to facilitate monitoring and enforcement of adherence to permit requirements on an ongoing basis.
- An ambiguity exists concerning the status of a “Hotel” use in commercial districts. Specifically, the proposed local law makes clear, in amending §220-23(A)(18), that “Hotels” will be a special permit use in the designated residential districts. It does so by utilizing an asterisk notation incorporating existing text within §220-23 specifying uses that are “subject to special permit approval as set forth in Article V.” The proposed amendments to §§220-24(A)(1)(E), 220-24(B)(1)(C), 220-24(C)(1)(N) and Section 220-24(D)(1)(H) do not incorporate this asterisk notation, although the amendments otherwise indicate that “Hotels” are to be a special permit use in the commercial districts within which they may be sited. The amendments to §§220-24(A)(1)(E), 220-24(B)(1)(C), 220-24(C)(1)(N) and Section 220-24(D)(1)(H) should include this asterisk notation.

III. PLANNING BOARD RECOMMENDATION

After discussion and consideration of the comments provided by Town Supervisor Peter Parsons and the Planning Board's consultant and attorney, the Planning Board finds that the proposed local law, in its current form, is not consistent with the Town Master Plan the objectives stated in §220-1 of the Zoning Code (including the "beneficial and convenient relationship" among residential and commercial areas within the Town of Lewisboro). In making this finding, the Planning Board does not conclude that a specifically defined "hotel" or "inn" use cannot be incorporated within local zoning regulations in a way that conforms to the policy objectives enunciated in the Town Master Plan and codified in the Zoning Code. For this reason, it recommends that the proposed Local Law and the amendments contained therein be further examined by the Town Board, with the assistance of the Town Planning Consultant and in consideration of the comments stated above. The Planning Board maintains that further analysis and refinement of this proposed legislation is warranted and necessary due to its potential impacts on future development within the Town of Lewisboro.

Dated: Lewisboro, New York
May 19, 2015

LEWISBORO PLANNING BOARD

By: Jerome Kerner / JAK
Honorable Jerome Kerner, Chairman

LOCAL LAW NUMBER __-2015 OF THE TOWN OF LEWISBORO

SECTION 1: TITLE

This Local Law shall be known as 2015 Amendment of Section 220-2(B), enactment of Section 220-23(A)(18), enactment of Sections 220-23(A)(18), 220-24(A)(1)(e), 220-24(B)(1)(c), 220-24(C)(1)(n), 220-24(D)(1)(h), and Section 220-43.3 of Chapter 220: Zoning.

SECTION 2: ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law __-2015 that this law shall take effect immediately upon its passage:

SECTION 3:

Section 220-2(B) of Chapter 220: Zoning, is hereby amended to add "Inn" to the definition of "Hotel," to read as follows:

HOTEL / INN – A building or portion thereof containing rooms, without individual kitchen facilities, occupied by transient guests who are lodged with or without meals, which rooms have primary access from public halls, and in which building or portion thereof there are certain public rooms or halls for the service of food and drink, with or without entertainment, and other facilities intended to provide customary accessory conveniences or services normally incidental to and associated with such a use. For purposes of this chapter, the term "Hotel" shall also include "Inns."

SECTION 4:

Section 220-23(A)(18) of Chapter 220: Zoning, is hereby enacted 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:

(18) *Hotels.

SECTION 5:

Section 220-24(A)(1)(e) of Chapter 220: Zoning, is hereby enacted 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:

- (e) Hotels in accordance with §220-43.3.

SECTION 6:

Section 220-24(B)(1)(c) of Chapter 220: Zoning, is hereby enacted to read as follows:

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

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:

- (c) Hotels in accordance with §220-43.3.

SECTION 7:

Section 220-24(C)(1)(n) of Chapter 220: Zoning, is hereby enacted to read as follows:

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

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:

- (n) Hotels in accordance with §220-43.3.

SECTION 8:

Section 220-24(D)(1)(h) of Chapter 220: Zoning, is hereby enacted to read as follows:

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

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:

(h) Hotels in accordance with §220-43.3.

SECTION 9:

§220-43.3. Hotels

Hotels shall be special uses as follows:

- A. Location. The special use listed in this section may be permitted in a residence district only in locations fronting on or having direct access to major or collector roads as determined by the Planning Board and shown on the Town Development Plan Map.
- B. Coverage. Building coverage, including accessory buildings, shall not exceed 20% of the lot area, nor shall the sum total of the land covered with buildings and parking, including driveways, exceed 50% of the lot area, within any residence district.
- C. Setbacks. All new buildings shall be set back from adjoining properties in residence districts and street lines directly opposite properties in residence districts a distance equal to at least twice the normally applicable front yard setback requirement for detached one-family dwellings in the zoning district in which they are located, but in no case less than 50 feet. Setback requirements may be modified by the Board of Appeals in case of conversions of existing buildings.
- D. Buffer area. A landscaped buffer area, meeting at least the minimum requirements of Section 220-15 of this chapter, shall be required along all lot lines adjoining properties in residence districts, except where determined by the approving agency that a lesser width or no buffer will meet the purpose of this requirement.
- E. Parking. Parking shall be in accordance with Section 220-56(D) of this chapter.
- F. Other requirements. In addition to the special standards described above, hotels shall comply with any other requirements of this chapter and any special requirements deemed appropriate by the approving agency in accordance with the requirements of Section 220-32 herein. Further, hotels shall be subject to review

and recommendation by the Architecture and Community Appearance Review Council.

SECTION 10: HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 11: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town of Lewisboro hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 12: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated: _____, 2015

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

JANET DONOHUE, TOWN CLERK