



AGENDA
TOWN BOARD
TOWN OF OSSINING
NOVEMBER 10, 2020
REGULAR MEETING
7:30 P.M.

THIS MEETING WILL BE HELD VIA VIDEO CONFERENCING ONLY
Pursuant to Governor's Executive Order 202.1 dated March 12, 2020

Members of the public can view the meeting via computer or mobile app:
<https://us02web.zoom.us/j/83399216767?pwd=TUhFR1ZsQno5WEFFUXIVdHRBZ2tRQT09>

Members of the public can listen to the meeting by dialing in via phone:

Meeting ID: 833 9921 6767
Passcode: 054672

Please note that by dialing in, your phone number will be visible to the host, participants, and attendees of the meeting.

SUPERVISOR
Dana A. Levenberg

COUNCILMEMBERS
Elizabeth R. Feldman Gregory G. Meyer
Jackie G. Shaw Northern Wilcher, Jr.

- I. CALL TO ORDER-PLEDGE OF ALLEGIANCE-ROLL CALL
- II. PUBLIC HEARING
 - Local Law 3-2020 to Amend Chapter 200 of the Town Code, Zoning, to Create Beekeeping Regulations in the Town of Ossining
 - Local Law 4-2020 to Amend Chapter 136 of the Town Code to Allow Eating and Drinking Establishments that are issued a Temporary Outdoor Dining Permit to have Tents and Heaters
- III. DEPARTMENTAL REPORT
 - Recreation Superintendent Bill Garrison
- IV. ANNOUNCEMENTS
- V. LIAISON REPORTS
- VI. PUBLIC COMMENT ON AGENDA ITEMS
- VII. BOARD RESOLUTIONS
 - A. Approval of Minutes—Regular Meeting – October 27, 2020

Resolved, that the Town Board of the Town of Ossining hereby approves the October 27, 2020 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 10, 2020 in the amount of \$174,135.04.

C. Calling for a Public Hearing 2021 Preliminary Budget

Resolved, that the Town Board of the Town of Ossining hereby calls for a Public Hearing to be held on Tuesday, November 24, 2020 at 7:30 p.m. via videoconferencing in accordance with the Governor's Executive Orders 202.1 and 202.15 as subsequently extended, in the matter of the 2021 Preliminary Budget for the Town of Ossining.

D. Stipulation of Agreement – Teamsters

BE IT SO RESOLVED, that upon the recommendation of the Town Supervisor, the Stipulation of Agreement between the Town, IBT Local 456, and Charles Bouton, Jr., is hereby ratified and approved.

E. Approval of Inter-Municipal Agreement – Residential Food Scrap Transportation & Disposal Program

Resolved, that the Town Board of the Town of Ossining authorizes the Supervisor to sign an inter-municipal agreement with Westchester County/Refuse Disposal District No. 1 for the Town to participate in the Residential Food Scrap Transportation & Disposal Program.

F. Resolution – Local Law # 3 of 2020 – Amendment to Town Code Regarding Temporary Outdoor Dining Permits

WHEREAS, in light of the COVID-19 pandemic and the restrictions related to social distancing and decreasing maximum capacity of indoor spaces in an effort to reduce the risk of spread of the virus, the Town Board adopted a Local Law # 1 of 2020 to establish a Temporary Outdoor Dining Permit process for Fully Enclosed Eating and Drinking Establishments and Eating and Drinking Establishments uses, and

WHEREAS, the local law originally prohibited enclosed tents, but as the weather becomes cooler and the restrictions on restaurant occupancy remain in place with no indication of being relaxed in the near future, the Town Board recognizes that allowing enclosed tents and heating devices on a temporary basis and with proper safety protocols in place will create additional seating in order to allow these establishments to serve their patrons in a safe environment and also generate the level of business necessary to remain viable, and

WHEREAS, the Town Board also recognizes that other nearby municipalities are allowing enclosed tents and if the Town does not do so also it could hurt local businesses as diners will instead patronize the establishments that do provide this option, and

WHEREAS, the Town Board held a duly noticed public hearing at its regular meetings on Tuesday, October 27, 2020 and November 10, 2020 via videoconferencing in accordance with the Governor's Executive Orders 202.1 and 202.15, as subsequently extended, and members of the public having the opportunity to attend and be heard, the public hearing was closed on November 10, 2020; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Ossining for at least seven days, exclusive of Sunday, prior to the adoption of this resolution, and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby adopts a Negative Declaration determining this action does not have the potential to have any significant adverse environmental impacts as the local law amends the existing temporary outdoor dining permit local law to allow for tents and heaters in appropriate circumstances and with appropriate oversight by the Building Inspector in order to provide an atmosphere with appropriate social distancing for patrons of these establishments to dine during the cooler months; and

BE IT FURTHER RESOLVED, the Town Board, after due deliberation, finds that it is in the best interest of the Town to adopt said local law, and the Town Board hereby adopts Local Law # 3 of 2020 entitled Amendment to Town Code Regarding Temporary Outdoor Dining Permits; and

BE IT FURTHER RESOLVED, the Town Clerk is directed to enter said local law in the minutes of this meeting into the local law book for the Town of Ossining; to publish said minutes in a newspaper published in the town, if any, or in such newspaper published in the county in which such town may be located having a circulation in such town, and affidavits of said publication shall be filed with the Town Clerk; and to file a copy of said local law with the Secretary of State of New York.

G. Public Hearing on Local Law to amend Zoning Code and Zoning Map regarding Solar Energy Systems

WHEREAS, by joint application dated April 21, 2020, Ecology New York II LLC (as system owner and applicant) and Catholic Foreign Mission Society of America Inc. (as property owner) applied to the Town Board to install and operate a solar energy system (the “Proposed Project”) on the property located at 75 Ryder Road, Ossining, New York (the “Property”); and

WHEREAS, the Proposed Project is a Tier 3 solar energy system as defined in Zoning Code § 200-31.3, which would require the Town Board to adopt a local law to amend the Town’s Zoning Map to include the Property in the Tier 3 solar energy system floating zone; and

WHEREAS, the Applicants are also seeking a zone text amendment to increase the maximum permitted height of Tier 3 canopy solar energy systems from 15 feet to 25 feet to allow sufficient clearance for fire trucks and other emergency vehicles; and

WHEREAS, should the Town Board grant the above-referenced amendments to the Zoning Code’s text and the Zoning Map, the Project will also require site plan approval and a conditional use permit from the Town of Ossining Planning Board (“Planning Board”); and

WHEREAS, the Applicant previously appeared before the Town Board at multiple work sessions to discuss the Proposed Project and provide additional information to the Town Board; and

WHEREAS, the Planning Board served as lead agency for a coordinated review pursuant to the State Environmental Quality Review Act, and at its meeting on October 21, 2020, the Planning Board adopted a Negative Declaration finding the Proposed Project does not have the potential for any significant adverse environmental impacts; and

WHEREAS, the Planning Board also provided the Town Board with a recommendation in accordance with Zoning Code § 200-52, including recommending that the floating zone be applied to the Property but that the

maximum height for canopy solar energy systems be 23 feet instead of the Applicant's proposed 25 feet; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby calls for a public hearing to be held on November 24, 2020 at 7:30 p.m. via videoconferencing in accordance with the Governor's Executive Orders 202.1 and 202.15 as subsequently extended, to consider the Applicants' proposed amendments to the Zoning Code text and the Zoning Map with respect to the Proposed Project; and

BE IT FURTHER RESOLVED, the Town Board hereby directs the Town Clerk to provide notice of said public hearing as required by law.

H. Resolution of Support – Ossining100 Chapter of Cure100

Whereas, in recognition of the United Nations' Intergovernmental Panel on Climate Change's recommendation that we limit global warming to 1.5 degrees above pre-industrial levels in order to, among other things, make adaptation less difficult, lessen the suffering of negative impacts on the intensity and frequency of extreme events, resources, ecosystems, biodiversity, food security, in municipalities large and small worldwide;

Whereas, in support of the part our community must play toward New York State's Climate Leadership & Community Protection Act (CLCPA) of 2019 which limits state-wide greenhouse gas emissions to 40% of 1990 levels by 2030 and 85% by 2050, 70% renewable electricity by 2030, and 100% zero emission electricity by 2040; now therefore be it

Resolved, the Town supports Green Ossining's creation of an Ossining100 Chapter of Cure100 (Communities United to Reduce Emissions 100%) which pairs community action with data about carbon emissions by zip code, and quantifies community-wide emissions, emissions by household, individual emissions, emissions by sectors, and offers guidance for carbon emission reduction with the goal of reducing the overall carbon footprint by at least 5% per year through 2040.

I. Approval of 37 and 41 Croton Dam Road Subdivision Sewer and Water Main Application/Agreement

WHEREAS, the Town has maintained the sewer main and water main that services 37 and 41 Croton Dam Road (the "Property") for over 30 years; and

WHEREAS, the owner of the Property received subdivision approval from the Planning Board for a 4-lot subdivision to create two new residential lots, and as part of said approval the Property owner made improvements to the sewer main and water main; and

NOW THEREFORE,

BE IT RESOLVED, the Town Supervisor is hereby authorized to execute applications to the Westchester County Department of Health for approval of the improvements to the sewer main and water main; and

BE IT FURTHER RESOLVED, the Town Supervisor is hereby authorized to enter into an agreement with the Property owners to memorialize the Town's maintenance of the sewer main and water main and obtain the necessary easements to access them when necessary.

VIII. CORRESPONDENCE TO BE RECEIVED AND FILED

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports for the month of October 2020:

- Dale Cemetery
- GE Helicopter
- Town Highway
- Tax Receiver's Office
- Town Clerk's Office
- Town Supervisor's Office

IX. VISITOR RECOGNITION

Visitors shall be accorded one (1) four (4) minute opportunity to speak

X. ADJOURNMENT