



SPECIAL MEETING
TOWN BOARD
TOWN OF OSSINING
53 CROTON AVENUE-BUDARZ THEATER
OSSINING PUBLIC LIBRARY
OSSINING, NEW YORK
OCTOBER 3, 2017
7:30 P.M.

SUPERVISOR
Dana Levenberg

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

7:00 P.M. EXECUTIVE SESSION-CONTRACTS

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

The Special Meeting of the Town Board of the Town of Ossining was held on October 3, 2017 at the Ossining Municipal Building, 53 Croton Avenue-Budarz Theater, 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, Elizabeth R. Feldman and Karen D'Attore. Also present were Town Counsel Steven Silverberg, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

II. PUBLIC HEARINGS IN THE MATTER OF:

- **Local Law No. 6 (Formerly Local Law #2) for the Purpose of Amending the Zoning and Cabaret Chapters of the Town Code"- *Visitors shall be accorded one (1) three minute opportunity to address this Public Hearing.***

At 7:30 P.M., the Public Hearing was opened.

Supervisor Levenberg stated the following:

We have been working on amending our Town Code to incorporate recommendations from the Town's Comprehensive plan, since June 7th, 2016 when we kicked off this process. With the help and guidance of our Planner from FP Clark, David Stolman, our attorneys, Steve Silverberg and Christie Tomm Addona, comments from planning and zoning boards, our Environmental Advisory Board, our Building Inspector, and most importantly, residents and business owners in our community, we have amended our code to include what we believe are a number of improvements. These include improved setbacks and screenings that are both sensitive to the environment and to residents, guidance on night lighting that is sensitive to keeping our skies dark, additional definitions that clarify bed and breakfasts, the addition of artist live/work space to the Neighborhood Commercial district, changed zones in Crotonville which we believe better protect our environment and will also improve the neighborhood for all, and clarification of our Cabaret and noise codes. We have deliberated for a year and a half, and I believe our board has been very responsive to the public input we have received, trying to balance it with a mind to both the present and the future. We appreciate all the time many of the members of our community have devoted to sharing their views with us. I am cautiously optimistic that tonight we will be able to adopt a resolution to close our public hearing and accept the negative declaration for this local law so

that we can end our moratorium on development and continue forward thoughtfully. This is certainly not the end of our conversations on planning and zoning, but it is the end of this particular chapter. Thanks again to the board for your patience and thoughtful deliberation, and to Maddi Zachacz in my office for helping us keep everything straight.

Bruce Fiorito, Old Albany Post Road, commented that the Board has covered a lot of ground and it is a pleasure to finally see this process come to an end.

Town Counsel Steven Silverberg stated that he prepared the draft negative declaration for this local law.

At 7:35 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Jeffrey that the Public Hearing be closed.

III. ANNOUNCEMENTS

Supervisor Dana Levenberg read the following:

There are really no words that can be said about what took place Sunday night in Las Vegas. All I have been thinking about is just the fact that none of us are born wanting to commit such atrocities. Indifference, cruelty, and hatred are learned. And if we can learn them, we must be able to unlearn them. Better yet, we can make sure we do not teach them to our children at all, but rather that we teach just the opposite. This community of Ossining is beautiful because of the sheer number of folks who do this work every day: Of meeting hatred with radical hospitality; answering callous indifference with compassion; teaching acceptance, inclusion, and love. This work has never been easy to do. But rarely is anything easy that is worth doing. I know that I will continue to teach my children how to love deeply and widely, how to deal with their internal struggles appropriately, and how to make our world safe and welcoming for friends and strangers alike. And I will continue to share those same messages with my friends, my neighbors, and our community members. It is certainly hard to do in the face of such hatred because it is hard not to get caught up in an eye for an eye, but that's just the way it is. I am here for every single person in this room and in this community, as we do this together—whether rising up against random acts of violence or working to combat the more entrenched forms of violence, such as poverty, bigotry, and callous indifference--I am here for you, and we, your Town Board, is here for you. Frankly, as I am sure we all feel, there is no alternative.

Councilmember Kim Jeffrey announced that Senator Carlucci will continue a donation drive for Puerto Rico as well as the County is picking up on the drive and items may be left at the Court House in White Plains.

Town Clerk Mary Ann Roberts announced the Ossining Historical Society Museum will be hosting the 86th Annual Installation Dinner on October 20, 2017 at the Antipasti DiNapoli beginning t 6 p.m. Please call the Museum at 914-941-0001 for reservations. The cost is \$85 per person.

IV. PUBLIC COMMENT ON AGENDA ITEMS

V. BOARD RESOLUTIONS

A. Personnel- Dale Cemetery- Seasonal Appointment

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 appoints James Nevins, Ossining, to the seasonal position of Laborer at Dale Cemetery effective October 2nd, 2017 at a rate of \$12 per hour.

Motion Carried: Unanimously

B.Resolution Adopting Local Law No. 6 Of 2017 Amending The Zoning, Tree Protection And Cabaret Chapters Of The Town Code And Amending The Town Zoning Map

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

WHEREAS, the Town of Ossining Town Board is considering the adoption of Local Law No. 6 of 2017 which would amend the Zoning, Tree Protection and Cabaret chapters of the Town Code and amend the Zoning Map with respect to a variety of matters in order to update and improve these chapters and the map (the "Proposed Action"); and

WHEREAS, this local law is determined to be an exercise of the police powers of the Town to protect the public health, safety and welfare of its residents, and also serves to implement recommendations of the Town's Comprehensive Plan; and

WHEREAS, in order to give the Town Board time to analyze these issues without land use applications being processed that could potentially be inconsistent with the intended goals of the Proposed Action, after a duly noticed public hearing the Town Board adopted a local law enacting a moratorium on certain development effective June 7, 2016, which moratorium, after additional duly noticed public hearings, has been extended and is scheduled to expire on October 7, 2017,

WHEREAS, a public hearing on the proposed local law was duly noticed, opened on January 10, 2017, adjourned to and continued at many subsequent Town Board meetings, and after being re-noticed with the revised version of the proposed local law on or about August 18, 2017, the public hearing was closed on October 3, 2017, during which times all of those in attendance were given an opportunity to be heard; and

WHEREAS, the Town Board has determined that the Proposed Action is Type I action pursuant to Article 8 of the Environmental Conservation Law, Part 617 NYCRR (commonly known as "SEQRA"); and

WHEREAS, the Town Board has determined that the Proposed Action is an action for which there are no other Involved Agencies and that the Town Board is therefore, by default, the Lead Agency in accordance with SEQRA for this action; and

WHEREAS, the Town Board referred the proposed local law to the Town Planning Board and Zoning Board for their advisory opinions and received memoranda from both Boards; and

WHEREAS, the Town Board complied with the referral requirements of Section 239 of the New York State General Municipal Law and in response to said referral the Westchester County Planning Board responded by letter stating, "We have reviewed the proposed amendments.... and find them to be a matter for local determination in accordance with the Town's planning and zoning policies;" and

WHEREAS, the Town Board has given due consideration to all of the comments received from the public, including but not limited to Town residents and property owners, the Town's consultants, the Town Planning Board, Town Zoning Board, and the Westchester County Planning Board; 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 (7) days, exclusive of Sunday, prior to the adoption of this resolution.

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. Pursuant to the State Environmental Quality Review Act regulations, the Town Board hereby adopts the attached Negative Declaration for the reasons stated therein, thereby finding that the Proposed Action will not result in any significant adverse environmental impacts, and consequently finding that a Draft Generic Environmental Impact Statement will not be required, and that the SEQRA process is therefore complete.

3. 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 No. 6 of 2017, a copy of which is attached hereto and made a part of this resolution; except as specifically modified by the amendments contained therein, the Town Code, as originally adopted and amended from time to time thereafter, is to remain in full force and effect.

4. The moratorium will expire on October 7, 2017 as scheduled and will not be extended further.

5. 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.

Motion Carried: Unanimously

C. Tax Payment Plan- 210 North Highland Avenue

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

Whereas, the Town of Ossining is required to collect Town, County and School taxes for the municipality, with the onus on the Town to make whole the County and School District for any uncollected taxes; and

Whereas, the Receiver of Taxes has been approached by a property owner requesting a short-term payment plan for the owner occupied property at 210 North Highland Avenue, Tax Parcel Designation ID# 89.11-1-77; and

Whereas, the Town Board, pursuant to Article 5 of the Ossining Town Code, as authorized by section 1184 of the New York Real Property Tax Law, before entry of a final judgment, may withdraw a parcel for which payment of real property taxes is delinquent, from a foreclosure proceeding and enter into an installment plan for payment of all delinquent taxes, as well as interest and penalties, and does occasionally grant such a plan and has the discretion to accept or reject any proposal by a residential or commercial property owner, providing the owner meets the eligibility requirements set forth in section 180-17 of the Town Code and the payment plan conforms to the requirements for such a repayment plan set forth in section 180-18 of the Town Code;

Now, therefore be it Resolved, that the Town Board of the Town of Ossining hereby grants the aforementioned payment plan, which terms comply with the Town Code, to this property owner, who has been determined to be eligible, with the understanding that this sets no precedent going forward for this or any other property in the future.

Motion Carried: Unanimously

VI. ADJOURNMENT –TOWN HALL MEETING

At 8:03 P.M., Councilmember D’Attore moved and it was seconded by Councilmember Feldman that the Special Meeting be adjourned to Work Session

- **“Special Presentation: Scarsdale Food Scrap Waste Recycling Program—Michelle Sterling and Ron Schulhof”.**

Supervisor Levenberg stated the following:

We do completely support the food scraps program, and not just Green Ossining, but many folks who visit places local businesses in our downtown who I have spoken to have asked when composting is coming. I just got an ex-Scarsdale resident who now lives here who clipped an article from The Journal News about how composting is spreading through the Sound Shore....and sent it to me. Then there are folks at the Oss Organic Community Garden that also have asked. So yes, Green Ossining supports it, but there are so many other people who do too.

- **Discussion on Refuse and Recycling RFP.**
- **Home Stead Act**

Supervisor Levenberg stated the following:

This Board continues to question the supposed benefits of enacting homestead. We are not convinced that it would be fairer or better for our community to adopt this legislation because of the negative impact it has had on other communities throughout NY State that have adopted it. If it has a negative impact on the commercial tax rate, as it certainly has had elsewhere, and is irreversible, it could in fact be worse for taxpayers rather than better. Expanding our business community is the fastest most enduring way to hold down residential taxes, where as a shrinking commercial base costs everyone more. We have lined up some experts who have studied the impact of Homestead in other communities in New York State to discuss their findings with the greater Ossining Community. We have them tentatively scheduled to come to us on Monday, November 20th (stay tuned for final date and location) and look forward to seeing all of you again then. The location will be announced shortly.

Approved:

Mary Ann Roberts Town Clerk