



**AGENDA
TOWN OF LEWISBORO
TOWN BOARD MEETING
TOWN HOUSE
JUNE 15, 2015
7:30 P.M.**

I. PUBLIC COMMENT PERIOD

II. CORRESPONDENCE

III. CONSENT AGENDA

- 1. Approval of Minutes May 4, 2015**
- 2. Building Department Monthly Report May 2015**
- 3. Planning Board Monthly Report May 2015**

IV. NEW BUSINESS

- 1. Resolution Granting Permission for Wall Street Rides FAR Charity Bike Ride in Support of Autism Science Foundation to Travel Through Town on October 10, 2015**
- 2. Resolution Authorizing Use of Onatru Farm Buildings and Grounds for Annual Lewisboro Library Fair on September 26, 2015 and that Elmwood Road Be Declared One-Way on the Day of the Fair**
- 3. Resolution to Approve Settlement Documents in the American Tower Tax Certiorari and Authorize Town Attorney to Sign Same**
- 4. Discussion of Petition by Visnar Property LLC to Re-Zone Two Lots at 469 Smith Ridge Road and One Lot at 471 Smith Ridge Road from RB (Retail Business) to GB (General Business)**

5. **Discussion of Ordinance to Make Residency the Qualification for Use of Town Parks Instead of Current Qualification of Being a Taxpayer**

V. OLD BUSINESS

1. **Follow Up on Request From LBA That the Town Pay \$5,600 For Red Clay at Baseball Fields**
2. **Discussion of Local Law Enabling Town to Opt Into Community Choice Aggregation Program**
3. **Adoption of Revised Bed & Breakfast Law as Revised**
4. **Adoption of Ordinance to Delete Reference To Definition of “Motel” From Existing Zoning Code**
5. **Adopt Revised Waste Zero Trash Metering Agreement**
6. **Discussion of Planning Board Input on Zoning Amendment to Allow Multi-Family Housing In All Non-Residential Districts**

VI. APPROVAL OF CLAIMS

VII. POLLING OF BOARD

VIII. ANNOUNCEMENTS

Town Board Meeting on Monday, July 13, 2015 at 7:30 p.m. at the Town House, 11 Main Street, South Salem.

IX. MOTION TO GO INTO EXECUTIVE SESSION

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

Town Board Meetings Accessibility: The Town of Lewisboro is committed to providing equal access to all its facilities, services and activities to the fullest extent possible. The Town House, Cyrus Russell Community House, Onatru Farmhouse, and the Town Offices at Orchard Square are accessible to persons with physical handicaps. If anyone who

wishes to attend any meeting of the Town Board has special needs, please contact the Supervisor's Office (763-3151) at least one week before any scheduled meeting, and we will try to accommodate whenever possible.

Linda Press Wolfe
87 Locust Ridge
Cross River, NY 10518

Email: [REDACTED]

June 1, 2015

To: Town of Lewisboro: Town Council and Supervisor; Planning Board, Zoning Board of Appeals, Architectural and Community Review Council

Public opinion: Proposed Amendments to the Zoning Code of the Town of Lewisboro

To Whom It May Concern:

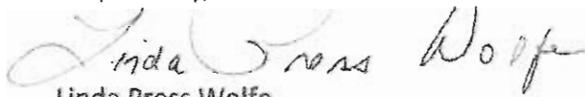
For transparency's sake, I acknowledge that I do serve on a number of town and county commissions and committees. For this purpose and with regard to the following statement, this is solely my opinion as a Town of Lewisboro resident and does not represent any commission or committee.

The proposal in front of the town board to limit multi-family housing in only three of five Town of Lewisboro hamlets (in only commercial areas), as a measure to comply with Affirmatively Further Fair Housing (AFFH) standards, is in itself exclusionary.

By limiting multi-family housing to only three of five hamlets within Lewisboro excludes and prevents some individuals or families from the opportunity to reside in residentially zoned areas – across the entire town. These limitations to the Zoning Code is exactly what placed Lewisboro in the Federal housing monitors spotlight - the town's existing codes prompted the Federal housing monitor to target and name Lewisboro as one of a few Westchester municipalities that has exclusionary zoning and land use regulations.

A more evenhanded approach is to permit multi-family housing in every hamlet, townwide, and thus remove us from the list of municipalities deemed exclusionary. Doing so will put the Town in full compliance with any federal, state or local laws that prohibit discrimination and exclusionary land use codes as well as fulfill a moral obligation that we all have to our fellow man by removing any barriers to fair and affordable housing. This action promotes a diverse and inclusive community.

Respectfully,


Linda Press Wolfe

cc: Lewisboro Ledger

MINUTES OF TOWN BOARD MEETING HELD ON JUNE 1, 2015

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A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Monday, June 1, 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 Anthony Mole', Facilities Maintenance Manager Joel Smith, Comptroller Leo Masterson and Confidential Secretary/Benefits Coordinator Mary Hafter.

Mr. Parsons called the meeting to order at 7:32 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

There were no public comments.

CORRESPONDENCE

There was no correspondence.

CONSENT AGENDA

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

MINUTES - Approved

On the above motion and second, the minutes of the May 18, 2015, Town Board meeting were approved.

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

REPORTS – Monthly Report

On the above motion and second, the May report from the Police Department was received and filed.

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

SLUDGE BIDS – Award Bid

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby accept the bid of Residuals Management Services, LLD, dba Earthcare of .125 per gallon for the removal of sewer sludge from the Oakridge and Wild Oaks Sewer Districts and authorizes the Supervisor to sign said contract.

*John Pappalardo arrives at 7:38 p.m.

PROPOSED MOTEL ZONING – Discussion of Planning Board Recommendations (7:36 – 7:38p.m.)

The Planning Board made no comment regarding the removal of the word motel from the Town Code and recommends the adoption of the amendment contained in the proposed Local Law. This Local Law will be passed at a future meeting.

PROPOSED BED AND BREAKFAST ZONING - Discussion of Planning Board Recommendations (7:38 – 7:58 p.m.)

The Planning Board made several comments regarding the amendments to the proposed Local Law specific to Bed and Breakfast establishments (see attached). These recommendations are not binding.

Mr. Parsons went in order of the bullet points. The first was that a Bed and Breakfast should be low profile and the Town Board agreed.

The second bullet point was that a Bed and Breakfast should be limited to three bedrooms on an individual building lot and the Town Board agreed. Attorney Anthony Mole´ also stated that this bullet point should read §220-43.B5.

The third bullet point refers to prohibiting 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. The Town Board feels that if someone has a garage with a room above it or a carriage house on the property, this should be able to be used as a bed and breakfast room.

The fourth bullet point prohibited any signage on the lot which advertised the Bed and Breakfast. The Town Board did not agree and feels that signage should be allowed as a form of advertisement as long as it goes through the proper approval process.

The fifth bullet point refers to a landscape buffer. The Town Board feels that this will be part of the planning review process.

The Town Board feels that the sixth bullet point which pertains to renewals is onerous. The Planning Board would like to provide a special use permit for a bed and breakfast establishment for a period of one year and thereafter subject to renewal for additional periods of up to three years and that all renewals must be approved by the Planning Board as opposed to the Building Department. The Town Board agreed that their original proposal was a good one.

The seventh bullet point pertains to whether the Westchester County Department of Health 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 attorney stated that if they have a WCDOH violation and they don't comply, that is not our purview. It is part of the application of the Building Department permit process.

The eighth bullet point refers to the adjustment to the property tax assessment. This is something that will be communicated from the Building Department to the Assessor. This will automatically happen.

The ninth bullet point refers to the word "existing" and the Planning Board feels it has no purpose and they feel it is unnecessary and ambiguous and should be removed. The Town Board wants to leave the word "existing" in as it pertains to transforming "existing" buildings and not necessarily building new buildings.

The tenth bullet point refers to an asterisk which appears to be omitted and it pertains to a special use permit. The asterisk will be added.

The final bullet point refers to the renting of rooms to not more than two persons who are not members of the resident's family. The Board looked at the Town Code. Mr. DeLucia feels that the town should strike §220-23(D)(9) which pertains to the renting of rooms. The board decided to include this topic into a future discussion regarding accessory apartments. They want to find out what the historical reason was for having this in the code.

The next step in finalizing this ordinance will be for the Town Board to work together with the town attorney and the town planner to iron out some of the issues and bring this back to the next meeting.

PROPOSED HOTEL ZONING - Discussion of Planning Board Recommendations (7:59 – 8:11 p.m.)

Mr. Parsons stated that the Planning Board did not like the proposed hotel zoning ordinance in large part because the proposed local law, in its current form, is not consistent with the Town

Master Plan and the section of the Zoning Code that includes the beneficial and convenient relationship among residential and commercial areas within the Town of Lewisboro. Mr. Parsons explained that the Planning Board is worried about the residential district component. They also feel that what the Town Board proposed was too vague and that they needed stronger guidance in the code. Otherwise the Planning Board feels that rejections could lead to law suits.

Mr. Parsons will get together with Jan Johnsson, the Town Planning Board Consultant, and try to redraft the Hotel Zoning ordinance which addresses the Planning Board's concern about the vagueness but at the same time achieve what the Town Board was looking to achieve.

The next step in finalizing this ordinance will be for the Town Board to work together with the town attorney and the town planner to iron out some of the issues.

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). He said that getting into Westchester County is important to Waste Zero, Inc., so they are willing to do the consulting agreement which includes the Request for Proposal (RFP) at no charge.

Mr. DeLucia asked for clarification. If a homeowner does not want to participate and continue with their own carter, they are able to do so. Mr. Welsh said yes, that is the case.

Mr. Welsh said that there would be payment flow schemes. The first type would be payment entirely through the cost of the bags and the second would be through taxes. Mr. Parsons stated that there was a clear sense of the Board to go the non-tax route.

Mr. DeLucia was wondering if Waste Zero could let us know when towns don't put this through the taxes, what would motivate residents to do this.

Mr. DeLucia feels that people are creatures of habit and he doesn't feel that many people will want to change how they are currently handling their refuse needs.

Mr. Welsh stated that the advantage of putting this into the taxes would ensure the highest participation which in turn ensures the highest benefit and that includes driving costs down.

Surveys will be sent out in the near future.

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

Joe Cermele from Kellard Sessions presented the Town Stormwater Pollution Prevention Plan (SWPPP) to the Town Board at the May 18th, 2015 Town Board meeting. Further additions need to be made, for example, adding the Cyrus Russell Community House, the Goldens Bridge Community House and other town properties. As Mr. Cermele stated, this is a work in progress and they will continue to work on this plan moving forward.

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

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

RESOLUTION

RESOLVED, that the Town Board accepts the Stormwater Pollution Prevention Plan (SWPPP) as submitted by Joe Cermele from Kellard Sessions.

CLAIMS – Authorized for Payment

On motion by Mr. Parson, seconded by Mr. DeLucia, the Board voted 5-0 to authorize payment of the Town’s bills in the amount of \$306,309.53.

TOWN BOARD REPORTS

PARKS AND RECREATION – Conference

Mr. Parsons noted that Dana Mayclim won a scholarship through the Westchester Parks and Recreation Society (WRAPS) to attend the 2015 National Parks and Recreation Association (NRPA) 50th annual conference in Nevada, September 15 – 17, 2015.

PARKS AND RECREATION - Westchester Parks and Recreation Society (WRAPS) Award

Mr. Parsons informed the Board that local resident Ron Tetelman will be receiving the 2015 E. Mario Cribari Voluntary Service Award for an Individual. Mr. Tetelman has served on Lewisboro’s Parks and Recreation Advisory Council (PRAC) for sixteen years from 1995 to 2011, and is now serving on the Lewisboro Planning Board for the past four years. The award luncheon will be held on June 12, 2015. The Board congratulated Mr. Tetelman.

WESTCHESTER LAND TRUST – Congratulations

Mr. Parsons congratulated the Lewisboro Land Trust on holding a very successful celebration for their 20th Anniversary.

MEETINGS – Date Set

There will be a Town Board meeting on Monday, June 15, 2015 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

EXECUTIVE SESSION – To Discuss Personnel Issues

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to go into executive session at 8:24 p.m. to discuss personnel issues.

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to come out of executive session at 9:29 p.m.

OPEN SPACE AND PRESERVES ADVISORY COMMITTEE – Appointment of Member

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

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

RESOLUTION

RESOLVED, that Michael Surdej is hereby appointed Member of the Open Space and Preserves Advisory Committee for a term expiring December 31, 2016.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to adjourn at 9:30 p.m.

Janet L. 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 §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
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: Jerome Kerner/Chair
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
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: Jerome Kerner / JMK
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 *[Signature]* 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.

[Signature]

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

Monthly Report May 2015

Quantity	Bld Permit	Permit	CC/CO	RM	EQ
23	Res Minor Work	\$ 3,760.00	\$ 1,370.00	\$ 48.00	\$ 700.00
8	Res ADD	8610.00	8010.00	12.00	350.00
2	Res Acc Str	420.00	210.00	4.00	50.00
11	Res Alt	4330.00	3330.00	20.00	150.00
1	Res New	1750.00	1650.00	2.00	50.00
1	Res Renew	260.00	0.00	0.00	0.00
0	Comm Alt/Add	0.00	0.00	0.00	0.00
0	Comm Minor	0.00	0.00	0.00	0.00
4	ZBA/ACARC	1650.00	0.00	12.00	0.00
1	Other Permits	100.00	20.00	2.00	50.00
1	220-76C	100.00	0.00	2.00	0.00
12	Wetlands/EQ	900.00	300.00	0.00	250.00
4	Civil Penalty	1000.00	0.00	0.00	0.00
1388	Copies	347.00	0.00	0.00	0.00
0	Misc	0.00	0.00	0.00	0.00
Total		\$ 23,227.00	\$ 14,890.00	\$ 102.00	\$ 1,600.00

Total Receipts : \$ 39,819.00
 Total Deposits: \$ 39,819.00

Bldg Insp: Paul Bond
 Date: 6/2/15

Total: \$ 39,819.00

39819

Difference

<u>Res. MW</u>	<u>BP</u>	<u>CC</u>	<u>RM</u>	<u>EQ</u>	<u>Residential Add</u>	<u>BP</u>	<u>CO</u>	<u>RM</u>	<u>EQ</u>	
Dolhon		110	20	2	0	Johnson	540	540	0	0
Jacob		120	20	2	50	Goldbrum	520	420	2	50
Salchow		120	20	2	50	Doyle	250	250	0	50
Salchow		130	30	2	0	Shaw	600	500	2	50
Barber		150	50	2	50	LaSota	600	500	2	50
Friedman		140	40	2	50	Klein	750	650	2	50
Wichman		150	50	2	50	Amico	750	650	2	50
Edgar		160	60	2	0	McGuinness	4600	4500	2	50
Stewart		120	20	2	50					
Kochan		140	40	2	0					
Sommers		130	30	2	50					
Eadie		150	50	2	50					
Silver		150	50	2	0					
Treyz		140	40	2	50	Column Total	8610	8010	12	350
Klimberg		150	50	2	50	Subtotal	16982			
Peter		380	280	2	0	Comm. MW	BP	CO	RM	EQ
Real		120	20	2	50					
Bronzo		180	80	2	0					
Frost		130	30	2	50					
Rago		140	40	2	0					
Berman		150	50	2	50	Column Total	0	0	0	0
Cipri		290	190	2	0	Subtotal	0			
Scinicariello		140	40	2	0	Res. Alt	BP	CO	RM	EQ
Cohen		170	70	2	50	Dinapoli	190	90	2	0
						DeLuca	170	70	2	0
						Goldsmith	600	500	2	50
						Johnson	280	180	2	50
						Cohon	150	50	2	0
						Ulaj	750	650	2	50
						Cogut	220	120	2	0
						Schafer	950	850	2	0
						Pray	250	150	2	0
						Cancro	470	370	2	0
						Decandia	300	300	0	0
						Column Total	4330	3330	20	150
						Subtotal	7830			
						Res. New	BP	CO	RM	EQ
						Pinnetti	1750	1650	2	50
						Column Total	1750	1650	2	50
						Subtotal	3452			
						220-76C	BP	CO	RM	EQ
						Stone	100	0	2	0

				Column Total	100	0	2	0
				Subtotal	102			
Res Renewal	BP			CO	RM	EQ		
CitiMortgage				260	0	0	0	
				Column Total	260	0	0	0
				Subtotal	260			
Wetland	W/P			S/W	EQ			
Mulligan				0	0	50		
Slocum				0	0	50		
Boice				0	0	50		
Pavarini				0	0	50		
Bear				150	0	0		
Giardina				150	0	0		
Crosse (White)				0	300	0		
Afif				0	0	50		
Brockelman				150	0	0		
Brahmst				150	0	0		
Stewart				150	0	0		
Doyle				150	0	0		
Column Total				3760	1370	48	700	
Subtotal				\$ 5,878.00				
				Column Total	900	300	250	
Civil Penalty	CP			Subtotal 1450				
DeLuca	250			Other Permits BP CC RM EQ				
Cohon	250			Nesson 100 20 2 50				
Cogut	250							
Pray	250							
Subtotal				1000				
Comm. Add/Alt	BP	CO/CC	RM EQ	Column Total 100 20 2 50				
				Subtotal 172				
				ZBA / ACARC Permit Application RM				
				Pavarini 250 2				
				Boice 250 2				
Column Total				0	0	0	0	
Subtotal				0				
Misc	BP	CO/CC	RM EQ	Ulaj 250 2				
				Gossett Bro Nrsy 500 2				

Column Total					0	0	0	0	0	Column Total	1650	0	12	0				
Subtotal					0	Subtotal									1662			
Cash						Res. A/S	BP			CO	RM	EQ						
Photocopies					347	Pavarini				120	10	2		0				
						Harris				300	200	2		50				
						Column Total									420	210	4	50
Subtotal					347	Subtotal									684			

PLANNING BOARD
FINANCIAL REPORT
05/31/15

Current Month Receipts:

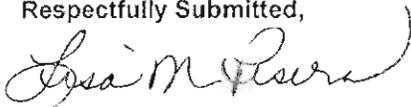
General Fund:

	Subdivision Fees:	
0	Preliminary	-
0	Final	-
0	Tax Map	-
	Application Fees:	
1	Sketch Plan	205.00
1	Site Plan	505.00
1	Waiver of Site Plan	-
1	Special Use Permit	-
0	Wetland Permit	-
0	Stormwater Permit	-
0	Engineering and Inspection	-
1	Civil Penalty	750.00
0	Photocopies	-
1	Public Hearing Sign Deposit	50.00
0	Reimbursement for Escrow Paid	-
	Total General Fund Receipts	<u>1,510.00</u>

Planning Board Escrow:

0		-
0		-
0		-
0		-
0		-
0		-
0		-
0		-
0		-
	Total PB Escrow Receipts	<u>-</u>
0	SEQR Escrow Receipts	<u>-</u>
0	Parks & Rec Receipts	<u>-</u>
	Total Receipts	1,510.00

Respectfully Submitted,



Lisa M. Pisera
Planning Board Secretary

May 15, 2015

Ms. Janet Donohue
Town Clerk, Town of Lewisboro
Town House
11 Main Street, PO Box 500
South Salem, NY 10590



Dear Ms. Donohue,

I am writing to request permission this year to travel through your jurisdiction on **Saturday, October 10, 2015** for an event called Wall Street Rides FAR. Wall Street Rides FAR (“For Autism Research”) is a one-day, charity bike ride raising funds to support the Autism Science Foundation. This family-friendly event will offer the choice of a Metric Century (62 mile), 35 mile and 14 mile bike ride. There will be an estimated 125-250 participants.

The Autism Science Foundation's mission is to support autism research by providing funding and other assistance to scientists and organizations conducting, facilitating, publicizing and disseminating autism research. The organization also provides information about autism to the general public and serves to increase awareness of autism spectrum disorders and the needs of individuals and families affected by autism.

Wall Street Rides FAR is a fully supported event, not a race, with people of all ages, shapes, and sizes riding side by side. It will be a fun and rewarding experience for all involved.

We maintain a comprehensive \$5 million liability policy and would be happy to include the Town of Lewisboro upon your request.

I have enclosed the route that we propose to use to travel through your jurisdiction. Please review the enclosed materials. We are not asking for any roads or lanes to be closed during our event. **If permission is granted, please fill out, sign and return the Notification and Approval of Event form attached.**

Since our proposed route winds its way briefly through your jurisdiction, we expect riders to be riding through your area from approximately 8:30 am to 11:30 am on October 10, 2015.

Please feel free to call me at 212.989.1111 or email at rroth@globalimpactpro.com to discuss this request. We look forward to partnering with you to make a difference in the fight against autism in our community.

Sincerely,

Bob Roth
Logistics Coordinator
Wall Street Rides FAR



Notification and Approval of Event

Our jurisdiction has been notified in writing that **Wall Street Rides FAR Ride** will be taking place on October 10, 2015. We are aware that approximately 125-250 bicyclists will be participating. They will ride at their own pace and will follow the vehicular rules of the road. This is not a race or a timed event.

Estimated Time of Arrival: October 10, 2015 8:30am to 11:30am

****Please make any corrections to the information below**

Name: Town Clerk Janet Donohue
Organization: Town of Lewisboro
Address: 11 Main Street, PO Box 500
South Salem, NY 10590
Phone: 914.763.3511
Fax: 914.763.3678
Email: townclerk@lewisborogov.com
Signature: _____

Contact Name & Numbers

Please provide a contact name and numbers for an individual who will be on-duty during the actual event, who will serve as contact in case of emergency or other situation.

Name: _____
Phone: _____
Cell: _____ (24 Hour Contact Number)
Pager: _____ (24 Hour Contact Number)

Please return to
Attention: Wall Street Rides FAR
Bob Roth
Logistics Coordinator
c/o Global Impact Productions
127 W. 26th Street, Suite 402
New York, NY 10001
FAX to: 212.807.1853
Or email to
rroth@globalimpactpro.com

For Office Use Only Date Rec'd:

Wall Street Rides FAR Metric Century (62-Mile) Route Cues
 2015 Manhattanville College, Purchase, NY

Segment Mileage	Cume Miles	Turn	Note	Police/Moto Safety Support	Township or Borough
0.0	0.0	Right	Out of Dammann Field onto campus access road		NY/Westchester/Harrison
0.1	0.1	Bear right	Towards main gate exit		
	0.1	Left	Onto Purchase Street (Route 120)	Police	
0.5	0.6	Right	Onto Anderson Mill Road at traffic light		
1.8	2.4	Left	Onto King Street at traffic light. Enter Connecticut	Moto Safety	CT/Fairfield Co./Greenwich
2.3	4.7	Cross	Rye Lake Avenue at traffic light		
0.6	5.3	Bear right	Onto Bedford Road		
1.0	6.3	Cross	Onto John Street (diverge from 14-mile route)		
1.5	7.8	Left	Onto Riversville Road at stop sign. Enter New York State		NY/Westchester/North Castle, NY
	7.8		Riversville Road becomes North Greenwich Road/Route 463		
0.7	8.5	Cross	Route 22 at light		
0.1	8.6	Left	Onto Brundage Street - short climb		
0.1	8.7	Right	Onto Hunter Avenue (unmarked) at stop sign		
0.1	8.8	Left	Onto Maryland Avenue		
0.4	9.2	Left	Onto Cox Avenue at stop sign	Moto Safety	
0.1	9.3	Pass over	I-684		
0.2	9.5	Bear right	Onto Cox Avenue, avoiding School Street		
0.6	10.1		Cox Street becomes High Street at Greenway Alpine Drive - begin climb		
0.7	10.8	Cross	Sarles Street at stop sign to stay on Hill Street		
0.5	11.3	Bear right	Onto Sheather Road - continue climb		New Castle, NY
1.3	12.6	Bear right	Onto Harriman Road		
0.8	13.4	Bear left	Onto Byram Lake Road - unmarked		
		Cross	Langeland Drive		Mount Kisco, NY
0.5	13.9	Right	Onto Route 117 at stop sign		
0.3	14.2	Right	At light/yield sign onto South Bedford Road/Route 172		
0.1	14.3	Right	Into Leonard Park		
0.3	14.6	On right	Leonard Park. Parking lot by badminton nets. Oasis 1, need restrooms		
	14.6	Return	On access road to exit park		
0.2	14.8	Right	Onto South Bedford Road/Route 172 at stop sign		Bedford, NY
0.3	15.1	Left	Onto McLain Street at light - begin climb. <i>Diverge from 35-mile route</i>	Moto Safety	
1.0	16.1	Bend right	At Guard Hill Road		
0.1	16.2	Left	To avoid Guard Hill Road, stay on McLain Street		
0.8	17.0	Bend right			
0.4	17.4	Left	Onto Springhurst Road (unmarked)		
0.6	18.0	Right	Onto Bedford Center Road at stop sign		
0.8	18.8	Pass under	I-684		
1.6	20.4	Left	Onto Harris Road	Moto Safety	
0.7	21.1	Cross	Matthews Mill Road		
1.1	22.2	Pass under	I-684		
0.6	22.8	Pass under	Railroad		
	22.8	Cross	Route 117 at light - begin climb		
0.7	23.5	Right	Onto Cherry Street at stop sign		
0.1	23.6	Right	Onto Huntville Road at stop sign		
0.1	23.7	Right	Into Katonah Elementary School		
0.1	23.8	On right	Katonah Elementary School. At bike racks near playground. Oasis 2		
0.1	23.9	Left	Onto Huntville Road at stop sign		
	23.9	Right	Onto Glenridge Road		
0.1	24.0	Left	Onto Grandview Avenue		
0.1	24.1	Right	Onto Cherry Street at stop sign		

Wall Street Rides FAR Metric Century (62-Mile) Route Cues
2015 Manhattanville College, Purchase, NY

Segment Mileage	Cume Miles	Turn	Note	Police/Moto Safety Support	Township or Borough
0.4	24.5	Right	Onto Whitlockville Road		
0.1	24.6	Left	To avoid Old Mill Lane		
0.6	25.2	Right	Onto Route 35 East/Woods Bridge Road at stop sign		
0.3	25.5	Cross	Route 117 at light onto Cross River Road/Route 35 East		
0.1	25.6	Pass over	Route I-684	Moto Safety	
0.4	26.0	Cross	Route 22 at light	Moto Safety	
2.4	28.4	Right	Onto Old Cross River Road		
0.4	28.8	Right	Onto Route 35 at stop sign		
0.4	29.2	Bear right	Onto Old Shop Road. CAUTION: Steep downhill		
0.2	29.4	Bear right	Onto Route 35 at stop sign. CAUTION: Narrow road		Lewisboro, NY
0.1	29.5	Right	Onto Route 121 South		Lewisboro into Poundridge, NY
0.7	30.2	Left	Onto Honey Hollow Road. CAUTION: Blind curve	Moto Safety	Poundridge, NY
1.7	31.9	Bend left	To avoid Black Brook Road		
1.3	33.2	Right	Onto Route 137 West/Stone Hill Road at stop sign. CAUTION: Narrow road		Bedford, NY
1.0	34.2	Left	Onto Route 121/Old Post Road	Moto Safety	
1.7	35.9	Left	Onto Route 22 at stop sign	Moto Safety	
0.2	36.1	Bear right	To stay on Route 22/Old Post Road		
0.3	36.4	Left	Onto Greenwich Road at light		
0.3	36.7	Right	Into Bedford Village Memorial Park		
0.1	36.8	Proceed	Bedford Village Memorial Park. To C+M Pavilion. Oasis 3		They have restrooms
	36.8	Return	To exit park		
	36.8	Left	Onto Greenwich Road at stop sign	Moto Safety	
0.2	37.0	Right	Onto Route 22/Old Post Road at light		
0.2	37.2	Bear right	At light onto Pound Ridge Road/Route 172 East		
0.6	37.8	Right	Onto Middle Patent Road		
2.2	40.0	Bear left	To avoid Hickory Kingdom Road		North Castle, NY
1.8	41.8		Enter Connecticut		Stamford, CT
1.0	42.8	Left	Onto Taconic Road at stop sign		Stamford, CT into Greenwich, CT
1.2	44.0	Cross	Stamwich Road at stop sign		Greenwich, CT
0.9	44.9	Right	To avoid Stamwich Road		
0.3	45.2	Right	Onto South Stamwich Road		
0.1	45.3	Cross	One-lane bridge		
0.4	45.7	Right	Onto North Street at stop sign		
0.5	46.2	Left	Onto Lower Cross Road		
1.4	47.6	Right	Onto Lake Avenue at stop sign		
0.3	47.9	Right	Into Whitby School. Rejoin 35-mile route		
	47.9	Proceed	Whitby School. To playground. Oasis 4		
	47.9	Continue	On driveway to exit oasis		
0.2	48.1	Left	Onto Close Road - begin climb	Moto Safety	
0.6	48.7	Right	Onto Round Hill Road at stop sign		
0.8	49.5	Left	Onto Creamer Hill Road		
0.7	50.2	Left	Onto Hadley Road		North Castle, NY
0.3	50.5	Right	Onto Sterling Road at stop sign		
0.1	50.6	immediate left	Onto Douglas Lane		
0.1	50.7	Right	Onto Day Road at stop sign		
0.4	51.1	Left	Onto North Greenwich Road/Route 433	Moto Safety	
0.6	51.7	Right	Onto Bedford Road. CAUTION: Narrow road		Greenwich, CT
0.8	52.5	Right	Onto Cutler Road		
1.5	54.0	Right	Onto Bedford Road at stop sign		
0.3	54.3	Right	Onto Locust Road		
0.7	55.0	Bend left	Onto King Street		

Wall Street Rides FAR Metric Century (62-Mile) Route Cues
2015 Manhattanville College, Purchase, NY

Segment Mileage	Cume Miles	Turn	Note	Police/Moto Safety Support	Township or Borough
1.2	56.2	Cross	Rye Lake Avenue at traffic light		
2.4	58.6	Right	Onto Anderson Mill Road at traffic light		Harrison, NY
1.7	60.3	Left	Onto Purchase Street/Route 120 at light	Moto Safety	
0.4	60.7	Right	Into main gate entrance, Manhattanville College		
0.1	60.8	Bear left	Towards Dammann Field		
	60.8	Left	Onto Dammann Field. Finish		

FAR 2015 - Metric Century, 35 mile ...

[Wall Street Riders FAR](#)
[Manhattanville College](#)
[Purchase, NY](#)

All changes saved in Drive

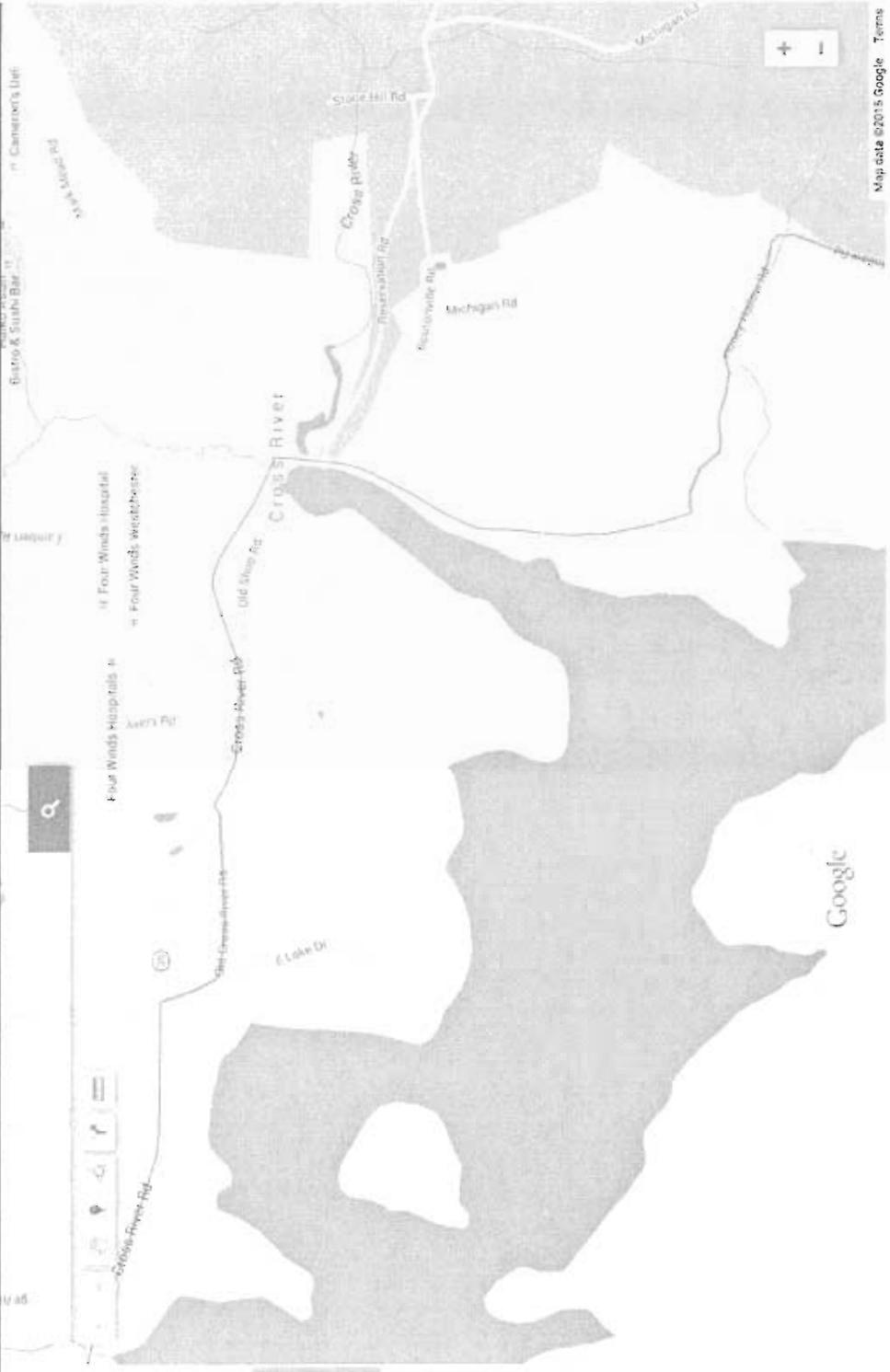
Add layer **Share**

Metric Century

Individual styles

Registration and Finish Fesi...

- Harrison
- Harrison
- Line 4
- Line 5
- Line 6
- Line 7
- Line 8
- Line 9
- Line 10
- Line 11
- Line 12
- Decis 1
- Line 14



LOCAL LAW NUMBER __-2015 OF THE TOWN OF LEWISBORO

SECTION 1 -- TITLE

This Local Law shall be known as 2015 Amendments to Section 167-1 of Chapter 167: PARKS AND RECREATIONAL FACILITIES.

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 – PARKS AND RECREATIONAL FACILITIES

Section 167-1 of Chapter 167, Parks and Recreational Facilities, is hereby amended as follows:

§167-1. Use of parks and recreational facilities.

Public recreational facilities (parks, playgrounds, pool, tennis courts and other designated Town-owned areas) are provided for the sole use and enjoyment of residents of the Town of Lewisboro providing valid proof acceptable to the Parks and Recreation Department, permit holders, and their duly sponsored guests, and residents. The use by others is expressly prohibited.

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

Public recreational facilities (parks, playgrounds, pool, tennis courts and other designated Town-owned areas) are provided for the sole use and enjoyment of residents of the Town of Lewisboro ~~Town taxpayers and members of taxpaying households of the Town of Lewisboro, tenants of taxpayers~~ providing valid proof acceptable to the Parks and Recreation Department ~~of leased through the permitted term,~~ permit holders, and their duly sponsored guests, and residents. The use by others is expressly prohibited.

LOCAL LAW NO. __-2015

**A LOCAL LAW TO ESTABLISH A COMMUNITY CHOICE AGGREGATION
(ENERGY) PROGRAM IN THE TOWN OF LEWISBORO**

Be it enacted by the TOWN OF LEWISBORO of the County of Westchester as follows:

Section 1. The Code of the TOWN OF LEWISBORO is hereby amended by adding Article II to Chapter 107, entitled “COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM,” to read as follows:

ARTICLE II

Community Choice Aggregation (Energy) Program

§1. Legislative Findings; Intent and Purpose; Authority.

- A. It is the policy of both the TOWN OF LEWISBORO and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for residential and Small Commercial customers in those markets. Among the policies and models that may offer benefits in New York is community choice aggregation, which allows local governments to determine the default supplier of electricity and natural gas on behalf of its residential and Small Commercial customers.
- B. The purpose of this CCA Program is to allow participating local governments including the TOWN OF LEWISBORO to procure energy supply service for their residential and Small Commercial customers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program that will allow the TOWN OF LEWISBORO to put out for bid the total amount of natural gas and/or electricity being purchased by local residential and Small Commercial customers. Bundled Customers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.
- C. The TOWN OF LEWISBORO is authorized to implement this COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0564, Petition of Sustainable Westchester for Expedited Approval for the Implementation of a Pilot Community Choice Aggregation Program within the County of Westchester, Order Granting Petition in Part (issued February 26, 2015) as may be amended, including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 14-M-0564 (collectively, the “Order”). Order shall also mean orders of the Public Service Commission related to State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued December 15,

2104) to the extent that orders related to Case No. 14-M-0224 enable actions by the TOWN OF LEWISBORO not otherwise permitted pursuant to orders related to Case 14-M-0564; provided, however, that in the event of any conflict between orders from Case No. 14-M-0564 and orders from Case No 14-M-0224, orders from Case No 14-M-0564 shall govern the CCA Program.

- D. This Chapter shall be known and may be cited as the “COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM Law of the TOWN OF LEWISBORO.”

§2. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission’s Uniform Business Practices or, if not so defined there, as indicated below:

Bundled Customers – Residential and Small Commercial customers of electricity or natural gas (“fuels”) who are purchasing the fuels from the Distribution Utility.

Small Commercial - Non-residential customers as permitted by the Order.

Community Choice Aggregation Program or CCA Program– A municipal energy procurement program, which replaces the incumbent utility as the default Supplier for all Bundled Customers within the TOWN OF LEWISBORO.

Distribution Utility – Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.

Public Service Commission – New York State Public Service Commission.

Suppliers – Energy service companies (ESCOs) that procure electric power and natural gas for Bundled Customers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

Sustainable Westchester – A not-for-profit organization comprised of member municipalities in Westchester County, New York.

§3. Establishment of a COMMUNITY CHOICE AGGREGATION (ENERGY) Program.

- A. A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM is hereby established by the TOWN OF LEWISBORO, whereby the TOWN OF LEWISBORO shall work together with Sustainable Westchester to implement the CCA Program to the full extent permitted by the Order, as set forth more fully herein. The TOWN OF LEWISBORO’s role under the CCA Program involves the aggregating of the electric and/or natural gas supply of its residents and the entering into a contract with one or more Suppliers for supply and services. Under the CCA Program, the operation and ownership of the utility service shall remain with the Distribution Utility.
- B. The TOWN OF LEWISBORO’s purchase of energy supply through a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The TOWN OF LEWISBORO will not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will

instead negotiate with Suppliers on behalf of participating residential and Small Commercial customers.

- C. In order to implement the CCA Program, the TOWN OF LEWISBORO will adopt one or more resolutions that outline the process of and conditions for participation in the CCA Program, including but not limited to signing a contract for a compliant bid with one or more Suppliers, all as consistent with the Local Law and the Order.
- D. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

§4. Procedures for Eligibility; Customer Data Sharing.

- A. As permitted by the Order, the TOWN OF LEWISBORO may request from the Distribution Utilities aggregated customer information by fuel type and service classification on a rolling basis.
- B. Sustainable Westchester, on behalf of the TOWN OF LEWISBORO, shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award a contract in accordance with the CCA Program.
- C. Sustainable Westchester or the TOWN OF LEWISBORO if the TOWN so chooses, will then request individual customer data from the Distribution Utility in accordance with the CCA Program.
- D. Sustainable Westchester or the TOWN OF LEWISBORO if the TOWN so chooses, and the selected Supplier will then notify Bundled Customers of the contract terms and their opportunity to opt out of the CCA Program.
- E. In accordance with and for purposes of the Order, the existing Distribution Utility, [Consolidated Edison Company of New York, Inc. and/or New York State Electric & Gas Corporation] will provide to Sustainable Westchester aggregate and customer-specific data (including usage data, capacity tag obligations, account numbers, and service addresses) of all Bundled Customers in the TOWN OF LEWISBORO if the TOWN so chooses not currently enrolled with an ESCO.
- F. Sustainable Westchester and the TOWN OF LEWISBORO if the TOWN so chooses, will protect customer information as required by law, subject to the Order and the limitations of the New York State Freedom of Information Law.

§5. Choice of Energy Supplier; Opt-Out Notice and Procedure.

- A. The TOWN OF LEWISBORO if the TOWN so chooses or in conjunction with the ESCO will notify its residential and Small Commercial customers, by letter notice, of the TOWN OF LEWISBORO if the TOWN so chooses's decision to establish the CCA Program, of the contract terms with an ESCO, and of the opportunity to opt out of the CCA Program.
- B. The letter notice will be sent to each customer at the address provided by the Distribution Utility and explain the CCA Program and the material provisions of the ESCO contract, identify the methods by which the customer can opt out of the CCA Program, and provide

information on how the customer can access additional information about the CCA Program.

- C. The opt-out period shall be twenty (20) days.
- D. CCA Program Bundled Customers, upon enrollment, will receive a welcome letter that will explain the customers' options for canceling the enrollment if they believe they were enrolled incorrectly or otherwise decide to withdraw from the CCA Program in favor of another Supplier. The welcome letter also will explain that residential customers are entitled to the added protection of the mandated Three (3) Day rescission period as detailed in Section 5(B)(3) of the Uniform Business Practices.

§6. Verification and Reporting.

- A. Sustainable Westchester shall be responsible for filing an annual report with the Public Service Commission, which identifies the number of customers enrolled in the CCA Program by municipality and customer class, the number of customers who returned to utility service or service with another Supplier during the reporting period, and the average cost of commodity supply by month for the reporting period.

Section 2. This local law shall take effect upon filing with the Secretary of State.

A LOCAL LAW TO ESTABLISH A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM IN THE TOWN OF LEWISBORO

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Be it enacted by the TOWN OF LEWISBORO, of the County of Westchester as follows:

Section 1. The Code of the TOWN OF LEWISBORO is hereby amended by adding Article II to Chapter 107, entitled "COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM," to read as follows:

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Deleted: a new Chapter ____

ARTICLE II

Community Choice Aggregation (Energy) Program

§1. Legislative Findings; Intent and Purpose; Authority.

A. It is the policy of both the TOWN OF LEWISBORO and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for residential and Small Commercial customers in those markets. Among the policies and models that may offer benefits in New York is community choice aggregation, which allows local governments to determine the default supplier of electricity and natural gas on behalf of its residential and Small Commercial customers.

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B. The purpose of this CCA Program is to allow participating local governments including the TOWN OF LEWISBORO to procure energy supply service for their residential and Small Commercial customers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program that will allow the TOWN OF LEWISBORO to put out for bid the total amount of natural gas and/or electricity being purchased by local residential and Small Commercial customers. Bundled Customers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.

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C. The TOWN OF LEWISBORO is authorized to implement this COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0564, Petition of Sustainable Westchester for Expedited Approval for the Implementation of a Pilot Community Choice Aggregation Program within the County of Westchester, Order Granting Petition in Part (issued February 26, 2015) as may be amended, including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 14-M-0564 (collectively, the "Order"). Order shall also mean orders of the Public Service Commission related to State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued December 15,

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2104) to the extent that orders related to Case No. 14-M-0224 enable actions by the TOWN OF LEWISBORO, not otherwise permitted pursuant to orders related to Case 14-M-0564; provided, however, that in the event of any conflict between orders from Case No. 14-M-0564 and orders from Case No 14-M-0224, orders from Case No 14-M-0564 shall govern the CCA Program.

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D. This Chapter shall be known and may be cited as the "COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM Law of the TOWN OF LEWISBORO."

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§2. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

Bundled Customers – Residential and Small Commercial customers of electricity or natural gas ("fuels") who are purchasing the fuels from the Distribution Utility.

Small Commercial - Non-residential customers as permitted by the Order.

Community Choice Aggregation Program or CCA Program– A municipal energy procurement program, which replaces the incumbent utility as the default Supplier for all Bundled Customers within the TOWN OF LEWISBORO.

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Distribution Utility – Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.

Public Service Commission – New York State Public Service Commission.

Suppliers – Energy service companies (ESCOs) that procure electric power and natural gas for Bundled Customers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

Sustainable Westchester – A not-for-profit organization comprised of member municipalities in Westchester County, New York.

§3. Establishment of a COMMUNITY CHOICE AGGREGATION (ENERGY) Program.

A. A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM is hereby established by the TOWN OF LEWISBORO, whereby the TOWN OF LEWISBORO shall work together with Sustainable Westchester to implement the CCA Program to the full extent permitted by the Order, as set forth more fully herein. The TOWN OF LEWISBORO's role under the CCA Program involves the aggregating of the electric and/or natural gas supply of its residents and the entering into a contract with one or more Suppliers for supply and services. Under the CCA Program, the operation and ownership of the utility service shall remain with the Distribution Utility.

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B. The TOWN OF LEWISBORO's purchase of energy supply through a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The TOWN OF LEWISBORO will not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will

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instead negotiate with Suppliers on behalf of participating residential and Small Commercial customers.

- C. In order to implement the CCA Program, the TOWN OF LEWISBORO will adopt one or more resolutions that outline the process of and conditions for participation in the CCA Program, including but not limited to signing a contract for a compliant bid with one or more Suppliers, all as consistent with the Local Law and the Order.
- D. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

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§4. Procedures for Eligibility; Customer Data Sharing.

- A. As permitted by the Order, the TOWN OF LEWISBORO may request from the Distribution Utilities aggregated customer information by fuel type and service classification on a rolling basis.
- B. Sustainable Westchester, on behalf of the TOWN OF LEWISBORO, shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award a contract in accordance with the CCA Program.
- C. Sustainable Westchester or the TOWN OF LEWISBORO if the TOWN so chooses, will then request individual customer data from the Distribution Utility in accordance with the CCA Program.
- D. Sustainable Westchester or the TOWN OF LEWISBORO if the TOWN so chooses, and the selected Supplier will then notify Bundled Customers of the contract terms and their opportunity to opt out of the CCA Program.
- E. In accordance with and for purposes of the Order, the existing Distribution Utility, [Consolidated Edison Company of New York, Inc. and/or New York State Electric & Gas Corporation] will provide to Sustainable Westchester aggregate and customer-specific data (including usage data, capacity tag obligations, account numbers, and service addresses) of all Bundled Customers in the TOWN OF LEWISBORO if the TOWN so chooses not currently enrolled with an ESCO.
- F. Sustainable Westchester and the TOWN OF LEWISBORO if the TOWN so chooses, will protect customer information as required by law, subject to the Order and the limitations of the New York State Freedom of Information Law.

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§5. Choice of Energy Supplier; Opt-Out Notice and Procedure.

- A. The TOWN OF LEWISBORO if the TOWN so chooses, or in conjunction with the ESCO will notify its residential and Small Commercial customers, by letter notice, of the TOWN OF LEWISBORO if the TOWN so chooses's decision to establish the CCA Program, of the contract terms with an ESCO, and of the opportunity to opt out of the CCA Program.
- B. The letter notice will be sent to each customer at the address provided by the Distribution Utility and explain the CCA Program and the material provisions of the ESCO contract, identify the methods by which the customer can opt out of the CCA Program, and provide

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information on how the customer can access additional information about the CCA Program.

- C. The opt-out period shall be twenty (20) days.
- D. CCA Program Bundled Customers, upon enrollment, will receive a welcome letter that will explain the customers' options for canceling the enrollment if they believe they were enrolled incorrectly or otherwise decide to withdraw from the CCA Program in favor of another Supplier. The welcome letter also will explain that residential customers are entitled to the added protection of the mandated Three (3) Day rescission period as detailed in Section 5(B)(3) of the Uniform Business Practices.

§6. Verification and Reporting.

- A. Sustainable Westchester shall be responsible for filing an annual report with the Public Service Commission, which identifies the number of customers enrolled in the CCA Program by municipality and customer class, the number of customers who returned to utility service or service with another Supplier during the reporting period, and the average cost of commodity supply by month for the reporting period.

Section 2. This local law shall take effect upon filing with the Secretary of State.

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)(18), 220-24(A)(1)(e), 220-24(B)(1)(c), 220-24(C)(1)(n), 220-24(D)(1)(h), and enactment of 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 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)(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) *Bed and breakfast establishments.

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:

- (f) *Bed and breakfast establishments in existing residential buildings used for residential purposes, 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:

- (d) *Bed and breakfast establishments in existing residential buildings used for residential purposes, 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) *Bed and breakfast establishments in existing residential buildings used for residential purposes, 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) *Bed and breakfast establishments in existing residential buildings used for residential purposes, in accordance with §220-43.3.

SECTION 9:

Section 220-43.3 of Chapter 220: Zoning, is hereby enacted to read as follows:

§220-43.3. 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 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:

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

JANET DONOHUE, TOWN CLERK

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 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:

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 §§220-2(B), 220-24 AND 220-26 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 proposed Local Law will amend §220-2(B) of the Zoning Code to include and utilize a definition of “Affordable Affirmatively Furthering Fair Housing (AFFH) Unit”; and

WHEREAS, the proposed Local Law will amend §220-24 of the Zoning Code to allow multifamily dwellings, subject to certain provisions contained in §220-26 of the Zoning Code, within the CC-20, SU, RB, GB Districts; and

WHEREAS, the proposed Local Law will amend §220-26 of the Zoning Code to (1) reduce the required minimum lot area for parcels on which multifamily housing may be sited from 15 to 7 acres, (2) increase the average gross density standard governing multifamily housing from 2 to 4 density units per acre of net lot area, (3) allow the Planning Board to authorize an increase in permitted density for multifamily housing to 50%, as opposed to 40%, when at least one-third of the additional units will serve as middle-income units or affordable affirmatively furthering fair housing units, (4) reduce the open space and recreation area requirements for multifamily housing from 50% to 30% of the gross area of a site and (5) eliminate the requirement that at least one-third of minimum required parking area servicing a multifamily dwelling(s) be enclosed within garages or carports; and

WHEREAS, the Planning Board has duly considered the proposed Local Law, in accordance with the provisions of §220-80 of the Zoning Code, and is prepared to issue a report and recommendation as required thereunder; 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), 220-24 and 220-26 of the Zoning Code; and

BE IT FURTHER RESOLVED that, as set forth in this Report and Recommendation, the Planning Board supports the enactment of proposed Local Law, except as follows:

- (1) As stated in this Report and Recommendation, the Planning Board recommends the rejection of the proposed exclusion of R-MF District density transition area requirements for multifamily dwellings in the CC-20, SU, RB and GB Districts;
- (2) As stated in this Report and Recommendation, the Planning Board recommends the rejection of the proposed exclusion of the R-MF District open space area requirement for multifamily dwellings in the CC-20, SU, RB and GB Districts;
- (3) As stated in this Report and Recommendation, the Planning Board recommends the rejection of the proposed reduction of the R-MF District minimum lot area requirement from fifteen (15) to seven (7) acres; and
- (4) As stated in this Report and Recommendation, the Planning Board recommends the rejection of the proposed increase of the R-MF District maximum average gross density for multifamily dwellings from two (2) to four (4) density units per acre of net lot area; 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

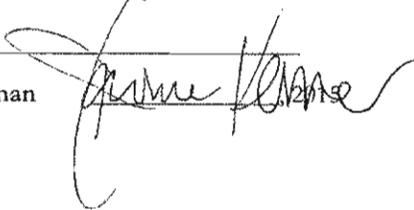
JOHN O'DONNELL Absent

RON TETELMAN Aye

ROBERT GOETT Aye

GREG LASORSA Aye

Jerome Kerner, Chairman



**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 9th day of June, 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 12th day of June, 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), 220-24 AND 220-26 OF CHAPTER 220, ZONING, OF
THE TOWN CODE OF THE OF TOWN OF LEWISBORO**

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 affect the following changes to Zoning Code:

- A new definition, and defined term, will be placed within the Zoning Code. This term is “affordable affirmatively furthering fair housing (AFFH) unit”. This term will be defined at §220-2(B) and incorporated into §220-26 of the Zoning Code. With this change, §220-26 of the Zoning Code will provide that the inclusion of at least one-third of this defined type of unit within a multifamily dwelling development will allow the Planning Board to increase permitted density standards by not more than 50%;
- Multifamily dwellings will be permitted principal uses in the CC-20, SU, RB and GB Districts.
- Multifamily dwellings in the CC-20, SU, RB and GB Districts will remain subject to the requirements contained in §220-26 of the Zoning Code, which governs the R-MF District. As a result, the development of multifamily dwellings in the CC-20, SU, RB and GB Districts will be subject to site plan review and approval by the Planning Board, as well as various dimensional, density, water and sewage, parking and unit-specific requirements currently set forth in §220-26 of the Zoning Code.
- Two of the R-MF District standards set forth in §220-26 of the Zoning Code, however, will not apply to multifamily dwellings in the CC-20, SU, RB and GB Districts: (1) the density transition area, which is mandated when a multifamily dwelling development is located adjacent to residentially zoned lands and (2)

open space and recreation area requirements otherwise required in the R-MF District.

- The standards governing the R-MF District will also be modified in several respects. First, the minimum lot size standard for multifamily dwellings will be reduced from fifteen (15) to seven (7) acres. This standard will not be modified for lands serviced by a public water and sewer district, in which case the minimum lot area will remain at 15,000 square feet. Second, the maximum average gross density within a multifamily dwelling development will be increased from two (2) to four (4) density units per acre of net lot area. Third, the Planning Board will be empowered to authorize an increase in permitted density of up to 50%, rather than the current 40% ceiling, when at least one-third of the units within a multifamily dwelling development are middle-income or affordable affirmatively furthering fair housing units. Fourth, the specified open space and recreation area requirement will be reduced from 50% to 30% of the gross area of a site. Finally, the parking standards will be modified to eliminate the requirement that at least one-third of required parking be housed in an enclosed structure (a carport or garage).

These amendments are intended to expand the number of sites within the Town available for potential multifamily and affordable housing developments. They do so by rendering multifamily dwellings a permitted use in all commercial districts, eliminating certain multifamily dwelling standards for such developments situated within commercial districts and relaxing certain standards applicable to multifamily dwelling developments within the R-MF District and, by extension, to those within the CC-20, SU, RB and GB Districts. In easing certain standards for middle income and affordable affirmatively furthering fair housing units, the amendments are intended to make the development of affordable units more economical to potential developers.

II. SCOPE OF REVIEW

The Planning Board entertained these amendments as a result of a referral made by the Town Board under §220-80 of the Zoning Code. Section 220-80 specifies the review to be undertaken by the Planning Board upon a referral and states:

In recommending the adoption of any such proposed amendment, the Planning Board shall state its reasons for such recommendation, describing any condition that it believes makes the amendment advisable, and specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the Comprehensive Plan of land use for the

Town and would be in furtherance of the purposes set forth in § 220-1 of this chapter. In recommending the rejection or revision of any proposed amendment, the Planning Board shall similarly state its reasons.

Pursuant to this directive, the Planning Board has considered the amendments in light of the Town Master Plan, as well as the Zoning Code. Consequently, its conclusions are based solely upon the goals and objectives articulated in the Town Master Plan and those stated in the Zoning Code.

III. PLANNING BOARD COMMENTS

The Planning Board reviewed the proposed amendments to the Zoning Code at meetings conducted on May 19, 2015 and June 9, 2015. Public comment was offered at its May 19, 2015 meeting and the Planning Board's review and deliberations continued at its June 9, 2015 meeting.

Based upon its review of the proposed legislation, the Town Master Plan, the statement of purpose set forth in §220-1 of the Zoning Code and comments received at its May 19th meeting, the Planning Board reports as follows:

- The Planning Board supports the inclusion of the proposed definition of “affordable affirmatively furthering fair housing unit” in §220-2(B) of the Zoning Code and its use in existing § 220-26 of the Zoning Code. The proposed definition will further refine local regulations concerning the provision of affordable housing units within the Town of Lewisboro. The incorporation of this definition within the Zoning Code is consistent with the Goal and Policy set forth in the Town Master Plan, which recites that “[o]pportunities should be provided for a range of housing, including type, cost and character.” (Town Master Plan, Goal 1[C]).

- The Planning Board supports the introduction of multifamily dwellings as a permitted use within commercial districts. This, too, is consistent with the objective of the Town Master Plan to provide opportunities for a range of housing within the Town of Lewisboro.

- The Planning Board, however, objects to the exclusion of the density transition area requirement for multifamily dwellings in the CC-20, SU, RB and GB Districts. The Planning Board finds the elimination of this requirement is inconsistent with local zoning and planning policies and unwarranted due to existing authority granted to the Planning Board in the Zoning Code.

- Section IV of the Town Master Plan, entitled “Community Character and Appearance” expressly notes that the prevailing development pattern within the Town of Lewisboro separates areas of differing density. Similarly, the Town Master Plan recognizes

that “[t]he level of permitted housing density must be related to the physical development limitations of the land.” (Town Master Plan, Goal 1[A]). Furthermore, the Town Master Plan recites, as a goal, the enhancement of community character and appearance. In this regard, it states that: “[t]he low density residential character of most of the Town’s land is to be preserved by maintaining a rural and low density development standards by incorporating major features of the natural and man-made terrain into subdivision design.” (Town Master Plan, Goal 4[A]). Moreover, as set forth in §220-1, one of the purposes of the Zoning Code is to “promote the most beneficial and convenient relationship among the residential, commercial, industrial and public areas of the Town, considering the suitability of each area for such uses as indicated by existing conditions, trends, and development and changing modes in living . . .” Taken collectively, the Town Master Plan and Zoning Code promote the separation of low- and high-density uses within the Town and the maintenance of relative consistency between prevailing development patterns. The density transition area gives effect to this objective, and the Planning Board sees no reason to eliminate this standard simply because a multifamily dwelling development may be within a commercial zone. Even in a commercial setting, an appropriate transition area should be employed to separate a higher density use from neighboring, lower density residential development. For this reason, the density transition area should be maintained for multifamily dwellings in the CC-20, SU, RB and GB Districts.

- Section 220-26(B)(5) of the Zoning Code, which sets forth the density transition area requirement, states: “The Planning Board may modify this requirement if existing features or land use reduce the need or substitute for the density transition area.” Thus, this requirement is *not* inflexible and may be adjusted by the Planning Board under appropriate circumstances. This further supports the application of this requirement for multifamily dwellings in the CC-20, SU, RB and GB Districts.

- Although the Planning Board may adjust the density transition standard, the Zoning Code provides sparse guidance concerning the conditions under which this authority may be exercised. If this authority is to remain in place for multifamily dwelling development in the CC-20, SU, RB and GB Districts, the Town Board should consider the adoption of more specific standards and parameters with respect to the Planning Board’s relaxation of this requirement. These may include, for example, a threshold size of proposed multifamily dwellings that, if met, would allow elimination of this requirement, dimensional separation from existing residential structures and the placement or existence of barriers, screening or buffers to separate residential structures from proposed multifamily dwelling uses. The Planning Board suggests the Town Board obtain guidance from the Town Planning Consultant, Kellard Sessions, regarding the development of more precise standards for the exercise of this authority.

- The Planning Board also objects to the exclusion of the open space area requirement for multifamily dwellings in the CC-20, SU, RB and GB Districts. In this regard, the proposed Local Law further proposes a reduction of the open space requirement from 50% to 30%, which will apply in commercial districts, as well as the R-MF District.

Thus, the amendments already make adjustments in this regard. Furthermore, if the open space provision is eliminated, a recreation fee in lieu of recreation area requirement would not apply to multifamily dwellings in the CC-20, SU, RB and GB Districts, even though they would produce demand for recreation facilities. As an alternative, the Planning Board is of the opinion that the open space requirement should only be eliminated for parcels in the CC-20, SU, RB and GB Districts that fall below a specific size (e.g., 5 acres), but the recreation fee in lieu of recreation area requirement should be maintained even for these parcels.

- The Planning Board objects to two of the proposed modifications to the R-MF District standards. It cannot recommend the reduction of the minimum lot size area standard from 15 to 7 acres and the increase in permitted maximum average gross density within a multifamily housing development from 2 to 4 density units per acre of net lot area.

- The Town Master Plan, as stated above, explicitly recites that the “low density residential character of most of the Town’s land is to be preserved by maintaining rural and low development standards.” (Town Master Plan, Goal 4[A]). The Zoning Code also identifies, among its purposes, the promotion of the “beneficial and convenient relationship” among properties and their uses and “[t]o prevent overcrowding of land and undue congestion of population.” (Zoning Code, §220-1[A], [D]). The RM-F District standards requiring 15 acres as a minimum lot size and limiting multifamily dwelling development to 4 density units per acre of net lot are the product of these considerations – that is, they were incorporated into the Zoning Code to serve these precise objectives. The Planning Board, in its review of the proposed amendments, has not been provided with any analysis or empirical data projecting the eventual effect of the revised requirements. In particular, it cannot ascertain their potential influence on the scope and intensity of development within the zoning districts in which multifamily dwellings will be permitted. However, a cursory review of the proposed amendments and the Zoning Code suggests the revision of these standards, at a minimum, warrants further study. For example, under the Zoning Code, the definition of a “density unit” includes a range of dwelling types, including a “[o]ne dwelling unit containing four or more bedrooms in a permitted type of dwelling other than a one-family detached unit” and “[t]wo dwelling units containing two bedrooms each in permitted dwellings other than one-family detached units.” If the minimum lot size is reduced to 7 acres, the maximum average gross density is increased to 4 “density units” and (as proposed) a density increase of 50% may be obtained, a 168-bedroom development could theoretically be placed on a 7 acre site. Admittedly, this is a purely hypothetical exercise (because it assumes no site constraints and the maximum average gross density applies to net lot area). Nonetheless, it suggests the proposed revisions to these two existing standards could give sanction to high-density development that is inconsistent with the Town Master Plan and the purposes of the Zoning Code. Consequently, the Planning Board cannot, without a substantive analysis concerning the potential development that may be permitted under these changed standards, support these aspects of the proposed amendments.

- The Planning Board has no objection to the proposed increase in its authority to allow an increase in permitted density to 50%, the reduction in the open space and recreation area requirement from 50% to 30% of the gross area of a site and the elimination of the requirement for covered parking within a multifamily dwelling development. As with other aspects of the proposed Local Law, these amendments serve the objective of the Town Master Plan to provide opportunities for a range of housing within the Town of Lewisboro.

IV. PLANNING BOARD RECOMMENDATION

After discussion and consideration of the comments provided by Town Supervisor Peter Parsons, the Town Master Plan, the Zoning Code and upon review conducted with the Planning Board's consultant and attorney, the Planning Board recommends enactment of the proposed local law, subject to the following conditions and clarifications:

The proposed amendments to §220-24(A)(1)(b), §220-24(B)(1)(b), §220-24(C)(1)(b) and §220-24(D)(1)(b) of the Zoning Code should be revised to eliminate the phrase "excluding subsections B(5) and D therein."

The proposed amendments to §220-26 of the Zoning Code should be altered in the following respects:

- The proposed amendment to §220-26(A), replacing fifteen (15) with seven (7) acres for purposes of minimum site area, should be deleted;

- The proposed amendment to §220-26(B), replacing two (2) with four (4) density units for purposes of average gross density per acre of net lot area, should be deleted;

- The proposed amendment to §220-26(B)(5) should delete the references to "RM-F," which should be replaced with "multifamily dwellings."

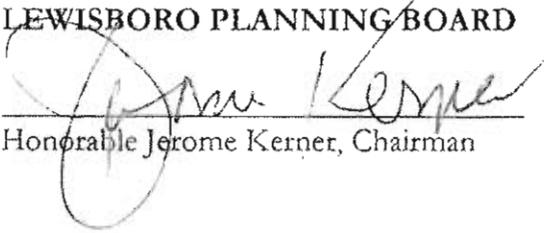
- The existing language in §220-26(B)(1)(5) permitting the Planning Board to modify the density transition area requirement, should be examined with a view toward the formulation and inclusion of more specific standards as to when this authority may be exercised and parameters as to the level of adjustment. The Planning Board recommends that the Town Board consult with the Town Planning Consultant for this purpose.

- The Town Board should consider the elimination of the open space and recreation area requirement for multi-family dwellings within the CC-20, SU, RB and GB Districts for parcels that fall below a specified size. In its deliberations, the Planning Board considered a threshold of five (5) acres. However, the Town Board is urged to consult with its Planning Consultant, Kellard Sessions, concerning an appropriate threshold should it pursue this alternative. In addition, in no event should the recreation fee in lieu of recreation space requirement be eliminated for multi-family dwellings, even those within commercial districts that may be exempted from the open space requirement on account of their size.

Dated: Lewisboro, New York
June 1, 2015

LEWISBORO PLANNING BOARD

By:


Honorable Jerome Kerner, Chairman

TOWN OF LEWISBORO

LOCAL LAW NUMBER __-2015 OF THE TOWN OF LEWISBORO

AMENDMENT TO CHAPTER 220, SECTIONS 220-2, 220-24, AND 220-26 OF THE
LEWISBORO TOWN CODE

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

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

§ 220-2. Definitions and word usage.

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

AFFORDABLE AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) UNIT --

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

Section 2. Chapter 220, Subsections A(1), B(1), C(1), and D(1) of Section 220-24, entitled “Schedule of regulations for nonresidential districts,” is hereby amended to read as follows:

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

A. Permitted uses in CC-20 Districts.

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

Permitted principal uses are as follows:

- (a) Any principal use, including special permit uses, permitted in the R-4A District as regulated therein.
- (b) Multifamily dwellings, subject to the requirements of §220-26 of this chapter excluding subsections B(5) and D therein.
- (c) Separate dwelling unit or units on floors above any permitted principal nonresidential use if separated by un-pierced fire walls and ceilings and provided with an exterior entrance separate from the nonresidential use.
- (d) Office buildings for business, governmental or professional use.
- (e) *Research laboratories.
- (f) *Manufacturing, fabricating, finishing or assembling or products.

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

B. Permitted uses in SU Districts.

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

Permitted principal uses are as follows:

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

- (b) Multifamily dwellings, subject to the requirements of §220-26 of this chapter excluding subsections B(5) and D therein.
- (c) Any facility required for transmission, treatment or temporary storage of electricity, gas, water, sewage, steam, refuse, cable television, telephone service and telegraph service, except a communication facility as defined in this chapter. Such facilities shall include but not be limited to electric transformers, pumping stations and reservoir structures.

C. Permitted uses in RB Districts.

- (1) Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter. Permitted principal uses are as follows:
 - (a) Stores and shops for the conduct of retail businesses, but excluding automobile service.
 - (b) Multifamily dwellings, subject to the requirements of §220-26 of this chapter excluding subsections B(5) and D therein.
 - (c) Full-service restaurants and taverns, excluding fast-food restaurant establishments and outdoor counter, drive-in or curb service.
 - (d) Limited-service carry-out restaurants including 10 or fewer seats.
 - (e) *Limited-service carry-out restaurants including more than 10 seats.
 - (f) Grocery stores, food markets, health-food stores and supermarkets.
 - (g) Personal service businesses, such as but not limited to, hairdressers, shoemakers and tailors, serving the public directly.
 - (h) Professional, banking, governmental and business offices.
 - (i) Indoor recreation facilities.
 - (j) Separate dwelling unit or units on floors above any permitted principal nonresidential use if separated by un-pierced fire walls and ceilings and provided with an exterior entrance separate from the nonresidential use.

- (k) Any principal use, including special permit uses, permitted in the R-2F-10 District as regulated herein.
- (l) *Laundry, dry-cleaning, furniture stripping/refinishing and photo/printing processing establishments.
- (m) *Gasoline service stations.
- (n) Child day care, provided that child day care shall at all times comply with any applicable New York State laws and regulations. All child day-care centers, group family day-care homes, family day-care homes and school-age child-care programs shall register with and furnish proof of current New York State approval to the Building Department of the Town of Lewisboro.

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

D. Permitted uses in GB Districts.

- (1) Permitted principal uses. All uses must be conducted from fully enclosed structures, except as may be otherwise expressly provided in this chapter. Permitted principal uses are as follows:
 - (a) Any principal use, including special use permit uses, permitted in the RB District as regulated therein.
 - (b) Multifamily dwellings, subject to the requirements of §220-26 of this chapter excluding subsections B(5) and D therein.
 - (c) Separate dwelling unit or units on floors above any permitted principal nonresidential use if separated by un-pierced fire walls and ceilings and provided with an exterior entrance separate from the nonresidential use.
 - (d) Sales and service agencies for motor vehicles, provided that any outdoor storage or display of vehicles offered or intended for sale complies with the requirements for accessory outdoor storage or display. Overnight outdoor storage of vehicles awaiting servicing shall be limited to the number of

parking spaces designated for such use on an approved site development plan.

- (e) Landscape nurseries.
- (f) Storage and sale of building materials, provided that any outdoor storage or display complies with the requirements for accessory outdoor storage or display.
- (g) *Commercial kennels.
- (h) *Fast-food establishments.
- (i) *Manufacturing, fabricating, finishing or assembling of products and research laboratories.

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

Section 3. Chapter 220, subsections A, B(1), B(2), B(5), D, E(1) and E(2) of Section 220-26, entitled “R-MF Multifamily residence District,” are hereby amended to read as follows:

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

- A. Minimum site area. The lot upon which such dwelling units shall be constructed shall have an area of not less than 7.45 acres, except when located within and served by a public water and sewer district of the Town of Lewisboro, in which case the minimum lot area shall be 15,000 square feet.
- B. Development density.
 - (1) The average gross density shall not exceed four (4) ~~two~~ density units per acre of net lot area. The area of any wetlands, water bodies, watercourses or steeply sloped land, as defined by § 220-21 of this chapter, shall first be identified and multiplied by a factor of 0.75. The resulting number shall then be deducted from the gross total lot area to yield the net total lot area to be used in calculating the maximum allowable development density.

- (2) The Planning Board may authorize an increase in permitted density by not more than 50% 40% if the applicant constructs at least 1/3 of the additional density units as middle-income dwelling units and/or affordable affirmatively furthering fair housing (AFFH) units, as defined in this chapter. The Planning Board shall base its determination of the appropriate number of additional density units upon consideration of the location and environmental suitability of the specific site and the proposed development design to accommodate such an increased density.
- (5) The site plan for multifamily dwellings proposed to be constructed on property immediately adjacent to land located in a single-family residence district shall incorporate a density transition area. For purposes of this subsection, the “density transition area” is defined as land in an R-MF district, or a district in which R-MF is a permitted use, located within a prescribed distance of the boundary line between the R-MF district or other district in which R-MF is a permitted use, and a single-family residence district not located along a street right-of-way. The distance shall be equal to fifty percent (50%) of the minimum lot width applicable in the adjacent single-family residence district. Within such an area, the average gross development density shall not exceed two density units per acre of land area. The Planning Board may modify this requirement if existing features or land use reduce the need or substitute for the density transition area.
- D. Open space and recreation area. At least 30% 50% of the gross area of the site shall be preserved as permanent open space, free of buildings and parking areas, and shall be landscaped or left in its natural state in accordance with plans

approved by the Planning Board.

- (1) Character. Such areas shall encompass land having meaningful ecological, aesthetic and recreational characteristics, with access, shape, drainage, location, topography and extent of improvements suitable, in the opinion of the Planning Board, for the intended purposes.
- (2) Preservation. Permanent preservation of such areas shall be legally assured, to the satisfaction of the Planning Board and the Town Attorney, by the filing of appropriate covenants, deed restrictions, easements or other agreements or the creation of a park district. Except for developments comprised solely of rental units and except where all or parts of such open space areas are deeded to and accepted by the Town of Lewisboro or a recognized conservation organization, ownership of such open space areas shall be divided equally among all property owners within the development, and a property owners association, membership in which shall be mandatory for all owners in the development, shall be incorporated, which association shall be responsible for maintenance, liability insurance and local taxes. Such association shall be empowered to levy assessments against property owners to defray the cost of maintenance, and to acquire liens, where necessary, against property owners for unpaid charges or assessments. In the event that the property owners' association fails to perform the necessary maintenance operations, the Town of Lewisboro shall be authorized to enter on such premises for the purpose of performing such operations and to assess the cost of so doing equally among all affected property owners.
- (3) Improvements. Except as provided below, within such common open

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

E. Required parking.

(1) Parking spaces shall be provided in number and design according to the provisions of Article VII of this chapter.

~~(2) At least 1/3 of the minimum required parking spaces shall be enclosed within garages or carports, except where the Planning Board determines, in connection with its review of the site development plan, that a lesser number is appropriate. In no case shall more than 2/3 of the minimum required parking spaces be so enclosed.~~

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

Section 4. 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 5. This local law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

Dated: _____, 2015

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

JANET L. DONOHUE, TOWN CLERK