



**TOWN BOARD
TOWN OF OSSINING
BIRDSALL-FAGAN POLICE/COURT FACILITY
86-88 SPRING STREET
OSSINING, NEW YORK**

**JULY 22, 2014
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

The Regular Meeting of the Town Board of the Town of Ossining was held on July 22, 2014 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Susanne Donnelly. Members of the Board present were: Councilmembers Geoffrey Harter, Kim L. Jeffrey Northern Wilcher and Eric P. Blaha. Also present were Town Attorney Wayne Spector and Town Clerk Mary Ann Roberts. Budget Officer Madeline Zachacz was absent.

II. Public Hearing: Local Law #3 of 2014 Purpose of Amending the Town Of Ossining Zoning Map

At 7:32 P.M., the Public Hearing was opened.

David Stolman of Frederick P. Clark Associates, Inc. stated that this was a simple local law as it pertains to the rezoning of two GE owned parcels. With the rezoning of these two parcels it will make the entire GE parcel zoned Business Education.

At 7:34 P.M., Councilmember Harter moved and it was seconded by Councilmember Blaha that the Public Hearing be closed.

Public Hearing: Local Law #4 of 2014 Amending in accordance with a Petition filed by Artis Senior Living, LLC, Section 200-53 of the Zoning Code of The Town of Ossining

At 7:35 P.M., the Public Hearing was opened.

David Stolman of Frederick P. Clark Associates, Inc. stated that this law provides a definition of Assisted Living Facility which is a residential facility operated by an entity licensed by the State of New York to operate an assisted living residence which combines dwelling units, communal dining, routine protective oversight, personalized assistance and supportive services with health care designed to meet the individual needs of the resident.

Town Attorney Wayne Spector stated that this local law is not for a specific property. It is an amendment of the actual code.

Councilmember Jeffrey questioned whether it was for the whole district.

Town Attorney Spector stated that it was for a specific area.

Councilmember Jeffrey questioned the specification of setbacks. Would this law not be the appropriate place to discuss setbacks.

Supervisor Donnelly suggested that we discuss the setbacks with the potential developer

Councilperson Jeffery suggested we look at this now since we will have to review the comprehensive plan. The structures on North State Road tend to be smaller structures. Councilperson Jeffrey wanted to know if this was the appropriate to review the setbacks.

David Stolman of Fredrick P. Clark Associates, Inc. did not see any assisted living facilities that would require larger setbacks or rigorous standards.

Supervisor Donnelly would like to stay on the whole umbrella under the comprehensive plan review. When would be the appropriate time be for a developer to question the setbacks?

Mr. Spector advised that it could go before the Planning Board and this law is only adding a use. If the Board felt that specific requirements were necessary then the answer is yes.

Councilperson Jeffrey questioned if there is a comprehensive plan review can we review the setbacks?

Supervisor Donnelly stated that not at this time. This is a public hearing and this topic will come up again in a work session on August 5th. At this time, we need to hear from the public.

Town Attorney Spector stated that the Planning Board did not feel it was time to change the setbacks.

Ms. Donna Sharrett Morningside Drive advised that she is not objecting to the usage change. There is a growing need for assisted living facilities. How does the public hearing get advertised? Supervisor Donnelly & Clerk Roberts explained how it was advertised. Ms. Sharrett clarified that this facility is not strictly for Ossining residents. There is also a variety of facilities that Artis could use. How was .5 of the parking determined?

Mr. Stolman felt that number was appropriate.

Ms. Sharrett is not in favor of adopting this law because it could impact her property.

Supervisor Donnelly thought Ms. Sharrett's suggestions were good.

Town Attorney Wayne Spector advised that the planning board is empowered to do enhanced screening but it depends on the extent of the use. It is up to the town board and it is discretionary.

Ken Kamber Morningside Drive was concerned that the residents at this facility would walk away on their own. Would ask they the Board takes this special condition into consideration.

Councilperson Harter stated that he would hope that this facility would have State requirements.

Supervisor Donnelly explained that the board will discuss this further on August 5th Town work session.

Janet Garrett from a law firm that represents Artis Living. Ms. Garrett pointed out a couple of things. The Petition is pointing out a particular use and she does not feel that setbacks should be discussed at this time. She said that there were some items that were discussed tonight that could be discussed further at the Planning Board level.

Councilperson Harter questioned how many residents would be living in this facility.

Ms. Garrett explained that this a 64 bed facility.

At 8:21 P.M., Councilmember Blaha moved and it was seconded by Councilmember Wilcher that the Public Hearing be closed.

III. ANNOUNCEMENTS

Supervisor Donnelly read the following statement:

There is so much going on in the Town. What a magnificent place to live and to be part of a community who truly cares. The Town is proud of its openness and how transparent we are. You can go to the Town of Ossining web page and find out about everything we are working on or have worked on. Sometimes each of us gets frustrated with how things are going or the speed of a project or decision. It is essential to understand that everything takes time. Please don't let others agenda influence your investigation of what is best for you and your fellow residents. Concerning the proposals for Police Services for the Unincorporated Area we are getting great feedback from the residents and commercial property owners. As each of you are aware it takes time to complete the review of any project or contract, there are many steps to insuring that due diligence is done properly. There needs to be a justification of the costs as well as documentation of what could change any project or contract as well as what the bottom line is. Some of the questions we asked the Village of Ossining as a follow up are:

- We understand that for the first six months you plan on using overtime to man the shifts for the Unincorporated Area with the reminder of the year using experienced officers while the new officers receive some on the job training in the Village. Is that assumption correct?
- What does your contract read about seniority concerning overtime?
- Was that taken into consideration when developing your proposal?
- The Village agrees that it takes up to 10 (ten) officers to cover the shifts that we requested with days off, sickness and vacations. We are interested in seeing your spreadsheets showing the cost of the Town team of officers for the entire year. No names of course but the estimated cost per shift which of course was used to make your proposal.
- What is your policy on back-filling when there is sickness of an officer assigned to the Town? If it is to use officers on overtime has that been calculated into the proposal?
- How will the Village budget be affected (if at all) from this?
- If as the end of the year you find that there is a cost difference between the proposal and the actual costs that will be responsible for the difference?
- Will the Town be invoiced or will the Village taxpayers become responsible?
- We would also like to better understand if it is the opposite; if we do not spend the entire contract, would we be invoiced for the less amount?

- Please identify to us what would cause the Village of Ossining to enact an increase (extreme circumstances) in the proposed price (please give a breakdown). We assume that breakdown of extreme circumstances would carry over for the entire contract. Is that a good assumption?
- While we do not have an SRO we currently have an officer at AMD throughout the lunch/recess period and at dismissal. What support does the Village of Ossining see for the school? We believe that the schools must be a part of any formal program so they understand and are partners in the program. Should the Village of Ossining be chosen and a program was established for working with the students in a proactive way, we have all the numbers (percent of population) from when we spent a few months trying to get others to work with us on the SRO position and would be more than happy to share those numbers and participate with the other entities.

Tonight we will have had two public hearings on zoning amendments which will allow us to offer different services in our commercial corridor. Having mixed use on North State Rd will bring more people to the commercial district and help all of our local shop owners and restaurants. The Town Board is very conscious of the situations with the Ossining Schools and work with of the rezoning of two of GE properties as Mr. Stolman has said simply makes their properties all have the same zoning.

Thank you Mr. Stolman for coming tonight to explain this process to the residents. We are also voting on a zoning change that will not increase density but rather clear up some language concerning special permits rather than as of right. Also we made lot size 20,000 square feet with a maximum of 2 houses vs. 40,000 with a max of 4 houses. This will allow us to get off of the HUD list of 6 municipalities that it perceived had zoning that exclusionary.

Again we will be voting on Tax certs that continue while we move forward with our total Town reassessment for more information on that please go to the Town of Ossining web page or call us at 762-6001.

Councilperson Jeffrey reminded residents to please give The Board your opinion regarding the RFP on the police proposals. The Town is creating a flyer to give residents information pertaining this the police proposals and information on the reevaluation process. If you would like to help with the handouts, please contact the Town Supervisors Office.

Clerk Roberts advised that the Westchester County Clerk mobile unit will be at the Ossining Community Center on July 24th at 2:00 p.m.

IV. PUBLIC COMMENT ON AGENDA ITEMS

V. BOARD RESOLUTIONS

A. Approval of Minutes

Councilmember Jeffrey 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 July 8, 2014, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Voucher Detail Report

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

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated July 22, 2014 in the amount of \$575,305.07.

Motion Carried: Unanimously

C. TAX CERTIORARI

**Michael Kelly
vs.
Town Of Ossining**

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Michael Kelly against the Town of Ossining , to review the tax assessments made on Petitioner's property located at 1300 Pleasantville Road, Village of Briarcliff Manor, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 98.10-1-6 for Tax Assessment Years 2012 and 2013, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos.65196-2012 and 64520-2013; 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:

Assessment Years 2012 thru 2013

Total Assessment:

\$49,200

be and the said assessments are hereby corrected and reduced to the following amounts:

Assessment Year	Tax Year	Total Current Assessment	Reduction in Assessment	Proposed New Assessment
2012	2013	49,200	9,840	39,360
2013	2014	49,200	9,840	39,360

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 \$234.52 , which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

D. TAX CERTIORARI

**Michael Kelly
vs.
Town Of Ossining**

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Michael Kelly against the Town of Ossining , to review the tax assessments made on Petitioner’s property located at 47 South Highland Avenue, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.7-6-21 for Tax Assessment Years 2012 and 2013, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos.65192-2012 and 64530-2013; 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:

Assessment Years 2012 thru 2013

Total Assessment:

\$26,700

be and the said assessments are hereby corrected and reduced to the following amounts:

Assessment Year	Tax Year	Total Current Assessment	Reduction in Assessment	Proposed New Assessment
2012	2013	26,700	5,340	21,360
2013	2014	26,700	5,340	21,360 *

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 \$ 166.16 , which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

E. TAX CERTIORARI

Michael Kelly
vs.
Town Of Ossining

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Michael Kelly against the Town of Ossining , to review the tax assessments made on Petitioner’s property located at 1300 Pleasantville Road, Village of Briarcliff Manor, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 98.10-1-6 for Tax Assessment Years 2003-2008, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos.15233-03; 14951-04; 15727-05; 19077-06; 19101-07 and 20155-08; 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:

Tax Year	Total Current Assessment	Reduction in Assessment	Revised Assessment
2003	\$61,450	\$0	\$61,450
2004	\$61,450	\$11,050	\$50,400
2005	\$61,450	\$12,250	\$49,200
2006	\$61,450	\$15,350	\$46,100
2007	\$61,450	\$15,350	\$46,100
2008	\$61,450	\$0	\$61,450

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 \$367.09 , which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

F.

TAX CERTIORARI

CVS Albany, LLC #2080-02 & 03

vs.

Town Of Ossining

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by CVS Albany, LLC #2080-02 & 03 against the Town of Ossining , to review the tax assessments made on Petitioner’s property located at 210 South Highland Avenue, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.15, Block 3, Lot 13 for Tax Assessment Years 2009-2013, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos.21873/09; 23561/10; 14393/11; 65479/12, and 65397/13; 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:

Asst. Year	Total Current Assessment	Reduction in Assessment	Revised Assessment
2009	\$275,000	\$36,818	\$238,182
2010	\$275,000	\$43,230	\$231,770
2011	\$275,000	\$34,038	\$240,962
2012	\$275,000	\$24,717	\$250,283
2013	\$275,000	\$17,802	\$257,198

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 \$2,255.04 , which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

G.

TAX CERTIORARI

Lawrence Praeger

vs.

Town Of Ossining

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

WHEREAS, proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York were instituted by Lawrence Praeger against the Town of Ossining, to review the tax assessments made on Petitioner's property located at 57 Becker Lane, Town of Ossining, and designated on the tax assessment map of the Town of Ossining as Section 97.20, Block 1, Lot 30(formerly known as 97.20-1-30.1 and 97.20-1-30.2) for Tax Assessment Year 2013, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No.67319/13; 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:

WHEREAS, The Town of Ossining shall remove Section 97.20, Block 1, Lot 30.1 and Section 97.20, Block 1, Lot 30.2 from the 2013 assessment roll and create a parcel known as Section 97.20, Block 1, Lot 30 and reduce the assessments from \$81,770 to \$62, 700 as follows:

FROM

Asst. Roll	Property	Assessment	New Assessment	A/V Reduct.
2013	Section 97.20, Block 1, Lot 30.1	\$37,740	\$28,970	\$8,770
2013	Section 97.20, Block 1, Lot 30.2	\$44,030	\$33,730	\$10,300

TO

Asst. Roll	Property	New Assessment	Total A/V Reduct.
2013	Section 97.20, Block 1, Lot 30	\$62,700	\$19,070

WHEREAS, taxes have been levied on 2013 Roll and for refund purposes on such parcels, the refunds are to be based on the above parcel assessed value reductions, and

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 \$234.85, which will be ordered pursuant to said Consent Judgment.

Motion Carried: Unanimously

H. LOCAL LAW 2 OF 2014 FOR THE PURPOSE OF AMENDING THE MULTIFAMILY PROVISIONS OF THE ZONING LAW

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

WHEREAS, the Town Board is considering the adoption of a Local Law for the purpose of amending the multifamily provisions of the Town Zoning Law (the “Proposed Action”); and

WHEREAS, the Town Board has found that the Local Law is consistent with the Town’s Comprehensive Plan in that the Plan states that one of its objectives is to, “Cooperate in efforts to make a wide variety of housing opportunities available to members of the community” (p. C-3); and

WHEREAS, in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA), the Town Board is the only Involved Agency with respect to the Proposed Action and is therefore the Lead Agency; and

WHEREAS, the Town Board held a public hearing regarding the subject Local Law on June 25, 2014 during which all persons interested were given an opportunity to be heard; and

WHEREAS, in accordance with Section 200-52 of the Town’s Zoning Law, the Town Board referred the subject Local Law to the Town Planning Board and via a memorandum dated July 9, 2014 received comments and a positive recommendation in response; and

WHEREAS, the Town Board has given due consideration to the Planning Board’s comments and recommendation and has revised the proposed Local Law in response thereto; and

WHEREAS, in accordance with Sections 239-l and m of the New York State General Municipal Law, the Town Board referred the subject Local Law to the Westchester County Department of Planning (WCDP) and received a response from the WCDP by letter dated June 16, 2014; and

WHEREAS, said letter from the WCDP states in part that, “These revisions should expand opportunities for multi-family developments through the reduction of minimum lot area and streamline the procedure for consideration of such applications;” and

WHEREAS, Town Board has given due consideration to the comments of the WCDP.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

- 1. The Town Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.**
- 2. After conducting a hard look at the Full Environmental Assessment Form and other materials related to the Proposed Action, the Town Board hereby adopts the attached Negative Declaration for the reasons stated therein, thereby finding that the Proposed Action will have no significant adverse impact upon the environment and thereby ending the SEQRA process.**
- 3. The Town Board hereby adopts Local Law 2 of 2014; except as specifically modified by the amendments contained therein, the Town of Ossining Zoning Law, as originally adopted and amended from time to time thereafter, is to remain in full force and effect.**

Motion Carried: Unanimously

VI. CORRESPONDENCE TO BE RECEIVED AND FILED

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

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

- **Town Planning Board Resolution Wetlands Permit Approvals dated July 7, 2014**
- **Town Planning Board Minutes dated June 25, 2014**

Motion Carried: Unanimously

VII. MONTHLY REPORTS

VIII. VISITOR RECOGNITION

IX. ADJOURNMENT -EXECUTIVE SESSION-LEGAL ADVICE

At 8:40 p.m. Councilmember Jeffrey moved and it was seconded by Councilmember Harter that the meeting be adjourned.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts, Town Clerk

State Environmental Quality Review

NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date of Adoption: _____, 2014

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Ossining Town Board, as Lead Agency, has determined that the Proposed Action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Local Law for the Purpose of Amending the Multifamily Provisions of the Zoning Law

SEQR Status: Type I

Conditioned Negative Declaration: No

Description of Action: The Ossining Town Board has a desire to amend the multifamily provisions of the Multifamily, Multifamily-Inn and General Business zoning districts of the Zoning Law in order to expand the opportunities for multifamily housing and therefore increase the opportunities for affordable housing in the Town.

Location: Town of Ossining, Westchester County

Reasons Supporting This Determination:

The proposed Local Law would amend the Zoning Law as follows:

1. The Multifamily District permits multifamily development as a conditional use subject to Planning Board approval. The proposed Local Law changes multifamily development to a use subject to only site plan approval. Given the requirements of the site plan approval and State Environmental Quality Review processes, the practical difference between conditional use permit approval and site plan approval is not significant. Further, the minimum lot size in this district is 40,000 square feet for multifamily development, which would be reduced to 20,000 square feet. This reduction in minimum lot size would not result in an increase in residential density or in the total number of dwelling units which could be built in this zoning district.
2. The Multifamily-Inn District allows multifamily development as a conditional use subject

to Planning Board approval. The proposed Local Law changes multifamily development to a use subject to only site plan approval. Given the requirements of the site plan approval and State Environmental Quality Review processes, the practical difference between conditional use permit approval and site plan approval is not significant. Further, the minimum lot size in this district is 40,000 square feet for multifamily development, which would be reduced to 20,000 square feet. This reduction in minimum lot size would not result in an increase in residential density or in the total number of dwelling units which could be built in this zoning district.

3. The General Business District also permits multifamily development and mixed uses (residential space above commercial space) as conditional uses subject to Planning Board approval. The proposed Local Law changes multifamily development and mixed uses to uses subject to only site plan approval. Given the requirements of the site plan approval and State Environmental Quality Review processes, the practical difference between conditional use permit approval and site plan approval is not significant.

The minimum lot size for almost all of the uses permitted in the General Business District is 20,000 square feet, except for self-storage facilities and multifamily development. The proposed Local Law reduces the minimum lot size for multifamily uses from one acre to 20,000 square feet. This reduction in minimum lot size would not result in an increase in residential density or in the total number of dwelling units which could be built in this zoning district.

Implementation of the proposed Local Law will be no less protective of the environment than is the case with the existing zoning provisions. The Proposed Action does not involve site-specific construction or development activity. The proposed provisions to be added to the Zoning Law are exercises of the police powers of the Town to protect the health, safety and general welfare of its residents.

The Proposed Action is not expected to result in any significant adverse impacts on the environment. More specifically:

1. The Proposed Action does not directly involve construction on, or physical alteration of, any properties.
2. The Proposed Action will not have a significant adverse environmental impact with respect to any unique or unusual land forms.
3. The Proposed Action will not have a significant adverse environmental impact on any wetlands or other surface water bodies.
4. The Proposed Action will not have a significant adverse environmental impact with respect to new or additional use of ground water, and will not have a significant adverse environmental impact with respect to the introduction of contaminants to ground water or an aquifer.
5. The Proposed Action will not have a significant adverse environmental impact with respect to the development of lands subject to flooding.
6. The Proposed Action will not have a significant adverse environmental impact on any State regulated air emission source.

7. The Proposed Action will not have a significant adverse environmental impact with respect to the loss of flora or fauna.
8. The Proposed Action will not have a significant adverse environmental impact on agricultural resources.
9. The Proposed Action will not have a significant adverse environmental impact on any scenic or aesthetic resources.
10. The Proposed Action will not have a significant adverse environmental impact on any historic or archaeological resources.
11. The Proposed Action will not have a significant adverse environmental impact with respect to the loss of recreational opportunities or with respect to a reduction of an open space resource as designated in any

SEQR Negative Declaration

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adopted municipal open space plan.

12. The Proposed Action will not have a significant adverse environmental impact on a Critical Environmental Area (CEA).
13. The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.
14. The Proposed Action will not have a significant adverse environmental impact as a result of an increase in the use of any form of energy.
15. The Proposed Action will not have a significant adverse environmental impact as a result of an increase in noise, odors or outdoor lighting.
16. The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.
17. The Proposed Action will not have a significant adverse environmental impact as a result of being inconsistent with adopted land use plans.
18. The Proposed Action will not have a significant adverse environmental impact as a result of being inconsistent with the existing community character.

Based upon this information and the information in the Full Environmental Assessment Form, the Town Board finds that the Proposed Action will not have any significant adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared and that the SEQRA process is complete.

Lead Agency: Town of Ossining Town Board
Municipal Building
16 Croton Avenue
Ossining, New York 10562

For Further Information:

Contact Person: Susanne Donnelly, Supervisor
Municipal Building
16 Croton Avenue
Ossining, New York 10562
(914) 762-6001

This notice has been provided to the following email address for publication in the Environmental Notice Bulletin: enb@gw.dec.state.ny.us