



TOWN OF LEWISBORO
Westchester County, New York

Comprehensive Plan Steering Committee
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COMPREHENSIVE PLAN STEERING COMMITTEE
MINUTES

Minutes of the meeting held by the Comprehensive Plan Steering Committee on Tuesday, June 22, 2021 via Zoom videoconferencing ([https://zoom.us/j/938 9617 8468](https://zoom.us/j/93896178468)) with live streaming to the Lewisboro TV's YouTube channel <https://www.youtube.com/watch?v=UN3Gdy4lG-4>

Present: Katie McGinn, Chair
Charlene Indelicato *arrived at 7:39 p.m.
Larry Mango *arrived at 8:01 p.m.
John Wolff

Absent: Mark Robbins

Ciorsdan Conran, Administrator
Jane Crimmins, Town Board Member
Dan Welsh, Town Board Member

Approximately two viewers on YouTube.

Due to a lack of a quorum, Ms. McGinn invited Janet Andersen (Planner Board Chair) and Jud Siebert (Planner Board Counsel/Keane & Beane) to speak at 7:30 p.m. and called the meeting to order at 8:46 p.m.

I. GUEST SPEAKERS

Ms. Andersen introduced herself and Mr. Siebert and outlined that he will speak to the planning process under law and she will give real life examples.

Mr. Siebert identified the four key players in zoning formulation/implementation/enforcement:

- Town Board – our legislative body which creates other boards and new local laws;
- Planning Board – reviews applications for Code compliance and issues site development plans approvals, some special use permits, subdivision approvals and wetland permits;
- Building Inspector – chief enforcement officer for zoning compliance and first step for improvements on a parcel; and
- ZBA – our appellate board which can, through its five-factors review**, offer relief if applicants disagree with the Building Inspector's enforcement of the Code, through area variances (ex. an addition within a side-yard setback)

or use variances (dollars and cents proof is required to establish a use not permitted under the Code in a particular location). The ZBA also performs some special use permit reviews.

**** Mr. Siebert described the test that the zoning board uses to balance the benefit being sought by a property owner against the detriment to the community at large: (1) whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether an alleged difficulty is self-created. (New York State Town Law § 267-B)**

Mr. Siebert stated the three boards must follow New York State Town Law, the State Environmental Quality Review Act (SEQRA) and Town Code. He noted the Planning Board cannot reject a project that follows zoning code, but it does balance the needs of the community and considers issues like construction impacts, noise, traffic, lighting, vehicular circulation, parking, appearance, etc. Ms. Andersen stated the Planning Board must also follow Westchester County Code, rules from DEC and Army Corps of Engineers.

Ms. Andersen stated the Planning Board is a permitting board, reliant on the Town Code and its consultants – Mr. Siebert plus Joe Cermele and Jan Johannessen of Kellard Sessions. She gave two examples of projects with both site plan approvals and special use permits – cell towers and the South Salem Winery. Ms. Andersen noted that much of the remaining vacant land in town is wetlands and the Planning Board has had to deny a few applications that were in the wetlands or the town's 150' wetland buffer. Mr. Siebert added that applicants seeking to make improvements in the wetlands are required to install 1:1 mitigation for the amount of land disturbance.

Ms. Andersen stated when the Town Board amends Town Code those revisions go to the Planning Board for review. She noted that the Planning Board evaluates applications, cannot compel specific businesses/applications to come to town but the Comprehensive Plan can recommend specific types of development/preservation as well as sustainability. Ms. Andersen noted areas where the Code could be stronger -- steep slopes, rock walls, septic systems, vistas, maintaining conservation easements, outdoor seating/dining areas, home offices, odor ordinance and regulating unusual projects such as the Hidden Point wave pool -- and does a good job with preventing roads lined with 6' or 8' high fences.

Mr. Siebert stated the comprehensive plan is a zoning document which should define what a hamlet is, do we have six of them in town, what are the unique characteristics/boundaries of each and which ones are going to support certain uses. Ms. Andersen asked if hamlets are neighborhoods and are we dividing the town into separate neighborhoods. Ms. Indelicato stated the terms used should be self-identified hamlets, areas or neighborhoods and asked how much do we want to divvy up neighborhoods within the town. Mr. Welch noted there could be hamlet or neighborhood-based steering committee events.

Mr. Siebert stated a revised comprehensive plan is a long overdue task, it is important, and should be linked to an overhaul of the Town Code, as it is outdated. He noted the comprehensive plan would help the Town Board having to react to changing dynamics and changing situations and coming up with piecemeal code changes; it should be looked at as a whole.

II. ACTION ITEMS

Summary of open action items as of 6/22/21

Follow up by	Action item	Timeline
C Indelicato	Lead drafting of RFP for consultant services, coordinate with Committee members Begin process for identifying methods for distribution Coordinate feedback on draft from Town Board/Departments (due July 12*)	June
All	Distribute flyers and paper copies of survey – see working document in Drive, Communications for full list of responsibilities	June

J Wolff	Lead drafting of CFA Grant opportunity (deadline July 30 th)	June/July
All	Share/identify potential ideas educational webinars/resources for public series	July
C Indelicato	Coordinate review of census information and list of questions for County team	July
K McGinn	Coordinate quarterly presentation to the Town Board for July (July 26 th)	July
All	Discuss Hudson River Valley Greenway Community Grants opportunity (Deadline September 10 th)	July
C Conran	Schedule Lise Robertson (Tax Assessor) for Tuesday Committee meeting	July/August
All	Continue to update list of stakeholders via document posted on Google Drive	Ongoing
K McGinn C Conran	Develop content for the Committee's page on the Town web site	Ongoing
All	Watch Maureen Koehl's lecture series on hamlets	Ongoing

III. MINUTES

Review and adoption of the Minutes of the Comprehensive Plan Steering Committee meeting held on June 1, 2021.

Ms. Indelicato made a motion to accept the minutes as presented; seconded by Ms. McGinn. In favor: Charlene Indelicato, Larry Mango, Katie McGinn and John Wolff. Absent: Mark Robbins.

Review and adoption of the Minutes of the Comprehensive Plan Steering Committee meeting held on June 3, 2021.

Ms. McGinn made a motion to accept the minutes as presented; seconded by Ms. Indelicato. In favor: Charlene Indelicato, Larry Mango, Katie McGinn and John Wolff. Absent: Mark Robbins.

IV. NEXT MEETING DATE: July 13, 2021 –via Zoom videoconferencing and YouTube

V. **ADJOURN MEETING** – With no further business, the meeting was adjourned by Ms. McGinn and seconded by Mr. Mango at 9:05 p.m. In favor: Charlene Indelicato, Larry Mango, Katie McGinn and John Wolff. Absent: Mark Robbins.

Minutes respectfully submitted by:



Ciorsdan Conran
Comprehensive Plan Steering Committee Administrator