



**TOWN BOARD
TOWN OF OSSINING
86-88 SPRING STREET
BIRDSALL-FAGAN POLICE COURT FACILITY
OSSINING, NEW YORK
MAY 9, 2017
7:30 P.M.**

**SUPERVISOR
Dana Levenberg**

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

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

The Regular Meeting of the Town Board of the Town of Ossining was held on May 9, 2017 at the Ossining Municipal Building, 16 Croton Avenue-1st Floor Board Room, Ossining, NY. The meeting was called to order at 7:30 p.m. by Supervisor Dana Levenberg. Members of the Board present were: Councilmembers Kim Jeffrey, Northern Wilcher, Karen D'Attore and Elizabeth R. Feldman. Also present were Town Counsel Steven Silverberg, Budget Officer Madeline Zachacz and Town Clerk Mary Ann Roberts.

Supervisor Levenberg ask that everyone remain standing for a moment of silence—last week, we received news that the great aunt of Victoria Cafarelli in the Supervisor's Office, passed away suddenly during a vacation out-of-state. Maria Michelle Cafarelli was a lifelong resident of Ossining, and we send our best wishes to her family and all those in the community touched by this tragic loss. Please join me in a moment of silence for Maria.

II. PUBLIC HEARINGS IN THE MATTER OF:

- **Introductory Local Law No. 5 of 2017- Extending A Moratorium on Construction within the Town of Ossining**

At 7:32 P.M., the Public Hearing was opened.

Thank you. Tonight, we have three public hearings scheduled, the first of which is a proposed Local Law to extend the development moratorium. We have been working with our Planning Consultant to take a look at zoning in several parts of the Unincorporated Area, and we are not quite ready to adopt those zoning changes. We are looking to extend the moratorium for another 3 months, until August 7th, to give us time to finish the zoning law, although it is likely we will lift it earlier. If there are no objections, we will plan to adopt the law allowing this extension later in tonight's meeting.

Jaimie Black, Quakerbridge Rd. feels that there are many issues that need to be looked at very carefully and respects the board's judgement in extending it another 90 days.

Maria Carolee, Cliff Drive if the moratorium is completed earlier than 3 months will the residents be notified about this?

Supervisor Levenberg answered yes.

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

- **2017 Cabaret License Renewal for The Westchester Ballroom**

At 7:35 P.M., the Public Hearing was opened.

Supervisor Levenberg stated that our second public hearing tonight is in regards to the proposed cabaret license renewal for Westchester Ballroom on North State Road. If you have been following along, we have asked the applicant to undergo some sound testing based on some concerns we've heard from residents in the neighborhood. We have our consulting engineer Dan Ciarcia here with us this evening, who will discuss his findings and we will discuss suggested next steps.

Councilmember Jeffrey announced that she was recusing herself as she is a nearby resident of this establishment.

Barbara Antes owner of Westchester Ballroom Dancing reported that a sound study was completed. When the police were called they contacted the engineer who would come and take a sound reading. The engineer would also arrive unannounced on a Friday evening at around 9 p.m. He took readings at the property line. The sound was barely above the ambient level which after 10 p.m. was 50dcb measured 48. Enforcement was done at 45 dcb. If the fire exit is kept open it does direct more noise. The engineer suggested a panic bar and to keep the fire door closed. The metal roll up door also does not hindered the noise level.

Lt. Richard Damiano reported that there were 6 complaints since the first of January which was caused by the opening and closing of the back door which allowed the noise to go out to the residents.

Ms. Antes said that they will sheet rock behind the garage door. Parties start at 9:00 p.m. and there is one going on right now. She was advised that she is operating without a cabaret license. There is no sound dampening at this time. Ms. Antes stated that the back door is available for the handicap.

Councilmember D'Attore questioned whether parties were happening right now?

Supervisor Levenberg stated that a cabaret license will not be issued until the owner complies with the recommendations to remedy the noise problem.

Marc Hoeflich Morningside Drive a member of the Town Planning Board stated that the building was designed as a warehouse which is 90% metal and 10% brick. He does work on sound studios and brought with him ceiling tile samples which can be used in the walls as well as the ceilings for sound barriers.

Fritz Suckle Morningside Drive commented that the Police did not come to the homes to get the prospective of the neighbors. We would like to enjoy our quality of life.

Supervisor Levenberg suggested that the applicant reach out to the surrounding neighbors and would like a list submitted to the Supervisor's office on when these events will take place following your mitigation.

Town Council suggests that the Board request a specific plan for mitigation from the applicant.

Mr. Hoeflich would like to know if he is permitted to visit the site.

Supervisor Levenberg suggested that he work directly with the applicant on that.

Town Council Steven Silverberg agreed that Mr. Hoeflich would have to ask the applicant if he could visit the site.

At 8:00 P.M., Councilmember Wilcher moved and it was seconded by Councilmember Feldman that the Public Hearing be adjourned until May 23rd, 2017.

Motion Carried 4-0-1

**Ayes: Wilcher, D'Attore, Feldman
& Levenberg**

Abstain: Jeffrey

- **Local Law No. 4 (Formerly Local Law #2) for the Purpose of Amending the Zoning and Cabaret Chapters of the Town Code"**

At 8:04 P.M., the Public Hearing was opened.

Supervisor Levenberg provided a brief description of this local law which will respectively amend the zoning and cabaret chapters of the Town Code with respect to a variety of matters in order to update and improve these chapters. This local law is determined to be an exercise of the police powers of the Town to protect the public health, safety and welfare of its residents. This local law also serves to implement recommendations of the Town's Comprehensive Plan.

Supervisor Levenberg stated that our last Public hearing tonight is on the proposed zoning changes I mentioned earlier. At our last Work Session, the Board had deliberated, based on the comments we had received to date, and discussed potential decisions specifically for the Crotonville area, going forward. We did receive some recommendations from the Planning Board, which were alluded to at the work session, which I will be reading into the record. Just to reiterate where we started and where we are now.

Supervisor Levenberg read aloud the memo from the Town Planning Board and Daria Gregg:

Dear Supervisor Levenberg and Town Board members:

As a Crotonville resident I appreciate that you have taken the time to hear all the residents and their views about your proposal to rezone the current GB district in Crotonville to either Neighborhood Commercial or Residential, or let I remain General Business. Residential is the preferred rezoning option to most residents in Crotonville and is what has been proposed in the Town of Ossining's Master Plan.

However, I am practical person and think residential zoning would be hard to implement in the further for the following reasons:

1. The area is owned by at least two possibly three owners. To coordinate in a fair manner that all owners would be discontinue their current use and tear down their buildings to build residential communities would be difficult. Probably the buildings would remain empty for some time and possibly become a future hazard to the community.
2. In the past there was a gasoline station on the property. Currently there is and has been a car repair shop, which now has a permit to do body work and to spray paint cars as part of this permit with toxic paints and thinners. Behind the buildings large diesel trucks are stored. All this probably adds up to contaminated soil, which would have to be cleaned up before any residential development would be allowed.

3. No one would build this area piece meal. A house on part of the area next to a current commercial area would be hard to sell. Most developers would avoid this until the whole area was cleared.

But on the positive side of changing to residential zoning, when the current owners choose to sell their property, it would give the Town more power and leverage over any future proposals.

Currently, the Corvette repair shop is painting cars inside. I can only guess the Town could not stop this permit process. But just this past weekend the fumes coming from the shop could be smelled three houses away. Who enforces the exhaust and safety of this operation? Next door on Stanley Ave, there are many children living and playing-and also being exposed to these fumes. If the zoning were changed, this part of the car service would not be allowed in the future. Currently, this a business commercial district surrounded by residential. We need a solution for our community.

A fair compromise in my mind would be neighborhood commercial. When one owner sells, it would be easier to transition over to this use. The neighbors would appreciate shopping or eating nearby, within walking distance. Currently, there are not enough rental properties locally. If any apartments were built upstairs they should go for a fair price and would not be section 8 as one resident has state. There is nothing wrong with section 8 housing per se. No matter what the rent is, what happens to the property depends on good reliable renters, not their financial status. This scare tactic offends me. The area surrounding the GB district is full of rental apartments and for the most part the renters are good neighbors.

However, the previous Curtin property currently owned by Mr. Fiorito should definitely be zoned residential. It is hard to determine with 100% certainty why the hillside on the northeast side of the property next to Mr. Fiorito's current business has started to crumble. It is probably a combination of factors-a large tree whose roots destabilized the previous retaining wall; or Mr. Fiorito removing part of the hillside from down below to place new building; or the blasting down of the mountain on the Croton River side of Mr. Fiorito's property. No one can say for sure.

But what better person than Mr. Fiorito to repair it? Yes, this will cost Mr. Fiorito money to repair, but it is to his advantage to protect his investment on top and below the hillside. If you allow Mr. Fiorito to build a two family house on the property, it will still be residential in character and will be a buffer to the residents on this end of Old Albany Post Rd. Mr. Fiorito will be able to recoup his investment with time. If someone is worried about residents falling down the hill a fence could be built to make it safer.

Rezoning a property is difficult process. However, you the Town Board are the residents of the Town of Ossining's representative. I hope you will do what is best for Crotonville and the future of our community. Please remember each resident of Crotonville will be impacted by your decision. I hope you will look to the future of Crotonville.

Yours sincerely,

Daria Gregg
Old Albany

Councilmember Jeffrey requested a clarification of the memo from the Planning Board and/or requested the Chair to attend our next meeting.

Jaimie Black, Quaker Bridge Road, presented petition s to the Planning Board, Zoning Board of Appeals and the Town of Ossining. There are 588 units in the Village and maybe 10 in the Town. We request notification in writing 30 days in

advance of any meetings. Drinking water is at risk with providing water to the Sunshine Home. The Village takes in \$10 million in water.

Donna Sharrett Morningside Drive questioned the 15 foot buffer being increased to 20 feet and building at 30 feet. There are two properties for sale on North State Road (one and a half acres which has a 35,000 square foot building proposed and two and half acre parcel). How big a building should be the object – a parking lot which is 20 feet from her property?

Jim Levis Quaker Bridge Road is perplexed and disappointed by the Planning Board meeting was speaking individually and not written. The Board is too focused on commercial for funding. Landlords do collect rent. The Board should revisit what is permitted in GB1/NC which is terribly wrong. Residential will cause more traffic than commercial.

Mark Hoefflich, Morningside Drive and Planning Board member will be discuss items that were brought up this evening with the Planning Board.

Bruce Fiorito Old Albany Post Road stated that he has been very sensitive to the neighbors and maintaining his property. The Comprehensive Vision Plan is not my vision. The property in question is a quarter acre lot with a 100 foot drop and a 65 foot drop. He would like to construct Mom and Pop shops rather than jamming houses in.

Stephen Hampton Quaker Bridge Road stated that Mr. Fiorito is concerned about parking and doesn't understand why because he has a big piece of property that he can use for property. There is plenty of space in the commercial area for his garage.

Gaye Breakstone of Quaker Bridge Road stated that there are no sidewalks, lots of activity and a blind curb. Trucks coming in and out of 39 Old Albany Post Road would cause a serious hazard.

Evelyn Garrett Albany Post Road commented on whether it would be one large garage or multiple garages would still be a big problem.

Olga Riveria from Hillcrest Avenue moved from the city to avoid noise and safety from traffic for her children.

Thank you everyone for participating in these hearings and giving us a chance to hear from you. As I mentioned, we are getting towards the end of this process, and I sincerely appreciate everyone's patience as we do our very best to get these changes right.

At 8:50 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Wilcher that the Public Hearing be adjourned until May 23rd, 2017.

III. SPECIAL PRESENTATION

- **2016-17 MS4 Stormwater Report by Mike Ritchie of Dolph Rotfeld Engineering.**

Supervisor Levenberg stated that we have a special presentation from Mr. Mike Ritchie from Dolph Rotfeld Engineering. Since 2012, Mr. Ritchie and his associate Jim Maxwell have been assisting the Town with the preparation of our annual storm water report. The report will be mailed to the State DEC within the next two weeks, but we asked Mike here tonight to walk us through this year's report, which covers the time period from late March of 2016 through late March of 2017. Mike, welcome.

Mr. Ritchie provided information regarding the New York State DEC report of activities from March 2016 to March 2017. This report was worked on with staff to collect responses to questions 1 – 6. This is the last year of the current permit process which ran from 2003 to 2017. New requirements are being reviewed and should be in place by fall of 2017. The Town Board has done outreach to the community with

numerous volunteer activities. Mr. Richie has been working with Ms. Zachacz to have this information placed on the website. Green Ossining has held Earth Day, the Village Fair, EAC and the highway department.

IV. ANNOUNCEMENTS

Supervisor Levenberg announced the following:

We have so much excitement in our community right now as the weather gets warmer and the days get longer. One important announcement I want to make up front: we have received word from the NYC Department of Environmental Protection that next Tuesday, Wednesday and Thursday (May 16th, 17th and 18th), new valves on the Croton Dam which affect the Croton River will be tested, and they are strongly recommending that folks DO NOT enter the river for any purpose. We will be posting the notice with more details on the Town of Ossining website, but the DEP will also be posting signage at various access points, including Gerlach Park, Old Albany Post Road, the Crossining Bridge, etc., and they will also be posting it on Facebook. For your safety and the safety of our first responders, please take heed of this request and keep your distance from the Croton River next week, for activities such as wade fishing, kayaking, or anything else that would negatively impact the safety of those in the river.

We also received notice this week that two of the Zero-Emissions Vehicles rebates we applied for have been secured. This over \$20,000 in funding will contribute to the lease agreement of a Nissan Leaf and the purchase and installation of a charging station at Cedar Lane Park, helping to contribute greatly to reducing the greenhouse gas emissions of our community. The Nissan Leaf arrived last week, and it is a smooth and quiet riding car that gets a range of about 105 miles on one charge! Our Building Inspector John Hamilton will soon be driving this car around town, and we can't wait to get it officially in commission. Thank you to Ron Kamen with Sustainable Westchester for helping us add a clean vehicle to our fleet, and at a great price too!

We have several great events coming up this week that I want to be sure to share with you.

This weekend marks the kickoff of the second year of the Town's Mind, Body, Spirit – Ossining Program. In an effort to foster economic development and encourage residents to utilize our parks, the Town began offering free classes hosted by local fitness and wellness experts on the weekends. This program was well received, and we are happy to offer classes for everyone in the community again this season. Friday afternoon, the AmeriCorps members at Open Door Family Wellness Centers will hold a demonstration of their "Recess Rocks" program for kids at Nelson Park after school from 3pm-4:30pm. Come and shake, rattle and roll with this fun, dynamic movement program for elementary school children! On Saturday, kick off Mother's Day weekend with a workout designed for moms and caregivers with Enrique Rosario of ICU Fit Training at Louis Engel Park at 9:30am. No experience is necessary to try out Enrique's signature 30-minute workout, just bring water. Don't miss the first of many classes to come this summer and follow the Town's Facebook page or visit the Town's website for more details about Mind, Body, Spirit – Ossining 2017.

Beginning on Friday night, May 12th, Teatown will host their annual PlantFest. Friday night is the "First Pick" event, where a \$20 admission fee will allow you access to the widest variety of flowering shrubs, herbs, vegetables and more, along with small bites from River market Kitchen, local beers and wine. "First Pick" begins at 4PM and lasts until 7PM. The fun continues on Saturday, where admission is free, and Plant Fest will begin at 9AM. Also on Saturday, May 13th, Westchester County will hold their Earth Day Shredding Event at the Kensico Dam Plaza in Valhalla between 9AM and 3PM. If you have uncovered any old documents during spring cleaning that you no longer need, come down and visit the mobile shredder in a new location! Later that day, the Ossining Elks Lodge will host "Second

Saturday” Jazz, with this week featuring the Paul Collins Organ Trio. The show begins at 7:30PM and all proceeds benefit the band.

Next Thursday, May 18th, the Ossining Public Library’s Budarz Theater will host the Ossining Documentary and Discussion Series’ screening of “The Hunting Ground,” a look into the disturbing trend of rape on college campuses throughout the US. The event will be followed by a panel discussion. The screening begins at 6:30PM. Be sure not to miss this important and educational event.

A little farther ahead, on Sunday, May 21st, the Clear View School will hold their annual 5K Run/Walk on the Old Croton Aqueduct Trail to raise money for the children and families of the Clear View School. The race kicks off from the Community Center at 7:45AM. Be sure to register in advance at www.clearviewschool5k.com, or by calling 941-4653 for more information.

Finally, if you have not yet signed up for Relay for Life’s Ossining event, you still have time. This year’s event will take place at Anne M. Dorner Middle School on Saturday, June 24th from 12pm to midnight. You can join a team through the American Cancer Society’s website at relay.acsevents.org. Be sure to enter 10562 as your zip code.

V. LIAISON REPORTS

Councilmember Jeffrey reported on her recent meeting of the Park and Recreation Advisory Meeting which was held on the previous evening. Discussion took place regarding Cedar Lane Park and the basketball court and volley ball court. They are both in need of repair as the poles have heaved the pavement. They discussed what is being utilized and it was determined that the basketball court is not being used and will be ripped up and planted with grass. The dog park has requested lights of some kind in the evening hours. The gym floors being re-done and should be completed within the next two weeks.

VI. DEPARTMENTAL REPORTS

VII. PUBLIC COMMENT ON AGENDA ITEMS

VIII. BOARD RESOLUTIONS

A. Approval of Minutes-Regular Meeting

Councilmember D’Attore moved and it was seconded by Councilmember Feldman that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the April 25, 2017, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

B. Approval of Minutes-Special Meeting

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

Resolved, that the Town Board of the Town of Ossining hereby approves the May 2, 2017, Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

C. Approval of Voucher Detail Report

Councilmember Wilcher moved and it was seconded by Councilmember D’Attore that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated May 9, 2017 in the amount of \$422,596.09.

Motion Carried: Unanimously

D. Environmental Advisory Committee- Appointment

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

Resolved, that the Town Board hereby appoints Erin Norris, Ossining, to fill the remainder of an unexpired term on the Town's Environmental Advisory Committee, set to expire on December 31st, 2019.

Supervisor Levenberg stated that as you may know, we have had a vacancy on our Environmental Advisory Committee for some time now, and we heard from Erin Norris the last time we solicited applications. Erin joined the EAC at their last meeting to get a taste of the work they've been doing, and according to Chair Mitzi Elkes, she fit right in. We are glad to welcome Erin to this important Town committee.

Motion Carried: Unanimously

E. Adoption of Introductory Local Law #5 of 2017 as Local Law #4 of 2017 - Extending A Moratorium on Construction within the Town of Ossining

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

WHEREAS, the Town Board of the Town of Ossining has been considering the adoption of a proposed local law entitled "Amendment to Extend Interim Development Moratorium within the Unincorporated Town of Ossining", which means to impose a temporary moratorium on development within the Town of Ossining to allow for a planning and zoning analysis consistent with the Town's Comprehensive Plan; and

WHEREAS, in accordance with New York State Law, and after having provided all requisite notice thereunder, the Town Board conducted a Public Hearing on Introductory Local Law No. 5-2017 entitled "Amendment to Extend Interim Development Moratorium within the Unincorporated Town of Ossining" on May 9th, 2017 at 7:40 p.m. at 86-88 Spring Street, Ossining, New York during which the public had the opportunity to be heard on such proposed local law; and

WHEREAS, the proposed Local Law is a Type II action and does not require environmental review;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ossining hereby adopts Local Law No. 4-2017, entitled "Amendment to Extend Interim Development Moratorium within the Unincorporated Town of Ossining" with such adoption to take effect as set forth in said Local Law and as otherwise required by law; and

BE IT FURTHER RESOLVED, that the Town Board directs said Local Law #4 of 2017 to be filed and/or distributed in accordance with applicable law.

Roll Call Vote: 5-0-0

**Ayes: Wilcher, D'Attore, Feldman,
Jeffrey & Levenberg**

F. Personnel- Dale Cemetery- Seasonal Appointment

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Humberto Ferreira, Ossining, to the seasonal position of Laborer at Dale Cemetery effective May 10th, 2017 at a rate of \$12 per hour.

Supervisor Levenberg stated that each year, we hire a seasonal employee for the busiest season at Dale Cemetery, and Mr. Ferreira came highly recommended by a past employee. We look forward to having him join the Town team for the next 4 months.

Motion Carried: Unanimously

G. Taxes- In Rem Foreclosure Re-Appointment

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

Resolved, that the Town Board of the Town of Ossining hereby appoints Mark Tulis, Esq. of Tulis, Wilkes, Huff & Geiger LLP, 220 White Plains Road, 2nd Floor, Tarrytown New York as Special Counsel to conduct In Rem foreclosure proceedings upon the unpaid tax liens appearing in the 2016 list of delinquent taxes, and to file the 2017 list of delinquent taxes. Compensation to Mr. Tulis shall be in accordance with his letter to the Town of Ossining dated April 7th, 2017.

Supervisor Levenberg stated that our next two resolutions pertain to our annual foreclosure proceedings. These are the same two groups that have been working with our tax office for many years with great success, and we look forward to continuing to do business with Mr. Tulis and Ms. Goldsand.

Motion Carried: Unanimously

H. Taxes- Foreclosure 2016 Title Search

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

Resolved, that the Town Board of the Town of Ossining hereby authorizes Robin Goldsand of the RG Agency to perform the title and lien searches required in connection with the 2016 list of delinquent taxes in preparation for In Rem foreclosure proceedings at a fee of \$200 per parcel, and to prepare documents for the closing of properties that have been auctioned.

Motion Carried: Unanimously

I. Resolution Granting Temporary Cabaret License Extension To Ballroom Studio Of Westchester

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

WHEREAS, on or about December 15, 2016, Ballroom Studio of Westchester (“Applicant”) applied for a renewal of its cabaret license originally issued August 23, 2016 pursuant to Chapter 68 of the Town Code; and

WHEREAS, when considering the original application at its August 23, 2016 meeting, the Town Board expressed concern about the noise impacts to the nearby residential properties from the studio’s operation and expressed a desire for the Applicant to conduct sound testing during appropriate hours to ensure no adverse impacts; and

WHEREAS, the Town Board opened a public hearing on the license renewal application at its February 7, 2017 meeting; and

WHEREAS, the Town Board received ample comments from nearby residents regarding the noise impacts from the operation of the studio, especially late at night, and many of which involved calls to the police; and

WHEREAS, in an effort to resolve these issues, the Town Board kept the public hearing open and directed the Applicant to, in consultation with the Village's consultant engineer, propose and develop mitigation measures to be presented to the Town Board to show how the Applicant intends to resolve the ongoing noise issue; and

WHEREAS, as a result of this ongoing process, the Town Board has not issued the Applicant the requested cabaret license renewal; and

WHEREAS, pursuant to Town Code § 68-9(C), the Town Board is authorized to grant a temporary thirty-day extension license while the Town Board considers the merits of the renewal application; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby grants the Applicant a temporary thirty-day extension license effective May 10, 2017 subject to the following conditions:

- 1. The Applicant shall pay the required fee for the license extension as set forth in the Town's Fee Schedule.**
- 2. Going forward, 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.**
- 3. By May 31, 2017, the Applicant shall submit to the Town Board proposed plans and a narrative, including a timeline, for the installation of soundproofing and other measures to resolve and/or mitigate to the maximum extent practicable the noise impacts to the neighbors. The narrative shall specifically include a discussion of the following potential mitigation measures, including how they will be implemented or why the Applicant believes it is not feasible to implement them:**
 - a. Restricting access to the rear door by installing alarmed panic hardware;**
 - b. Developing a direct communication system with the neighboring residents who have a noise complaints;**
 - c. Requiring DJs and bands performing at the studio to sign a statement acknowledging the requirement to comply with the Town's Noise Code (Chapter 130);**
 - d. Prohibiting a DJ's use of their own sound equipment and requiring that only the house system (which the Town Board understands does not have subwoofers) be used.**

This list is not exclusive and the Applicant is encouraged to propose additional potential mitigation measures it believes will resolve the noise issues.

- 4. At any event/class/activity that will last after 8:00 p.m., either Barbara Antes or Craig Streeter shall be on-site for the entirety of the event/class/activity. If the police are called as a result of a noise disturbance, immediately after being notified by the police, either Ms. Antes or Mr. Streeter, as the case may be, shall go to the residence to hear the noise from the studio that resulted in the police call. Once Ms. Antes or Mr. Streeter have visited the residence and heard the noise from that location, the Applicant shall immediately reduce the sound to a level that cannot be heard off-site, as confirmed by the responding police officer(s), and the Applicant shall not increase the volume of the music again for the remainder of the night.**

BE IT FURTHER RESOLVED, 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 renewal application being denied; and

BE IT FURTHER RESOLVED, the Town Board shall comply with the requirements and standards of Town Code Chapter 68 in deciding whether and under what terms to grant the Applicant's renewal license; and compliance with the above-referenced conditions does not guarantee the granting of the renewal permit, nor does it establish or limit the parameters or conditions that may be put on any renewal permit, if granted.

Supervisor Levenberg stated that as we have heard tonight during our public hearing, Westchester Ballroom is seeking a Cabaret License. Because we do not believe they have addressed the mitigation efforts required to reduce the noise associated with their license, we are granting them a special temporary license extension in order to have them address the concerns of this board. If they are not able to do so, we will have the ability to revoke the permit and not allow this use at their location.

Motion Carried: 4-0-1

Ayes: Wilcher, Feldman, D'Attore & Levenberg

IX.CORRESPONDENCE TO BE RECEIVED AND FILED

X.MONTHLY REPORTS

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

Resolved, that the Town Board of the Town of Ossining hereby accepts the following monthly reports:

- Town Building Department- April 2017
- Town Clerk's Office-April 2017
- Town Supervisor's Office-April 2017
- Dale Cemetery March 2017 & April 2017
- Tax Receiver's Office April 2017

Motion Carried: Unanimously

XI.VISITOR RECOGNITION

XII.ADJOURNMENT-EXECUTIVE SESSION-PERSONNEL

At 9:38 P.M., Councilmember Jeffrey moved and it was seconded by Councilmember Feldman that the Regular Meeting be adjourned.

Before we close, I want to wish every mom, and surrogate mom, out there, along with our moms on the Board, a very Happy Mother's Day this weekend. Here's hoping for a beautiful day to celebrate the ones who hold our families together. Have a great week, everybody. We will see you on Tuesday, May 16th at 16 Croton Avenue for our next Town Board Work Session. Goodnight

Motion Carried: Unanimously

Approved:

Mary Ann Roberts Town Clerk