

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on March 11, 2019 at 7:30 p.m. at the at the Lewisboro Library, 15 Main Street, South Salem, New York.

PRESENT:

Supervisor	Peter Parsons
Council Members	*Jane Crimmins, Tony Gonçalves, John Pappalardo, *Daniel Welsh
Town Clerk	Janet Donohue
Absent	None

Also attending was the Attorney for the Town Anthony Molé, Facilities Maintenance Manager Joel Smith, Comptroller Leo Masterson and Parks & Recreation Superintendent Dana Mayclim.

Approximately 10 residents/observers.

Supervisor Parsons called the meeting to order at 7:32 p.m.

EMERGENCY PROCEDURE

Supervisor Parsons noted the exits to be used in the event of an emergency.

PLEDGE OF ALLEGIANCE

The Supervisor led the Pledge of Allegiance to the flag.

PUBLIC HEARING – Parking Lots and Parking Permits

Supervisor Parsons called the public hearing to order. There was no objection to the time or form of the public notice (attached).

There were no public comments.

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted as follows:

THE VOTE:	Yes	- Parsons, Gonçalves, Pappalardo, Welsh	(4)
	No	- None	(0)
	Absent	- Crimmins	(1)

RESOLUTION

RESOLVED that the public hearing to amend Chapter 212: Vehicles & Traffic, Sections § **212-19.1** and **212-35** Schedule XIV: Tow-Away Zones of the Lewisboro Town Code, to establish parking regulations at Town Park parking lots, and to establish a parking permit for certain Town Park locations, is now closed.

TOWN CODE - Chapter 212: Vehicles & Traffic, Sections § **212-19.1** and **212-35** Schedule XIV:
Tow-Away Zones

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted as follows:

THE VOTE:	Yes	- Parsons, Gonçalves, Pappalardo, Welsh	(4)
	No	- None	(0)
	Absent	- Crimmins	(1)

LOCAL LAW NUMBER 4-2019 OF THE TOWN OF LEWISBORO

SECTION 1 -- TITLE

This Local Law shall be known as 2019 Amendments to Chapter 212: Vehicles & Traffic.

SECTION 2 -- ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law 4-2019 that this law shall take effect immediately upon its passage:

SECTION 3 – VEHICLES & TRAFFIC

§ 212-19.1. **Town Parks and Preserves Parking Lots.**

Parking within the parking lots of the Town Parks and Preserves as referred to herein shall be regulated as follows:

- (A) The parking restrictions and regulations set forth herein shall apply to the following parking lots (hereinafter referred to as the “lots”):
 - (1) Vista Park Parking Lot located at 477 Smith Ridge Road (Route 123);
 - (2) Fox Valley Park Parking Lot located at 4 Indian Hill Road;
 - (3) Onatru Park and Preserve Parking Lot located at 99 Elmwood Road;
 - (4) Town Park Parking Lot located at 1079 Old Post Road (Route 35);
 - (5) Brownell Preserve Parking Lot located on Harriet Lane;
 - (6) Old Field Preserve Parking Lot located on Mead Street; and
 - (7) Leon Levy Preserve Parking Lot located on Smith Ridge Road (Route 123).
- (B) Parking in the lots is reserved at all times for persons using the park or preserve during the time their vehicle is parked in the lot, or as otherwise permitted pursuant to this section.
- (C) Parking in the lots is limited to the hours the park or preserve is open to the public. There shall be no overnight parking in the lot, with the exception of official Town use.
- (D) Permits shall be granted by the Parks and Recreation Department of the Town of Lewisboro on a first-come, first-serve basis, with priority given to Town residents. If any spaces remain

after Town residents have been issued permits, then permits may be offered to nonresidents. Rates for the parking spaces shall be established from time to time by resolution of the Town Board. Permits shall be nonrenewable and shall be valid for a period of one year.

- (E) Persons who have a parking permit issued pursuant to this section shall not be limited to parking their vehicle during the time they are using the park or preserve. However, such persons are limited to the hours for parking as set forth in this section.
- (F) No permit shall be required for a Town resident to park their vehicle in the lots during the time such resident is utilizing the park or preserve.

§ 212-35 Schedule XIV: Tow-Away Zones.

In accordance with the provisions of § **212-14**, the following streets, parts of streets or parking lots are hereby designated as tow-away zones and any vehicle found parked in violation of § **212-19**, **212-19.1** or abandoned shall be removed as provided in Article **IV** of this chapter.

Location	Hours
Brownell Preserve Parking Lot	At all times
Fox Valley Park Parking Lot	At all times
Leon Levy Preserve Parking Lot	At all times
Old Field Preserve Parking Lot	At all times
Onatru Park and Preserve Parking Lot	At all times
Spring Street Parking Lot	At all times
Town Park Parking Lot	At all times
Vista Park Parking Lot	At all times

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.

TOWN PARKS & PRESERVES - Parking Permits

On motion by Mr. Parsons, seconded by Mr. Welsh, the Board voted as follows:

THE VOTE:	Yes	- Parsons, Gonçalves, Pappalardo, Welsh	(4)
	No	- None	(0)
	Absent	- Crimmins	(1)

RESOLUTION

RESOLVED that the Town Board does authorize the Park & Recreation Department to charge \$50 per month for a parking permit at the Vista Town Park parking lot.

*Jane Crimmins arrives at 7:38 p.m.

PUBLIC COMMENT PERIOD

Goldens Bridge resident Jonathan Monti asked about the term PILOT in respect to the \$50,000 which is being donated by Wilder Balter. Mr. Monti asked if this money is in lieu of taxes. Supervisor Parsons stated that he should not have used the term PILOT. Town Attorney Anthony Molé stated that it is a donation to the Town to be used within certain parameters. Goldens Bridge resident Kevin Catone asked if the developer would, in addition to this \$50,000, have to give money or additional land to the Town. Mr. Molé stated that the Planning Board would make that determination.

Mr. Pappalardo asked if this money would be “fenced” and Supervisor Parsons stated yes and it would only be used for what is called for in the resolution.

Mr. Monti asked about the alternate members appointed to the Zoning Board of Appeals due to the possibility of upcoming recusals. Mr. Monti stated that this happened on the last Planning Board vote by Ms. Maguire. The Board stated that Ms. Maguire “abstained” which means that she is neither voting yes or no and that is different from a recusal.

Goldens Bridge resident Mickey DeNicola stated she was not satisfied with that explanation and wants to know what the real reason is since originally there were 2 zoning items on tonight’s agenda and now there is only one. Supervisor Parsons stated that it was on tonight’s agenda in error as it first needs to be discussed in Executive Session. Mr. Catone also asked about the procedure for rezoning for special use permits for multifamily in existing two family residential districts. Supervisor Parsons stated that input from County Planning and the Town Planning Department would be required and public hearings will be held. But nothing can be done until it is discussed in Executive Session.

Ms. DeNicola asked about the word “resolution” referring to the Mercedes Benz change request on the agenda. She stated that she felt one of the Planning Board members was in a hurry to rush it over to the Town Board. Mr. Welsh stated that a presentation is being made to the Board tonight and then they will discuss what to do.

CONSENT AGENDA

On motion by Mr. Parsons, seconded by Ms. Crimmins, the Board voted 4-0 to approve meeting minutes and the Board voted 5-0 to receive and file departmental reports.

MINUTES - Approved

On the above motion and second, the minutes of the February 25, 2019 Town Board meeting were approved.

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

REPORTS – Monthly Reports

On the above motion and second the February reports from the Building and Police Departments were received and filed.

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

ZONING – Referring Mercedes Benz Zoning Change Request to County and Town Planning Boards (7:49 – 8:41 p.m.)

Michael Sirignano, attorney for Tom Maoli and Mercedes Benz of Goldens Bridge, along with Steven Spina, from JMC Engineering and Chris Pelella of Sullivan Architecture made a presentation to the Board. They have filed a petition for a zoning map amendment to change the zoning designation of parcels zoned RB to GB affecting 5 Anderson Lane and 307 Route 22 and parcel zoned R-1/2A to GB affecting 46 Green Hill Road.

Mr. Sirignano stated that they have been in front of the Planning Board but have not gotten to the public hearing stage. Mr. Sirignano stated that there are several moving parts to this application. Mr. Maoli has acquired rights to 3 additional parcels that abut the site to the east and to the south. These parcels were not part of the 2011 approved site plan approval which never got built out due to problems with the prior ownership. The new proposal from the new owner is similar to the 2011 but they have the additional 3 parcels. All 3 parcels need to be rezoned as GB. A petition was filed with the Town Board and they have also filed with the Zoning Board for variances. Neither the Zoning Board nor the Town Board can take any official action until the Planning Board makes a determination under SEQR.

This property has been a Mercedes dealership since 1969, a car related business since 1936 and prior to that a carriage repair shop.

A brief presentation was made to the Board regarding the site history and what they were hoping to do with the present location since obtaining the additional 3 parcels. Drawings were shown of the landscaping and updates to the 2011 rendering. Supervisor Parsons asked the Board to send any comments or questions to him via email so that he could draft one letter to be sent to the Planning Board after the Town Board approval. The Board thanked the presenters.

*Dan Welsh leaves at 8:30 p.m.

MASTER PLAN – Discussion (8:42 – 8:52 p.m.)

Supervisor Parsons stated he wanted to enter into a brief discussion about the Master Plan. Supervisor Parsons has been in talks with Bill Brady from the County Planning Department who recently worked on a Master Plan with Tarrytown.

Supervisor Parsons stated that there are a few ways to go about rewriting the Master Plan. One would be to rewrite a Master Plan for the whole town or another would be to concentrate on 3 separate areas; Goldens Bridge, Vista and Cross River.

Mr. Pappalardo suggested inviting Mr. Brady to an upcoming meeting but would like to see some level of cohesion and continuity between all of the hamlets. Supervisor Parsons would also like to propose taking Mr. Brady around the Town of Lewisboro so he can get a feel for the topography. The Board agreed.

TOWN OWNED PROPERTIES – Discussion of Town House Color Scheme (8:53 – 8:57 p.m.)

Supervisor Parsons stated that it is time in the renovation process of the Town House to discuss the outside color and the color of the windows. At one point it was discussed that all buildings in the “Town House” campus be the same color. When the library was renovated it was approved that the color could be changed to the current color. The question now is should the Town House be the same color as the library or should it be kept as the “Federal Blue” color. Supervisor Parsons stated that he has heard from several employees and locals that they would like to see it kept as blue. Facilities Maintenance Manager Joel Smith, when asked by the Board did state it would be cheaper if we kept the color scheme as it is now, including keeping the windows and trim white.

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted as follows:

THE VOTE:	Yes	- Parsons, Crimmins, Gonçalves, Pappalardo	(4)
	No	- None	(0)
	Absent	- Welsh	(1)

RESOLUTION

RESOLVED, that the Town Board does authorize Joel Smith to meet with the Architectural & Community Appearance Review Council (ACARC) and request to reside the Town House in the color “Federal Blue” and to install white windows.

TOWN LIMITS ON LEGALIZATION OF CANNABIS – Discussion (8:58 – 9:11 p.m.)

Supervisor Parsons stated Governor Cuomo is intent on legalizing cannabis and has suggested that he won't approve a budget that doesn't legalize cannabis. Supervisor Parsons is afraid that there won't be any freedoms for the town unless they demand it immediately. Mr. Parsons stated that opting out of distribution of cannabis is being restricted to Counties and cities over 100,000. Mr. Parsons would also like to insist on money from the state since it will cost the police department real money to gear up and enforce levels of different impairment.

Mr. Pappalardo feels that we should stay in constant contact with our County Legislator, Peter Harckham. Supervisor Parsons and Ms. Crimmins did attend a meeting with him the other evening. Mr. Pappalardo suggested that the Board consider writing a letter of some sort under what terms the town would support the opt-in or opt-out to the extent that it exists. The Board should also start to conceive what our zoning would look like for distribution if the Town is confronted with this. The Board would prefer the empowerment of opting out of distribution within our town. Supervisor Parsons also mentioned that two members of the Governor's staff who have spoken on this topic believe that any agricultural district would have an exemption and could grow and sell cannabis at a farm stand.

REFUSE LICENSE – Renewal Authorized for County Waste Management Services

On motion by Mr. Parsons, seconded by Mr. Gonçalves, the Board voted as follows:

THE VOTE:	Yes	- Parsons, Crimmins, Gonçalves, Pappalardo	(4)
	No	- None	(0)
	Absent	- Welsh	(1)

RESOLUTION

RESOLVED, that the Town Clerk be and hereby is authorized to issue a renewal license for the collection of residential refuse to County Waste Management for a period of one year.

TOWN OFFICIALS & EMPLOYEES - Thank You to Jerome Kerner Planning Board Chairperson

Supervisor Parsons stated that Jerome Kerner has decided to step down as Chairman of the Planning Board but will continue on as a member. Supervisor Parsons stated that Lewisboro has been well served by Jerome Kerner as the Chair of the Planning Board for the past nine years. During that time Mr. Kerner has treated applicants and co-workers with respect, he is genuine, honest and trustworthy in word and action. Supervisor Parsons continued by stating that Mr. Kerner has practiced inner calm and pursued solutions that are fair to the applicant and the Town as a whole. The Board thanked Mr. Kerner for his service as Chairman.

TOWN OFFICIALS & EMPLOYEES – Appoint New Planning Board Chairperson

On motion by Mr. Parsons, seconded by Mr. Gonçalves, the Board voted as follows:

THE VOTE:	Yes	- Parsons, Crimmins, Gonçalves, Pappalardo	(4)
	No	- None	(0)
	Absent	- Welsh	(1)

RESOLUTION

RESOLVED, that Janet Andersen is hereby appointed Chairperson of the Planning Board for a term expiring December 31, 2019.

WILDER BALTER – Discussion of Proposed Donation of \$50,000 (9:14 – 9:20 p.m.)

Supervisor Parsons asked the Goldens Bridge Hamlet Organization if they had any thoughts on the use of the Wilder Balter donation of \$50,000. Mickey DeNicola spoke and gave three suggestions: put it towards a planner for Goldens Bridge, create some type of park or if the Town does not sell the Community House to put the money towards the GBCH. Mr. Pappalardo suggested that the GBHO hold a meeting to brainstorm and discuss different options. Mr. Pappalardo suggested that he would attend the meeting just to listen to their ideas.

CLAIMS – Authorized for Payment

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted 4-0 to authorize payment of the Town's bills in the amount of \$351,233.06.

MEETINGS – Dates Set

Upcoming meetings of the Board include a regular meeting on Monday, March 25, 2019 at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, New York.

POLLING OF BOARD AND ANNOUNCEMENTS

NO PARKING ON PARK ROAD – Meeting

Ms. Crimmins stated that she met with a few residents of the Wild Oaks Townhouse Owners Association (WOTOA), including the President of the Association, Ryan Crook. This was a second meeting. During the first meeting, which Ms. Crimmins did not attend, the group came up with a list of ideas regarding the no parking on Park Road. At this meeting they went through the list of ideas. They would like to lift the parking ban on a portion of the road and the other portion would have permitted parking. Ms. Crimmins stated that Mr. Crook has offered to handle the permitting.

Mr. Pappalardo did speak with other residents of the Glenn who are in favor of this ban. One specific reason was that there are many dead trees along that road and when/if they fall, they are able to be cleaned up easier when there are no cars. A second reason is because it is heavily traveled by pedestrians and dogs and the road is narrow. The third piece is that there are community mailboxes and people stop to get their mail. When cars are parked on the street, they aren't able to go around these cars. Ms. Crimmins stated that the real problem is that people are parking in front of those mailboxes instead of parking in their allotted parking spots.

Ms. Crimmins is happy to be the liaison to WOTOA and this process. WOTOA would have to take on all of the costs associated with the permitting. Mr. Pappalardo asked the town attorney if the Town could delegate the permitting process to a private party on a public road and the answer

was no. The Board is willing to listen to their ideas at an upcoming meeting and come up with some sort of a resolution to this issue.

JOHN JAY HOCKEY – Congratulations

The Board congratulated the John Jay Varsity Hockey team for making it to the State final four.

PLASTIC BAG BAN – Followed

Supervisor Parsons announced that several other towns, including New Canaan, Greenwich and Stamford have followed our lead on banning plastic bags. He stated that Pound Ridge is close to passing a local law as well.

WESTCHESTER MUNICIPAL OFFICIALS ASSOCIATION – Updates

Supervisor Parsons stated that the WMOA has been lobbying for the following items in Albany: restoring Aid in Municipalities (AIM) funding, excluding capital costs from the tax cap, include municipalities in the cannabis discussion, increase in CHIPS money for highway, increase retired police officers capped limit and internet sales tax.

EXECUTIVE SESSION – To Discuss Real Estate and Legal Issues

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted 4-0 to go into executive session at 9:30 p.m. to discuss appointments and legal issues

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted 4-0 to come out of executive session at 10:30 p.m.

TOWN CODE – Gasoline Special Use Permit

The Board requested the town attorney to prepare a draft local law to the Town Code of the Town of Lewisboro to set criteria for the gasoline station special use permit, as it is currently allowed by special use permit in the Retail Business (RB) district, but there are no criteria specific to that special permit use in the Town Code.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Ms. Crimmins, the Board voted 4-0 to adjourn at 10:32 p.m.

Janet L. Donohue
Town Clerk