

II. RESIDENTIAL DEVELOPMENT

Each year between 1974 and 1985, an average of 100 new residences have been established in Lewisboro. Over 28% of the Town's total area is now in residential use with an average of less than 0.6 residence per developed acre. The potential for continued residential growth is high as nearly 8,000 acres, 42% of the Town's total area, remain undeveloped. Partly as a balance to this possible growth, another 19% of the Town's land has so far been set aside as open space and recreation land. It is this committed open land which will continue to contribute to Lewisboro's image as a low density residential community.

Broad statistics do not, however, convey an accurate representation of the range of housing types existing in Lewisboro in 1984. Generally located away from the major roads serving the Town are several neighborhoods of moderately high density single-family development. Portions of the residential areas located to the southeast of Lake Kitchawan, the west and north of Truesdale Lake, and the north of Lake Waccabuc approach a density of 4 to 5 housing units per acre. Similar densities may be found in the old hamlet center of Goldens Bridge. Slightly lower densities of 2 to 3 housing units per acre are found in the other lake communities located around Lake Katonah and Lake Osaleta and in Goldens Bridge Colony which includes several two-family structures. More recent development over the past 5 to 15 years has been responsible for the establishment of multi-family housing in both Goldens Bridge and Vista at densities of 5 to 8 housing units per acre.

Located in the areas between these neighborhoods are extensive areas of low density residential development but even here a range is apparent. Residential areas in Vista and adjacent to the South Salem and Goldens Bridge lake communities are generally developed at one unit per acre. Further out from these centers, and particularly in the central portion of the Town including portions of Cross River and Waccabuc, residential density declines to one unit per 2 or more acres.

A. Guidelines and New Considerations

This Town Plan supports and maintains a low density residential character for Lewisboro and encourages the continuation of the range of housing choices available to Town residents consistent with the Town's traditional provision for such housing and with the Town's place in the region.

Recommendations as to the most suitable residential density for various sections of the Town are shown on the Town Plan Map and are based on consideration of the following guidelines:

- o The relationship of housing to the hamlet centers with higher densities within each center and with gradually decreasing densities as distance increases from the hamlet center.
- o The physical character of the land, both in terms of the limitations imposed on development and in terms of the desirability of preserving natural features and ecological balances.
- o The road system's ability to serve increased development.
- o The availability of community facilities and water and sewer systems.
- o The existing character of residential development in the area.

While similar guidelines were utilized in developing the 1973 Town Plan Map, the Town Plan update process has assembled new information which lead to a more refined and a somewhat different application of these guidelines in implementing the Plan policies on the new Town Plan Map. The following changes have occurred since 1973 and have affected the recommendations shown on the Plan Map:

- o The 1982 Development Limitations Summary map provides more detailed and accurate information on environmental conditions including soil types, wetlands and slopes which was not available in 1973 when the original land use and density assignments were made on the Town Plan Map.
- o The likelihood of major infrastructure construction and improvement is more remote than anticipated in 1973. Such projects include new highways and central water and sewer systems. Recent evaluation of the Town's infrastructure questions if some of the once proposed projects continue to be necessary, desirable or consistent with the goals of the Town Plan.
- o The long-term negative environmental and economic consequences of residential development at an in-between density (too dense to be considered semi-rural in character but still marginally capable of supporting on-lot water and sewerage service) have become more apparent.
- o Consistent with the recommendations of the 1973 Plan, multi-family residential developments which increase the range of available housing have been approved by the Town and are now under construction. One of these projects will include 45 housing units priced

so as to be available for middle income families, with Lewisboro residents having first priority for purchase.

B. Recommended Development Pattern

The new environmental data coupled with no major infrastructure improvements in Lewisboro suggest that there should be an across-the-board lowering of recommended residential density levels. As a result, there has been reconsideration of the four residential density land use categories shown on the 1973 Town Plan Map so as to draw clearer distinctions between the definition and purpose of each density classification.

In 1973, the lowest density residential classification on the Plan Map recommended less than 1 housing unit per acre. This classification was applied to over 70% of the land recommended for residential use. The category has proven to be too broad and unable to provide sufficient guidance to the Town for distinguishing between land areas suitable for two-acre minimum lot size zoning requirements and land more appropriate to be included in four-acre minimum lot size zoning districts. Similarly, the two middle density ranges have not provided a guideline for relating housing density to the provision of central water or sewer systems.

This Town Plan and Plan Map set forth the following four general density ranges for residential development in Lewisboro:

o Rural Density: 1 housing unit per 3 to 4 acres

"Rural Density" lands are those areas which for reasons of physical development limitations or of maintenance and implementation of the hamlet concept are to remain of rural character. This character can best be assured with an average lot area requirement of at least three acres.

o Low Density: 1 housing unit per 2 acres

"Low Density" areas are intended to provide a transition between the hamlet and the rural segments of the Town. Development lots are to be capable of supporting on-site individual water and septic systems. On certain lands, clustering of units may be desirable; however, the net density should remain at the low density level. A minimum lot area requirement of one acre for undeveloped land is only consistent with this density recommendation within

areas now substantially developed at that higher density level and on land located in close proximity to a hamlet center where such a density level is supported by development limitations information.

o Moderate Density: 1 to 3 housing units per acre

"Moderate Density" areas are the largest residential component, areawise, of the hamlets and lake communities. To a significant degree, this category recognizes existing development; any additional development at this density range must be tied to the development capacity of the land to handle sewer and water services. In general, it is unlikely that any significant amount of new development could take place without the provision of central utility systems. The zoning classification applied to these lands may require between one-quarter acre to one acre minimum lot area per housing unit.

o Moderately High Density: 4 to 8 housing units per acre

"Moderately High Density" areas are appropriate only at locations in the hamlet centers where central sewer and water systems are available. Possible zoning classifications include multi-family, two-family and one-quarter acre or less minimum lot area per single-family residence.

Based on the guidelines described in the preceeding section and the above definitions, the Town Plan Map identifies 12,955 acres, 70% of Lewisboro's total area, as being in one of the four recommended residential density land use categories. Approximately 40% of this area was developed with residences in October 1984. The breakdown by density level is as follows:

| | | |
|----------------------------|-------------|--|
| 54% Rural Density | 7,000 acres | (1,860 acres developed as of October 1984) |
| 35% Low Density | 4,475 acres | (2,275 acres developed) |
| 10% Moderate Density | 1,300 acres | (1,000 acres developed) |
| 1% Moderately High Density | 180 acres | (90 acres developed) |

This recommended residential density land use pattern differs substantially from the 1973 Plan's recommendations. For example, the 1973 Plan's category equivalent to this Plan's "Moderate Density" included 3,145 acres, 1,845 acres more than are now included. An across-the-board lowering of recommended residential density levels has been achieved.

The pattern of residential development shown on the Town Plan Map based on the above categories should be regarded as a long-term and comprehensive development policy for the Town based on an examination of existing factors. While the overall plan should not be readily modified in response to isolated pressures for change, the plan is meant as a flexible outline which may need modifications to better incorporate the needs of the future as they evolve.

The residential density pattern is not intended to fix precisely the specific standards of residential zoning, either as to the exact boundaries or exact densities, nor is it intended to foreclose the possibility of detailed modifications within the overall density pattern, when such modifications are in accord with the Town's residential policy.

C. Housing Issues

The purpose of this section is to summarize reviews conducted by the Planning Board as part of the Town Plan update process of what has happened since 1973 in specific areas of residential development.

1. Multi-Family Housing. The 1973 Town Plan discussed at length what it termed "the growing demand for multi-family housing" along with the need for moderately priced housing. It stated that "the policy of Lewisboro toward permitting such housing within its boundaries should reflect these needs" and it established a recommended residential development pattern that called for 11% of the ultimate housing stock at full development of the Town to consist of multi-family units.

A multi-family residence district was included in the revised Zoning Ordinance and Map adopted by the Town Board in 1974. Tracts of land were placed in this district in three of the four hamlets. These tracts were in the areas recommended by the Town Plan as potential sites of such housing. By 1984, the construction of approximately 500 multi-family housing units had been granted concept or site plan approval by the Town Planning Board. Approximately 45 of these units are to be "middle income" units, available at a lower cost to qualified middle income buyers as defined by the Zoning Ordinance.

The "middle income" provision of the Ordinance is another implemented recommendation of the 1973 Town Plan. The Plan had suggested that moderately priced housing could be achieved by allowing housing to be constructed at a density above that normally permitted

if a developer agreed to sell or rent a percentage of the total units at prices affordable by middle income wage earners.

At full development of the Town under present zoning, the share of total housing units consisting of multi-family residences (excluding two-family units and units in mixed-use structures) would settle at 11%. This figure is on target with the recommended density pattern of residential land contained in the 1973 Town Plan.

Lewisboro has made significant progress in implementing the multi-family housing recommendations of the 1973 Town Plan and by doing so has contributed to an expanded range of housing choice in northern Westchester. The Town's efforts compare very favorably with the efforts of surrounding communities; with regard to the zoning incentive provisions for middle income housing, Lewisboro has been a pioneer.

Further expansion of multi-family housing opportunities based on regional needs is not imperative. The provision of additional multi-family housing in areas beyond those now zoned for multi-family use should be considered in response to local needs after all zoned areas are developed.

2. Conservation Development. Conservation development is defined as the clustering of housing units on portions of a given tract of land for the primary purpose of open space preservation. Application of this concept to a subdivision usually involves a setting aside of one or more standard zoning dimensional requirements to permit reduced lot areas and shorter building setbacks. Conservation development does not permit any increase in the density limitations established by conventional zoning regulations. The parameters for this procedure are set forth in Section 281 of Town Law.

Specific advantages of conservation developments normally include environmental protection, reduced flood hazards, scenic preservation, recreational enhancement and reduced construction and maintenance costs. Disadvantages may be the closer spacing of residences on the developed portions of a property and reduced lot area available for accessory uses such as swimming pools and tennis courts.

The 1973 Town Plan recommended that conservation development be considered for application in all residential areas of Lewisboro. In September 1973, standards and procedures were established to serve as a guide for the Planning Board in its review of

conservation development proposals. These standards emphasize, consistent with Town Law, that the conservation procedure is to be used only when its application would be in the public interest and to the benefit of the Town of Lewisboro.

Between 1973 and 1984, six subdivisions with a total of 189 building lots were approved as conservation developments in Lewisboro. These six developments include 232 acres of permanent open space which cover fifty percent of the total land area including some areas designated on the 1973 Town Plan Map for wetland or steep slope preservation. One result of great importance to the Town was the acquisition of 43 acres for a new Town park, Fox Valley, to serve the Goldens Bridge area.

The Town Plan update research found that application of the conservation development approach to appropriate subdivisions through the provisions of Section 281 does have an overall positive impact on achieving Town Plan policies and recommendations. This approach could be made even more useful if based on the following three guidelines:

- a. Conservation development should be encouraged as a means toward achieving a greater diversification of housing types in Lewisboro.
- b. The type of housing constructed in conservation developments must be related to individual lot size and soil conditions.
- c. Lands to be set aside as open space in conservation developments should be directly related to land shown on the Town Plan Map as warranting preservation in accordance with the Town Plan policies and recommendations on open space preservation and environmental protection. The Town Plan Map identifies land which warrants preservation for several purposes such as wetland and steeply sloped area protection, scenic vistas and open space corridors.

To strengthen the use of the conservation development process and, in particular, to enable the Planning Board to carry out the third guideline listed above, this Plan recommends that appropriate legislative action be taken by the Town Board to fully implement the provisions of Section 281 of Town Law so as to authorize the Planning Board to require the use of conservation subdivision design when such use would achieve Town Plan policies.

3. Subdivision Layout. The physical land characteristics of Lewisboro in combination with economic considerations in the housing construction industry led to unusual application of Zoning Ordinance dimensional standards in many subdivision proposals submitted to the Planning Board prior to 1983. Featured on these plans were frequent use of common driveways, lots with unusual configurations and lots oversized in relation to minimum lot area requirements. The Town Plan update process questioned the long range desirability of these trends.

The most recurrent problem with common driveways has been that over time, especially after a change in ownership of the lots served, the residents who use such a driveway have petitioned the Town to take over the driveway and thereby relieve them of the burden of maintenance. This step usually followed a breakdown in the sharing of maintenance responsibilities among the homeowners served by the drive. Other problems with common driveways include the lack of sufficient access for emergency vehicles and the inefficient and costly provision of utilities when privately owned driveways must be followed for considerable distances.

On the positive side, the use of a common driveway can reduce environmental disturbance in sensitive locations when compared to the establishment of a Town road or individual driveways. In addition, construction of common driveways can result in a cost saving and a reduction in the number of curb cuts on public roads. This last benefit can also be achieved by use of a common access point at the public road for two or more individual driveways.

Most lots with unusual configurations can be defined as flag lots (lots that have their main building area linked to their road frontage by a narrow access strip). The advantages and disadvantages of flag lots mirror those of common drives because of the distance of the house site from a public highway. Flag lots were also found to present problems with definition of yard setbacks and, especially on smaller lots, conflicts with uses on adjacent lots. While many of these flag lots have been conforming by zoning rules, they have often been at odds with a subdivision design geared toward the proper use of land.

To reduce the disadvantages and enhance the advantages of common driveways and of lots with unusual configuration, new subdivision layout guidelines were established by the Planning Board in 1983 in the drafting of revised Zoning Ordinance lot dimensional

requirements which have since been enacted by the Town Board. They should continue to be referenced by the Planning Board during the review of applications for subdivision approval:

- a. Individual lot access onto "Major Roads" as shown on the Town Plan should be avoided. If connections are necessary, common access points should be established.
 - b. Common access points for building lots should be established on any road if it is determined that individual lot driveways would create a safety hazard because of the level of traffic on the road, the number of driveways or poor sight distance along the frontage of one or more lots.
 - c. The provision of common driveways and the establishment of flag lots is warranted if an environmental analysis indicates that the terrain or natural features of the property to be subdivided would be adversely affected by the construction of numerous individual driveways or of a new road built to Town standards.
 - d. The number of individual building lots served by one common driveway should generally be limited to three or four; the length of the common segment of a driveway should be kept to the minimum necessary to achieve environmental protection objectives.
 - e. At the time of approval of any subdivision which includes a common driveway, the Planning Board should require as a condition of approval that the length of shared driveway be improved to appropriate standards and that driveway maintenance agreements and easements be prepared for the affected lots.
 - f. Dimensional requirements of the Zoning Ordinance should promote establishment of regularly shaped lots which can be defined by natural or existing man-made land features.
4. Cost of Housing. The National Association of Home Builders found that the median price of a single-family home more than doubled between 1973 and 1981. Where in 1970, half of all American families could afford the median priced single-family new home, in 1981, less than one-quarter could. The initial monthly house payment as a percentage of median family income is now approaching 40% as compared to the long-time standard of 25%.

This Plan, as did the 1973 Town Plan, states a policy of advocating the opportunity for housing across a range of cost, type and character. Since adoption of the 1973 Plan, the Town government has taken many steps to implement this policy. In earlier parts of this chapter, the Town's success in providing multi-family and middle income housing was assessed. Additional land zoned for multi-family housing remains available for development. Somewhat less successful has been the provision of a variety of housing types through the Section 281 procedure of Town Law although the potential remains.

Short of direct Town involvement in the provision of housing, there are few other options available to the Town for addressing the cost of housing. One significant recent action has been the legalization through special regulation of accessory apartments.

As the term is used today, an accessory apartment is a housing unit incidental and subordinate to a single-family residence located on the same lot. The legalization of such apartments subject to specified conditions is intended to produce the following benefits:

- o A quickly produced and unobtrusive source of small rental housing units which are exactly the type of unit the housing industry is unable to produce in the present economy;
- o Housing units available at a moderate cost as little construction is necessary for conversion;
- o The best and most efficient use of existing structures; as the average household size declines, many homes are not utilized to their designed capacity and the addition of an apartment would return it to this capacity;
- o The opportunity for families to stay together but have the advantage of separate living quarters;
- o Extra income from rent for homeowners who are having a difficult time to maintain their financial commitments on large homes;
- o A legal means for establishing apartments which more and more homeowners may be tempted to do on their own anyway in order to achieve one or more of the above benefits.

The primary objection to providing a legal means of establishing accessory apartments is a fear that they represent a threat to the single-family character of a community. This argument is best answered by placing special conditions on the approval of apartments. These conditions, however, should be linked directly to preservation of a neighborhood's character and not extended so as to interfere with the objective of achieving the above listed benefits.

A second means of expanding housing opportunities, although of more limited applicability, is to permit residential space to be created on the upper floors of commercial structures. Several housing units of this type now exist in Lewisboro although all of them are non-conforming under the present Zoning Ordinance regulations.

D. Magnitude of Potential Residential Development

Of the 12,955 acres identified on the Town Plan Map as appropriate for residential use, 5,225 acres were developed for residential use in October 1984. On this land stood practically all of Lewisboro's 3,499 housing units which existed at that time.

Of the remaining 7,730 acres of undeveloped land, sizeable areas are characterized by physical characteristics which will limit development such as very poorly drained soil and land slope of 25% and greater. It is not possible in this Plan to determine with any certitude what impact such physical characteristics will have on development potential. However, recognizing this limitation, a maximum number of potential additional housing units under this Plan's recommended residential density levels can be calculated:

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|---|------------------------------|--|
| Rural Density (1 housing unit per 3 to 4 acres) | | |
| 5,140 undeveloped acres | 1,450 new housing units | |
| Low Density (1 housing unit per 2 acres) | | |
| 2,200 undeveloped acres | 1,000 new housing units | |
| Moderate Density (1 to 3 housing units per acre) | | |
| 300 undeveloped acres | 375 new housing units | |
| Moderately High Density (4 to 8 housing units per acre) | | |
| 90 undeveloped acres | <u>470</u> new housing units | |
| Total Potential | 3,295 new housing units | |

Combining the potential housing unit figure with the number of existing housing units results in a maximum residential development level for Lewisboro under this Town Plan of 6,800 housing units. If all of the Plan's

recommendations on environmental protection and community character preservation are implemented, the total number of units will be lower.

The population which would inhabit the future residences is estimated at 10,000 persons based on 3.2 persons per single-family household and 2.1 persons per multi-family household. Adding this number to the existing population as of October 1984, 10,228 persons, yields a maximum development level residential population of 20,250 persons.

Under the recommendations of this Plan, Lewisboro can be considered to be at just over one-half of its residential development potential at the beginning of 1985.

The 1973 Town Plan provided for 9,000 housing units at full development of Lewisboro under its land use and density recommendations. This Plan lowers that potential by almost one-fourth or 24%. The development level provided for by this Plan is also nearly 10% less than the ultimate residential development potential of Lewisboro under 1984 zoning as identified in Chapter 2.0.

The plan for less intense future development is one result of application of the Plan's goals and policies which call for relating development density to the characteristics of the land, maintaining the hamlet concept, enhancing community character and recognizing the limitations of Lewisboro's infrastructure. However, even with a lower level of total development, this Plan continues the foundation established by the 1973 Town Plan for a balanced residential community. For example, over 13% or 900 units of Lewisboro's ultimate housing stock will be in moderately high density developments of multi-family or two-family structures.

III. COMMERCIAL DEVELOPMENT

During Lewisboro's first period of growth, the Town was an active farming community with several small industries and mills. Throughout the nineteenth century the hamlets were busy centers providing services to the community's farmers and workers. As farming and mill operations in this section of Westchester County became unprofitable and as the City of New York embarked on its reservoir construction program, the Town lost population and a few hamlets disappeared.

The second period of growth, which began in 1920 and continues today, has been entirely a result of residential development. Today's commercial development is limited to the types of business which provide goods and services to a local residential population. The one exception to this pattern is the small area of general businesses located along the railroad in Goldens Bridge. Here, the direct rail access, since replaced by convenient access to Interstate 684, provided a special locational incentive.

Through circumstance and planning, Lewisboro now has four defined hamlets - Goldens Bridge, Cross River, South Salem and Vista. The 1973 Town Plan and Plan Map recommended that all future local business development be confined to these hamlet centers and not be permitted to spread along roadways and haphazardly over the landscape. This Plan reaffirms this policy which has become known as "the hamlet concept".

The 1973 Town Plan also discussed the potential for development of office, research and light industrial facilities in the Town of Lewisboro. These types of facilities were then, and still should be, considered separate from hamlet business development because of their potential size and particularly because of their regional rather than local significance. In 1973, it was not possible to project when Lewisboro might begin to be seen by corporations or developers as a reasonable location for their facilities. Development pressures for such uses were then being felt primarily in the central Westchester County corridor along Interstate 287.

In the twelve years since adoption of the Plan, the geographical range of the demand for sites has increased dramatically. Most of the prime central Westchester sites have been developed and recently firms seeking readily accessible locations with a large enough land area to provide a campus setting have expanded their search as far north as Danbury, Connecticut. Construction of major office facilities by PepsiCo, Inc. and the IBM Corporation in the Town of Somers indicate that development possibilities in Lewisboro are now being, or soon will be, explored very carefully by other firms and developers.