

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Monday, June 27, 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, Park and Recreation Superintendent Dana Mayclim, and Confidential Secretary/Benefits Coordinator Mary Hafter.

And approximately eighteen (18) residents/observers.

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

PARKING – Park Road (7:33 – 7:47 p.m.)

Ryan Crook, who lives on Park Road in Goldens Bridge, NY, presented the following to the Board regarding a parking issue in Wild Oaks on Park Road:

Ryan Crook
Park Rd, Goldens Bridge 10526

Date: 6/27/16
Public Comment Period

Ask: To solve the parking issue on Park Rd.

Problems:

- Limited visibility of pedestrian traffic
- No free flow of vehicle traffic on Park Rd as a result from parked cars.
- Unsafe for pedestrians, children, pets, bicyclists, and runners due to speed limit of 30MPH
- Domestic animals often get killed
- Cedar Woods residents park on Park Rd.
- Wear-and-tear of private roads due to U-turns in driveways and courts from Cedar Woods residents
- Impossible for a fire truck to pass a parked car and passing car on Park Rd according to the following measurements:
 - Town Fire Truck width: 10' 6"
 - Width of widest vehicle which can park on Park Rd: 6' 75" (Hummer H1)
 - Park Rd is 22' 10" wide
 - Honda Civic (width: 5'9") would not be able to pass through given the above stats

Cedar Woods Parking Stats:

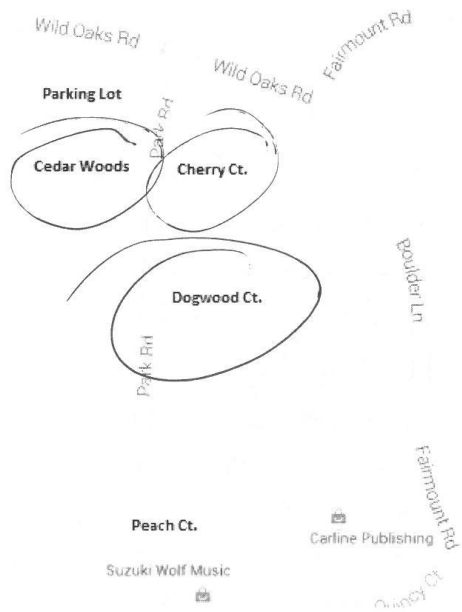
- Total number of park spaces available in Cedar Woods parking lot: 69 (including 1 handicapped spot)
- Ninety-five percent of cars parked on Park rd. belong to residents of the Cedar Woods Apartment Co-Op
- Average of 33 open parking spots in Cedar Woods parking lot at 7pm during weekdays over a 3 week period
- Average of 15 cars are parked on Park Rd. at 7pm during weekdays over a 3 week period

Possible Solutions:

- Amend Article III Chapter 212-12 to include prohibited parking 7 days per week from 5pm-5am on Park Rd.
- Sidewalks installed on East side of Park Rd. (Complete Streets resolution)

Appendix

Areas in yellow indicate where cars currently park.



Article III**212-12** Parking prohibited certain hours

No person shall park a vehicle between the hours specified in Schedule VIII (§ 212-29) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule VIII, attached to and made a part of this chapter.

212-29 - No person shall park or permit a vehicle to stand between the times specified upon any of the following described streets or parts of streets, Monday through Friday, except state or national holidays:

Name of Street	Side	Hours	Location
Fairmount Road [Added 10-16-2001 by L.L. No. 5-2001]	West	2:00 a.m. to 7:00 a.m.	100 feet south of Quincy Court to 200 feet south of Quincy Court
Meadow Street	Both	At all times	Entire length
North Street	Both	At all times	Entire length
Old Bedford Road	Both	At all times	Entire length
Park Avenue	Both	At all times	Old Bedford Road to Meadow Street

Mr. DeLucia suggested that Mr. Crook get a petition together from the neighbors and to also talk to the emergency departments to see if they have had issues getting to this area. Mr. DeLucia also mentioned that Mr. Crook suggests sidewalks which would be very costly.

Mr. Crook said that he looked on the website and saw information regarding complete streets but Mr. DeLucia stated that we look at that when roads are being repaved to see if it makes sense to put in sidewalks. Mr. Welsh's comment regarding the complete streets is that there is an aspirational part that our roads be open to all users.

Mr. Parsons suggested that all parties concerned should get together and resolve this on their own without town involvement. Mr. Welsh suggested parking stickers.

Jonathan Monti, who is involved with the Golden's Bridge Hamlet, asked about the town giving a "nudge" to Cedar Woods. Mr. DeLucia stated the town really cannot tell them not to park on a street that allows public parking.

Mr. DeLucia suggested that Mr. Monti speak with the Highway Superintendent and have him take a look at it. Mr. Pappalardo feels that Mr. Monti should also reach out to the managing agent and relay that he has petitioned the Board and they are investigating a no parking zone so if they don't want that to happen, have your residents park in the parking lot. Mr. Welsh suggested that in the meantime walkers should walk on the other side of the road that is grassy and it should be safer.

PLANNING BOARD DECISION – Adam Rose (7:47 – 8:26 p.m.)

Adam Rose, resident of Lewisboro, read the following at the Town Board meeting:

Good evening. I am Adam Rose, resident of Lewisboro for over 20 years, and I address the Town Board tonight to ask you to seek an Administrative Warrant from a local judge. The purpose is to force my neighbors at 124/128 North Salem Road to allow the Building Inspector in to examine a large collection of buildings that have not been inspected for many decades. But before I present information regarding those buildings, I would like to briefly explain why I am also the party seeking an Article 78 against the Town's Planning Board to overturn a decision about those same properties and buildings.

I love this Town and have done everything within my power to help it grow, to foster community, and to support its organizations and institutions. In fact, this very Board (well, an earlier version of it) named June 20, 2000 as "Adam Rose Day" in the Town of Lewisboro in recognition of my work, and that was eight years before I donated the AP Farm Athletic Fields! It is my intention to continue to love this Town and to help it in any way that I can.

One way that I help the town is through the payment of taxes. In fact, I am in the top five residential taxpayers in the entire Town (I think I am actually #3, but I want to leave myself a little room for error) and I am on the top 10 list of all taxpayers including businesses and institutions. How did I get to be on this glorious list?

It's not that I have the largest house, because I don't, and it's not because I own the most land, because once again I don't. I pay this level of tax because of one simple fact: every time I build anything, I get a Building Permit, and then I get a C of O, and then the lovely Lisa (Town Assessor) pays me a visit and raises my taxes. Every structure, every shed, every generator, on any piece of property I own has a C of O. I think I have over a dozen. I just assumed that everyone did things this way, but I turned out to be naive.

For approximately 10 years I used to visit a single mother who lived across the street from us in a rental apartment where she raised her two kids. It was small but charming, and I never questioned its legality or zoning status. But last year when the collection of buildings and land went before the Planning Board for approval of a 3-lot subdivision, I looked at the publically available application and learned that the lovely home where my friend used to live was actually chicken coops and dog kennels which had mysteriously turned themselves into garages and stables and then into rental apartments. The owners of these buildings, Jocelyn and Christopher Hayes, for the past two decades have never gotten a building permit for anything, and have ignored or violated virtually every local ordinance, law, rule, and procedure....and the files are FULL of the documentation to prove it. And the Town has taken only the mildest action to prevent it and then never followed up.

Over my objection, and wiping away all of the evidence, the Planning Board approved the 3-lot subdivision. Now why, we must ask, would the Planning Board do something so blatantly wrong?

The members of the Planning Board are perfectly nice people with good intent, and in fact they are VOLUNTEERS trying to help the community with their service. I respect that and I thank them. But, unfortunately, volunteers come to rely on the consultants and experts, and over time the Board sees the same faces over and over and gets used to approving whatever is presented without actually examining it or questioning the veracity.

The entire system is based on a presumption of HONESTY. But as I will now show you, the package of information was anything but honest.

This is a mini-version of what we submitted to the Planning Board, and the Planning Board ignored it.

One doesn't need advanced training and technical expertise to read a simple drawing and understand a common sense explanation. The so-called "Levine" lot which is under 4 acres, is non-conforming, and has a bunch of buildings on it, is indirectly being approved if you allow the applicant to create a 3-lot subdivision all around it....but don't require the 4th lot to be part of the application. It's obvious, and that was the legal argument that we made.

The attorney for the Planning Board, Keane and Beane, submitted papers in the Article 78 a few weeks ago. I am now going to hand out one page from their court papers.

In their papers, they said that my submissions were "vague and speculative." Rather than attacking me, the Town's attorney should be thanking me for helping Town officials to do their jobs. It is incredibly hurtful to someone who follows the rules, and pays taxes on everything, to have a neighbor ignore the rules, pay almost no taxes, and get away with it.

In the applicant's (Hayes) attorneys' papers, the attorneys state "without any factual or legal foundation to support Petitioner's challenge, this case should be dismissed with prejudice" and it is signed by the three lawyers at Cuddy & Feder, including Taylor M. Palmer.

Well, a quick look at LexisNexis, a publically available database which is open to anyone who wishes to subscribe, shows that Taylor M. Palmer lives in 128 North Salem Road. That's the north collection of buildings that I have been discussing here tonight. It's right there in black and white. So Mr. Palmer knows exactly what is going on at these properties, and he cannot possibly claim that these structures are legal and conform to code.

On April 11 of this year, the Lewisboro Building Inspector wrote to the property owners, requesting permission to visit all of the buildings to see what is going on. That permission was denied.

Then, on May 11 of this year, I wrote the Town Board, urging it to seek an Administrative Warrant from a local judge to force the property owners to submit to the Building Department.

And that brings us to my two requests of the Town Board here tonight. My first request pertains to the Article 78 which is currently in front of a County judge. I would like to respectfully ask the Town Board to suggest that the Planning Board Attorney to withdraw its opposition papers. There is no legal requirement that the Town defend this action, and in light of the additional information that I have provided, the Town should change direction and do the honorable and moral thing. Withdraw the papers and decline to participate in defending the Article 78.

*The second request to the Town Board is for it to apply to a local judge for an Administrative Warrant to get the Building Inspector into **every single structure** on these two properties. This aerial photo tells the story: there are two collections of buildings, owned by the same people, on non-conforming lots, with a potential total number of 6-9 residential units. The Town has been put on notice. If there were to be a fire or other tragic event in these buildings, and you failed to take appropriate enforcement action after receiving notice, the Town would have an unlimited liability.*

I have one final comment: I believe the Town to be run by honest and caring people. Our officials are trying to do their jobs and give thought to the substance of their work. But so far the Town has attacked me and my credibility, in writing, and has granted a sub-division approval to the people across the street. Your Building Inspector requested access to the property, was rebuffed by the owners, and you have taken no action. The irony is beyond comprehension. I just can't accept the sinking feeling of disappointment, and betrayal, and injustice from the elected leaders of my own Town.

Surely the Town could use the revenue from 124 and 128 North Salem Road to assist the highway department or the police department. These owners have been running an illegal rental complex for at least 20 years and I have been subsidizing their use of municipal services. They need to clean up their act and start paying their fair share.

I beg you to do the right thing tonight. Thank you.

Mr. Pappalardo thanked Mr. Rose for his efficient presentation. Mr. Pappalardo asked about the two objectives that Mr. Rose is looking to achieve, one of which is for the Town to withdraw their opposition to his application. The other is that the town is named in the suit as a parent to the Planning Board. Mr. Pappalardo asked if there was an option to be removed from this suit and the response from Mr. Rose's attorney was yes, that was an option.

Mr. DeLucia then stated that his issue is with health and safety. There are potential violations with septic, multi-family dwellings, etc.

Mr. Rose said that he has been accused of being a snob. Mr. Rose stated that there is a group home that is across the street from him and it is inspected several times a year because it is a group home. He has even sent them money so they could upgrade their outside lights to make it more attractive and safer for the residents.

Mr. DeLucia feels that they need a warrant to allow the Building Inspector, Tax Assessor, the Health Department and the police to see what is going on with this property.

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

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

RESOLUTION

RESOLVED, that the Town Board directs the Building Inspector to pursue obtaining a warrant to do a full inspection of the entire 80 acre parcel and buildings known as Hayes/Stein (124 North Salem Road) property along with working with the Health Department, if possible, to have them inspect the same property.

COMMUNICATIONS

PARKS & RECREATION – Fireworks

The Board thanked the many people who were involved with the fireworks that were held on Saturday, June 25. These people included Dana Mayclim and the entire Parks & Recreation Department, Joel Smith and his Maintenance Staff, Waccabuc Country Club for loaning us the golf carts, the police department and Arts Onatru who added a cultural flavor to the evening. The Board also thanked the Vista and South Salem Fire Departments, the Parks and Recreation Advisory Committee (PRAC) along with their Chairman Ian Harris, Town of Bedford Parks and Recreation Department, the Lions Club for their new food selection of sausage and peppers and pulled pork, and the donut, lemonade and ice cream trucks.

HIGHWAY – Interstate 684 as Restricted Highway

Mr. Parsons stated that he received communications from New York State informing the town that Route 684 has been temporarily designated as a restricted highway. He received a letter from Intercounty Paving Associates stating that prep work is set to begin approximately July 5, 2016. The section that they are paving is from Katonah (Exit 6) north to Croton Falls. Later on this year they plan on paving from Croton Falls to Route 84. Mr. DeLucia asked about the items that Mr. Monti had inquired about at a prior meeting. Mr. Parsons stated that they are trying to combine the two. They are also trying to obtain an emergency exit into Goldens Bridge.

CONSENT AGENDA

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 4-0 to approve meeting minutes of June 13, 2016.

MINUTES - Approved

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

KATONAH-LEWISBORO SCHOOL DISTRICT – Authorize Bus Lease Agreement

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

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

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign the 2016-2017 Bus Lease agreement with the Katonah-Lewisboro School District.

KATONAH-LEWISBORO SCHOOL DISTRICT – Authorize Supervisor to Sign Agreements

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the extension for the municipal cooperation agreement between the Katonah-Lewisboro School District and the Town of Lewisboro for fuel and salt and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the extension for the municipal cooperation agreement with the Katonah-Lewisboro School District for the use of the facilities with the elimination of the Goldens Bridge Community House and the elimination of the Lewisboro Elementary School.

RENEWAL OF BUILDING FEE EXEMPTION - Solar Panels

The Board felt that this was a good program. Mr. Welsh stated that there was approximately 10 installations of solar panels during this program. Mr. Welsh stated that many towns took advantage of Solarize Westchester and he would like to become more active in this. Mr. Parsons would like more specific figures from the Building Department and at our next meeting Mr. Parsons would like a thorough review of where we stand this year from a budget point of view before renewing this program.

POLLING OF THE BOARD

PARKS & RECREATION DEPARTMENT

Mr. DeLucia and Mr. Pappalardo wanted to thank the Parks & Recreation Department; Dana, Laura, Nicole, Reed and Camille for all that they have done for the town between the fireworks, the pool opening, and the start of town camps.

MEETINGS – Date Set

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

EXECUTIVE SESSION – To Discuss Personnel History

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to go into executive session at 8:35 p.m. to discuss personnel history.

On motion by Mr. Parsons, seconded by Mr. Welsh, the Board voted 5-0 to come out of executive session at 10:05 p.m.

ADJOURNMENT

On motion by Mr. DeLucia, seconded by Mr. Parsons, the Board voted 5-0 to adjourn at 10:06 p.m.

Janet L. Donohue
Town Clerk