



**AGENDA**  
**TOWN BOARD**  
**TOWN OF OSSINING**  
**BIRDSALL-FAGAN POLICE/COURT FACILITY**  
**86-88 SPRING STREET**  
**OSSINING, NEW YORK**  
**NOVEMBER 24, 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 the 2016 Preliminary Budget**
- **Public Hearing in the matter of Local Law #11 of 2015- Amendments to Accessory Apartment Law**

**III.   ANNOUNCEMENTS**

**IV.   PUBLIC COMMENT ON AGENDA ITEMS**

**V.    BOARD RESOLUTIONS**

**A. Approval of Minutes-Regular Meeting**

**Resolved, that the Town Board of the Town of Ossining hereby approves the November 10, 2015, Minutes of the Regular Meeting as presented.**

**B. Approval of Voucher Detail Report**

**Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated November 24, 2015 in the amount of \$468,992.98.**

**C. Adoption of Local Law #5 of 2015- “Amending Notification Provisions of the Town Code”**

**WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled “Amending the Notification Provisions of the Town Code” which law would amend the notification provisions of sections 200-31., 200-46.A, 200-48A, 200-49B, 200-50.C(5), 200-52C, of The Zoning Code, sections 176-5E, 176-6 F, 176-7E, 176-11.1 of the Subdivision of Land Chapter, sections 105-7B, 105-7D of The Freshwater Wetlands, Watercourses and Water Body Protection Chapter, sections 167-11E, 167-11G of the Steep Slope Protection Chapter, and sections 180-80F and 183-10G of the Tree protection Chapter of the Town of Ossining; and**

**WHEREAS, in accordance with New York State Law, and after having provided all requisite notice thereunder, the Town Board conducted a Public Hearing on Introductory Local Law No. 5-2015 entitled “Amending the Notification Provisions of the Town Code” on September 1, 2015 and which hearing was continued on the following dates September 8, 2015, September 22, 2015, October 13, 2015, October 27, 2015 and November 10, 2015 at 7:30 p.m. at the Birdsall/Fagan Police Court**

Facility, 86-88 Spring Street, Ossining, New York during which the public had the opportunity to be heard on such proposed local law; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Ossining hereby adopts Local Law No. 5-2015, entitled “Amending the Notification Provisions of the Town Code” with such adoption to take effect as set forth in said Local Law and as otherwise required by law; and

**BE IT FURTHER RESOLVED**, that the Town Board directs said Local Law No. 5-2015 to be filed and/or distributed in accordance with applicable law.

**D. Adoption of Local Law #6 of 2015 – Amending the Subdivision of Land and Tree Protection Chapters of the Town Code**

**WHEREAS**, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled “Amending the Subdivision of Land and Tree Protection Chapters of the Town Code” which law would amend section 176-20B of the Subdivision of Land Chapter and 183-6 of the Tree protection Law of the Town of Ossining; and

**WHEREAS**, in accordance with New York State Law, and after having provided all requisite notice thereunder, the Town Board conducted a Public Hearing on Introductory Local Law No. 6-2015 entitled “Amending the Subdivision of Land and Tree Protection Chapters of the Town Code” on September 1, 2015 and continued on September 8, 2015, September 22, 2015, October 13, 2015, October 27, 2015 and November 10, 2015 at 7:30 p.m. at the Birdsall/Fagan Police Court Facility, 86-88 Spring Street, Ossining, New York during which the public had the opportunity to be heard on such proposed local law; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Ossining hereby adopts Local Law No. 6-2015, entitled “Amending the Subdivision of Land and Tree Protection Chapters of the Town Code” with such adoption to take effect as set forth in said Local Law and as otherwise required by law; and

**BE IT FURTHER RESOLVED**, that the Town Board directs said Local Law No. 6-2015 to be filed and/or distributed in accordance with applicable law.

**E. Adoption of Local Law #7 of 2015- “Amending the Freshwater Wetlands, Watercourses and Water Bodies Protection Chapter of the Town Code”**

**WHEREAS**, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled “Amending the Freshwater Wetlands, Watercourses, and Water Bodies Protection Chapter of the Town Code”, which law would amend sections 105-1A, 105-2B, 105-3A, 105-5A, 105B(4), 105-5C, 105-6A (8) 105-8A, 105-8B, 105-10B and 105-10C and adding new sections 105-2B, 105-1A, and 105-6A of the Freshwater Wetlands, Watercourses and Water Body Protections Chapter of the Town of Ossining; and

**WHEREAS**, in accordance with New York State Law, and after having provided all requisite notice thereunder, the Town Board conducted a Public Hearing on Introductory Local Law No. 7-2015 entitled “Amending the Freshwater Wetlands, Watercourses, and Water Bodies Protection Chapter of the Town Code” on September 1, 2015 and continued on September 8, 2015, September 22, 2015, October 13, 2015, October 27, 2015 and November 10, 2015 at 7:30 p.m. at the Birdsall/Fagan Police Court Facility, 86-88 Spring Street, Ossining, New York during which the public had the opportunity to be heard on such proposed local law; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Ossining hereby adopts Local Law No. 7-2015, entitled “Amending the Freshwater Wetlands, Watercourses, and Water Bodies Protection Chapter of the Town Code”

with such adoption to take effect as set forth in said Local Law and as otherwise required by law; and

**BE IT FURTHER RESOLVED**, that the Town Board directs said Local Law No. 7-2015 to be filed and/or distributed in accordance with applicable law.

**F. Adoption of Local Law #8 of 2015-“Amending the Steep Slope Protection Chapter of the Town Code”**

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled “Amending the Steep Slope Protection Chapter of the Town Code” which law would amend section 167-5 of the Steep Slope Protection Chapter of the code of the Town of Ossining; and

WHEREAS, in accordance with New York State Law, and after having provided all requisite notice thereunder, the Town Board conducted a Public Hearing on Introductory Local Law No. 8-2015 entitled “Amending the Steep Slope Protection Chapter of the Town Code” on September 1, 2015 and continued on September 8, 2015, September 22, 2015, October 13, 2015, October 27, 2015 and November 10, 2015 at 7:30 p.m. at the Birdsall/Fagan Police Court Facility, 86-88 Spring Street, Ossining, New York during which the public had the opportunity to be heard on such proposed local law; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 8-2015, entitled “Amending the Steep Slope Protection Chapter of the Town Code” with such adoption to take effect as set forth in said Local Law and as otherwise required by law; and

**BE IT FURTHER RESOLVED**, that the Town Board directs said Local Law No. 8-2015 to be filed and/or distributed in accordance with applicable law.

**G. Adoption of Local Law #9 of 2015-“Amending the Subdivision of Land and Zoning Chapters of the Town Code”**

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled “Amending the Subdivision of Land and Zoning Chapters of the Town Code” which law would amend sections 200-6 F, of the Zoning Chapter and 176-18 F of the Subdivision of Land Chapters of the Town of Ossining.

WHEREAS, in accordance with New York State Law, and after having provided all requisite notice thereunder, the Town Board conducted a Public Hearing on Introductory Local Law No. 9-2015 entitled “Amending the Subdivision of Land and Zoning Chapters of the Town Code” on September 1, 2015 and continuing on September 8, 2015, September 22, 2015, October 13, 2015, October 27, 2015 and November 10, 2015 at 7:30 p.m. at the Birdsall/Fagan Police Court Facility, 86-88 Spring Street, Ossining, New York during which the public had the opportunity to be heard on such proposed local law; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 9-2015, entitled “Amending the Subdivision of Land and Zoning Chapters of the Town Code” with such adoption to take effect as set forth in said Local Law and as otherwise required by law; and

**BE IT FURTHER RESOLVED**, that the Town Board directs said Local Law No. 9-2015 to be filed and/or distributed in accordance with applicable law.

**H. Adoption of Local Law #10 of 2015 – Adding a Chapter Entitled ‘Architectural Review Board’ To the Town Code**

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled “Adding a Chapter Entitled ‘Architectural Review Board’ To the Town Code” which law would Add a Chapter Entitled “Architecture Review Board to the code of the Town of Ossining.

WHEREAS, in accordance with New York State Law, and after having provided all requisite notice thereunder, the Town Board conducted a Public Hearing on Introductory Local Law No. 10-2015 entitled “Adding a Chapter Entitled ‘Architectural Review Board’ To the Town Code” on September 10, 2015 and continuing on September 22, 2015, October 13, 2015, October 27, 2015 and November 10, 2015 at 7:30 p.m. at the Birdsell/Fagan Police Court Facility, 86-88 Spring Street, Ossining, New York during which the public had the opportunity to be heard on such proposed local law; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 10-2015, entitled “Adding a Chapter Entitled ‘Architectural Review Board’ To the Town Code” with such adoption to take effect as set forth in said Local Law and as otherwise required by law; and

BE IT FURTHER RESOLVED, that the Town Board directs said Local Law No. 10-2015 to be filed and/or distributed in accordance with applicable law.

I.

**TAX CERTIORARI**

**Deercliff Builders, Inc.**

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 Deercliff Builders, Inc. against The Town of Ossining, to review the tax assessments made on Petitioner’s property located at 1250 Pleasantville Road, Village of Briarcliff Manor in The Town of Ossining, N.Y. , and designated on the tax assessment map of The Town of Ossining as Section 98.10, Block 1, Lot 41 for Tax Assessment Years 2008 through 2011, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 22182/08; 23241/09; 25071/10; and 15151/11; 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: 1250 Pleasantville Road, Village of Briarcliff Manor, Town of Ossining, N.Y.

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2008	98.10-1-41	\$82,200	\$15,200	\$67,000
2009	98.10-1-41	\$82,200	\$14,200	\$68,000
2010	98.10-1-41	\$82,200	\$7,200	\$75,000
2011	98.10-1-41	\$82,200	\$7,200	\$80,000

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 \$ 402.53, which will be ordered pursuant to said Consent Judgment.

**J.**

**TAX CERTIORARI**

**Executive Property Group, 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 Executive Property Group, Inc. against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 145 North Highland Avenue, Ossining, N.Y. , and designated on the tax assessment map of The Town of Ossining as Section 89.15, Block 1, Lot 45 for Tax Assessment Years 2013 and 2014, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 67051/13 and 67431/14; 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: 145 North Highland Avenue, Ossining, N.Y.

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2013	89.15-1-45	\$93,000	\$23,250	\$69,750
2014	89.15-1-45	\$93,000	\$23,250	\$69,750

**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 \$ 371.34, which will be ordered pursuant to said Consent Judgment.

**K.**

**TAX CERTIORARI**

**M & M Realty 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 M & M Realty Corp. against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 520 North State Road, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 90.19, Block 2, Lot 19 Section 90.19, Block 2, Lot 20; and Section 90.19, Block 2, Lot 21; for Tax Assessment Years 2010 through 2015, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 23957/10; 14742/11; 64981/2012; 64175/2013; 65104/2014 and 65231/2015;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:**

520 North State Road, Ossining, N.Y.

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2010	90.19-2-19	\$47,900	\$8,143	\$39,757
2011	90.19-2-19	\$47,900	\$8,550	\$39,350
2012	90.19-2-19	\$47,900	\$8,550	\$39,350
2013	90.19-2-19	\$47,900	\$8,550	\$39,350
2014	90.19-2-19	\$47,900	\$8,550	\$39,350
2015	90.19-2-19	\$47,900	\$10,750	\$37,150

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2011	90.19-2-20	\$1,100	\$0	\$1,100
2012	90.19-2-20	\$1,100	\$0	\$1,100
2013	90.19-2-20	\$1,100	\$0	\$1,100
2014	90.19-2-20	\$1,100	\$0	\$1,100

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2011	90.19-2-21	\$1,300	\$0	\$1,300
2012	90.19-2-21	\$1,300	\$0	\$1,300
2013	90.19-2-21	\$1,300	\$0	\$1,300
2014	90.19-2-21	\$1,300	\$0	\$1,300

**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 \$ 6,452.30, which will be ordered pursuant to said Consent Judgment.

L.

**TAX CERTIORARI**

**Briarcliff Self Storage, Inc.**

**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 Briarcliff Self Storage, Inc. against The Town of Ossining, to review the tax assessments made on Petitioner's property located at 588 North State Road, Town of Ossining, and designated on the tax assessment map of The Town of Ossining as Section 90.11-1-49 for Tax Assessment Years 2013, 2014 and 2015; which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 66152/13 and 66960/14;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:  
588 North State Road, Ossining, N.Y.**

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2013	90.11-1-49	\$265,000	\$70,010	\$194,990
2014	90.11-1-49	\$265,000	\$80,150	\$184,850
2015	90.11-1-49	\$265,000	\$67,250	\$197,750

**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 \$ 23,318.54, which will be ordered pursuant to said Consent Judgment.**

**M. Agreement-Auditing of Financial Statements**

Resolved, that the firm of O'Connor Davies LLP be appointed Auditors for the Town of Ossining for the audit of the 2015, 2016 and 2017 Financial Statements in accordance with their contract letter dated October 19<sup>th</sup>, 2015 at a fee not to exceed \$64,100 for fiscal year ending 12/31/15, \$66,000 for fiscal year ending 12/31/16 and \$68,000 for fiscal year ending 12/31/17.

**N. Tax Receiver - Property Redemption, 127 Schrade Road**

Whereas, properties located at 127 Schrade Road, Briarcliff, have delinquent taxes resulting in commencement of In Rem foreclosure proceedings and a judgment of foreclosure, and

Whereas, Champion Mortgage, the mortgage holders, have requested to redeem the property and have tendered full payment; and

Whereas, the Town Board desires to allow the mortgage holders of said property a window of opportunity to redeem the property prior to auction;

Now therefore be it Resolved, that the Town Board of the Town of Ossining hereby allows Champion Mortgage, the mortgage holders of property at 127 Schrade Road, Briarcliff, to redeem said property by paying all outstanding taxes, interest, penalties and fees, plus an additional ten (10%) percent penalty on the lien amount, for a total of \$28,471.05, which, upon the recommendation of the Receiver of Taxes, the Town Board finds to be fair and appropriate based on the specific and unique circumstances of this case.

**O. Resolution to Adopt Amendments to Vision Portion of Town Comprehensive Plan**

Whereas, the Town of Ossining, pursuant to section 272 – a of the New York State Town Law adopted a Comprehensive Plan in 2002, following extensive public participation; and

Whereas, pursuant to section 272 – a of the New York State Town Law, the Town of Ossining commenced proceedings to review and amend, where appropriate, certain existing provisions of the adopted Comprehensive Plan consisting of the “Vision Statement” portion of the Comprehensive Plan; and

Whereas, the Town of Ossining as duly noticed and held a public hearing on the proposed amendments on July 14<sup>th</sup>, 2015 (adjourned), and re-opened on September 1<sup>st</sup>, 2015, following the procedures set forth in the Town Law, following extensive public participation procedures for Comprehensive Plan amendments adopted by the Town; and

Whereas, the Town has complied with all the requirements set forth in SEQRA, and determined that the proposed amendments to the Comprehensive Plan will have no negative environmental impacts;

Now, Therefore, Be It Resolved, that the Town hereby approves and adopts the amendments to the comprehensive Plan in the form attached hereto.

**VI. CORRESPONDENCE TO BE RECEIVED AND FILED**

Resolved, that the Town Board of the Town of Ossining hereby accepts the following:

- Town of Ossining Zoning Board of Appeals meeting minutes dated October 26, 2015.
- Planning Board Meeting Minutes dated October 7, 2015

**VII. MONTHLY REPORTS**

**Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly report for the month of October 2015:**

- **Tax Receiver's Office**

**VIII. VISITOR RECOGNITION**

**IX. ADJOURNMENT –**