

TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
MARCH 13, 2007
7:30 PM

SUPERVISOR

John Chervokas

Councilmembers

Geoffrey Harter Northern Wilcher
David Krieger Martha Dodge

I. CALL TO ORDER

The Regular Meeting of the Town Board of the Town of Ossining was held on March 13, 2007 in the Police/Court Facility, 86-88 Spring Street, in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor John Chervokas. Members of the Board present were: Geoffrey Harter, Northern Wilcher, Martha Dodge and David Krieger. Also present were: Thomas Beirne, Town Attorney; Connie Cerny, Budget Officer and Mary Ann Roberts, Town Clerk.

II. PUBLIC HEARING – Continuation – Cabaret License – Torchia's Rest.
518 North State Road, Briarcliff Manor

The public hearing was opened at 7:32 p.m. by Supervisor Chervokas.

Lisa Howard, owner of Torchia's Ristorante, was present to respond to questions from the Board. Supervisor Chervokas compared the application from 2006 versus 2007 and found that there was a difference in the times requested. In 2006 it was requested that karaoke be allowed on Wednesday and Friday evenings from 9 until 11 p.m. In the 2007 application the request was that karaoke be allowed on Wednesday evenings from 9 until 11 p.m. and on Friday evenings from 9 until midnight. Ms. Howard responded that was an error and the times are the same (9 p.m. until 11 p.m.). Councilmember Harter questioned whether any comments were received from the neighbors regarding noise. Ms. Howard responded that it was an orderly crowd and was not rowdy or excessively noisy.

At 7:35 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Harter that the hearing be closed.

Motion Carried: Unanimously

III. PUBLIC HEARING – Continuation – Proposed Local Law – Creation of
a New Chapter 140, Entitled 'Peace & Good Order'
to the Town Code

The public hearing was opened at 7:35 p.m. by Supervisor Chervokas.

Supervisor Chervokas advised the public that were two changes made by the Board at their recent work session and they are as follows: 140-5A removal of graffiti from 30 days to 15 days and 140-6D under fines which now reads not more than \$250 which was changed from \$100.

Councilmember Harter questioned whether the amount of the fine should be in the fee schedule rather than in the body of the law. It was stated that Town Attorney Beirne requested that it be included in the law.

Councilmember Wilcher stated that the Graffiti Law also covered other issues of defacing property.

At 7:40 p.m., Councilmember Harter moved and it was seconded by Councilmember Krieger that the hearing be closed.

Motion Carried: Unanimously

IV. PUBLIC HEARING - Continuation – Proposed Local Law - Amending Chapter 200, Zoning, of the Town Code with Respect to Affordable Housing

The public hearing was opened at 7:40 p.m. by Supervisor Chervokas.

David Stolman of Fredrick P. Clarke Associates as well as George Weeks, Town Planning Board Chairman, were present to answer questions. David Stolman of Frederick P. Clarke stated that two changes have been made to the local law namely Section 300-35E under the down payment section which states that the sales price is a maximum of 30% of monthly income and that the down payment described in Section 250A is now 5% rather than 10%. The second item changed is that rehabilitation of housing is allowed to create affordable units.

Kim Jacobs, Mancuso Drive, questioned the density bonus and questioned whether a study had been done to determine the number of units available on the remaining available vacant land. Also has there been a calculation of units available with financial incentives determined?

Mr. Stolman responded that the Planning Board can require affordable housing units of developers that are very interested in applying to this program. Adaptive re-use is not in the law at the present time and his firm did not project a number of units.

Bobby Williams, Spring Street, stated that this program is better but still doesn't deal with the real problem. There are only a few parcels of land left which makes it difficult to provide work force housing. The law doesn't go far enough, but it's a start.

Supervisor Chervokas stated that the ordinance will be inviting the developers considering cluster housing.

Councilmember Dodge made several points including Section 3-Zoning with the description of market rate housing and the question of subletting.

Mr. Stolman responded that the County or private source would identify market rate. Sublet is a violation and they would have to undo what had illegally been done.

Deputy Town Attorney Wayne Spector stated that a temporary move might require a sub-let in which case the Town Board could grant approval for such. Mr. Stolman stated that this law should be enacted and that it could be amended at a later date.

Councilmember Dodge also questioned the fact that empty nesters might want to occupy a studio apartment and that the table 300-35C should reflect the number 2. How would we up date the needs (1 bedroom, studio or 3 bedroom) of the community? Mr. Stolman stated that the update would be done by the County Planning.

At 7:59 p.m., Councilmember Harter moved and it was seconded by Councilmember Wilcher that the hearing be closed.

Motion Carried: Unanimously

V. ANNOUNCEMENTS

Supervisor Chervokas announced the opening of the library which will take place on March 25th at 1 p.m. with an Open House and a Ribbon Cutting.

Councilmember Dodge announced the Summer Youth Opportunity Fair on March 24 from 3:30 – 5 p.m. You can polish your resume at OHS and you should dress for success. The County Parks Department and representative from Playland will be available for jobs at the parks including Playland. There will also be Red Cross certified baby sitters on hand for hire. The Basketball Tournament from March 16th and March 23rd has been postponed to April.

VI. BOARD RESOLUTIONS

A. Approval of Minutes – February 27, 2007

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Minutes of the February 27, 2007 Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

Councilmember Wilcher moved and it was seconded by Councilmember Dodge that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated March 13, 2007 in the amount of \$323,416.53.

Motion Carried: Unanimously

C. Approval of 2007 Cabaret License – Torchia's Ristorante

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

Resolved, that the Town Board of the Town of Ossining hereby approves the application of Torchia's Ristorante, 518 North State Road, in the Unincorporated Area of the Town of Ossining for a Cabaret License pursuant to Chapter 68 of the Code of the Town of Ossining, subject to the terms of the variance granted by the Zoning Board of Appeals, and subject to the following limitations and conditions: 1 DJ using Karaoke Machine shall be allowed on Wednesday evenings from 9 pm to 11 pm and Friday evenings from 9 pm until 11 pm, as stated in the application, provided that all necessary approvals be obtained from the Building Department, and it is further

Resolved, that in accordance with Local Law No. 6 of 2003, Torchia's Ristorante shall not be required to comply with Sections 68-11, 68-13 and 68-15 (A) (1) of the Cabaret Law (Chapter 68 of the Town Code).

Motion Carried: Unanimously

D. Adopting Negative Declaration-Affordable Housing Ordinance

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

Whereas, the Town Board, as Lead Agency, has determined that the proposed action, namely the Local Law amending Chapter 200, Zoning, of the Town of Ossining

Code with respect to Affordable Housing was an unlisted action under the State Environmental Quality Review Act (“SEQRA”) and has caused the preparation of a long form environmental assessment form (“EAF”) resulting in determination that the adoption of a Local Law amending Chapter 200, Zoning, of the Town of Ossining Code with respect to Affordable Housing (“the Proposed Action”) will not have any significant adverse impacts upon the environment (“Negative Declaration”) and therefore, that no environmental impact statement need be prepared and the process required by SEQRA may be deemed complete;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby finds that the proposed action, namely the Local Law amending Chapter 200, Zoning, of the Town of Ossining Code with respect to Affordable Housing will not directly result in any significant adverse impacts on the environment, but rather will improve the general health, safety and welfare of the residents of the Town of Ossining and more specifically:

- The Proposed Action will not directly result in any physical changes to any properties.
- The Proposed Action will not have a significant adverse environmental impact on any Critical Environmental Area (CEA).
- The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms.
- The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected.
- The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water.
- The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.
- The Proposed Action will not have a significant adverse environmental impact on or alter drainage flows or patterns, or surface water runoff.
- The Proposed Action will not have a significant adverse environmental impact on air quality.
- The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.
- The Proposed Action will not have a significant adverse environmental impact on any non-threatened or non-endangered species.
- The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.
- The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.
- The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance.
- The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities.
- The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.

- The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.
- The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or vibration.
- The Proposed Action will not have a significant adverse environmental impact on the public health, safety and welfare.
- The Proposed Action will not have a significant adverse environmental impact on the character of the existing community.

Motion Carried: Unanimously

E. 2006 Budget Adjustments

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

Resolved, that the Town Board of the Town of Ossining hereby approves the following budget adjustments:

TRANSFER TO G/L ACCOUNT	AMOUNT	AMOUNT	TRANSFER FRM G/L ACCNT
General			
010-8810-0411-Gasoline	1067.06	1067.06	010-1910-0469-Bonds
010-9010-0813-Workmens Cmp	41545.00	41545.00	010-0010-4795-Fund Balance
TOV			
020-9010-0813-Workmens Cmp	30308.00	28995.70 1312.30	020-9010-0811-Police Retirement 020-9010-0814-Dental
Highway			
031-9010-0813-Workmens Cmp	17573.00	4724.00 3697.00 3739.00 3413.00 2000.00	031-5130-0101-Personal Services 031-5010-0101-Personal Services 031-5140-0438-Main.of Trees 031-5142-0103-Out of Title 031-5142-0451-Sand

Motion Carried: Unanimously

F. Appointment of Confidential Secretary to the Supervisor

Councilmember Wilcher moved and it was seconded by Councilmember Krieger that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby appoints Jane E. Kanning, McBride Avenue, White Plains, NY to the position of Confidential Secretary to the Supervisor at an annual salary of \$55,000 effective March 19, 2007. The probationary period shall be a minimum of twelve (12) weeks to a maximum of fifty-two (52) weeks.

Motion Carried: Unanimously

G. Appointment of Automotive Mechanic Helper/Laborer

Councilmember Dodge moved and it was seconded by Councilmember Wilcher that the following resolution be approved:

Resolved, that the Town Board of the Town of Ossining hereby appoints Charles S. Bouton Jr. of Moseman Road, Yorktown Heights, NY to the position of Automotive Mechanic Helper/Laborer in the Highway Department effective March 14, 2007 at an annual salary of \$46,843. The probationary period shall be a minimum of twelve (12) weeks to a maximum of fifty-two (52) weeks.

Motion Carried: Unanimously

H. Resignation-Police Dispatcher

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the resignation of Mary C. Greenan as Police Dispatcher effective March 11, 2007.

Motion Carried: Unanimously

I. Indemnification Agreement- Town of Harrison Pistol Range

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

Whereas, the Town of Ossining Police Department desires to use the Town of Harrison Police Department Pistol Range; and

Whereas, the Town of Harrison and Village of Harrison require from any municipality requesting use of its Pistol Range proper insurance naming the Town of Harrison and Village of Harrison as additional insureds and a fully executed Indemnification Agreement inuring to the benefit of the Town of Harrison and Village of Harrison;

Now, therefore be it Resolved, that an indemnification agreement inuring to the benefit of the Town of Harrison and Village of Harrison be executed; and be it further

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to execute the attached indemnification agreement, and to deliver same to the Town Attorney of the Town of Harrison, and be it further

Resolved, that a copy of this Resolution be forwarded to the Town Attorney of the Town of Harrison with a fully executed copy of the Indemnification Agreement.

Motion Carried: Unanimously

VII. MONTHLY REPORTS – February, 2007

Councilmember Harter moved and it was seconded by Councilmember Krieger that the Reports for February, 2007 from Town Clerk, Receiver of Taxes and Building Department and Police Department be received and filed.

Motion Carried: Unanimously

VIII. CORRESPONDENCE TO BE RECEIVED AND FILED

Councilmember Wilcher moved and it was seconded by Councilmember Dodge that the following correspondence be received and filed:

1. January and February, 2007 Helicopter Log from General Electric.
2. January 10, 2007 Planning Board Minutes.

Motion Carried: Unanimously

IV. VISITOR RECOGNITION

Bobby Williams questioned whether the Village has offered the Town the use of the Shooting Range at the Armory via an IMA. The Veterans Administration should give greater assistance to the vets.

V. ADJOURNMENT

At 8:21 p.m., Councilmember Wilcher moved and it was seconded by Councilmember Dodge that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk