



**TOWN OF OSSINING
BUILDING & PLANNING DEPARTMENT**

101 ROUTE 9A, P.O. Box 1166
OSSINING, N. Y. 10562

PHONE: (914) 762-8419 FAX: (914) 944-0195

Website www.townofossining.com & Email bldddept@townofossining.com

APPLICATION TO THE ZONING BOARD OF APPEALS

Date July 8th, 2020

I, We Bethany Arts Community (David Lyons) Of 40 Somerstown Road
(Name of Applicant) (Street)

Ossining NY 10562 914-815-0512 : HEREBY
(Municipality) (State) (Zip Code) (Phone No.)

RECEIVED

APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR AND IN CONNECTION THEREWITH REQUEST **JUL 27 2020**

an Interpretation of the Zoning Code or Zoning Map of the Town of Ossining **Town of Ossining Building & Planning Department**

a Variance from the terms of the Zoning Code of the Town of Ossining, or

a Temporary Certificate of Occupancy.

APPLY TO THE ZONING BOARD OF APPEALS FOR A SPECIAL PERMIT. (Renewal)

1. **LOCATION OF PROPERTY:** 40 Somerstown Road Ossining, NY 10562
(Street and Number)

SECTION 90.10 BLOCK 3 LOT 27 ZONE R-40

A) Is the Property located within a distance of 500 feet of the boundary of any village, town or county, or any boundary of a State park or parkway?

If yes, specify. The property is approximately 285 feet from Village of Ossining boundry. Yes No

B) Does the Property abut the boundary of any village or town, the boundary of any State or County park or other recreation area, the right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or the boundary of any county or State owned land on which a public building or institution is located? If yes, specify.

Yes No

C) If a Special Permit is being applied for, is the property shown on the Hudson River Valley Commission Jurisdiction Map?

Yes No

2. **PROVISION (S) OF THE ZONING CODE INVOLVED:**

Section 200 subsection 26 paragraph A

Section _____ subsection _____ paragraph _____

Section _____ subsection _____ paragraph _____

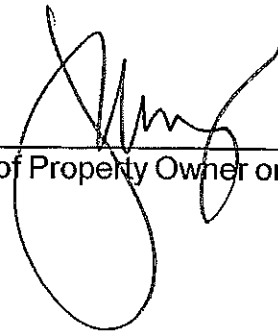
3. **DESCRIPTION OF RELIEF REQUESTED** (Set forth the circumstances of the case, interpretation that is claimed and details of any variance applied for. Use extra sheet if necessary.)

This application is filed for the purpose of obtaining a variance for an apiary on the property.

4. **REASON FOR APPEAL** (State precisely grounds on which it is claimed that relief should be granted. Use extra sheet if necessary.)

We are requesting a variance for apiaries on Bethany Arts Community expansive grounds do to prompt wellness and health of the community as the benefits extend to Ossining and the community at large. There are many benefits to having apiaries which include but are not limited to the health of the local fauna and flora, natural pollination, extended health benefits, as well as bee conservation. The natural pollination is a necessary factor in healthy vegetables, flowers, fruit trees, local backyard flower beds, ornamental gardens of local neighbors just to name a few. There are many factors that are killing honeybees in our environment, BAC hopes to be part of the solution in the support and professional care of the bee community.

5. Enclose 10 copies of an accurate and intelligible plan of the Property drawn to a suitable scale and a nonrefundable fee of **\$250.00**



(Signature of Property Owner or Authorized Agent)

The Town Board of the Town of Ossining (Town Board) has undertaken a discussion of potential beekeeping legislation for the Town of Ossining. BAC understands that the Town Board is looking towards the Village of Ossining Chapter 75, NY provisions on beekeeping as it evaluates changes to the Town code. This discussion was on a recent Town Board Work Session and, as BAC understands these processes, may take a few months for the Town Board to make a final decision. BAC is requesting a use variance. BAC is requesting a temporary variance which would allow BAC to keep its beehives while the Town Board considers changes to zoning and until a final decision is made by the Town Board on this issue. The issuance of a temporary variance will help BAC avoid what may be substantial unnecessary expense in moving and relocating the bees and then in just a few months bringing the bees back to BAC's premises. Further, BAC has been advised by our professional beekeeper that moving the bees now would be complicated and potentially harmful to the bees as they are in the middle of finishing up honey production and starting to store food for the winter.

Core to BAC's mission is the belief that when artists of all ages and levels of experience gather to explore and create art it enhances our perception and perspectives of the world. Through shared experiences we do our part to enhance and make more beautiful the world of art and the wider world around us. We have seen this when the renowned Bill T Jones watched young, local children in their dance class.

At BAC, we see the establishment of our bee hives to be both a literal embodiment of this belief that "cross-pollination" of art experiences makes art and our community a better place, and an important tool in ensuring our grounds, gardens, and fruit trees grow, thrive and create beauty on our grounds.

"Pollination is a valuable service provided by both managed bees (primarily honeybees, *Apis mellifera*) and wild, native bees. Bee pollination is essential for the production of fruits, nuts, vegetables, spices, stimulants (such as coffee), and edible oils (such as sunflower and canola)." Cornell CALS, Pollination is a valuable ecosystem service

BAC has made a significant investment in the establishment of the beehives. Necessary and appropriate equipment has been purchased and trained professionals have been hired to oversee and tend to the bees. Further, as a non-profit, the BAC must continuously develop plans to raise funds in support of our programs, scholarships and free community events. BAC honey is part of our overall fundraising plan.

BAC sits on a 25-acre tract of land surrounded by single family homes on 1 acre and half acre single lots. None of these properties are used for philanthropic activity. Further, the variance will not alter the essential character of the district or neighborhood. The presence of the hives is largely invisible from neighboring lots except perhaps through the trees from the backyard of one neighbor. In fact, given the important pollination behaviors of bees, the presence of our hives will only serve to beautify our property and in turn, the neighborhood.

Consistent with BAC's original site plans, and our agreement to restore the orchard that once ran through our property and adjoining properties without the use of pesticides, the use of bees is an important element of an organic orchard plan.

Core to BAC's mission is the belief that when artists of all ages and levels of experience gather to explore and create art it enhances our perception and perspectives of the world. Through shared experiences we do our part to enhance and make more beautiful the world of art and the wider world around us. We have seen this when the renowned Bill T Jones watched young, local children in their dance class.

At BAC, we see the establishment of our bee hives to be both a literal embodiment of this belief that "cross-pollination" of art experiences makes art and our community a better place, and an important tool in ensuring our grounds, gardens, and fruit trees grow, thrive and create beauty on our grounds.

"Pollination is a valuable service provided by both managed bees (primarily honeybees, *Apis mellifera*) and wild, native bees. Bee pollination is essential for the production of fruits, nuts, vegetables, spices, stimulants (such as coffee), and edible oils (such as sunflower and canola)." Cornell CALS, Pollination is a valuable ecosystem service

BAC has made a significant investment in the establishment of the beehives. Necessary and appropriate equipment has been purchased and trained professionals have been hired to oversee and tend to the bees. Further, as a non-profit, the BAC must continuously develop plans to raise funds in support of our programs, scholarships and free community events. BAC honey is part of our overall fundraising plan.

BAC sits on a 25-acre tract of land surrounded by single family homes on 1 acre and half acre single lots. None of these properties are used for philanthropic activity. Further, the variance will not alter the essential character of the district or neighborhood. The presence of the hives is largely invisible from neighboring lots except perhaps through the trees from the backyard of one neighbor. In fact, given the important pollination behaviors of bees, the presence of our hives will only serve to beautify our property and in turn, the neighborhood.

Consistent with BAC's original site plans, and our agreement to restore the orchard that once ran through our property and adjoining properties without the use of pesticides, the use of bees is an important element of an organic orchard plan.

*Town of Ossining, NY
Tuesday, August 4, 2020*

Chapter 200. Zoning

Article V. Supplementary Regulations

§ 200-26. Animals.

[Added 4-22-1975 by Ord. No. 84]

- A. In any residence district, the following animals may be harbored, kept and/or raised for the sole benefit and use of the occupants of the principal dwelling only, as an accessory use to a principal use:
- (1) Dogs, cats and similar small animals usually maintained as household pets within the principal dwelling and rabbits, poultry and similar small domestic animals, occasionally maintained as pets but usually maintained outside of a residence as farm animals, provided that there shall be a maximum of four such animals over the age of six months on lots of 1/4 acre or more and a maximum of two such animals over the age of six months on lots less than 1/4 acre.
 - (2) On parcels of two acres or more, by special permit issued by the Zoning Board of Appeals in accordance with the provisions of Article IX:
 - (a) More than four dogs, cats, rabbits, poultry and other similar animals over the age of six months; and
 - (b) Provided that the number thereof shall not exceed the following per acre, in any combination thereof: one horse, one cow, one steer or six sheep. For such animals there may be a barn, shed or corral not less than 50 feet from any side or rear lot line and not less than 100 feet from any street line.
- B. No premises in any residence district shall be used or occupied and no structure erected or maintained for the harboring, keeping and/or raising of pigeons, swine, goats, foxes, minks, skunks or other similar fur-bearing animals.

From: David Lyons <davidl@bethanyarts.org>
Sent: Wednesday, July 22, 2020 7:14 AM
To: Abigail Lewis <alewis@bethanyarts.org>
Subject: Fw: Bethany Arts Center ZBA BEEs

lets talk and get these answered today please.

From: Jorge B Hernandez <jb@arqht.com>
Sent: Thursday, July 16, 2020 10:48 AM
To: David Lyons <davidl@bethanyarts.org>
Subject: Bethany Arts Center ZBA BEEs

§ 200-45 Powers and duties.

- (1) The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion have been made in the matter by the administrative official charged with the enforcement of this chapter and it shall have all the powers of the administrative official from whose order, requirement, decision or determination appeal is taken
- (2) Use variances
 - (a) The Zoning Board of Appeals, on appeal from the decision or determination of the administrative official with the enforcement of this chapter, shall have the power to grant use variances, as defined herein
 - (b) No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use zoning regulations for the particular district where the property is located:
 - [1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence
 - [2] The alleged hardship relating to the property in question is unique, and does not apply to a substantial part of the district or neighborhood
 - [3] The requested use variance, if granted, will not alter the essential character of the neighborhood
 - [4] The alleged hardship has not been self-created
 - (c) The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that is necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time shall protect the character of the neighborhood and the health, safety and welfare of the community