

PUBLIC HEARING
TOWN OF OSSINING ZONING BOARD OF APPEALS
Bethany Arts Community
40 Somerstown Road
Section 90.10 Block 3, Lot 27

Zoom Meeting

June 29, 2020

7:30 p.m.

PRESENT:	SALVATORE CARRERA	- Chairman
	JAMES BLAIR	- Member
	DAVID KRIEGER	- Member
	DAVID O'NEIL	- Member
	DAVID WHITLINGER	- Member
	THOMAS WILLS	- Member
ALSO PRESENT:	CHRISTIE TOMM ADDONA	- Town Attorney
	JOHN HAMILTON	- Building Inspector
	SANDY ANELLI	- Recording Secretary

Sal Carrera: I'm going to have the introductions and read the public hearing notification and then some background from the applicant. That's how I would like to handle the meeting going forward. Then we'll open it up to the public.

Good evening, ladies and gentlemen, this is the 29th day of June meeting of the Zoning Board of Appeals for the town of Ossining. My name is Sal Carrera Chairman and joining me this evening are Members of the Zoning Board of appeals town attorney building inspector, for the record, please everyone.

Even though they're on mute right now, please introduce yourselves for the record.

Sandy Anelli: Sandy Anelli, Secretary

David O: David O'Neil, Board Member

John Hamilton: John Hamilton, Building Inspector.

James Blair: James Blair, Board Member

David Krieger: Board Member

Christie Addona: Christie Addona, Attorney.

Sal Carrera: And we have an alternate member with us this evening.

Tom Wills: Tom Wills, Alternate Board Member

Sal Carrera: Sal Carrera, Chairman.

Okay, thank you.

Sal Carrera: We have one hearing this evening, I will read the public notice and then request the applicant all the representative to give a brief explanation of the relief sought. Anyone that has a comment, should give us their name and address and raise their hand.

Sal Carrera: Because this is a zoom meeting, we will not be making a decision this evening, as in the past. We will discuss as much as we can. This evening and for now I will read the notice of public hearing

Notice is hereby given that a Public Hearing of the Town of Ossining Zoning Board of Appeals will be held on **Monday, June 29, 2020** at 7:30 p.m. **THIS MEETING WILL BE HELD VIA VIDEO CONFERENCING** Pursuant to Governor's Executive Order 202.1 dated March 12, 2020 and Executive Order 202.15 dated April 9, 2020 and subsequently extended. Members of the public can join the meeting via computer or mobile app on Zoom using the link below:

Join Zoom Meeting

<https://us02web.zoom.us/j/86773674614>

Meeting ID: 867 7367 4614

One tap mobile

+19292056099, 86773674614# US (New York)

Alternatively, you can call into the meeting from any phone by dialing the following number:

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 867 7367 4614

Find your local number: <https://us02web.zoom.us/j/86773674614>

If you have any questions about the Zoom meeting process, please contact the Town of Ossining Building Department at 914-762-8419

The Hearing is on the application of Bethany Arts Community (BAC), 40 Somerstown Road, Ossining, NY, in accordance with the Town of Ossining Zoning Code, Section 200-7 B. (2) and Section 200-45 (C) for a special permit. Bethany Arts Community (BAC) is seeking an amendment to their special permit approval to include additional activities and programs that would take place outdoors on the property such as:

1. Summer Camps designed with creativity.
2. An outdoor children's theater camp.
3. Theater O (Ossining Schools Theater Group).
4. River Fund (an organization on the front lines of poverty in Queens getting children out of the city).
5. Use of walking trails for outdoor art exhibits.
6. Collaborate with Eco friendly organizations to create awareness of the environment.
7. Become part of the trail system leading from Ryder Park through Bethany to connect to the Briarcliff Peekskill Trail and Teatown Reservation.
8. Artoberfest - An interactive artistic experience.
9. Beehives and Community Gardens.
10. Outdoor after school programs.

The property is located at 40 Somerstown Road, in the unincorporated area of The Town of Ossining, NY, owned by Bethany Arts Community, Inc.

and is identified on the Tax Map of the Town of Ossining as Section 90.10, Block 3, Lot 27, located in the R-40 One-Family Residence District.

All interested persons are invited to attend the Public Hearing on video conference (Zoom), and/or send comments by email to: www.bldgdept@townofossining.com or send comments by regular mail to Town of Ossining Zoning Board of Appeals, P.O. Box 1166, Ossining, NY 10562. In the event the Zoning Board closes the public hearing on June 29, 2020, the public comment period will remain open for an additional seven days after the meeting date for additional written public comment. If the public hearing is adjourned, written public comment will be received until the next meeting.

Application materials prepared by ARQ.HT LLC, 100 Executive Blvd., Suite 204, Ossining, NY, dated February 21, 2020 are available for public inspection online at:
<https://www.townofossining.com/cms/publications/all-documents/zoning-board/bethany-arts-2020-amendment>

BY ORDER OF THE ZONING BOARD OF APPEALS
Sal Carrera, Chairman
DATED: June 19, 2020

Sal Carrera: I'd like to get some guidelines into play with regards to how I would like to move forward on this application and how we will move forward with this meeting, we have 51 participants so far. Each of the board members will ask questions and or make comments on an individual basis and the applicant or their representative will either answer this evening, or they will have the opportunity over the next seven days to write their answers to the questions that will come up tonight.

Sal Carrera: Public comments won't have a time limit, but in order to expedite this hearing, I would appreciate that anybody giving any type of pro or con not be repetitive and what someone else had already said. If you agree or disagree with someone you can get up, give your name and say you agree or disagree, for the same reasons being repetitive is not going to make this board meeting go any quicker.

Sal Carrera: The Applicant will answer questions and in writing, if necessary, and I'm sure he's going to have to have that opportunity because there are a number of questions that have come in written to this board that I will reiterate to Sandy to send out to the applicant for answers in writing to numerous questions other than doing them on an individual basis. Is that understood by everybody so far?

James Blair: Sal, just one quick question, are we going to have the applicant make an initial presentation, is that correct?

Sal Carrera: Yes.

James Blair: Okay.

Sal Carrera: Before the applicant gives this presentation and again a little background on this is that in 2016 Bethany Arts, a not for profit philanthropic educational institution catering to the arts requested a special permit in an R40 One-Family Residence zone to engage in a number of activities indoors.

Sal Carrera: The ZBA granted very specific approvals for all indoor uses to Bethany Arts. Today they are requesting an amendment to the original special permit for outdoor use of the site. The requested items back in 2016 are identified in four different groups.

Children's community; BAC will create a family oriented after school program and community based programs of art instruction and appreciation.

Day Use; BAC will offer local residents the opportunity to utilize studio space to create and present their work. These spaces and can be used for daily projects or longer term projects.

Artistic residency at BAC will be provided short term and subsidized spaces as well as a supportive environment for artists of various levels to produce while participating in programs for and with the community and for participants.

The general public will benefit from the various programs offered at BAC by attending performances art exhibits cultural presentations and support local artists.

Sal Carrera: I want to take this opportunity to thank the numerous people that wrote letters in approximately 24 letters came in for in favor of and approximately 24 letters came in that had major concerns with regards to this application.

Sal Carrera: Some of the Favorable ones, which I want to mention, and they are all online for you to take a look at was staff of BAC and also the owner and Camp O Who I really appreciated clarify that for the past two years camp O all was very successful with their indoor and outdoor presentations of camp, not realizing it was not an approved use by the ZBA Special Permit that was granted in 2016

Sal Carrera: While all of the additional uses and activities that are being requested this evening by Bethany, there are a lot of questions that the ZBA members have to take into consideration.

Sal Carrera: Number one, are they related to the arts, and number two, are they allowed by the special permit and an R40 zone? That being said, I'd like the representative or the owner of the BAC to give his presentations, and then we'll try to move forward with the questions that we all have.

James Blair: Sal, would you just read, pardon me for interrupting, but could you repeat the second item that was to be covered the core question to be answered the first being, are they related to the arts and the second was what?

Sal Carrera: Are they related to the arts, number one, and number two, are they allowed in the special permit area of R40 residential zone.

James Blair: Thank you.

Sal Carrera: You're welcome.

Sal Carrera: Okay, I have a representative or the owner of BAC give their presentation.

David Lyons: I'm David Lyons, the founder and Executive Director of BAC community.

David Lyons: JB Hernandez, our Architect, will present a presentation, JB?

Jorge B Hernandez: We have a presentation tonight may I share my screen.

Sandy Anelli: Yes, you can share your screen.

Jorge B Hernandez: My name is Jorge B Hernandez, The architect for Bethany Arts. Bethany has been involved with us the beginning when we started with this process of Creating this art community center BAC.

Jorge B Hernandez: Today with us we have with us David Lyons, Laurie Birrittella and Jessica Irons and also we have a legal counsel who will be listening and participating in the conversation.

James Blair: Who is Counsel?

Jorge B Hernandez: This is Counsel, Lauren Erbst and JJ Harwayne Leaner, here's the names you have it listed on the screen.

James Blair: I see it now.

Sal Carrera: Yes. The name of Counsel.

Jorge B Hernandez: Here on the screen.

Sal Carrera: Okay, I see it, thank you.

Jorge B Hernandez: These are the items that were part of the original notice as Chairman Carrera pointed out, this area we are all familiar with the Tavano area and we have the Stongate area and this is how the Bethany, the 24 plus acres that we have here. This is an aerial view. Some of the improvements which came from the original site plan approval.

Jorge B Hernandez: This is what we've been discussing and we've been trying to adjust as we move along, area for sculptures area for sculptures and events in the garden area and a more updated drawing shown more realistic location of the trails. This originally had longer trails now we have shorter trails right now.

Jorge B. Hernandez: Again, another aerial view to show some of the trails and some of the orchard that was planted and some improvements that were done on the property.

Jorge B. Hernandez: Just to take you along a little bit in the special permit timeline, Bethany was founded in 2015. In November 2016 we're in front of you, and was issued a special permit for us to utilize Bethany Arts Center. In December, a month later, we obtained site plan approval and after a year of construction work on January 2018 the Bethany Arts Center opened.

Jorge B. Hernandez: In October 2019, we obtained a renewal of the special permit by your Board, to get renewal I believe, for its initial use. It is at this time during the special permit renewal process, it became apparent and brought to our attention, that to do this, it's been beyond our expectations, so we had extended beyond the special permit list of activities especially with the camp. The special permit did not include any such activities so at the Board's request we decided to pursue request for an amendment to the special permit former approval to include this activities and that is why we're here tonight.

Jorge B Hernandez: In anticipation of having this approval in place. There were some planning. We had hoped to have camps this summer but due to Covid 19 and everything that has been going on. We have not had a meeting since March of this year. We had one scheduled for March 16. We would also like to reiterate that no outdoor camps have been held since then. This is some examples of what has been going on for the past two years. A lot of involvement with the community and help in all the group support that we have.

Jorge B Hernandez: We also have tried to address some of the issues that we saw and read in our neighbors comments about traffic. Most camps are bussed in. We don't see an increase in traffic due to the drop off either because it will be with the school buses or it will be alternate time drop off schedule.

Jorge B Hernandez: Noise, we are aware of all the noise activity. Most of the Noise activity will occur not near the property lines. If we go back, you see the aerial view that we have for all the properties, you will see that the neighboring properties are much closer to each other than where they are to the trails, or to Bethany arts and also the footprint. We are not increasing the footprint, the pavement, not increasing size of the building. There's no we're not proposing to remove any trees. You know, these are all the campus all environmental friendly activities. There were there were another some questions about Artoberfest, security, and how that will work.

Jorge B Hernandez: One of the Board members raised concern to the connection to the Briarcliff Peekskill Trail and Teatown Reservation. We have added some additional information by Mr. Lyons that he has addressed in some of these other issues. So, and also the number of participants. Is that something we can talk about as well with the Board members and this is just to give you an idea of all the local communities and groups, we've been involved with in helping and ask them from the school district to Theater O as you as you mentioned, the river fund that have utilized our property, not our property better. Awesome. So I don't know, David, you would like to add something or Lori to this.

David Lyons: If anybody has any specific questions, I'd be more than glad to answer them. I did follow up with a more detailed explanation of the 10 points that were on the original application.

David Lyons: Specifically for the trail coming from Ryder Park. Again, the Town and the Westchester Land Trust came to Bethany. We're trying to be helpful.

David Lyons: Since that initial meeting and I don't foresee this going too much further. But again, should something come up, of course, we will come back to the town to if any trail is created and go through the process that we need to go through for that.

Sal Carrera: Any, other additional comments Jorge or Mr. Lyons?

David Lyons: No.

Sal Carrera: Okay, so let's go

Dave Whitlinger: Sal, Could you elaborate on the programs with the school district. Can you talk about what goes on there?

David Lyons: So far, what we've had an after school. We started with a Hispanic music and dance program. Tapping into the large population of Hispanic people in in in Ossining. We've worked with Theater. O in a sort of theater after school. In coordination with Theater O, there was a bilingual, although it was online this past spring. Jessica, maybe we can come up with some of the other items that we've had. Jessica Irons is our Board Member and Theater O owner.

Jessica Irons: Yes. Hi. I can't see myself, JB could you stop sharing your screen?

Jessica Irons: Okay, thank you.

Jessica Irons: And so last year in coordination with the school district. We did a where the kids were dropped off at Bethany from the schools and we did a

Jessica Irons: A bilingual theatre program where they met for 45 minutes they took an acting class in English and Spanish and 45 minutes they took a musical theatre class in both English and Spanish. And they did that for six weeks and it culminated in a presentation for families. It was pretty great. They arrived at Bethany, we gave them a healthy snack. And then, you know, 15 of them would go to one class 15 would go to another and then they would switch.

Sal Carrera: indoor, or outdoor?

Jessica Irons: It was all indoor. Indoor. And additionally, I used to be the president of Ossining Matters. The school district Education Foundation. And right after I'm is presently think we held our and our, our, our benefits the annual gala that raises the majority of the funding for housing matters we held it for two years at Bethany and was a great space. It was very conducive to the environment.

Jessica Irons: I'm trying to think if we had done we've done so many things in the last two years. Right now, that's all I can come up with for what the school district certainly Bethany as a community partner with the school district. And I know that they the school district is very interested in using outdoor space with their community partners in the fall and the, I think that there is, Both David and I have attended community partner meetings for the last two years.

Jessica Irons: Oh and Bradley's here. He could Bradley Morrison, who's the head of cultural arts can also speak to what happens in the school district between the school district and Bethany, but we are also and I'm losing my train of thought, I'm sorry,

David Lyons: We also hope to utilize the space indoors and outdoors to build on what we've already started. To include as much of the school district and however we can help them be you know partners together, especially in this time of limited indoor space that being limited

Sal Carrera: Mr. Lyons, this is Sal Carrera. What is the driving force behind the additional amendment for all outdoor activities?

David Lyons: It is really to expand on the idea of art being limitless and it no such thing as too much art. Also using the outdoors. It's how I grew up. I guess in a different world where being outside was much more, you know happened every day and it would be great to provide a space that it can again happen every day. In fact, during the Pandemic the local kids have been, you know, coming on to the property they might live on Tavano, riding their bikes and just hanging out doing what kids do.

David Lyons: And again, it's just to promote a wellness of being outdoors and influence with the arts of making a, you know, a space where everyone can grow and grow together.

Sal Carrera: Alright, so part of my questions and comments will relate to that, even though the original approval for BAC was for indoor use the past two summers, you had a camp over there anyway, that is correct or incorrect?

David Lyons: That is correct. As you can see from the meetings from the meeting in November, I believe it was where I was present between before the Zoning Board.

David Lyons: That, again, it was a misunderstanding and miscommunication and just not understanding on my part. And it was a complete mistake on my part. And again, profusely apologized. Then, and I will profusely apologize again, it was not done that of malice or trying to be underhanded it was utilizing the trail, which was part of our original application. So it really did not occur to me to have kids on the trail would have been that big of an issue and

David Lyons: Upon are going for renewal and all these things being present I again, I apologize. And I said, I would not move forward with anything. And we have not moved forward with anything, not only because of the Carona because we have not been able to get in front of the board to do anything.

Sal Carrera: Right, so with regards to that is that if you take a look at your webpage in January of 2020 and this is prior to any Covid 19, You still advertise for summer camp coming this August, at least the application that I saw even without approvals in place just like you did the two year prior, which I understand, and we accepted your apology. And again, you said you would not do anything without getting approvals. But you take a look at your web page in January and you are

advertising as \$600 per child a summer camp a show camp. Okay, for this coming year. So for me,

Jessica Irons: May I address that?

Sal Carrera: May I finish, please?

Jessica Irons: Sorry, I'm so sorry.

Sal Carrera: No problem. No problem. So I, I appreciate and so does the Board with regards to, know your intent and all of the laudable activities you want to go do but what comes back to haunt me, to some degree, especially when this is for the arts is that I could not put my finger on "for the arts". When you rented out your parking lot for nothing, but a stage parking area for a movie that was being done and I take a look at a number of the new activities that you want to do outdoors, other than the walking trails, and that would be, you know, the summer camps, the outdoor theater, the Theater O, how does that relate all to the arts from a philanthropic obligation on your end, I'm trying to put together two things; "for the arts" and also what's allowed and an R40 zone and whether or not everything that you're telling us now is a complete itinerary on what you want to do to that site, or are you going to come back in three months or six months and say, oh, by the way, I really like to go do this on the site.

David Lyons: Thank you very much. As far as putting things up on the website and having them on the website. The way it's been my understanding that creating camps and projects in the future is especially camps, is that you need to let people know. Parents, especially are looking for what their kids are going to do. Starting in January, February, and March with the idea that we were going to be in front of the board.

David Lyons: No later than March expecting to have a couple of meetings, I could not have imagined Covid, number one but that the process would have taken that long to where we not would not have been able to have that in August.

David Lyons: Again, with everything that has been going on. If you take a look at our website, along with probably many other websites, things that are up there today will get taken down tomorrow because they just they get canceled because of the Covid situation.

David Lyons: Addressing the situation with the parking on the lot. Again, we went over this last meeting. And again, I apologize. I went on some faulty information and the line of having to pay for everything that we create and giving our first program after school program was pretty much for free to get those things paid for. I overstepped my bounds. I apologize. I will apologize again. We haven't had any situation since and we won't have a situation again, unless I have permits in in writing in my hand and the town is fully aware of everything that's going on.

David Lyons: As far as connecting all of these items to the arts. That would be the only item that would be a stretch, but can I point out that we do need to Con Edison as a for profit entity and if I want to have gas and electricity. I mean to make some money somewhere. And I decided to try and make it there so I wouldn't have to charge the kids at our Hispanic music and dance program which we had 40 participants and 36 scholarships

David Lyons: Everything else that you mentioned, I believe, is directly connected with the arts. If there's one specific item that is not, I'll be more than glad to address it.

JJ Leitner: But David. This is JJ.

JJ Leitner: Outside counsel to Bethany arts. Is it okay if I speak for a little bit on the arts component?

JJ Leitner: And whether these things are not artistic activities philanthropic artistic activities.

David Lyons: I would be more than glad to hear your, your point of view this is JJ. It's our attorney.

JJ Leitner: And let me just say, just so you know, by way of background, I only represent tax exempt organizations primarily organizations like Bethany arts that our charities about 90% of my practice is charities and I've been doing only that for 20 years so

JJ Leitner: If I could just speak to the artistic component. I mean, to me, the, the definition under any federal or even state statute.

JJ Leitner: Of artistic and educational is extremely broad and those are all considered charitable activities, whether you know someone else deems them not to be, but under Federal and State law any artistic and educational activities are 501 C three tax exempt activities there in the charitable world sort of just by virtue of what they are and they don't have to sort of pass muster on whether you know anyone feels that they're valid or invalid. But so in turn to the activities being artistic, I feel like, and I'm happy to address any of them that you are wondering about whether they would pass muster at the IRS or under, under State law. I'm happy to talk about that.

JJ Leitner: But if I could, and I will say this. I'm not a zoning lawyer I defer to all of you for that and I understand there was a permit issue with the parking lot, but just in terms of tax exempt organization is allowed to rent out its space and earn that kind of money and it's not taxable. And it's not problematic and it happens all the time. So I just sort of wanted to add that in. And if anyone has specific questions about artistic activities educational activities or things like that, I'm happy to answer.

Sal Carrera: We will get to each individual page that he sent in with regards to whether or not we all agree from a legal standpoint and I'm not an attorney.

Sal Carrera: And I'm fully aware of, not for profits, but I also know you have to make a living and I'm fully aware of that. But it's hard for me and I'll have my other board members talk about this for you know, a vegetable garden, the honey bees. I mean, to me that's really, I mean, the art is in the heart of the beholder is that, you know, it's hard for me to say, this is arts, with regards to having, whether it's a community garden or an individual garden because there's been some misinterpretations with regards to the presentation is that in the original they were going to break up plots for the community and now it's going to be a BAC community vegetable garden.

Sal Carrera: Bees are not allowed, and the town of Ossining and there's a specific okay cold with regards to that. And I don't see how that is, you know art related in any way, shape, or form. I understand what you're saying about the parking lot and I'm not the building inspector and I would ask him at a future date if it ever happen again. But renting out the parking lot, okay, this is supposed to be a charitable organization.

Sal Carrera: On anything and everything that you're doing and when you take a look at, Camp O, is that, you know, some of the questions I would have for Mr. Lyons, is that did he have all of the county, state and local permits to have a camp there with all the right insurance and the Town of have any of this paperwork in front of them before for two years. He had a camp indoor and outdoor, I do not have a problem. I don't think my board members have a problem with regards to anything indoors. The main crux of this additional amendment now is for all outdoor activities.

Sal Carrera: And I could ask a question and say, so for eight hours a day, five days a week for camp O or summer camp or outdoor activities. What are you doing relating to the arts with regards to that?

JJ Leitner: Well.

David Lyons: I'm going to let Jessica speak.

Jessica Irons: May I address that?

Jessica Irons: Yeah, so with regards to the permit when we look into camps and doing them There are two kinds of camps in Westchester County. There's an educational camp, which is like something that is thematic so a lacrosse camp is actually an educational camp. A rock band camp a theater camp a Harry Potter camp. These are all thematic camps and they don't actually require a permit from the county.

Jessica Irons: And so we didn't have to get a permit from the county. We also don't serve food and we don't have any swimming activities, which is another big component. When I looked into that.

Jessica Irons: However, in terms of the artistic activities everything in that camp is viewed through an artistic lens. So we do improv classes where we put Harry Potter class characters together and you know you'll take Hermione and Dabi and they will come together in a, you know, the Forbidden Forest and they will do a scene that they will create a scene they created their own quibblers articles. The quibbler the Harry Potter newspaper that they both wrote and illustrated. They created Petronas puppets and the mentor puppets. They wrote wizard rock songs and performed them for each other. So in general, everything that happens in that camp is through the lens of art. Now, there they are certainly involved in the imagination world of Harry Potter, which I would argue is absolutely an artistic process.

Jessica Irons: I would also say that in our show camp is indoors. It's always been indoors. It's never been outdoors. We've done it indoors, we put on a play. We build a set with the kids and they create a piece of theatre together last summer it was Alison wonderland.

Jessica Irons: They took huge swaths of fabric and created with Chalk. They created on the swaths of fabric. They created a magical world, we hung them as flax, they built their own set and they performed it and they were age six to 10 and there were 11 of them. So that would be the artistic activities that Theater O does at Bethany.

David Lyons: Like to speak on the gardens in the bees.
Excuse me. The bees we've, I've reached out to the town supervisor to inquire how we go about to get some amendments, amendments made for having bees upon looking at the zoning code. I could find nothing that stated bees and it was not until one of my neighbors pointed out the section that says if it's not listed here. It's not allowed.

David Lyons: That was a little unusual. I thought, but again it was I could put the bees in with the idea of that they are all good for the world. We need more of them honey bees are so important for the way of life that we live. As far as the gardens go, I will disagree with you, respectfully and present the idea of culinary arts

David Lyons: And what can be done with those and what can be done with those and intermingling it with an educational aspect to get a little bit on get some healthy food that kids can grow harvest and eat and prepare in a very artistic way. So I believe that you can include the gardens to include culinary arts.

David Lyons: When we first started this project our Communities and our name. I thought it would be beneficial to offer the community places to grow their own vegetables with the pushback from some of the neighbors about having public allowed within so many feet of their property. I would be more than glad to remove the component, the community component and just keep it to, you know, employees and people who are affiliated with Bethany, who have been checked out would only be working the gardens. And hopefully, creating educational programs to go along with those

Lauren Erbst: David, one of the additional thing. This is Lauren Erbst David's Council, Bethany's Council. Permitted use under R40 the one family residence district are commercial agricultural operations, including raising a field and garden crops truck garden nursery or commercial greenhouses, subject to certain restrictions, but may currently comply with those restrictions. So it's not an exception to the permitted use for the R40 districts

Mark Schultz: So, so that is a commercial use. And then you guys are nonprofit, so that section doesn't apply.

Mark Schultz: You're not a commercial, not selling stuff you're not, you don't have. That section is not relevant to what's being discussed here.

Sal Carrera: Who is speaking?

Mark Schultz: A Mark Schultz 14 Tavano Road.

Lauren Erbst: I will have to look into that. I don't know if that is ...

Mark Schultz: I mean, it's pretty clear that's in commercial. You guys are not commercial.

Sal Carrera: You're a not for profit philanthropic. I mean, this is all not-for-profit.

Sal Carrera: And you're right, because I read that Code and it is with commercial. I understand what Mr. Lyons said with regards to how to back into it as an art with regards to maybe it originally was breaking up lots and whether or not you are going to rent them out to the community people and/or now to BAC.

Sal Carrera: I wanted to get a full explanation of that. Which he has shed some light on and I appreciate that. But I also know that it is not a commercial entity and I don't think in this special permit area of an R40 zone that Pertains to you guys.

David Lyons: I was never meant to rent out any spots to anybody. They were going to be given free access.

Mark Schultz: No, it's just that your attorney was saying that this this was allowed under the Code under this commercial use thing and that's not correct.

David Lyons: I understand what you're saying. And my attorney will look into it, we can get back

Mark Schultz: Okay.

David Lyons: But again, we are not going to be renting out space.

Mark Schultz: I understand. I just was clarifying what your attorney was saying.

Sal Carrera: Thank you, Mark. I really appreciate that input. With regards to ecofriendly organizations.

John Hamilton: Sal, may say something here real quick?

Sal Carrera: Yeah, sure.

John Hamilton: David, I just wanted to make sure we were on the same page, you spoke to the town supervisor about possibly changing the law or whatever the case may be, regarding the Bees that you have. But until such time as they agree to do something, you are not allowed to have them.

John Hamilton: You can, as an option, file a zoning board appeal for a variance, which might go through but either you'd have to apply to the zoning board or you would have to get rid of the bees until such time as a law is created that would allow them.

David Lyons: Okay, I apologize. I thought I had to go to the board of supervisors, because they were the ones that made the code, but I was. That's was my impression. You're telling me I need to go file an application with zoning board, not the Town board?

John Hamilton: You have two options. You can go to the town board. It's not the town board of supervisors, it's the town board, and ask that they can create a new law.

John Hamilton: If they do that, without it you would have to either remove the Bees or request the variance from the Zoning Board for keeping the Bees on the property. So you'd have to file a separate zoning application for that.

David Lyons: Okay, I just wanted to be clear that it was zoning, I have to go to, not to the Board of Supervisors.

Sal Carrera: I want to, you know, reference again, you know, your comments from last October, when we were renewing this and the problems with the parking that you spoke to the town supervisor or any of its members or the administration.

Sal Carrera: The bottom line and we said this before, and I'll reiterate it again today, is that there was a town supervisor and there are members of the town board. They have various boards. Like the ZBA and the planning board, those boards are the ones that make decisions with regards to request for zoning changes, amendments, special permit zoning. It is not the town supervisor. Unless, okay, it is a specific spot zoning that they're going to change themselves.

Sal Carrera: That that's up to them. But when it comes to zoning issues or changing the current zoning, you know, unless they change it by a complete full board and it has to do with, you know, the whole town, this is, this is not like spot zoning, you have to come in and like we said before, you go to the building inspector this way everything is transparent.

Sal Carrera: Everything is transparent. You ask a question, you get an answer or you get a recommendation of putting in an application for something like you're doing now for additional uses in an R40 special permit. Okay, and I guess while we're at it, John Hamilton our Building Inspector. We already approved a certain number of items for indoor use as a special permit in this R40 zone.

Sal Carrera: And that is specific and it's all there and what we agreed to and voted on is that in everything that Mr. Lyons has brought forward to date, okay, is there an interpretation that you can give us that would include all of these items like a summer camp and a Camp O, outdoor activities, outdoor for philanthropic and arts related usage?

David Lyons: I believe I did provide one that was part of the package. It was sort of I took the 10 bullet points that were on the notice.

Sal Carrera: I know, but I'm asking John whether or not these items that you listed and they all basically art based on educational summer camp and outdoor children's theater, River Fund, use of walking trails for outdoor exhibits, collaboration with ecofriendly organizations, trail systems, Artoberfest, outdoor and school programs whether or not. There's another one, oh yeah, the honeybees and the vegetable gardens, whether or not they fall into the special permit basis of an R40 zone.

David Lyons: I understand that and...

Sal Carrera: I'm asking John. I'm sorry, Mr. Lyons, I'm asking Mr. Hamilton. Okay.

John Hamilton: In a normal situation, the answer to that is no. Camps etc. are not allowed. However, you are indicating that it is philanthropic and I think if you present to the board some type of proof that each item on there is philanthropic in its majority, for example, one of the camps that you mentioned, if it's an eight hour camp, how many hours is it broken down, whereas, the majority of the time towards these kinds of activities and how it ties into a philanthropic situation. I think that's what you would need to submit, it could be analyzed and then a decision would be made based on that, that is my feeling.

JJ Leitner: May I ask a question? This is JJ Leitner again. Can I ask a question about that, please? My question is, and maybe I'm coming at this from the point of view of dealing mostly with the IRS and state level definitions of philanthropic and artistic and educational, but when you say, the majority of the day and you're talking about an educational arts camp, where is the authority for having us, and I'm not suggesting that you don't have the authority, I'm just asking the question, where's the authority for us to prove to you that all eight hours or artistic and educational when it's a children's educational and artistic camp and they're there the whole day. What would you suggest that lunchtime is not artistic and educational because under any regime at the federal or state level. There's no question that a camp for children that's artistic and educational, and by the way, the camp doesn't even have to have you as this one does or would have artistic and educational components to be a 501 C three eligible entity, because the IRS and In any state entity would see any camp for children with activities for children indoor or outdoor as something that is eligible for 501 c three status as a tax exempt concern.

JJ Leitner: So what is the justification for saying that we would need to tell you that every hour of every day is spent on something artistic or educational for you to approve this?

Sal Carrera: What let me go back and I'll reiterate what John is alluding to is that what I'm asking John, is that in the special permit of an R40 zone, there's nothing in there that allows a summer camp, or okay daycare or after school activities. It's not listed as a use. We had no problem in granting this three years ago because it was all going to be all indoors and didn't affect a residential zone. So with me personally, and I'm only one person on this board is that you're asking, well your clients are asking, for numerous items that are not listed as a use in the R40 Zone under a special permit.

Sal Carrera: Now, if you're coming to me and there's something to think about, if you're coming to me and saying, I want a use variance for that site, that's a little bit of a different story, because then there's different obligations and criteria that you have to follow.

Sal Carrera: But when I back into this, and I listened, I go, like I said, I'm not an attorney, I don't know what the IRS rules and regulations are for not-for-profit, we're all novices looking into this. These are all laudable uses before us, during or after Covid 19 but the zoning is the zoning. I didn't write the zoning I follow what the zoning code basically says, and it says this is an R40 zone and there are areas in the zone for special permits and a majority of these items don't fit into it.

John Hamilton: Let me just say something, if I could?

John Hamilton: We're not, when I look at the zoning code, whether or not your tax exempt is meaningless to me. That doesn't mean anything.

John Hamilton: I look at to see what the uses for your a philanthropic organization and you're using this philanthropic way. So all I'm asking, as the zoning compliance officer, is to show me, well, how many hours per day, do I to expect you to include lunch, of course not do I expect you to include breaks. No, I don't.

John Hamilton: But if you're going to tell me somebody comes in and says, well, we spend 20 minutes doing arts, the rest of the time we go out, play baseball, that's why we asked these questions because, well, you can shake your head, but that's why we ask questions.

John Hamilton: We have to find out exactly what you're using it for. If you're using it for 90% of the day as philanthropic, I can understand it. If we're using it for 10%, I have difficulty with that. So that's the reasoning that I use, whether your tax exempt or not doesn't mean anything to me.

David Lyons: Mr. Hamilton.

David Lyons: Just real quick Mr. Hamilton, I understand what you're looking for and I will give you as many details as far as the use of the day as possible with all these different information.

John Hamilton: That's super Dave, thanks.

Sal Carrera: That's what I'd like to move forward with regards to answering some of these questions.

David Lyons: I think Mr. Blair would like to say something. Mr. Blair is raising his hand.

Sal Carrera: I don't see anybody coming in. So what I'd like to do was

James Blair: John, Sal.

Sal Carrera: There we go, one by one I would like to have the board members start asking questions, or give comments.

James Blair: I guess I'll do it that way.

James Blair: I'd like to just address the question to John. John, have you looked at permitted uses in B.4. and whether or not the uses which you're finding not to be allowed because we have some fairly specific philanthropic and eleemosynary requirements that are attached, does all that just get sort of swept away under four?

John Hamilton: Well Jim, we haven't made a decision on anything.

James Blair: I'm talking about when you're looking at it.

John Hamilton: What I'm saying is that I'm looking at what was presented to us. This is what was presented to us, they're requesting a variance on philanthropic grounds and that's what we're looking at. Nobody said anything about applying for another special permit. I'm looking at what they've applied for and that's where I'm going.

John Hamilton: If you look at this other section 4 you'd have to look at section C as well, which says any such use shall not be conducted as a business enterprise, whether or not that would fall in that I can't answer that question.

James Blair: Well, I think, wouldn't it be true John, that if it's an eleemosynary operation then by definition it would not be a business enterprise.

John Hamilton: Well, Jim. Again, I have no proof to anything other than people telling me well, this is what we're going to do. Normally, you know we have a lot of attorneys on the screen, you'll ask for some kind of proof. I can answer questions when I don't have any information.

Sal Carrera: Christie, are you there?

Christie Addona: Yes.

Sal Carrera: And can you give any insight into what the Jim is asking?

Christie Addona: Well, so what's before the board is an amendment to the special permit that was granted in 2016 and as it's been discussed that use is the philanthropic institutional use and so what Mr. Hamilton and the board is looking for is ways to understand how what the all these new uses that the applicant is proposing fit in that that use as it's used in the zoning code.

Christie Addona: No one has, that's the only application that's before this board is for an amendment to the existing special permit. That's how it was presented in 2016 and that's how it was approved.

Christie Addona: The applicant could make an application for another special permit. I think we would have to look into whether you can have multiple principal permitted uses on a lot. I don't think that's advisable. But that's, that's something that's not really before this right now and hasn't really been presented itself and may end up being a moot point if based upon what the applicants submits, the board and the building inspector are satisfied that what they're presenting does fit within that use as they've been approved to this point.

James Blair: I was just asking John for a reading since he was giving us a detailed reading on eleemosynary whether or not if he read for the things that are we're talking about here. What in his in his judgment fall within the section four and the language there, I was asking John for his opinion.

John Hamilton: Yes, my opinion at this time Jim is that I would like more information, I don't want to give an opinion, then find out that it's wrong when I get different information.

James Blair: Well, you have information in front of you John, as to the things that are occurring and you have been presented by this applicant.

Sal Carrera: Jim, if you listen to Mr. Lyons. He said he would get back to us with regards to the question of how does all this fit into you know his request and okay regarding the arts. So let him answer that and then we can have him get back. Do you have any other questions?

James Blair: I may have some more Sal, but I'll pass.

Sal Carrera: Okay, next.

David O'Neil: David. Oh yeah, hi Sal, this is David O'Neil, so I did have some questions that were initially related to the package we all received in the mail about a week or so ago and then kind of a follow up to that is there was a plan shown earlier that looks to differ substantially from the plan that was shown, but sort of a general comment related to the plans that were submitted, is I really don't have a good handle on what outdoor activities are being proposed to be conducted on what areas of the site. They're sort of general hatched areas on a diagram for the garden and for outdoor events. I think what I'd like to see is a drawing that shows the site plan with a little bit more context relative to adjacent neighbors.

David O'Neil: There is something along the lines of 35 to 40 properties that abut this property. So it's hard to really get a handle on what activities are being proposed, in which areas of the site and sort of the proximity to individual adjacent properties, I think, and then secondly, there are a number of outdoor activities proposed and the question related to that is, is there any sort of site modifications or physical construction that would be related to having an outdoor theater performance or their amphitheater is I believe in the application from our the meeting from last fall there was mentioned about having some sort of portico or other area related to outdoor activities. So I guess getting a better handle on what these outdoor activities and entail sort of beyond the hatched area, you know, on a site plan.

David Lyons: I would like to throw in that with my more detailed explanation can be reconfigured but we will add more details to the drawing of the property and be a little more site specific on the specific areas of the property when we submit the additional details that Mr. Hamilton is also looking for.

David O'Neil: I think that would be useful, I think, JB had shown an aerial photo which did show a lot of neighbor and context. So it was more of a composite on that type of photo or something along those lines. That would be useful.

Sal Carrera: And then adding to that, I would definitely want to have that hundred foot buffer for the regulations of how that would affect both sides of the piece of property in the backyard residents that face on to the site. So yes, I think, more detail is definitely necessary on that.

David Lyons: Definitely will.

Jorge B Hernandez: Definitely, we will definitely then create a more detailed site plan and we will bring all the properties surrounding properties. So we can locate those in really giving them more context to its proximity to the activities and which activities.

Sal Carrera: Okay.

Sal Carrera: My other two David's, anything from you guys?

David Krieger: Well, yeah. Sal, Dave Krieger here.

David Krieger: Okay. Hi. I would appreciate more detailed explanations of all the proposed activities and how it relates to the art and also some thought about the neighboring homes about fear impact on the homes as far as the traffic and noise and possible trespassing of campers, just as an input.

David Lyons: I will, I will add all those details to the best of my ability.

David Lyons: When I send in this additional information.

Sal Carrera: Okay. And in addition to that, with regards to architect. Depending on what this board may or may not approve in the future. I think the architect should take into consideration that depending again on what we vote on whether or not you know a traffic study is going to be necessary or an environmental impact, especially with regards to digging up the property and planting gardens and the addition of school buses coming in and out of that site on a State Road. I think that would be very important than necessary for us to have with regards to something in an official statement.

David Lyons: Or excuse me. Are you telling me you want me to do another traffic study?

Sal Carrera: Well, the bottom line is that you're declaring your negative your negative environmental impact statement from 2016 okay that did not include any of the additional uses that you want today that are outdoor.

David Lyons: Okay, now I just wanted to be clear, so you need another environmental study and another.....

Sal Carrera: I would be it depending on, I just, I'm just making it aware being transparent depending on how this board votes and I'm only one vote, is that I would be asking for that, depending on what we vote on or do not vote on.

Jorge B Hernandez: So we will see if we there's certain thresholds threshold, we can review that we see, we need those to you that will require a new environmental study. I don't believe we do, but we will certainly to look into it.

Sal Carrera: Okay, David W.

Dave Whitlinger: Good evening. Thanks for your time and your presentation. And thanks for the public for participating. So a couple of things. First, could you talk a little bit about the things that were in your 2016 application, most notably the outdoor things, most notably the meditation trails that we're going to be rehabilitated and put to use and also the apple orchard that was going to be rehabilitated and was going to be used. Did those activities that occur and what happened there?

David Lyons: Yes as far as the original plan we did. And you can see some from the some of the up shots of the of the of the back property, we did cut in the trail, as proposed, maintaining it wood chips public is more than glad to come and use it and we did replant the orchard.

David Lyons: I'd have to double check my numbers, but it was approximately 20 trees, a mixture of apples, peaches and pears.

Dave Whitlinger: Okay. And, you know, the and they'll take years before they're mature enough to produce and do more with them, or are they

David Lyons: It definitely will take a few more years, they are producing fruit. This year, nothing major. Again, my idea was, first of all, fruit trees are good for the environment. It was something that was already existing when we took over the property. And so I wanted to, you know, bring it back to life, but there was nothing to be saved. So we put in all new trees, my original idea was to have the kids in on campus and we would be practicing a still life and the kids would have to go out into the field and pick their own piece of fruit and bring it back and draw the piece of fruit, hopefully one of them would have a bite mark in it because he got hungry. On the way back.

David Lyons: That was my original intention for the orchards was strictly more ornamental than anything there. They are not big enough, and there's not enough of them to really do anything other than that with them. Yeah.

Dave Whitlinger: And the meditation trails, are there sculptures on those trails now or are they.....

David Lyons: At this time, it's really just a trail, I would like to put some benches out along the trail for people to sit. Part of our application now is to make access of the trails more for like a an exhibit so we can have artists put installations pieces of artwork, which then can be enjoyed by the public as they walk by and see a sculpture.

David Lyons: I was hoping that the sculptures would be claimable so the children can come in, it would not be a, you know, usually, you see, "don't touch the art". I'm not a big fan of that. So the idea of like "please touch the art" and "have kids interact with the art on the trails" was another thought that I had.

Dave Whitlinger: Okay and I'm just by the, by on a bee thing. As you probably know, many Westchester towns have Bee ordinances, because they wanted to encourage beekeeping in light of the pressure or the ecological pressures have been put on these over the last decade, do the pesticides and such. So when the town does choose to create ordinances to support Beekeepers in the town. There are plenty of neighboring towns that have already done that and but certainly have text that to be used to create those town laws, if necessary.

Dave Whitlinger: A couple more questions. So with That I think a lot of the questions with regards to the outdoor activities are probably going to come down to what you could imagine as being The number of people, the number of cars, the number of external things if they're going to be outdoors. So I think we'd encourage you to provide those to the best of your ability to provide those kinds of details back to the board when you create materials for the board and the public to review.

David Lyons: I absolutely shall. I was hoping to delve into that detail in the description that I gave for each of the 10 bullet points.

David Lyons: Just to get back to the bees. Again, I'm not sure who I need to go to, but I have. I'm hoping that not that for not to have Bethany just be given then permission to have bees, but that the code be changed for the whole town because I looked at the Ossining Village code they have codes for bees. I followed their rules in that there was none so I'm hoping to get the town to make for everybody, not just for Bethany rules and regulations for the bee permits and whatnot.

Dave Whitlinger: Yeah, yeah, that would make a lot of sense.

David Lyons: And speak to whoever I'm not exactly. That's why I asked about going to the Board of Supervisors, is that I thought for a town wide alteration, it was them. But if I'm understanding this correctly. It's the zoning board. I need to go.

Sal Carrera: Well for a zoning change, you have to go to the town board.

Dave Whitlinger: Yeah. So just to clarify, David, the rules are that it sounds like that because there is nothing in the town code that

allows for bees, the town code has been restrictive and says it doesn't allow for bees.

Dave Whitlinger: But the town board has the authority there do one of two things, create the code, much like almost every other Municipality in Westchester has already created code allowing for beekeeping in the town and creating what the rules are around that such that properties could have beekeeping or creating a variance, such that, or sorry, creating a zoning change such that the properties in R40 would be allowed to have bees either way it's unfortunately not on the table right now. So this would be a variance discussion.

David Lyons: So, absolutely and just to be clear when you said the board, which board?

Christie Addona: Can I speak to this? Sorry, I just want to be clear, and I think I want to put this to bed. I think this is a conversation that you can have with John Hamilton offline. I think he's already given you some of the information

Christie Addona: There's two mechanisms available. If you want to, an amendment to the code that's the town board, the legislative board of the municipality. There is nothing on the books right now and the town board is under no legal obligation to undertake the legislative acts. That's not to say that they might not be inclined to do it under appropriate circumstances and you can only present to them, but there's no guarantee that's going to happen. So, or when it would happen if it was so for the time being right now Bees are not allowed. The building inspector has made that determination and if, when, and until the town board decides to allow beekeeping under whatever circumstances, it may decide, your only remedy in order to be able to keep the beat on your property is to seek a variance from the Zoning Board. This Board that you are before right now, but that is not an application that is currently before this Board. So for the purposes of this application, the beekeeping is not up for consideration.

David Lyons: Right, I understand. I just wanted clarity on who I go ask, and I will reach out to the Zoning Board tomorrow. Thank you.

Dave Whitlinger: Okay, and the Peekskill trail and Teatown trail system connecting through. Could you speak more to that and what's the status of that and who's involved and so forth?

David Lyons: The Westchester Land grant and the town board supervisor came to me early on and presented the idea of connecting Ryder Park to Teatown reservation with the Briarcliff Peekskill Trailway. Bethany being a large piece in between those two points. Of course I was, you know, I'm a community person. So of course I was more than willing to talk about it.

David Lyons: Something of that magnitude would not happen without most certainly County. Okay. And I can't imagine it superseding the town's okay.

David Lyons: And at this point in time we haven't heard very much about it since. So I don't foresee that happening anytime in the near future, should the Land Trust and the town come back to us and requested, again, of course, we will go come to the zoning board or the planning board or the necessary entities that needs to be and address the situation appropriately. But as of right now, I have no plans to plead putting to be putting that in.

Dave Whitlinger: Yeah. Okay. And how many artists do you have in residence that live on site?

David Lyons: We don't have anybody who lives on site, some of the local artists that come they use studios, on a daily basis, and they are Ossining Croton town residents. So they just come during the day and basically it's between nine and five.

David Lyons: The residency programs that we have produced in the past, we are able to house up to 27 artists again temporarily it's nobody's resident of living there for the most we've had somebody is four weeks, and it's the least we've had somebody is one week. Yeah.

Dave Whitlinger: And what is the breath of the different arts that they have undertaken in their residencies, what are some of the different styles or types of art that they've explored?

David Lyons: We've had several individual residencies with professional dance companies Bill T. Jones and Arnie Zane being one and that was strictly dance.

David Lyons: We produce a residency program last fall Bethany's fall 2019 residency, where we had writers, photographers. We had a lampshade maker from Vietnam. We had a banner maker from Brazil.

David Lyons: We had, trying to think of who else, again we had more dancers. We had some performance people from New York City, who are working on plays and productions that we're in the process of being made. So there was a lot of rehearsing.

David Lyons: We have worked with Historic Hudson Valley and stone Barns in helping them further their educational purposes and it's more, it's more of just a very friendly relationship that we can each count on each other for.

David Lyons: We haven't had too much sculpture, although one of our daily residents does some sculpting. We have a photographer in. We have a lot of painters.

Laurie Birrittella: Writers.

David Lyons: What was that? Writers, we write.

Laurie Birrittella: Playwrights, play theater groups.

Andrew Irons: A puppeteer.

David Lyons: A puppeteer. Right, we had hosted New York State Folklore Society. Music from local people, Ted Daniels to the Cassatt Quartet. We've opened it up to local we had "I am woman, hear me roar" all female artists concert last year.

David Lyons: So it's really when I talk about the arts. Personally, I what isn't? You know there's no limit to what the arts are.

David Lyons: As when I say talk about culinary arts. The using food appropriately and artistically can be a magical experience. And if you in today's world of you know, the sort of farm to table and relationship with blue Hill, you can see that they are very all about the presentation and the art of the food. So really, you know, I try and make the umbrella that covers the arts as large as possible.

Dave Whitlinger: Okay, those are all my questions. Thank you.

Sal Carrera: Thank you, Mr. Lyons. Any other questions from my board members?

James Blair: Sal, I'll pick it up to where I left off, if you don't mind.

Sal Carrera: It depends on is John Hamilton still here?

James Blair: No, it's all right now with John.

James Blair: I still hear a dog in the background.

Sal Carrera: Okay, thanks.

James Blair: He's still there. My question to the applicant is one listens to the to the recitation of really righteous things that are being undertaken and what is obviously community goodwill that is emanating from people who are truly creative and the, the issue really from my standpoint is the fact that this activity is located in an R40 zone. I mean it's no surprise to anybody but I think the key to finding a center ground here is going to be you're identifying those exterior or outside uses which you feel are important to your mission and putting forward a plan that is going to address the potential and the stated and real concerns of your neighbors rather than just listing good works here.

James Blair: About the neighborly or zoning aspects of those things. And we talked about it before when we talked about identifying the zoning envelope that we're this Board's action in the future. And I don't think we can just, you know, throw up a lot of good intentions, without dealing with the legalities and I personally feel that there are reasons to try to find a way to accommodate the changes in or I should say in the activities that you want to do, and still keeping you know peace among our neighbors. So you've got to deal with those realities and those are the realities that Sal, I think is, is very ably presented here.

James Blair: He's our chairman and he's here to protect the community, but we had a very unique situation and we get 27 acres stuck in the middle of it or 40 zone. It's been used for years by a truly an eleemosynary institution, the Catholic Church. And we need to deal with now with a change in use. Potentially, an upgrade or a good use, but something that is because its outside is going to going to have an impact on the neighbors.

James Blair: And I hope that when you come back you know you're just sort of take that overview in your comments and not leave it to the board to try to kind of put words in your mouth.

Sal Carrera: Thank you.

David Lyons: I will be I will also include how we can address the neighbors' concerns and the additional work that I will be presenting to the board. Is that okay?

Sal Carrera: Sure.

Sal Carrera: Jim very well said. Thank you. We have a Tom Wills who is an alternate and he may have to step in if someone is not in over the next couple of weeks or a month when we continue discussing this issue, Tom, do you have any questions that you'd like to ask, or comments?

Tom Wills: No, I think the last speaker really got really close to the applicant's struggle and I just want to strengthen that I kept a tally of the notes that came to us and Thank you Sandy for sending a mock is no it's not unusual that we have in essence 22 positives and 24 negatives in this issue.

Tom Wills: And it wouldn't be who the applicant to make a larger effort in detail so that we can make a decision the 10 bullets are a nice start, but just as a gardener, when I see that amount of garden. I know there's going to have to be sheds. What about water? What about a lot of things in the garden area just alone?

Tom Wills: And the artistic thing really needs to be, Sal has made it very clear that the outside activities have really gotten the attention of the community. And I'm very sympathetic to what's going on here. I got my fine arts degree in Colorado in the 60s. I don't need to say anything more than that.

Tom Wills: I'm very sympathetic, but I'm really going to ask the applicant to help this board make a really clear decision on behalf of the law and this this very delicate community that you live right inside of.

David Lyons: I will do my best to be as detailed as possible.

Sal Carrera: Thank you, Tom. I really appreciate it have any other questions from the board before we go out to the public.

David O'Neil: Yes, Sal, I just had one more kind of follow up question.

David O'Neil: It kind of relates to the architect and the preparation of the more detailed site plan and looking at what areas go on what site plan and the question is directed a little bit at John Hamilton in the R40 district and there are height limitations on building structures and other types of things.

David O'Neil: Are there applicable criteria for things, for example, like sculpture if it's in close proximity to adjacent properties and things of that nature?

John Hamilton: We would treat the sculptures as accessory structures which would limit them to a height of 15 feet.

John Hamilton: David, not this Dave and I'm sorry, David Lyons or JB, if either one of you wants to call me 9:30 a.m. tomorrow morning, we can go over a couple of things with the bees and things like that. Okay.

David Lyons: I'll be calling you, sir, I should call the building department.

John Hamilton: Yeah, give me a call at 9:30 okay

Sal Carrera: Okay.

Sal Carrera: Since all of the Board Members have asked their questions.

Sal Carrera: And again, Mr. Lyons.

Sal Carrera: We have seven days open for additional public input and additional answers to questions.

Christie Addona: Sorry. Can I speak to that, so I think the applicant's gotten a lot of feedback tonight and we haven't even really opens it up to the public, yet the way the public hearing was noticed was that there would be a written comment period of seven days? If the public hearing was closed, another option that the board has that may be more beneficial under these circumstances is to adjourn the public hearing to a subsequent meeting so that the applicant may have a little bit more time to make a more thorough submission and then it would give the public, an opportunity to review that supplemental submission and provide public comment on that submission.

David Lyons: I only need a couple of days to get this stuff together for me, I'm saying okay if that helps.

Sal Carrera: Okay, so what I'd like to do the general public and those who wanted to say anything. Remember to give your name and address if you've written in. We have it on file and it is going to be put on the web. If you have other comments, and if you're next door neighbor is the next one in line and has the same repetitive comments we would appreciate just one person giving the comments. So that we can move on with this hearing. So I'll open it up. Now, one at a time to the public. If there's anybody that wants to give some comments.

Christie Addona: So the mechanism for doing so is there is a raise your hand feature.

Christie Addona: I believe

Christie Addona: On the left hands on the, excuse me, the right hand side of the screen under the list of participants. If you're dialing in on a phone, you can hit seven excuse star nine and that's the equivalent of raising your hands.

Sal Carrera: Okay, so saw nine if you called in. I did not see raising your hands. I see reactions share screen participants stop video and more.

Mark Schultz: You have to click on the participants. Like, she said. And then at the bottom of the participants pain.

Mark Schultz: Okay, fine. Raise hand option.

Mark Schultz: Right.

Sandy Anelli: I believe Beth Cohen is raising her hand.

Beth Cohen: All right. Good evening, everybody. You can hear me Sandy?

Sandy Anelli: Yes.

Beth Cohen: Good to see you. Thanks everybody for all your service you guys put in a lot of time. I really appreciate it. I'm David um when in doubt, reach out. It's quoted off of some of the information that you sent out to us, but we have cited multiple times where you have just To me run, rough and hard and basically just done what you chose to want to do as opposed to just picking up the phone and calling the building department.

Beth Cohen: So, you know, I'm not even going to go into the list because most of them mentioned already, one that was neglected was me looking out my back door. One evening and seeing the water tower. The town of Ossining water tower lit up with a projector for BAC see for your Bethany art center like a second moon rising over my backyard. So my question to you is, When are you actually going to pick that phone up and become more proactive like the rest of the neighborhood, like I would do when I'm doing work in my home when I pick up the phone and call Sandy and have to talk to Mr. Hamilton, why haven't you done it and when are you going to start doing that?

David Lyons: My apologies.

David Lyons: I didn't mean to disturb you. That was not our point since our meeting last November, and most of us had come to light. And again, it was due to my ignorance.

David Lyons: We have not done anything additionally, without picking up the phone, mainly because due to coven and waiting to get in front of the board. Our policy is, you know, if in doubt. I will reach out to Mr. Hamilton at up to this point, we haven't done anything additionally, on the property, since our last meeting in November.

Beth Cohen: Well, let us hope so. I guess that's all I can say there, you know, if things are happening back there. It's a big property unless we see it, we don't know you're doing it.

Beth Cohen: Okay, I know you're going to give us a lot more information I'm visualizing a minimum of 50 children out there that's a minimum because we haven't really addressed that.

David Lyons: I believe is I said it was a maximum.

Beth Cohen: For one camp and you included one other of your bullet points in that camp but other things were not included in that. So when you do address this. Can we get a much better headcount of maximum amount of people overall with all of your propositions.

Beth Cohen: Because I'm envisioning like you know 150 children out there.

David Lyons: I don't think I understand what you're saying. I will do my best to get as many details to the number of people as possible.

Beth Cohen: I mean, what happens when it rains.

David Lyons: We go inside.

David Lyons: I didn't hear the second Part of your question.

Beth Cohen: I Thought I heard somebody else speaking. That's why that why that was okay. So, um, they're going inside you answered that question, I guess, going back to the original application, you had It was cited in a couple of different places that you were going to build a buffer zone so that the neighborhood would not have to have car headlights disturb us, and I'm sure if you walk your property. Now you'll see the plan things that you've done for a buffer zone, those, those trees or at least 15 Feet apart and we've even paced I didn't measure it. So I might be off with my measurements. It will take I bet 50 to 75 years before they're actually what I would consider a functional buffer zone so you know, I don't know if that's something that we can address in here, but it would really be nice to actually protect your neighbors from noise, headlights, even the lights that shine in the parking lots at night, they're pretty bright. I mean, I understand you need to have security but they're pretty bright. So I kind of think I'd like you to sort of address in there.

Beth Cohen: The fact that there was never really a buffer zone built the first time even though it was mentioned in your architect's letter. It was mentioned your application, there, there are some sporadic trees on the property lines. We are requesting that I don't know if you really need to even respond to that.

David Lyons: part of our original application. We had a site plan.

David Lyons: We did put down as many trees as we propose we tried to pick out trees that would not take 10 or 15 years. But yes, some of the trees are going to take time. I also tried to take into account the existing foliage that is present to help create a better buffer zone. We also, and again, it's going to take a couple of years to grow in, but we put around the perimeter of the parking lot smaller bushes that will need to grow to a couple of feet, they are probably about two feet right now, they were one foot last year, to the size where they will block majority of the lights coming from the headlights of Bethany. I invite anybody and everybody the Zoning Board, especially to come to Bethany for a visit and take a look around so you can see exactly what is present how we are doing things as far as the lights in the parking lot.

David Lyons: We Went with the board 2700 luminaries, I believe, maybe 3000 whatever their recommendation was we went with we tried to position them to create as the least amount of light pollution going towards the neighbors as possible, but we do have to take into consideration the safety of our people who are coming by.

Beth Cohen: And I understand that. I know their method I think last winter the winter before that you had somebody coming in and doing donuts in your beautiful field.

David Lyons: Yeah, unfortunately was

Beth Cohen: It was a shame and my heart went out to for that, because by the time we ran out there to try and see what was going on that person was long gone. Every time they did it.

Beth Cohen: All right, yeah and then I guess the one thing and I'll finish with this kind of there's a lot of people and it's starting to start to get late and this probably will not be the last conversation we all have. I'm hoping so.

Beth Cohen: I was just surprised with your response to the film crew with the into the Night, the whole thing, which was really very disturbing for so at least I would say three of the people that this thing backed up against because the tractor trailer basically was in almost in our backyard. I was just surprised by your response when you said well I don't know exactly how you phrased it, but you're looking at is the way to pay your bills there. I'm just wondering when you propositioned this place and you're a businessman and putting things together.

Beth Cohen: How did you expect you were going to pay your bills?

David Lyons: We were hoping to do it through a lot of donations through grants membership things. There are some fees that be paid to for people who rent out our space. The parking lot being one of them again, I apologize for having the trucks there when they were done, they were out of there by 11 o'clock. I know that they parked in the street. Unfortunately, I had nothing to do with that we're talking about the previous time when the permits were in place, they were there all night and I do agree with that. But permits were in place with that first Event. It was the second event that I did not have a permit for and they were done by 11 o'clock at that particular time.

David Lyons: Again, they were out on the street, which I specifically gave them permission to use the parking lot, so that wouldn't happen I unfortunately cannot control their actions to that extent, and again, going on this I speak to the town and have permits and everything.

Beth Cohen: Like that. Well, there's the crux of the issue, you have no control over what's going on back there. And that's what I'm afraid Of, what your proposal is.

David Lyons: It was not in on the property was out on the street. There was complaints at some of the trailers will parked out on 133

Beth Cohen: No, they were on your property idling very loudly. I have pictures I got the whole thing was lit up. You had tents back there. It was like a show.

David Lyons: That was the first time. We had the permit the second time it was much, much less so they were only there for a day. And yes, the idling noise I became aware of certain idling laws. And again, if that were to happen in the future. I've learned from my mistakes and they won't happen again.

Beth Cohen: Please I don't choose to have to police my neighbor's back yard.

Sal Carrera: All right and let me say two things here. Number one is that, you know, we have close to 52 participants listening in. Some are majority of them live in and around the area is that, you know, policing is only as good as the people that call in.

Sal Carrera: If you go back to originally when we started this at 7:30 p.m. two years they had an outdoor camp and we did not get a complaint about it, even though it was illegal to do so. If there's anything going on at the site. People have to call. John Hamilton is not able to go through the complete town of Ossining every hour of every day. So you have to do your own policing.

Sal Carrera: So that's number one. Number two John, I'm asking because Mr. Lyons has said it three or four times already, who gave him a permit for the parking lot for them to do basically a laydown yard there? Was it through the building department, was it through the planning department, or was it through a Board?

Sal Carrera: Do you know anything about that?

John Hamilton: David, correct me if I'm wrong, but I think when we found out and we spoke, you said Town of New Castle gave you a permit was that, am I correct?

David Lyons: No, no, so there's a little confusion going on. We had this was Ray Donovan, which was a Showtime TV series, we had them there twice. The first time they had permits from the, from the town.

Sal Carrera: The Town of Ossining?

David Lyons: Yes.

Sal Carrera: Yes, from whom?

David Lyons: I'd have to pull up my records.

Sal Carrera: John, do you know about this, would you be giving those permits out?

John Hamilton: No, I wouldn't but David, I might be wrong, but I could have sworn you said to me that the Town in New Castle gave them the permits and then they came to the park in your lot.

David Lyons: If I'm, let me, allow me to finish, so that was, that was the first time. The second time they were since they were filming down and Bailey Farms they were dealing they had the filming from the town of New Castle. I was only letting them use the parking lot. There's no filming. There was no other than them using the parking lot to park their trucks. There was no other filming or any acting type of activities, so I unfortunately just took their word for it that this was okay.

David Lyons: And again, as I said last time, I apologize. It won't happen again. It hasn't happened since this is learning curve for me as well. I am a businessman as Beth pointed out doing not-for-profit work is something new and I'm doing the best I can to get up to speed and dealing with the certain situations such as the Zoning Board and Planning Boards. As you can see from my questions earlier, I am somewhat confused about who I should talk to about what but I'll figure it all out.

Sal Carrera: And we're here to help you. But you have to understand something like and basically said that you own the property, you are fully responsible for what goes on that site.

Whether this camp. Oh, OK. That you rent out the site or

Whatever you do with them. Okay. You are responsible. They I happen to be a businessman myself. I'm sure you have to be completely insured and add to your insurance because you are responsible. So you can't say, I didn't know and I just let it out there. And I thought.

David Lyons: We had all they're

Sal Carrera: All right, let's go to somebody else. Thank you

Sandy Anelli: Chairman, Mark S has his hand up.

Sal Carrera: Okay.

Mark Schultz: Mark. Hi, Mark Schultz 14 Tavano Road. I've had some conversations with Mr. Lyons that have been, you know, in some cases, productive. I sent in a letter, but specifically addressing the issue of setbacks, which you brought up Chairman briefly in your comments. I just asked that perhaps you instruct the architect to come to you with a plan that provides for that hundred foot setback that you mentioned in all of the proposed facilities that he's including the sculptures all of their facilities, because the original plan document shown to me, they're not specifically called out, but the hatched areas are sitting probably 30 feet at the most from, at most probably less than that from the property lines of the neighbors as they originally drawn up and that I think that would be a good starting point in terms of facilities and their impact on the neighbors.

Sal Carrera: I thought I saw that, and after tomorrow I will be sending a list to Sandy of some of the letters that came in with numerous questions that we will send out to the applicant so that we get written answers on that. There were just too many to try to discuss this evening, but it's going out to Sandy and it's all in there. Thank you.

Mark Schultz: I understand my letter is considerably more detailed in this comment, but it would probably be would maybe helping us not going through another lap through this. Yeah, they just started with that as kind of the default with

Sal Carrera: The only one that sent in a couple of pages.

Mark Schultz: Right and so, again, we're not, as we said in the letter, not fundamentally opposed to the mission of the place at all. It's just like a member of your board has said, you know, you're in a residential neighborhood and some comments from the architect the attorney talk about how neighbors are closer and fundamentally the misunderstanding the heightened requirements on a non-conforming or special use the setbacks for me and for my neighbors are like 20 foot side yards, the setbacks for special uses are 100 feet. And so, pointing to how houses are close to each other is irrelevant to this discussion.

Mark Schultz: And, you know, I'm glad to hear that. I didn't even know that what they were doing before was not legal. The, outdoor, I really didn't look into it until this part of this process. They were mostly from my point of view, I'm farther down. They were mostly, okay. The only exception was when they had the Harry Potter camp and they were running, you know, moderate too loud and minor key music all day for a week. That got a little bit disturbing after a while, but I've talked with David and they're willing to work with us on that. You know, maybe a little being a little more sensitive on that subject, but, you know, specific details and specific constraints on those kinds of things, particularly that it certainly wasn't a louder than a lawn mower, but allowed for like 20 minutes or half an hour. It's not all day every day for a week.

Sal Carrera: Thank you.

Mark Schultz: That's kind of a quick synopsis of what

Mark Schultz: I had to say. Thank you for the opportunity to be heard

Sandy Anelli: Next, we have Anne Merla has her hand up.

Anne Merla: Hi, how are you.

Sandy Anelli: Hi Anne.

Anne Merla: How are you are you? Good to see you. I haven't seen you in a while.

Sandy Anelli: I see you once in a while.

Anne Merla: Good. I am, you know really I have to be honest, I'm not a big kid fan and so I'm going to put that out there. I am not adverse to have them having camps, you know, running, maybe a few weeks. I'm not all outdoors. I can live with that. Constant outdoor activity would probably really irritate me and I find solace in my quiet and my backyard.

Anne Merla: But I would like for them to succeed and to find a mutual agreement. I don't want them to fail. I don't want to be a bad neighbor. I think that on a lot of things that they could do are very commendable. But I worry about outdoor summer camp with 50 kids that that would really kind of disrupt me, you know, because I am home all this time and I'm working from home and I work out on my porch and it's, you know, just the noise and it's not you know anything they're doing wrong, their kids.

Anne Merla: Kids will be kids and they're enjoying themselves and they're going to make noise and that's understandable, but I worry about that, as far as, you know, the other things, the bees. I'm 100% behind them having the bees there. I hope they get the permit, I hope that happens. I hope they have a garden. I'm not, opposing that at all. I want to be good neighbor. I just don't want to spend my whole summer listening to 50 kids so if there could be indoor activities with some outdoor activities, that's fine. They had the camp, which was the Harry Potter thing, I shut my windows and you know, it was just kids having fun. You can't control that. That's just kids. There's nothing wrong with it. I don't mind it on the occasional basis. I just don't want it every day like, for eight hours a day so.

Sal Carrera: Understand something, is that yes, this is not just for Monday, Wednesday and Friday or Tuesday and Thursday. This is five to six days a week. I understand what you're saying. And if you haven't put it in writing, you should put it in writing. So we keep it on record, but you're, you're basically saying you like the idea, but you don't like the idea, you know, there's

Anne Merla: I am fine with an occasional camp week that they have outdoors. That's okay. But I don't want a permanent outdoor camp that runs eight to five or six with 60 kids or 50 kids. That was my problem with it.

Sal Carrera: Mr. Lyons when you write in, would you tell us with regards to the summer camp and the show camp and Camp O how many days a week, the hours and the number of participants to you.

Anne Merla: Say, fine. That's fine. I mean I you know I mean I want them to survive and I want us to survive. And I want to coexist. I don't want to cause any animosity. You know, maybe, you know, we can make this work and know for everybody to be peaceful.

David Lyons: I will definitely include some more details and just to let you know that the camps will be inside and outside it was never intended, just to have it outside. We have so much space to use inside we utilize it as well.

Sal Carrera: Okay.

James Blair: Excuse me, but I think of our policy is for on Speakers to identify themselves by name and address

Sal Carrera: Yes.

Anne Merla: I'm Anne Merla, 21 Stonegate Road.

Sal Carrera: Thank you.

Sandy Anelli: The next speaker, with their hand up is Marybeth Stosser.

Marybeth Stosser: Yes, I'm going to let my husband Angelo Piccirillo speak.

Sandy Anelli: Your address.

Marybeth Stosser: 29 Stonegate Road.

Angelo Piccirillo: We're 29 Stonegate Road, and we've been residents for six years. I think I agree with a lot of the things that were said. I don't want to repeat what it's already being said. One thing that does concern me is that if all the some of these activities that have already occurred that have occurred outside of the original permit special permit that was given for indoor activity, how, how can we be assured that more, and for lack of a better word, abuse of the permit is not going to take place if we were ever to consider any of these items. That's a big concern for me is going to monitor that?

Angelo Piccirillo: Because frankly, like Mark said, we had activity outside really our backyard. You can see from our deck and we had no idea that they weren't allowed to do that. We just said okay you know that's Bethany and, you know, and I'm an educator. I've been. I've been. I've been asking high school for 25 years and I am a kid's person. But I think at the same time, you have to respect the quality of life of our residents and I'm very proud to live where I live and I don't want to jeopardize that and I think that everyone has to be transparent and has to abide by what you're allowed to do and frankly, sir Some of the things that you have done is retroactive, you've done it first and now you're asking for permission to do it. And that's not how it should be done.

Sal Carrera: Number one, I agree with you. Number two, is that the letter that you both said then was very thorough and I appreciate that. And that also was going to be sent to the applicant to answer on a one to one basis. I'll go back to my prior comments, is that when in doubt, you know, make a call of the people that did not call for two years, while all this outdoor activity was going on. I don't like to place blame, but you know, but it is what it is, they were there for two years and it was illegal.

Sal Carrera: And we've had 100 I'm sorry, I'm sorry. I'm two wrongs don't make a right in what I always live by. But, you know, the building inspector is the enforcer and like I said before, he can't be every place every time. And you go, the squeaky wheel gets the grease. So if you don't know what's going on, and you have a problem either call the building department or call the police and you go from there. You know, knowing what has gone on at the site. I will be anal about this with regards to the building inspector to make sure the matter. You know what we vote on it's going to have to be, you know, a daily stop to see what's going on there during the course of the year when, especially in the summer.

Sal Carrera: Because of the past experiences that we've had. And that was one of the reasons why that we did not renew this special permit for numerous years. We have a right as the board to do any number of years that we want and we renewed the last one because of some of the input that we got. And what we heard you know some of rumors and even though we had no official complaints, is that we did it for three years. I think we're going to be sticking with that for a while, depending on you know what this board is going to approve or disapprove.

Marybeth Stosser: Can I ask two questions and follow up, please?

Sal Carrera: Sure.

Marybeth Stosser: One question is, what is allowed currently for outdoor use on their property for in regards to the trail does extend beyond our house, you know, down past our property line. Are they allowed to use that currently?

Marybeth Stosser: I do see people out there moving logs moving trees. Is that allowed currently?

Marybeth Stosser: If not, I will call tomorrow and file a complaint, otherwise we don't we don't necessarily know what's allowed currently because we did not know that they were not allowed to have large groups of children congregate in the backwoods behind our house. But now I do and I will definitely call. Are they allowed to be working back there currently?

Sal Carrera: Okay, so number one is that Mr. Hamilton, he could get your email address and send you what is allowed in an R40 zone. Okay. And number two, he can send you a copy of what is allowed via special permit and in an R40 Zone.

Sal Carrera: So, and its, there's pages of it so I can't go down every page. But yes, I would agree that you call John tomorrow and tell him what's going on as a site because I have no idea. I was there twice. Last week I didn't see anything going on. I've been paying a lot more attention for the past month or so, by just passing by. But, you know, John's the person to call, but you should be able, or you can

Sal Carrera: Sandy, could send you a copy of the zoning code and this specific it tells you what's allowed in an R40 lot his own and it tells you what's allowed as a special permit for the arts and philanthropic in an R40 zone.

Marybeth Stosser: Just a few weeks ago, there were workers back there.

John Hamilton: So maybe I can answer this right now. I looked at the site plan today before we got here and the area that you're talking about that trail. That's a meditation trail. It's meant for people to walk around. There's some benches there to just meditate and relax. If there are workers back there. Well, that's understandable have some work is being done on the property. If there's a landscaper or there or something like that. I can certainly understand that. If there's something other than that, you can certainly talk to us, but right now the activity permitted, there is a meditation walking trail.

Marybeth Stosser: The second question is since you know that he violated his permit. What were their fines that were given to him that he needed to respond to and pay?

John Hamilton: Well on for a minute.

Sal Carrera: Yeah, go ahead.

John Hamilton: Okay. Unfortunately, no one called us. We knew nothing about anything going on. So everything that we have is hearsay. I cannot issue any summons is on hearsay information on if something is if somebody calls and we go up there and see something, we would probably issue court appearance ticket which carries a fine of up to \$5,000 for each ticket we issue. But again, we never called on anything.

Marybeth Stosser: Yeah, no, I appreciate that I, as I said, I did not know that they were violating their permit and I and had I would have called. I work from home. I've been working for home for six years. My husband works in Ossining school districts. So we're local people and we do appreciate you know where we live and we're community people.

Angelo Piccirillo: No, you know, we, I think that, you know, we all should try to good neighbors to each other. And I think we have this situation. And I think that um as many people have said we all have Ossining and the Town of Ossining in our best interest.

Marybeth Stosser: I can and I did put it in the letter that we wrote that from the experience from the last two summers. I do not know how many children were present, but there were large groups of children, maybe not 50 but from what I could see out my window and from my deck and the volume of, you know, the noise. Just from that number that was present was definitely disruptive for the neighborhoods that they congregated in the back they stopped in the trail. They were doing whatever activities they were doing. And at that number of students, it was, it was definitely, you know, loud it, you know, and it was, you know, kind of disturbing for the normal neighborhood single residents that we have in our neighborhoods.

John Hamilton: Again, for those two years we received zero complaints.

Marybeth Stosser: I understand that. Thank you. Yes. And, and for those two years, David Lyons violated his, his permit.

Sal Carrera: Do noted. Thank you. And the questions you sent in will be answered.

Sal Carrera: Thank you. Have a good night.

Sandy Anelli: See our next. Our next speaker is Donna Sharrett.

Donna Sharrett: Hi, Donna Sharrett 84 Morningside Dr. Um, I have a couple Comments. One is the open trail system. I just wanted for the record, people to know that the Environmental Advisory Committee for the town of Ossining have worked really hard on that and it did. A definitely a piece of that is the Bethany property and they were working on it before it was Bethany, so just to clarify that I have some concerns because when this first was approved, there was an environmental review and when you introduce living things like bees and community gardens and all that. I think there should be there should be an overlay of review regarding the environmental aspects.

Donna Sharrett: So with the community gardens. I designed the community garden for the Town of Ossining. So I have a little bit of experience with them. Where you've located it and when I look at the GIS it looks like there's a lot of trees there. So you said that you're not going to take any trees down.

David Lyons: Can I just answer that real quick? That it bramble.

Donna Sharrett: Yeah.

David Lyons: It's bramble it's a lot of 3 to 3 foot bramble, a lot of vines, as I understand it, I believe the sisters had a vineyard back there.

David Lyons: So a lot of trees have been completely overgrown by the vines. So what you're seeing is really bramble, green, versus trees. And again, I invite everybody in anybody to actually come and take a look. So you can see what the, you know, ground view is of the upper

Donna Sharrett: Right. Okay, that's good. So also, I know that there's a stream on your property and then wetlands. So on the site plan. I think that that should also be noted on as to where the buffers are because community garden.

Donna Sharrett: From my experience, I was the organic community garden. And I'd go in there and somebody be putting stuff in that has a little blue stuff in it. The Miracle Grow and all this other stuff, then they would say, what says natural on it and they be using stuff so all of those things would be impacts to it, to a wetland area.

David Lyons: Because I would try and keep it as organic

Donna Sharrett: Well, that's what I did. And I'm going to tell you it's a really hard.

Donna Sharrett: It's hard.

Donna Sharrett: It's hard when you're not there. Something's going to happen. Let me tell you from my experience. So I think that you know, there should also I would defer to John Hamilton as to what is allowed in a wetland buffer and a wetland. But if it was on the site plan when you're presenting this additional information. I think that would be useful.

Donna Sharrett: So that's the stream, the wetland and the buffers and if there's any trees.

David Lyons: Again, I was

Donna Sharrett: Saying, there's not. Okay. The other thing I would like to say is that with the bees. There's 300 species of native bees in this area. So if it gets to the point where you're going to get apply for a permit for Bees and certainly if they go to change the law. I will definitely speak up on this.

Donna Sharrett: On anybody that's adding and I think the beehives have 10,000 some BS in them. There's, there's a lot of bees with honey bees are nonnative honeybees. That does impact the native bee population. So it'd be really great if there would be beehives and a food supply. At the same time, like so, a pollinator garden that's full season to feed those bees. So they're not impacting the native bee population which exists here. So that's my

Donna Sharrett: Comment about the bees and so I have no problem with either the bees or the community garden as long as they're being looked at as living objects and not just little squares on a site plan also with the if it gets to the point with the bees. I think that it would be important to know how many was going to be added and also the size of the community garden and if there was going to be structures and all and where it's located with regard to the environmental.

David Lyons: I hope to provide all of that.

Donna Sharrett: Great, thanks.

Sal Carrera: Thank you.

Sandy Anelli: The next speaker that has her hand up is Nancy, I don't see your last name just Nancy.

Nancy Koba: Hi I'm Nancy Koba, I live at 9 Stonegate Road I'm speaking on behalf of myself and my husband, Wade. I have to tell you, listening to this meeting and hearing the number of violations of the special use permit is extremely concerning. Because every time there was a question about it. There was a response that I didn't understand or I wasn't aware that you could not do that particular use of the property that's very concerning to me because I understand that the permit was pretty expressed as to what could and could not be done to have a board member of the Bethany arts holding the theater out there on the property running that camp in violation of the permit is concerning and echo what Mr. Piccirillo said I'm sorry if I mispronounced your name.

Angelo Piccirillo: Okay, it's okay.

Nancy Koba: I'm going to call you Mr. P. and his wife stated, it's like it causes concern and a lack of trust. If you're violating a special use permit. I did not object when they applied for the initial permit because having indoor use at that property did not cause me concern. It's very quiet piece of property. I've lived here 22 years I'd love my backyard. I love my deck. It's a very quiet area.

Nancy Koba: But also the composition of the area. I don't know what it is because we have hills and valleys, but noises get amplified and I would hear stuff from Bethany Arts on my property on Stonegate Road. It seems to float across the ear. I don't know why I'm not an Engineer why that happens. But it definitely gets amplified. I'm a parent. I love children, but 50 children running around outside with definitely changed the ambience of this neighborhood. One of the reasons. My husband and I selected this neighborhood was precisely because of the zoning and the lack of outdoor activity we particularly looked for a lot that didn't have an outside, outside venue that had spacing between the houses that was quiet and although not rural, it is not densely populated and that's a character that we do not want to lose.

Nancy Koba: We have no objection to having indoor activities at the Bethany Arts. We haven't been disturbed by indoor activity since they've been there. Another concern that I have is parking. I wasn't aware of what parking was on site until I saw the aerial that was presented by your architect. But I can tell you when activities occur in and around Stonegate Road if they're on 133, there is no parking for the residents. They park on Stonegate Road and Cooper drive now that's only a few cars because there's house party. So my concern would be your art festival that you have in October.

Nancy Koba: How many people are you expecting, and where are they parking, because that would definitely change the composition of this area. Arts are a wonderful thing, and enriching and if you keep it inside my husband and I do not have any objection. Taking it outside changes the entire composition of this area and beyond, beyond and the reasons why the homeowners that surround this area, which was passive and when the nuns lived there, you didn't hear repeat sitting out on your deck and listening to the birds is the reason we bought here. And I'd like to, I commend the ZBA for taking a very hard look at this, and Mr. Hamilton for the work he does and enforcing the zoning laws. But I can't stress that the ambience and noise and traffic and school buses trying to make the turn from 133 into those lovely stone pillars of the driveway. I think it's going to be a problem. And that's my comment. I will also put some more in writing. I don't want to take any more of your time but I thank you for the opportunity to speak here this evening.

Sal Carrera: Nancy. Thank you. What if you haven't written in I'd really appreciate that and writing sent to me.

Nancy Koba: I will do that.

Sal Carrera: Thank you.

Sal Carrera: Okay, next.

Sandy Anelli: The next speaker is Eric Gearity

Eric Gearity: Hello.

Eric Gearity: Um, I would just like to say that the nuns don't live there anymore.

Eric Gearity: And someone is going to so, in my opinion, the best in the arts community is the highest and best use of this space they maintain all of this open space with an orchard, beehives, Camp activity.

Eric Gearity: There is unlikely going to be any other entity that would inhabit that beautiful landscape and offer what Bethany Arts provides to our town. So if we come down on them like we have tonight without any appreciation for what they have contributed to our community, what else would be there? We talk about the quality of life. If Bethany arts cannot sustain themselves on that property. Then some developer will take it over and build out the maximum density possible so if what we're talking about is working with David Lyons to create some added buffer zones a few nights a year that there might be additional noise or activity. Like, who else is going to invest themselves into this property and collaborate with all of these local artists and organizations, to the extent that they have. I think we were doing Bethany Arts Community a disservice for being so negative in this hearing.

19147626024: Clearly,

Eric Gearity: Mistakes have been made. We can work with Bethany Arts and bring them into compliance and work towards doing better vibrant activities that meet the needs of the community as well as Bethany Arts. And I don't think that it's going to be an issue to allow them to exist, the way that they intend and continue to be a part of this community.

Angelo Piccirillo: Mr. Gearity, would you mind identifying where you live.

Eric Gearity: 57 Prospect Avenue.

Sal Carrera: And Mr. Gearity when you talk about highest and best use, now you're talking to my livelihood, because I've been a real estate broker for 50 years I've been on the Zoning Board for 35 years. And when you say that we're coming down on the applicant. The bottom line is, the neighborhood is an R40 zone and if someone came along and wanting to build, they're allowed to because it's an R40 zone.

Sal Carrera: I'm not saying anything against the odds, but we have zoning rules and regulations that we have to follow and I'm sure you know, your wife being the mayor of the Village of Ossining, understands that's she just can't give a nod and say okay for A non-complying use on any type of viable project in the village of Ossining, they have to go to the Zoning Board of appeals and/or the planning department and this is the same thing here.

Eric Gearity: Sir...

Sal Carrera: So let me finish please, and this is the same thing here. There are rules, regulations and zoning that we followed in giving a special permit to BAC and now he's changing that completely. And that's why we have our zoning rule to follow. And that's what we intend to do.

Eric Gearity: Sir, understood. Absolutely. It's just that the level of animosity towards this organization right now. I feel is going to prevent them from continuing their interest in providing Ossining with this incredible art space and you know, I think that they're an organization that is willing to atone for their mistakes and interested in working with the Zoning Board to make sure that they are in compliance in the future and working continuing to work with Ossining to provide all this great programming.

Sal Carrera: And that's why we're having this hearing and that's why there are five members on the board that will take a vote with regards to any and all of the applicants request to do something that basically is not allowed, and an R40 special permit area. Everything that he wants to do is laudable, it's absolutely fantastic, but maybe it can't be done in an R40 zone and you have to go someplace else to do it. And the people that have written in and its 50 50, you know some of the people that wrote in that this is for their own good, because they work there. Or they own camp O, or they live in Dobbs Ferry, and they come up there and do their paintings and that's all wonderful. But we have to guidelines of our zoning rules and regulations and that's what we have to bring to the public's awareness and also to the applicant.

Sal Carrera: So it is there's nobody here other than giving information out, so that we all can take it all in. We have our zoning code to follow. And that's what we intend to do, but every use of that site is fantastic. But who says it has to be there.

Eric Gearity: Understood, sir, I would just hate to see all that open space become a massive residential development because places like Bethany arts could not exist.

Sal Carrera: Well, I understand what you're saying. I appreciate your input.

Eric Gearity: Thank you.

Sal Carrera: Sandy.

Sandy Anelli: Next speaker is Robert Melstein

Robert Melstein: Hello. Thank you, Robert Milstein 25 Stonegate Road just up the block and down the block from a couple of the other speakers, I'll just add that I agree that my wife, and I've been here 10 years and we agreed that we would like to see Bethany and its mission succeed. The only thing I would add to the previous comments is that in the refiling of paperwork and additional information that BAC will be submitting to the planning board. I like to get a better understanding whether through the architectural specs, or in the narrative. Well, what if anything else they are planning for the areas that about our property and the other ones from about 21 to 29 I was not able to glean that from the current presentation. So there is this meditation walkway and trailway area. And again, I'm trying, I'm, what I'm trying to understand is what would change for those areas which are currently being used as such. So I would just ask that, please, and revised paperwork into planning to get really better understanding of what would be going on in the areas around the property.

Sal Carrera: Okay, thank you.

Sandy Anelli: We have a resident with just the letter C.

Sandy Anelli: We can't hear you that well.

Resident: Is that better. Can you hear me?

Resident: Yes, sorry for that Sandy it's Karen Fendrich.

Karen Fendrich: How are you? So I wrote a letter M. So, I know, Sal, has it. And thank you so much for getting back to me so quickly with the receipt. I just wanted to add two things. So my name is Karen Fendrich I own 19 Stonegate Road I mother is currently living there. I live at 23 Apple Lane and Briarcliff currently.

Karen Fendrich: I've lived in Ossining and Briarcliff all my life. So this is actually something that I feel very passionately about I want everyone to know on the call that I actually feel that the BAC is something that is important. So I do agree with Eric that we want to make this work. So these comments are meant to be a collaboration. Right. It's not meant to be something that's coming down on the BAC. but I want to make two points that I think are important, one, as I've been listening I had additional thought for my letter and two I want to make sure that we really focus on traffic and everything that everyone has said, I agree with noise, kids, the whole thing.

Karen Fendrich: The fact of the matter is, is that I'm not sure 133 can manage what we're looking at, great 50 kids you know 50 additional cars, buses, we have a very dangerous intersection down on 133 and 9A there's accidents there. I don't know what the data is. But I'm sure if you did a traffic study adding this additional cars, you know, for after school programs and camps would be an issue. So I don't want people to ignore that. I would hope that the BAC would do a traffic study to prove to the community that that would not be a safety issue. Making a left out of Cooper and Stonegate, Ganung, all the roads along the way at an already dangerous rate. So adding this additional volume would be a big deal. The other thing I just want to comment on is the notion that the residents have to police themselves rate that after two years of violation of the permit, the residents didn't make phone calls, so that we suddenly are now in a position where we're at fault and not the BAC so suddenly know that what you're saying is you didn't get complaints, so you didn't know about it.

Karen Fendrich: But I don't think any of us knew that they were doing anything that was against the permit. So I actually take offense to that statement. I actually think it's up to the owner to do the right thing by the community, not for the community to police themselves or their, their neighbors. I just want to put that on the record. Otherwise, like I said in my opening statement. I want this to work. I think I agree with Eric, I don't. I'd rather have BAC there than, you know, a whole new development of homes. So I just hope that whatever we do, we can get to it, but it's a mutual collaboration of the right thing and that's it. Thank you.

Sal Carrera: Thank you.

Sandy Anelli: We have Michelle Concha Herko.

Michelle Concha Herko: Hi. Yes, my name is Michelle Herko, this is my husband and we live at 23 Ryder Road, also a very busy street on a pitch with crazy people going up and down it. So we understand what that's all about. I wanted to say that I have. I am an artist in this community. I have worked with Westchester collaborative theater. I for the last three years have produced the Ossining Jazz Festival with Ted Daniel. One of those wonderful years we actually got the opportunity to perform at Bethany Arts Community. They gave us a home for our children's indoor programming, which was jazz for children and it was in a collaboration with the school system. I also produce theater and my husband also is in the community with arts and has also benefited from Bethany Arts Community.

Michelle Concha Herko: As artists, we need love and thrive on space we needed to create to collaborate, to bring beauty into the world and Sometimes that collaboration happens inside and sometimes that collaboration happens outside because as a professional dancer myself and working with the Isadore Duncan dance company I performed primarily outside in woods. I'm bringing an audience into an outdoor space and I hope that we don't lose Bethany, and that is the main thing that I am advocating for here, I do not butt up against the property. I live around the corner from it. I understand the concerns of the residents, and I hope that there can be an amicable solution to all these concerns.

Michelle Concha Herko: For me, it would be really sad as an artist to lose Bethany because they can't give us everything that we artists are constantly striving for. So that's my piece. Thank you. And I think Ed has to say.

Ed Herko: Yeah, I'm so at her Co. I've been a resident of Boston need for about two thirds of my life. I was a graduate of Ossining high school. Went through the Ossining School District. Some people might know my father and Ed Herko Senior, who is the middle school band director, on needless to say, as a musician I played at Westchester symphonic winds down in Tarrytown and what I hope the board and the community residents will appreciate is really the good that BAC and David Lyons is bringing to Ossining

Ed Herko: You have to. You can't count on one hand, the number of it's very rare in a town to have an arts community or a major area that you can have Arts. There are few of them in the county and it's actually quite special that David wanted to bring an arts community to Ossining

Ed Herko: I think it's awesome in the fact that it's involving kids and there's so much growth from that, big Kids too, I mean Westchester symphonic kids, we had a rehearsal inside there. It was a wonderful experience in the diversity of arts. If you haven't checked out what they're doing. I'd encourage you to do so because I think the vision is wonderful and I forget the gentleman who made the comment of this earlier, but if BAC does fail the amount of workers and I don't think it'll be just maintenance, That will be inconveniencing sound of the area and the traffic and oh by the way it's going to be unbelievable because it will be a developer. Okay, and you have to think about that maybe another condominium complex and maybe it's already zoned in order to do that, but do we really need another one. I think we really ought to think about the things that will help our community and how unique and special it is to have an arts community right in Ossining. Thank you.

Sal Carrera: Thank you.

Sandy Anelli: Next speaker is Bradley Morrison.

Bradley Morrison: Hi everyone, my name is Bradley Morrison. I live at 27 Ferris place in the village. And as somebody mentioned earlier. I work for the schools and the director of cultural arts for the school Ossining district, although I'm here speaking personally, on my own behalf. What I would like to say is that through my role in the school as well as through a number of different arts organizations and activities that I'm involved with in the community, I've had firsthand opportunity to experience and witness the artistic activities taking place there. And most of those that were questioned about whether or not their artistic or not and so for the sake of grandstanding a little bit. I am the immediate past president of the Westchester County Arts leadership Association.

Bradley Morrison: I'm the immediate past president of the New York State band Directors Association. I've served on the New York State blue ribbon commission for the arts. For the New York State Education Department, and I would like to think that I'm fairly qualified determining what is or what is not artistic And I would like to say that everything that I have seen taking place and I didn't see a film crews parked in a lot But all of the artistic activities that I have seen taking place at Bethany's arts community have been of the highest caliber of the arts, particularly those that have been offered to students.

Bradley Morrison: And when we talk about the philanthropic nature as David mentioned he said it sort of in as an aside, when they offered after school programs indoors for dance and music. They called me at the schools and asked. And I said, well, can you give some kids some scholarships and they said, sure. How many.

Bradley Morrison: and I said 36 out of 40 And they gave 36 out of 40 kids scholarships to attend fantastically outstanding dance and music programs with some really amazing artists that we had here they have David himself as well as the other artists in the community have wonderful connections that provide absolutely invaluable benefits to our community and to our, our children and our community, especially and anything that we can do to help support and advocate for their programs taking place is absolutely necessary agree with everything that Eric Gearity said previously, so I won't repeat those, but I also would just like to, you know, note that one of our neighbors here made the comment that I like your arts as long as you keep them inside. And I would just say that as an artist. I find that statement to be a bit off putting and you know, the arts require an audience, but they also require the ability to be as expressive as possible and that does not always allow itself to be contained within a box or in a building. And so with that, I thank everyone

Sal Carrera: Thank you.

Sandy Anelli: Next speaker is Ruth Reagan.

Ruth Reagan: Hi, my name is Ruth Reagan I live at 61 sunset drive I submitted a letter and I'm not going to repeat what I set forth in the letter. But my property also borders with the current Mary know property. So I am aware that any issues that the neighbors and Nirvana or facing or something that I could face in the future. I'm not an artist. I'm an audience member and I'm a parent. But the thing that I want to speak to is some of the caller's that I heard, who had some concerns about camp. And I think the important thing to understand is that this is not a traditional camp. My children attended camp last summer. They attended for one week. The remainder of the summer they attended a traditional camp sports, you know, swimming, tennis, but for this one week they had the opportunity to experience art, both inside and outside and it's a totally different experience. And so people also talked about that they had, you know, that they they're concerned about being 50 kids there definitely weren't 50 kids the week that my children attended camp.

Ruth Reagan: I believe there were, I think, much closer to 30 and then just shorter day people are talking about, I don't want kids being there for eight or nine hours a day. I think it was six hours. I think something like nine to three. So when people think about camp. I think they're thinking about traditional day camps and what I want them to understand, and I don't have the art words to explain it, is that it's not a traditional camp and my recommendation would be, you know, to, you know, speak to my children, I'm happy to have them talk to you. It's not the same thing.

Ruth Reagan: And sure, there may be noise, but they were indoors and outside. But there's a benefit to something that's arts based at Camp rather than the traditional camp. And that's really the point that I wanted to make beyond the letter that I submitted. Thank you.

Sal Carrera: Thank you.

Sandy Anelli: Next speaker is Henry welt.

Sandy Anelli: Henry Welt.

Henry Welt: I'm here, I just took me a minute to unmute do all that stuff. So my name is Henry Welt, I live 2 Oak Hill Terrace in the Village of Ossining. I'm not a neighbor in a strict sense of BAC. I also have no official connection BAC except as a resident whose come to enjoy going there and just fading in the events that that I've been privileged to attended BAC. I guess my remarks. I don't want to be repetitive of what Eric or Bradley or the Herkos said, although I endorse and support works we every sentiment in those three statements I did submit a letter. My, my, what I'm going to say is really directed at and is a request to the Zoning Board to the Appeals Board.

Henry Welt: I'm by your standards relatively new to Ossining, I'm here only seven years. I've never attended a meeting of the Zoning Board in that seven year period until tonight. If I parachuted in from Mars, I would think that the tone of the earlier part of this meeting was so punitive that I would be worried about what kinds of activities were conducted on this property that I've gotten everyone not only so upset, but so interested in finding out how we can punish people For past violations of rules which should have been adhered to and one can easily find ways to ensure that they were adhere to in the future.

Henry Welt: This notion about, you know, about how much can we fine them and what can we do to really just punish, I don't know any other word for what may have gone on in the past, I think, is really unfortunate. From my perspective, I was the first chair of the Village of Ossining Arts Committee and I've been interested in the arts generally. I think that BAC has a potential for becoming part of what is Ossining is in the next 50 years a little or whatever period of time, you want to choose going forward. BAC represents part of the future of what this village can stand for. It's about inclusivity, it's not just about art. It's about bringing community together about creating community. It's about opening people's access to one another. It's about creating understanding and empathy amongst people. All of that goes on in that structure and in the yard and in the beautiful grounds surrounding it.

Henry Welt: As I understand it, the role of zoning generally is to shape a community. It's to help decide what a community geographically should look like the zoning rules are not intended to be a wall that people hide behind when they want to punish someone zoning rules have varied all the time. If we wanted to bring a major commercial entity acing to improve its economic future or provide any benefit to the community at large. People would be begging that entity to come And people would be modifying zoning rules so that the greater community could get the benefits that were envisioned by bringing that entity to Ossining, here we have someone who completely on his own.

Henry Welt: And completely altruistically. This is not a for profit entity. There are no bad motivations here. Maybe people did the wrong thing by not obeying and adhering to certain rules, but there are no villains here. There's no one that's bilking the community there's no one that thing advantage or abusing of anything and the tone of the conversation that I've been hearing for the last two hours would speak to someone that had done something awful.

Henry Welt: I mean, really, if you have a recording of this thing, play it back, listening to it, it sounds like we're talking about a place where we're just really unfortunate activities had been taking place and now we're out to figure out how to drive these people out of town. It's not supposed to be what we're doing.

Henry Welt: And I have complete respect for the rights of the property owners that about the property. And I think that they're legitimate concerns 100% or to be taken into account. And I think that the rules ought to be enforced. But you want to go down as the Zoning Board is people that were instrumental in bringing BAC to Ossining, keeping it here and helping it thrive, rather than being the instrument that put it out of business.

Sal Carrera: Thank you.

Sandy Anelli: Howard Fleischer

John Hamilton: Sal, can I answer that a minute, please?

Sal Carrera: Sure.

John Hamilton: Yes, I just want to set the record straight here, Mr. Lyons each time that you know you had something where you made a mistake have you received any anything other than conversations with the Building Department. Have you received anything of punitive nature violations or court appearance tickets or anything?

David Lyons: No, not at all.

John Hamilton: No, actually the town's been very I thought very cooperative with you.

David Lyons: The Building Department has been amazing.

John Hamilton: I'm a little disappointed when I hear somebody say that we're trying to be very punitive here, we're asking honest simple questions that have to be answered as part of the zoning process. And to insinuate that we are trying to, quote, I guess come after you, when we have dealt with you for a couple of years, and you have made some mistakes and each time we spoke with you. You weren't taken a court, you weren't issued a violation notice, and I think it's important that people understand that that we are working with you and you have received nothing in punitive ways from the town.

Henry Welt: Mr. Hamilton, I'm sorry if you took it as insinuating anything about your activities or the town's activities.

Sal Carrera: Well, that's what you basically said. That's what you basically said.

Henry Welt: Excuse me, excuse me. That's not at all what I said and I just apologized. If it came out as directed at Mr. Hamilton, or the department or his functions what I was speaking about were the comments from people generally in the earlier part of this meeting. And if you want to hear what I was speaking about play the recording back. It's very clear the tone in which these comments were made. This was not to an outsider. This was not a tone of a group of people collaboratively getting together to figure out how to make something work.

Henry Welt: This was a tone of people that were pretty angry about something and I for the life of me, just couldn't understand what it was. So that's all I was saying, I'm sorry, Mr. Hamilton, if you took it in any ways reflecting on your dealings with BAC.

Howard Fleischer: Um, this is Howard Fleischer and I think that this is a good point for me to dovetail into this conversation. And I think that you know there's tones. There's the sometimes people are saying things because of feeling they've been wronged or that there's been some bad things that have happened or that they're afraid that bad things will happen.

Howard Fleischer: And I think that the conversation is not over. And I think that the tone of this of this whole meeting is really going to be a blend of positive and negative and that that is exactly, you know what's happening here. Um, you know, on the good side of everything is that, you know, I believe, everything is solvable.

Howard Fleischer: I think that there is a legitimate points that have been raised, and I think that in the spirit of compromise that Mr. Lyons is there with his ears wide open and his, and his, I mean, a lot of this is out of his own pocket and his wallet is open to help solve these problems that can be solved and sort of meet the community. I don't think he's here placing himself in the middle of our town to create a centrifuge, where it's him against the rest of the world or fighting for something that that really is not to the mutual benefit of the whole community.

Howard Fleischer: From the point of a community, you know, we have to really look at the situation on a couple different levels. I don't know if I stated on I live at 22 Tavano Road. I abut the property and I only first stumbled actually or met Mr. Lyons, about a year or two ago when I decided to explore with the my son, my at that time my seven year old or eight year old to go looking for frogs in the back. In the woods, and we were a frog hunting and stumbled upon the path. Actually, I didn't even realize that there was a path that was totally cut there. And we walked along the path and ended up in the field by the orchard and then sitting on the balcony of this building was David with his dog and I sort of felt them, you know, I might have been doing something wrong. Like I was on somebody else's property. I didn't have permission to go on that property. Although I felt that it was a property that I was my neighbor and there's something going on there. And I had the impression that, you know, I wasn't trespassing, per se.

Howard Fleischer: And you know David with open arms. You know, invited us onto the stoop, he got us a glass of water. He was just a really, really kind soul. And I didn't know this person. I didn't know who my new neighbor was until I ventured into his space and came upon them in this way and I was really very impressed by what occurred because it could have been another person sitting there who could have immediately said, you know, what are you doing, why are you walking on my property, you know, any number of things that could have come across my, you know, in front of me and my son. But no, it was somebody there who was really just chilling and chilling in a way that I kind of immediately gravitated to because this is the kind of neighbor. I want to have.

Howard Fleischer: So yes, there are things, and there have been fouls made by somebody who is new to the game. But had and has a vision for this space for the arts and really for the community. Now look, he can pick up this marbles go someplace else and I will then go back to the same fear that I had before the property was bought by him. Of what is going to end up in the backyard adjacent to my backyard and, you know, I don't know if there's a lot of people on this forum, who were involved in the fight that the Tavano Road neighbors, as well as Morningside and Barnes Road against another developer who is looking to do cluster housing which we fought for a number of years, which would have been a for, in my opinion, it would have been a major disaster, and there were things that we're looking that we weren't going to be able to stop this developer because of the ways that things were being done in the town. But we all came together as a community, we all made it very clear that that may not be the best option for that land now.

Howard Fleischer: You know, I don't want to go on too long. And I know it's been a long night, but I just want to say that, you know, we are sort of looking at something that's a work in progress and seeing that it's a work in progress. You know you have a choice. You can either help or suggest things put in an ingredient that might never have been thought of before, or what have you. And, or you can do something that doesn't do anything except try to exculpate a person and project from our backyard. You know, I just want to say that there's a lot of validity and what's happening here. And yes, I think that there will be compromises and yes do, do I think that I would be comfortable with a bunch of strangers putting a garden right against you know my tree line here and doing things. No. Do I want a fence? That's going to be surrounding this whole property and you know really create an eyesore and a barrier.

Howard Fleischer: For me, my neighbors, whether it's next door or across the forest know so for me the question at this point is really to listen and really listen carefully to you know what David is saying. And what all the neighbors are saying, but listen, towards the direction of elevating it bringing it to something that we all can live with. As best as we can. We're not it you know any compromise never gives you 100% of what you want, but if we're able to really make this place that we can all be proud of saying, you know what, I, I live next to this world class facility that is doing good for the world.

Howard Fleischer: That is really, I think, a good thing for me. Now you know if David, and again, I go there and since the time that I stumbled upon David and you know we've thrown Frisbees together just enjoying the space, my son and his group of friends who now can't do anything except stay within their own cluster they ride their bicycles on the property. In fact, one of the kids ended up, you know, having a fall and David was really very, he didn't even know about it, nobody complained to him, and it was one of those things where, when he did find out about it he said all that, anybody have to do is just come, and tell me I'm glad you're told me. And he reached out to the family you know, it was all good vibes. It was not bad vibes. So just on that note of really trying to you know get into the vein of good vibes. I just want to make a few things very clear that there's options and it may not be 100% but you know let's throw in some options that can be good and explore them and see what we can sort of do to make something better. I personally don't think that, you know, chasing what we have in our back door is worthy of or shutting it down or shutting it into a small little microcosm, not that I wanted to be a big thing where it's like a carnival in my backyard or in the woods. Every, every night but you know if there is just like Henry had pointed out one night. That's called an Artoberfest or Oktoberfest and it's a thing happening just like if my son has a graduation party in my backyard and I apologize to anybody who has to put up with the drumming and the band that's playing and, you know, as long as we do with all the right permits and so on. You know, I apologize, but its one night I do something that is for the community and celebrating the community and I don't really see a problem with that.

Howard Fleischer: I'm, you know, I'm not going to go into each one of the points that was brought up. I did it. But yes, we're learning that the bees was a very good concept and a good idea, but now learning what has to be done, knowing that all these different varieties of BAC. It's something that you don't know until you decide to take that that bridge and then you find out what you have to deal with. And then you deal with it.

Sal Carrera: I'd like to try to cut you short because I have known most other people and it's now 10:30 p.m.

Howard Fleischer: Okay, you know, I think that the bottom line is that it really is the essence of David is somebody that you can walk up to and talk to face to face, and you have a very big surprise because the, the person is open to it and I really invite anybody to go to the property to walk it if they haven't walked it to see Can be and, you know, I appreciate your taking the time to listen to what I have to say, and I think that, you know, I've made my point.

Sal Carrera: Thank you, very informative. I really appreciate your input. Sandy, who's next?

Sandy Anelli: Next speaker is Justine Lackey.

Justine Lackey: Hi there, my name is Justine lackey I live at 34 Stonegate Road while my property does not abut the Bethany property stone gate road does BAC is our neighbor we frequently the facility we walk the trails and my daughter did attend camp there last year, I wrote a letter in support of this application. And I just wanted to touch on a few points there. Regarding the camp that my daughter went to, if any of you guys know Harry Potter There are four houses and when my daughter attended camp there. There were about eight kids in the house. So that was about 30 kids. Not all of these other numbers that have been bantered around and without a doubt that camp was run from nine to three. So it wasn't eight hours.

Justine Lackey: I certainly don't think it's a problem. I think we need more recreational options for children in Ossining, one thing I think is particularly crucial to mention echoing Bradley Morrison sentiment, as a parent, with three school aged children and Ossining and Covid, we have very serious and pending budget cuts coming to the school budgets.

Justine Lackey: We haven't seen those happen yet, but I think we can assume that they are going to happen. And if that is the case, places like Bethany are going to be more crucial to our community than ever.

Justine Lackey: In terms of traffic, I might have to wait a beat to turn left or right when I exit Ganung or Stonegate or Cooper to turn on to 133 but a handful of campers in the summer or an extra school bus during the year. That is nothing, nothing that would be compared to a huge development that could be there.

Justine Lackey: Lastly, I want to echo what Henry welt said about how Bethany can benefit Ossining like we don't. We can't just think for right now, we need to think about the Ossining we want in 30 years and we need a facility like this if you looked at Beacon prior to DIA coming there. It was DIA that completely changed Beacon. So if you're not familiar with DIA. It's the art center that sits on the Hudson River and sits in the former Domino Sugar factory. It is the economic catalyst that changed that town. Justine Lackey: I would also point you and ask you to look at the Tarrytown music hall that facility, there is an anchor.

Justine Lackey: I am the former Co-Chair of the Downtown Development Working Committee in Ossining and we did point to facilities like Bethany of supporting and stimulating Main Street in downtown. So these things are as Mr. Fleischer pointed out, we can figure these things out. They're not huge problems and they are certainly from a nonprofit arts community a lot less of a threat than a giant commercial real estate development or another commercial opportunity coming in there. So I would ask the Board to please, please approve this application, it is not, it is not a huge deal. Thank you.

Sal Carrera: Thank you.

Sandy Anelli: Next speaker Peggy Monastra.

Peggy Monastra: Can you hear me, yes. Hi, my name is Peggy Monastra, I live at 38 campus grounds. I second many of the things I've already heard said, and I know we're all anxious to go and I will speak very quickly to the fact that I am incredibly grateful to David and everyone involved with Bethany for what they've done to preserve that land, to preserve that building and to bring international world class Arts activity to our town. My husband and I both work in the performing arts, we both work at a very international level, with many different artists and creators and we know that the awareness of what Bethany offers to the international art scene is becoming known and I have some specific friends who work in the performing arts in New York City who've been able to bring their projects to Bethany to develop them and it was invaluable part of the development of this work, which then went on to audiences throughout New York City and they speak to the value of Bethany as a place to bring and develop this work.

Peggy Monastra: I cheer the ZBA in the support that they've given to this learning process and I asked that the Community follow suit because it's clear from what I've been listening to tonight and the fact that that the mistakes that have been made or the miscalculations from lack of information have been treated with a supportive approach from the board, but I would really encourage the community to take the same approach because the value of what that property does for all of our value is incredible and the outdoor space is a key part of what will bring artists there. If you look at artists communities all over the Northeast all over the US. The grounds are very, very key part of what brings artists there because otherwise they could be doing their work within the major cities. So I'll just stop there.

Peggy Monastra: Thank you.

Sal Carrera: Thank you.

Sandy Anelli: There's a Rebecca

Sandy Anelli: There's no last name just says, Rebecca.

Rebecca: Nick, sorry, I'm sorry. Sorry, I couldn't figure out how to unmute myself. My name is Rebecca Raymond, and I live at 51 Somerstown Road, which is basically right at the bottom of Bethany. I can see the lights of Bethany from my window. I can hear the music from my porch and I often actually have sat outside and listen to it. I have been to many events at Bethany, my whole family our art lovers and amateur producers of art and I just wanted to as a neighbor who lives very, very close by lend my support to Bethany. When I first. I just moved here three years ago and when I first found out that I was going to be living so close to an arts community. I was, I couldn't believe it. I thought that was just the best thing in the world.

Rebecca Raymond: And when I got the notice about this meeting and I looked at the 10 things that they wanted to add to their permit. I thought every single one of them was amazing and I hope that they get what they need and I understand that they have had problems in the past, understanding what they were allowed to do and what they weren't allowed to do, but I've been here since the beginning of the meeting, even though I just joined on and video it sounds like they're really trying hard to figure out how to work from now on, and be respectful to the neighbors and I just wanted to add my support to them.

Sal Carrera: Thank you.

Sandy Anelli: And one more speaker Anne Merla, again, I guess, is that a second time Anne that you want to speak. So I think maybe that's it.

Sal Carrera: You have, I have a phone call on here 762-6024 to for

Sandy Anelli: They don't have their hand up for comments.

Sal Carrera: How did they get in, if they're using their phone?

Christie Addona: Star nine is how you raise your hand on the phone.

Anne Merla: Can you hear me, Sandy.

Sandy Anelli: Sorry, that's Anne Merla, yes.

Anne Merla: I apologize. I was on mute. I didn't realize

Anne Merla: I just want to add few things. I appreciate the contributions from, you know, to the surrounding community. I border the property. My property backs up a large part of their property. And I don't want to see them fail. I, my husband. I do not want to see condos are big development going there at all. That is not what we want. We want to be good neighbors, and we want them to be good neighbors. I've found many things that have been done. We're not done. In the constraints that they're supposed to be done. Okay. All right, let's move on going forward. I feel that having 50 children and an outdoor camp in July and August in my backyard would not be something that I would want. And I mean literally my back yard. It's right there.

Anne Merla: However, like I said they held the camp, which I didn't realize they didn't have a permit for and someone said, well, it's our fault because we didn't complain about it. I didn't complain because I didn't know. It was short lived, and they were kids, they were having fun. They weren't, you know, going out vandalizing the neighborhood. So what am I going to complain about?

Anne Merla: My fear is having 50 kids. I think they said in one part of their Application and then another part 30 kids after school. So to me, I think we need to look at the size and scope of this but not to totally shut it down, but so all come to an agreement on what can be done at a reasonable level. I had no idea I'd be working from home full time. I mean nothing I want envisioned, ever and it's scary. I don't know when I'll ever be able to go back to my office again and I work from home full time. So full time 50 60 70 kids in my backyard could be a little disruptive. Um, but, you know, kids are kids, they're not being like, you know, little terrorists, their kids but, I think we to look at the scope of it, and what can we do to all get along and make it you know agreeable to all of us. Thank you.

Sal Carrera: Thank you. Okay. Sandy.

Christie Addona: Sandy are muted.

James Blair: Can we have Anne's address please.

Sandy Anelli: Jerry Gerstner, did you want to say something?

19147626024: Hello.

19147626024: Yes.

Sandy Anelli: Jerry Gerstner?

John Hamilton: Just so you know, I'm running out of battery. If I leave suddenly I crashed. Okay.

James Blair: Good. We have an address, please.

Sandy Anelli: Oh,

Anne Merla: Yeah 21 Stonegate Road.

James Blair: Thanks very much.

Anne Merla: Thank you.

Sal Carrera: Jerry there otherwise, I want to move forward.

Sandy Anelli: He's not answering

Sal Carrera: Okay.

Sandy Anelli: Do you have no one else. There's no one else, indicating that they want to speak at this time.

Sal Carrera: Okay, so

Sal Carrera: Christie?

Sal Carrera: We with this notice we were giving seven days to get answers back in and any other comments that could come in. So how do you want me to make a motion with also leaving the public hearing still open?

Christie Addona: Well, what I would suggest is because the applicant is going to be submitting a lot of additional information and you may want to give the applicant time to submit. And then if you want to close the public hearing, maybe, you know, an additional week after the applicants submits a leave it open for public comment from the public. Alternatively, you could just adjourn the public hearing to the next meeting, and then allow the applicant to submit and the public to submit additional comments. I just think if the applicant is going to be submitting additional information, the public may want an opportunity to weigh in on that additional information.

James Blair: Christie, what was your earlier suggestion?

James Blair: As to process here.

Christie Addona: I would, I would say adjourn them during the public hearing and leave it open until the next meeting and then the applicant will submit their additional information and the public will have an opportunity to review it and then if the board is satisfied at the next meeting, then you can close the public hearing then.

James Blair: I move that.

Sal Carrera: Let's make a motion for that.

David Whitlinger: Second.

Sal Carrera: Okay.

Christie Addona: So. So just to be clear that or as we said is there another meeting scheduled. Are we going to wait until yeah we can submit?

Sal Carrera: And I'd like to wait for all the information to come in, then I would like to have another public hearing to get all those answers back to everybody that has written in and then you know whether or not we make a decision that evening or go into another meeting.

Sal Carrera: I don't have a problem with that.

David Lyons: Is it

Sandy Anelli: A meeting could be scheduled for July.

Sandy Anelli: July 20th if you need it.

Sandy Anelli: It's a Monday night again.

Sal Carrera: How about that.

Christie Addona: Why don't we continue the public hearing to July 20 and then if it turns out that we need more time. We can adjourn that meeting.

Sal Carrera: Works for me.

Christie Addona: Mr. Lyons did you want to say something?

David Lyons: No, I was just hoping to have the schedule for the next meeting as soon as possible, nothing will happen this year, but I'd like to put this to bed and work together to make this better.

Christie Addona: So everyone's in agreement that, I would recommend that the motion to adjourn the public hearing to be continued at the Zoning Board's July 20th meeting.

Sal Carrera: I'm in agreement.

Dave Whitlinger: James made the motion and I'll second it.

Sal Carrera: Okay.

Sal Carrera: David O, do you want to make a motion.

James Blair: Well,

Sal Carrera: I'm in favor

Sal Carrera: I need a second motion to July 20th.

Tom Wills: I can second.

Sal Carrera: Okay.

Sal Carrera: Thank you all.

Sal Carrera: Any questions, Chris, are we all on the sand.

Christie Addona: Now as long as, as long as all the board votes and paper which should have here's everyone does. Um, yeah. So hopefully we can get that information from the applicant and the public will have an opportunity to review it and continue the discussion.

Sal Carrera: Tomorrow I will send to Sandy.

Sal Carrera: Four or five letters I can email that had numerous questions that she can email to the applicant so they can answer them all at once.

David Lyons: Is it possible to get copies of all the letters that were written

Sal Carrera: Yes, and they're going to be online. Sure.

David Lyons: Okay, great. Thank you.

Sal Carrera: Sandy.

Sandy Anelli: Yes.

Sal Carrera: Make sure all the correspondence that were received is online for everybody to read.

Sandy Anelli: Okay. Will do.

Sal Carrera: Thank you. Okay. Mr. Lyons.

David Lyons: Absolutely. Thank you very much for your time, sir.

Sal Carrera: Thank you. Our pleasure. We'll talk to on the 20th. Christie if you want to have a preliminary, just let us know.

James Blair: David, could your responses to the various points raised and letters that you've not yet received good, they will be made available in sort of one document to the board.

David Lyons: I will put all of my documentation together in one file. Yes.

Sal Carrera: That's perfect.

Dave Whitlinger: Do we have to do something formal or either individually or as a board and go to the property and see the property and roam the property.

Sal Carrera: Again, you can't go as a board if you want to go to pass by, go right ahead.

Christie Addona: There could be there could be a site visit. But if you have a quorum of the board present, which is three members, then it has to be noticed as a meeting so two board members or one board member want to go at a time. Then, you know, assuming applicant is okay with it. I don't want to put words in his mouth then you can you can just go and see the site. But I think a site visit would probably be productive, under these circumstances, as long as everyone's comfortable with it.

James Blair: I've already been there.

Sal Carrera: I've been there.

David Lyons: I would invite you come even my neighbors. If you haven't been to Bethany and you haven't met me personally, please come I'm generally there most of the time. And in the letter that I've passed around to the neighbors. I put in my personal cell phone number. My email address, please feel free to reach out. I am available.

Sal Carrera: Okay.

Sal Carrera: Everybody. All right, thank you so much. Enjoy the Fourth of July weekend. Stay safe and healthy and we'll get together real soon.