**LOCAL LAW NO. 3 of 2024**
**Town of Ossining**

A Local Law known and cited as Amendments to Town of Ossining Zoning Code
Business Education District

Be it enacted by the Town Board of the Town of Ossining as follows:

**SECTION 1**. Legislative Intent. This local law is adopted pursuant to the Town Board's authority pursue to the New York State Constitution and New York Municipal Home Rule Law. There is only one property in the Business Education zoning district, formerly known as the "GE" property (1 Old Albany Post Road), which has recently been conveyed to Crotonville Owner LLC. In order to minimize physical improvements to the Property and utilize the structures in the same condition they currently exist, Crotonville Owner LLC submitted a zoning petition to the Town Board to include additional potential uses, which are generally consistent with how the property has been used in the past. Given this Property is already fully-developed in pristine condition, the Town Board believes this proposal is the least impactful to the community, as opposed to a potential redevelopment of the property that could result in more impervious coverage, more traffic and intrusion into the watershed. There are also other benefits to this zoning in terms of attracting visitors who may frequent other local establishments and keeping the property on the tax roll.

**SECTION 2**. The Town Board hereby amends the definition of Assisted Living Facility in Zoning Code § 200-53 as follows:

**ASSISTED LIVING FACILITY** — 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, and health care/ancillary medical services designed to meet the individual needs of persons who need help with the activities of daily living, including but not limited to bathing, dressing, grooming, eating and, in appropriately designed facilities, accommodations for patients with Alzheimer's disease and other forms of dementia, but who do not need the skilled medical care provided by a nursing home or convalescent care facility.

**SECTION 3**. The Town Board hereby amends Zoning Code § 200-53 to add the following definitions as follows:

**INDEPENDENT LIVING FACILITY** — A residential facility which, due to either disability or infirmity of the residents, provides units with a kitchen for personal use, and for which there are also common amenities for the residents outside the units, including dining, laundry, housekeeping, and organized social/ recreational activities.

**SERVICE-ENRICHED SENIOR HOUSING RESIDENCE** — A managed residential community that provides a combination of the dwelling units, features and amenities of an independent living facility and assisted living facility within the same building or buildings on a single development site.

**SECTION 4**. The Town Board hereby amends Zoning Code § 200-19.1 as follows:

In a Business Education District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designated to be used, in whole or in part, for any purpose except the following, and all such uses shall be subject to site plan approval in accordance with § 200-50 hereof.

A. Purpose

(1) To provide a location for and encourage the use of business training and corporate events, which are not located in other areas within the Town.

(2) To provide options to augment the primary purpose of this business district with other complimentary uses such as hotel and event space to maintain the economic viability of this unique complex.

(3) To provide appropriate standards for the various commercial uses.

(4) To provide assisted living and service-enriched housing for individuals requiring supportive services or some assistance with daily living.

(5) To the extent practicable, the property owner shall endeavor to incorporate any permitted uses under this section through adaptive reuse of existing buildings without material changes to building footprint.

B. Permitted uses:

(1) Business training schools for the training of management, sales, research, technical, financial or other executive office personnel

(2) Conference Center

(3) Hotel

(4) Restaurant

C. Conditional uses permitted upon approval by the Planning Board in accordance with Article XI hereof. The following conditional uses are permitted subject to approval by the Planning Board in accordance with § 200-49 hereof and subject to the requirements specified below and elsewhere in this chapter, including site plan approval in accordance with § 200-50 hereof:

(1) Tier 3 solar energy systems, subject to § 200-31.3.

(2) Tier 2 battery energy storage systems, subject to § 200-31.4.

D. Uses permitted by special permit upon approval by the Board of Appeals in accordance with Article IX hereof.

(1) The following uses are permitted subject to approval by the Board of Appeals in accordance with the provisions of § 200-45C:

(a) Assisted living facility.

(b) Service-enriched senior housing residence.

(2) The uses in subsection D(1) are subject to the requirements specified below and elsewhere in this chapter, including site plan approval by the Planning Board in accordance with § 200-50 hereof.

(3) An assisted living facility and service-enriched senior housing residence may include the following in addition to individual residential units:

(a) Living area(s) for the common use of the residents adequate in location, number, size, variety and amenities to satisfactorily serve the needs of such residents. Such living areas may include but not be limited to living rooms, TV rooms, libraries, music rooms, activity rooms and multipurpose rooms.

(b) Dining area(s) for the common use of the residents adequate in location, number, size and amenities to satisfactorily serve the needs of such residents and in which meals shall be served to all residents on a daily basis.

(c) Central commercial kitchen from which food service is provided to the common dining room(s). Central commercial kitchen facilities shall provide appropriate venting and odor control in addition to noise attenuation meeting the requirements of Chapter 130 and county and state health code requirements.

(d) Indoor and outdoor passive recreational areas for the common use of the residents.

(e) Lavatory facilities located near the common room(s) for the use of residents and guests.

(f) Laundry facilities for the residents' personal use.

(g) Linen and housekeeping services.

(h) Personal-care services that need not be provided by licensed personnel, including, but not limited to, assistance with dressing, bathing, eating, ambulation and general supervision.

(i) Twenty-four-hour availability of on-site responsible staff person(s).

(j) A central kitchen may be located on each floor of the building for the residents' personal use, provided that adequate safety features are included in the design of such facility.

(k) An area proximate to the main entrance to the service-enriched senior housing residence that provides safe, properly sited, convenient and canopy-protected access to transportation modes for residents.

(4) The occupancy of residential units located in a service-enriched senior housing residence shall be restricted as follows:

(a) Each single efficiency unit shall be occupied by no more than one person. Each double efficiency unit shall be occupied by no more than two persons. Each one-bedroom unit or two-bedroom unit shall be occupied by no more than two persons.

(b) All units shall be designated ADA accessible or ADA adaptable.

(5) Reasonable vehicular and pedestrian circulation shall exist to and from the site, taking into consideration the characteristics of the existing street and accessibility of the site and building(s) thereon for emergency service vehicles. Adequate provision shall be made for the off-street loading and unloading requirements of delivery vehicles if determined by the Board of Appeals to be necessary in the particular circumstances with appropriate landscaping.

(6) Adequate exterior lighting shall be provided to ensure safe pedestrian and vehicular travel around the site. Such lighting shall be shielded from the view of all surrounding properties and streets.

(7) Notwithstanding any other provisions of Town Code, an assisted living facility and a service-enriched senior housing residence is not residential within the meaning of Article VI, Affordable Housing.

E. Accessory uses:

(1) Accessory garages, sewage treatment plants, pump houses, water towers, storage tanks for other liquid materials, fire protection monitors, electrical and mechanical equipment, cafeterias, demonstration kitchens, and other auxiliary installations and recreational facilities. Exterior recreational facilities shall not be closer than 150 feet to any boundary of any residential district or 100 feet from any other district. All interior and exterior recreational facilities shall be used in such manner as to conform to the performance standards set forth in §200-19G. Any lighting and hours of lighting of exterior recreational facilities shall be subject to site plan approval.

(2) Fully enclosed warehouse and storage facilities.

(3) Parking and loading areas.

(4) The following signs, subject to § 200-28:

(a) An identification sign, not exceeding 12 square feet in area, provided that not more than one such sign shall be permitted.

(b) Necessary directional signs, none of which shall exceed five square feet in area.

(5) Dwellings for use of caretakers, security or other personnel and their families, provided that the same are set back at least 50 feet from any adjoining lot line.

(6) An area for the landing and takeoff of a helicopter (helicopter pad) for restricted and private use. Such use shall not include maintenance, regular parking or storage of a helicopter, and such use shall be in conformance with and subject to all applicable regulations of the Federal Aviation Administration and New York State Department of Transportation.

(7) Tier 1 solar energy systems, subject to § 200-31.3.

(8) Tier 2 solar energy systems, subject to § 200-31.3.

(9) Tier 1 battery energy storage systems, subject to § 200-31.4.

(10) Electric Vehicle (EV) charging infrastructure at parking areas on site

(11) Ballrooms, event spaces, and banquet halls, with associated catering

(12) Spa and wellness facilities, and pools

(13) Administrative offices

(14) Personal Service Establishments as defined in Article XIII

F. Prohibited uses. The following uses are prohibited in the BE District:

(1) Residences, except as set forth in Subsection D and E above.

(2) All business and commercial uses in which there is retail sale of goods or commercial service of products, except in connection with an accessory use set forth in Subsection E above.

(3) All uses and activities that do not meet the performance standards set forth in § 200-19G.

G. Special requirements.

(1) The entire lot, except for areas covered by buildings or surfaced as parking or service areas, shall be suitably landscaped to maintain an attractive appearance of the lot and to provide adequate screening as set forth below. All landscaping shall be properly maintained throughout the life of any use on said lot. Existing retaining walls, trees or landscaping located within 20 feet of any street or lot line shall not be removed except upon written

approval by the Planning Board, nor shall any existing grade be disturbed except with such approval.

(2) There shall be planted along lot lines of the subject lot trees or shrubs of such type, spacing, and height as shall be required by the Planning Board to adequately screen all operations on the lot from the view of adjoining properties.

(3) All permitted uses and accessory equipment, materials or activities shall be confined within completely enclosed buildings and their associated patios and lawns, with the exception of off-street parking spaces, off-street loading berths, recreational facilities, helipad and electrical and mechanical equipment normally not enclosed by a building.

(4) Notwithstanding any other provisions to the contrary, a helicopter pad shall be available for use at the request of the Town of Ossining for police, fire or other emergency services or civic purposes upon reasonable notice under the circumstances to the property owner.

(5) In the event that a property owner cannot comply with the limitations of hours of operation provided in § 200-19F(4)(c), Table III, in an emergency (e.g., weather conditions) or upon the infrequent occasions when scheduling requires, advance notice of such an event shall be given directly to the office of the Supervisor of the Town of Ossining or by notice to the Town of Ossining Police Department during other than normal business hours. Such notice shall be given immediately in the case of an emergency and at least 24 hours in advance of such other occasions or sooner if possible. Such infrequent occasions required due to scheduling requirements shall not exceed more than two occasions in any one-month period.

(6) The property owner shall maintain a log of all landings and takeoffs, which log shall be available for inspection by representatives of the Town of Ossining during normal business hours at the request of the town. The property owner shall submit a transcript of landings and takeoffs on a monthly basis to the Town Clerk of the Town of Ossining.

(7) The number of guest rooms related to a hotel/conference center and/or units related to an assisted living facility/service-enriched senior housing residence shall be no greater than 300 in total.

**SECTION 5.** Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law that can be given effect without such invalid provision.

**SECTION 6.** Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF OSSINING