



AGENDA
TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET
OSSINING, NEW YORK

SEPTEMBER 22, 2015
7:30 P.M.

SUPERVISOR
Susanne Donnelly

COUNCILMEMBERS
Geoffrey Harter Eric P. Blaha
Kim L. Jeffrey Northern Wilcher

I. CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL

II. PUBLIC HEARINGS:

- **Public Hearing in the matter of Local Law #5 of 2015- “Amending Notification Provisions of the Town Code”**
- **Public Hearing in the matter of Local Law #6 of 2015- “Amending the Tree Protection Chapter of the Town Code”**
- **Public Hearing in the matter of Local Law #7 of 2015- “Amending the Freshwater Wetlands, Watercourses and Water Bodies Protection Chapter of the Town Code”**
- **Public Hearing in the matter of Local Law #8 of 2015- “Amending the Steep Slope Protection Chapter of the Town Code”**
- **Public Hearing in the matter of Local Law #9 of 2015- “Amending the Subdivision of Land and Zoning Chapters of the Town Code”**
- **Public Hearing in the matter of Local Law #10 of 2015- Establishment of an Architectural Review Board**
- **Public Hearing in the matter of the Petition for Extension of the Ossining Consolidated Sewer District, 73 Morningside Drive**

III. ANNOUNCEMENTS

IV. PUBLIC COMMENT ON AGENDA ITEMS

V. BOARD RESOLUTIONS

A. Approval of Minutes-Special Meeting

Resolved, that the Town Board of the Town of Ossining hereby approves the September 1, 2015, Minutes of the Special Meeting as presented.

B. Approval of Minutes-Regular Meeting

Resolved, that the Town Board of the Town of Ossining hereby approves the September 8, 2015, Minutes of the Regular Meeting as presented.

C. Approval of Voucher Detail Report

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated September 22, 2015 in the amount of \$278,953.88

D.

TAX CERTIORARI

Manufacturers and Traders Trust Company

vs.

Town of Ossining

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Manufacturers and Traders Trust Company against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 246-J South Highland Avenue, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 97.19-1-42; all for Tax Assessment Year 2014, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 61226/2014; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows: Tax ID: Section 97.19, Block 1, Lot 42 SBL: 97.19-1-42 246-J South Highland Avenue, Ossining, N.Y.

| Assessment Year | Assessed Valuation | | Assessment Reduction |
|-----------------|--------------------|------------|----------------------|
| | Reduced From | Reduced To | |
| 2014 | \$138,800 | \$90,400 | \$48,400 |

WHEREAS, it is Ordered, Adjudged and Decreed that the provisions of RPTL 727 will apply to these proceedings, except that the exceptions referenced in 727 (2) (a) and 727 (2) (b) with respect to revaluations shall not apply, and that the assessment of the parcel having a Tax Map Number of 97.19-1-42 shall remain less than \$90,400 in 2015, 2016 and 2017 and Petitioner agrees not to file judicial petitions challenging the assessment of this property and also not to file any administrative grievances with the Board of Assessment Review in 2015, 2016 and 2017, as long as the assessed value is at or less than \$90,400; and

WHEREAS, it is Ordered, Adjudged and Decreed that refunds due as a result of the adjustment to the 2014 assessment are waived by Petitioner, but any refunds that may become due as a result of the application of this Consent Judgment and RPTL 727 for 2015, 2016 and 2017 are not waived; and

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by the Town Attorney, finds the proposed settlement appropriate and in the best interest of the Town of Ossining; now therefore it is

RESOLVED, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further

RESOLVED, that the Town Attorney is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlement; and it is further

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in

accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$0, which will be ordered pursuant to said Consent Judgment.

E.

TAX CERTIORARI
1360 Pleasantville Rd., LLC

vs.

Town of Ossining

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by 1360 Pleasantville Rd., LLC against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 1360 Pleasantville Road, in The Village of Briarcliff Manor, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 98.10, Block 1, Lot 3; all for Tax Assessment Years 2011-2015, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 55713/2011; 65051/2012; 64051/13; 64650/14; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

Tax ID : Section 98.10, Block 1, Lot 3 SBL: 98.10-1-3 1360 Pleasantville Road, Briarcliff Manor, N.Y.

| Assessment Year | Assessed Valuation | | |
|-----------------|--------------------|------------|----------------------|
| | Reduced From | Reduced To | Assessment Reduction |
| 2011 | \$159,000 | \$103,350 | \$55,650 |
| 2012 | \$159,000 | \$103,350 | \$55,650 |
| 2013 | \$159,000 | \$103,350 | \$55,650 |
| 2014 | \$159,000 | \$103,350 | \$55,650 |
| 2015 | \$159,000 | \$103,350 | \$55,650 |

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by the Town Attorney, finds the proposed settlement appropriate and in the best interest of the Town of Ossining; now therefore it is

RESOLVED, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further

RESOLVED, that the Town Attorney is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlement; and it is further

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$ 2,628.44, which will be ordered pursuant to said Consent Judgment.

F.

TAX CERTIORARI
137 Operators Holding Corp.
vs.
Town of Ossining

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by 137 Operators Holding Corp. against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 1360 Pleasantville Road, in The Village of Briarcliff Manor, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 98.10, Block 1, Lot 3; all for Tax Assessment Years 2009-2010, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 22483/2009 and 23345/2010; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

Tax ID : Section 98.10, Block 1, Lot 3 SBL: 98.10-1-3 1360 Pleasantville Road, Briarcliff Manor, N.Y.

| Assessment Year | Assessed Valuation | | Assessment |
|-----------------|--------------------|------------|------------|
| | Reduced From | Reduced To | |
| 2009 | \$159,000 | \$103,350 | \$55,650 |
| 2010 | \$159,000 | \$103,350 | \$55,650 |

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by the Town Attorney, finds the proposed settlement appropriate and in the best interest of the Town of Ossining; now therefore it is

RESOLVED, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further

RESOLVED, that the Town Attorney is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlement; and it is further

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$ 1,220.36, which will be ordered pursuant to said Consent Judgment.

G.

Avalon Ossining LLC
vs.
Town of Ossining

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Avalon Ossining LLC against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 217 North Highland Avenue, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 89.10-1-2; 89.11-1-3; 89.10-1-14; and 89.10-1-2.1 for Tax Assessment Years 2014 and 2015; which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 65260/2014; and

WHEREAS, the above Petitioner has agreed to a compromise and settlement of such proceedings, subject to the approval of the Town Board, correcting and reducing the assessed valuation of its real property and improvements, as follows:

217 North Highland Avenue, Ossining, N.Y.

| Assessment Year | Tax ID No. | Original Assessed Value | Reduction | Final Assessed Value |
|-----------------|------------|-------------------------|-----------|----------------------|
| 2014 | 89.10-1-2 | \$897,000 | \$0 | \$897,000 |
| 2014 | 89.10-1-14 | \$2,000 | \$0 | \$2,000 |
| 2014 | 89.11-1-3 | \$897,000 | \$0 | \$897,000 |

| Assessment Year | Tax ID No. | Original Assessed Value | Reduction | Final Assessed Value |
|-----------------|-------------|-------------------------|-----------|----------------------|
| 2015 | 89.10-1-2.1 | \$857,100 | \$167,400 | \$689,700 |
| 2015 | 89.11-1-3 | \$897,000 | \$174,200 | \$722,800 |

WHEREAS, any and all refunds necessitated by said settlement will be made without interest; and

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred by the Town Attorney, finds the proposed settlement appropriate and in the best interest of the Town of Ossining; now therefore it is

RESOLVED, that settlement of the proceedings, on the terms set forth herein, is hereby accepted and approved, subject to the approval of the Supreme Court, Westchester County, wherein such proceedings are pending; and it is further

RESOLVED, that the Town Attorney is hereby authorized and directed to procure and execute any documents necessary to effectuate such settlement; and it is further

RESOLVED, subject to the approval of the Supreme Court, Westchester County, that the Assessor is authorized and directed to make the changes and corrections to the individual unit assessment on the tax assessment roll of the Town of Ossining, which will be ordered pursuant to the Consent Judgment to be entered in accordance with the terms of this settlement, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes estimated to be \$0, which will be ordered pursuant to said Consent Judgment.

H. Waiver of Unpaid Tax following Auction- 94 State Street

Whereas, pursuant to a judgment of foreclosure for unpaid taxes, entered by the Supreme Court of The State of New York, Westchester County, the Town of Ossining conducted an auction of foreclosed properties at 16 Croton Avenue at 1PM on August 13th, 2014, in order to sell off properties with delinquent taxes owed to the Town of Ossining, one of which was 94 State Street, Tax ID# 97.11-1-84; and

Whereas, all present had the opportunity to register and become “Qualified Bidders” to bid on the three properties for sale, under the condition that the party offering the highest purchase price would be awarded the property, subject to a resolution approving such sale by the Town Board of the Town of Ossining, and,

Whereas, Mr. Darwin Yunga was the successful bidder at a bid price of \$49,000.00, and

Whereas, The Town accepted the high bid of \$49,000 for 94 State Street, submitted by Mr. Darwin Yunga, Ossining, New York, the Town accepted a deed for the property from the Receiver of Taxes and The Town Supervisor executed a deed as well as all required transfer documents in forms thereby effectuating the sale of the

premises to the high bidder after receipt by the Town of the bid price, receipt of which is acknowledged, and

Whereas, by resolution, upon conveyance of the property to the high bidder, the bidder became responsible to pay all real property taxes for the property, as adjusted from the date of conveyance, with all additional accrued interest and/or penalties that may have accrued against the property for unpaid taxes through the day of conveyance being waived;

Now, Therefore be it Resolved, that the Town hereby acknowledges that the unpaid base taxes for the premises, accrued through the date of conveyance, August 19th, 2015, in the amount of \$16,878.93 for Tax ID #97.11-1-84 has been waived and written off by the Town.

| KVS Information Systems, Inc. - Town Compass | | | | | | | | | |
|--|-------|---------|-------------------------|----------|----------------------------|-------------|----------------|------------|--|
| TCIQ13/CS/V03/L032 | | | Town of Ossining | | | | DATE: 09/08/15 | | |
| TERMINAL NO: 000 | | | Account Balance Summary | | | | TIME: 18:35:07 | | |
| *** Lien Bill *** | | | | | | | | | |
| Owner: WESLEY VANESSA ANN | | | | | Bank : | | | | |
| | | | | | Id: 554203 97.011-0001-084 | | | | |
| Acct#: | | | | | Loc:94 STATE ST | | | | |
| Yr | Seg | Bill No | Inst | Due Date | Principal | Penalty | Total Amount | Cumulative | |
| | | | | | | To 09/08/15 | Due | Due | |
| 10 | *LIEN | 147 | 1 | 06/30/10 | 5092.80 | 3208.47 | 8301.27 | 8301.27 | |
| -2010 | 09 | TOTAL- | | | \$5092.80 | \$3208.47 | \$8301.27 | | |
| 11 | *LIEN | 52 | 1 | 06/30/11 | 6481.83 | 2095.83 | 8577.66 | 16878.93 | |
| -2011 | 09 | TOTAL- | | | \$6481.83 | \$2095.83 | \$8577.66 | | |
| *** Grand Totals | | | | | \$11574.63 | \$5304.30 | \$16878.93 | \$16878.93 | |
| *** End Of Transactions *** | | | | | | | | | |

I.Environmental Advisory Committee- Appointment

Resolved, that the Town Board hereby appoints James Nolan, Ossining, to fill the remainder of an unexpired term on the Town’s Environmental Advisory Committee, set to expire on December 31st, 2017.

J. Town Ethics Board- Appointment

Resolved, that the Town Board hereby appoints Stuart Kahan, Ossining, to a five-year term on the Town Ethics Board, set to expire on December 31st, 2020.

K. Town Ethics Board- Appointment

Resolved, that the Town Board hereby appoints Sandra Hirsch, Ossining, to a four-year term on the Town Ethics Board, set to expire on December 31st, 2019.

L. Town Ethics Board- Appointment

Resolved, that the Town Board hereby appoints Christopher Komosa, Ossining, to a three-year term on the Town Ethics Board, set to expire on December 31st, 2018.

M. Town Ethics Board- Appointment

Resolved, that the Town Board hereby appoints Susan Sarch, Ossining, to a two-year term on the Town Ethics Board, set to expire on December 31st, 2017.

N. Town Ethics Board- Appointment

Resolved, that the Town Board hereby appoints Laura Houston Whitlinger, Ossining, to a one-year term on the Town Ethics Board, set to expire on December 31st, 2016.

O. Emergency Medical Services Committee- Appointment

Resolved, that the Town Board hereby re-appoints Richard Wishnie, Ossining, to a two-year term on the Emergency Medical Services Committee, set to expire on August 25th, 2017.

P. Correction to the 2013 and 2014 Town Assessment Roll

WHEREAS, the Assessor has acknowledged receipt of an application for refund and credit of 2014 and 2015 real property taxes made pursuant to NYS Real Property Tax Law Section 550 (7) from the owners of the real property having an address at 11 Nelson Avenue and the tax ID number of 97.11-4-26; and

WHEREAS, in addition to the refund of real property taxes paid in 2014 and 2015, such application also seeks to correct the 2013 and 2014 Town of Ossining assessment roll; and

WHEREAS, following a review of such application by the Assessor and the Westchester County Tax Commission, it is their recommendation that the application be approved and implemented as directed;

NOW THEREFORE BE IT RESOLVED, that the Assessment Roll for the Town of Ossining, and all other applicable records of the Assessor, Comptroller and Finance Department, be corrected to reflect the true and accurate status of the real property located at 11 Nelson Avenue, Tax ID of 97.11-4-26, an assessment reduction of 2,000 omitted from the 2013 and 2014 assessment rolls due to a Veteran's Exemption not extended; and

BE IT FURTHER RESOLVED, that any and all real property taxes paid and/or owed to the Town as 2014 and 2015 real property taxes resulting from the inaccurate 2013 and 2014 tax assessment roll be refunded to the property owner of the subject real property in accordance with all applicable laws and regulations, consisting of \$49.62 of Town tax and \$344.91 of County tax.

Q. Sale of Surplus Equipment

Whereas, the Town Board recently approved the purchase of two Transit vans for use by the Senior Nutrition Program to replace two vehicles in the Department that have outlived their usefulness to the Town;

Whereas, the Town Board authorized the surplus and sale of those vehicles on Auctions International; and

Now therefore be it Resolved that the Town Board of the Town of Ossining authorizes the 2001 Ford Taurus Wagon to be sold to the high bidder for \$2,075.00, to be payable immediately to the Town of Ossining.

2001 Ford Taurus Wagon, VIN# 1FAFP58U41G213333

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

Resolved, that the Town Board of the Town of Ossining hereby accepts the Town Planning Board Minutes dated August 5, 2015.

VII. MONTHLY REPORTS

VIII. VISITOR RECOGNITION

IX. ADJOURNMENT