BOARD of APPEALS
Public Hearing
February 14, 2013
7:30 p.m., The Annex

MEMBERS PRESENT:	**Richard O'Leary** **Cynthia McKean** **William Monti** **Brian Ivanhoe, Chairman**
MEMBER ABSENT:	**James Murphy**
OTHERS PRESENT:	**Gerald Reilly, Counsel** **Bruce Thompson, Building Inspector** **Janice Will, Recording Secretary** **Members of the Public**

Chairman Brian Ivanhoe called the February 14, 2013 Town of North Salem Zoning Board of Appeals meeting to order.

The Chairman set the next meeting for Thursday, March 14, 2013.

The minutes of the January 17, 2013 hearing were unanimously approved.

HEARING CONTINUED:

BA12-42 Courtney/Nathaniel Morse (585 Grant Road) – **Special Permit** – For the keeping of up to 6 horses for personal use, including construction of a 6-stall barn, outdoor riding ring and paddock fencing and installation of a manure dumpster, per Article XIII Section 250-72.

Chairman Ivanhoe said the Board would hear BA12-42 and BA13-05 together.

PUBLIC HEARINGS:

BA13-05 Courtney/Nathaniel Morse (585 Grant Road) - **Area Variance** – To decrease the minimum required side yard setback in an R-4 zoning district, per Article V Section 250-15 and Article XIII Section 250-72(A). A side yard variance of 25 ft. (75 ft. required; 50 ft. proposed) is requested for construction of a 5-stall barn and installation of a manure dumpster.

Chairman Ivanhoe stated that the Board had a successful site visit to the subject property on Sunday, February 3, at which time the applicants' revised plans were discussed. He noted that the public hearing was still open.

Nate Morse explained that he had tried to accommodate the concerns that were raised, and he was pleased with the revised plan.

The Chairman said that in the new plan, the barn has been moved east and south to the other side of an existing stone wall; a better location because it will lessen any impact on the neighbors on either side of the subject property. The Chairman added that the barn will look as though it has been on the land for a long time, and he said the re-configured paddocks are satisfactory also.

The Chairman called on Ashley Andrews of 579 Grant Road, who said she appreciated the change in barn location and driveway and also the Board of Appeals making the site visit. Ms. Andrews noted that the earlier site plan showed 3 paddocks plus a riding ring, but the new one has 6 paddocks in addition to the ring. She said her view would include a great deal of fencing this way, and asked if any of the paddocks could be moved closer to the barn.

Chairman Ivanhoe pointed out that he had suggested the 2 medical paddocks. He said he would not require that the Morses relocate any of the paddocks, although having the medical paddocks closer to the barn would make sense if there were room.

Mr. Morse said it would be difficult because the barn will be situated in a corner and the land rises steeply.

The Chairman agreed that the grade changes quickly going in the direction of the house/he did not really see a good location for the medical paddocks closer to the barn.

Ms. Andrews said the land rises sharply up toward the barn also, but she thought it would be nice if there was lots of green paddock space with less fencing.

Chairman Ivanhoe said the Board had looked at the site from the Andrews property as well, and the higher area of the subject property will not be included in the fenced-in areas. He commented that the Andrews will see what looks like a continuation of their own fencing. He said the barn would have stuck out where it was first proposed to be built, but now it will look better behind the wall with mature trees nearby. The Chairman said he had discussed using a dust-free footing or irrigation in the riding ring to control dust even though it is downhill, and he did not feel the fencing was a major issue.

Ms. Andrews reiterated her opinion that there will be a lot of fencing.

The Chairman said there will be more but smaller paddocks, which will allow the Morses to rotate them in order to maintain the grass, which is important.

Ms. Andrews asked if the barn will have 6 stalls or 5, and Mr. Morse replied that there will be 5 stalls.

The Chairman said he would close the public hearing.

William Monti asked to make a comment. He said that when he visited the subject property with Mrs. Morse, he noted a very large pine tree near the new barn site that the Morses should consider removing for safety reasons as it could fall onto the barn.

Mr. Morse said they will strongly consider that suggestion.

Mr. Monti asked if the Morses would need any sort of permit to remove the tree, and the Building Inspector said no permit is required for removal of a single tree.

Chairman Ivanhoe asked that the following points be included in the resolution:

- The Board made a site visit with the Morses and the Andrewses.
- The Morses changed their site-plan proposal in consideration of concerns/objections raised.
- The revised site plan includes 2 medical paddocks recommended by the Chairman.
- The Board recommends use of either a dust-free footing or irrigation to control dust in the riding ring.
- The Board recommends employment of a fly predator product.

Despite the closing of the public hearing, Ms. Andrews asked when construction will begin.

The Chairman remarked that the Morses will need to apply for building permits, etc., and Mr. Morse said he thought it would not be for a few months.

Mr. Reilly read a draft resolution of the special permit, BA12-42.

Motion by: ***William Monti***
Seconded by: ***Cynthia McKean***

Mr. O'Leary: ***Aye***
Ms. McKean: ***Aye***
Mr. Monti: ***Aye***
Chairman: ***Aye***

Special permit granted, as requested.

Mr. Reilly read a draft resolution of the area variance, BA13-05.

Motion by: ***William Monti***
Seconded by: ***Cynthia McKean***

Mr. O'Leary: ***Aye***
Ms. McKean: ***Aye***
Mr. Monti: ***Aye***
Chairman: ***Aye***

Area variance granted, as requested.

BA13-06 Vail's Grove Co-operative, Inc. (5 Vail Boulevard) – **Area Variance** – To decrease the minimum combined side yard setbacks in an R-1 zoning district, per Article V Section 250-15 and Article XIV Section 250-79 (because the non-conforming lot is subject to R-1/2 bulk requirements. A variance of 20 ft. is requested (15 ft./40 ft. required; 14 ft./28 ft. existing; 14 ft./20 ft. proposed) for installation of a generator.

Bill Basciano of Basciano Electric was present. He stated that the Co-op wants the generator for their pavillion, but they need an area variance to proceed.

Mr. Monti asked what size the generator will be, and Mr. Basciano replied that it is a 48 KW model.

Mr. Monti asked how the generator is fuelled, and Mr. Basciano said it runs on propane.

Mr. O'Leary asked what the Co-op wants the generator for.

Mr. Basciano explained that the pavilion is to be used as a shelter for the community residents during emergencies, and it is also used for weddings, parties, etc.

Bruce Thompson said he had been to the site, and the proposed generator location is the best site that can be managed on the non-conforming lot.

Mr. Monti asked about the fuel tank, and Mr. Thompson said there is an existing tank that will be used.

Mr. Monti asked if there will be a weekly load-test of the generator.

Mr. Basciano said it will run for 10 to 15 minutes once a week/there is no load on the exercise.

Chairman Ivanhoe asked if the generator is water-cooled, and Mr. Basciano said it is.

Noting there were no further questions or comments, the Chairman closed the public hearing.

Mr. Reilly read a draft resolution, noting that the generator will enable use of the Co-op's pavilion by Vail's Grove homeowners during emergencies.

Motion by: ***Cynthia McKean***
Seconded by: ***William Monti***

Mr. O'Leary: ***Aye***
Ms. McKean: ***Aye***
Mr. Monti: ***Aye***
Chairman: ***Aye***

Area variance granted, as requested.

The Chairman read both of the following agenda descriptions.

BA13-07 Summit Farm Realty, Inc. (24 Bloomer Road) – **Special Permit** – To amend existing special permit BA06-15 (for the keeping of up to 21 horses and maintenance of a commercial boarding operation) for the following changes, per Article XIII Section 250-72:

- 14 additional horses (total of 35).
- Maintenance of a riding academy as well as a boarding operation.
- Installation of 4-stall shed-row barn on the subject property.
- Addition of 9.48 acres to be leased at 880 Peach Lake Road (total of 14.13 acres).
- Installation of run-in sheds for 10 horses on the leased land at 880 Peach Lake Road.

BA13-08 Summit Farm Realty, Inc. (24 Bloomer Road) – **Area Variance** – To decrease the minimum required side and rear yard setbacks in an R-4 zoning district, per Article V Section 250-15 and Article XIII Section 250-72 (A). A side yard variance of 50 ft. (75 ft. required; 14.2 ft. existing; 25 ft. proposed) and a rear yard variance of 78 ft. (100 ft. required; 53.7 ft. existing; 22 ft. proposed) are requested for installation of a 4-stall shed-row barn.

Chairman Ivanhoe said the Board would begin with discussion of the special permit amendment request.

Ashley Yozzo, owner, was present.

The Chairman invited Ms. Yozzo to tell the Board about what she wants to do and explain how she would support the increased number of horses.

Ms. Yozzo said she wants to have an additional 4 horses at 24 Bloomer Road (to be kept in the new 4-stall shed-row) and add use as a riding academy at that address also.

Chairman Ivanhoe asked if the farm is not currently used as a riding academy.

Ms. Yozzo said it is not part of her special permit but she wants to amend the permit to include it.

The Chairman said he would start with the 4 additional horses. He remarked that he was a little skeptical, because the farm is well-used already but also well-run. He asked if the revised plan would include more paddocks; because if not, it is already a challenge to maintain the grass. Chairman Ivanhoe noted that some changes to the property had been made in the past re ring location and grass at the front of the property, and he asked how Ms. Yozzo will be able to manage 4 more horses.

Ms. Yozzo said she owns several of the horses currently kept on the farm, and she uses them for riding lessons, but she needs the income provided by boarders. She added that the horses used for lessons do not need a lot of turn-out time, so the boarding horses would get priority for turn-out.

Chairman Ivanhoe asked how many acres Summit Farm has, and Ms. Yozzo answered that there are 4.65 acres.

Mr. Reilly asked if that is the total acreage, and Ms. Yozzo replied that it is.

Mr. Reilly asked about the additional land described in the application.

Chairman Ivanhoe said that is a 9-acre property across the street from Summit Farm where Ms. Yozzo would like to keep 10 horses.

Ms. Yozzo said that was correct, adding that she wants a total of 25 horses at 24 Bloomer Road.

Mr. Reilly asked if there isn't supposed to be one acre per horse.

The Chairman stated that it is recommended in the Zoning Ordinance that one acre per horse be provided; Summit Farm is rather intensely used, although it is operating well. He asked if Ms. Yozzo considered moving some of her personal horses to the future rented property, adding that he could not see adding more horses at 24 Bloomer Road.

Ms. Yozzo said she could use her outdoor riding ring for turn-out if need be. She stated that she had received only 1 negative comment about grass at the farm, and it came during a summer draught.

The Chairman remarked that Ms. Yozzo still wants to increase the total number of horses on the same acreage, and he did not think the land could support them. He said it will be a challenge.

Ms. Yozzo said if she cannot add horses, she risks losing her farm like some others in Town, as she is nearly unable to make the mortgage payments.

Chairman Ivanhoe said a number of the horses at Summit Farm belong to Ms. Yozzo, and he suggested that some of them be moved to the rented land so she will have more room for paying boarders at 24 Bloomer Road. He suggested she consider the differences and make a judgment as to whether it is better to have 4 lesson horses or 4 boarders in terms of monthly income. He noted that the economy has changed since Ms. Yozzo bought Summit Farm, but he said her business model is about the same as it was in better times.

Ms. Yozzo explained that she has far fewer boarders now, and those lost were high-end customers.

The Chairman reiterated that he thought it might help to move some of her horses to the other lot.

Ms. Yozzo said she needs more boarders paying for stalls, adding that she is giving fewer lessons now, especially in the winter, and everything has changed. She said she is living day-to-day and has been forced to borrow money from her family which she does not like/cannot continue to do. Ms. Yozzo said she has cut back the number of lesson horses

and those she has are working hard, but now she needs boarders. She assured the Board that the farm won't look any different with the addition of 4 horses, and she asked them to give her a 6- to 8-month trial period to try it out and show them.

Chairman Ivanhoe said the Board would continue to discuss Ms. Yozzo's application and look for a solution they are comfortable with. He said he did not wish to see Ms. Yozzo's operation go under, but the farm is intensely used already.

Mr. O'Leary said he had not made a site visit but he has seen the farm from the street and from the golf course. He asked where the current 21 horses are stalled.

Ms. Yozzo displayed a site plan and pointed out the barn (15 stalls), paddocks and a covered riding ring (6 stalls). She asked if the Board had received a letter from the manager of Salem Golf Club expressing support for her applications.

The Chairman said they did and had not heard from any other neighbors.

Ms. McKean said she was sympathetic for Ms. Yozzo's situation, but there are already a lot of horses on 5 acres. She said the Board always tries to ensure that there is room for horses, and she commented that Ms. Yozzo will not attract additional boarders if the farm is even more crowded. She said it does look over-used.

Ms. Yozzo said she has boarders waiting for approval to move to her farm.

Ms. McKean said she thought it was already a lot of animals for the size of the farm.

The Chairman asked where Ms. Yozzo wants to have the 4-stall shed-row barn installed.

Ms. Yozzo said it is to be at the rear of the covered riding ring behind the 6 stalls that are there now. She commented that no one will even see the additional shed-row barn.

Mr. O'Leary asked if all the horses on the farm now are lesson-horses.

Ms. Yozzo responded that 4 are boarders.

Mr. O'Leary asked which horses are stabled where.

Ms. Yozzo replied that boarders are in the main barn. She currently has 4 empty stalls and 8 people who want to bring horses in.

Mr. O'Leary asked if Ms. Yozzo has 13 lesson horses, and she said she does.

Ms. Yozzo stated that if her neighbors had issues with her request she would understand the Board's hesitancy, but they have not written/are not present at the meeting to object. She said she hears that people in Town are happy with the way she runs the farm and the business, and she will never let the farm look bad/she will do her very best to maintain it in good condition.

Chairman Ivanhoe commented that the farm looks fine from the road, but on-site one can see that it is well-used.

Mr. O'Leary stated that North Salem is a horse community and there is a certain "band-width" called commercial horse farms which is geared toward people boarding horses as sort of a hobby. He noted that Ms. Yozzo is trying to make a living with a working farm, which he appreciates and sees as widening the "band-width". For this reason, he would like to encourage her but she needs to respond to any concerns about maintenance/ appearance of the property. Mr. O'Leary said he does not think every horse farm in Town needs to look like an estate farm; if it is a real working farm it probably will not look that way, and he is in favor of expanding the "band-width". He added that it is still a large number of horses for the size of the subject property compared to the previous application for example.

Ms. Yozzo countered that there are other farms in Town with a lot of horses on larger lots but with a small amount of useable land. Her horses are used for lessons, which is their basic turn-out, while on some other farms, horses aren't turned out at all. She stated that she did not mean that she intends to increase turn-out or let the grass go.

The Chairman agreed that a lot of show barns don't turn out. He added that horses in busy schooling barns often live in their stalls. He stated that the Board needs to evaluate the application; if horses are to be added, it must be asked how that will be managed.

Mr. Thompson stated that when Ms. Yozzo asked what she should do, he suggested she talk to the Watershed Agricultural Council. He said Ms. Yozzo has worked with WAC before, and they underwrote installation of a manure pad for her farm. Mr. Thompson said WAC develops "whole farm" plans. He added that the best way to demonstrate that having additional horses will not take Ms. Yozzo down and can be positive or at least maintain the status quo is to have the support of this organization that makes it their business to help farms.

Chairman Ivanhoe asked if, when Ms. Yozzo worked with WAC, they developed a "whole farm" plan for her.

Ms. Yozzo said they did.

The Building Inspector suggested the Board see if WAC would approve of the increased number of horses.

The Chairman agreed that it would be nice to see a copy of the plan and what was executed or not. He stated that WAC's objective is to lighten the load on the land in order to protect the watershed; they may be able to help Ms. Yozzo. Chairman Ivanhoe said he was beginning to formulate an idea that might work.

Mr. Monti commented that he has never seen 21 horses or evidence of that number at Summit Farm, and he asked if lessons are given indoors.

Ms. Yozzo said lessons are held indoors in the winter, adding that she also keeps the paddocks picked out.

Mr. O'Leary asked if Ms. Yozzo's second application overlaps in any way with the first.

The Chairman asked Ms. Yozzo to tell the Board about her plan for the other property (vacant land at 880 Peach Lake Road owned by John and Marilyn Gizzi) and he asked if she has a lease for it.

Ms. Yozzo said she does have a lease (as well as a letter from one of the owners) and showed the Board a site plan, pointing out that there are 9.48 acres. She said she wants to have 5 paddocks for 10 horses with run-in sheds. She added that the paddocks will be big enough to divide so that the horses can be moved into the other half if any become over-used. She stated that the retired horses she would keep there are accustomed to being outdoors and can use the run-in sheds for shelter/it will all be very basic.

Chairman Ivanhoe said it was a good idea, because most people have to send retired horses far north to be kept.

Ms. Yozzo said she will charge much less to keep these than she does for boarding of non-retired horses.

The Chairman said for retirees to be kept close by will be good, but Ms. Yozzo should not charge too little.

Cindy McKean asked what Ms. Yozzo will do about water for the horses on the leased land and if there is a well at 880 Peach Lake Road.

Ms. Yozzo replied that there is a well on the property.

The Chairman asked if Ms. Yozzo is planning a frost-free water hydrant at each paddock or what her plan is for watering the horses.

Ms. Yozzo said she thinks she will get a container like those used to water riding rings and bring water over with a tractor from 24 Bloomer Road, emptying it at night so it will not freeze.

Chairman Ivanhoe pointed out that with the horses turned out 24 hours a day there will need to be large receptacles that have to be kept filled. He asked how Ms. Yozzo will manage that in the winter.

She said the portable container holds 500 gallons, and she will run a hose from it to the individual water containers.

The Chairman reiterated that boarding retired horses is a good idea, but he wants to be sure Ms. Yozzo can manage it.

Mr. O'Leary asked if clearing will be necessary in order to use the leased land, but Ms. Yozzo replied that it is mostly clear already.

Ms. McKean asked how many run-in sheds there will be, and Ms. Yozzo answered that she will have 5 – one in each paddock.

Mr. Monti asked for the meaning of other lines on the survey, and Ms. Yozzo replied that they outline a conservation easement.

Chairman Ivanhoe asked where the leased land will be accessed by vehicles.

Ms. Yozzo explained that there is a driveway and a gate.

Ms. McKean asked how manure will be managed.

Ms. Yozzo stated that she has a quad vehicle with a cart, which will be used to pick out the paddocks and then return to 24 Bloomer Road.

Ms. McKean asked if the quad may be driven on the road, and Ms. Yozzo said it may as long as it is registered.

The Chairman commented that this method of taking care of the manure would be difficult and suggested mentioning it to WAC as they might provide a dumpster.

Ms. McKean asked about hay storage, and Ms. Yozzo said she will have round-bells delivered to the leased lot and keep them under a tarp.

Chairman Ivanhoe noted that no area variance was needed for the run-in sheds.

Mr. Thompson said he initially had a problem with the application because run-in sheds are usually accessory to a principle use, but there is none on the leased property. He said that perhaps if an agricultural operation leases land it may simply be considered part of the same farm operation. He remarked that this would be alright, but it needs to be looked into further.

The Chairman asked if the land is in the Agricultural District.

The Building Inspector replied that Summit Farm is in the District, but 880 Peach Lake Road is not.

The Chairman said he was pretty sure that the leased land will be included in Summit Farm even though it is not contiguous.

Ms. Yozzo said she has applied to the County to have 880 Peach Lake Road included in the Ag District.

Mr. Thompson said the extension of the operation must still meet zoning requirements. He stated that when the Board grants special permits for commercial horse-boarding

operations, the barns must have alarm systems, even shed-rows. He was not sure what the Board would want to do in this instance. He said he had seen the letter from Marilyn Gizzi about watching over the horses which is good, but the situation still needs to be discussed.

Mr. O'Leary asked if there will be electricity supplied to the run-in sheds.

Ms. Yozzo said there will be no electricity. She pointed out that the horses will not be locked inside, so they can always get right out of the run-in sheds.

The Chairman agreed that the run-in sheds need not be alarmed, but the new 4-stall shed-row barn at 24 Bloomer Road will have to be.

Mr. Thompson said the shed-row can be connected to the existing alarm system.

Ms. Yozzo stated that David Kvinge (Westchester County Director of Environmental Planning) told her that under Ag and Markets law there does not need to be a residence on the property.

Mr. Reilly said he thought that would be true in the Ag District, and he will look into it.

Mr. O'Leary noted that the drive at 880 Peach Lake Road is shared and asked if the neighbor with whom it is shared had any comments about Ms. Yozzo's use of the driveway for her farm.

Ms. Yozzo said the Gizzis own the driveway/the easement is to allow the neighbor to use it, and the neighbor also had not commented.

Noting that she is currently permitted to keep 21 horses but has only 17, Mr. Reilly said Ms. Yozzo could bring in 4 additional horses right now to generate income. He suggested she do that for now without changing the special permit.

Ms. Yozzo said the horses are from a farm that is going out of business and must be placed by March 1.

Mr. Monti asked what concerns Ms. Yozzo would have about having a number of horses on an unattended farm, even given that the Gizzis live next door. He asked what would compel them to make sure the property is secure and the animals are not abused.

Ms. Yozzo remarked that it will be like a farm on a large property; no one can see the entire property all at once.

Mr. Monti said he lives next to a very large farm with a farm manager and other staff, so there is a constant presence.

Ms. Yozzo said there will be a constant presence during the day on the extension of her farm also. She explained that she works with a special-needs young woman who has a mentor with equine experience who is with her at all times, and they will be at 880 Peach

Lake Road every day, feeding and watering the horses, etc. Ms. Yozzo said she will make sure they take care of the property because she does not want to disappoint the Gizzis, nor does she want flies or for the land to look bad. She stated that this work with the horses gives the young woman a feeling of independence and helps her (Ms. Yozzo) out.

Mr. Monti commented that Ms. Yozzo will be responsible for those horses and no one will be there around the clock.

Chairman Ivanhoe asked who will do a night-check across the street, and Ms. Yozzo said she plans to do it.

Mr. Monti said he feared someone could be tempted to enter the paddocks and cause trouble/hurt the animals.

Ms. Yozzo explained that the paddocks/sheds will not be seen from the road.

Mr. O'Leary asked Ms. Yozzo if she has potential clients for the leased land.

Ms. Yozzo answered that she does; they will come from the farm that is closing down.

Mr. Monti said he had just wanted to make sure Ms. Yozzo had thought the whole thing through with regard to the separate parcel.

Ms. Yozzo said she thought she had, but if the Board had additional concerns, she would consider them.

Chairman Ivanhoe said there are other farms on Peach Lake Road, including one with a large field in which there are run-in sheds and horses out all the time. He said that as long as a night-check is made, he had no problem with horses being left out. The Chairman remarked that there are still some loose ends to be tied up, and he thought working with WAC would be included in the resolution.

Mr. Reilly stated that as an area variance is needed for the shed-row barn at 24 Bloomer Road, that is where the conditions should be. He asked if the Chairman wanted him to make sure that Ms. Yozzo may use leased property as part of her farm without a principal use on the leased lot.

The Chairman said the Board would also like to know if the leased land needs to be in the Ag District or if it would be included as an extension of Summit Farm.

Mr. Reilly said Ms. Yozzo already said she was advised that it does need to be included; she has made application for that.

Mr. O'Leary asked what the timing will be, and Ms. Yozzo responded that it will take until April.

Chairman Ivanhoe asked if Ms. Yozzo wants to take 4 horses right away.

Ms. Yozzo answered that she needs to move all 14 horses by March 1 or she will lose them.

The Chairman asked how soon she will get the shed-row, and Ms. Yozzo replied that Martins will deliver it.

Chairman Ivanhoe said he was thinking of suggesting that the Board vote on a shorter-term special permit amendment to see how it works out.

Mr. O'Leary asked Ms. Yozzo what the one complaint she received in the past was about.

Ms. Yozzo said it was that her grass was low at the front of her property, but it had been during a summer draught/she is a stickler for maintenance of grass in front.

Ms. McKean said she understood Ms. Yozzo's desire to keep her business going, but she was still concerned about there being inadequate acreage. She went on to say that she feared setting a precedent, whereby others in Town may overuse their property. She said Ms. Yozzo has done an admirable job with 21 horses, but 4 more horses at 24 Bloomer Road is a big increase both in terms of wear and tear and the additional people involved. Ms. McKean commented that the farm was run-down before Ms. Yozzo bought it, and she appreciates all the work she has done there since. She said horses need to be turned out, adding that the Board usually wants an acre per horse. Ms. McKean commented that if the farm gets run-down-looking, Ms. Yozzo won't attract boarders.

Ms. Yozzo responded that show horses aren't turned out, and lesson horses are not usually turned out either. She described a neighboring farm (on Peach Lake Road) that was recently granted a special permit for 15 horses on a farm with just 3 small paddocks.

Chairman Ivanhoe said that operation has more acreage and room to expand/add turn-out space if necessary.

Ms. Yozzo stated that she would guarantee there will be no change in how her property looks.

The Chairman said Ms. Yozzo would not need a unanimous vote on her application; 3 in favor will be enough.

Mr. Monti asked Mr. Reilly if the separate property is used for an agricultural operation, would the Board be taking away the owners' right to develop the land in the future.

Mr. Reilly answered that the lot will still be in an R-4 residential district.

The Chairman said Ag and Markets will extend its protection to the lot while it is being used for a farming operation in the Ag District.

Mr. Reilly added that if it is not being used as a farm it will have no agricultural protection.

Chairman Ivanhoe noted that the special permit amendment request includes operation of a riding academy, which was good because Ms. Yozzo is running a riding academy now.

Mr. Thompson stated that Ag and Markets now recognizes riding academies as ag operations.

The Chairman said Ms. Yozzo did not request permission for shows at Summit Farm, and shows are not part of the existing special permit.

Ms. Yozzo said she thought all commercial operations may host horse shows, but the Chairman said there are only 3 in Town that do, and they may only do so with permission.

Mr. Thompson said Ag and Markets does not cover horse shows, and operators who want them must go through site development plan approval with the Planning Board.

Chairman Ivanhoe asked if "summer camp" would fall under "riding academy", and Mr. Thompson said he thought so.

Mr. Monti said he thought there was a neighbor in the past who complained about use of a voice enhancement device at Summit Farm.

Ms. Yozzo said she never used a megaphone.

Mr. Monti said there was also another neighbor, across the street whose complaint he could not remember.

Ms. Yozzo said the woman across the street has never complained.

Mr. Monti thought there had been an issue about dust when Ms. Yozzo first took over.

Chairman Ivanhoe called on Joy Copulos of Bedford.

Ms. Copulos said she has boarded horses at Summit Farm for years and considers herself a good representative of both the boarders and students, as her daughter takes lessons there. She stated that she has never seen the farm look over-used. The farm does bustle with children for after-school activities, pony club, etc., and she thinks Ms. Yozzo should be looked upon as an asset to the community. Ms. Copulos stated that Ms. Yozzo also takes children to shows at other farms and supports their businesses this way, and she thinks she does a wonderful job.

Ms. Copulos said that even with the addition of 4 more horses she is not worried that hers will be neglected. She added that she has also boarded horses at Beech Hill Farm in Pleasantville, where they keep 60 horses on about 4 acres, and it is another example of how a lot of horses can be managed on less acreage if done very well. Ms. Copulos stated that she is confident that Ms. Yozzo can manage her farm with 4 more horses, adding that the barn is kept immaculate, there is no dust, and manure is always picked up immediately. She said there was a fly problem one year, and Ms. Yozzo went to great

lengths to get rid of them. In closing, Ms. Copulos said she thinks Ms. Yozzo is wonderful and would be devastated if she had to close Summit Farm.

Deborah Kilcullen stated that she has been the manager of Vail Farm for 30 years and has observed the operation of Summit Farm under several owners. She said she agreed with Mr. O'Leary that there are not many working farms in North Salem, adding that Ms. Yozzo's is commendable. Ms. Kilcullen said running the farm is not just for fun or looks in Ms. Yozzo's case; it is a business and her livelihood, and if she loses it, she also loses her home. She said she has watched since Ms. Yozzo bought the farm; it is neat, clean, people are pleasant, and Ms. Yozzo provides a service for people in the area who can't afford to board their horses or have lessons at some of the fancier farms. Ms. Kilcullen said losing Summit Farm would mean there was no other place for a lot of children to go, and the Town should do what it can to support her.

Ms. Kilcullen said Ms. Yozzo always asks her peers for advice, and this shows maturity. Regarding lease of the separate lot, she said it cannot be predicted when or if someone will bother horses; they are an attractive nuisance. She remarked that people steal construction equipment, and she has also seen horses injured during an employee lunch-break. She said she does not think these things necessarily happen because the horses are being neglected. Ms. Kilcullen said she thinks WAC will be a big help to Ms. Yozzo, and she believes the farm can be a success. She stated that Ms. Yozzo is a real farmer deserving of help, and both her business and her home are at stake.

The Chairman closed the public hearing. Regarding the special permit amendment, he asked Mr. Reilly to make it clear that only 4 horses are to be added at 24 Bloomer Road. He then asked if there should be 2 special permits.

Mr. Reilly said it is all for a single operation, so they should just be sure to split the number of horses to be kept on each lot, although it is all part of Summit Farm Realty, LLC. He suggested including a condition that the application for the leased land to be included in the Ag District is accepted.

Chairman Ivanhoe said the Board would also accept the leased land's inclusion as part of the existing operation at 24 Bloomer Road.

Ms. Yozzo said her application has been submitted, and someone will be out to look at the farm, but there will be no approval until April.

Mr. Reilly said the resolution will state that the operation may go on with the condition that Ms. Yozzo continues to pursue inclusion of 880 Peach Lake Road in the Ag District. He read a draft resolution of the special permit amendment including the following points:

- Addition of riding academy as a further use and part of the farm operation.
- 14 horses to be split; 4 to 24 Bloomer Road and 10 to 880 Peach Lake Road.
- New 4-stall shed-row barn at 24 Bloomer Road.
- 5 run-in sheds at 880 Peach Lake Road.
- Applicant to provide copy of lease for 880 Peach Lake Road.
- New 4-stall shed-row barn to be connected to alarm system.

- Alarms not required for 3-sided run-in sheds (at 880 Peach Lake Road).
- Special permit for part of farm operation at 24 Bloomer Road to be reviewed in 2 years. Applicant to report at a regularly-scheduled ZBA meeting/not required to make new application/notify neighboring property-owners.
- Part at 880 Peach Lake Road to run until end of the permit period (2016).

Mr. Monti commented that the 2-year review period should help to allay Ms. McKean's concerns about over-use of the land at 24 Bloomer Road.

Special permit amendment BA13-07

Motion by: ***William Monti***
Seconded by: ***Richard O'Leary***

Mr. O'Leary: ***Aye***
Ms. McKean: ***Nay***
Mr. Monti: ***Aye***
Chairman: ***Aye***

Special permit amend granted, as requested, with specific conditions per discussion and agreement.

Area variance BA13-08

Motion by: ***William Monti***
Seconded by: ***Richard O'Leary***

Mr. O'Leary: ***Aye***
Ms. McKean: ***Nay***
Mr. Monti: ***Aye***
Chairman: ***Aye***

Area variance granted, as requested.

Chairman Ivanhoe asked that the special permit amendment also include a condition that the applicant will notify WAC that she needs evaluation of her farm for 4 additional horses; confirm consultation with WAC and receipt of a Whole Farm plan; and confirm that she is acting on their recommendations. At the 2-year review, the applicant is to provide a copy of the Whole Farm plan.

The meeting was adjourned at approximately 9 pm.

Respectfully submitted,

Janice Will, Recording Secretary