

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Monday, February 8, 2016, at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York (this was a snowy evening).

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

Also attending was the Attorney for the Town Jennifer Herodes, Confidential Secretary/Benefits Coordinator Mary Hafter and Facilities Maintenance Manager Joel Smith.

Mr. Parsons called the meeting to order at 7:36 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

There were no public comments.

PUBLIC HEARING – Chapter 220, Section 220-10 (A) Building Lots (7:37 – 7:53 pm)

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

Mr. Parsons explained that the intention of this amendment is to allow a property owner who owns two properties opposite each other and with the other property separate from their house to be able to build with proper permitting.

The Supervisor read portions of a letter from resident, Mary Curtis, who is in opposition to the proposed local law which would amend Chapter 220 entitled “Building Lots” (her letter is included).

George Ferman, who enforced the zoning code for 38 years asked if a study was done of the properties throughout the town and was there an environmental impact study done. Mr. Parsons stated no there was no study done of similar properties. Mr. Parsons stated this situation tends to be common in the lake areas. Mr. Ferman asked about farms and if they are separate lots, yes it would pertain to them as well.

February 5, 2016

Mr. Peter Parsons, Supervisor
Town House
11 Main Street
South Salem, New York 10590

Dear Supervisor Parsons:

I am submitting my opposition to the proposed local law which will amend Chapter 220, Section 220-10(A) entitled "Building Lots." Current zoning laws of New York State and the Town of Lewisboro do not allow for the placement of a barn-like structure on the vacant lot at 48 Truesdale Lake Drive, on the east side of the street, across from the Plunkett residence. Putting an accessory building on this historically "unbuildable" lot is illegal. Why is the Town Board proposing a change in the zoning rules and regulations? Is this an accommodation for one property owner?

If the zoning law is amended, the owners need to prove "that the alleged hardship relating to the property in question is unique;" and that the proposed change "will not alter the essential character of the neighborhood." The hardship is self-imposed and erection of an accessory building (possibly 1800 sq. ft.) will negatively impact the character of the neighborhood. The lot's limitations include its irregular dimensions and location on a curve. The plans call for a dual-access driveway which will necessitate the removal of many additional trees. Drainage issues with stormwater and run-off with stretches of ice in the road during winter months have been problematic. Obviously, the proposed project will result in increased erosion.

Issues and questions that need to be addressed:

- Will the proposed project of a barn-like structure and development of the lot at 48 Truesdale Lake Drive be subject to SEQR - State Environmental Quality Review?
- Will the CAC - Conservation Advisory Council be apprised of the project? What about OSPAC - Open Space & Preserves Advisory Committee?
- Will the dual-access driveway be reviewed by the Highway Department?
- Will the Building Department oversee the project with strict adherence to zoning laws?
- Are the two properties - the Plunkett residence and the lot across the street - under one deed?

In conclusion, are you, as members of the Town Board of Lewisboro, willing to amend laws that may lead to property devaluation and decreased tax base? The complexities and serious ramifications that will result from changes in zoning law will be long-felt and enormously detrimental to our neighborhood and the Truesdale Lake community.

Sincerely,

Mary Curtis
Mary Curtis

This is not an accommodation to a specific individual but rather an accommodation to many. This is an unintended consequence of a previous zoning law change done in 2004.

Everything that would normally apply for building on a property would still apply.

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

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

RESOLUTION

RESOLVED, that the public hearing for Chapter 220, 220-10(A), Building Lots, is now closed.

Mr. Parsons stated that there is one other request that has been brought to his attention and it is an unusual circumstance. There are two properties that are divided by a path owned by the Lake Kitchawan Association. Mr. Parsons asked Jan Johannsen to make a minor change to the proposed amendment to accommodate this situation.

The conclusion of the Board was to re-write and clean up the language and wait for a full board to be present and adopt this amendment at an upcoming Town Board meeting.

PUBLIC HEARING –Amendment to Zoning Map for 469 Smith Ridge Road and 471 Smith Ridge Road, South Salem, NY, from Retail Business (RB) to General Business (GB)
(7:54 – 8:13 p.m.)

Mr. Parsons stated that the Town Board received a recommendation from both the Planning Board and the Zoning Board of Appeals not to approve this change of zoning because they feel the additional uses are uses that are not favored in that area based on the original plan for the town.

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

Mr. Ripperger who lives next to the property in question objects to the change in zoning and does not see the need to change this zoning to GB. He feels that the environmental impact would be compromised. He feels that using it as RB is suitable for this property.

*Mr. Kelly arrives at 7:56 pm

Mark Robins from Robins Wood Lane, which is behind the property in question, approached the Board. Mr. Robins is concerned about the property and feels that it is not being used consistently with the zoning that it has. He feels that it is inviting dangerous behavior and being used as a dumping ground for garbage and pollutants. He also feels that it is being used illegally for residences. Mr. Robins does not approve of the Zoning change.

Lisa Smith, who has lived on East Street for the past 20 years, backs up to the property in question. She feels that the property has not been properly used for the last 20 years that she has lived there. There are often huge construction vehicles parked there. She significantly questions the good faith of this application and the lack of specificity.

Ms. Smith stated that for those that call this area “home”, they want to make sure this area is being used properly. The owner is an absentee landlord, he is not a resident in the community and she feels if you give him an inch he will take a mile.

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

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

RESOLUTION

RESOLVED, that the public hearing for the Amendment to Zoning Map for 469 Smith Ridge Road and 471 Smith Ridge Road, South Salem, NY, from Retail Business (RB) to General Business (GB), is now closed.

Mr. DeLucia stated that when you look at the limited amount of business in town, he feels that each application needs to be looked at closely. Mr. DeLucia stated that he thinks that most of the people are more afraid of the current owner as opposed to this being rezoned to GB. Mr. DeLucia does not necessarily agree with not rezoning this to GB.

Mr. Welsh stated that the Board has the intention of looking at the definitions of RB or GB but they may not meet the needs today and there are other ways to go about zoning.

Mr. Welsh also suggested that the Vista residents take an example from the Goldens Bridge residents and form a hamlet enhancement group.

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

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

RESOLUTION

RESOLVED, that the Town Board did not approve the amendment to the Zoning Map for 469 Smith Ridge Road and 471 Smith Ridge Road, South Salem, NY, from Retail Business (RB) to General Business (GB) due to the lack of specificity and an overarching plan of this site and application.

CONSENT AGENDA

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

MINUTES - Approved

On the above motion and second, the minutes of the January 25, 2016 Town Board meeting were approved.

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

REPORTS – Monthly Reports

On the above motion and second, the January, 2016 reports from the Building and Police Departments were received and filed.

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

NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) – Shared Service Agreement

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

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

RESOLUTION

RESOLVED, that the Town Board does approve the Highway Superintendent to sign the shared service agreement with the New York State Department of Transportation (NYSDOT) as reviewed by counsel.

ALS TRI-STATE BICYCLE TOUR – Authorize the use of Town Park and Town Roads

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the use of the Town Park to be used as a rest stop area, provided that the date is coordinated through the Parks & Recreation Department, for a Tri-State Trek bicycle ride to take place on Sunday, June 26, 2016, in the Town of Lewisboro and be it further

RESOLVED, that the Town Board does hereby authorize use of Town roads for a Tri-State Trek bicycle ride to take place on Sunday, June 26, 2016 through the Town of Lewisboro.

ZONING OPTIONS FOR COMMERCIAL DEVELOPMENT – Discussion

This will be discussed at a future meeting and the Supervisor will invite the Pace Land Use group to attend.

MEETINGS – Date Set

There will be a Town Board meeting on Monday, February 22, 2016 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY. State Senator Terrence Murphy will be at this meeting.

CLAIMS – Authorized for Payment

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 4-0 to authorize payment of the Town’s bills in the amount of \$310,563.65.

EXECUTIVE SESSION – To Discuss Legal Issues

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 4-0 to go into executive session at 8:23 p.m. to discuss legal issues.

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 4-0 to come out of executive session at 8:35 p.m.

NASH ROAD HOLDINGS – Authorize Town Attorney to Sign

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the town attorney to sign the settlement documents regarding the Nash Road Holdings LLC Tax Certiorari matter.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 4-0 to adjourn at 8:36 p.m.

Janet L. Donohue
Town Clerk