

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Monday, February 22, 2016, at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

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

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

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

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

CONANT VALLEY ESTATES – Water/Sewer/Bond Charges (7:33 – 7:54 pm)

Greg Schwartz, a resident of Split Rock Road, Conant Valley Estates, stated that he and other neighbors of Conant Valley Estates approached the Board 18 months ago, in August of 2014, regarding this same issue and they are not happy with the lack of response to this point. The Conant Valley Estates share the water and sewer services with the Oakridge Condominiums. Mr. Schwartz stated in the years leading up to 2009, Phil Pine and his water treatment facility fell into disrepair due to no fault of anyone in the community. The Town then took it over and had to make repairs which resulted in taking out a bond. Mr. Schwartz then stated that the decision was made to apportion the repayment of the bond based on property values and not usage, which they feel is not fair. Some of the Conant Valley residents are paying \$6,000 - \$8,000 and they have no alternative choice – not allowed to dig wells or do something different.

Mr. Schwartz stated that the Conant Valley group hired an attorney who met with our Town Attorney, Anthony Mole' and Supervisor Parsons back in October.

Mr. Schwartz also stated that he emailed Mr. Parsons on February 1 and February 5 without a response. Mr. Schwartz feels that they are being treated shabbily.

Jim Williams, resident of Split Rock Road, said that he was not going to repeat what Mr. Schwartz said but he did say that they have asked for information from the Town Board and this information has never been provided. The documentation they did see did not shed any light as to how they originally got to this difference between the two communities (Conant Valley Estates and Oakridge). They have asked why the town set up the charges in this manner. Mr. Williams feels that the Town Board has the ultimate responsibility for implementing this system and the Town Board is empowered to change something that is unreasonable and unfair and that is what the Conant Valley Estates is asking them to do.

Jeff Holbrook, resident of Split Rock Road stated that he pays \$7,900 per year before paying for his water softener, before filtration and before radon mitigation. He feels that the situation is not at all equitable. To add insult to injury, the Town granted a certiorari to the aggregate Oakridge Commons condo area for about \$400,000. Mr. Holbrook knows they had to go through a process but it doesn't feel right to him when you look at the simple numbers. Mr. Holbrook knows that they have to pay, however, he just wants it to be more equitable.

Mike Berman, resident of Laurel Hollow Road commented that his water usage has gone down and the bills remain the same which he feels is unusual. He also mentioned that a home across the street from him is for sale. He feels that the values of these homes are dropping due to the water payments.

Mr. Schwartz then stated that with all the new condos being built, where is their discount?

Mr. Parsons responded that with all due respect, he did notify this group that it would be unlikely that the town would be able to do much work on this in the fall period when the town is preparing the budget. Mr. Parsons said he didn't directly respond to the Mr. Schwartz's emails, however he did forward those emails around internally.

Mr. Parsons also stated that the Town is working on their attorney's questions however the questions are not easy to answer.

Mr. DeLucia stated that this work had to be done. He also stated that there is a major difference having a home that is on septic and well versus sewer and water. Mr. Holbrook asked if they could drill wells because they would drill if they could. Mr. DeLucia stated that this would be up to the health department but the way the development was made and put together, they would not be able to put septic systems and wells in due to the distances. When the district was formed, established and taken over by the town, the Board cannot "wave a magic wand" and make changes. Mr. Kelly stated his understanding is that any change would be done by a vote; referendum. Mr. Mole' said that it could go this route.

Mr. Pappalardo asked if we could approximate when the Town would have some answers for the residents. Mr. Parsons stated he would hope within the next few months.

Mr. Williams from Split Rock Road suggested that someone from the Town pick up the phone and call the operator of the system. Mr. Williams feels that this is the gentleman who should be able to answer the question of "how did you arrive at these rates". Mr. Pappalardo stated that just because the company operates the system doesn't mean that they will have the answers to these questions.

Mr. Parsons stated that the State Comptroller has limited information to when this was originally set up. Mr. DeLucia feels that we should move forward to see if there is another way this can be set up which is more equitable. Mr. Welsh felt that his understanding was that it was going to take a referendum to make the change and maybe this is not the case.

Mr. Parsons also stated that the Town did not willingly reduce the assessed value of the condominiums. Anyone who owns a home has the ability to challenge their taxes and condominiums get very favorable treatment under the law.

Mr. DeLucia asked what is within the Town Board’s power. Town Attorney Anthony Mole’ stated the Board and the attorneys need to get together and identify the change that needs to be made. The bond may not be able to be changed.

The Board will discuss the situation with the Town Comptroller and ask that he/and or the attorneys report back to the Board within 30 days.

COMMUNICATIONS

JUSTICE COURT - Accept Audit Report

FINANCE – Accept Justice Court Audit Report

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

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

RESOLUTION

RESOLVED, the Town Board does hereby accept the 2015 Town Justice Court Audit.

CONSENT AGENDA

MINUTES - Approved

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)
	Abstain	- Pappalardo	(1)

RESOLUTION

RESOLVED that the Town Board Minutes of the February 8, 2016 Town Board meeting were approved.

HIGHWAY TRUCK - Application for Grant

Mr. Parsons informed the Board that he sent an application for a grant to State Senator Terrence Murphy’s office in the amount of \$100,000 which would be used towards the purchase of a heavy duty highway truck. Mr. Parsons will keep the Board updated.

TOWN CODE – Resolution to Approve Amendment of Chapters 220-2, 220-10(A), 220-10 (E), 220-32B(2) and Article V

The Board discussed at the last meeting how to address the circumstance where two properties owned by the same owner are separated by different mechanisms (this example was two properties being separated by a path) and the decision was to use a specific width, such as 20 feet.

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 adopted Local Law 2-2016 to read as follows:

TOWN OF LEWISBORO
 LOCAL LAW NUMBER 2-2016 OF THE TOWN OF LEWISBORO
 AMENDMENT TO CHAPTER 220, SECTIONS 220-2, 220-10(A), 220-32B (2), and Article V
 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, entitled “Definitions and word usage,” is hereby amended to modify the definition of the terms “BUILDING, ACCESSORY” and “USE, ACCESSORY”:

BUILDING, ACCESSORY: A subordinate building, the use of which is customarily incidental to that of a main building and the height of which does not exceed 20 feet.

USE, ACCESSORY: A use which is customarily incidental and subordinate to the principal use on a lot.

Section 2.

Chapter 220, Section 220-10(A), entitled “Building lots,” is hereby amended to read as follows:

- A. Every building and structure hereafter erected, and every use hereafter established, shall be located on a lot as defined herein. Unless a Special Use Permit is granted in accordance with Article V of this Chapter, accessory buildings, structures and/or uses shall only be permitted and located on the same lot as a duly authorized principal building, structure and/or use to which it is accessory, and no lot shall be created that has an accessory building, structure or use without a principal use.

Section 3.

Chapter 220, Section 220-32B (2) of the Zoning Code is hereby amended to add the following subsection:

B (2) (g): Construction or placement of an accessory building on a lot located proximate to or across the street from a principal building.

Section 4:

Chapter 220, Article V, entitled "Supplemental Regulations," is hereby amended to add the following section:

§220-43.4. Construction or placement of an accessory building on a lot located proximate to or across the street from a principal building.

- A. Purpose. The purpose and intent of this Section is to allow an accessory building, specifically a private garage or shed, to be constructed or placed on a lot located proximate to or across the street from the principal building to which it shall serve. This section is intended to provide some relief to homeowner's when it is determined that the principal building lot cannot reasonably accommodate an accessory building.
- B. The construction or placement of an accessory building on a lot located proximate to or across the street from a principal building shall require a special use permit and shall only be authorized when all of the following conditions are satisfied:
 - (1) The principal and accessory building lots shall be in the same ownership and shall be accompanied with a deed restriction establishing that the accessory building lot can only be conveyed with the parcel on which the principal building is located.
 - (2) The location of the accessory building lot shall meet one (1) of the following criteria:
 - a) The accessory building lot shall be located immediately opposite and across the street from the principal building lot. For the purposes of this section, immediately opposite shall mean that a straight or diagonal line can be drawn through the street line of both lots without intersecting another lot, other than that associated with the street right-of-way.
 - b) The accessory building lot shall be located not more than 20 feet from the principal building lot. This provision shall only apply when the two (2) building lots are separated by one or more lots that are under different ownership and therefore cannot be merged.
 - 3) Both the accessory building lot and the principal building lot shall be located within a residential district.

- 4) The construction or placement of an accessory building on a lot located proximate to or across the street from the principal building shall only be permitted when it is demonstrated that the principal building lot does not presently contain or cannot reasonably accommodate the accessory building.
- 5) Accessory buildings authorized under this section shall be limited to private garages and sheds, subject to §220-23D, "Permitted accessory uses," of this Chapter.
- 6) A maximum of one (1) accessory building shall be allowed on the accessory building lot.
- 7) The accessory building and accessory building lot shall be suitably developed to complement the principal building and principal building lot.
- 8) The use of the accessory building shall be clearly incidental to and customarily found in conjunction with the primary residential building to which it serves. The use of the accessory building shall not include any activity commonly conducted for gain, with the exception of home occupation, subject to §220-23D (1).
- 9) The outdoor storage of vehicles, trailers, boats, campers, motor homes, equipment, materials, or refuse shall be prohibited on the accessory building lot; all matter shall be stored within a fully enclosed building.
- 10) In cases of private garages intended for the indoor parking of vehicles, no garage shall be approved where the vehicle must back-out into a street to exit; provisions shall be made so that the vehicle can turnaround on the accessory building lot before exiting the lot.
- 11) The accessory building shall not contain a bathroom nor shall it contain plumbing facilities; the accessory building lot shall not contain a well that is subject to Westchester County Department of Health rules and regulations.
- 12) All proposed utilities serving the accessory building shall be installed underground.

Section 5. 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 6. This local law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

ZONING AMENDMENTS - Discussion (7:57 – 8:13 pm)

Mr. Parsons suggested that the Board further discuss the idea of incentive zoning to facilitate increased business in Lewisboro. Mr. Parsons stated that the Board had discussed how to facilitate businesses starting up in town, however, he also stated that almost every site available for a business is occupied, although there are a few spaces available in existing shopping centers.

Mr. Parsons stated that he would like to get the best advice on this as soon as possible and would like to invite Ed Burroughs, who is not only a resident but is also the Commissioner of the Westchester County Planning Department. Mr. Burroughs wrote a very large part of the existing Master Plan and therefore is very well aware of why we are where we are.

Mr. Parsons also invited Mr. John Nolan, the head of the Pace Land Use Law Center who stated he would come in for a fee of \$5,500 to discuss this and other items that go hand in hand.

Mr. Pappalardo feels that we should ask Mr. Burroughs to come in first and get a sense if this is something we can get done. Mr. Welsh agreed and said that we have a Master Plan that is limping along and Mr. Burroughs could help us to capture the goals and what our options would be.

Mr. Parsons stated that we have to realize that everything we want to do is going to push against the town's Master Plan. Mr. DeLucia feels that we are due to update the Master Plan since it was last updated in 1985. The question is do you update portions of the plan or the whole plan.

Town Attorney, Anthony Mole´ stated that he knows of another municipality where Pace Land Use Law Center did come in and held public sessions and they did a fantastic job. The sessions were very organized, very well run and very well attended. Mr. Mole´ also suggested looking at grants.

Mr. Kelly said the Board should take the temperature of the town and find out what they really want. For example, do people really want to create hamlet centers? Mr. Pappalardo agreed that the Board needs to set some parameters and find out what people really want and come up with an overarching plan.

Mr. Kelly suggested an electronic survey with ten questions to put on the website as a survey and chart some responses.

Mr. DeLucia feels we need to be pro homeowner and make it easier to have our current houses improved.

Mr. Kelly also suggested that the Board think about creating a Film and TV Committee to make it easier for people to shoot movies and commercials in Town which he feels would help to promote our Town.

The Board agreed that they will invite Mr. Burroughs to attend a future meeting to discuss incentive zoning and updating the Master Plan or portions of the plan.

MEETINGS – Date Set

There will be a Town Board meeting on Monday, March 14, 2016 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

CLAIMS – Authorized for Payment

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted 5-0 to authorize payment of the Town's bills in the amount of \$356,339.73.

POLLING OF THE BOARD –

GOLDENS BRIDGE HAMLET ORGANIZATION – Thank You

Mr. Pappalardo wanted to thank the Goldens Bridge Hamlet Organization (Jonathan Monti and his group) for all of their significant input and thanked Mr. Monti, who was in attendance, for coming to the Town Board meetings.

CONFERENCE FOR ELECTED OFFICIALS – Budgeting Exercise

Mr. Welsh attended a conference for elected officials over the weekend and came away with an idea for budgeting. One of the exercises that was suggested was to give graduating high school senior's a sum of money and have them organize, come up with ballot measures and a way to use the money to benefit the town. Mr. Welsh feels that this would be a good way to get the high schooler's involved in civics. The Board felt this was a good idea.

LEWISBORO ELEMENTARY SCHOOL – Discuss With School Board

Mr. Kelly feels that it is a prudent time to discuss the Lewisboro Elementary School's usage. Mr. Kelly would like the Town Board to discuss the subject with the School Board. The Board agreed.

INTERN – Prospective

Mr. Parsons informed the Board that he had interviewed a prospective intern by the name of Henry Housman and Mr. Parsons feels he would be a fine acquisition.

EXECUTIVE SESSION – To Discuss Real Estate Transactions

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to go into executive session at 8:17 p.m. to discuss real estate transactions.

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to come out of executive session at 8:45 p.m.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to adjourn at 8:46 p.m.

Janet L. Donohue
Town Clerk