

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Tuesday, February 10, 2015, at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York (offices closed at 1 p.m. on Monday, February 09, 2015 due to snow storm).

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

Also attending was the Attorney for the Town Anthony Mole', Facilities Maintenance Manager Joel Smith, Parks and Recreation Superintendent Dana Mayclim, and Confidential Secretary/Benefits Coordinator Mary Hafter.

Mr. Parsons called the meeting to order at 7:38 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

There were no public comments.

COMMUNICATIONS

DEPARTMENT OF TRANSPORTATION – Letter Concerning Road Signage

See the attached letter from the State of New York Department of Transportation in response to the Supervisor's letter regarding a left turn prohibition sign at the intersections of Route 35 and Avery Road. DOT did not approve the request.

The letter also spoke about placing a sign along Route 123 indicating that commercial traffic is prohibited from turning onto Spring Hill Lane. DOT did approve this request.

CONSENT AGENDA

MINUTES - Approved

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

On above motion and second, the Board voted 3-0 to approve the Town Board meeting minutes of January 26, 2015.

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

REPORTS – Monthly Reports

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 4-0 to accept and file the January 2015 reports from the Building, Planning and Police Departments.

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

PUBLIC HEARING – Set Public Hearing on Gold Star Parents Real Estate Tax

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

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

RESOLUTION

RESOLVED, that the Town Board of the Town of Lewisboro, will hold a public hearing on February 23, 2015 at 7:30 p.m. or soon thereafter as time permits, at the Lewisboro Town House, 11 Main Street, South Salem, New York, for the purpose of hearing the public with regard to the amendment to Section 199-10 of Chapter 199, taxation, 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.

BED AND BREAKFAST AND INNS – Discuss Legislation (7:43 p.m. – 8:12 p.m.)

The Board discussed the possibility of allowing Bed and Breakfasts and Inns in the town of Lewisboro. Mr. Parsons stated that we have many events in town. There is biking, running and the overflow from the large horse events in North Salem. We also have people come here to hike, fish and see the foliage in the fall who would need accommodations.

\*Mr. DeLucia arrives at 7:45 p.m.

Mr. Parsons wanted to differentiate a Bed and Breakfast and an Inn. He felt that any establishment with more than three bedrooms, or which allows stays of more than three nights or which offers meals other than continental breakfast would be labeled as an Inn. Bed and Breakfast establishments would have no more than three bedrooms, only serve continental breakfast and the owner of the building would live there and be present in the building whenever there are guests. Mr. DeLucia used the example of Crabtree Kittlehouse in Mt. Kisco as an example of an Inn.

Mr. Parsons said the intent of bed and breakfasts is to provide accommodations for short-term visitors to Lewisboro and to encourage the preservation of larger buildings and lots of two acres or more by allowing an adaptive use consistent with the residential character of the community. Mr. Parson suggested that the Planning Board grant a special permit, subject to a list of requirements which would become the continuing conditions for a valid permit.

The Board would like to put this idea in front of the Zoning Board of Appeals and Planning Boards and have them weigh in with their thoughts. Mr. Parsons feels that the town's bed and breakfast initiative should start out on a relatively small scale and it should be in accordance with the New York State Fire Code. There should be periodic inspections, and the police and fire inspector should sign off before any type of permit is issued/reissued, similar to how a cabaret license is handled.

Mr. Parsons asked the Town Board members to read over the information that was sent to them, email him with any changes or suggestions and then he would send the proposed legislation to the Zoning Board of Appeals and Planning Boards for their comments.

FIVE YEAR PLAN–Discussion regarding Town Departments (8:13 p.m. – 8:15 p.m.)

Mr. Parsons informed the Board that he is beginning to work with the bigger more complex departments on their five-year plans and will end with the smaller departments. The demographics are changing in our town. Mr. Parsons suggested that more programs should be offered for middle aged men. Mr. Pappalardo said that we are creatures of habit and we need to look outside of the box to raise revenue.

HOUSING AMENDMENTS TO ZONING CODE – Discussion (8:16 p.m. – 9:35 p.m.)

Mr. Parsons started out by stating that the affordable housing is an umbrella that covers three completely separate items. He would like to look at these one at a time. The three items are:

- a. Adopt the model ordinance; percent requirements for developments
- b. Extend the area which is open to multifamily development. Specifically it makes all commercial/retail businesses mixed use
- c. Accessory apartments

Mr. Parsons received two letters regarding this subject. One was from town resident Dean Travalino and one was from town resident Adam Ochs (see attached).

Mr. DeLucia feels we should correct the qualifying income level in the code so that our definition meets the federal definition. He feels that we need to allow the mixed use in our commercial districts and that the density bonuses be given for building more units.

Mr. DeLucia still has a fundamental issue with the elimination of the special permit requirement for accessory apartments and he believes that our priority list should not be taken out with new construction. This priority list consists of volunteer firefighters, teachers, Ambulance Corporation, etc. Mr. DeLucia also feels that it is not fair to our senior citizens, who are an important part of our community.

Mr. DeLucia feels that this kind of massive HUD infiltration on home rule is not fine. He is not against making changes to make it more amenable for builders to be able to build these affordable units, but we need to look at our community that thrives on volunteers.

Planning Chairman, Jerome Kerner, who was invited to attend the meeting, told Mr. DeLucia that past surveys had shown that there was little interest in affordable housing among town first responders. Where the need seemed to be was with the younger fireman who would be interested in rental units and accessory apartments.

Mr. DeLucia again stated that he is fundamentally against putting the statement in that takes our priority list out of the code. He said we have always done the right thing. We offer it up to our own town people and if they are not interested, we go outside of our area. Fundamentally he does not feel that our code is exclusionary. He firmly believes in home rule and he firmly believes we have done more than other towns have done prior. He is not against mixed use and he is not against making the change for income eligibility. He believes in the density bonus.

Mr. Parsons asked who would build affordable units. He feels that the only way affordable units would be built in this area is with subsidies and they would be dependent on marketing via the county. He used the example of North Salem.

Mr. Welsh feels that we still have home rule and it exists in the law. The future opportunities for housing lie with creative developments and new changes in the existing and future neighborhoods.

Mr. Pappalardo agreed that just because we build something and it is not appealing, people will not move in. He feels that this is secondary to the obligation that the town has to be compliant with the housing settlement and to have a town code that complies with it. And then yes, let's make it more appealing so that more people do move in.

Mr. Parsons opened the discussion of the accessory apartment provision of the proposed document. He stated that he knows of older people currently renting parts of their homes with their renters performing services and functions for the owners.

Mr. Kerner stated that in most cases in surrounding towns, special permits and/or site plan approvals are usually done by the Planning Boards. But some towns do use the Zoning Boards.

Mr. DeLucia stated that without special permits and/or site plan approvals you are almost allowing two family houses throughout the town. Mr. Kerner agreed.

Mr. Welsh asked if the trigger word here was special use permit. What if we eliminated that phrase and change the language to site plan approvals.

Mr. Parsons returned to the overall impact of the amendment. Mr. Parsons stated the monitor's argument which is that the town can pass the model ordinance and extend the area where you can build multifamily housing and in practice nothing will get built. This is because it is impossible to build affordable housing units in our town because of the lack of septic. Mr. DeLucia said that things can change just like they did in neighboring towns.

Mr. Parsons stated that the monitor claims that our town is short in rental housing. Mr. Kelly asked what the empirical evidence is to prove that. How many people are looking around for rental apartments? Mr. DeLucia said that there are plenty of rental units in our town. Mr. Kelly feels that the market is the fairest governance. Mr. Kelly won't vote for anything that manipulates our housing stock by outside entities.

Mr. DeLucia stated that the building and deputy inspectors are not required to live in town. The members of the planning and zoning boards are required to live in town. Mr. DeLucia does not feel that the inspectors have a vested interest in the character or nature of this town. Mr. Kelly stated that this is fixable; you can make it a requirement for them to live in town. Mr. DeLucia said that this is why you have the planning and zoning boards and they are appointed. They are neighbors of residents.

Mr. DeLucia states that if it is not broke, don't fix it. It works as it is now. Mr. Kerner stated that older people, looking to have an accessory apartment, might look at a special use permit and having to go in front of the Zoning Board as very intimidating and they would opt out. Mr. Pappalardo said that this is exactly what the housing settlement is designed to prevent and this is what the monitor is concerned about. Mr. DeLucia stated that Somers and Pound Ridge adopted the code without making the change. Mr. Parsons stated that those towns, with the exception of Pound Ridge, already have a large number of affordable apartments. Mr. Kelly stated that we have as many as we need.

Our attorney feels that by using the phrase special permit the monitor looks at that as yet another layer of restriction.

Mr. Welsh feels we should take out the phrase special permit and use the softer version of site plan approval. Mr. Kelly says that if we harden up what our requirements are then they become fair because instead of being intangible they are concrete and they become fair because everyone knows what they are. Mr. Pappalardo said that this eliminates the prospect of discrimination. But Mr. DeLucia doesn't feel that we are discriminating because if you want a special permit you can obtain one. Mr. DeLucia feels that we are cow towing to a law suit that we are not even named in and a monitor that is making wild suggestions that our own attorney is saying that no matter what we pass, it won't be enough.

Mr. Pappalardo asked Mr. Kerner about a special permit versus a site plan approval. Mr. Kerner stated that the special use permit requires a site plan approval and a need for a site visit. If you take out the special permit you would still need a site visit. They can look at expediting the process and make it happen.

Mr. Pappalardo asked if someone meets the criteria, can they be denied and the answer was no. If the plan submitted to the Building Department conforms to the code and also the accessory code, the applicant would be told to get a limited site plan review, a simple sketch and a site plan visit would be made. They would be required to renew the permit/site approval.

Mr. Kelly said the object is to be fair and no one can criticize us for being fair and if you have green money you can come to Lewisboro and obtain housing.

The Board decided to continue the discussion on this housing draft. They will forward their proposed changes to the town attorneys and they will incorporate those changes into the draft. The new version would have all the districts becoming multi-use except residential; it would incorporate strong controls by the Planning Board and would expedite the process and include the density bonus. The attorneys will use the date of the meetings when making the changes to the amendment.

CLAIMS – Authorized for Payment

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 4-0 to authorize payment of the Town’s bills in the amount of \$230,143.41.

POLLING OF BOARD

COMPLETE STREETS - Update on Meeting

Mr. Welsh reported that the Complete Streets review meeting that was held this past weekend at the Goldens Bridge Community House went well. Attendees took homework items home with them. The group will be meeting again in the near future.

TOWN EMPLOYEES – Draft a letter of Thanks

Mr. DeLucia would like to have a letter drafted to thank the employees of the highway department, the Parks and Recreation Department, the Maintenance department, the first responders, etc. for a terrific job over these winter months. They have all done an amazing job under terrible weather conditions.

MEETINGS – Date Set

There will be a Town Board meeting on Monday, February 23, 2015 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

EXECUTIVE SESSION – To Discuss Personnel Matters

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to go into executive session at 9:37 p.m. to discuss a personnel matter.

HERODES AND MOLE’ - Approval of Contract

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

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

RESOLUTION

RESOLVED, that the Town Board of the Town of Lewisboro does approve the Herodes & Mole', P.C. contract for a term of 3 years.

POLICE BENEVOLENT ASSOCIATION MEMORANDUM OF AGREEMENT – Authorize Supervisor to Execute

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

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

RESOLUTION

RESOLVED, that the Town Board does authorize the Supervisor to execute the Police Benevolent Association (PBA) Memorandum of Agreement (MOA) as amended after ratification by the Police Benevolent Association (PBA).

HOUSING COMMITTEE – Appointment of Member

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

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

RESOLUTION

RESOLVED, that the Town Board does appoint Jane Lindau to the Housing Committee for a two-year term ending December 31, 2016.

SUSTAINABILITY COMMITTEE – Appointment of Member

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

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

RESOLUTION

RESOLVED, that the Town Board does appoint Edie Salchow to the Sustainability Committee for a two-year term ending December 31, 2016.

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to come out of executive session at 11:00 p.m.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to adjourn at 11:01 p.m.

Janet L. Donohue  
Town Clerk