



AGENDA
TOWN BOARD
TOWN OF OSSINING
OCTOBER 13, 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/88388495942?pwd=cldJZ3VFSEFQ0QnVnVnJDZ0tZRmpZdz09>

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

Meeting ID: 883 8849 5942
Passcode: 554015

**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 to Amend Chapter 200 of the Town Code, Zoning, to Create Beekeeping Regulations in the Town of Ossining
 - Extension of Approval of Provisional 2020 Cabaret License for Maya Riviera Bar and Restaurant, 518 North State Road, Briarcliff Manor
- III. SPECIAL PRESENTATION – Westchester Power Program Update from Sustainable Westchester
- IV. ANNOUNCEMENTS
- V. LIAISON REPORTS
- VI. PUBLIC COMMENT ON AGENDA ITEMS
- VII. BOARD RESOLUTIONS

A. **Approval of Minutes—Regular Meeting – September 22, 2020**

Resolved, that the Town Board of the Town of Ossining hereby approves the September 22, 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 October 13, 2020 in the amount of \$435,911.41.

C. Tax Certiorari – David Swope/Estate of David A. Swope 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 David Swope/Estate of David A. Swope against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at Scarborough Station Road, Village of Briarcliff Manor in The Town of Ossining, N.Y. 10562 and designated on the tax assessment map of The Town of Ossining as Section 104.07-1-43, for Tax Assessment Years 2016-2018, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 64742/16; 66129/17 and 66090/18; 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:

Scarborough Station Road, Town of Ossining, N.Y. 10562

Section 104.07, Block 1, Lot 43

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2016	104.07-1-43	\$467,500	\$52,500	\$415,000
2017	104.07-1-43	\$472,200	\$52,200	\$420,000
2018	104.07-1-43	\$476,900	\$46,900	\$430,000

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 Counsel to The Town, 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 Counsel to The Town 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 \$113.72, which will be ordered pursuant to said Consent Judgment.

D. Tax Certiorari – 97 North Water, LLC 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 97 North Water, LLC against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 97 Water Street, Village of Ossining, N.Y. in The Town of Ossining, N.Y. 10562 and designated on the tax assessment map of The Town of Ossining as Section 89.14-1-13 for Tax Assessment Year

2015, which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index No. 66401/15; 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:

97 Water Street, Village of Ossining, N.Y., Town of Ossining, 10562
Section 89.14, Block 1, Lot 13

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2015	89.14-1-13	\$92,710	\$19,260	\$73,450

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 Counsel to The Town, 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 Counsel to The Town 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 \$318.35, which will be ordered pursuant to said Consent Judgment.

E. Tax Certiorari – Parkview Apartments Corporation 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 Parkview Apartments Corporation against The Town of Ossining, New York to review the tax assessments made on Petitioner’s property located at 117-121 South Highland Avenue, Village of Ossining in The Town of Ossining, N.Y. 10562 and designated on the tax assessment map of The Town of Ossining as Section 97.11, Block 2, Lot 82 for 117-121 South Highland Avenue, and designated on the tax assessment map of The Town of Ossining as Section 97.12, Block 1, Lot 7 for Holbrook Road, Village of Ossining in The Town of Ossining, N.Y. 10562 for Tax Assessment Years 2015-2017; which proceedings are now pending in the Supreme Court of the State of New York, County of Westchester, under Index Nos. 67426/15; 64509/16; and 66550/17; 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:

117-121 South Highland Avenue, Village of Ossining, N.Y. 10562

Section 97.11, Block 2, Lot 82

Assessment Year	Tax ID No.	Original Assessed Value	Reduction	Final Assessed Value
2015	97.11-2-82	\$1,079,750	\$55,082	\$1,024,668
2016	97.11-2-82	\$19,387,700	\$985,095	\$18,402,605
2017	97.11-2-82	\$19,387,700	\$985,095	\$18,402,605

Parkview Apartments Corporation Holbrook Road Village of Ossining, N.Y. 10562

Section 97.12, Block 1, Lot 7

Assessment Year	Tax ID. No.	Original Assessed Value	Reduction	Final Assessed Value
2015	97.12-1-7	\$21,900	\$0	\$21,900
2016	97.12-1-7	\$314,200	\$0	\$314,200
2017	97.12-1-7	\$314,200	\$0	\$314,200

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 Counsel to The Town, 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 Counsel to The Town 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 \$ 2,799.34, which will be ordered pursuant to said Consent Judgment.

F. Resignation – Town of Ossining Justice Court

Resolved, that the Town Board of the Town of Ossining accepts, with regret, the resignation of Sarath Nair from the position of Intermediate Clerk in the Town of Ossining Justice Court, effective October 14, 2020.

G. Promotion – Appointment – Town of Ossining Justice Court

Resolved, that the Town Board of the Town of Ossining promotes Fernanda Lilley from the provisional to probationary position of Intermediate Clerk – Spanish Speaking, effective October 13, 2020; and

Be it further Resolved, that Ms. Lilley's pro-rated annual salary remains at \$46,963 for 2020.

H. Approval of 2020 Cabaret License – Maya Riviera Bar and Restaurant, 518 North State Road, Briarcliff Manor

WHEREAS, by resolution duly adopted March 10, 2020, the Town Board, under its authority pursuant to Chapter 68 of the Town Code (Section 68-20(B)), granted Maya Riviera Bar and Restaurant (the "Applicant") a three-month provisional cabaret license for extended hours during which the Applicant can play amplified music on Sundays through Thursdays from 11:00 p.m. to 1:00 a.m.; and

WHEREAS, the Town Board intended to revisit this approval after three months in May 2020 to assess if there were any negative impacts from the extended hours, but due to the COVID-19 pandemic and the related closures to and operational restrictions on restaurant establishments, the Town Board extended the provisional cabaret license until October 27, 2020 and directed a public hearing be held on the provisional license on October 13, 2020; and

WHEREAS, the Town Board held a public hearing at its regular meeting on October 13, 2020 via videoconferencing in accordance with the Governor's Executive Orders 202.1 and 202.13, as subsequently extended, and members of the public having an opportunity to be heard, the public hearing was closed on October 13, 2020; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board of the Town of Ossining hereby grants the Applicant a cabaret license for the calendar year of 2020 in accordance with the provisions of its March 10, 2020 resolution; and

BE IT FURTHER RESOLVED, this cabaret license is only for the 2020 calendar year and is granted under unique circumstances where restaurants are not allowed to operate at full capacity, and accordingly, the Town Board reserves the right to modify, add to and/or eliminate any and all of the terms and conditions of the cabaret license when considering the Applicant's application for a cabaret license renewal for the 2021 calendar year in accordance with Chapter 68 of the Town Code.

VIII. MONTHLY REPORTS

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

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

IX. CORRESPONDENCE TO BE RECEIVED AND FILED

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

- Resolution of Architectural Review Board Approval – Cliff Neto (53 Ganung DR)
- Town Planning Board Minutes 8-19-2020

- **Town Planning Board Minutes 9-02-2020**

X. VISITOR RECOGNITION

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

XI. ADJOURNMENT