

## **LOCAL LAW #8 OF THE YEAR 2025**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF LEWISBORO, COUNTY OF WESTCHESTER, STATE OF NEW YORK AS FOLLOWS:

### **SECTION 1 : AUTHORITY**

This chapter is adopted pursuant to the authority, of Article 2, §10 of the New York State Municipal Home Rule Law.

### **SECTION 2 : AMENDMENT OF CHAPTER 220 ENTITLED “ZONING”**

**Chapter 220 of the current Code of the Town of Lewisboro entitled “Zoning”, specifically §220-21.1 is hereby amended to provide as follows:**

#### **§ 220-21.1. Airfields prohibited.**

The Town finds that, due to the proximity of the Westchester County Airport and the Danbury Airport, the landing of aircraft in the Town is not required to serve the transportation needs of Town residents. Therefore, no landings or takeoffs of any aircraft, except as permitted in section 220-43.9 herein, and except emergency aircraft for emergency purposes, and no airfields are otherwise permitted in any zoning district.

### **SECTION 3 : AMENDMENT OF CHAPTER 220 ENTITLED “ZONING”**

**Chapter 220 of the current Code of the Town of Lewisboro entitled “Zoning”, is hereby amended to add subsection 220-43.9 which provide as follows:**

#### **§220-43.9. Private Helipads**

##### **A. Purpose.**

The purpose of this chapter shall be to provide rules, regulations and standards to address the new developments in personal transportation aircraft and to regulate the operation and location of private helipads as a special permit use within the Town of Lewisboro in order to promote public health, safety, convenience and general welfare of the municipality. It shall be administered to ensure the orderly use of helipads on residential-zoned large parcels of 50 acres or more.

##### **B. Enforcement.**

The provisions of this chapter shall be enforced by the Building Inspector, Fire Marshall, Zoning Officer and any other official of the Town of Lewisboro charged with the enforcement of local laws.

##### **C. Definitions.**

For the purpose of this chapter, the terms used herein are defined as follows:

#### **PERMITTED AIRCRAFT**

An aircraft that meets the definition of either an eVTOL or helicopter.

#### **ELECTRICAL VERTICAL TAKEOFF & LANDING (eVTOL) VEHICLES**

An electric powered hybrid aircraft, typically carrying only the operator, that uses electric motors to take off and land vertically similar to a helicopter.

## **HELICOPTER**

A rotary-wing aircraft carrying no more than 6 persons including pilot that depends primarily upon the lift generated by engine-driving rotors rotating on a substantially vertical axis for its primary means of propulsion.

## **HELIPAD, PRIVATE**

An area of land or a structure used or intended for the landing and takeoff of helicopters or eVTOL vehicles. Such area shall be used as a private facility and not for public transportation. Such area may not include any refueling, recharging, maintenance, repair or hangar facilities, except that a tie-down may be provided for and limited to a single aircraft.

### **D. Operating authorization.**

An operating authorization must be obtained from the Building Inspector before any helipad governed by this chapter may be utilized. Such authorization may only be issued after all of the requirements of all applicable local laws, statutes or regulations and conditions imposed by the Zoning Board of Appeals have been complied with.

### **E. Application requirements.**

The helipad special permit use application shall be made to the Town of Lewisboro Zoning Board of Appeals and contain the following documentation and/or information:

1. The application must describe the type and characteristics of the largest aircraft the landing area will accommodate, including overall length, rotor diameter, maximum gross weight, the firefighting devices to be maintained on site, hours of operation, expected noise levels at the property lines where such aircraft will enter and depart the air space above the applicant's parcel or parcels.
2. An up-to-date survey of the parcel or parcels involved shall show the terrain elevation for at least 800 feet in the direction of the flight path(s) from the center of the landing area of the proposed helipad. It must also locate any obstructions in all directions within such 800 feet, their height and the approach-departure flight path corridors.
3. The survey shall also show the relationship of the helipad to applicant's property lines. Any access drives, off-street parking or landscape areas shall also be shown.
4. Suitable landscaping shall be shown on the survey for the helipad based on its relation to street frontages, abutting parcels and surrounding buildings or uses, which landscaping must be approved by the Zoning Board of Appeals.
5. The proposed flight path(s) for aircraft approaching and departing the helipad shall be shown on aerial or satellite photographs. All such flight paths shall be shown between the helipad and the Town of Lewisboro municipal border where the aircraft will enter and leave the air space above the Town of Lewisboro.

6. The reasonable anticipated average number of flights to and from the helipad on a monthly basis shall be indicated on the application.

**F. Operational standards.**

1. Helipads are a special permit use in a R-4A District but must be on not less than 50 acres. Contiguous parcels under applicant's common ownership may be used to meet the 50 acre minimum area requirement.
2. Helipads shall be setback a minimum of 500 feet from any adjacent property line and the nearest road right-of-way.
3. Applicant's acceptance of a helipad special permit use approval granted by the Zoning Board of appeals shall constitute Applicant's grant of a license agreement allowing police, fire, emergency medical services and other emergency services to access and use the helipad for emergency medivac transfers.
4. The Touchdown and Lift-Off Area of the helipad must be at least 1.5 times the length of the largest aircraft that will use the pad. Load-bearing capabilities of the pad shall be sufficient to accommodate the dynamic load expected as determined by the Building Inspector.
5. Safety area or obstruction-free safety zone shall surround the landing and takeoff area of the pad and which shall be a minimum width of 50% of the overall length of the largest aircraft using the pad, but not less than 20 feet. A wind-direction indicator shall be installed within the perimeters of this area.
6. The surface of the helipad shall be of such material that dust, dirt, or other objectionable matter will not be blown onto adjoining properties by aircraft operations.
7. No aircraft shall generate noise levels exceeding 135 decibels measured at ground level while flying in the airspace above the Town of Lewisboro.
8. If a helipad and its related aircraft operations do not continue to meet the standards set forth by this article upon routine inspection and with coordination of the Fire and Building Inspector, the Fire or Building Inspector may declare the helipad unsafe and revoke the certificate of occupancy.
9. A helipad special permit use approval by the Zoning Board of Appeals shall expire after two (2) years unless renewed with or without modifications by the Board.

**G. Hearing; conditions prior to authorization.**

1. The Zoning Board of Appeals shall set a public hearing and the Applicant shall comply with all notice requirements. In addition, owners of parcels located within 1000 feet of the helipad shall be given written notice of the public hearing.
2. The Zoning Board of Appeals may impose such reasonable conditions upon the issuance of a helipad special permit use approval as it deems necessary to

protect the residential properties along the approved flight path(s) and the public health, safety and welfare. Specifically, but not be way of limitation, the Zoning Board of Appeals may impose conditions as follows:

- a. Adequate existing open areas and yard shall be maintained around the helipad.
- b. Attractive and sufficient landscaping, including shrubs, trees and lawn, shall be periodically maintained.
- c. The Zoning Board of Appeals may prescribe the daytime hours of operation of any heliport for which authorization is granted pursuant to this chapter. Nighttime operations of any heliport are strictly prohibited, except for emergency medivac flights.
- d. The Zoning Board of Appeals may prescribe the maximum number of take-offs and landings per week or month. No more than twelve (12) take-offs and landings shall be permitted in any thirty (30) day period, in addition to any emergency medivac flights.
- e. Aircraft approaching or departing the helipad shall adhere to the flight path(s) specified in the Application and approved by the Zoning Board of appeals, except for emergency medivac flights.

#### **H. Prohibited aircraft and Landing Areas.**

A fixed wing airplane or jet of any size or type that requires a runway strip to land and take off is prohibited from landing or taking-off on any parcel in the Town of Lewisboro regardless of its acreage.

#### **I. Helipad Special Permit Use Approval Expires Upon Transfer of Ownership.**

In the event there is a change in the ownership of the parcel or parcels upon which a helipad special permit use approval is in effect, said special permit use approval shall automatically expire. A different owner must file a new application and obtain approval for use of an existing helipad before using same.

### **SECTION 4 : AMENDMENT OF CHAPTER 220 ENTITLED “ZONING”**

**Chapter 220 of the current Code of the Town of Lewisboro entitled “Zoning”, specifically subsection 220-32B(2) entitled “Special Permit Uses” is hereby amended to add subsection (h) which provides as follows:**

220-32B (h) – Construction and Use of Helipad.

[220-32B(2)(a) through (g) — remain unmodified].

### **SECTION 5 – HOME RULE**

Nothing in this Local Law is intended, or shall be construed to limit the home rule authority of the Town under State Law or to limit the Town’s discretion in setting fees and charges in connection with any applications requiring Town approval.

### **SECTION 6 – 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 or 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 Board of 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 7– 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.

Adopted: July 14, 2025  
Published: May 16, 2025  
Filed: July 23, 2025  
Effective: July 23, 2025