

Bedford Hills, New York  
July 14, 2009

The Town Board of the Town of Bedford held a public hearing on July 14, 2009 at the Town Offices, 321 Bedford Road, Bedford Hills, New York to consider Local Law #5 – Amendment to Chapter 125 – Zoning – of the Code of the Town of Bedford for Central Business (CB) and Neighborhood Business (NB) districts. The meeting was called to order at 7:30 P.M. by Supervisor Roberts.

<b>Present:</b>	Lee V. A. Roberts	:Supervisor
	Peter Chryssos	:Councilman
	Francis Corcoran	:Councilman
	David Gabrielson	:Councilman
	Chris Burdick	:Councilman
	Lisbeth Fumagalli	:Town Clerk
	Joel H. Sachs	:Town Attorney
	Jeffrey Osterman	:Director of Planning

And sixty (60) residents/observers.

Proof of publication was presented and ordered filed. The public notice was published in the Bedford Pound Ridge Record Review on July 3, 2009.

The Board acknowledged the receipt of the following correspondence:

1. Letter dated July 14 2009 from the Katonah Chamber of Commerce.
2. Communication from Howland Robinson dated July 14, 2009.
3. Communication from John Lynch dated July 5, 2009.
4. Letter dated July 9, 2009 from Edward Burroughs, AICP, Deputy Commissioner of the Westchester County Department of Planning.
5. Communication dated July 13, 2009 from Susan and Jim Polos.
6. A petition dated July 8, 2009 from residents of Orchard Lane in Katonah.
7. Planning Board memorandum dated June 23, 2009.
8. Communication dated July 8, 2009 from the law firm of Shamberg Marwell Davis and Hollis, P.C.

The Board agreed to remove Section M of the proposed legislation.

Mr. Osterman gave a summary of the proposed legislation. He advised that these amendments were proposed by the Planning Board as an outgrowth of the Town Development Plan with a goal of recognizing the Town's commercial areas for their differences. He noted that the proposal would make several changes to the Zoning Code to distinguish the Town's older downtown areas from the commercial district located south of Bedford Hills toward the Mount Kisco boundary. He then reviewed the proposed changes to the text and the charts.

A discussion followed on the zoning districts along Route 117.

Mrs. Roberts opened the floor to public comment.

John Marwell, attorney representing the Arrowood property, where the Arroway car dealership is located, submitted a Petition of Protest signed by 20% of the affected property owners on Bedford Road, to the Board. He stated that the proposed legislation was beyond the purview of the Town Board, common sense and public policy, adding that this was not the right time to restrict the pool of people/tenants that might be able to purchase or rent property. He pointed out that this property is in an area where more people drive than use the sidewalks. He felt that there would be "unintended consequences" resulting from the adoption of this legislation adding that the Board should require a Draft Environmental Impact Statement to be completed.

Richard Hyman, planner for the Arrowood property, submitted a report dated July 7, 2009 in agreement with the comments from the Westchester County Department of

Planning and the Town of Bedford Planning Board. He also felt that this parcel was in an auto oriented, non- pedestrian area, noting that no homes were nearby.

Jennifer Cook, co-president of the Katonah Chamber of Commerce read the letter from the Chamber in support of the proposal.

Mark Farrell, an attorney representing Fairfield properties, felt that enacting Local Law #5 without the amendment proposed with Local Law #6 would wreak havoc with the Zoning Ordinance. He added that he had met with Town Planner Jeff Osterman at the end of May to discuss his client's concerns.

Several residents of Katonah expressed their support for this amendment to the Zoning Code, feeling that it would benefit the unique business district in the hamlet.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

RESOLVED that the public comment period for the public hearing to consider Local Law #5 – Amendment to Chapter 125 – Zoning – of the Code of the Town of Bedford for Central Business (CB) and Neighborhood Business (NB) districts be closed.

On a motion by Mrs. Roberts, seconded by Mr. Gabrielson, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

WHEREAS, the Town Board has reviewed a Full Environmental Assessment Form in conjunction with proposed Local Law #5-2009; and

WHEREAS, since the Town Board is the only governmental agency with authority to approve the zoning text amendments as set forth in proposed Local Law #5-2009;

NOW, THEREFORE, BE IT RESOLVED that pursuant to New York State Environmental Review Act

- (a) the Town Board of the Town of Bedford hereby declares itself Lead Agency in conjunction with the proposed action,
- (b) the Town Board hereby declares that proposed Local Law #5-2009 is a Type I action and
- (c) the Town Board hereby issues a Negative Declaration in conjunction with the proposed action.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

WHEREAS, certain zoning text amendments have been proposed to the CB, LI, NB and RB zoning districts within the Town of Bedford; and

WHEREAS, such proposed amendments have been referred to the Town of Bedford Planning Board and the Westchester County Department of Planning for reports and recommendations; and

WHEREAS, has received written and oral comments on the proposed zoning text changes; and

WHEREAS, the Town Board has reviewed a Full Environmental Assessment Form under SEQRA; and

WHEREAS, the Town Board has declared itself Lead Agency in conjunction with the proposed action; and

WHEREAS, the Town Board has determined that this is a Type I action; and

WHEREAS, the Town Board has determined to issue a Negative Declaration in regard to the proposed zoning text amendments; and

WHEREAS, after reviewing all of the materials received by the Town Board and hearing public comment;

NOW, THEREFORE, BE IT RESOLVED that the Town Board enacts Local Law #5-2009 making certain changes to the text of the Zoning Code of the Town of Bedford, a copy of which is annexed hereto:

LOCAL LAW NO. 5 - 2009 TO AMEND CHAPTER 125 OF THE TOWN CODE

BE IT RESOLVED, that the Town of Bedford Adds Chapter 125 of the Code of the Town of Bedford regarding Zoning:

**BE IT ENACTED** by the Town Board of the Town of Bedford as follows:

Section 1: Chapter §125-3 of the Town Code entitled “Definitions” is amended as follows:

§ 125-3 – Definitions

As used in this chapter, the following terms shall have the meanings indicated:

**DRIVE-THROUGH FACILITY – A use where products or services, either wholly or in part, are provided through a window or automated machine or by an employee to customers in their vehicles. Also known as “Drive-in” facilities.**

Section 2: A new section 125-49.7 is added to Article III of Chapter 125 regarding “Applicability; General Regulations” as follows:

**§125-49.7. Additional Requirements for Uses in CB and NB Districts.**

- A) **In the CB and NB districts, all Principal Non-Residential Uses, except emergency service providers, medical and veterinary offices and restaurants, shall not operate between the hours of 1:00 AM and 6:00 AM.**
- B) **In the CB and NB Districts no single permitted use, except emergency service providers, shall occupy a space on the first floor of any building greater than 7,500 square feet in area.**

Section 3: Chapter §125-49 of the Town Code regarding “Schedule of Uses” as set forth at the end of the chapter is amended as follows:

SEE ATTACHED CHART

Section 4: Chapter §125-50 of the Town Code regarding “Table of Dimensional Requirements – Commercial and Industrial” as set forth at the end of the chapter is amended as follows:

SEE ATTACHED CHART

Section 5: Chapter 125-87 of the Town Code regarding standards for Planning Board review of site plans is amended as follows:

- I. The site plan shall be designed so that the created landscape is harmonious with the natural features of the site.**
- J. The relationships of improved areas and open spaces are designed to be harmonious with existing structures, terrain and landscape.**
- K. Reasonable provisions are made for sight and sound buffers, control of outdoor lighting, the preservation of views, light and air, and those aspects of structure, improvement and land design not otherwise regulated that may have substantial effects on neighboring land uses.**
- L. New designs of structures, improvements and land are consistent and harmonious in relationship to existing streetscapes and the predominant architecture of the area.**

Section 6: This local law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

RESOLVED that the hearing to consider Local Law #5 – Amendment to Chapter 125 – Zoning – of the Code of the Town of Bedford for Central Business (CB) and Neighborhood Business (NB) districts be closed.

The hearing was adjourned at 8:35 pm.

---

Lisbeth Fumagalli, Town Clerk