



AGENDA
TOWN BOARD
TOWN OF OSSINING
IN PERSON AT THE
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET – OSSINING, NEW YORK
AND VIA VIDEO CONFERENCING

Members of the public can view the meeting via computer or mobile app:
<https://us02web.zoom.us/j/82205363847>

Members of the public can listen to the meeting by dialing in via phone: +1 929 205 6099

Meeting ID: 822 0536 3847

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

February 27, 2024
REGULAR MEETING
7:30 P.M.

SUPERVISOR
Elizabeth R. Feldman

COUNCILMEMBERS
Gregory G. Meyer Angelo A. Manicchio
Jennifer Fields-Tawil Matthew J. Weiss

- I. CALL TO ORDER-PLEDGE OF ALLEGIANCE-ROLL CALL
- II. DEPARTMENTAL REPORT
 - Tax Receiver – Holly Perlowitz
- III. SUPERVISOR AND TOWN BOARD ANNOUNCEMENTS
- IV. LIAISON REPORTS
- V. PUBLIC COMMENT ON AGENDA ITEMS
- VI. BOARD RESOLUTIONS

A. **Approval of Minutes – February 13, 2024**

Resolved, that the Town Board of the Town of Ossining hereby approves the February 13, 2024 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 February 27, 2024 in the amount of \$357,697.26.

C. **Environmental Advisory Committee – Resignation**

Resolved, that the Town Board of the Town of Ossining hereby accepts, with regret, the resignation of James Nolan from the Environmental Advisory Committee, effective February 22, 2024.

D. **Agreement – CSG Forte Payments, Inc.**

BE IT RESOLVED, the Town Board hereby authorizes the Supervisor to execute an agreement with CSG Forte Payments, Inc. effective February 16, 2024 related to the Town’s electronic collection of real property taxes.

E. Agreement – AI Engineers, Dolph Rotfeld Engineering Division

BE IT RESOLVED, the Town Board hereby authorizes the Supervisor to execute an agreement with AI Engineers, Dolph Rotfeld Engineering Division dated February 1, 2024 related to existing drainage conditions and potential drainage improvements on North State Road.

F. Resolution – Tax Certiorari Settlement – Tappan Arms, Inc.

BE IT RESOLVED, at the recommendation of the Town Assessor and the Town Special Counsel and finding it to be in the best interest of the Town, the Town Board approves the settlement of the tax certiorari proceedings pending as Tappan Arms, Inc. v. the Town of Ossining, et. al. (Westchester County Supreme Court Nos. 65480/2018, 65182/2019, 60648/2020, 65123/2021, 66574/2022 and 69115/2023) for the property located at 35 Morningside Drive (Section 90.14-1-66) as set forth in the proposed consent judgment with a refund issued by the Town in the amount of \$8,529.72; and

BE IT FURTHER RESOLVED, the Town Supervisor, Town Assessor, Town Receiver of Taxes, Town Comptroller, Town Tax Certiorari Attorney and other relevant staff are authorized to take the necessary and appropriate actions to execute, file, process and make payment of the aforementioned settlement.

G. Authorize to Bid— Cedar Lane Arts Center —Roof Replacement

Resolved, that the Town Board of the Town of Ossining hereby authorizes the issuance of a request for bids for the Cedar Lane Arts Center —Roof Replacement in 2024.

H. Authorize Request for Proposals – Upgrade the Louis Engel Waterfront Park Performance Space

Resolved, that the Town Board of the Town of Ossining hereby authorizes the issuance of a request for proposals for upgrading the Louis Engel Waterfront Park Performance Space in 2024.

I. Authorize Request for Qualifications – Wetlands and Landscape Consultant

Resolved, that the Town Board of the Town of Ossining hereby authorizes the issuance of a request for qualifications for a Wetlands and Landscape Consultant in 2024.

J. Resolution – Local Law # 1 of 2024 – 40 Croton Dam Road Zoning Petition

WHEREAS, by Petition dated November 7, 2023, Stony Lodge Hospital, Inc., the owner of the 17.89-acre property located at 40 Croton Dam Road in the unincorporated Town of Ossining (the “Property”), submitted a petition to the Town Board seeking to rezone the Property from the R-15 zoning district to the MF zoning district (the “Zoning Petition”); and

WHEREAS, the Property was formerly the Stony Lodge Hospital, which operated a child and adolescent psychiatric hospital as a legal, nonconforming use until it ceased operations in or about 2012; and

WHEREAS, the Zoning Petition relates to the proposed multi-family residential redevelopment of the Property that has been before the Town since 2014; and

WHEREAS, the Town of Ossining Planning Board (“Planning Board”) has served as lead agency pursuant to the State Environmental Quality Review Act (“SEQRA”) for a coordinated review of the proposed redevelopment; and

WHEREAS, the initial proposal was for a 188-unit multi-family rental development in one building, which resulted in environmental concerns being raised by the Town Board and the public, particularly related to traffic, impacts on the school district from increased enrollment, and zoning impacts because the 188-unit proposal contemplated the creation of a new MF-2 zoning district that could potentially be applied to other parcels in the Town; and

WHEREAS, after the Planning Board held a public hearing on the Draft Environmental Impact Statement (“DEIS”) for the 188-unit proposal and the applicant’s authorized representatives began preparing the Final Environmental Impact Statement, in 2020 the project was redesigned to address these environmental concerns by proposing a 96-unit townhome condominium development that would be age-restricted to 55 and over under the federal Housing for Older Persons Act and would implement the Town’s existing MF zoning district that has already been applied to other larger parcels in the Town thus eliminating the request for the Town to create a new multi-family zoning district (the “Proposed Project”); and

WHEREAS, pursuant to the Town Code, the Proposed Project must provide ten below-market housing units at a rate of 60% of area median income – a substantial reduction in price that will create additional affordable housing not generally available in the Town; and

WHEREAS, the Planning Board required a new scoping process for the supplement environmental impact statement for the Proposed Project; and

WHEREAS, the applicant’s authorized representatives prepared a Supplemental Draft Environmental Impact Statement (“SDEIS”), which was the subject of a public hearing for the Planning Board to receive public comments and the Town Board also held work sessions in the summer of 2022 to discuss the SDEIS and provided comments to the Planning Board based upon those discussions; and

WHEREAS, the SDEIS explored a range of alternatives and concluded the Proposed Project would result in less potential environmental impacts to traffic, wetlands, steep slopes, open space, schools and site disturbance than if the Property was developed with single-family residential homes; and

WHEREAS, the comments on the SDEIS were responded to in the Supplemental Final Environmental Impact Statement (“SFEIS”), which included revised plans including:

- **Reducing the heights of the buildings and the retaining walls,**
- **Increasing the setbacks from neighboring property lines,**
- **Installing landscaping between the retaining walls,**
- **Spreading the ten below-market rate units throughout the development, and**
- **Providing a greater range of price points for the market-rate units with the addition of 20 “stacker” units; and**

WHEREAS, the Planning Board adopted the SFEIS at its August 16, 2023 meeting; and

WHEREAS, the applicant’s authorized representative attended a Town Board work session on September 19, 2023 to discuss the Proposed Project; and

WHEREAS, at its October 18, 2023 meeting, the Planning Board adopted the SEQRA Findings Statement, which allows the Town Board to consider the Zoning Petition; and

WHEREAS, the Findings Statement noted that currently the Property generates \$75,628 to the Town-wide, unincorporated Town, ambulance district, refuse, light, fire Town-wide water district, Ossining school district and library taxes, and while the Proposed Project is not anticipated to have significant impacts on these services, particularly schools since the development will be age-restricted and will not allow anyone under 19 to live there full-time, the Proposed Project will generate approximately \$875,722 in taxes, resulting in an annual net increase in revenue to the Town’s taxing jurisdictions of \$800,094; and

WHEREAS, the Zoning Petition was referred to the Westchester County Planning Board pursuant to General Municipal Law § 239-l, -m and –n and the Commissioner of the Westchester County Planning Board provided a response dated December 11, 2023 stating “[t]he concept of redeveloping a former hospital site with new multifamily housing is generally consistent with the County Planning Board’s long-range planning policies”, but raised concerns about the age-restriction on the units; and

WHEREAS, the Town Board cannot modify the age-restriction on the units because the Planning Board considered that as part of the SEQRA review in determining there would not be any adverse impacts to the school district from the proposed project, and the impacts on the school district were one of the primary concerns the Town Board had in 2019 that resulted in the design being changed to an age-restricted development; and

WHEREAS, the State is incentivizing the creation of housing and has advised that municipalities may not be eligible for certain grants if they do not provide additional housing at certain levels on a regular basis; and

WHEREAS, the Proposed Project is consistent with the Comprehensive Plan in that (1) it will include water system improvements that will further improve the function and reliability of the water system in the vicinity of the Property, (2) it will provide a range of housing that is diverse in both type and affordability, (3) it will be designed to meet or exceed the New York State Energy Conservation Code, (4) it will improve walkability in the area by creating an emergency access roadway that pedestrians and cyclists can use, and (5) it will bring the Property into greater conformity with the residential neighborhood by (i) constructing structures at a height that align with the adjacent properties, (ii) constructing a residential development at a density that is comparable to the lot sizes on the neighboring Village parcels and (iii) bringing this unique Property – that is much larger in size than the neighboring parcels – back to a residential use where it is historically been used for hospital purposes; and

WHEREAS, a protest petition was submitted on November 28, 2023 by Valerio Santucci, Michella Santucci, Yellow Cove Corp, Valerie Schemmer, Louis Rinaldi, Maria Rosa, Tony Santucci, Raymond Santucci and Ashley Santucci (“Protest Petition”) under Town Law § 265, which law requires that if the petition is validly signed by the owners of (i) twenty percent or more of the area of land immediately adjacent to the Property, extending one hundred feet or (ii) twenty percent or more of the area of land directly opposite the Property, extending one hundred feet from the street frontage

opposite the Property, then the adoption of the zoning amendment would require a super-majority vote; and

WHEREAS, if necessary based upon the vote on this resolution, the Town Board will address the Protest Petition at a subsequent meeting; and

WHEREAS, the Town Board members conducted site visits to familiarize themselves with the Property and the Proposed Project; and

WHEREAS, the Town Board held three public hearings on the Zoning Petition on November 28, 2023, December 12, 2023 and January 9, 2024, during which time the Town Board also received written comments, and members of the public having the opportunity to attend and be heard, the public hearing was closed on January 9, 2024; and

WHEREAS, at the Town Board's request, the Town Board's attorney and the Town's planner prepared a memorandum dated December 8, 2023 and attended a Town Board work session on February 6, 2024 to address the comments raised during the public hearing period based upon the Planning Board's review and determinations during the SEQRA process; and

WHEREAS, said local law to adopt the Zoning Petition has been on the desks of the members of the Town Board 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 the Findings Statement adopted by the Planning Board on October 18, 2023 in its entirety; and

BE IT FURTHER RESOLVED, the Town Board, hereby adopts Local Law # 1 of 2024 subject to the following:

- The MF zone shall only be applied to the Property for the Proposed Project as set forth in the SFEIS adopted by the Planning Board on August 16, 2023 and the Findings Statement adopted by the Planning Board on October 18, 2023 (and adopted by the Town Board as part of this resolution). The Zoning Map shall be amended concurrently with the issuance of the first Certificate of Occupancy by the Building Inspector for the Proposed Project. The MF zone does not apply to the Property for anything other than the Proposed Project, which went through a comprehensive SEQRA review process based upon the Proposed Project, and which is what allows the Town Board to legally take action on this application. If the Proposed Project does not go forward, the Property will remain R-15.
- The applicant shall record a declaration against the Property with the Westchester County Clerk, in a form satisfactory to the Town's attorney, designating the ten units as below-market rate in accordance with the Town Code.
- In addition to complying with the requirements of HOPA, the applicant shall record a declaration against the Property with the Westchester County Clerk, in a form satisfactory to the Town's attorney, that in perpetuity the townhome units will not be sold to anyone who is under the age of 55.

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.

VII. CORRESPONDENCE TO BE RECEIVED AND FILED

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

- **Architectural Review Board – 11 Narragansett Ave Resolution 10/18/23**
- **Planning Board – Minutes 09/20/23**
- **Planning Board – Minutes 10/18/23**

VIII. VISITOR RECOGNITION

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

IX. ADJOURNMENT