

**AGENDA  
TOWN OF LEWISBORO  
TOWN BOARD MEETING  
TOWN HOUSE  
FEBRUARY 9, 2015  
7:30 P.M.**

**I. PUBLIC COMMENT PERIOD**

**II. COMMUNICATIONS**

- 1. NY DOT Response to Town's Letter Concerning a Left-Hand Prohibition at Intersection of Route 35 and Avery Road and Signage on Route 123 Prohibiting Commercial Traffic on Spring Hill Lane**

**III. CONSENT AGENDA**

- 1. Approval of Minutes January 26, 2015**
- 2. Monthly Reports – January 2015**
  - i. Building Department**
  - ii. Planning Board**
  - iii. Police Department**

**IV. NEW BUSINESS**

- 1. Resolution to Set Public Hearing on Gold Star Parents Real Estate Tax Exemption**
- 2. Discussion of Bed and Breakfast Legislation**
- 3. Discuss Five Year Plan for Town Departments**

**V. OLD BUSINESS**

- 1. Discussion of Zoning Changes to Facilitate Affordable Housing**

**VI. APPROVAL OF CLAIMS**

**VII. POLLING OF BOARD**

**VIII. ANNOUNCEMENTS**

**Town Board Meeting on Monday, February 23, 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.**



State of New York  
Department of Transportation  
Region 8  
4 Burnett Boulevard  
Poughkeepsie, New York 12603  
www.dot.ny.gov

William J. Gorton, P.E.  
Regional Director

Joan McDonald  
Commissioner

January 7, 2015

Honorable Peter H. Parsons  
Supervisor  
Town of Lewisboro  
PO Box 500  
South Salem, NY 10590

Re: Request for Traffic Signs  
Routes 35 & 123  
Town of Lewisboro  
ML 1010 & T14-154

Dear Mr. Parsons:

This is in response to your letter requesting the following:

1. Left turn prohibition signing at the intersections of Route 35 with Avery Road in the Town of Lewisboro, Westchester County. The intersection of Route 35 with Avery Road is a "T" intersection with a left-turn lane on the eastbound Route 35 approach to Avery Road. This turn lane provides a storage area for vehicles waiting to execute a left-turn maneuver into Avery Road. This facilitates traffic movements and enhances safety at this intersection. The Department determined that a part-time restriction of the left-turn could negatively impact the safety and operation of this intersection. For that reason, this request is not approved.

2. Placing signing along Route 123 indicating that commercial traffic is prohibited from turning into Spring Hill Lane. The Department will accommodate this request to address the Town's concern with regard to commercial traffic having difficulty turning into Spring Hill Lane from Route 123. Under Local Law Number 4-2104 of the Town of Lewisboro, Commercial Vehicles are excluded on Spring Hill Lane. Commercial traffic can use West Lane to access Spring Hill Lane for basic services such as garbage pick up, delivery services, fuel trucks, etc. The Town of Lewisboro will need to place signing on Spring Hill Lane at the intersection with Route 123 stating that there is a commercial vehicle restriction.

If you have any questions, please feel free to contact me at (845) 437-3396.

Very truly yours,

Nicolas A. Choubah, P.E.  
Regional Traffic Safety & Mobility Engineer

A special meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on January 26, 2015, at 3 p.m. at the Town House, 11 Main Street, South Salem, New York (snow storm Juno was approaching so regular meeting was cancelled).

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

Mr. Parsons called the meeting to order at 3:06 p.m.

COMMUNICATIONS

WESTCHESTER MUNICIPAL OFFICIALS ASSOCIATION (WMOA) DINNER - Location

Mr. Parsons stated that the WMOA dinner that the town of Lewisboro is responsible for hosting every five years will be held at the One Twenty Three Restaurant, located at 407 Smith Ridge Road, South Salem, New York on March 12, 2015. The charge for the entire dinner will be approximately \$75 per person.

CONSENT AGENDA

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 3-0 to approve meeting minutes and to receive and file a departmental report.

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

MINUTES - Approved

On the above motion and second, the minutes of the January 5, 2015, Town Board meeting were approved.

REPORTS – Monthly Report

On the above motion and second, the December report from the Building Department was received and filed.

PARTNERS IN SAFETY 2015 COMPLETE DEPARTMENT OF TRANSPORTATION (DOT) PROGRAM AGREEMENT – Authorize Supervisor to Sign Agreement

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the Partners in Safety 2015 Complete Department of Transportation (DOT) program agreement.

WESTCHESTER COUNTY'S SHARED SERVICE AND EFFICIENCY PLAN – Authorize Supervisor to Sign

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the application to Westchester County to participate in the County's shared service and efficiency plan.

WATERSHED AGRICULTURAL COUNCIL TO FUND USE OF WEEVILS – Authorize Supervisor to Sign Grant Application

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the grant application to the Watershed Agricultural Council to fund the use of Weevils to biologically control the spread of Mile-A-Minute vine, aka Asiatic Tearthumb, in the Old Field Preserve.

LEON LEVY PRESERVE – Native Planting Proposal

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the native species planting proposal in the grassy area adjacent to the new Leon Levy Preserve parking lot and this will be privately funded.

CLAIMS – Authorized for Payment

On motion by Mr. DeLucia, seconded by Mr. Welsh, the Board voted 3-0 to authorize payment of the Town's bills in the amount of \$469,907.57.

ADJOURNMENT

On motion by Mr. DeLucia, seconded by Mr. Welsh, the Board voted 3-0 to adjourn at 3:24 p.m.

Janet L. Donohue  
Town Clerk

Supervisor

### Monthly Report January 2015

Quantity	Bld Permit	Permit	CC/CO	RM	EQ
10	Res Minor Work	\$ 1,480.00	\$ 500.00	\$ 20.00	\$ 150.00
1	Res ADD	7100.00	7000.00	2.00	0.00
0	Res Acc Str	0.00	0.00	0.00	0.00
4	Res Alt	4680.00	4280.00	8.00	0.00
0	Res New	0.00	0.00	0.00	0.00
1	Res Renew	2775.00	0.00	0.00	0.00
1	Comm Alt/Add	0.00	0.00	0.00	0.00
0	Comm Minor	0.00	0.00	0.00	0.00
2	ZBA/ACARC	1000.00	0.00	4.00	0.00
0	Other Permits	100.00	20.00	2.00	0.00
0	220-76C	0.00	0.00	0.00	0.00
8	Wetlands/EQ	1100.00	0.00	0.00	150.00
2	Civil Penalty	110.00	0.00	0.00	0.00
0	Copies	0.00	0.00	0.00	0.00
0	Misc	0.00	0.00	0.00	0.00
<b>Total</b>		<b>\$ 18,345.00</b>	<b>\$ 11,800.00</b>	<b>\$ 36.00</b>	<b>\$ 300.00</b>

Total Receipts : \$ 31,583.00  
 Total Deposits: \$ 31,583.00

Bldg Insp: Paul Scott  
 Date: 2/3/15

Total: 31583

Total Deposit: 31583

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>	
MacFadden	140		40	2	0	Sandler/Janover	7100	7000	2	0
Zappia	130		30	2	0					
Owen	190		90	2	50					
Giglio	150		50	2	50					
Fensterstock	110		20	2	0					
Crispi	200	100	2	2	0					
Mazza	120		20	2	0					
Tranchida	130		30	2	0					
Kennedy	110		20	2	0					
Palmieri	200	100	2	2	50					
<b>Column Total</b>							7100	7000	2	0
<b>Subtotal</b>							14102			
<b>Comm. MW</b>						<b>BP</b>	<b>CO</b>	<b>RM</b>	<b>EQ</b>	

<b>Column Total</b>	0	0	0	0
<b>Subtotal</b>	0			

<u>Res. Alt</u>	<u>BP</u>	<u>CO</u>	<u>RM</u>	<u>EQ</u>	
Crispi		1900	1800	2	0
Bowler		1180	1080	2	0
Axelrod		1450	1350	2	0
Ackilli		150	50	2	0

<b>Column Total</b>	4680	4280	8	0
<b>Subtotal</b>	8968			

<u>Res. New</u>	<u>BP</u>	<u>CO</u>	<u>RM</u>	<u>EQ</u>					
<b>Column Total</b>						0	0	0	0
<b>Subtotal</b>						0			
<b>220-76C</b>						<b>BP</b>	<b>CO</b>	<b>RM</b>	<b>EQ</b>

Column Total	0	0	0	0
Subtotal	0			
<b>Res Renewal</b>	<b>BP</b>	<b>CO</b>	<b>RM</b>	<b>EQ</b>
Celestial Holdings		2775		
Column Total	2775	0	0	0
Subtotal	2775			
<b>Wetland</b>	<b>W/P</b>	<b>S/W</b>	<b>EQ</b>	
MacFadden				50
Ferrara/Reitman		150		
Ferrara/Reitman				50
White		150		
Amsterdam		150		
Gross		150		
Koch		500		
Cipriano				50
Column Total	1480	500	20	150
Subtotal	\$ 2,150.00			
Column Total	1100	0		150

<b>Civil Penalty</b>	<b>CP</b>			
Ackilli		50		
Tranchida		60		
Subtotal	110			

Subtotal	1250			
<b>Other Permits</b>	<b>BP</b>	<b>CC</b>	<b>RM</b>	<b>EQ</b>
Charisma Demo		100	20	2
Subtotal	110			

<b>Comm. Add/Alt</b>	<b>BP</b>	<b>CO/CC</b>	<b>RM</b>	<b>EQ</b>
LaVista (Camaj)	600	500	2	0
Column Total	600	500	2	0
Subtotal	1102			

Column Total	100	20	2	0
Subtotal	122			
<b>ZBA / ACARC</b>	<b>Permit Application</b>	<b>RM</b>		
Jones	500	2		
Donaton	500	2		

<b>Misc</b>	<b>BP</b>	<b>CO/CC</b>	<b>RM</b>	<b>EQ</b>
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Column Total	0	0	0	0	Column Total	1000	0	4	0
Subtotal	0				Subtotal	1004			
<b>Cash</b>					<b>Res. A/S</b>	<b>BP</b>	<b>CO</b>	<b>RM</b>	<b>EQ</b>
Copies									
					Column Total	0	0	0	0
Subtotal	0				Subtotal	0			

**PLANNING BOARD  
FINANCIAL REPORT  
01/31/15**

**Current Month Receipts:**

**General Fund:**

<b>Subdivision Fees:</b>		
0	Preliminary	-
0	Final	-
0	Tax Map	-
<b>Application Fees:</b>		
1	Sketch Plan	205.00
0	Site Plan	-
0	Waiver of Site Plan	-
	Special Use Permit	-
1	Wetland Permit	255.00
1	Stormwater Permit	-
0	Engineering and Inspection	-
0	Civil Penalty	-
20	Photocopies	5.00
0	Public Hearing Sign Deposit	-
0	Reimbursement for Escrow Paid	-
<b>Total General Fund Receipts</b>		<u>465.00</u>

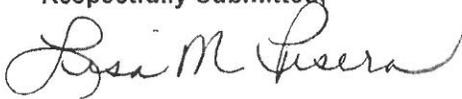
**Planning Board Escrow:**

	Homeland Towers	750.00
	Pinheiro Subdivision	3,000.00
	Lasota	2,000.00
	Copia Garden Center	2,000.00
	Todd Management Subdivision	1,000.00
0		-
0		-
0		-
0		-
<b>Total PB Escrow Receipts</b>		<u>8,750.00</u>
0	<b>SEQR Escrow Receipts</b>	<u>-</u>
0	<b>Parks &amp; Rec Receipts</b>	<u>-</u>

**Total Receipts**

**9,215.00**

Respectfully Submitted,



**Lisa M. Pisera  
Planning Board Secretary**

**PATROL ACTIVITY**

	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	YTD
<b>INCIDENTS REPORTED</b>													
Auto Accidents	16	0	0	0	0	0	0	0	0	0	0	0	16
Aided Cases	23	0	0	0	0	0	0	0	0	0	0	0	23
Alarms	43	0	0	0	0	0	0	0	0	0	0	0	43
Animal	12	0	0	0	0	0	0	0	0	0	0	0	12
Assist Other Depts.	8	0	0	0	0	0	0	0	0	0	0	0	8
Burglary	1	0	0	0	0	0	0	0	0	0	0	0	1
Civil Complaints	1	0	0	0	0	0	0	0	0	0	0	0	1
Criminal Activity	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Incidents	2	0	0	0	0	0	0	0	0	0	0	0	2
Drug Related Activity	8	0	0	0	0	0	0	0	0	0	0	0	8
Fingerprints	6	0	0	0	0	0	0	0	0	0	0	0	6
Fire	5	0	0	0	0	0	0	0	0	0	0	0	5
Harassment	2	0	0	0	0	0	0	0	0	0	0	0	2
Larceny	3	0	0	0	0	0	0	0	0	0	0	0	3
Miscellaneous	2	0	0	0	0	0	0	0	0	0	0	0	2
Mischief/Vandalism	2	0	0	0	0	0	0	0	0	0	0	0	2
Property Lost/Found	15	0	0	0	0	0	0	0	0	0	0	0	15
Summons/papers served	2	0	0	0	0	0	0	0	0	0	0	0	2
Suspicious Activity	2	0	0	0	0	0	0	0	0	0	0	0	2
Trespass	3	0	0	0	0	0	0	0	0	0	0	0	3
Utilities	0	0	0	0	0	0	0	0	0	0	0	0	0
Vehicles	23	0	0	0	0	0	0	0	0	0	0	0	23
<b>TOTAL INCIDENTS</b>	<b>156</b>	<b>0</b>	<b>156</b>										

**D.W.I ARRESTS**

D.W.I ARRESTS	0
<b>PARKING SUMMONS</b>	22
<b>APPEARANCE TICKETS</b>	14

**VEHICLE AND TRAFFIC**

Speeding	27
Agg. Unlic	3
Stop Sign	4
Seat Belts	9
Other	89
<b>TOTAL TRAFFIC</b>	<b>132</b>

<b>TOTAL TRAFFIC</b>	<b>132</b>
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LOCAL LAW NUMBER 1-2015 OF THE TOWN OF LEWISBORO

SECTION 1 -- TITLE

This Local Law shall be known as 2015 Amendments to Section 199-10 of Chapter 199: Taxation.

SECTION 2 -- ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law 1-2015 that this law shall take effect immediately upon its passage:

SECTION 3 – VEHICLES & TRAFFIC

Section 199-10 of Chapter 199, Taxation, is hereby amended to extend to Gold Star Parents the tax exemptions provided therein, in accordance with Section 458-a(7) of the Real Property Tax Law of the State of New York:

**Amend §199-10. Increase in exemption.**

- A. In accordance with the authorization of Subparagraph (ii) of Paragraph (d) of Subdivision 2 of § 458-a of the Real Property Tax Law, the maximum allowable exemption of Paragraphs (a), (b) and (c) of Subdivision 2 of § 458-a of such law is hereby increased to \$54,000.00, \$36,000.00 and \$180,000.00, respectively.
- B. In accordance with the authorization of Paragraph (b) of Subdivision 7 of § 458-a of the Real Property Tax Law, Gold Star Parent as defined in Paragraph (a) of Subdivision 7 of § 458-a is included within the definition of “qualified owner” as provided in Paragraph (c) of subdivision 1 of § 458-a, and the property owned by a Gold Star Parent is included within the definition of “qualifying residential real property” as provided in Paragraph (d) of subdivision 1 of § 458-a, provided that such property shall be the primary residence of the Gold Star parent. The exemptions provided in subsection A above shall apply to Gold Star Parents as provided herein, with the exception of the exemption contained in Paragraph (c) of Subdivision 2 of § 458-a of the Real Property Tax Law.

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

*Town of Carmel, NY  
Tuesday, January 6, 2015*

## Chapter 156. Zoning

### Article IV. Supplementary Regulations

#### § 156-45.1. Bed-and-breakfast establishments.

[Added 3-1-1995 by L.L. No. 2-1995]

- 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 alternative 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 below for bed-and-breakfast establishments.
- B. Special permit. The Planning Board may grant a special permit for a bed-and-breakfast establishment in any district subject to the following requirements which shall be considered continuing conditions for the validity of any special permit issued hereunder:
- (1) The property and principal and accessory structures 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 Zoning 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 size lot on which a bed-and-breakfast establishment may be located is 50,000 square feet. 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 and the Planning Board finds that a bed-and-breakfast establishment can be adequately accommodated within the existing principal dwelling building and that it will not overburden the property and that it will be a use compatible with the surrounding properties.
  - (4) In residential districts, a special permit for a bed-and-breakfast establishment may not be approved for a dwelling located within 1,000 feet (property line to property line) of an existing dwelling for which a bed-and-breakfast establishment permit has been issued and remains valid.
  - (5) 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 legal residence.

- (6) The maximum number of bedrooms that may be available to overnight guests shall be four. 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 permit application.
  - (7) Meal service shall be limited to a morning meal served to overnight guests only.
  - (8) No less than one 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 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.
  - (9) Evidence of the approval of the proposed method and adequacy of water supply and sewage disposal shall be obtained from the Putnam County Department of Health.
  - (10) Signage shall comply with the provisions for signs in residential districts as set forth in § 156-41B, provided there shall be no more than one sign, which may be freestanding, not exceeding two square feet in area.
  - (11) Smoke alarms shall be installed in each bedroom of the bed-and-breakfast establishment.
- C. Application. The application for a special permit for a bed-and-breakfast establishment shall be made in five copies to the Secretary of the Planning Board. The application shall consist of the following:
- (1) Name and address of owner.
  - (2) Lot area, tax map sheet-block-lot number and zoning district in which the property is located.
  - (3) Names and addresses of all property owners within 500 feet of the property for which the special permit is sought.
  - (4) Property survey showing the size of the lot in square feet and all structures thereon as well as parking area prepared and sealed by a licensed surveyor or engineer.
  - (5) Floor plans of the existing dwelling with identification of the bedroom(s) to be used by overnight guests.
  - (6) Description of number and location of existing and proposed parking spaces demonstrating compliance with the requirements of this section.
  - (7) Signed notarized authorization by the owner authorizing the Town of Carmel Building Department to make inspection(s) of the property at any reasonable time during daylight hours for the purpose of determining compliance with all code requirements, including those of this section.
  - (8) An application fee in an amount set forth in a Fee Schedule adopted by the Town Board.
- D. Public hearing. Within 61 days of the receipt of a complete application, the Planning Board shall convene a public hearing. At least 10 days prior to the date of the hearing, legal notice of such hearing shall be published in the official newspaper of the Town and notice shall be mailed to all property owners within 500 feet of the property for which the special permit is sought.
- E. Action. The Planning Board shall approve, approve with conditions or disapprove the application in accordance with the provisions of § 274-b of the Town Law.

- F. Permit period and renewal. The special permit shall be granted for a period of three years and may be renewed for additional three-year periods. An application for renewal of the special permit shall be made to the Building Department on a form provided by that department and with a fee in an amount set forth in a Fee Schedule adopted by the Town Board. The Building Department shall reissue the permit if inspection of the premises finds it to be in compliance with all applicable codes, the requirements of this section and the provisions of the original approval. Should the Building Department find that the premises are not in compliance with all applicable codes, the requirements of this section and the provisions of the original approval, the Building Department shall refer the application to the Planning Board for action.
- G. Refusal by applicant of inspection and/or violation of continuing conditions of special permit. If any inspection of the property and dwelling by the Town of Carmel 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 the continuing conditions of the special permit are violated, the special permit shall be subject to revocation after a hearing by the Planning Board at which the permit holder is given an opportunity to be heard.
- H. Site plan required. 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 physical site conditions, the Board shall require the submission of a site plan which shall be processed concurrently with the application for a special permit. In all other situations, site plan approval by the Planning Board shall not be required.

**BEACH, COMMERCIAL**

A natural or man-made shore adjacent to a body of water or a constructed pool, open to the general public for a fee.

**BED-AND-BREAKFAST ESTABLISHMENT**

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

[Added 3-1-1995 by L.L. No. 2-1995]

**BILLBOARD**

A sign which directs attention to a product, business, service or entertainment conducted, sold or offered elsewhere than upon the lot on which said sign is located.

**BOARDING, LODGING OR ROOMING HOUSE**

A dwelling having no more than one kitchen, occupied by one family and three or more boarders, roomers or lodgers who are lodged with or without meals and who use it as a temporary residence.

**BUILDING**

A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy or use and having a roof.

**BUILDING LENGTH**

The mean horizontal distance between the furthestmost walls of a building.

**CAMP**

Any area of land or land and water, including any buildings, tents, shelters or other accommodations for recreational use, including such accommodations suitable for temporary or seasonal group living purposes.

**CAMP, DAY**

Any camp, as defined in this chapter, offering day care or instruction for adults or children and not qualifying as a private educational institution or day nursery, as defined in this chapter.

**CELLAR**

That space in a building that is partly or entirely below grade and which has more than half of its heights measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

**CLUSTER DEVELOPMENT**

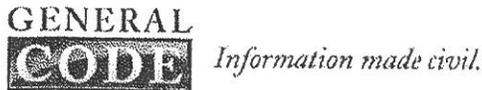
A residential development that obtains a lot count through conventional subdivision approval, then develops the parcel at the same density that would be allowed in the zoning district in which the site is located, provided that the remaining undeveloped land shall be reserved and improved for permanent open space use.

[Amended 7-2-2008 by L.L. No. 2-2008]

**CONVALESCENT HOME or NURSING HOME**

Any establishment where three or more persons suffering from or afflicted with or convalescing from any infirmity, disease or ailment are habitually kept or boarded or housed for remuneration other than a group home or community residence, as defined by the Laws of the State of New York, municipal or incorporated hospitals and establishments for the care of the mentally ill, licensed by the State Commissioner of Mental Hygiene, or maternity homes licensed by the State Commissioner of Health or other governmental agencies.

**COVERAGE**



## Sample Legislation: Bed-and-Breakfast Inns

### Bed-and-Breakfast Inns

**Bed-and-breakfast inns are a wonderful alternative to hotels and motels for travelers.** For the establishment owners, it's a great way to meet new people while making extra money. Since bed-and-breakfast inns are becoming more and more popular, it's a good idea to have legislation to ensure that they retain their charm while meeting zoning and building code regulations. We offer free sample legislation that restricts the length of a visitor's stay; requires that only breakfast is served; prohibits cooking facilities in bedrooms; specifies the number of parking spaces that must be provided; sets forth the maximum number of guests at any one time; contains restrictions on signs; and requires owner occupancy. An application must be submitted for review, before even alterations to the building design, and inspections are required.

#### Sample Ordinances:

[Mount Morris, V. NY: Ch. 61](#)

[Riverhead, T. NY: § 108-3 and § 108-64.5](#)

[West Goshen, Twp. PA: § 84-57.3 and § 84-4](#)

[Return to Sample Legislation Archive](#)

### Mount Morris, V. NY:

#### Chapter 61 BED-AND-BREAKFASTS

[**HISTORY:** Adopted by the Board of Trustees of the Village of Mount Morris 3-10-1994 as L.L. No. 3-1994. Amendments noted where applicable.]

#### § 61-1. Purpose.

The purpose of this chapter is to authorize and regulate the establishment and operation of bed-and-breakfasts in the Village of Mount Morris and to ensure the preservation of the character, integrity and property values of surrounding areas within which such facilities are located and maintained.

#### § 61-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**BED-AND-BREAKFAST** — A dwelling in which rooms are rented to guests with no more than one (1) meal served daily, and the entire service, food and lodging are to be included in one (1) stated price.

**DWELLING** — A building containing one (1) or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the permanent occupancy of one (1) family and used exclusively therefor.



### CALENDAR OF UPCOMING EVENTS

#### CONFERENCES

##### IIMC Region II

Dover, DE

1/13/2015 - 1/16/2015

##### MA Municipal Association

Boston, MA

1/22/2015 - 1/25/2015

#### WEBINARS

##### Session I: Intro to eCode360®

1/8/2015 - 2:00pm - 3:00pm

##### Session II: eCode360® for Admins

1/9/2015 - 2:00pm - 3:00pm

#### SPECIAL EVENTS



[Message from our President](#)

**§ 61-3. Compliance with Uniform Code required; classification.**

All bed-and-breakfasts shall comply with the applicable provisions of the New York State Uniform Fire Prevention and Building Code and the rules and regulations promulgated thereunder. All bed-and-breakfasts are, for the purpose of such code and this chapter, classified as B-2 (transient occupancy) for the purpose of construction, conversion and alteration under said code, rules and regulations.

**§ 61-4. Permitted zones.**

Bed-and-breakfasts shall be a permitted accessory use in any and all of the R-Districts of the Village of Mount Morris as established in the Village Zoning Code.

**§ 61-5. Application.**

- No bed-and-breakfast shall be established or operate within the Village of Mount Morris without first obtaining an application issued by the Code Enforcement Officer in accordance with the terms and conditions of this chapter. The applicant will submit four (4) copies of each of the following: an application, site plan and other supporting documentation to the Code Enforcement Officer along with a nonrefundable application fee of fifty dollars (\$50.). The power to approve, approve with conditions or deny the application and site plan as required by this chapter is vested in the Code Enforcement Officer after review thereof by the Village Planning Board.

- Upon receipt of the application, site plan and application fee, the Code Enforcement Officer shall examine and review same to determine that it is complete, adequate in all respects and complies with the conditions of this chapter. After he has reviewed the application, site plan and other supporting documentation and determined same to be complete in all respects, he shall refer same to the Planning Board for its review and action within seven (7) days of receipt of the application. Simultaneously he shall deliver the application fee to the Village Clerk-Treasurer. The application and site plan shall contain the following:

*(1) Name, address and telephone number of the owner(s) and the applicant if the owner is not the applicant.*

*(2) Address of proposed bed-and-breakfast, together with tax parcel identification number.*

*(3) Zoning district classification of the site.*

*(4) A sketch, drawn to scale, showing the floor plan of the dwelling, together with any proposed changes, renovations and additions to same.*

*(5) A site plan showing the applicant's entire land holdings, that portion of the applicant's property under consideration, as well as all parcels and streets within two hundred (200) feet of applicant's property, and the current uses thereof.*

*(6) The site plan shall be drawn to scale and include the following information:*

*(a) Title of drawing.*

*(b) North point, scale and date.*

*(c) Boundaries of the project (site).*

*(d) Location of all existing or proposed site improvements, including buildings, additions, expansions, driveways, parking areas, streets, retaining walls, fences and hedges.*

*(e) Location of all existing and proposed access and egress drives.*

*(f) Location, design and size of all existing and proposed signs and outdoor lighting facilities.*

*(g) Location of existing and proposed buffer and screening areas, structures and vegetation.*

- The Planning Board may require such additional or supportive information as it deems necessary for a complete assessment of the proposed bed-and-breakfast so as to ensure its compatibility with existing and permitted building and land uses adjacent to the site and in close proximity thereto.

**§ 61-6. Conditions.**

- The owner of the bed-and-breakfast must reside in and continue to reside in the dwelling as his/her/their principal residence. The owner will provide a sworn statement certifying to such residency upon request of the Code Enforcement Officer.
- The parcel improved by the bed-and-breakfast shall provide or establish off-street parking spaces for the members of the owner's family residing in the dwelling unit as well as at least one (1) parking space per room or unit let. Further, said parking spaces shall not be established or permitted in the front yard of the site and shall be located or screened from view so as to provide no variation from the residential character of the site.
- Each bed-and-breakfast shall be established, maintained and operated so as to preserve and compliment the residential character and integrity of the surrounding area when the facility is established in a residential district as provided for in the Village Zoning Code.
- The number of paying guests accommodated per night shall not exceed twenty-four (24). Further, no guest shall stay for a period of time in excess of thirty (30) consecutive days.
- Each bedroom occupied by a paying guest shall be equipped with a properly installed and functioning smoke detector. Further, a smoke detector shall be properly installed and functioning on or near the ceiling in the room or hallway from which each bedroom rented to paying guests exists.
- The Code Enforcement Officer shall be given such access to the dwelling as he deems necessary from time to time for the purpose of making inspections to ensure compliance with all federal, state and local codes, rules and regulations, including the New York State Uniform Fire Prevention and Building Code. Such inspections may be made with or without prior notice thereof.
- A single exterior sign or display may be established on the site of the bed-and-breakfast. Said sign or display shall not exceed eight (8) square feet in area. No freestanding sign shall be located less than fifteen (15) feet from the front property line nor less than five (5) feet from the side property line. No freestanding sign may be located less than fifty (50) feet from any other freestanding sign. Further, said sign or display shall be as unobtrusive as reasonably possible and may be illuminated by no more than two (2) seventy-five-watt light bulbs which shall be shielded so as to prevent glare, etc.
- The bed-and-breakfast shall be maintained and operated at all times so as to comply with the New York State Uniform Fire Prevention and Building Code and the rules and regulations promulgated thereunder, as amended.

- The driveway entrance or exit shall not exceed fifteen (15) feet in width.
- The Planning Board shall have the right to impose and include much other and additional conditions as it may deem necessary to effectuate the purpose of this chapter.
- The owner shall not make any change, deviation, modification or variation from the application and site plan once the same is approved by the Planning Board.
- Minimum lot size is ten thousand (10,000) square feet.
- Minimum house size is two thousand (2,000) square feet.

**§ 61-7. Review procedures.**

- Within thirty (30) days of the Planning Board's receipt of a completed application and site plan from the Code Enforcement Officer, the Planning Board shall act on it. In the event that the Planning Board fails to take such action, the application and site plan shall be deemed approved. The Planning Board's action shall be in the form of a written statement to the Code Enforcement Officer with a copy to the applicant clearly stating its recommendation for approval, conditional approval with the conditions enumerated, or denial with the reasons therefor. A copy of the minutes of the Planning Board meeting at which the application and site plan are considered may be deemed a sufficient report. The Planning Board's review of the application and site plan shall include but not be limited to the following considerations:

*(1) Adequacy and arrangement of vehicle traffic access and circulation.*

*(2) Location, arrangement, appearance and sufficiency of off-street parking.*

*(3) Location, arrangement, size and design of lighting and signs.*

*(4) Relationship and compatibility of proposed use (bed-and-breakfast) to uses of adjacent parcels in the immediate vicinity, together with their scale.*

*(5) Adequacy, type and arrangement of trees, shrubs, fences and other landscaping or improvement constituting a visual or noise-detering buffer between the site and adjacent or adjoining uses.*

*(6) Any other matter which may effect the health, welfare and safety of the community as a whole and the parcels in the immediate vicinity of the site.*

- The Planning Board's statement may include recommendations as to desired renovations to the application and site plan.

**§ 61-8. Repealer.**

Any provision of the Mount Morris Village Zoning Code or the local laws of the Village of Mount Morris which are in conflict with or inconsistent with this chapter shall be deemed repealed to the extent of such inconsistency on the effective date of this chapter.

**§ 61-9. Penalties for offenses.**

A violation of these zoning provisions is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars (\$350.) or imprisonment for a period not to exceed six (6) months, or both, for conviction of a first offense; for a conviction of a second offense both of which were committed within a period of five (5) years, punishable by a fine not less than three hundred fifty dollars (\$350.) nor more than seven hundred dollars (\$700.) or imprisonment for a period not to exceed six (6) months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine not less than seven hundred dollars (\$700.) nor more than one thousand dollars (\$1,000.) or imprisonment for a period not to exceed six (6) months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of such zoning provisions shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

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**Riverhead, T. NY:****§ 108-3. Definitions.**

BED-AND-BREAKFAST --- The renting of not more than three rooms in an owner-occupied dwelling for lodging and serving of breakfast to not more than six casual and transient roomers, provided that the renting of such rooms for such purpose is incidental and subordinate to the principal use of the dwelling. The "bed-and-breakfast" use shall at no time be construed as a dwelling as defined by this chapter. The "bed-and-breakfast" use shall conform to the special permit provisions of this chapter; such special permit approved pursuant to Article XIII of this chapter. **[Added 7-19-1994]**

**§ 108-64.5. Bed-and-breakfast facilities. [Added 7-19-1994]**

The Town Board, in its consideration of bed-and-breakfast facilities, shall incorporate the special permit requirements of § 108-3 of this chapter and shall require the following:

- The bed-and-breakfast use shall be an accessory use to the principal use in residential, commercial and agricultural zoning use districts.
  
- The use in all districts allowed under this section shall be exclusively owner-occupied single-family housing. "Owner-occupied single-family housing" shall mean your legal primary residence as defined in the federal and state tax laws, with proof of real estate ownership/title of said premises and property.
  
- Residential buildings incorporating bed-and-breakfast as an accessory use shall be a minimum of 2,000 square feet in living area.
  
- The length of stay within a bed-and-breakfast shall be a maximum duration of one week or seven consecutive days, and documentation verifying the length of stay of each guest, such as a registration ledger or receipts, will be made available to the Code Enforcement Officer or the Building Department upon request.
  
- Cooking facilities shall be restricted from use in guest bedrooms.
  
- Guest rooms may not be used as legal residences in order to enroll children into a school district.

- Upon the issuance of a special permit for bed-and-breakfast facilities, the Town Board shall require an annual inspection and compliance permit for bed-and-breakfast use upon real property to be issued by the Building Department for continued operation. The Town Building Department shall either approve or deny the reissuance of this compliance permit for the bed-and-breakfast use as a result of such inspection. Said compliance permit is not transferable with the real property. New property owners must obtain a new compliance permit pursuant to Subsection J of this special permit requirement being fulfilled, i.e., a new written permission from the property owner allowing the town to conduct periodic inspections including the annual inspection shall be on file with the Building Department before issuance of the new compliance permit.
- All guest rooms must conform to the New York State Uniform Fire Prevention and Building Code requirements for habitable space.
- A site plan and detailed floor plan shall be required as a condition of this special permit.
- Written permission from the property owner allowing the town to conduct periodic inspections including the annual inspection shall be on file with the Building Department before issuance of the compliance permit.
- Each special permit shall expire five years after the date of the initial compliance permit issued from the Building Department. The applicant must apply for a special permit renewal following the regular special permit process outlined within the Town Code.
- An application for a compliance permit shall be filed with the Building Department with a filing fee of \$100 upon the initial application. No additional filing fee shall be required for five years after the date of the issuance of the initial compliance permit from the Building Department. Upon special permit renewal, as required in Subsection K of this section, a filing fee of \$100 for a compliance permit shall become due. **[Added 5-2-1995]**

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## **West Goshen, Twp. PA:**

### **§ 84-8. Definitions.**

**BED-AND-BREAKFAST INN** — An owner-occupied building designed, used and occupied as a single-family residence having, as an accessory use therein, public lodging rooms and facilities for, and serving food and drink prepared within the building to, preregistered transient guests, which meets the requirements of § 84-57.3 of this chapter. **[Added 11-24-1987 by Ord. No. 17-1987]**

### **§ 84-57.3. Bed-and-breakfast inns. [Added 11-24-1987 by Ord. No. 17-1987]**

No single-family residential building may be used or occupied as a bed-and-breakfast inn without compliance with all of the regulations established in this section and the issuance by the Zoning Officer of a use and occupancy permit.

- A bed-and-breakfast inn may be located in any zoning district but only within a building determined by the Pennsylvania Historic and Museum Commission to be an historic building or a building eligible to be listed on the National Register of Historic Places or a building, 90% of the structure of which is documented to the satisfaction of the Zoning

Officer to be more than 100 years old and is certified by the Chester County Historical Society or the Township Planning Commission to be locally historically prominent because of its age, architecture or association with a prominent person or family.

- The number of guest rooms for transient accommodation shall not exceed three in any building having a habitable floor area, as defined in § 84-56C(1), of 3,000 square feet or less. One additional guest room may be added for each additional 600 square feet of habitable floor area up to a maximum total number of six guest rooms.
- The minimum lot size shall be the minimum lot size designated in the applicable zoning district, plus an additional 10,000 square feet for each guest room for any lot less than one acre.
- The building shall be the "principal residence" of the "owner," as these latter two terms are defined in § 84-56C(1).
- At a minimum, parking shall be provided as required by the minimum parking regulations of the applicable district; provided, however, that one additional parking space shall be required for each guest room and for one employee, if any. In all residential districts, the minimum parking setback from an adjacent property line shall be 15 feet, and, when four or more guests and employee parking spaces are provided, the parking area shall be screened from direct view of any adjacent residential use by a completely planted visual barrier consisting of a double row of evergreen plantings with a minimum height of six feet after the planting and placed no more than eight feet apart. The required plantings shall be staggered so as to provide as complete a visual barrier as is possible.
- No more than one employee shall be permitted to work on the premises at any time, and none shall be present between the hours of 11:00 p.m. and 6:00 a.m. Members of the owner's immediate family who are residents on the premises shall not be considered employees, whether or not paid.
- Notwithstanding anything contained in any of the applicable district regulations, any inn containing four or more guest rooms shall be served by public sewer.
- All applicable requirements of the township's Building, Electrical, Fire and Plumbing Codes shall be met.
- No guest may be registered for a maximum continuous period in excess of seven consecutive nights. The owner shall maintain a guest register and shall preserve registration records for a minimum of three years. The register and all records shall be made available for inspection by the Township Zoning Officer or Codes Enforcement Officer at any time.
- Any meals provided and any amenities connected with the guest rooms, such as a swimming pool or tennis court, shall be solely for the use of the owner, the owner's family and the owner's registered guest.
- One sign shall be permitted identifying the property as a bed-and-breakfast inn. The sign shall not exceed three square feet in area, shall be set back a minimum of three feet

from the road right-of-way and shall contain no information other than identification of the premises as the named bed-and-breakfast inn.

- An application for a use and occupancy permit and the procedure for issuance shall be as set forth in § 84-56B(1)(a) through (f) and B(2).
- Upon compliance with all of the requirements of this section and other applicable codes and regulations, the Zoning Officer shall be authorized to issue a permit which shall be valid for a period of one year unless sooner revoked for violation of any condition imposed by the Zoning Officer, any misrepresentation of fact made to the Zoning Officer or Codes Enforcement Officer in conjunction with the application and review process or violation of this section or any provision of this Code. Within 30 days prior to the expiration of any such permit, the property owner shall make application for a permit renewal to the Zoning Officer, who shall, as a condition of issuance of such renewal, make an inspection of the premises for which the permit is sought to determine continued compliance with this Code. In the event that the Zoning Officer determines that a violation exists, the permit shall not be renewed until the violation is cured.
- Upon nonrenewal or revocation of the permit for cause shown, the use of the premises as a bed-and-breakfast inn shall immediately cease, and continuation thereof shall subject the owner to the penalty provisions of this chapter and/or such other legal action as the township shall determine necessary.

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TOWN OF LEWISBORO

LOCAL LAW NUMBER \_\_-2014 OF THE TOWN OF LEWISBORO

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

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

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

**§ 220-2. Definitions and word usage.**

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

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

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

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

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

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

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

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

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

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

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

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

A. Permitted uses in CC-20 Districts.

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

Permitted principal uses are as follows:

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

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

B. Permitted uses in SU Districts.

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

Permitted principal uses are as follows:

- (a) Any principal use, including special permit uses, permitted in the R-4A District as regulated therein.
- (b) Multifamily dwellings, subject to the requirements of §220-26 of this chapter excluding subsections B(5), D, F and H therein.
- (c) Any facility required for transmission, treatment or temporary storage of electricity, gas, water, sewage, steam, refuse, cable television, telephone

service and telegraph service, except a communication facility as defined in this chapter. Such facilities shall include but not be limited to electric transformers, pumping stations and reservoir structures.

C. Permitted uses in RB Districts.

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

Permitted principal uses are as follows:

- (a) Stores and shops for the conduct of retail businesses, but excluding automobile service.
- (b) Multifamily dwellings, subject to the requirements of §220-26 of this chapter excluding subsections B(5), D, F and H therein.
- (c) Full-service restaurants and taverns, excluding fast-food restaurant establishments and outdoor counter, drive-in or 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 excluding subsections B(5), D, F and H therein.
  - (c) Separate dwelling unit or units on floors above any permitted principal nonresidential use if separated by un-pierced fire walls and ceilings and provided with an exterior entrance separate from the nonresidential use.
  - (d) Sales and service agencies for motor vehicles, provided that any outdoor storage or display of vehicles offered or intended for sale complies with the requirements for accessory outdoor storage or display. Overnight outdoor storage of vehicles awaiting servicing shall be limited to the number of parking spaces designated for such use on an approved site development plan.
  - (e) Landscape nurseries.
  - (f) Storage and sale of building materials, provided that any outdoor storage or display complies with the requirements for accessory outdoor storage or

display.

(g) \*Commercial kennels.

(h) \*Fast-food establishments.

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

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

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

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

**A. Required Affordable AFFH Dwelling Units.** Within all residential developments of ten (10) or more dwelling units created by subdivision or site plan, no less than ten percent (10%) of the total number of dwelling units must be created as affordable AFFH dwelling units. In residential developments of five (5) to nine (9) dwelling units, at least one affordable AFFH dwelling unit shall be created. No preferences shall be utilized to prioritize the selection of income-eligible tenants or purchasers for affordable AFFH dwelling units created under this section. Notwithstanding the above, all such affordable AFFH dwelling units, whether for purchase or for rent, shall be marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan. This section shall not apply to any development of dwelling units constructed prior to the enactment of this section, or to any development of dwelling units to be constructed which has received Planning Board approval prior to the enactment hereof. Previously approved middle-income dwelling units shall continue to comply with Section 220-26(F) of this chapter.

- B.** Time period of affordability and property restriction. Dwelling units designated as affordable AFFH dwelling units must remain affordable in perpetuity from date of initial certificate of occupancy for rental properties and from date of original sale for ownership units. A property containing any affordable AFFH dwelling units must be restricted using a mechanism such as a declaration of restrictive covenants in recordable form acceptable to the Town Attorney which shall ensure that the affordable AFFH dwelling unit shall remain subject to the affordable regulations of this section. Among other provisions, the covenants shall require that the affordable AFFH dwelling unit be the primary residence of the resident household selected to occupy the unit. Upon approval, such declaration shall be recorded against the property containing the affordable AFFH dwelling unit prior to the issuance of a Certificate of Occupancy for the development.
- C.** Eligibility. Such affordable AFFH dwelling units shall be available for sale, resale or continuing rental only to income-eligible families for AFFH dwelling units as defined in §220-2 of this chapter.
- D.** Unit appearance and integration.
- (1) Within one-family dwelling developments, the affordable AFFH dwelling units may be one-family dwellings or may be incorporated into one or more two-family dwellings or multifamily dwellings, subject to the review and approval of the Planning Board. Each one-family affordable AFFH dwelling

unit may be located on a lot meeting fifty percent (50%) of the minimum lot area for the one-family dwellings in the development. Each two-family affordable AFFH dwelling and each multifamily affordable AFFH dwelling shall be located on a lot meeting the minimum lot area for the one-family dwellings in the development. The Planning Board shall require that all affordable AFFH dwellings be as indistinguishable as possible in appearance from the other one-family dwellings in a development. Interior finishes and furnishings may be reduced in quality and cost to assist in the lowering of the cost of development of the affordable AFFH dwelling units.

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

this purpose. The Planning Board is not to distinguish the affordable AFFH units any more than is necessary to accommodate the construction of the minimum number of affordable AFFH units required by this section in a residential development.

**E. Minimum floor area.**

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

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

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

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

<b>Number of Bedrooms</b>	<b>Number of Persons</b>	
	<b>Minimum</b>	<b>Maximum</b>

Efficiency	1	1
1	1	2
2	2	5
3	3	7
4	4	9

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

H. Continued eligibility for occupancy of rental dwelling units.

- (1) Applicants for rental units referred to in this section shall, if eligible and if selected for occupancy by the owner or manager of the development in accordance with the provisions of this Chapter, sign leases for a term of no more than two years.
- (2) As long as a resident remains eligible and has complied with the terms of the lease, said resident shall be offered a two-year renewal of the lease. If a resident's annual gross income should subsequently exceed by more than 20% the maximum then allowable, as defined in §220-2 of this Chapter, said resident may

complete his current lease term and shall be offered a non- AFFH rental dwelling unit available in the development at the termination of such lease term, if available. If no such dwelling unit shall be available at said time, the resident may be allowed to sign one additional one-year lease for the AFFH dwelling unit he occupies but shall not be offered a renewal of the lease beyond the expiration of said term.

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

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

- (1) The net purchase price (i.e. gross sales prices minus subsidies) paid for the unit by the selling owner, increased by the percentage increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers in the New York-Northern New Jersey Area, as published by the United States Bureau of Labor Statistics (the "Index") on any date between (a) the month that was two months earlier than the date on which the seller acquired the unit and (b) the month that is

two months earlier than the month in which the seller contracts to sell the unit. If the Bureau stops publishing this index, and fails to designate a successor index, the Town will designate a substitute index; and

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

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

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

**Section 5.** Chapter 220, 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~~ 15 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 ~~two~~ **four (4)** density units per acre of net lot area. The area of any wetlands, water bodies, watercourses or steeply sloped land, as defined by § 220-21 of this chapter, shall first be identified and multiplied by a factor of 0.75. The resulting number shall then be deducted from the gross total lot area to yield the net total lot area to be used in calculating the maximum allowable development density.
  
- (2) The Planning Board may authorize an increase in permitted density by not more than ~~50%~~ **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 6.** Chapter 220, Subsection (B)(2) of Section 220-32 entitled

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

**§ 220-32. Special permit uses.**

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

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

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

of deletion by amendment, it may be continued or renewed upon review in accordance with special permit procedures.

**Section 7.** Chapter 220, Subsections A, C, E, F, G, H, I, and J of Section 220-40, entitled “Accessory apartments,” are hereby amended to read as follows:

**§ 220-40. Accessory apartments.**

It is the specific purpose and intent of this section to allow accessory apartments on one-family parcels of minimum size of ½ acre to provide the opportunity for the development of affordable housing AFFH units ~~to meet the needs of the elderly, the young, persons of middle income, and the relatives or domestic employees of the owners of the principal residence.~~ It is also the purpose of this ~~limited, special use~~ provision to allow more efficient use of the Town’s existing ~~stock of~~ dwellings and ~~the Town’s existing stock of~~ accessory buildings, and to afford existing residents the opportunity to remain in large, underutilized houses by virtue of the added income ~~for them from an~~ produced by accessory apartments, and to protect and preserve property values in the Town of Lewisboro. To help achieve these goals to promote the other objectives of this chapter and of the Town Development Plan, the following specific standards and limitations are set forth for such accessory apartment use.

A. Occupancy.

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

C. Size.

(1) The minimum floor area for an accessory apartment located within a principal dwelling building shall be 300 square feet, but in no case shall it exceed 50% ~~25%~~ of the total floor area of the dwelling building in which it is located. ~~unless, in the opinion of the Zoning Board of Appeals, a greater amount of floor area is warranted by the specific circumstances of the particular building. It shall be in the discretion of the Zoning Board of Appeals to allow an increase in the footprint of the principal dwelling building, but in no case shall such increase in footprint exceed 25% of the existing footprint.~~ In no case shall the footprint of the principal dwelling building exceed 50% of the existing footprint. Any such addition shall be accompanied by an approved building permit and certificate of occupancy.

(2) For an accessory apartment located in an existing accessory building, the minimum floor area shall also be 300 square feet. ~~In addition, it shall also be in the discretion of the Zoning Board of Appeals to allow an increase in the footprint of the accessory building of up to 600 square feet.~~ Any such addition shall have an approved building permit and a certificate of occupancy.

E. ~~Inspection and registration. Terms and conditions of permit.~~

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

~~An accessory apartment use permit shall be issued for a ten year period. The permit may be renewed for additional ten year periods following inspection of the premises by the Building Inspector, submission of a~~

~~renewal application form issued by the Building Department and a sworn affidavit stating that the conditions as originally set forth by the Zoning Board of Appeals have not changed in any way. The Building Inspector shall specifically determine that the premises still meet the standards of the Town of Lewisboro Housing Code and regulations and that the original qualifying conditions still exist.~~

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

~~The permit shall also state that it shall become null and void if any conditions are not complied with and if the owners of the property as identified in the permit cease to occupy one of the dwelling units on the premises as his legal residence. In the event of the transfer of title to the property to other than a spouse or a trust for the owner, the permit shall expire when the current lease expires or the tenant in residence at the time of title transfer relinquishes his/her residency; at which time, the new owner must apply for a new permit to continue the accessory apartment use.~~

- F. All accessory apartments, whether in the principal dwelling building or an accessory building, must meet the standards of the Town of Lewisboro Housing Code and regulations. Accordingly, inspections for compliance as required by the Building Inspector ~~shall will~~ be made, and a certificate of occupancy must be secured prior to the use of the accessory apartment. ~~A property owner who accepts a special permit under this section makes a contract with the Town. Accordingly, notwithstanding acceptance of inspection of the accessory apartment upon renewal application and at biennial registration, if the need arises, authority is also included for periodic inspections to determine if the original qualifying conditions still exist at any time during the term of the permit. Refusal by the property owner or the tenant of any inspection of the premises by the Building Inspector's office will constitute a violation of the special permit. A violation hearing will be scheduled before the Zoning Board of Appeals, which could result in the revocation of the special permit.~~
- G. Assessment. The property which contains any accessory apartment shall be assessed in the manner authorized by the State of New York. If the owner of an accessory apartment has agreed to register the apartment as a middle-income apartment and to limit the monthly rent to the amount set forth in §220-26(F)(4) of this chapter, ~~or if the accessory apartment is an affordable housing unit,~~ the assessor shall take the limitation on rental income into account in determining the amount, if any, the accessory apartment will add to the assessed value of the property.
- H. Administration. The Housing Committee ~~and the Housing Administrator~~ shall monitor middle-income accessory apartments in the Town and, through the

Building Department, shall oversee the regulations pertaining thereto.

Specifically, the Housing Committee ~~and the Housing Administrator~~ shall be responsible for:

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

~~Filing. A copy of the original special permit signed by the Chairman of the Zoning Board of Appeals and by the property owner, with a copy of Subsection E, shall be filed with the County Clerk, Division of Land Records, Westchester County, by the Town at the permit holder's expense, within 30 days of the date of approval of the original permit.~~

I. Other provisions.

~~A fee shall be paid in an amount set forth in a fee schedule established by resolution of the Town Board.~~

- (1) Rent. The rent for any middle-income accessory apartment shall not exceed

the permitted rentals for middle-income dwelling units, as described in §220-26(F)(4) of this chapter.

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

(3) The owner of a unit may list his or her as a middle-income unit. The unit, once listed as a middle-income unit, will be eligible for assessment as provided in ~~§220-40G of~~ this chapter and shall be subject to the rent limitations and other rules established for middle-income housing units.

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

~~Term. Once an accessory apartment is listed as a middle-income unit, it must remain as a middle-income unit for the full term of its permit.~~

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

(6) Exemptions. In the event no middle-income family is on the Housing Committee's waiting list for a middle-income accessory apartment, or in the event that no family on the waiting list agrees to rent the accessory apartment,

the Housing Committee may exempt the accessory apartment from the above middle-income requirements for the term of the next lease or occupancy.

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

**§ 220-40.1. Accessory residence dwellings.**

- A. Minimum lot area. A minimum lot area of ~~4 20~~ acres shall be provided and shall include a minimum buildable area, as defined herein, equal to that required for an individual lot in the zoning district in which the accessory residence dwelling is to be located.
  
- E. Size; number of bedrooms.
  - (1) The exterior size of an accessory residence dwelling shall not exceed ~~2,000~~ ~~1,500~~ square feet, or be less than 600 square feet, in gross floor area, excluding uninhabitable and unfinished garage and basement space as defined herein.
  
- G. Prohibition of other accessory uses. The establishment of an accessory residence dwelling on a lot shall prohibit the use of that lot and any buildings on the lot as an accessory apartment, as defined herein; and the existence of an accessory apartment shall prohibit the establishment of an accessory residence dwelling. ~~Further, the accessory use of renting rooms shall be strictly prohibited in both the principal and accessory residence dwellings; and~~ The accessory use of a professional office, studio or home occupation shall be strictly prohibited in the accessory residence dwelling, or by any occupant of the accessory dwelling.

**Section 9.** If any provision of this Local Law is declared illegal, unconstitutional or unenforceable by a court of competent jurisdiction, the remainder of this Local Law shall be

declared to have been separately adopted and shall remain in full force and effect.

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

Dated: \_\_\_\_\_, 2014

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

JANET L. DONOHUE, TOWN CLERK