

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Monday, July 13, 2015, at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

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

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

Mr. Parsons called the meeting to order at 7:34 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

There were no public comments.

CONSENT AGENDA

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to approve meeting minutes and to receive and file departmental reports.

MINUTES - Approved

On the above motion and second, the minutes of the June 15, 2015 Town Board meeting were approved.

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

REPORTS – Monthly Reports

On the above motion and second, the June reports from the Building, Planning and Police Departments were received and filed.

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

TOWN CODE - Discussion re Residency vs Taxpayer Qualification for Use of Town Parks (7:52 p.m. – 8:05 p.m.)

Mr. DeLucia stated that there have been a few instances where certain individuals that do not live in the Town of Lewisboro, however, pay a very low percentage in municipal taxes to the Town of Lewisboro due to the fact that a small portion of their property is in our town, expect to be able to receive a pool pass, tennis permit, etc., because of the way the current code is written.

The current code states that if you are a “taxpayer”, you are eligible to use the town parks and the facilities. The Board discussed this at length and decided to change the qualifications to include that a taxpayer must pay more than fifty percent in municipal taxes to the Town of Lewisboro in order to use town facilities.

PUBLIC HEARING – Chapter 167, Section 167-1 Parks and Recreational Facilities

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

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

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

RESOLUTION

RESOLVED, that the public hearing for the proposed local law amending Chapter 167, Section 167-1 Parks and Recreational Facilities, is closed.

PARKS AND RECREATIONAL FACILITIES – Revised Local Law Adopted

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

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

RESOLUTION

RESOLVED, that Chapter 167, Section 167-1, Parks and Recreational Facilities of the Town Code of the Town of Lewisboro, has been amended as follows:

LOCAL LAW NUMBER 5-2015 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 5-2015 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 taxpayers of the Town of Lewisboro who pay more than fifty percent (50%) of their municipal taxes to the Town of Lewisboro, and members of the households and tenants of such taxpayers of the Town of Lewisboro, providing valid proof acceptable to the Parks and Recreation Department of lease through the permitted term, 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.

PUBLIC HEARING - Community Choice Aggregation Energy Program

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

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

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

RESOLUTION

RESOLVED, that the public hearing for the proposed local law amending Chapter 107, to add Article II entitled “Community Choice Aggregation (Energy) Program”, is closed.

COMMUNITY CHOICE AGGREGATION ENERGY PROGRAM – Revised Local Law Adopted

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

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

RESOLUTION

RESOLVED, that Chapter 107, to add Article II entitled “Community Choice Aggregation (Energy) Program” of the Town Code of the Town of Lewisboro, has been amended as follows:

LOCAL LAW NUMBER 6-2015 OF THE TOWN OF LEWISBORO

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.

SUSTAINABILITY – Presentation on Status of County Plastic Bag and Styrofoam Legislation
(7:40 – 8:02 p.m.)

Town residents from the Sustainability Committee Elizabeth Meyer Gross and Mimi Cassidy, along with John Jay High School students who also belong to the school's Sustainability Committee Grant Goldman and Rosie Sacko, made a presentation to the Board regarding the ban on single use plastic bags.

Ms. Gross explained that there is now a county wide initiative, thanks to past Legislator Peter Harkham and current Legislator Catherine Parker who have sponsored a bill to ban single use plastic bags. Lewisboro will not have to stand alone.

Seven towns have already signed on stating that they are in favor of a county wide ban: Scarsdale, Ossining, Hastings-on-Hudson, Bedford, Larchmont, Mamaroneck and Rye.

Mr. DeLucia asked about produce bags and they are exempt. The other exemption pertains to the thin plastic bags used by the drycleaners along with the larger bags that are seen in Target, Marshalls, etc.

Most Dunkin Donuts have already gone with a cardboard cup as opposed to Styrofoam cups. Clam shells or trays that are made of Styrofoam used in the stores will no longer be available.

Mimi Cassidy explained that this whole movement is not to switch to using paper bags, but rather to have people use re-useable bags.

Grant Goldman stated that in 2007, San Francisco was the first major city to put a ban on single use plastic bags which has been very successful. Recent estimates from the Comptroller in San Francisco showed an annual 2.4 million in savings from recycling costs and \$100,000 in savings of foregone littering.

Westport, CT and Hastings-on-Hudson, NY, which are closer to home, have seen success with the plastic bag ban as well.

Rosie Sacko provided the Board with a series of facts regarding plastic bags and Styrofoam.

Ms. Gross stated that the Westchester County Department of Consumer Protection will enforce this ban. The first offense will be \$250 to the retailer and any subsequent offenses will be \$500.

Mr. Parsons stated that he is reluctant to pass something that only pertains to Lewisboro and that he would prefer that it becomes a county wide ban.

Mr. Parsons stated that he would like, in the next few weeks, for the Town Board to talk to local retailers and get some feedback and to also read the information that has been provided to them by the Sustainability Committees.

TOWN BASKETBALL COURTS – Authorize Supervisor and Superintendent of Parks and Recreation to Sign Agreement

The Board discussed the basketball courts at the town park. These will be reconstructed however it was concluded that there needs to be a better patrol by the police and that fines need to be levied for individuals skate boarding, etc. on these basketball courts. The Board suggested that the Parks and Recreation Superintendent draft a letter and send it to Chief Secret requesting heavier patrol.

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

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

RESOLUTION

RESOLVED, that the Town Board does authorize the Supervisor and Superintendent of Parks and Recreation to sign an agreement with Sport Tech for reconstruction of the town park basketball courts pending the Town Attorney amending the contract to state a 50% bond at 2 years be required.

KELLARD SESSIONS – Authorize Supervisor to Sign

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

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

RESOLUTION

RESOLVED, that the Town Board does authorize the Supervisor to sign an authorization for Kellard Sessions to proceed with the annual inspection of the town’s stormwater outfalls and maintenance of the town’s Geographic Information Systems (GIS) stormwater drainage data at a cost not to exceed \$3,000.

NUTRITION PROGRAM – Authorize Supervisor to Sign Contract

Mr. Parsons explained that a resolution is needed to have the Supervisor sign the 2014 Memorandum of Agreement for the Senior Citizen Nutrition Program and pay the program fee. He said the Town gets an estimated contract and then once the actual usage is known, a final bill is sent. This has been budgeted for. Mr. Parsons and the Board also thanked all of the wonderful volunteers that help to deliver the meals to our Senior Citizens.

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

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

RESOLVED

RESOLVED, that the Supervisor be and hereby is authorized to sign the 2014 agreement for the Senior Citizen Nutrition Program along with the Towns of North Salem, Somers and Lewisboro for \$18,039 and be it further

RESOLVED, that the Supervisor be and hereby is authorized to execute the 2015 good faith agreement.

KATONAH-LEWISBORO SCHOOL DISTRICT – Authorize Bus Lease Agreement

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

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

RESOLUTION

RESOLVED, that the Superintendent of Parks and Recreation be and hereby is authorized to sign the 2015-2016 Bus Lease agreement with the Katonah-Lewisboro School District.

FINANCE – 2015 Year-To-Date Financial Update

Comptroller, Leo Masterson, provided the Board with a financial update (see attached). The Board thanked Mr. Masterson.

KATONAH-LEWISBORO SCHOOL DISTRICT – Authorize Supervisor to Sign Agreements

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the extension for the municipal cooperation agreement between the Katonah-Lewisboro School District and the Town of Lewisboro for fuel and salt and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the extension for the municipal cooperation agreement with the Katonah-Lewisboro School District for the use of the facilities with the elimination of the Goldens Bridge Community House and the elimination of the Lewisboro Elementary School.

KATONAH-LEWISBORO SCHOOL DISTRICT – Authorize Supervisor to Sign

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the Indemnification Agreement between the Town of Lewisboro, the Katonah-Lewisboro School District and the Michelle Estates Homeowner’s Association for the use of trails.

AMERICAN TOWER CORPORATION – Authorize Supervisor to Sign

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the consent to the ground lease sublease and leaseback with American Tower Corporation as presented and reviewed and approved by town counsel.

PROPOSED MULTIFAMILY ZONING – State Environmental Quality Review (SEQR) Negative Declaration

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

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

RESOLUTION

RESOLVED, that the Town Board does accept the State Environmental Quality Review (SEQR) Negative Declaration for the Town of Lewisboro’s Zoning amendment for the Multifamily Housing (see attached).

PROPOSED MULTIFAMILY ZONING – Revised Local Law Adopted

The Board discussed the final changes with Jan Johannessen from Kellard Sessions. Mr. Parsons thanked all who were involved with this, especially Mr. Pappalardo and the Housing Committee.

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

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

RESOLUTION

RESOLVED, that Chapter 220: Zoning, Sections 220-2, 220-24, and 220-26 of the Town Code of the Town of Lewisboro, has been amended as follows:

LOCAL LAW NUMBER 7-2015 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. 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.

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.
 - (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.
 - (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.
- (c) Full-service restaurants and taverns, excluding fast-food restaurant establishments and outdoor counter, drive-in or curbside 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.
- (c) 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.
- (d) Landscape nurseries.
- (e) Storage and sale of building materials, provided that any outdoor storage or display complies with the requirements for accessory outdoor storage or display.
- (f) *Commercial kennels.
- (g) *Fast-food establishments.
- (h) *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, D(3), 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 multifamily dwellings are to be constructed shall have a gross lot area of not less than 15 acres, except when located within the CC-20, SU, RB or GB zoning districts, in which case the minimum gross lot area shall be five (5) acres. When the lot in question is located within and served by a public water and sewer district of the Town of Lewisboro, the minimum gross lot area shall be 15,000 square feet, regardless of the underlying zone.
- B. Development density.
 - (1) The average gross density shall not exceed two (2) density units per acre of net lot area. The area of any wetlands, water bodies, watercourses or steeply sloped land, as defined by § 220-21 of this chapter, shall first be identified and multiplied by a factor of 0.75. The resulting number shall then be deducted from the gross total lot area to yield the net total lot area to be used in calculating the maximum allowable development density.
 - (2) The Planning Board may authorize an increase in permitted density by not more than 50% if the applicant constructs at least 1/3 of the additional density units as middle-income dwelling units and/or affordable affirmatively furthering fair housing (AFFH) units, as defined in this chapter. The Planning Board shall base its determination of the appropriate number of additional density units upon consideration of the location and environmental suitability of the specific site and the proposed development design to accommodate such an increased density.
 - (5) The site plan for multifamily dwellings proposed to be constructed on property immediately adjacent to land located in a single-family residence district shall

incorporate a density transition area. For purposes of this subsection, the “density transition area” is defined as land in an R-MF district, or a district in which multifamily dwellings are a permitted use, located within a prescribed distance of the boundary line between the R-MF district or other district in which multifamily dwellings are a

permitted use, and a single-family residence district not located along a street right-of-way. The distance shall be equal to the minimum lot width applicable in the adjacent single-family residence district. Within such an area, the average gross development density shall not exceed one (1) density unit 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. With the exception of lots located within the CC-20, SU, RB or GB zoning districts, at least 30% of the gross lot area 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) Recreation. Except as provided below and regardless of the underlying zoning district, the project site 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. The minimum size of the recreation area shall total not less than 300 square feet per density unit. Where the Planning Board determines that a suitable recreation area of adequate size cannot be properly located on the project site, or is otherwise not practical, the Board may require as a condition

of approval of any site development plan, a payment to the Town of a sum which shall constitute a trust fund to be used by the Town exclusively for neighborhood park, playground or recreation purposes, including the acquisition of property. Such sum shall be determined in accordance with a fee schedule established by resolution of the Town Board, and which shall be filed in the Office of the Town Clerk.

E. Required parking.

- (1) Parking spaces shall be provided in number and design according to the provisions of Article VII of this chapter.
- (2) The Planning Board may require, if deemed appropriate, the provision of a suitable screened parking area solely for the storage of boats, motor homes and similar recreational vehicles belonging to inhabitants of the development.

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.

REFUSE – Pay As You Throw Program from Waste Zero Update (8:29 – 8:40 p.m.)

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

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

RESOLUTION

RESOLVED, that the Town Board does authorize the issuance of the request for proposal (RFP) for a municipal solid waste reduction program per the format reviewed by counsel.

HIGHWAY – Five-Year Plan (9:09 – 9:25 pm)

Highway Superintendent, Peter Ripperger, presented his five-year plan (see attached). He took his 2015 budget and added on 2% across the board. Two items that he did not add 2% on to are the paving line and equipment line. Mr. Ripperger stated that if they stick with the Cornell road program he will be approximately \$275,000 short for the paving.

Mr. Ripperger stated that replacement costs for the highway equipment would rise from \$127,671 in 2015 to \$388,000 by 2020. He also stated that they try to make their equipment last as long as they can and the mechanics do their best to keep it safe while on the road. The fleet contains approximately 27 pieces of equipment, ranging in age from 20 years to new. All are under lease/buy agreements that end between 2015 and 2026.

Mr. Ripperger stated that when the town first got into financial trouble several years ago, the town stopped replacing vehicles. He stated that they used to have \$300,000 in the annual budget for vehicles and now they are down to half that and are being forced to play catch up.

Mr. Parsons would like to make certain that it wouldn't be cheaper to use Bond Anticipation Notes for these equipment expenses so as to purchase equipment as opposed to leasing the equipment.

Mr. DeLucia suggested that Mr. Ripperger look into the state's surplus vehicle program as a possibility however, Mr. Ripperger stated he didn't feel that would work because they wanted money up front. Mr. Parsons suggested that Mr. Ripperger sit with our Comptroller to discuss alternatives of financing the equipment.

The Board thanked Mr. Ripperger for his report.

CLAIMS – Authorized for Payment

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to authorize payment of the Town's bills in the amount of \$367,049.24.

TOWN BOARD REPORTS

GOLDENS BRIDGE COMMUNITY MEETING – Feedback on Meeting

Mr. Welsh stated that the Goldens Bridge community that took place on Sunday, June 28th, 2015 was very productive. He had about nine more volunteers sign up.

COMMENDATION – Parks and Recreation Staff

Mr. DeLucia thanked the Parks and Recreation staff for another great job with the fireworks. He stated that this is the first time in 17 years that the fireworks had to be moved to the raindate, which was June 30th. Mr. DeLucia stated that the revenue was close to what they projected even though the date was moved.

MEETINGS – Date Set

There will be a Town Board meeting on Monday, July 27, 2015 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

EXECUTIVE SESSION – To Discuss Employee Contracts

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to go into executive session at 9:29 p.m. to discuss personnel issues.

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to come out of executive session at 9:42 p.m.

MUNICIPAL EMPLOYEES UNION, MAINTENANCE AND HIGHWAY CONTRACTS –
Authorize Supervisor to Sign

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

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

RESOLUTION

RESOLVED, that the Town Board does authorize the Supervisor to sign the Municipal Employees Union, Maintenance and Highway Contracts, subject to review of calculations by the Comptroller and final review by the Town Attorney.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted 5-0 to adjourn at 9:45 p.m.

Janet L. Donohue
Town Clerk