

Present: Janet Andersen, Chair
Paul Fusco
John Gusmano
Charlene Indelicato
Bruce Thompson
Jud Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Ciorsdan Conran, Planning Board Administrator

Absent: None

Ms. Andersen opened the meeting at 6:33 p.m., noted the exits and stated that this special meeting was scheduled to review the proposed amendments to the Town Code that were developed as part of the Comprehensive Plan update.

I. SPECIAL MEETING OF THE PLANNING BOARD
(1:13 - 1:46:18)

Review the proposed zoning changes to the Town Code as drafted by the Comprehensive Plan (Comp. Plan) consultants as part of the Comprehensive Plan process

Ms. Andersen stated that at the Town Board's March 25, 2024 work session they discussed the referral of the draft Comprehensive Plan and proposed zoning changes to the Town Code to the Planning Board that were developed by the Town's consultants Nelson Pope Voorhis (NPV); that referral has not yet been made. She noted the Town Board is developing a schedule for its public hearings and State Environmental Quality Reviews (SEQR).

A chart of those proposed zoning amendments prepared by NPV is attached to these minutes.

Mr. Siebert stated the order of review by the Town Board should be the Comp. Plan followed by the zoning amendments. He noted that the Town Board's public hearing on the draft Comp. Plan could start at the end of April. After the Comp. Plan is adopted then the focus will be on the proposed zoning changes which could wrap up this fall. Ms. Andersen stated future discussions of smaller portions of the proposed zoning changes could take place during the regular monthly meetings. Mr. Siebert noted that Valerie Monstra (NPV) is still working on some of the proposed changes.

Special Use Permits (SUP)

Ms. Andersen stated there are SUPs that are reviewed by the ZBA and some that go to the Planning Board. She noted that items such as contractor yards are an example of a SUP currently with the ZBA, and she will reach out to Robin Price (ZBA Chair) to discuss this type of SUP further. Mr. Siebert stated Ms. Monstra shifted SUPs to the Planning Board as a streamlining method because quite often the SUP is part of the site plan approval process. Ms. Indelicato recommended that for certain matters a joint meeting with the ZBA could be held. Mr. Thompson noted that applications for SUPs like contractor yards were granted if they met all the specific requirements in the Town Code. Mr. Siebert noted that other SUPs have larger criteria to meet such as parking requirements. Ms. Andersen was concerned about the high number of animals that would be allowed in residential districts, especially if the different animal types were additive, and recommended that language be inserted to allow other animals in residential zoning districts at the Planning Board's discretion. She asked why some SUPs expire in two years while others are open ended. Ms. Indelicato asked who enforces and ensures that SUP standards are maintained and how is a SUP revoked. She noted the Town cannot rely on just complaints from the neighbors.

A summary of proposed uses in Lewisboro's zoning district prepared by NPV is attached to these minutes.

Adjudication of alleged Wetland Violations

Ms. Andersen stated in the current draft, violations are issued by the Code Enforcement Officer (Building Inspector) on advice from the Wetland Inspector. She noted that currently the Planning Board adjudicates the alleged violations and works to have the wetlands restored / site remediated. Mr. Siebert stated Lewisboro is relatively unusual in this regard and a court challenge upheld this process. Ms. Andersen stated the proposal is to have the adjudication take place in the justice court. Ms. Andersen asked how remediation is to take place and would the violator return to the Planning Board with a wetland permit application or just pay a court fine. Mr. Gusmano stated having these matters at the Planning Board will lead to correcting the wetland violation. Mr. Thompson noted that in his experience the ideal is to have a town employee issue the violation and to encourage residents to apply for improvements instead of working without permits and going to court. He noted that remediation is the goal, and these types of violations should be stay with the Planning Board where residents are treated fairly. Mr. Fusco stated alleged violators should go to court then to the Planning Board for a wetland permit and have an open permit in their building file. Ms. Indelicato asked how applicants would come to the Planning Board for a wetland permit after being in the court, how many wetland violations are going to the justice court, how does the enforcement work and is the process working. Mr. Siebert stated he will contact the Greg Monteleone (Town Prosecutor) for violation statistics and draft a letter of the Planning Board's concerns to send to the Town Board.

Steep Slopes

Ms. Andersen stated the Town Code does not regulate improvements on steep slopes currently but advises avoidance of disturbing steep slopes. She noted that the proposal has three different categories of steep slopes (moderately, very steep (over 25% grade), and extremely (over 35%)) and the Planning Board is to review extremely steep slopes. She asked how an applicant would know if they have a 35% grade if not preparing a site plan and when the Town Engineer and/or Building Inspector review improvements in a steeply sloped area. Ms. Indelicato noted that ground disturbances in areas where there are steep slopes will increase erosion and runoff. Mr. Fusco added that depending on the thresholds, an application could have to come to Planning as part of their SWPPP review and stormwater permit application. Ms. Andersen felt the end result might be to have more construction on steep slopes than currently. The board agreed to seek the advice of Jan Johannessen on this matter.

Excavation and Fill

Ms. Andersen stated that our Town Code is currently silent on excavation and fill and this would be a new section. She noted that the proposed requirement for a permit application is when there are 15 cubic yards (a 16' L x 7.5' W x 4.5' H container) of excavation and fill. Mr. Thompson stated work on curtain drains or septic fields can require 20 yards of gravel. Mr. Fusco noted that the 15 cubic yards amount is small, and he requested clarification. The Board reached consensus to ask Mr. Johannessen about the threshold amount.

Other items discussed by the Board included:

- definition of clear cutting;
- definitions for multi-family units;
- adding a requirement for EV charging stations in new parking lots;
- types of farm / exotic animals and the cumulative effect of having multiple species and their manure;
- distance of a pool from a wetland;
- the setback for ground-mounted solar arrays;
- blasting and rock hammering protocols;
- the Watershed Agricultural Council (<https://www.nycwatershed.org/agriculture/planning/east-of-hudson/>) resources for farmers;
- approvals of cell towers on Town property and the Monroe test;
- wetland buffer distance (100' v. 150'); and
- how phosphorus travels through soil.

Ms. Andersen stated that the Town Board has deferred discussion of sewers / septic and short-term rentals. Mr. Siebert added that battery storage and solar arrays are also being tabled for the moment.

II. NEXT MEETING DATE: April 16, 2024.

III. ADJOURN MEETING.

(1:46:19 – 1:48:00)

On a motion made by Ms. Indelicato, seconded by Mr. Gusmano, the meeting was adjourned at 8:21 p.m. In favor: Ms. Andersen, Mr. Fusco, Mr. Gusmano, Ms. Indelicato and Mr. Thompson. Absent: None.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ciorsdan Conran".

Ciorsdan Conran
Planning Board Administrator

SUMMARY OF PROPOSED LEWISBORO TOWN CODE CHANGES (PREPARED BY NPV)

Chapter or Section	General Description of Proposed Changes	Supported Comprehensive Plan Objective
Chapter 7 – Architecture and Community Appearance Review Council		
7-3 Jurisdiction.	Revised list of which applications the ACARC has the jurisdiction to review.	18.4: Consider adopting a Historic Preservation law to explicitly allow for the designation of local landmark districts, implementing a “neighborhood preservation” overlay zoning district/landmark designation, or creating a historic zoning overlay district.
7-5 Guidelines for decisions and recommendations.	Amendments made to criteria the ACARC should consider in their review.	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.
Chapter 191 – Streets and sidewalks		
Chapter 191 – Streets and sidewalks	Incorporation of a new article regarding maintenance of sidewalks.	15.5: Continue to improve walkability by improving crosswalks and connecting new and existing sidewalk infrastructure in appropriate locations throughout Town, especially where connections between neighborhoods, public transportation routes, and community services are possible.
Chapter 217 – Wetlands and Watercourses		
Chapter 217 – Wetlands and Watercourses	Revised definitions, terms, and processes to reflect the current wetlands review processes of Lewisboro.	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.

SUMMARY OF PROPOSED LEWISBORO TOWN CODE CHANGES (PREPARED BY NPV)

Chapter or Section	General Description of Proposed Changes	Supported Comprehensive Plan Objective
Chapter XX (Numbering TBD) – Excavation and Fill		
Chapter XX – Excavation and Fill	Created new chapter that relates to the municipal process associated with exaction and fill of land. Establishes the need for a permit.	7.2: Consider reviewing and strengthening, where necessary, enforcement mechanisms for local environmental codes.
Chapter XX (Numbering TBD)– Steep Slope Protection		
Chapter XX – Steep Slope Protection	Removed Section 220-21 wetlands and steep slopes and created a new chapter with definitions, terms, and permitting processes in relation to the regulation of steep slopes.	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. 7.2: Consider reviewing and strengthening, where necessary, enforcement mechanisms for local environmental codes.
Chapter 220 - Zoning		
220-2 Definitions and word usage.	Incorporated additional definitions to reflect other changes in the chapter as well removal of archaic definitions.	2.2: Amend, as needed, inconsistencies in the Zoning chapter, where appropriate.
220-14 Exterior lighting standards.	Amended the lighting section to establish clear standards for reviews and incorporated dark sky standards.	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. 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.

SUMMARY OF PROPOSED LEWISBORO TOWN CODE CHANGES (PREPARED BY NPV)

Chapter or Section	General Description of Proposed Changes	Supported Comprehensive Plan Objective
220-15 Landscaping, screening, and buffer areas.	Established landscaping standards with an emphasis on native plants.	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. 7.8: Promote native and pollinator-friendly landscape plantings during subdivision and site plan review.
Article IV District Regulations		
220-23 Schedule of regulation for residential districts.	Added reference to Attachment 1, Table of Use Regulations . Removed reference to uses from the text and moved them into a table format to make it easier to understand the permitted uses. Revised requirements related to farms animals.	2.2: Amend, as needed, inconsistencies in the Zoning chapter, where appropriate.
220-24 Schedule of regulations for nonresidential districts.	Added reference to Attachment 1, Table of Use Regulations. Removed reference to uses from the text and moved them into a table format to make it easier to understand the permitted uses. Moved the regulations related to the CC-20 zoning district to this section. Incorporated purposes for the CC-20, RB, and GB Zoning Districts with reference to the Comprehensive Plan.	2.2: Amend, as needed, inconsistencies in the Zoning chapter, where appropriate.
220-25.1 Inclusionary affirmatively furthering fair housing (AFFH) dwelling units.	Updated review process text as well as reference to Open Meetings Law.	3.5: Consider reviewing and amending the Town's existing affordable housing regulations to provide greater flexibility in the development of affordable units.

SUMMARY OF PROPOSED LEWISBORO TOWN CODE CHANGES (PREPARED BY NPV)

Chapter or Section	General Description of Proposed Changes	Supported Comprehensive Plan Objective
220-26 Multifamily Dwellings	<p>Renaming of the R-MF section of the code to refer to all multifamily Dwellings and incorporated all multi-family zones into one section.</p> <p>Incorporation of reference to Senior Housing Floating Zones and Article VII in relation to required parking.</p> <p>Established permitted uses for open space.</p>	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 section 220-26, R-MF Multi-family Residence District.
220-27 Senior Housing Floating Zone	Created new Senior Housing Floating Zone, including development requirements.	3.4: Explore the development of a senior housing floating zone to encourage additional housing for seniors.
220-28 Reserved	Removal of SU Service Utility District text, as it is now covered by section 220-24 .	2.2: Amend, as needed, inconsistencies in the Zoning chapter, where appropriate.
220-29 Reserved	Removal of RB Retail Business District text, as it is now covered by section 220-24 .	2.2: Amend, as needed, inconsistencies in the Zoning chapter, where appropriate.
220-30 Reserved	Removal of GB General Business District text, as it is now covered by section 220-24 .	2.2: Amend, as needed, inconsistencies in the Zoning chapter, where appropriate.
Table 1 of District Use Regulation	Incorporation of green energy uses, and removal of some definitions. Also moved all uses from Article IV, District Regulations , from text into table format.	<p>2.2: Amend, as needed, inconsistencies in the Zoning chapter, where appropriate.</p> <p>GOAL 8: Incorporate new, sustainable, and green infrastructure technology and building practices to support the goals of reducing overall greenhouse gas emissions and improving climate change resiliency.</p>

SUMMARY OF PROPOSED LEWISBORO TOWN CODE CHANGES (PREPARED BY NPV)

Chapter or Section	General Description of Proposed Changes	Supported Comprehensive Plan Objective
Article V Supplemental Regulations		
220-32 Special permit uses.	Incorporation of green energy uses and removal of some definitions. Amended section to streamline the review process.	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. 2.2: Amend, as needed, inconsistencies in the Zoning chapter, where appropriate.
220-34 Landfilling, regrading and removal of earth material	Removal of section due to creation of New Excavation and Fill Chapter .	2.2: Amend, as needed, inconsistencies in the Zoning chapter, where appropriate.
220-40 Accessory apartments.	Revised section to remove the now defunct middle income unit program and replaced by current Affordable Furthering Fair Housing. Incorporation of maximum sizes for accessory apartments.	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. 3.5: Consider reviewing and amending the Town's existing affordable housing regulations to provide greater flexibility in the development of affordable units.
220-40.1 Accessory dwelling residence	Adjustment of excessive lot area requirement.	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.
220-41.1 Communications facilities, communication towers, antenna towers or monopoles.	Removed and replaced section with new wireless regulations that meet current standards and technologies.	2.2: Amend, as needed, inconsistencies in the Zoning chapter, where appropriate.

SUMMARY OF PROPOSED LEWISBORO TOWN CODE CHANGES (PREPARED BY NPV)

Chapter or Section	General Description of Proposed Changes	Supported Comprehensive Plan Objective
Article VI Site Development Plan Approval		
Article VI Site Development Plan Approval	Updated Planning Board application review process to reflect current practices and New York State Town Law and incorporation of new terms.	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. 2.2: Amend, as needed, inconsistencies in the Zoning chapter, where appropriate.
Article VII Off Street Parking		
220-55 Location, use, design, construction and maintenance	Incorporated shared space parking requirements as well as establishing size guidelines and parking for persons with disabilities in agreement with state and federal regulations.	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.
220-56 Schedule of off-street parking requirements.	Incorporated EV charging spaces and general minimum space requirement updates to reflect current standards.	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.
220-57.1 EV Charging Stations	Created section related to the approval process and design requirements for EV charging stations.	GOAL 8: Incorporate new, sustainable, and green infrastructure technology and building practices to support the goals of reducing overall greenhouse gas emissions and improving climate change resiliency.
Article X - Amendments		
220-79 Petition; public hearing.	Updated process to reflect New York State Town Law and current process within Lewisboro.	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.

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Chapter or Section	General Description of Proposed Changes	Supported Comprehensive Plan Objective
		2.2: Amend, as needed, inconsistencies in the Zoning chapter, where appropriate.
220-80 Planning Board review.	Updated process to reflect New York State Town Law and current process within Lewisboro.	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. 2.2: Amend, as needed, inconsistencies in the Zoning chapter, where appropriate.
Article XI – Cluster Development		
220-86 Request of developments.	Incorporated natural resource protection language.	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.
220-88 Development standards.	Revised requirements of development standards as well as the incorporation of an emphasis on open lands.	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.
New Sections with Locations to be Determined		
XX Battery storage systems.	Creation of battery storage system section which provides requirements for the permitting approval process, design of the systems, and locations within the Town. - Tier 1 Battery Energy Systems are permitted as an accessory use in all zoning districts.	GOAL 8: Incorporate new, sustainable, and green infrastructure technology and building practices to support the goals of reducing overall greenhouse gas emissions and improving climate change resiliency.

SUMMARY OF PROPOSED LEWISBORO TOWN CODE CHANGES (PREPARED BY NPV)

Chapter or Section	General Description of Proposed Changes	Supported Comprehensive Plan Objective
	<ul style="list-style-type: none"> - Tier 2 Battery Energy Storage Systems in the RB, GB, CC-20, and SU zoning districts as well as on properties with any government and education related facilities will require special use permits. 	
XX Solar energy systems.	<p>Creation of solar energy systems, which provides requirements for the permitting approval process, design of the systems, and locations within the Town.</p> <ul style="list-style-type: none"> - Tier 1 and 2 Solar Energy Storage Systems are permitted as an accessory use in all zoning districts. - Tier 3 Solar Energy Systems are permitted in the RB, GB, CC-20, and SU zoning districts as well as on properties with any government and education related facilities will require special use permits. <p>Removed "Solar Panels" section under 220-12 Yards and setbacks given creation of new section.</p>	GOAL 8: Incorporate new, sustainable, and green infrastructure technology and building practices to support the goals of reducing overall greenhouse gas emissions and improving climate change resiliency.

In addition - [Performance bond requirements](#) in the Subdivision Chapter of the Town Code were updated upon the recommendation of the Planning Board attorney.

Prepared by NPV

SPT: Special Use Permit Town Board

(Tracked Changes or text in red notes proposed changes, all other uses are already permitted or not permitted in zoning)

	R-1/4A	R-1/2A	R-1A	R-2A	R-4A	R-2F-10	R-2F-7.5	R-MF	CC-20	SU	RB	GB
Residential Uses												
One-family detached dwellings	P	P	P	P	P	P	P	P	P	P	P	P
Two-family dwelling						P	P				P	P
Multifamily dwellings						SP	SP	P	P	P	P	P
Dwelling unit on floors above permitted non-residential use									P		P	P
Community Uses												
Child day care facilities	SP	SP	SP	SP	SP	SP	SP		P	P	P	P
Hospitals	SP	SP	SP	SP	SP	SP	SP		P	P	P	P
Municipal facilities	P	P	P	P	P	P	P	P	P	P	P	P
Museums and art galleries	SP	SP	SP	SP	SP	SP	SP		P	P	P	P
Philanthropic and eleemosynary organizations	SP	SP	SP	SP	SP	SP	SP		P	P	P	P
Places of worship	SP	SP	SP	SP	SP	SP	SP		P	P	P	P
Private nature preserves	SP	SP	SP	SP	SP	SP	SP		P	P	P	P
Recreation and fitness, indoor facilities											P	P
Schools (Private and Public)	P	P	P	P	P	P	P	P	P	P	P	P
Senior-care facilities	SP	SP	SP	SP	SP	SP	SP		P	P	P	P
Utility Uses												

SPT: Special Use Permit Town Board

[illegible]

SPT: Special Use Permit Town Board

KEYP: Permitted useA: Accessory useSP: Special Use PermitSPT: Special Use Permit Town Board

	R-1/4A	R-1/2A	R-1A	R-2A	R-4A	R-2F-10	R-2F-7.5	R-MF	CC-20	SU	RB	GB
Keeping of riding horses, for the use of residents and their guests, and/or farm animals and poultry	A	A	A	A	A	A	A	A	A	A	A	A
Level 1 EV Charging Station	A	A	A	A	A	A	A	A	A	A	A	A
Level 2 EV Charging Station	A	A	A	A	A	A	A	A	A	A	A	A
Lodgings for the temporary accommodation of employees, visitors or caretakers of the permitted principal use, provided that the gross floor area dedicated to such use does not exceed 5% of the gross floor area on the lot									A			
Off-street parking facilities for the use of residents of the premises and their guests	A	A	A	A	A	A	A	A	A	A	A	A
Off-street parking and loading subject to Articles VI and VII of this chapter.									A		A	A
Outdoor dining, seasonal											A	A
Outdoor storage or display of articles											A	A
Recreational facilities for the use of employees and guests									A			
Renting of rooms to not more than two persons not members of the resident family	A	A	A	A	A	A	A	A	A	A	A	A
Retail									A			
Signs in accordance with Chapter 185, Signs	A	A	A	A	A	A	A	A	A	A	A	A
Solar Panels	A	A	A	A	A	A	A	A	A	A	A	A
Storage of a trailer, boat, camper, motor home or similar recreational vehicle for the use of residents of the premises, provided that said recreational vehicle is stored in a fully enclosed structure or otherwise screened from adjoining property.	A	A	A	A	A	A	A	A	A	A	A	A
Storage and maintenance of motor vehicles and similar equipment incidental to the permitted principal use within fully enclosed buildings.									A			

KEY

P: Permitted use

A: Accessory use

SP: Special Use Permit

SPT: Special Use Permit Town Board

	R-1/4A	R-1/2A	R-1A	R-2A	R-4A	R-2F-10	R-2F-7.5	R-MF	CC-20	SU	RB	GB
Swimming pools or other accessory recreational facilities	A	A	A	A	A	A	A	A	A	A	A	A
<u>Tier 1 Battery Energy Storage System</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Tier 1 Solar Energy Systems</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Tier 2 Solar Energy Systems</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Training programs									A			
Temporary stands for the sale and display of field and garden crops grown on the premises	A	A	A	A	A	A	A		A	A	A	A