



**TOWN BOARD
TOWN OF OSSINING
OSSINING PUBLIC LIBRARY-BUDARZ THEATER
53 CROTON AVENUE – OSSINING, NEW YORK
APRIL 3, 2018
SPECIAL MEETING
9:00 P.M.**

**SUPERVISOR
Dana A. Levenberg**

**COUNCILMEMBERS
Karen M. D’Attore Elizabeth R. Feldman
Jackie G. Shaw Northern Wilcher, Jr.**

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

II. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

If you pay your taxes directly to the Town and not through a mortgage company, you should have received your 2018 Town/County tax bill late last week. You still have several weeks to pay before a penalty will begin to accrue, but keep an eye on the calendar-April 30th is the deadline for paying your taxes without penalty.—May will be here before you know it. Pay in person at 16 Croton Avenue during normal business hours, or pay anytime online. You can also mail your payment, but due to the inconsistent postal service many of us have experienced as of late, I might advise that you consider another method of payment if possible.

Speaking of the post office, they will have two events coming up later this week that may interest you. This Friday morning, April 6th at 10:30am, learn more about dog bite prevention, and unfortunate challenge postal workers must often face. Recently I learned that an entire neighborhood was not receiving mail because of a dog in that neighborhood that was left unsecured, so it can have real consequences even if it is not your own dog. On Saturday from 11-2 at the Ossining Post Office, join some of the senior staff for a “We’re listening” weekend. Come with your suggestions, praise, and/or complaints to share with the staff. Unfortunately, this is a weekend that was scheduled Westchester-wide and the new Ossining postmaster happens to be on vacation, but I was assured that the next person most senior will be there.

Tomorrow night I will be attending the Energize NY annual meeting. Our recently adopted legislation to allow PACE 2.0 borrowing in Ossining is just one of the many items that will be discussed. I look forward to sharing more with you about Energize’s progress in making New York State’s infrastructure more energy efficient in the near future.

Also on Saturday, many of us will be attending IFCA’s 50th Anniversary celebration. We are very much looking forward to recognizing our own Town Clerk, Mary Ann Roberts for her long standing commitment to Ossining, and this is just one of the many hats she wears or has worn over the years to that end: as a board member of IFCA.

Finally, the event that my office has been talking about for weeks is almost here—on Sunday, April 8th, First Village Coffee on Main Street will be hosting Westchester’s first ever Vegan Pop-Up Shop starting at 12 Noon. If you aren’t a regular like we are, Peaceful Provisions, a vegan bakery, has been baking out of First Village for a few months and has been very successful, so much so that they are bringing some more vegan friends to Ossining this week! Come sample snacks from Cheezehound, Freakin’ Vegan, Gone Pie Vegan Bakery, Eat Nice Foods, Screamer’s Pizza, and grab some gifts for your animal-loving loved ones from Rudder & Fern, who will

have a beautiful selection of sustainable body products and housewares for sale. There will also be a raffle (choose from a beauty, foodie or relaxation package) with all proceeds going to benefit [Safe Haven Farm Sanctuary](#). Located in the mid Hudson Valley, [Safe Haven Farm Sanctuary](#) is home to more than 100 rescued farmed animals. They work diligently to restore the wonderful beings in their care to health and provide them with a lifelong home where they can live in peace and surrounded by love for the rest of their lives. Raising awareness about the plight of animals raised for food and the benefits of a vegan diet for the animals, human health, and the environment is at the core of their efforts. Consider participating for \$10 a ticket going to a very worthy cause indeed.

III. PUBLIC COMMENT ON AGENDA ITEMS

IV. BOARD RESOLUTIONS

A. Resolution Granting A Cabaret License Renewal To Ballroom Studio Of Westchester

WHEREAS, on or about December 15, 2017, Ballroom Studio of Westchester (“Applicant”) applied for a renewal of its cabaret license pursuant to Chapter 68 of the Town Code; and

WHEREAS, the Town Board opened a public hearing on the license renewal application at its January 23, 2018 meeting and continued the hearing at its meetings held on February 27, 2018 and March 13, 2018; and

WHEREAS, after hearing from the public and Town officials and obtaining supplemental information from the Applicant, the Board closed the public hearing at its March 13, 2018 meeting; and

NOW THEREFORE, BE IT RESOLVED, the Town Board hereby grants the Applicant a conditional cabaret license for the calendar year 2018 in the form annexed hereto.

V. ADJOURNMENT-EXECUTIVE SESSION- ADVICE OF COUNSEL

2018 CONDITIONAL CABARET LICENSE FOR WESTCHESTER BALLROOM

With respect to the Application by Ballroom Studio of Westchester (“Applicant” or “Ballroom”) for a renewal of its cabaret license pursuant to Chapter 68 of the Town Code, the Town Board hereby makes the following findings:

1. The Applicant operates a dance studio at 565 North State Road, Ossining, New York 10510 (the “Property”) for which it originally obtained a cabaret license in 2016.

2. The Applicant submitted an application for renewal of the cabaret license in accordance with Chapter 68 of the Town Code on October 31, 2017 and amended/supplemented on December 15, 2017. The Town Board opened a public hearing on this application at its January 23, 2018 meeting and continued the public hearing at its meetings on February 27, 2018 and March 13, 2018, with the public hearing being closed on March 13, 2018.
3. During the public hearing, the Town Board heard comments from neighboring residents regarding noise at the Applicant's property, including late at night, which on some occasions led to noise complaints being made to the Police Department. The Town Board received records from the Police Department regarding those complaints.
4. At the Town Board's request, the Applicant also did sound testing with the Ossining Police Department during an event held on the evening of Friday, March 9, 2018. The sound testing was recorded and the Board heard the results of the testing prior to the public hearing being closed.
5. Lieutenant Damiano appeared before the Town Board at the March 13, 2018 public hearing to discuss the results of the testing. He advised that he and the Applicant's attorney went to the Property and could not hear any music from the parking lot outside. They entered the premises where the Ballroom was having an event with approximately 40-50 people and there was in fact music playing. The music was turned up and they went back outside to the parking lot but still could not hear the music. Lieutenant Damiano advised that the traffic was louder than anything else they could hear. They then went to the properties on Morningside Drive where the majority of the complaints originated and could not hear any music. In addition, no members of the public spoke at the public hearing on March 13, 2018 after the noise testing had been done.
6. The Applicant's attorney advised that this was a typical Friday night event. The Town Board understands that there are different events that are typically held on Saturdays that can be louder and/or larger and potentially cause disturbances for the neighbors. The Applicant advised that these types of events were not currently being held at the Property and had been moved to other locations. The public's comments and police reports confirmed that there had not been any noise issues reported with respect to the Applicant's Property since January 6, 2018. The Applicant advised that these types of events would not be held again until May. Accordingly, the Police Department was not able to do sound testing at this type of event and the Town Board was not able to consider the level of noise generated from these events in making its determination.
7. The Town Board also received comments from the Building Inspector expressing concern that the Applicant was renting out the venue to hold events not permitted by the cabaret license and that certain events may not be permitted under the Zoning Code.
8. In response to the Building Inspector's comments, the Applicant submitted a revised application outlining the types of events being held on the property:
 - Dance classes
 - Public and private dance lessons
 - Dance parties
 - Fundraisers
 - Dance shows
 - Public and private partiesThe Applicant stated that the parties would include dance instruction from a Westchester Ballroom dance instructor.
9. The Building Inspector reviewed this submission and advised that it was his interpretation that any use that did not include dance instruction would not be permitted under the Zoning Code. The Applicant confirmed that any use of the Property would include dance instruction.
10. The Building Inspector also recommended that certain conditions be placed upon this Cabaret License, which conditions were considered by the Board.
11. While the public hearing was open the Supervisor received an email from an employee of the Applicant advising that they were planning to invite the neighboring residents to a brunch at the Property to discuss everyone's respective concerns and come to a resolution. The Town Board looks favorably upon such direct and respectful communication between the various parties.

Based upon the foregoing, the Applicant is granted a cabaret license for the calendar year 2018 subject to the following conditions:

1. To the extent the Applicant has not already done so, the Applicant shall pay the required fee for the license renewal as set forth in the Town's Fee Schedule prior to continuing operation.
2. The Applicant shall provide the Town Supervisor's Office with at least 7 days' notice of all events, classes and/or activities that will be held at the studio that will last past 8 p.m. and the name of the dance instructor(s) who will be present at the event. To the extent the Applicant relies upon its email distribution list to provide this notice, the Applicant must ensure that the email notifications are sent out at least 7 days prior to the event.
3. The Applicant shall ensure compliance with the Town's Noise Code (Chapter 130) and require DJs and bands performing at the studio to sign a statement acknowledging the requirement to comply with the Noise Code. To the extent certain DJs and bands have already signed a statement in the past, they shall be required to sign an updated statement for the 2018 calendar year. These statements shall be provided to the Town Supervisor's Office within 10 days of being executed.
4. The Applicant shall prohibit DJs and bands from using their own sound equipment and require that only the house system (which the Town Board understands does not have subwoofers) be used.
5. In furtherance of the representations made by the Applicant's representatives during the public hearing process, the Applicant shall attempt to engage the neighboring property owners in an amicable dialogue to alleviate their concerns and develop a direct communication system with the neighboring residents who have noise complaints.
6. The Applicant may only hold the types of events listed in paragraph 8 of the findings above and any and all events shall include dance instruction. The Applicant shall ensure that a trained and qualified dance instructor is present for and providing instruction at all events.
7. Prior to holding its first Saturday night event (as discussed in paragraph 6 of the findings above), whether that is in May or earlier, the Applicant shall notify the Supervisor's Office and the Police Department of the event at least 14 days in advance and arrange for a police officer to attend the event and do sound testing. The Applicant shall also notify the residents of Morningside Drive of the event and coordinate with them to be present for the sound testing should the residents express a desire to be present. Based upon the results of the testing and/or noise complaints received from the neighbors with respect to these types of events, the Town Board reserves the right to amend this license to put further restrictions on this use of the Property and/or require additional mitigation measures.
8. At any event/class/activity that will last after 8:00 p.m., Barbara Antes or another responsible employee of the Applicant, with the ability to contact Ms. Antes in order to address complaints, shall be on-site for the entirety of the event/class/activity. Within 10 days of the date of this license, the Applicant shall provide the Supervisor's Office with contact information for a person that can be reached on-site in the event of a noise complaint. If the police are called as a result of a noise disturbance, immediately after being notified by the police, the sound level shall be reduced and shall not be increased during the remainder of such event/class/activity.
9. The Applicant shall ensure compliance with all requirements of the Town's Cabaret Code (Chapter 68), and specifically the Applicant shall ensure that no amplified music is being played after 11:00 p.m. Sunday through Thursday nights and 12:00 midnight on Fridays of Saturdays.
10. The Applicant shall not rent or sublet the space for any parties or events that are not run by the Applicant and/or do not include dance instruction.
11. The Applicant shall submit an application to the Town for renewal of its license for 2019 no later than November 1, 2018 to allow the Town Board adequate opportunity to review the application, review compliance with the conditions herein and to receive public comment prior this current license expiring on December 31, 2018.
12. The Applicant shall make a good faith and every reasonable effort to comply with the conditions set forth above and multiple violations of these conditions may result

in the Applicant's license being revoked in accordance with Town Code § 68-10 or a renewal application being denied. The Applicant's compliance with the conditions herein and the requirements of the Code and ability to work with the neighbors and avoid noise complaints to the Police Department will be considered by this Board in considering any subsequent renewal applications submitted by the Applicant.

- 13. In the event the Applicant is found to be in violation of any of the conditions herein, the Town Board may, in its discretion, direct the Applicant to appear before the Board to discuss the violation, the reason for the violation and potential solutions. The Board also reserves all rights and remedies available to it under the Cabaret Code in the event the Applicant is in violation of this approval or the Code.**

**Town Board of the Town of Ossining
Dated April 3rd, 2018**