

**TOWN BOARD
TOWN OF OSSINING
OSSINING, NEW YORK**

**REGULAR MEETING
OCTOBER 12, 2004
7:30 p.m.**

**POLICE/COURT
FACILITY
86-88 Spring Street**

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining, Westchester County, New York was called to order at 7:30 p.m. by Supervisor John Chervokas. Other members of the Board present were: Councilmember's Francesca Connolly and Geoffrey Harter. Councilmember's Michael G. O'Connor and Northern Wilcher were absent. Also present were Thomas Beirne, Town Attorney, Connie DiSalvo, Budget Officer and Patricia Fracassi, Deputy Town Clerk.

II. PUBLIC HEARING – In the matter of an Introductory Local Law amending Chapter 188 (Vehicles and Traffic) adding parking restrictions on Peugeot Drive.

At 7:32 P.M. Supervisor Chervokas opened the Public Hearing.

Town Attorney Beirne stated that the Police Chief had done a study of the area of Peugeot Drive and concluded that there are numerous potential safety problems with parking even on one side of the road. Attorney Beirne said that the residents of the area had been advised of the proposal to eliminate street parking.

Terry Ring, Hillcrest Avenue, said the restrictions are needed because it is a very dangerous area and difficult for clean-up or snow removal in the winter.

At 7:35 P.M. Councilmember Harter moved and it was seconded by Councilmember Connolly that the Public Hearing be closed.

III. PUBLIC HEARING – In the matter of an Introductory Local Law to amend Chapter 68 (Cabarets) to require special requirements for restaurants and catering establishments

At 7:36 P.M. Supervisor Chervokas opened the Public Hearing.

Town Attorney Beirne gave a narrative of the inception of the original Cabaret Law that was instituted during the 1960's in the Town of Ossining. It was originally drafted to address dancing or live music. Attorney Beirne felt it is better amend the existing law rather than revoke a law with a 40 year history.

Andre LaMarr, 12 Haymont Terrace, asked the Board to delay the Public Hearing because of a mishap on MTA and quite a few people would not get to the meeting on time.

Gail Bennet, 13 Haymont Terrace, expressed many concerns about the goals and objectives of the amendment and of them not being achieved. She is concerned about the safety of one road egress and exit at Maison Lafitte. She was also very concerned about the amendment addressing soundproofing of establishments that are in or near residential neighborhoods.

Steve Kahan, 83 Ganung Drive, said the Town needs a specific Noise Ordinance. He said by eliminating sound proofing the Town would be giving Maison Lafitte a free pass.

Ellen Kahan, 83 Ganung Drive, felt the Noise Ordinance is not stringent enough now and should not be weakened or eliminated.

Judy Weintraub, 62 Ganung Drive, questioned whether this amendment was tailored after any other municipality in the area. She then read from a copy of Pleasantville's existing law.

Duval Cellai, 36 Stormytown Road, commented that Maison Lafitte has been a functioning entity for 50 years. He felt that compromise was needed in this situation, and suggested that people check the neighborhood before purchasing a home in an already established area.

Lorraine Giametta, 14 Haymont Terrace, questioned the Board as to which department would be determining the validity of the sound proofing or checking on any noise complaints.

Don DeBar, 87 Ferris Place, suggested that noise levels be measured at neighbors home so they would be accurate at the proper distance.

Mindy LaMarr, 12 Haymont Place, spoke of the many diverse issues surrounding this particular amendment. She also noted that Maison Lafitte is grandfathered because of its long history in the area.

Barbara Fratianni, 5 Haymont Terrace, stated that she felt she was listening to a series of contradictions and heard no clear measurement of objectives, particularly concerning the noise ordinance. She suggested the Board form a Task Force to work with neighbor's and the local businesses.

At 8:45 P.M. Councilmember Harter moved and it was seconded by Councilmember Connolly that the Public Hearing be adjourned to a future date.

IV. TOWN BOARD RESOLUTIONS

A. Approval of Minutes – September 28, 2004

Councilmember Connolly moved and it was seconded by Councilmember Harter that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the September 28, 2004 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Harter moved and it was seconded by Councilmember Connolly that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated October 12, 2004 in the amount of \$388,778.63.

Motion Carried: Unanimously

C. Elections – Use of Voting Machines – Ossining Union Free School Dist.

Councilmember Connolly moved and it was seconded by Councilmember Harter that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the

use of 3 (three) voting machines by the Ossining Union Free School District on Tuesday, December 7, 2004 for a Bond Referendum Vote to be held at the Ossining High School; and

Be It Further Resolved, that the programming and transporting of these machines will be the responsibility of the Town of Ossining.

Motion Carried: Unanimously

D. Alarm Review Board

Councilmember Harter moved and it was seconded by Councilmember Connolly that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby denies the request to waive false alarm fines for permit no 315 pursuant to Local 2 of 2002.

Motion Carried: Unanimously

E. Certiorari Settlements

Councilmember Connolly moved and it was seconded by Councilmember Harter that the following be approved:

**METALLIZED CARBON CORPORATION
PPI BRIARCLIFF II,LLC
EDWARD GRANO, JR. TRUST
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 Metallized Carbon Corporation, Petitioner, against the Town of Ossining to review the tax assessment made on Petitioner's property located at Hunter Street and Barlow Lane, Ossining, New York and designated on the tax assessment map of the Town of Ossining as Section 3.12, Block 35, Lot 36; Section 3.15, Block 35, Lots 15, 16; Section 3.15, Block 35, Lots 18-20; Section 3.15, Block 35, Lots 25-29; Section 3.15, Block 35, Lot 29A; Section 3.15, Block 35, Lot 37, Section 3.15, Block 35, Lot 37A, Section 3.15, Block 36, Lot 5, Section 3.15, Block 36, Lot 5A, Section 3.15, Block 36, Lot 6, Section 3.15, Block 6, Lots 7, 8, for assessment years 2002 and 2003, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 16395/02 and 14773/03; and

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by PPI Briarcliff II, LLC, Petitioner, against the Town of Ossining to review the tax assessment made on Petitioner's property located at 532 North State Road and designated on the tax assessment map of the Town of Ossining as Parcel 1.08A-004-23 for assessment year 2003, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 16261/03; and

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Edward Grano, Jr. Trust, Petitioner, against the Town of Ossining to review the tax assessments made on Petitioner's property located at 33 Old Route 100, a/k/a North State Road and designated on the tax assessment map of the Town of Ossining as Parcel 4.22-015-003 for assessment years 1999, 2000, 2001, 2002 and 2003, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos.15582/99, 15198/00, 16053/01, 17515/02 and 15649/03; and

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

METALLIZED CARBON CORPORATION

| Parcel ID | Assessment Year | Original Assessment | Corrected Assessment | Reduction |
|-------------|-----------------|---------------------|----------------------|-----------|
| 3.12-35-36 | 2002 | \$1,400 | \$1,400 | \$-0- |
| 3.15-35-15 | 2002 | \$1,200 | \$1,200 | \$-0- |
| 3.15-35-16 | 2002 | \$4,900 | \$4,900 | \$-0- |
| 3.15-35-18 | 2002 | \$5,400 | \$5,400 | \$-0- |
| 3.15-35-19 | 2002 | \$1,000 | \$1,000 | \$-0- |
| 3.15-35-20 | 2002 | \$1,000 | \$1,000 | \$-0- |
| 3.15-35-25 | 2002 | \$2,700 | \$2,700 | \$-0- |
| 3.15-35-26 | 2002 | \$15,800 | \$15,800 | \$-0- |
| 3.15-35-27 | 2002 | \$12,000 | \$12,000 | \$-0- |
| 3.15-35-28 | 2002 | \$8,000 | \$8,000 | \$-0- |
| 3.15-35-29 | 2002 | \$1,400 | \$1,400 | \$-0- |
| 3.15-35-29A | 2002 | \$1,300 | \$1,300 | \$-0- |
| 3.15-35-37 | 2002 | \$40,100 | \$40,100 | \$-0- |
| 3.15-35-37A | 2002 | \$51,150 | \$21,150 | \$30,000 |
| 3.15-36-5 | 2002 | \$34,750 | \$34,750 | \$-0- |
| 3.15-36-5A | 2002 | \$40,275 | \$40,275 | \$-0- |
| 3.15-36-6 | 2002 | \$65,900 | \$28,645 | \$37,255 |
| | 2003 | 336,275 | \$269,020 | \$67,255 |
| 3.15-36-7,8 | 2002 | \$48,000 | \$48,000 | \$-0- |

PPI BRIARCLIFF II, LLC

| Assessment Year | Original Assessment | Corrected Assessment | Reduction |
|-----------------|---------------------|----------------------|-----------|
| 2003 | \$42,700 | \$17,500 | \$25,200 |

EDWARD GRANO, JR. TRUST

| Assessment Year | Original Assessment | Corrected Assessment | Reduction |
|-----------------|---------------------|----------------------|-----------|
| 1999 | \$38,700 | \$33,300 | \$5,400 |
| 2000 | \$38,700 | \$33,300 | \$5,400 |
| 2001 | \$38,700 | \$33,300 | \$5,400 |
| 2002 | \$38,700 | \$33,300 | \$5,400 |
| 2003 | \$38,700 | \$35,000 | \$3,700 |

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

WHEREAS, the Town Board, upon the recommendation of the Assessor, concurred in by the Town Attorney, finds the proposed settlements 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 settlements; and it is further

RESOLVED, that the Assessor is authorized and directed to make the changes and corrections to the tax assessment rolls of the Town of Ossining which will be ordered pursuant to the Consent Judgments to be entered in accordance with the terms of these settlements, and the Receiver of Taxes is authorized and directed to process and pay the refund of Town of Ossining taxes, estimated to be \$2,612.17, which will be ordered pursuant to said Consent Judgments.

Motion Carried: Unanimously

F. Inter-municipal Agreement-Westchester County-Lightpath

Councilmember Connolly moved and it was seconded by Councilmember Harter that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby authorizes the Town Supervisor to enter into an Inter-Municipal Agreement with Westchester County, Office of the County Executive, Michaelian Office Building, White Plains, New York 10601, for access to telecommunications services through the network provided to the County under an agreement with Cablevision.

Motion Carried: Unanimously

G. Calling for a Public Hearing in the matter of North State Road Sewer District Extension #2-Lancto

Councilmember Harter moved and it was seconded by Councilmember Connolly that the following be approved:

Whereas, Ms. Loretta Lancto of Gordon Avenue would like to connect to the sanitary sewer installed by Mr. Corsillo under North State Road Sewer District Extension #1; and

Whereas, a written Petition dated October 2, 2004 in due form and containing the required signatures, has been presented by Loretta June Lancto to the Town Board of the Town of Ossining, Westchester County, New York, for the extension of the North State Road Sewer District in said Town; and

Whereas, the proposed sewer district extension is for a parcel of land owned in fee by the Petitioners and designated on the current Tax Map of the Town of Ossining as Section 1, Plate 8A, Block 6, Lot 12; and

Whereas, the proposed sewer district extension will be made at the cost of the Petitioner and not at the cost to the Town or North State Road Sewer District or any prior extensions thereof;

Now, therefore, be it resolved, that a Public Hearing of the Town Board of the Town of Ossining shall be held on Tuesday, October 26, 2004 at 7:30pm at the Village of Ossining Police/Court Facility, 86-88 Spring Street, Ossining, to consider the said Petition and to hear all persons interested in the subject matter.

Motion Carried: Unanimously

H. Adopting Negative Declaration for Engel Park Shoreline Stabilization Project

Councilmember Connolly moved and it was seconded by Councilmember Harter that the following be approved:

WHEREAS the Town of Ossining proposes to stabilize the shoreline and existing stone riprap and to prevent erosion along a 500 foot long segment of the Hudson River within Engel Park; and

WHEREAS this proposed action involves the restoration, repair and replacement of approximately 500 feet of existing stone riprap, as well as the design,

construction and installation of a number of erosion/sediment control measures to reduce adverse impacts of urban storm water runoff, including:

- (a) Shoreline stabilization using a combination of soil, biodegradable logs/mats, soil confinement systems and restored riprap to create a riverfront walkway that promotes scenic vistas of the Hudson River;
- (b) Storm water control using filter/wet depression between the proposed walkway and the repaired restored, stabilized river shoreline;
- (c) Riverfront shoreline stabilization using biodegradable fabrics, plantings and gravel/stone materials;
- (d) A storm water biofiltration/filter strip treatment control prior to the overflow of the storm water into the Hudson River; and
- (e) Riverfront and shoreline restoration and revegetation using wetland plants/vegetation; and

WHEREAS the Town of Ossining has caused a full environmental assessment form (EAF) Parts 1 and 2, to be prepared after identifying the proposed action as an unlisted action for purposes of SEQRA in which it was concluded that the proposed project would both assist in the protection of the river's water quality through erosion control and storm water runoff management and promote the enjoyment of the river's waterfront beauty and recreational opportunities through shoreline stabilization involving riprap, wetland plants, walkway and scenic viewpoints and, in conclusion, that the proposed action will not result in any significant adverse impacts on the environment; and

WHEREAS, based on the above-described EAF, a declaration has been prepared stating that the Town Board of the Town of Ossining, as lead agency, has determined that the proposed action will not have a significant adverse effect on the environment and a draft environmental impact statement (DEIS) will not be prepared; now therefore it is

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the determination of significance forming a part of the EAF, which determination states that the proposed action will not result in any large and important impacts and, therefore, is one which will not have a significant impact on the environment; and it further

RESOLVED that the Supervisor be and hereby is authorized and directed to execute a negative declaration, i.e. a declaration that the above proposed action will not have any significant adverse impacts upon the environment and that no environmental impact statement need be prepared and that the SEQRA process is complete.

Motion Carried: Unanimously

I. Resolution Adopting Local Law No. 4 - 2004

Councilmember Harter moved and it was seconded by Councilmember Connolly that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby adopts Local Law No. 4 of 2004, as follows:

Local Law No. 4 of 2004

Be It Enacted by the Town Board of the Town of Ossining, as follows:

Section 1. Section 188-11 of Chapter 188 (Vehicles and Traffic) of the Code of the Town of Ossining is hereby amended by deleting from the middle column thereof, under the notation "Side", the word "South" appearing opposite the words "Peugeot Drive", and substituting for the said word, the word "Both".

Section 2. In all other respects, Section 188-11 shall remain unchanged and in full force and effect.

Section 3. This local law shall be effective immediately.

Motion Carried: 3 – 0 – 0

Roll Call Vote:

Ayes: Councilmember's Harter & Connolly, Supervisor Chervokas

VI. MONTHLY REPORTS – September, 2004

Councilmember Harter moved and it was seconded by Councilmember Connolly that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby accepts the Monthly Reports for September, 2004 from Town Clerk, Receiver of Taxes,

Motion Carried: Unanimously

VII. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Connolly moved and it was seconded by Councilmember Harter that the following be approved:

- 1. CERTIORARIS: Conacchio Enterprises, LLC; Eagle Bay Condos; 7-Eleven, Inc.; 97 Croton Avenue LLC; CVS; Board of Managers of Briarcliff Woods Condominium; S.C.I. Funeral Services of NY (2); Scarborough Glen Condominium I, II, III and IV; Scarborough Manor Owners Corp.; The Hamlet on Spring Pond Condominium; Mystic Point I Condominium; High Meadow Cooperative No. 1; Richard Tontodonato; Hudson Point Condos & Unit Owners; Brandywine Holding Co.; 620 Sleepy Hollow Corp.; Rosecliff Homeowners Assoc.; PPI Briarcliff, LLC; Dan & Faith McCready; Peter Nicholson; Greenburgh Realty; Barrier Motor Fuels; Mark & Susan Dawn Kaminsky.**
- 2. September, 2004 Helicopter Log from General Electric.**

Motion Carried: Unanimously

VIII. VISITOR RECOGNITION

Estelle Dashman, 11 Riverview Park, read a statement from Mary Prenon, Executive Director of GOTV, thanking the Board for the \$20,000 donation to GOTV's fund drive. Supervisor Chervokas explained that the money is in his preliminary budget for the full Board to approve or not.

Shiela Speller, 11 Secor Road, a Board Member of GOTV, read a statement explaining the importance of GOTV to the Town and Village of Ossining. She alluded to the possibilities of more diverse community programming for the town and village after the reorganization of GOTV is completed.

Don DeBar, Ferris Place, gave a narrative of the origins of Cable television in Ossining.

Bobby Williams, Spring Street, spoke to the Board regarding several sections of the Patriot Act.

IX. ADJOURNMENT

At 9:30 P.M. Councilmember Connolly moved and it was seconded by Councilmember Harter that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

**_____
Patricia Fracassi, Dep. Town Clerk**