



TOWN OF LEWISBORO
Westchester County, New York

Comprehensive Plan Steering Committee
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COMPREHENSIVE PLAN STEERING COMMITTEE: ZONING SUB-COMMITTEE

Minutes of the meeting held by the Comprehensive Plan Committee's Zoning "Sub-Committee" Group on Thursday, November 20, 2023 via Zoom videoconferencing (Meeting ID: 896 6361 3882) and livestreamed to LewisboroTV YouTube channel: <https://www.youtube.com/watch?v=w3ukSxblf30&t=195s>

Present: Katie McGinn, Steering Committee Chair
Charlene Indelicato, Steering Committee/Planning Board joint member
John Wolff, CAC Chair
Janet Andersen, Planning Board Chair
Robin Price, ZBA Chair
Andrea Rendo, Town Board Member
Dan Welsh, Town Board Member
Valerie Monstra, Nelson Pope Voorhis (NPV)
Jud Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Jan Johannessen, AICP, KSCJ Consulting, Town Planner

Absent: Rose Bonanno, ACARC Chair.

I. WELCOME REMARKS FROM STEERING COMMITTEE CHAIR

Ms. McGinn called the meeting to order at 7:30 p.m., noted that this is the third meeting of the Zoning Sub-Committee and reminded viewers about all the background information (previous meetings and draft Vision Statement and Goals & Objectives) on the Steering Committee's web page:
(<https://www.lewisborogov.com/cmpsc>).

Ms. McGinn explained that the goal for the Subcommittee is to help limit the total rounds of revisions that go into the draft zoning code updates. She noted these edits, as proposed by NPV, came from comments gathered at the previous public work sessions and surveys plus best practices as identified by the Planning Board's consultants and the planning consultants at NPV. She noted that leading up to tonight's meeting - the full Town Board, as well as the group here, reviewed these recommendations and provided preliminary feedback.

Ms. McGinn stated some code changes would require policy decisions from the Town Board and ultimately it is the Town Board who votes to adopt the new Comprehensive Plan. She noted the Sub-Committee's review is meant to help streamline the process and help keep the project on time and on budget as well as ensure that the Zoning Code is in keeping with the draft Comprehensive Plan, Vision Statement and Goals & Objectives.

II. FINAL REVIEW: FIRST BATCH OF PROPOSED ZONING CODE CHANGES

Steep Slopes

Ms. Monastra stated the Town Code does not regulate steep slopes currently and as a result a steep slopes protection law incorporating several best practices has been drafted. Mr. Johannessen concurred that while the preservation of steep slopes is in the Code there is not specific language about enforcement or regrading regulations. Ms. Monastra noted there are topics that can be part of the Comprehensive Plan before they become part of the Zoning code (or its own chapter in the Town Code) and the Comprehensive Plan offers guidance but it does not identify every possible regulation in the Town Code or town policy.

Ms. Monastra reviewed ways to tighten up this section to bring it up to best practices that one would see in other communities. She listed the three different categories of steep slopes (moderately, very steep, and extremely steep slopes). Mr. Johannessen recommended measuring the slope in the direction of the slope, for example, 25 feet for the horizontal dimension or in the direction of the slope plus a minimum of a couple hundred square feet of ground disturbance. He will review other towns' criteria and work with Ms. Monastra on updating those quantities. She noted that if building on extremely steep slopes is proposed, that would require Planning Board review. Mr. Siebert stated that steep slopes should be its own chapter in the Town Code.

Mr. Johannessen stated that other towns exempt Highway Departments or the entire Town from obtaining a steep slope permit since their road work could include repairing a swale. Mr. Welsh stated that the Town should have to apply for steep slope permits. Ms. Indelicato recommended the Town be exempt but that it should be notifying abutting neighbors when working on steep slopes. The Subcommittee reached consensus to make the Town exempt from the steep slope permit and not add an additional notification process. Ms. Monastra and Mr. Johannessen agreed to work on the technical aspects of this section.

Performance Bonds, Fees & Fines

Ms. Monastra stated that performance bonds are often required by the Planning Board, but it is the Town Board that accepts a certain performance bond associated with a project. Mr. Siebert stated the Town Code has different bonds that are set up under different chapters and he recommended that the Planning Board remain the original authority in determining if a bond is required and if so the amount of the security. He agreed with Ms. Rendo that when there is public infrastructure involved in a project the Town Board should oversee the final release of funds. Mr. Siebert stated a planting mitigation bond under the wetland statute should be determined and released by the Planning Board.

Ms. Rendo stated that a standard should be set so applicants know what kind of fees to anticipate. Ms. Andersen explained that the bond amounts are a percentage of the cost estimates provided by the applicant.

The Subcommittee reached consensus to keep fines in the Town Code (rather than separate them into standalone documents) and continue to use the Town Board-approved fee schedule for updating fees. Mr. Johannessen stated that oftentimes before a fine is levied there is an Order to Remedy issued first and if there isn't compliance then the fine is imposed.

Excavation & Fill

Ms. McGinn stated that our Town Code is currently silent on excavation and fill and this would be a new section.

The Sub-Committee discussed the number of cubic yards that would require a Planning Board permit, what activities would be exempt and that soil manifests are to be submitted to the Building Inspector. Mr. Johannessen will review other towns for their threshold amount. Ms. Monastra will review the Town Engineer's role, draft escrow language and recommends an excavation and fill permit application be developed.

Wetlands & Watercourses

The Group discussed revisions to these definitions:

- Administrative wetland permit;
- Wetland Consultant;
- Bulk petroleum storage; and
- Pesticides and fertilizers.

Mr. Johannessen stated the Army Corps of Engineers have three criteria for wetlands – vegetation, soil and hydrology – but Appendix A of Lewisboro’s Town Code only has two. Mr. Siebert noted a policy change on this would have to come from the Town Board. Ms. Andersen stated she would contact former Supervisor Jim Norgren and former Planning Board Chair Paul Lewis for the history of this two-criteria language.

III. QUESTIONS & DISCUSSION: SECOND BATCH OF PROPOSED ZONING CODE CHANGES

A. Architecture & Community Appearance Review Council

The Sub-Committee agreed to remove the word *morals* and to add ACARC review for certain historic structures that are located outside of the five Special Character Overlay District. Mr. Johannessen recommended the Building Dept. have National and/or State Historic Registered properties/districts noted in the paper and online files.

B. Cluster Development

Ms. Monastra reviewed the bulk requirements noting that the 35,000 square feet of contiguous buildable area minimum was missing from the R-2A and R-4A zoning districts. She stated the suggested language is to encourage potentially more cluster development so that more natural resources can be preserved and allow flexibility in terms of the overall lot area. Mr. Welsh asked if the Town Code should be amended to say that additional density is allowed if a developer preserves more open land. Ms. Monastra stated that this type of density bonus could be part of a senior housing overlay and she will review Town Law for more information/provisions on cluster development.

C. Exterior Lighting

Ms. Monastra listed options for amending the Town Code:

- an appendix could be added stating all site plans must follow exterior lighting guidelines; or
- incorporate the International Dark Sky Association’s lighting standards.

Ms. Rendo stated that the lighting standards should be recommendations not mandatory regulations. She noted that the goal is to avoid light pollution that interferes with a neighbor’s ability to enjoy their property. Ms. Monastra asked the Sub-Committee to highlight the sections of concern in this section. Mr. Johannessen recommended specific standards for commercial lighting that are industry standards and the lighting in the residential districts could be less restrictive. Ms. Monastra reviewed the draft section B (Applicability) that a lighting plan will be submitted as part of any site plan, special permit, or subdivision plan. She added that for residential areas there could be language addressing light encroachment on abutting properties.

D. Landscaping, Screening & Buffer Areas

Ms. McGinn stated that the promotion of native and pollinator-friendly-landscaping has gotten broad support from the Sub-Committee members and Town Board members who commented on the draft document. Mr. Johannessen stated during site plan review a landscaping plan is submitted but for smaller projects it is not always necessary.

E. Site Development Plan Approval

Ms. Monastra noted that some of the Sub-Committee members' proposed edits – decks, equipment pads, solar panels-- are policy changes that would have to be made by the Town Board. Ms. Andersen stated that the Planning Board has reviewed minor improvements within multi-family zoning districts and some of these matters could be exclusively the Building Inspector's purview. Mr. Johannessen noted that Lewisboro and North Salem are the only towns still requiring mylars. Ms. Monastra stated that she will add a business plan requirement for special use permits specifically related to horse-riding academies. She noted that the comprehensive plan is encouraging projects to be more energy efficient. Ms. Indelicato noted that the use of energy efficient materials is to be, "as practicable as possible."

IV. THIRD BATCH OF PROPOSED ZONING CODE CHANGES

Ms. Monastra asked if the next batch of zoning code changes should include solar arrays, battery energy storage and a senior housing overlay. Mr. Johannessen noted battery storage should be zoned for and can be developed separate from solar regulations. Ms. Monastra will send the Sub-Committee draft language on solar arrays, battery energy storage, and senior housing overlay.

The Zoning Sub-Committee will review the next batch of proposed zoning code changes and confirm/finalized the previous batches of proposed code changes during the December 14th meeting, before passing the drafts to the Town Board for their continued review and for posting the drafts publicly in advance of the January 29th, 2024 public workshop.

V. NEXT MEETING DATES /IMPORTANT DATES:

- Committee to pass final drafts (Draft Comprehensive Plan & Draft Zoning Code amendments) to Town Board in December
- 12/14/23 via Zoom, 7:30PM - ZONING SUB COMMITTEE
- 12/18/23 via Zoom, 7:30PM - FULL STEERING COMMITTEE - meeting to receive comments on draft Comp Plan and discuss public workshop format and finalize dates (This assumes delivery of draft Comp Plan December 1st)
- 1/8/24 - NPV to attend the **Town Board** meeting to take any comments from the Town Board on the proposed zoning and the draft Comp Plan
- 1/29/24 - Public workshop
- February or March 2024 - Public hearing(s) goal

VI. Summary of open action items as of November 2023

Follow up by		Timeline
All	Zoning "Sub-Committee" Group Formation <ul style="list-style-type: none"> • Steering Committee Chair • Planning Board Chair • ZBA Chair 	Complete

	<ul style="list-style-type: none"> • ACARC Chair • CAC Chair • Town Board liaisons • Steering Committee/Planning Board joint member 	
K McGinn C Conran	Coordinate with Town Board, Town Planner, Town Attorney, and Planning Board Attorney to gather feedback on proposed Zoning Code updates	October - December
Outreach Teams	October "Did You Know" outreach/advertising campaign to keep engagement momentum going	Complete
NPV	Alert Steering Committee of Grant opportunities	Ongoing
K McGinn	Coordinate Community Outreach Teams	Ongoing
K McGinn	Coordinate outreach/advertising methods and materials	Ongoing
K McGinn	Develop/update content for the Committee's page on the Town website	Ongoing
C Conran	Coordinate continued updating of email addresses for stakeholder list/Constant Contact mailing list	Ongoing

VII. ADJOURN MEETING – With no further business, the meeting was adjourned by Ms. McGinn and seconded by Ms. Indelicato at 10:13 p.m. In favor: Janet Andersen, Charlene Indelicato, Katie McGinn, Robin Price, Andrea Rendo, Dan Welsh, and John Wolff. Absent: Rose Bonanno.

Minutes respectfully submitted by:



Ciorsdan Conran
Comprehensive Plan Steering Committee Administrator