

2018 CONDITIONAL CABARET LICENSE FOR WESTCHESTER BALLROOM

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

1. The Applicant operates a dance studio at 565 North State Road, Ossining, New York 10510 (the “Property”) for which it originally obtained a cabaret license in 2016.
2. The Applicant submitted an application for renewal of the cabaret license in accordance with Chapter 68 of the Town Code on December 15, 2017. The Town Board opened a public hearing on this application at its January 23, 2018 meeting and continued the public hearing at its meetings on February 27, 2018 and March 13, 2018, with the public hearing being closed on March 13, 2018.
3. During the public hearing, the Town Board heard comments from neighboring residents regarding noise at the Applicant’s property, including late at night, which on some occasions led to noise complaints being made to the Police Department. The Town Board received records from the Police Department regarding those complaints.
4. At the Town Board’s request, the Applicant also did sound testing with the Ossining Police Department during an event held on the evening of Friday, March 9, 2018. The sound testing was recorded and the Board heard the results of the testing prior to the public hearing being closed.
5. Lieutenant Damiano appeared before the Town Board at the March 13, 2018 public hearing to discuss the results of the testing. He advised that he and the Applicant’s attorney went to the Property and could not hear any music from the parking lot outside. They entered the premises where the Ballroom was having an event with approximately 40-50 people and there was in fact music playing. The music was turned up and they went back outside to the parking lot but still could not hear the music. Lieutenant Damiano advised that the traffic was louder than anything else they could hear. They then went to the properties on Morningside Drive where the majority of the complaints originated and could not hear any music. In addition, no members of the public spoke at the public hearing on March 13, 2018 after the noise testing had been done.
6. The Applicant’s attorney advised that this was a typical Friday night event. The Town Board understands that there are different events that are typically held on Saturdays that can be louder and/or larger and potentially cause disturbances for the neighbors. The Applicant advised that these types of events were not currently being held at the Property and had been moved to other locations. The public’s comments and police reports confirmed that there had not been any noise issues reported with respect to the Applicant’s Property since January 6, 2018. The Applicant advised that these types of events would not be held again until May. Accordingly, the Police Department was not able to do sound testing at this type of event and the Town Board was not able to consider the level of noise generated from these events in making its determination.
7. The Town Board also received comments from the Building Inspector expressing concern that the Applicant was renting out the venue to hold events not permitted by the cabaret license and that certain events may not be permitted under the Zoning Code.
8. In response to the Building Inspector’s comments, the Applicant submitted a revised application outlining the types of events being held on the property:
 - Dance classes

- Public and private dance lessons
 - Dance parties
 - Fundraisers
 - Dance shows
 - Public and private parties
9. The Building Inspector reviewed this submission and advised that it was his interpretation that any use that did not include dance instruction would not be permitted under the Zoning Code. The Applicant confirmed that any use of the Property would include dance instruction.
 10. The Building Inspector also recommended that certain conditions be placed upon this Cabaret License, which conditions were considered by the Board.
 11. While the public hearing was open the Supervisor received an email from an employee of the Applicant advising that they were planning to invite the neighboring residents to a brunch at the Property to discuss everyone's respective concerns and come to a resolution. The Town Board looks favorably upon such direct and respectful communication between the various parties.

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

1. To the extent the Applicant has not already done so, the Applicant shall pay the required fee for the license renewal as set forth in the Town's Fee Schedule prior to continuing operation.
2. The Applicant shall provide the Town Supervisor's Office with at least 7 days' notice of all events, classes and/or activities that will be held at the studio that will last past 8 p.m. and the name of the dance instructor(s) who will be present at the event. To the extent the Applicant relies upon its email distribution list to provide this notice, the Applicant must ensure that the email notifications are sent out at least 7 days prior to the event.
3. The Applicant shall ensure compliance with the Town's Noise Code (Chapter 130) and require DJs and bands performing at the studio to sign a statement acknowledging the requirement to comply with the Noise Code.
4. The Applicant shall prohibit DJs from using their own sound equipment and require that only the house system (which the Town Board understands does not have subwoofers) be used.
5. In furtherance of the representations made by the Applicant's representatives during the public hearing process, the Applicant shall attempt to engage the neighboring property owners in an amicable dialogue to alleviate their concerns and develop a direct communication system with the neighboring residents who have noise complaints.
6. The Applicant may only hold the types of events listed in paragraph 8 of the findings above and any event shall include dance instruction.
7. At least 14 days prior to resuming its Saturday night events in May (as discussed in paragraph 6 of the findings above), the Applicant shall notify the Supervisor's Office and the Police Department of the event at least 14 days in advance and arrange for a police officer to attend the event and do sound testing. Based upon the results of the testing and/or noise complaints received from the neighbors with respect to these events, the

Town Board reserves the right to amend this license to put further restrictions on this use of the Property.

8. At any event/class/activity that will last after 8:00 p.m., Barbara Antes, Craig Streeter or another responsible employee of the Applicant, with the ability to contact Ms. Antes or Mr. Streeter in order to address complaints, shall be on-site for the entirety of the event/class/activity. Within 10 days of the date of this license, the Applicant shall provide the Supervisor's Office with contact information for a person that can be reached on-site in the event of a noise complaint. If the police are called as a result of a noise disturbance, immediately after being notified by the police, the sound level shall be reduced and shall not be increased during the remainder of such event/class/activity.
9. The Applicant shall ensure compliance with all requirements of the Town's Cabaret Code (Chapter 68), and specifically the Applicant shall ensure that no amplified music is being played after 11:00 p.m. Sunday through Thursday nights and 12:00 midnight on Fridays of Saturdays.
10. The Applicant shall not rent or sublet the space for any parties or events that are not run by the Applicant and/or do not include dance instruction.
11. Within 10 days of the date of this license, the Applicant shall provide the Supervisor's Office with the names and contact information of all of the dance instructors employed by the Applicant and the Applicant shall update the list accordingly.
12. The Applicant shall submit an application to the Town for renewal of its license for 2019 no later than November 1, 2018 to allow the Town Board adequate opportunity to review the application, review compliance with the conditions herein and to receive public comment prior this current license expiring on December 31, 2018.
13. The Applicant shall make a good faith and every reasonable effort to comply with the conditions set forth above and multiple violations of these conditions may result in the Applicant's license being revoked or a renewal application being denied. The Applicant's compliance with the conditions herein and the requirements of the Code and ability to work with the neighbors and avoid noise complaints to the Police Department will be considered by this Board in considering any subsequent renewal applications submitted by the Applicant.
14. In the event the Applicant is found to be in violation of any of the conditions herein, the Town Board may, in its discretion, direct the Applicant to appear before the Board to discuss the violation, the reason for the violation and potential solutions. The Board also reserves all rights and remedies available to it under the Cabaret Code in the event the Applicant is in violation of this approval or the Code.

Town Board of the Town of Ossining

Dated March 27, 2018