

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on February 27, 2007 at 7:00 p.m. at the Cyrus Russell Community House, 779 Route 35, Cross River, New York.

PRESENT: Supervisor - Edward P. Mahoney
Councilmen - Edward Brancati, Peter DeLucia
Deputy Town Clerk - Florence Furdyna
Town Attorney - Jessica Bacal

ABSENT: Councilmen - Al Perruzza, Suzanne Whalen
Town Clerk - Kathleen Cory

Also attending was Deputy Supervisor Joann Vasi, Town Planner Will Agresta, Building Inspector William Cargain, Facilities Maintenance Manager Joel Smith, Town Engineer Tom Altermatt.

CODE - Chapter 220- Zoning - Discussion re Proposed Amendment re Starbucks

The Board discussed proposed amendments needed in order for a coffee shop to open in the Cross River Shopping Center. Attorney Michael Sirignano representing the coffee shop and Adam Brodsky, agent for the Cross River Shopping Center were present.

Town Planner Will Agresta reviewed some definitions in the Zoning Ordinance that need to be amended in order to allow the use. He noted that the zoning ordinance provides in some cases for special permits, and a special permit carries with it other standards that are used to evaluate a standard to make it compatible with other uses in that district that don't require a special permit. The special permit requirements acknowledge that there are characteristics of the proposed use that need to be ameliorated in some way to make them compatible with the other permitted uses. For example, with riding academies in residential zones, there are double setbacks and other site plan requirements to keep them compatible with other residential uses.

Mr. Agresta said the Board has to look at what is generating the need for the permit, and in this case it is the number of seats, and what comes with the number of seats—traffic patterns, number of parking spaces, etc.

The Board and Mr. Agresta discussed the varying kinds of businesses that exist in town currently, or might be expected to come, and the need to be as inclusive in definitions as possible. Mr. DeLucia added that the County Health Department also has requirements that might limit certain operations regardless of the Town's regulations.

Mr. Agresta said the Town's use code hasn't been touched in a long, long time, When it was developed it was limited in what it permitted. A similar situation has developed with a recent application before the Planning Board for a day care facility on the site of the current Hayloft Motel. The applicant also wants to have a kindergarten as a private school, but it is not a

permitted use in a residential zone. Even though private schools are listed in the special permit section, they are not listed anywhere in the permitted uses.

Mr. DeLucia asked Mr. Agresta if he recommended fixing the zoning ordinance all at once or making amendments as needed. Mr. Agresta said ideally it would be better to make all the needed amendments at once, but it would take longer. To enact the immediate changes the Board has to refer the application to the County Planning Department and hold a public hearing.. He said that this amendment will benefit the applicant, but will also benefit any other coffee houses that might want to come here.

Mr. Mahoney asked Mr. Agresta if the parking would be adequate for the coffee shop. Mr. Agresta said he didn't know, but was going to assume there's enough parking. He said each use has its own needs, and the coffee shop will generate new traffic that didn't come to the shopping center before. Mr. Mahoney said the shopping center is a "vital cog" in the Town of Lewisboro and they are willing to provide the amenities needed.

Mr. Brancati asked what the enhancements were that the owner is willing to make. He noted there was a lot of trash everywhere. Mr. Mahoney suggested adding fresh flowers and a freshly paved parking lot as lifestyle conditions that have to be corrected.

Mr. Brodsky said they have hired maintenance staff to take care of the trash. He said there is a policing issue in the back of the center where people leave items in and around the dumpsters.

Mr. Agresta was given direction by the Town Board to refine the language of the proposed amendments and have them ready for the Board's work session on March 13. If the Board is comfortable with the wording, they could set a date for a public hearing. Mr. Agresta stressed that there is a 30-day period in which to wait for comment from the County Planning Department.

(Town Attorney Jessica Bacal arrived at 7:40 p.m..)

CABLE TELEVISION - Discussion of Access Rules

The Board reviewed a proposed update to the Cable Television access rules. (Copy attached.) Ms. Bacal said she had no problem with the changes from a legal point of view.

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

THE VOTE:	Yes	- Mahoney, Brancati, DeLucia	(3)
	No	- None	(0)
	Absent	- Perruzza, Whalen	(2)

RESOLUTION

RESOLVED, the Town Board of the Town of Lewisboro does hereby adopt the Cable Television Access Rules as attached, dated February 27, 2007.

TOWN PROPERTY - Onatru Farmhouse

Mr. Brancati said an agreement has been signed and all paperwork submitted for the HUD grant for work on Onatru farmhouse. The project description includes creating a first floor handicapped accessible bathroom, improved lighting on the stairway and installation of an elevator for access to the second floor. There are also structural improvements to be made which are not part of the grant work, except for those needed to accommodate the elevator. Therefore it makes sense to locate the elevator where the structural improvements can be the greatest, thus reducing the structural improvements that have to come from Town funds. Also included in project description is improving access throughout the ground floor. That work includes widening doorways so a wheelchair can get through.

Engineer Bob Benoit said he and Facilities Manager Joel Smith have been working on the plans. The project will be a three-phase project. The first phase is to identify the type of elevator to be used, possibly a limited use elevator. Mr. Benoit will propose two different basic systems, and two different vendors each for those systems. He will identify pros and cons of each system to help the Board choose which one to use. The maintenance staff will be able to perform some work. The Board will also have to decide what effect the chosen elevator and site will have on the building.

Mr. Benoit said the Town could move the upstairs offices downstairs during the changes and keep the building open. Part of the plan is to look at phasing the work, utilizing the Town's own personnel and also keeping the building open.

Mr. Brancati said the process moves much more quickly if everyone moves out. Mrs. Vasi noted that there is a restriction against using the main floor of Onatru for office space. Mr. Brancati also noted that under the terms of the grant an opportunity has to be given for minority and women-owned businesses to participate, etc.

Mr. Smith noted that once April starts the Town's maintenance and parks maintenance staffs will be very busy with other work. Mr. Smith feels his men can do most of the work except for the elevator work. The steel beams to be installed are not as heavy as he first thought.

Mr. Brancati said the Board first needs to have an agreement with Mr. Benoit for his work, and then has to go through the SEQR process and put the work out to bid.

Former Supervisor Tom Herzog questioned the amount and purpose of the grant. He was advised the grant is for a total of \$148,800, and is for ADA improvements to the building.

Mr. DeLucia said in reality the Board is looking at moving the offices and starting the work a year from now. Mr. Mahoney said whatever offices will return to Onatru will be minimal, not what exists there now. Building Inspector Bill Cargain said the space where the offices will move temporarily, under D'Agostino supermarket, needs to be designed, have up to date wiring, communications systems, etc. Mr. DeLucia expressed the need for a better telephone system for all Town offices.

LEWISBORO VOLUNTEER AMBULANCE CORPS - Proposed New Addition

The Board reviewed a plan by the Lewisboro Volunteer Ambulance Corps to add to their headquarters, which is located on land owned by the Town behind the Cyrus Russell Community House in Cross River.

The Corps plans to extend their building to the rear. Town Engineer Tom Altermatt noted that they are not impacting the expansion area for the septic system. Mr DeLucia reported that he and Mr. Brancati met at the site with the Town Engineer and the architect, Jerome Kerner, and walked the site. The Town Engineer had explained his concerns, and they came to an agreement on a change in the footing drains, a change in the layout of the deck and agreed to leave a certain area undisturbed.

The Board agreed with the changes discussed.

OAKRIDGE WATER AND SEWER DISTRICTS - Approval of Payment to Milnes Company

The Board reviewed a bill from the Milnes Company for work done on the Oakridge sewer plant, specifically for much emergency work to repair the rotating biological contactors.

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

THE VOTE:	Yes	- Mahoney, Brancati, DeLucia	(3)
	No	- None	(0)
	Absent	- Perruzza, Whalen	(2)

RESOLUTION

RESOLVED, the Town Board of the Town of Lewisboro does hereby authorize payment to The Milnes Co., Inc. in the amount of \$80,736.98 for emergency RBC #1 bearing repair and the subsequent repair and reinforcement of the concrete basin wall of the RBC #2 bearing at Oakridge Water & Sewer District from an appropriation line to be determined by the Town of Lewisboro Finance Director.

WILD OAKS SEWER DISTRICT - Comments Re Upgrade

Mr. DeLucia reported on matters relating to the Planning Board's approval for upgrade work on the Wild Oaks Sewer District. Apparently their approval extensions had expired, and the Chazen Company needs to refile with Planning Board, which will be done. Mr. DeLucia said the Planning Board will work to expedite the process.

LAKES COMMITTEE - Structure and Mission Statement

Mr. Brancati reported that he has prepared a document outlining the structure for the Lakes Committee. The Board will adopt it and the mission statement for the committee at next week's meeting.

OPEN SPACE ADVISORY COMMITTEE - Discussion

The Board discussed Chairman Ed Delaney's recommendations that the Open Space Advisory Committee be reconstituted as a smaller committee or incorporated into the Conservation Advisory Council, and be given a new focus. The Board decided not to incorporate the committee into the CAC or disband the committee.

Mr. DeLucia said the Board's feeling was that a smaller committee could be effective, and that smaller parcels of land are appropriate for study as potential open space acquisitions. Mr. Brancati said there is nothing in OSAC's guidelines that prohibits looking at smaller parcels.

Tom Herzog said the Board needs to better define open space—is it passive open space, active open space? To some, open space with ballfields is "open space", to others it is not. Ms. Bacal said the Board needs to define "open space" and what they intend to do with it.

EXECUTIVE SESSION - Lease/ Purchase/ Sale of Real Property

On motion by Peter DeLucia, seconded by Mr. Brancati, the Board voted 3-0 to go into executive session to discuss the lease, purchase or sale of real property.

On motion by Mr. Mahoney, seconded by Mr. DeLucia the Board voted 3-0 to come out of executive session.

ADJOURNMENT

On motion by Mr. DeLucia, seconded by Mr. Mahoney the Board voted 3-0 to adjourn at approximately 10:30 p.m.

Kathleen G. Cory
Town Clerk