

**TOWN OF LEWISBORO
TOWN BOARD WORK SESSION
AGENDA
LEWISBORO LIBRARY
MONDAY, DECEMBER 10, 2018
7:30 P.M.**

COMMUNICATIONS I

**Letter from Keane & Beane on Behalf of the Planning Board Regarding
Affirmatively Furthering Fair Housing (AFFH) Dwelling Units**

PUBLIC HEARING Regarding Affirmatively Furthering Fair Housing (AFFH)

Amendment

PUBLIC COMMENT

COMMUNICATIONS II

**Letter from Keane & Beane on Behalf of the Planning Board Regarding Accessory
Wineries**

**Letter from Homeland Towers Regarding Kellard Sessions Recommendations for
Cell Tower**

CONSENT AGENDA

- **Approval of Minutes of November 26, 2018**
- **Monthly Reports November 2018**
 - **Building Department**
 - **Police Department**

NEW BUSINESS

- **Presentation to Lewisboro Volunteer Ambulance Corps (LVAC) by Stayin' Alive**
- **Resolution Granting Permission to the Horse & Hound and The Heights at Brother Vic's to Extend the Time for Musical Entertainment on New Year's Eve**

- **Resolution Approving Application of Horse & Hound for a Cabaret License**
- **Discussion of Major Increases in Amount and Speed of Traffic on Town Roads**

APPROVAL OF CLAIMS

POLLING OF THE BOARD

ANNOUNCEMENTS

- **Town Board Meeting Monday, January 7, 2019 at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem**

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.

KEANE & BEANE P.C.
ATTORNEYS AT LAW

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445 Hamilton Avenue
White Plains, NY 10601
Phone 914.946.4777
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- **Mid-Hudson Office**
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Phone 845.896.0120

November 26, 2018

JUDSON K. SIEBERT
Principal Member

VIA EMAIL AND FIRST CLASS MAIL

Honorable Peter Parsons, Supervisor
Town of Lewisboro
Town House
11 Main Street
South Salem, New York 10590

Re: Proposed Local Law –
Amendments to Chapter 220 of the Lewisboro Town Code
AFFH Provisions

Dear Supervisor Parsons:

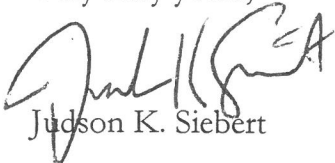
I write on behalf of the Planning Board of the Town of Lewisboro (the "Planning Board") concerning the proposed local legislation amending Chapter 220 of the Lewisboro Town Code to incorporate provisions pertaining to Affirmatively Furthering Fair Housing (AFFH) Dwelling Units.

The Planning Board considered this proposed legislation at its November 20, 2018 meeting.

The Planning Board requests that the Town Board obtain guidance from Kellard Sessions concerning the impact of this legislation, and the manner in which it will implement the "Model Ordinance" within the Town of Lewisboro. The Planning Board also acknowledges receipt of the comments tendered by the County of Westchester Planning Board with regard to these amendments.

On behalf of the Planning Board, I appreciate your consideration in this matter.

Very truly yours,



Judson K. Siebert

JKS/lt

Honorable Peter Parsons

November 26, 2018

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cc: Anthony Mole, Esq. ✓
Chairman Jerome Kerner and Planning Board Members
Ms. Ciorsdan Conran

LOCAL LAW NUMBER __-2018 OF THE TOWN OF LEWISBORO

SECTION 1 -- TITLE

This Local Law shall be known as 2018 Amendments to Chapter 220 regarding Affirmatively Furthering Fair Housing (AFFH) Dwelling Units, which will amend Section 220-2 to amend the definition of "Affordable Affirmatively Furthering Fair Housing (AFFH) Unit", and to enact Section 220-25.1, entitled "Inclusionary Affirmatively Furthering Fair Housing (AFFH) Dwelling Units."

SECTION 2 -- ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law __-2018 that this law shall take effect immediately upon filing with the Secretary of State:

SECTION 3 – AMENDMENTS TO CHAPTER 220

Section 220-2. Definitions and word usage.

B. For the purposes of this chapter only, certain words and terms used herein are defined as follows:

AFFORDABLE AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) UNIT – 1) A for-purchase housing unit that is affordable to a household whose income does not exceed 80% of the area median income (AMI) for Westchester as defined annually by the U.S. Department of Housing and Urban Development (HUD) and for which the annual housing cost of a unit including common charges, principal, interest, taxes and insurance (PITI) does not exceed 33% of 80% AMI, adjusted for family size and that is marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan. 2) A rental unit that is affordable to a household whose income does not exceed 60% of AMI and for which the annual housing cost of the unit, defined as rent plus any tenant paid utilities, does not exceed 30% of 60% AMI adjusted for family size, and that is marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.

Section 220-25.1. Inclusionary Affirmatively Furthering Fair Housing (AFFH) Dwelling Units.

- A. Required Affordable AFFH Dwelling Units. Within all residential developments of ten (10) or more dwelling units created by subdivision or site plan, no less than ten percent (10%) of the total number of units must be created as affordable AFFH units.

No preferences shall be utilized to prioritize the selection of income-eligible tenants or purchasers for affordable AFFH dwelling units created under this section. Notwithstanding the above, all such affordable AFFH dwelling units, whether for purchase or for rent, shall be marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.

This section shall not apply to any development of dwelling units constructed prior to the enactment of this section, or to any development of dwelling units to be constructed which has received a negative declaration of environmental consequence prior to the enactment hereof. Previously approved middle-income dwelling units shall continue to comply with Section 220-26(F) of this chapter.

- B. Time period of affordability and property restriction. Dwelling units designated as affordable AFFH dwelling units must remain affordable for a minimum of 50 years from the date of initial certificate of occupancy for rental properties, or of original sale for ownership units. A property containing any affordable AFFH dwelling units must be restricted using a mechanism such as a declaration of restrictive covenants in recordable form acceptable to the Town Attorney which shall ensure that the affordable AFFH dwelling unit shall remain subject to the affordable regulations for the minimum 50 year period of affordability. Among other provisions, the covenant shall require that the affordable AFFH dwelling unit be the primary residence of the resident household selected to occupy the unit. Upon approval, such declaration shall be recorded against the property containing the affordable AFFH dwelling prior to the issuance of a Certificate of Occupancy for the development.
- C. Eligibility. Such affordable AFFH dwelling units shall be available for sale, resale or continuing rental only to income-eligible families for AFFH dwelling units as defined in Section 220-2 of this chapter.
- D. Unit Appearance and integration.
 - (1) Within one-family dwelling developments, the affordable AFFH dwelling units may be one-family dwellings or may be incorporated into one or more two-family dwellings. Each one-family affordable AFFH dwelling unit may be located on a lot meeting 75% of the minimum lot area for the one-family dwellings in the development.
 - (2) Each two-family affordable AFFH dwelling and each multifamily affordable AFFH dwelling unit shall be located on a lot meeting the minimum lot area for the one-family dwellings in the development. All such affordable AFFH units shall be as indistinguishable as possible in appearance from the other one-family dwellings in a development. Interior finishes and furnishings may be reduced in quality and cost to assist in the lowering of the cost of development of the affordable AFFH dwelling units
 - (3) Within multifamily developments, affordable AFFH dwelling units shall be physically integrated into the design of the development, subject to review by the Planning Board, and shall be distributed among efficiency, one-, two- three- and four- bedroom units in the same proportion as all other units in the development. Interior finishes and furnishings may be reduced in

quality and cost to assist in the lowering of the cost of development of the affordable AFFH dwelling units.

E. Minimum Floor area.

- (1) The minimum gross floor area per affordable AFFH dwelling unit shall not be less than the following:

Dwelling Unit	Minimum Gross Floor Area (square feet)
Efficiency	450
1-bedroom	675
2-bedroom	750
3-bedroom	1,000 (including at least 1.5 baths)
4-bedroom	1,200 (including at least 1.5 baths)

- (2) For purposes of this section, the Planning Board may allow paved terraces or balconies to be counted toward the minimum gross floor area requirements in an amount not to exceed 1/3 of the square footage of such terraces or balconies.

- F. Occupancy standards. For the sale or rental of affordable AFFH units, the following occupancy schedule shall apply, subject to the New York State Uniform Fire Prevention and Building Code requirements:

Number of bedrooms	Number of persons
Efficiency	1
1-bedroom	3
2-bedroom	5
3-bedroom	7
4-bedroom	9

- G. Affirmative marketing. The affordable dwelling units created under the provisions of this section shall be sold or rented, and resold and re-rented during the required period of affordability, to only qualifying income-eligible households. Such income-eligible household shall be solicited in accordance with the requirements, policies and protocols established in the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.

- H. Continued eligibility for occupancy of rental dwelling unit.

- (1) Applicants for rental units referred to in this section shall, if eligible and if selected for occupancy according to subsection J of this Section 220-25.1, sign leases for a term of not more than two years. As long as a resident remains eligible and has complied with the terms of the lease, said resident

shall be offered renewal leases for a term of no more than two years each. Renewal of a lease shall be subject to the conditions of federal, state or county provisions that may be imposed by the terms of the original development funding agreements for the development or to the provisions of other applicable local law. If no such provisions are applicable and if a resident's annual gross income should subsequently exceed the maximum then allowable, as defined in this chapter, then:

Option (a): said resident may complete their current lease term and shall be offered a non-restricted (AFFH) rental unit available in the development at the termination of such lease term, if available. If no such dwelling unit shall be available at said time, the resident may be allowed to sign one additional one-year lease for the affordable AFFH unit they occupy but shall not be offered a renewal of the lease beyond the expiration of said term.

OR

Option (b): said resident shall pay the greater of (1) the rent amount payable under the provisions of this ordinance or (2) 30% of the resident's monthly adjusted household income provided that the increased rent may not exceed the market rent in that development for units with the same number of bedrooms.

OR

Option (c): said resident shall pay the greater of (1) the rent amount payable under the provisions of this ordinance or (2) 30% of the resident's monthly adjusted household income provided that the increased rent may not exceed the market rent in that development for units with the same number of bedrooms for a term of not more than one (1) year.

- (2) Notwithstanding the foregoing, renewal of a lease shall be subject to the conditions of federal, state or county provisions that may be imposed by the terms of the original development funding agreements for the development or to the provisions of other applicable local law.
- I. Resale requirements. In the case owner-occupied affordable AFFH dwelling units, the title to said property shall be restricted so that in the event of any resale by the home buyer or any successor, the resale price shall not exceed the then-maximum sales price for said unit, as determined in this chapter, or the sum of:
 - (1) The net purchase price (i.e., gross sales prices minus subsidies paid for the unit by the selling owner, increased by the percentage increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers in the New York-Northern New Jersey Area, as published by the United States Bureau of Labor Statistics (the "Index") on any date between (a) the month

that was two months earlier than the date on which the seller acquired the unit and (b) the month that is two months earlier than the month in which the seller contracts to sell the unit. If the Bureau stops publishing this index, and fails to designate a successor index, the Town will designate a substitute index; and

- (2) The cost of major capital improvements made by the seller of the unit while said seller of the unit owned the unit as evidenced by paid receipts depreciated on a straight line basis over a 15-year period from the date of completion and such approval shall be requested for said major capital improvement no later than the time the seller of the unit desires to include it in the resale price.
- (3) Notwithstanding the foregoing, in no event shall the resale price exceed an amount affordable to a household at 80% of AMI at the time of the re-sale.

J. Administration. The administration of the compliance and eligibility related to the rental, sales and marketing of such AFFH dwelling units shall be performed by the County of Westchester or an organization or agency designated by the County.

K. Expedited Review Process.

- (1) Pre-application meeting: The applicant for a development of affordable AFFH units shall be entitled to at least one pre-application meeting at which representatives will be in attendance from each municipal agency, board, commission and staff expected to play a role in the approval and review of the development application review process. The purpose of the pre-application meeting will be to expedite the development application review process through:
 - (a) The early identification of issues, concerns, code compliance and coordination matters that may arise during the review and approval process.
 - (b) The establishment of a comprehensive review process outline, proposed meeting schedule and conceptual timeline.
- (2) Meeting schedule and timeline: Municipal departments, agencies, authorities, boards, commissions, councils, committees and staff shall endeavor to honor the proposed meeting schedule and conceptual timeline established as an outcome of the pre-application to the greatest extent possible during the review and approval process, subject to the demonstrated cooperation of applicant to adhere to same. Should the approval process extend beyond one year, an applicant for a development including affordable AFFH units shall be entitled to at least one additional meeting per year with the same departments, agencies, authorities, boards, commissions,

councils, or committees to review any and all items discussed at previous pre-application meetings.

- (3) Calendar / agenda priority: : Municipal departments, agencies, authorities, boards, commissions, councils, or committees with review or approval authority over applications for developments including affordable AFFH units shall give priority to such applications by placing applications for developments including affordable AFFH units first on all meeting and work session calendars and agenda and when feasible based on the ability to conduct required reviews and public notice, with the intent of shortening minimum advance submission deadlines to the extent practicable.

SECTION 4 – HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 5 -- SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town of Lewisboro hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6 – EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

KEANE & BEANE P.C.
ATTORNEYS AT LAW

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Fishkill, NY 12524
Phone 845.896.0120

November 26, 2018

VIA EMAIL AND FIRST CLASS MAIL

JUDSON K. SIEBERT
Principal Member

Honorable Peter Parsons
Supervisor
Town of Lewisboro
Town House
11 Main Street
South Salem, New York 10590

Re: Proposed Local Law –
Amendments to Chapter 220 of the Lewisboro Town Code
Accessory Wineries (Petition of Gossett Brothers Nursery, et al.)

Dear Supervisor Parsons:

I write on behalf of the Planning Board of the Town of Lewisboro (the "Planning Board") concerning the proposed local legislation amending Chapter 220 of the Lewisboro Town Code so as to authorize, by special permit, accessory wineries within the Town of Lewisboro.

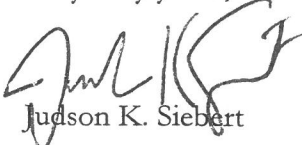
The Planning Board received the proposed legislation from the Town Board prior to its November 20, 2018 meeting, and heard from counsel for the Petitioners seeking this zoning text change at this meeting.

The Planning Board requests that the Town Board hold the public hearing on the proposed amendments open so that it can further evaluate this legislation. The Planning Board will be further considering this matter at its January 15, 2019 meeting, at which time it will hear further from Petitioners' attorney. It will then proceed to forward a report and recommendation to the Town Board.

The Planning Board further requests that the Town Board obtain guidance from Kellard Sessions as to the impact of this legislation on a Town-wide basis.

On behalf of the Planning Board, I appreciate your consideration in this matter.

Very truly yours,



Judson K. Siebert

JKS/lt

cc: Anthony Mole, Esq. ✓
Chairman Jerome Kerner and Planning Board Members
Ms. Ciorsdan Conran

Mary Hafter

From: Charles C. Beckett <chiefipd@optonline.net>
Sent: Sunday, December 02, 2018 9:59 AM
To: 'Mary Hafter'
Cc: chiefipd@lewisborogov.com
Subject: NovemberPolice Report 2018

NOVEMBER

DAY OF THE WEEK	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	
INCIDENT TYPE																														
AUTO ACCIDENTS																														
AIDED CASES		1	3	1	2		2	4	1		1	1	1				1	2	1	2	1	1	2		3	2			1	
ALARMS	1		1	1			1	2		2		1	2	3	1	2			2		1			1		1		3		
ANIMAL											1																			
ASSIST OT DEPTS								1	1																					
BURGLARY																														
CIVIL COMPS				1		1	1	1								1		1		1								1		
CRIMINAL ACT					2		1	1				1																		
DOMESTICS							2			1																				
DRUGS																														
HARASSMENT																				1										
LARCENY																			2									1		
FINGERPRINTS										1															1					
FIRE																														
PROPERTY LOST/FOUND															1						1									
UTILITIES			1		1		2																							
MISCELLANEOUS				1			1			1		1					1			1					1	1	1			
MISCH/VANDALISM																														
SUMMONS/PAPERS SERVED	1																													
SUSPICIOUS ACTIVITY	1															1			1	1								1	1	
TRESPASS																													1	
VEHICLES						1									1	1														
DAILY TOTALS	3	1	6	5	5		11	10	2	5	3	3	6	4	4	6	4	4	7	5	3	1	2	5	3	4	3	7	2	

DAY OF THE WEEK	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
DWI																													
PARKING SUMMONSES	2	1			1									3								2							
APPEARANCE TICKETS																													

