



## MEMORANDUM

**TO:** Supervisor Gonçalves and Members of the Town Council

**FROM:** Valerie Monastra, AICP

**CC:** Judson Siebert, Town Planning Board Attorney  
Jan Johannessen, Town Planner

**DATE:** January 2, 2024

**RE:** First Round of Town Code Amendments and Additional Decisions

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Provided in your packets for the January 8, 2024, Town Board meeting are the current zoning and other Town Code amendments associated with the draft Comprehensive Plan recommendations. The attached table identifies the draft goals and objectives and the sections of the Town Code that are associated with the proposed amendments. The proposed Town Code amendments will assist with the implementation of the draft Comprehensive Plan.

There will be a second round of Town Code amendments which will include:

1. Sidewalks maintenance standards.
2. EV charging spaces and parking standards.
3. Farm and animal husbandry – incorporating up-to-date standards into the zoning chapter.
4. Battery Energy and Solar Energy regulations based on the NYSERDA model laws.
5. Short-term rental regulations.
6. Wireless regulation updates.

Numerous drafts of the proposed Town Code amendments have been sent and reviewed by the Town Board. The final draft amendments are provided in your packet, and specific sections of the Code that contain substantive changes from the current Town regulations are highlighted to ease your review of the documents. If the entire chapter title is highlighted, the entire chapter contains substantive changes, and should be reviewed in its entirety. I will provide a summary of the changes at the Town Board meeting and take any questions or comments on the proposed amendments.

There are some additional decisions required of the Town Board which will be discussed at your January 8<sup>th</sup> Town Board meeting. They include the following:

- Use Table – In the Use Regulation Table provided in your packet, there are uses which are highlighted. Those uses are currently not permitted within the Town but are typically uses found in other communities. Decisions will need to be made whether to permit them and in what zoning districts.

- Septic Systems – The need for regulation and enforcement of septic systems was consistently raised throughout the Comprehensive Plan process by the public. The current septic system regulations of Chapter 183, Sewers and Sewage Disposal, require inspections every five years. However, this chapter does not include requirements for the inspections to be provided to the Building Department, nor does it provide any requirements for correction of properties that fail inspections. The current regulations also contain weak enforcement provisions.

There are additional options the Town Board could consider adding to Chapter 183, Sewers and Sewage Disposal, which will help strengthen the current law. These include:

- Requirements to submit documentation on the inspections to the Building Department.
- Requirements for corrective action for any septic system that fails inspection.
- Require septic system pump outs every three years, per Westchester County's Department of Health recommendations, and submission of documentation to the Building Department.
- Update enforcement provisions.

At the January 8<sup>th</sup> Town Board meeting, I will further discuss the various options the Town Board can consider for strengthening the Town's septic system regulations.

I look forward to our discussions next week on the proposed amendments and items outlined in this memorandum that require input from the Town Board.

Proposed Zoning Work and Relation to Comprehensive Plan Objectives and Draft Delivery Dates

Objective	Sections to Review and Amend as Needed	Hyperlink to Section
1.2: Review and amend the existing bulk regulations, parking, landscaping, and lighting requirements for all zoning districts to ensure best practices are being employed for all development.	220-12  Article III Chapter 220 220-15 220-14 Article VII  Article IV Chapter 220	<a href="#">Schedule A (ecode360.com)</a> – Bulk Regulations Residential – <b>COMPLETED NO CHANGES PROPOSED</b> <a href="#">Schedule A (ecode360.com)</a> – Bulk Regulations Non-Residential- <b>COMPLETED NO CHANGES PROPOSED</b>  <a href="https://ecode360.com/11024686#11024686">https://ecode360.com/11024686#11024686</a> – General Regulations: Yards and Setbacks - <b>COMPLETED</b> <a href="#">Town of Lewisboro, NY Off-Street Parking and Loading (ecode360.com)</a> – Parking - <b>COMPLETED</b>  <a href="https://ecode360.com/11024709#11024709">https://ecode360.com/11024709#11024709</a> – Landscaping <b>COMPLETED</b> <a href="https://ecode360.com/11024694#11024694">https://ecode360.com/11024694#11024694</a> – Exterior Lighting <b>COMPLETED</b>
1.3: Review and amend the site plan standards and amend as applicable so that applications for site plan approval will align with the visual environment and character (architectural styling, rural setting, and scale of buildings) of the Town.	Article VI Chapter 220  7-5	<a href="https://ecode360.com/11025318">https://ecode360.com/11025318</a> – Site Plan Standards - <b>COMPLETED</b>  <a href="https://ecode360.com/11021737#11021737">https://ecode360.com/11021737#11021737</a> – Architecture and Community Appearance Review Council - <b>COMPLETED</b>
2.1: Review and amend the Zoning chapter to ensure that the application review processes are consistent with NYS Town Law, ensure consistent application reviews, and encourage investment by conveying clear development expectations.	220-46	<a href="https://ecode360.com/11025381">https://ecode360.com/11025381</a> - <b>COMPLETED</b>

Objective	Sections to Review and Amend as Needed	Hyperlink to Section
2.2: Amend, as needed, inconsistencies in the Zoning chapter, where appropriate.	220-2	<a href="https://ecode360.com/11024583">https://ecode360.com/11024583</a> - Definitions - <b>COMPLETED</b>
2.3: Review permitted, special permit, and accessory uses.	Article IV Chapter 220  Article V Chapter 220	Uses - Definitions - <b>COMPLETED</b>  <a href="https://ecode360.com/11024865">https://ecode360.com/11024865</a> - <b>COMPLETED</b>  <a href="https://ecode360.com/11024984">https://ecode360.com/11024984</a> - special permit uses – <b>COMPLETED</b>
2.4: Review supplemental regulations to ensure they are modern and reflect the needs and vision of the Town.	Article V Chapter 220	<a href="https://ecode360.com/11024984">https://ecode360.com/11024984</a> - <b>COMPLETED, MORE AMENDMENTS WILL BE PROPOSED NEXT ROUND</b>
2.5: Ensure the Zoning chapter includes appropriate enforcement mechanisms.	Article IX Chapter 220	<a href="https://ecode360.com/11025527">https://ecode360.com/11025527</a> - <b>COMPLETED</b>
2.6: Investigate reviewing the Town's cluster development regulations to ensure they promote the use of clustering as a means to conserve the Town's remaining vacant land and large properties seeking future subdivision applications.	Article XI Chapter 220	<a href="https://ecode360.com/15577528#15577528">https://ecode360.com/15577528#15577528</a> - <b>COMPLETED</b>
3.2: Explore reviewing and amending zoning regulations to support apartments above existing ground floor retail space in the hamlet downtowns, specifically updating non-residential zoning districts and	220-40  220-2  220-26	<a href="https://ecode360.com/11025286#11025286">https://ecode360.com/11025286#11025286</a> – Accessory Apartments - <b>COMPLETED</b> <a href="https://ecode360.com/11024583#11024583">https://ecode360.com/11024583#11024583</a> – Definitions (need to edit) - <b>COMPLETED</b> <a href="https://ecode360.com/11024958#11024958">https://ecode360.com/11024958#11024958</a> – R-MF Multifamily Residence District - <b>COMPLETED</b>

Objective	Sections to Review and Amend as Needed	Hyperlink to Section
section 220-26, R-MF Multi-family Residence District.	220-24	<a href="https://ecode360.com/11024922#11024922">https://ecode360.com/11024922#11024922</a> – Regulations for nonresidential districts - <b>COMPLETED</b>
3.3: Re-examine and strengthen, where necessary, the current accessory apartment regulations section 220-40 and 220-40.1 in the Zoning chapter to provide more flexibility in the development of accessory dwelling units.	220-40 220-40.1 220-43.8	<a href="https://ecode360.com/11025286#11025286">https://ecode360.com/11025286#11025286</a> – Accessory Apartments - <b>COMPLETED</b> <a href="https://ecode360.com/11025319#11025319">https://ecode360.com/11025319#11025319</a> – Accessory residence Dwellings - <b>COMPLETED</b> <a href="https://ecode360.com/35898368">https://ecode360.com/35898368</a> - Multi-family dwellings - <b>COMPLETED</b>
3.4: Explore the development of a senior housing floating zone to encourage additional housing for seniors.	220-40	<a href="https://ecode360.com/11025286#11025286">https://ecode360.com/11025286#11025286</a> – Accessory Apartments (mentioned to meet the needs of the elderly) - <b>COMPLETED</b>  New Text to Developed – <b>COMPLETED</b>
3.5: Consider reviewing and amending the Town’s existing affordable housing regulations to provide greater flexibility in the development of affordable units.	220-25.1	<a href="https://ecode360.com/33829948?highlight=affordability,affordable&amp;searchId=50888304940440314#33829948">https://ecode360.com/33829948?highlight=affordability,affordable&amp;searchId=50888304940440314#33829948</a> – AFFH Dwelling Units - <b>COMPLETED</b>
4.1: Review and amend the bulk regulations and uses of the Town’s business zoning districts to remove unnecessary obstacles that may hinder the establishment or expansion of small or local businesses.	220-24C 220-24D	<a href="https://ecode360.com/15576932">https://ecode360.com/15576932</a> - Permitted RB - <b>COMPLETED</b> <a href="https://ecode360.com/15576954">https://ecode360.com/15576954</a> - Permitted GB -- <b>COMPLETED</b> <a href="https://ecode360.com/ScheduleA">Schedule A (ecode360.com)</a> – Bulk Regulations NonRes - <b>COMPLETED</b>
4.3: Investigate incorporating design guidelines into the business district	220-29 220-30	<a href="https://ecode360.com/11024985#11024985">https://ecode360.com/11024985#11024985</a> – RB District - - <b>COMPLETED</b> <a href="https://ecode360.com/11024985#11025015">https://ecode360.com/11024985#11025015</a> – GB District- - <b>COMPLETED</b>

Objective	Sections to Review and Amend as Needed	Hyperlink to Section
regulations that will help elevate the aesthetics of the business districts within each hamlet area.		NEXT ROUND WILL INCLUDE CHANGES TO CC-20 DISTRICT
5.2: Consider reviewing and revising, where necessary, the Town's zoning regulations to allow for a diverse agricultural economy.	220-24	<a href="https://ecode360.com/11024922">https://ecode360.com/11024922</a> - Nonresidential District Regulations – COMPLETED, NEXT ROUND WILL INCLUDE CHANGES ON ANIMALS
6.5: Explore the adoption of definitions for “net lot area” and “environmental constraints” and apply them to the bulk regulations in the Zoning chapter. This would subtract land that contains environmental constraints such as wetlands and waterbodies, steep slopes, agriculturally significant soils (where relevant), drinking water sources, established forests, and floodplains from the developable land area.	220-2 220-21  217	<a href="https://ecode360.com/11024583#11024583">https://ecode360.com/11024583#11024583</a> – Definitions –COMPLETED <a href="https://ecode360.com/11024741#11024741">https://ecode360.com/11024741#11024741</a> – Wetlands and Steep slopes – COMPLETED  <a href="https://ecode360.com/11024741#11024741">Town of Lewisboro, NY Wetlands and Watercourses (ecode360.com)</a> - – COMPLETED
7.1: Review, clarify, and strengthen, where necessary, the Town's Sewer and Sewage Disposal (Chapter 183), Wetlands and Watercourses (Chapter 217), Wetlands and Water Course (Chapter 271), Wetlands and steep slopes (Section 220-21), and Tree Preservation (Chapter 203) regulations.	183  217  220-21 203	<a href="https://ecode360.com/11024741#11024741">Town of Lewisboro, NY Sewers and Sewage Disposal (ecode360.com)</a> - COMPLETED  <a href="https://ecode360.com/11024741#11024741">Town of Lewisboro, NY Wetlands and Watercourses (ecode360.com)</a> COMPLETED  <a href="https://ecode360.com/11024741#11024741">https://ecode360.com/11024741#11024741</a> – Wetlands and Steep slopes - – COMPLETED  <a href="https://ecode360.com/15576108">https://ecode360.com/15576108</a> - Tree Preservation - –CHANGES ARE ALREADY PROPOSED AND BEING REVIEWED BY THE TOWN BOARD

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7.2: Consider reviewing and strengthening, where necessary, enforcement mechanisms for local environmental codes.	203-3  217-11  220-21	<a href="https://ecode360.com/37556435#37556435">https://ecode360.com/37556435#37556435</a> – Tree Preservation enforcement - <b>CHANGES ARE ALREADY PROPOSED AND BEING REVIEWED BY THE TOWN BOARD</b>  <a href="https://ecode360.com/11024367#11024367">https://ecode360.com/11024367#11024367</a> – Wetlands and Watercourses - enforcement - <b>COMPLETED</b>  <a href="https://ecode360.com/11024741#11024741">https://ecode360.com/11024741#11024741</a> – Wetlands and Steep slopes- <b>COMPLETED</b>
7.8: Promote native and pollinator-friendly landscape plantings during subdivision and site plan review.	220-15  220-48  Article IV and Article V Chapter 195	<a href="https://ecode360.com/11024709#11024709">https://ecode360.com/11024709#11024709</a> – Landscaping - <b>COMPLETED</b>  <a href="https://ecode360.com/11025318">https://ecode360.com/11025318</a> – Site Plan Standards - <b>COMPLETED</b>  <a href="https://ecode360.com/11024709#11024709">Town of Lewisboro, NY Required Improvements and Agreements (ecode360.com)</a> – <b>COMPLETED NO CHANGES PROPOSED</b>
8.2: Consider reviewing and amending the zoning regulations to allow for the siting and use of alternative energy utilities, including but not limited to battery energy storage, rooftop wind, geothermal, and solar systems.	Article IV Chapter 220	<a href="https://ecode360.com/11024740">https://ecode360.com/11024740</a> - <b>NEXT ROUND WILL INCLUDE CHANGES FOR SOLAR and BATTERY STORAGE</b>
8.6: Consider reviewing and amending the zoning regulations to incorporate the International Dark-Sky Association's dark sky lighting standards which will reduce nighttime light pollution.	220-14	<a href="https://ecode360.com/11024694#11024694">https://ecode360.com/11024694#11024694</a> – Exterior Lighting – <b>COMPLETED</b>

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8.7: Encourage sustainable and green building design to the extent practicable during site plan review.	220-48	<a href="https://ecode360.com/11025318">https://ecode360.com/11025318</a> – Site Plan Standards – <b>COMPLETED</b>
9.3: Review and strengthen Chapter 183, Sewers and Sewage Disposal, to assist the Town in increased enforcement of the chapter and recordkeeping of the inspections.	183	<a href="https://ecode360.com/15576119#15576119">Town of Lewisboro, NY Sewers and Sewage Disposal (ecode360.com)</a> – <b>MEMO WITH OPTIONS FOR THE TOWN BOARD TO DISCUSS</b>
9.4: Explore the potential of adopting local regulations that require inspection of septic systems prior to the conveyance of any property.	183 183-3	<a href="https://ecode360.com/15576119#15576119">Town of Lewisboro, NY Sewers and Sewage Disposal (ecode360.com)</a> <a href="https://ecode360.com/15576119#15576119">https://ecode360.com/15576119#15576119</a> – Inspection requirements <b>MEMO WITH OPTIONS FOR THE TOWN BOARD TO DISCUSS</b>
12.1: Explore undertaking a parks and recreation plan that will assist the Town in identifying and prioritizing park upgrades and maintenance. The plan should also identify opportunities to upgrade its parks and trails to be more accessible and reassess the <i>fee-in-lieu of recreation</i> (as per section 195-26A (5) of the Town Code).	195-26A(5)	<a href="https://ecode360.com/15576636">https://ecode360.com/15576636</a> - Fee in lieu of reservation - <b>COMPLETED</b>
18.3: Consider developing a local landmark designation process, as this process is the most effective at protecting significant historic sites.	126-4 7-3	<a href="https://ecode360.com/15576003?highlight=historic,historical&amp;searchId=50890428959157750#11022450">https://ecode360.com/15576003?highlight=historic,historical&amp;searchId=50890428959157750#11022450</a> – Definitions (definition for historic structure) – <b>COMPLETED</b> <a href="https://ecode360.com/11021726#11021726">https://ecode360.com/11021726#11021726</a> – Architecture and Community Appearance Review Council (consider expanding jurisdiction?) – <b>COMPLETED</b>
18.4: Consider adopting a Historic Preservation law to explicitly allow for the designation of local landmark districts, implementing a	126-4 7-3	<a href="https://ecode360.com/15576003?highlight=historic,historical&amp;searchId=50890428959157750#11022450">https://ecode360.com/15576003?highlight=historic,historical&amp;searchId=50890428959157750#11022450</a> – Definitions (definition for historic structure) – <b>COMPLETED</b> <a href="https://ecode360.com/11021726#11021726">https://ecode360.com/11021726#11021726</a> – Architecture and Community Appearance Review Council (consider expanding jurisdiction?) – <b>COMPLETED</b>



Objective	Sections to Review and Amend as Needed	Hyperlink to Section
"neighborhood preservation" overlay zoning district/landmark designation, or creating a historic zoning overlay district.	220-31	<a href="https://ecode360.com/11025016#11025016">https://ecode360.com/11025016#11025016</a> – SC Special Character Overlay District – TO BE REVIEWED IN THE FUTURE
18.5: Review and revise the existing zoning regulations to encourage the adaptive reuse of older historic buildings to ensure that the objective of preserving historic resources will be encouraged.		New Text to be Developed – TO BE REVIEWED IN THE FUTURE
18.8: Consider reviewing and updating Section 220-31, SC Special Character Overlay, to ensure that it is protecting the Town's historic resources and special character areas.	220-31	<a href="https://ecode360.com/11025016#11025016">https://ecode360.com/11025016#11025016</a> – SC Special Character Overlay District –COMPLETED
18.9: Review the areas designated under the Special Character Overlay to determine if the overlay should be expanded to include other areas within the Town.	220-31 Zoning Map	<a href="https://ecode360.com/11025016#11025016">https://ecode360.com/11025016#11025016</a> – SC Special Character Overlay District - –COMPLETED <a href="#">Schedule A (ecode360.com)</a> COMPLETED
18.10: Explore developing design guidelines for the Special Character Overlay to assist the Architecture and Community Appearance Review Council in its review of applications.	Chapter 7 220-31	<a href="#">Town of Lewisboro, NY Architecture and Community Appearance Review Council (ecode360.com)</a> – COMPLETED GUIDELINES WILL BE UNDERTAKEN AT A FUTURE DATE <a href="https://ecode360.com/11025016#11025016">https://ecode360.com/11025016#11025016</a> – SC Special Character Overlay District - –COMPLETED GUIDELINES WILL BE UNDERTAKEN AT A FUTURE DATE