



**TOWN OF LEWISBORO
TOWN BOARD MEETING
AGENDA
TOWN HOUSE
MONDAY, OCTOBER 22, 2018
7:30 P.M.**

1. PUBLIC COMMENT

2. COMMUNICATIONS

- a. Schedule for office move from Town House to 79 Bouton Road
- b. Park Road resident letter

3. CONSENT AGENDA

- a. Approval of Minutes of October 9, 2018

4. NEW BUSINESS

- a. Presentation Regarding Petition for Amendment of Town Code to Include Accessory Wineries as Permitted Use
- b. Resolution Approving the Placement of a Stop Sign at the Intersection of Mount Holly and Mount Holly East
- c. Discussion of and Setting Date for Public Hearing Regarding Model Ordinance
- d. Discussion of and Setting Date for Public Hearing Regarding Tax Levy Limit Override
- e. Discussion of Requested Budget

5. APPROVAL OF CLAIMS

6. POLLING OF THE BOARD

7. ANNOUNCEMENTS

**Town Board Meeting Monday, November 5, 2018 at 7:30 p.m. at the Town House,
11 Main Street, South Salem**

8. MOTION TO GO INTO EXECUTIVE SESSION

Town Board Meetings Accessibility: The Town of Lewisboro is committed to providing equal access to all its facilities, services and activities to the fullest extent possible. The Town House, Cyrus Russell Community House, Onatru Farmhouse, and the Bouton Road Town Offices are accessible to persons with physical handicaps. If anyone who wishes to attend any meeting of the Town Board has special needs, please contact the Supervisor's Office (763-3151) at least one week before any scheduled meeting, and we will try to accommodate whenever possible.

Ellen Brief
Park Road
Goldens Bridge, New York 10526

October 11, 2028

Dear Supervisor Parsons; Lewisboro Town Board Members Tony Goncalves, Dan Welsh, Jane Crimmins and John Pappalardo; and Town Clerk Janet Donahue:

Please include this letter as part of the official public record for the October 22, 2018 Lewisboro Town Board meeting:

I request that the issue of and the vote on restoring the much-needed parking along Park Road in Goldens Bridge be added as an agenda item to the Town Board meeting scheduled for the beginning of November 2018.

Icy roads create perilous walking conditions along Park Road for the visitors and residents of the WOTOA townhouses who can no longer park close to their destination, so it is important to schedule this agenda item prior to the arrival of inclement winter weather.

The Town Board must not abdicate its responsibility to reexamine the parking ban. Board members need to examine and debate the factual information around safety (*the reason given for the ban*), the community's need for parking on this road, and reexamine the April 9th decision to single out Park Road and ban parking. I respectfully urge the Board to review, listen, respond and, most importantly, correct the neighborhood problems and animosity created by the unnecessary parking ban and to act to restore parking and harmony to the Wild Oaks neighborhood.

Some facts:

The Board's decision should not be made on the "one moment in time" number of signatures on a petition, but should be a decision supported by the facts about safety and

the community's long term parking space needs.

However, for the record:

- Over fifty percent of the signatures on the petition to ban parking presented on March 12th were from residents of The Glen subdivision who live on a private road (Park Road Extension) with adequate private parking.
- Residents living on the courts off of Park Road were not informed of the extra cars that would be parking in front of their units and some are understandably angry.
- More WOTOA residents signed the petition to restore parking than the number that signed the factually misleading petition, circulated by a few residents, which asked for limited parking or a ban on parking. Four of WOTOA residents rescinded their signatures on the petition to ban and signed the petitions to restore parking presented to the Board on July 9th.
- Park Road is a dead-end street with limited traffic and no history of accidents in over 30 years. The Lewisboro Chief of Police reported that there have been no vehicular accidents in his five-year look-back.
- Emergency vehicles can easily drive by cars parked along one side of Park Road. They have been doing so for decades.
- Parking availability was inadequate before the ban. The ban reduced the available parking spaces from 33 to 21 - all located on the three courts off Park Road. Current best planning practices of 1.5 parking spaces per bedroom would require - taking the 31 garages near Park Road into account, 62 parking spaces for the townhouses located along Park Road. Even with the approximately 13 spaces on Park Road there was a parking crunch.
- Parking needs change over time. Although one person with one car may be currently living in a unit, two-years from now, the unit could be sold and occupied by three adults with three vehicles. Best planning practices allow for these contingencies.

Persons impacted by prohibiting parking on Park Road - here are a few:

- The family and friends driving from Cross River, New Jersey, Long Island, Katonah, Somers, South Salem, etc. who wish to visit the residents of the Wild Oaks Townhouses.

- The workmen who provide services for WOTOA residents.
- The resident with a two or three car household.

Thank you for your time. We need and deeply appreciate your help restoring peace to our neighborhood.

Sincerely,

Ellen Brief

• Park Road

Enclosed:

Copies of two 7/20/2028 Letters to the Editor to the Record Review

RECORD REVIEW

'Doubling Down' on parking ban would not serve the Golden's Bridge community

To the Editor:

Sometimes politicians with the best intentions make decisions that go awry. Such is the case in the Lewisboro Town Board's April decision to ban parking on Park Road in Golden's Bridge. The board's concern for safety is admirable. However, the myopic and inaccurate assertion presented by proponents of the parking ban — that parked cars on this road compromise pedestrian safety — was not accurate and neglected to inform the board of the overall parking needs of residents

living along Park Road. The July 9 presentation to the board offered facts that allowed board members to best represent the interests of their constituents: to vote to restore the much-needed parking.

This unnecessary parking ban has caused collateral damage to our community. It has created animosity in our neighborhood. The ban promotes an "us-versus-them" situation which divides us. Understandably, many of the residents living on the three courts along Park Road resent the additional

parking congestion. They don't want to compete with the Park Road residents and their visitors for the parking spaces on the court right outside their door.

On July 9, 46 petitions were presented to the Lewisboro Town Board asking them to act to restore parking along Park Road. Given the inaccuracies presented to them in April, it is understandable that the need for parking was obfuscated. However, now that the board has a full and factual picture of the parking needs and the adverse

impact the ban has on the quality of life and property values, they need to move quickly to enact the mandate to restore parking. They must not "double down" on a misguided decision, but need to demonstrate the strong leadership that Lewisboro constituents deserve from our elected officials. Friends, relatives and neighbors should be able to drive, park and visit the residents of Park Road.

Ellen Brief
Lewisboro

Parking ban threatens quality of life for nearby homeowners

To the Editor:

As I reflect upon the article that I read in the July 13 edition of The Record-Review ("Parking ban opponents continue push"), I would like to take this opportunity to set the record straight as to the situation that now stands. The Lewisboro Town Board

has declared a vote for no parking on Park Road because of their indication in your article that this is what the homeowners wanted. Actually, not so. There are many homeowners here (myself and my family included) who feel that this new parking situation will only bring animosity among our

community and, more importantly, reduce the value of our homes and our quality of life in this very lovely community. What a shame that it has come to this.

Elmer Perrety
Golden's Bridge



FRIDAY, JULY 20, 2018

E-mailed to:

"Supervisor" <supervisor@lewisborogov.com>

"Tony Goncalves" <tgoncalves@lewisborogov.com>

"Dan Welsh" <dwwelsh@lewisborogov.com>

"Jane Crimmins" <jcrimmins@lewisborogov.com>

"John Pappalardo" <jpappalardo@lewisborogov.com>

"Janet Donahue" <townclerk@lewisborogov.com>

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via email

Hon. Peter Parsons
Town Supervisor
Jane Crimmins
Tony Gonçalves
John A. Pappalardo
Daniel X. Welsh
Councilors
Town of Lewisboro
79 Bouton Road
South Salem, NY 10590

October 11, 2018

RE: Amendment to the Town Code
'Accessory Winery'

Dear Supervisor Parsons and Members of the Town Board:

I represent Gossett Brothers Nursery, John Vuolo and J.Vuolo, Corp. d/b/a South Salem Winery ("Co-Petitioners").

Co-Petitioners hereby petition the Town Board to amend the Town Code of the Town of Lewisboro to include, as a permitted use, "accessory wineries," as set forth in further detail in the attached Petition. Our Petition includes a draft of the amending language.

We look forward to presenting our Petition to the Town Board at your next available meeting. Please do not hesitate to contact me should you have any questions.

Respectfully submitted,



Jason M. Krellenstein

cc: Janet Donohue
Town Clerk

TOWN BOARD OF THE TOWN OF LEWISBORO
COUNTY OF WESTCHESTER: STATE OF NEW YORK
-----X
GOSSETT BROTHERS NURSERY, LTD.;

JOHN VUOLO; and

J. VUOLO, CORP. d/b/a SOUTH SALEM WINERY,

Co-Petitioners,

PETITION FOR
AMENDMENT OF
TOWN CODE OF
TOWN OF
LEWISBORO

For amendments to the Town Code of the Town of
Lewisboro adding, as a "Permitted Use" the designation
"Accessory Winery"
-----X

Gossett Brothers Nursery, John Vuolo, and J.Vuolo, Corp. d/b/a South Salem
Winery (the "Co-Petitioners") hereby petition the Town Board of the Town of Lewisboro
for amendments to the Town Code of the Town of Lewisboro pursuant to New York
State Town Law Sections 264 and 265 as follows:

The Co-Petitioners

1. Petitioner Gossett Brothers Nursery, Ltd. ("Gossetts") is a corporation
duly organized and existing under the laws of the State of New York with offices at 1202
Route 35, South Salem, NY 10590.

2. Gossetts is a third-generation, family-owned and operated nursery and
farm market located on an attractive, well recognized parcel in the heart of Lewisboro,

along Route 35. Gossetts' premises comprise approximately 5.5 acres in R4 zoning, improved with a greenhouse, retail building, and storage areas, and ample parking.

3. Gossetts is a cherished mainstay of Lewisboro's consumer commerce. A family-owned local business, it hosts our weekend farm market, a holiday market, and operates a successful year-round nursery and garden center.

4. Gossetts' roots are deeply embedded in our Town. It has employed and continues to employ successive generations of high school students; it is a steadfast donor to charitable and community events; and it continues to set a mark as one of Lewisboro's most reliable, most universally liked business. The Gossett family regularly opens its farm to the community, hosting student tours and educational events for our schools, participating in our annual library fair, building its annual whimsical North Pole. Individually, generations of Gossetts have served our Town as volunteers, as civic leaders, as citizens recognized for their decency and their commitment to Lewisboro.

5. Gossetts' agricultural operations have been recognized on several important levels. Gossetts has earned the designation 'Farm Operation' as defined in Section 301(11) of the New York Agriculture and Markets Law. And the County of Westchester and the State of New York together recognize Gossetts as an 'Agricultural District' pursuant to Section 304 of the New York Agriculture and Markets Law.

6. Gossetts' importance as a unique agricultural operation has also been acknowledged by the Watershed Agriculture Counsel, an affiliate of the New York Department of Environmental Protection. The Counsel has worked closely with Gossetts, offering its expertise and its resources, to ensure that this farming operation is remains an important and environmentally unspoiled site, home to all manner of creatures: turtles, frogs, snakes, hawks, songbirds, bunnies and others.

7. Co-Petitioners John Vuolo is a long-time Lewisboro resident who has raised his family here. Mr. Vuolo started, owns and operates J.Vuolo, Corp., a New York corporation. South Salem Winery is the d/b/a designation of J.Vuolo, Corp. (the "Winery").

8. Mr. Vuolo is an artisan wine-maker, self-taught, whose entrepreneurial spirit has gifted our community with its eponymous wine. John has been scrupulous to ensure that his business is and has been fully licensed by the New York State Liquor Authority and that is wine-making operations are consistent with all applicable health codes and regulations. His dedication to craftsmanship extends to the actual wine-making and presentation equipment and furnishings, built, for the most part, by Mr. Vuolo from materials recycled from wine barrels and wine making tools, or repurposed from Gossetts.

9. The Winery is the first business in Westchester County to be awarded a New York State Farm Winery designation, which means Lewisboro is the first town in

our county to have its own Farm Winery. Consistent with his focus on local ingredients, Mr. Vuolo makes his wine solely from grapes grown in New York State.

The Proposed Amendment

10. Co-Petitioners respectfully request the Town Board update and amend Sections 220-2; 220-23; 220-32; and 220-43.5 of the Town Code of the Town of Lewisboro (the “Code”) to establish ‘Accessory Wineries’ as a permitted use pursuant to a special permit.

11. Specifically, and as set forth in more detail in the draft ordinance attached hereto, Co-Petitioners respectfully ask the Town Board to include within the Code the following:

- a. a definition of Accessory Winery (§ 220-2);
- b. “Accessory Wineries” in the Schedule of Permitted Uses (§220-23); and
- c. a description of the criteria for “Accessory Wineries” and the requirements therefor, including:
 - i. appropriate licensing by the New York State Liquor Authority;

- ii. obtaining a designation as a 'Farm Operation' in a certified Agricultural District pursuant to Westchester County regulation and the New York Agriculture and Markets Law;
- iii. that the wine be made on the premises, predominantly from New York State grown grapes;
- iv. that no full meals be served on the premises;
- v. that the operation otherwise comply with the requirements of the Westchester County Department of Health;
- vi. that Accessory Wineries be located on New York State roads;
- vii. that adequate parking be available to patrons;
- viii. that items for sale be reasonably related to wine and wine making;
- ix. that site plan approval be, to the extent necessary, abbreviated and consistent with the purposes of these amendments; and
- xi. consistent with other sections of the Code, that the Board of Approval be tasked with reviewing and approving special permit applications for accessory wineries.

12. The foregoing criteria are intended to encourage and facilitate the development of agricommerce within our Town; to foster entrepreneurship with a focus on artisan quality, regional ingredients, and development of Lewisboro as an attractive tourist destination with its own distinctive goods and products.

13. More importantly, they are intended to ensure a high degree of professionalism and responsibility to our community, including, for example, that these operations maintain appropriate state licensing; that the products be made on the premises, that accessory wineries have food available; and that they are located on well-traveled commercially accessible state roads.

South Salem Winery's Collaboration with Gossetts

14. Further commending this application is the Co-Petitioners' long-standing collaboration and good faith efforts in support thereof.

15. SSW has sold wine at Gossetts since 2014. It makes its own wine on Gossetts' premises in small batches and produces on-site and entirely by hand approximately 600 gallons of various varieties per annum. It is fully licensed by the New York State Liquor Authority to conduct small wine-tastings, sale of its wine by the glass and sale of its wine in bottles.

16. In 2018, Westchester Magazine heralded Lewisboro's own SSW as the County's "Best Wine Experience."

17. In recent years, SSW has held a number of highly successful events showcasing its wine and local artists. These include book signings, music performances, limited wine tastings, and similar cultural events. These festive occasions were

conducted in good faith, before SSW was advised that the Lewisboro Town Code contains no winery designation.

18. Though brief, SSW's tenure as a fun cultural destination was notable for its safe, prudent operation; for the enthusiasm of its customers; for its unique ability to showcase the appeal of our Town and its rich products; and for the professionalism of its owners. There were exactly zero incidents relating to imprudent consumption of alcohol and zero complaints from neighbors or regulators. By all accounts, SSW's operations were a laudable, ingenious addition to Lewisboro's commercial and social fabric, melding two respected businesses seamlessly and creatively.

19. SSW determined, of its own volition, to cease its sales by the glass and wine-tasting operations, not because of any complaint or adverse administrative directive, but out of an abundance of caution and a respect for the rule of law. Co-Petitioners' desire to ensure full compliance with applicable law and regulation speaks to their good citizenship and commitment to their Town.

20. Petitioners respectfully submit that the Town stands to benefit from the proposed amendment. It is not a stretch to envision a Lewisboro restaurant and entertainment row along Route 35 comprising its existing establishments and a newly-minted artisan winery proudly selling products under the South Salem tradename. The proposed regulations are carefully drafted to ensure a high degree of regulatory oversight; advancement of local and state-wide agricultural interests; and operation of an accessory

winery by mature, professional businesses capable of discharging the important responsibilities to our community that will accompany this kind of operation.

21. Finally, Co-Petitioners' respectfully call the Town Board's attention to their past operations in pursuing the proposed amendments. Their reputations speak for themselves. They are vested in Lewishoro. They have acted in good faith and in a manner that reflects their heartfelt commitment to local agriculture; to our Town's special character and appeal; and to finding ways to promote the pride we take in living here. The instant Petition advances a vision for our Town articulated by its residents and its elected lawmakers and we ask that you give it your fullest consideration.

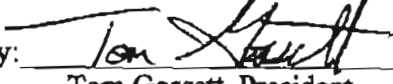
WHEREFORE, the Petitioners respectfully request that the Town Board grant this Petition and amend the Code as set forth herein.

[signature page(s) follow]

DATED: October 1, 2018
Town of Lewisboro, New York

Respectfully submitted,

GOSSETT BROTHERS NURSERY, CO-PETITIONER

By: 
Tom Gossett, President

JOHN VUOLO, CO-PETITIONER

By: 
John Vuolo

J. VUOLO, CORP., d/b/a SOUTH SALEM WINERY, CO-PETITIONER

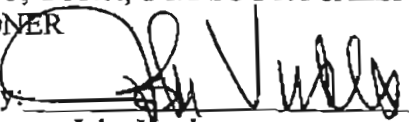
By: 
John Vuolo
President

EXHIBIT A TO PETITION

Draft Accessory Winery Statute and Regulations

220-2. Definitions and word usage:

ACCESSORY WINERY – A manufacturing facility or establishment engaged in the processing of grapes to produce wine and cider and which may include an area for wine tasting and for the sale of wine and cider and wine and cider related items and accessories.

220-23. Schedule of regulations for residential districts.

A. Permitted principal uses in R-4A, R-2A, R-1A, R-1/2A and R-1/4A Districts are as follows:

(15) *Accessory Winery

220-32.

B. Approving Agency. Applications for special permit uses shall be reviewed and acted upon by the Planning Board with the following exceptions:

(2) The Board of Appeals is hereby designated and authorized to review and take action on applications for the following special uses:

(h) Accessory Wineries.

220-43.5 Accessory Winery.

A. Purpose. The purpose and intent of this Section is to permit encourage the expansion of local agribusiness so as enhance opportunities for local farming operations, stimulate interest in the Town and thereby foster tourism, invite further creative investment by existing agribusinesses, and assist and enable the entrepreneurial development of farming and agricultural endeavors. In furtherance of these purposes, specific conditions are set forth herein for Accessory Wineries:

B. Accessory Wineries shall be special uses as follows:

- (1) An accessory winery shall be located on the premises of and accessory to an existing Farm Operation as defined in Section 301(11) of the New York Agriculture and Markets Law and shall be located in an existing Westchester County adopted, New York State certified Agricultural District pursuant to Section 304 of the New York State Agricultural & Markets Law.
 - (2) An accessory winery shall be and remain licensed as a "Farm Winery" by the New York State Liquor Authority.
 - (3) All wine and cider offered for sale must be produced and processed at the accessory winery from grapes or other fruit, as applicable, of which at least 80% are grown in New York State.
 - (4) The accessory winery may have a retail gift shop on the premises which may sell items accessory to wine and cider, such as corkscrews, wine glasses, decanters, items for the storage and display of wine, books on winemaking and the region and non-specific items bearing the logo or insignia of the winery.
 - (5) The accessory winery may prepare and serve snacks and food for consumption on the premises, primarily intended to accompany tastings, but shall not serve full meals. Any food preparation or service shall be in compliance with all applicable regulations, including as required by the Westchester County Department of Health.
 - (6) An accessory winery shall be located on a state road only.
 - (7) There shall be no fewer than ten (10) off-street parking spaces in addition to those required by this chapter for the farm or business to which the accessory winery is attached.
 - (8) The special use permit shall be granted for a period of five (5) years and may be renewed for additional five (5) year periods. An application for and a renewal of, the special use permit shall be made to the Building Department on a form provided by the Building Department for such purpose, and by payment of a fee in an amount set forth in a fee schedule as adopted and amended from time to time by resolution of the Town Board. The application shall be accompanied by evidence in form and substance reasonably satisfactory to the Building Department of the accessory winery's New York State Liquor Authority license and its designation as a Farm Operation pursuant to the New York Agriculture and Markets Law. The Building Inspector shall thereafter inspect the premises and refer the application or renewal to the Board of Appeals if the premises are in compliance with the provisions of this chapter, the Building Code and the provisions of the original special use permit.
 - (9) If and to the extent that site plan approval is required to increase parking areas, to enlarge or materially modify subsurface sewage disposal areas pursuant to a specific directive by the Westchester County Board of Health issued to the applicant, if any, or otherwise materially alter the physical site conditions to comply with a specific directive
-

of a competent agency having authority, the Planning Board shall require the submission of an abbreviated site plan, which shall be processed concurrently with the application for a special use permit. In all other situations, site plan approval by the Planning Board shall not be required.

(1) In addition to the special standards described above, accessory wineries shall comply with all other requirements of this chapter.

Mary Hafter

From: highway@lewisborogov.com
Sent: Wednesday, October 17, 2018 3:57 PM
To: 'Peter Parsons'; 'Tony Goncalves'; dwelsh@lewisborogov.com; Jane Crimmins
Cc: finance3@lewisborogov.com; 'Mary Hafter'; 'Janet Donahue'
Subject: Stop sign

Please put on for the board meeting on 10/22 the following. I would like to have a resolution to change the yield sign on Mt. Holy East to a stop sign.

This will go along with the Town of Bedford making the intersection of Mt Holy road with Mt Holy East an all way stop intersection. This way

The intersection will be made safer for all traffic and less confusing.

Thank You

Peter Ripperger

Local Law No. __ of the Year 2018

Town of Lewisboro, Westchester County, New York

A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c

Section 1. Legislative Intent.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Lewisboro, County of Westchester, pursuant to General Municipal Law §3-c, and to allow the Town of Lewisboro, County of Westchester to adopt a town budget for (a) town purposes, (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2019 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override.

The Town Board of the Town of Lewisboro, County of Westchester is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application

thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.