



**TOWN BOARD
TOWN OF OSSINING
16 CROTON AVENUE
OSSINING MUNICIPAL BUILDING-1ST FLOOR BOARD ROOM
OSSINING, NEW YORK
APRIL 25, 2017
7:30 P.M.**

**SUPERVISOR
Dana Levenberg**

**COUNCILMEMBERS
Karen M. D'Attore Elizabeth R. Feldman
Kim L. Jeffrey Northern Wilcher, Jr.**

I. CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL

The Regular Meeting of the Town Board of the Town of Ossining was held on April 25, 2017 at the Ossining Municipal Building, 16 Croton Avenue-1st Floor Board Room, Ossining, NY. The meeting was called to order at 7:30 p.m. by Supervisor Dana Levenberg. Members of the Board present were: Councilmembers Kim Jeffrey, Northern Wilcher, Karen D'Attore and Elizabeth R. Feldman. Also present were Town Counsel Steven Silverberg, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. WORK SESSION

At 7:33 p.m. the Work Session was called to order.

- Special Presentation-David Stolman

Supervisor Levenberg introduced David Stolman of Frederick P. Clarke. Mr. Stolman made a presentation regarding zoning changes on the North State Road area but mainly in the Crotonville area.

III. ADJOURNMENT –REGULAR MEETING

At 8:48 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Feldman that the Work Session Meeting be adjourned into Regular Meeting.

IV. PUBLIC HEARING:

- Public Hearing in the Matter of Local Law #4 (Formerly Local Law #2) for the Purpose of Amending the Zoning and Cabaret Chapters of the Town Code"

At 8:50 P.M., the Public Hearing was opened

Jaimie Black, Quakerbridge Road, stated that this area was stagnate rather than dynamic. This is the gateway to Waterview and Quaker Bridge Road. She summarized a document received in 2016 from Frederick P. Clark regarding the Croton River. Nothing with oil should be located there and the warehouses should be converted with a change in the hours of operation. Ninety-three percent of stakeholders are here this evening. The owner in questions doesn't even live in Ossining but lives in Cortlandt.

Ms. Donna Sharrett read the following statement:

Section 3 200-18 which is in the GB District and I don't see a setback section. There are few properties left to be developed on North State Road. There is a parcel which is two and a half acres and a buffer is necessary. The Board should look at other properties.

Dear Supervisor Levenberg, and Town Council members,

The 84, 86, 88, and 98A Morningside Drive (MSD) properties could all be severely impacted by inadequate setbacks for 557 North State Road (NSR), a property currently for sale, using this property as example of the need for greater setbacks between GB and residentially zoned properties.

The 557 NSR property, has a distance of approximately 340 ft from NSR to the residential property lines - a 60 ft. greater distance than that on 553 NSR from NSR to the 84 MSD property line.

60 Feet!

When you consider that the 35,000 square foot Artis Senior Living facility will be built on the 1 ½ acre 553 NSR property, the 2 ½ acre 557 NSR property would allow ample space for a much larger facility – and ample space for a 30 foot buffer area, 30 foot driveway and parking area setbacks, and 50 foot structure setback.

Do not be convinced that protecting our residential properties would prohibit development! The few smaller NSR properties that could be impacted from setback increases could – if viewed favorably – be granted variances. Keep in mind that Artis Senior Living received permission to destroy the entire 100 ft required wetland buffer.

A 30 foot buffer area, 30 foot driveway and parking area setbacks, and 50 foot structure setback for GB properties adjacent to residential properties is a reasonable requirement that would offer some protection of residential properties, and the ability for residents to better enjoy their properties and protect their investment – which is the intent of the Comprehensive Plan.

References:

<https://www.axisgis.com/OssiningNY/> Search: 557 North State Road

CP: Residential: <https://www.townofossining.com/cms/town-projects/comprehensive-plan/403-residential-clean/file>

C.2. Objective: Require suitable buffer areas for non-residential uses and properties abutting neighborhoods and residential areas.

CP: Environmental Resources: <https://www.townofossining.com/cms/town-projects/comprehensive-plan/400-environmental-resources-clean/file>

B.2. Objective: Protect the important habitat areas, water bodies and other significant natural resources.

Wetland & Stream Buffers: 105.3. **B.** Buffer areas. The exact size of the buffer area shall be determined as follows:

(1) For all water bodies and for all non-watercourse wetlands, the buffer area shall extend **100 feet away from the edge of said water body or wetland** as measured horizontally from the boundary of said water body or wetland.

(2) For all watercourses, the buffer area shall extend **50 feet away from the edge of said watercourse** as measured horizontally from the boundary of said watercourse.

Thank you for considering my comments,

**Donna Sharrett
84 Morningside Drive
Ossining**

**Cc: Ken Kamber
Bcc: Patrick Vipperman**

Daria Greg, Old Albany Post Road, stated that this is the first time she is reviewing the map and these changes will changed the character of the neighborhood.

Mr. Anthony Fiorito read the following statement:

RE: 39 Old Albany Post Road

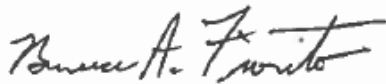
In reference to a re-zoning proposal of 39 Old Albany Post Road (80.14-1-28), I would appreciate leaving this parcel AS IS (GB-1).

- 1. Now to issues that forced me to buy this property. This property has been neglected for over a quarter century. Its distress, which in turn caused my own distress, started in the late 1990's. Unbeknownst to many of the neighbors, hundreds of thousands of gallons of water from the streets of Old Albany Post Road , Samstag Avenue and streets above, Fowler Avenue and streets above, overflowed the curbs and driveways of houses between 39 and 47 Old Albany Post Road. Water that RAVAGED my property. Thousands of yards of mud and trees that melted the hillsides behind my buildings built in 1888 at 100 Croton River Road. Water that, since the late 1990's, cost me 150 – 200 THOUSAND DOLLARS, in clean up, walls and a drainage system all the way to the Croton River. Water that my neighbors never saw or financed. Water That I have pictures of the damage created which I am submitting. We had the Law offices of Dillon and Sarcone send letters to notify the Town Supervisor John Chervokas and my neighbors. I have copies of those letters and pictures of my garage doors pushed in and above ground 2000 Gallon Fuel Tanks covered in mud. Mud that splashed 40 feet up the side of my building. Did I sue the Town or my neighbors? Did anyone offer any assistance....Very Sad....I just kept pouring thousands of dollars into restoration. In fact, we even helped our neighbor, Betty Nabors, fill her yard back in at NO CHARGE....Maybe 5 or 6 hundred yards of dirt.**

2. Referring back to 39 Old Albany Post Road. The washout continued. I even offered to buy the property from Sue Curtain whose brother, Russ, was the Highway Superintendent, who also offered No Assistance.
3. So fast forward **18** years. Another 1000 yards of dirt comes down, the property becomes abandoned and I purchase this Highly Distressed property that NO ONE would touch. WHY? When it rains anywhere from 1 – 100 lb. sand, rocks and boulders would come into my parking area. So I take on ANOTHER wall project that, in fact, is costing me another **150 THOUSAND DOLLARS** to restore both properties. So again, now I will have close to a **HALF MILLION DOLLARS** into a small parcel that, Absolutely and Justifiably, belongs to be a GB Zone and believe it should remain that way, not to mention all the money I have spent has only come out of my pocket and not the taxpayers.
4. I heard another unsettling comment regarding the Crotonville Sewers. The sewers were installed in Crotonville in the 1980's. On the small parcels of Crotonville, septic systems were consistently failing and sewage quite often going through the neighbor's yards and down the street. Our yard, at 100 Croton River Road was a key stretch needed to connect the sewers to a pump station in OUR YARD. We allowed that sewer trunk line through to help the Town and our neighbors. Along with allowing the mains we now have the luxury of the sewage odors approximately every 45 minutes each time the pumps come on. Need I say more!!

5. About 10 years ago, and extremely under budget for the Town, we pulled a New Storm Drain line up through a severely damaged storm line from the river up through The Henninger's property approximately 350 ft.. We made sure they received a totally New Blacktop Driveway as well. This broken line, I'm sure, contributed to some of the water back up that ravaged my property.
6. I heard other, and Justified, interests regarding buffer zones. I try to keep my yard and our entrance clean and neat even though I am in the Heavy Construction Business. I try to only run my trucks and machines during legal business hours and have almost totally diminished Saturday's especially in the summer when I feel my neighbors are out in their yards. I made a deal on a HANDSHAKE with the head of Historic Hudson (15 years ago). I have since moved my equipment, raised and repaired the river edge in my yard and Betty Nabors yard so that when the Van Cortlandt Manor Visitors look across the Croton River it is more natural and pleasing to the eye. Again, 39 Old Albany Post Road is NOT the last commercial parcel on that stretch but I will make every effort to make the aesthetics of this parcel acceptable. I do my best to be considerate and be a good neighbor.
7. In closing, I want to thank all for listening and, without a doubt, believe that leaving this SMALL parcel, at 39 Old Albany Post Road; a GB Zone is in favor for the majority and an inconvenience for none.

We appreciate your consideration in this matter.



Bruce A. Fiorito, President

Anthony L. Fiorito Inc.

Mr. Robert Somma submitted the following letter regarding the zoning:

Dear Ms. Levenberg,

My name is Robert Somma and I am the homeowner of 6 Samstag Ave, Ossining. I am writing in regards for an upcoming meeting regarding zone changes in my neighborhood to be held on 4/25 @7:30pm. I work nights and most likely will not be able to attend but I want my concerns addressed. I am against these proposed ideas from developers who are not raising a family here. We came to this area for peace and security. These developments will destroy our "American Dream." I do not know other peoples situations but I am raising a special needs child here, and these projects will interfere in his development, especially with his sensory issues. I also do not want my value to decrease as we came from the Bronx and know firsthand what happens to the community when projects such as liquor stores, 24 hr. delis etc. come into play. Again, I as a homeowner love this area and want to remain here. Again I am opposed to adding any more commercial projects. Let these contractor developers put these projects in their own resident neighborhood, not ours where we will foot the bill. Thank You for the opportunity to let my voice be heard.

Respectfully,

Robert Somma

Owner, 6 Samstag Ave, Ossining, NY 10562

Charles Mercello, Pleasantville Road, owner of the Corvette Shop stated that there are no sidewalks . A deli would be very dangerous due to the lack of sidewalks and at this point I have problems with cars turning around in my driveway and hitting the corvettes that I have in my yard. GE is a large problem in the neighborhoods those coming to their facility miss the driveway and therefore have to turn around.

Jim Levis, Quaker bridge Road, has walked the neighborhood and had conversations with neighbors and expressed the desire to leave the neighborhood as it is with no increase in density as they don't need or want any additional traffic on Albany Post Road.

Stephen Hampton, Quaker Bridge Road, would like to protect the neighborhood from any additional traffic. At this time there is a proposed 92 bed hospital which will cause additional traffic.

At 9:35 P.M., Councilmember Wilcher moved and it was seconded by Councilmember D'Attore that the Public Hearing be adjourned to May 9th, 2017.

V. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

This past weekend was such a great one on one Ossining, beginning with the ribbon cutting at the new Cedar Lane Arts Center. I would like to thank everyone that worked so hard to make the opening such a huge success, especially Parks Foreman Mario Velardo and the Parks and Highway Departments for all of the hard work they have been doing over the past few weeks to make the grand opening a reality. Thank you to Laurie Gershgorin and Johnny Girolamo and the Chamber of Commerce for providing great snacks for us throughout the evening, as well as Del Sol Bakery for putting together a beautiful cake to celebrate the occasion. Also thanks to Mike and Miriam Risko for providing music and the Ossining Arts Council for curating an incredible art show, highlighting the many musical and artistic talents of Ossining and the surrounding community. Finally, extra special thanks to Cathy Carabee-Faiella and Keith Gordon for giving us a taste of great programming to come at this new community asset. If you missed the grand opening, be sure to sign up for a program or two for yourself or your child, and get creative! Programs are open to beginners, experienced artists, kids, and everyone in between! Please check out the Spring/Summer Recreation brochure on the Town's website for more details, and to sign up. Also on the Town's website is a power point that was presented during the grand opening and at the last Town Hall meeting showcasing the amazing work of the Town staff that brought this building from an empty skeleton to a thriving arts space.

After Friday's ribbon cutting, Saturday was the first gravestone cleaning at Dale Cemetery, with [Ossining Historic Cemeteries Conservancy](#), and a rainy yet successful Earth Day at Engel Park, organized by Suzie Ross and [Green Ossining](#)! Thanks to all the many volunteers that made these all possible, and of course our unstoppable Town staff from our Parks Dept, Town Highway, Cemetery crew, and Supervisor's office! Ossining's all about Teamwork and Community--supporting the Arts, our Parks, History and the Environment!

This Thursday, April 27th, the Lion's Club will be holding a special presentation at the Elk's Club, called "Aging In Place in Ossining." This presentation will feature the many elder care options here in Ossining, including representatives from the Atria of Ossining, Cedar Manor, and Bethel Home. The presentation begins at 7pm, with a \$25 buffet and cash bar. Please make a reservation by emailing the Lion's Club at maureenmorgan10@verizon.net.

This Saturday, April 29th join Ossining Schools Superintendent Ray Sanchez and me on a hike at Teatown. We will begin at 10am, meeting at the Lakeside Lot. Come to explore our local natural resources, spend time with your Ossining family, and learn more about some of the exciting events and programs going on in the

Town and the School District. Right now, it looks like Saturday will be a beautiful and sunny – a perfect day for a hike!

There are two other great events going on this Saturday I would like to call to your attention. From 12 -4pm, the Westchester Children's Museum, located in Rye, will be celebrating its first birthday. Visit discoverwcm.org/museums-celebrates-1st-birthday to preregister and join in on a day of interactive play and discovery. Later on Saturday, join in on the official opening of the Westchester Collaborative Theater's new black box performance space on Water Street in downtown Ossining. There will be a performance by local urban folk & jazz legend KJ Denhart, with two sets, one beginning at 8pm and the second at 10pm. Tickets are available at wctheater.org.

On Sunday, the Ossining Arts Council will be holding an event in their Art Speaks with Dr. Jill Kiefer series at 2pm at the OAC Steamer Firehouse Gallery, featuring the exquisite watercolor botanical paintings of Susan Lanzano. Susan will be taking participants on a step by step journey of her work process. Admission is \$5 at the door, and all proceeds go to OAC.

The Jug Tavern Annual Meeting will be held on Monday, May 1st at 7:30pm, and will feature a presentation from Village Historian Dana White about Sing Sing Prison and its connection to the Sparta neighborhood in Ossining. Admission is free, but space is very limited, so hopefully there are a few spaces left -- RSVP to info@jugtavern.org or 914-432-7281.

Also, on May 1st, the Briarcliff Rotary is joining a number of other businesses and organizations to sponsor a May Day event at Captain Lawrence Brewery in Elmsford from 6-9pm to benefit the many causes the Rotary supports. There will be beer, wine, food, entertainment and a silent auction. More information is available by emailing or calling Rotary president Scott Lanoff at scottl@asmhome.com or 888-942-8272.

Next weekend, on Sunday May 7th join IFCA Housing Network and Trinity Episcopal for a free concert featuring performances by many local talented artists. The concert begins at 4pm at Trinity Episcopal Church -- don't miss this great opportunity to celebrate our community.

We are finally getting close to planting season (and p.s. – Mother's and Father's day, hint, hint!) so make sure to visit Teaton's Plantfest to fill your garden with perennial and annual flowers, herbs and vegetables, and plenty of native plants. First Pick Admission is \$20 for Friday, May 12th from 4:00 p.m.-7:00 p.m. and free admission is on Saturday, May 13th from 9am-2pm. First pick admission includes small bites provided by River Market Bar & Kitchen in Tarrytown, as well as Wine and Local Craft Beer. If you can't make it on Friday, don't worry, there will still be lunch available on Saturday. Register at teatown.org.

VI. LIAISON REPORTS

Councilmember Jeffrey met with the Recreation Advisory Board on Monday and there was discussion of items pertaining to the Parks & Recreation Department regarding certain utilization of the Parks; replacement of the gym floor and introduction to sports organizations.

VII. DEPARTMENTAL REPORTS

Supervisor Levenberg stated that this evening, we have our Receiver of Taxes, Gloria Fried, to do a quick departmental report for us. I'm sure she will have a lot to share, as we are in the midst of our Town/County collection and we are also working towards a foreclosure auction for this summer.

- Tax Receiver-Gloria Fried

Tax Receiver Gloria Fried provided a detailed description of the process of Delinquent Lien describing the classes designated as Freshman, Sophomore, Junior, Tutorial and Senior. There are three properties at this time that will be auctioned off on or about August 1. There are three properties that will complete their payment plans by July 2017 and there are 28 properties with 2016 liens and will be on the 2017 foreclosure list. Mrs. Fried will leave the position of Receiver of Taxes on June 30, 2017.

VIII. PUBLIC COMMENT ON AGENDA ITEMS

IX. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

Councilmember D'Attore moved and it was seconded by Councilmember Feldman that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the April 12, 2017, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

Councilmember D'Attore 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 April 18, 2017, Minutes of the Special Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

Councilmember D'Attore 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 April 25, 2017 in the amount of \$331,324.96

Motion Carried: Unanimously

D. Personnel- Resignation

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

Resolved, that the Town Board of the Town of Ossining hereby accepts, with regret, the resignation of Receiver of Taxes Gloria Fried, effective June 30th, 2017.

Motion Carried: Unanimously

E. Request for Advisory Opinion from Town Planning Board- Hudson Education and Wellness Center

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

Resolved, that the Town Board of the Town of Ossining hereby requests an advisory opinion from the Town Planning Board on the proposed development known as The Hudson Education and Wellness Center at 2016 Quaker Ridge Road, Croton on Hudson, NY 10520 in the Town of Cortlandt, for the purpose of advising the Ossining Town Board on the potential impact of this development on Ossining residents.

Motion Carried: Unanimously

X.CORRESPONDENCE TO BE RECEIVED AND FILED

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

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

- **Planning Board Meeting Minutes dated February 15, 2017**
- **Planning Board Meeting Minutes dated April 5, 2017**

Motion Carried: Unanimously

XI.MONTHLY REPORTS

XII.VISITOR RECOGNITION

Rika Levin announced Stash the Trash Kick- off event and “I Love My Park” Day on Saturday, May 6th from 10 a.m. to 2 p.m. All will meet at Richard Wishnie Park.

XIII.ADJOURNMENT-EXECUTIVE SESSION-ADVICE OF COUNSEL

At 10:17 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the Regular Meeting be adjourned.

Motion Carried: Unanimously

At 10:32 P.M., Councilmember D’Attore motioned to leave Executive Session and it was seconded by Councilmember Wilcher.

Motion Carried: Unanimously

At 10:33 P.M., Councilmember Feldman motioned to leave Executive Session and it was seconded by Councilmember Jeffrey.

Motion Carried: Unanimously

Approved:

Mary Ann Roberts Village Clerk