BOARD of APPEALS
Public Hearing
April 18, 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 April 18, 2013 Town of North Salem Zoning Board of Appeals meeting to order.

The Chairman set the next meeting for Thursday, May 9, 2013.

The minutes of the March 14, 2013 hearing were unanimously approved.

Chairman Ivanhoe stated that, in addition to the March hearing minutes, the Board received copies of the written findings and conditions for the Six Delancey, LLC applications: BA13-14 (special permit for the maintenance of a commercial boarding operation for up to 18 horses); BA13-15 (area variance to reduce the minimum lot size and increase the maximum building coverage for a commercial horse-boarding operation); and BA13-16 (special permit for an accessory apartment) as set forth in 3 resolutions. He asked the other Board members if the resolutions met with their approval.

All the Board members present said they did.

HEARING CARRIED OVER:

BA13-17 Union Hall General Store LLC (2 Keeler Lane) – **Use Variance** – To increase the number and type of foods and beverages sold on the premises, per Article IV Section 250-10, -11 and -12 (d).a

Application carried over to May.

PUBLIC HEARINGS:

BA13-18 Kathryn Hintz/Curtis Jones (254 Titicus Road) – **Area Variance** – For construction of a detached 3-car garage and creation of a parking area per Article V Section 250-15 and Article VI Section 250-20 (because parking is not permitted in a required yard). A front yard setback variance of 20 ft is requested (75 ft. required; 54 ft. existing; 55 ft. proposed).

Lucio Di Leo, architect, addressed the Board, stating that his clients wish to have a 3-car garage built adjacent to their house/the house is only 54 ft. from the front property line. Mr. Di Leo explained that the location of the well makes it impossible to move the new garage back. He added that there is an existing parking area in the front that will merely be changed in shape and landscaped, and it will be hard to see behind an existing stone wall and shrubs. Mr. Di Leo remarked that his clients have a child who is at home with a nurse and another helper everyday, so they need room for those cars as well as their own/cars of visitors.

Showing the Board photos of the house, Mr. Di Leo explained that the property line is not on the street; there is a large area in front of the house (between the property line and Titicus Road) that is owned by the DEP.

Gerald Reilly asked how deep the DEP property is.

Mr. Di Leo estimated that the new garage will be over 100 ft. from the street. He said it is to have vertical barn siding in a color that matches the house, and its short side will be facing the street.

William Monti inquired about a "bump-out" on the rear of the garage.

Mr. Di Leo said it is to be a potting shed. He added that the building will not have heat/just electricity for the door-opener.

Mr. Monti asked if the building is too close to the well would it cause problems with the Department of Health.

Mr. Di Leo replied that the garage has to be a minimum of 8 ft. from the well.

Cindy McKean asked how far the garage will be from the well, and Mr. Di Leo responded that it will be about 8 ft., measured diagonally, which is the minimum requirement.

Chairman Ivanhoe asked about the second floor of the garage.

Mr. Di Leo said it will be unfinished.

The Chairman asked about lights on the garage, and Mr. Di Leo answered that there will be one in the garage and one on the second level.

The Chairman said he was more concerned about exterior lighting, which must not be visible from its source.

Mr. Di Leo said there will be a light at the garage doors that will shine into the parking area.

The Chairman said the light must be aimed downward.

Ms. McKean asked if the second floor of the garage is to be used for storage, and Mr. Di Leo said that it is all it will be used for.

Mr. Monti asked if there would be a problem with the DEP (who would have granted the original driveway cut) over the changes.

Bruce Thompson explained that, typically, the DEP would only oppose construction of another residence.

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

Mr. Reilly read a draft resolution, noting that although the variance is somewhat substantial, mathematically, the house is actually about 150 ft. from the road because of a watershed area in front of it and also that the garage's location is limited due to the location of the well.

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.

BA13-19 Marjorie Sobylak (41 Lakeside Drive) – **Area Variance** – For installation of a heat pump and propane tank per Article V Section 250-15 and Article XIV Section 250-79(A) (because the non-conforming lot is subject to R-1/2 bulk requirements). A combined side yard setback variance of 21 ft. is requested (15 ft./40 ft. required; 9 ft./16 ft. existing; 6 ft./13 ft. proposed).

Ms. Sobylak stated that she and her husband purchased the subject property 7 years ago, always intending to live there when they retire, and now they want to winterize the house. Ms. Sobylak noted that the lots in Bloomerside are all quite small. She said it seemed that the best way to heat and air-condition the house would be to have a heat pump and a propane tank installed, and the Co-op has approved the plan.

Mr. Reilly asked if there is any other place where the heat pump and propane tank could be put, and Ms. Sobylak said there is not.

Ms. McKean asked where the nearest house is, and Mr. O'Leary pointed it out to her on the plot plan.

Mr. Monti asked if Ms. Sobylak's house is on the new sewer system now.

Ms. Sobylak said it is, and she indicated the grinder pump on one side of her house.

The Chairman asked if the 6.4 ft. distance shown from the tank to the property line next door is acceptable, and Mr. Thompson replied that it is far enough away for a small tank.

Mr. Reilly asked if the Board wanted to limit the tank size in the resolution.

Mr. Thompson said the application is for 2 propane tanks; capacity could only be increased by adding another tank, and the variance will be for just the 2.

Mr. Monti asked if the distance from the grinder pump to the tanks is safe.

Mr. Thomson said it must be at least 10 ft. from any source of ignition. They may have to be moved over a little/he will check it.

Noting there were no questions from members of the public, the Chairman closed the public hearing.

Mr. Monti asked if Ms. Sobylak considered the noise that the fan on the heat pump may make/did she speak to her close neighbors about noise from the heat pump.

Ms. Sobylak said she did not, but they would all have received the Notice to Property-Owners. She added that heat pumps are a fairly common sight on Lakeside/it seems to be the best way to have heat and air-conditioning in the neighborhood.

The Building Inspector remarked that there is never an issue with noise from heat pumps, but generators can be a problem.

Mr. Reilly read a draft resolution, noting that the house is to be winterized so the applicant may reside there year-round, the house is part of a new sewer district and not on septic, and the pump is the most efficient way for the house to have heat and air-conditioning. He said it will be a condition that the pump and tanks be consistent with the submitted plans and approved by the Building Inspector.

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.

BA13-20 Monomoy Farm LLC (806 Peach Lake Road) – **Special Permit** - To amend Special Permit BA13-10 (commercial boarding of up to 20 horses) to increase the number of horses boarded to not more than 30 per Article XIII Section 250-72.

Jeri Barrett, architect, and Michael Cobban, farm manager, were present.

Mr. Barrett explained that his clients were granted a special permit for 20 horses in March. As planning began, they realized there was room to add 5 more stalls to the proposed structure (which they might need) and decided that they should have applied to have 30 horses.

Mr. Barrett indicated the additional 5 permanent stalls in the new building to be constructed behind the indoor riding ring and 5 portable stalls for temporary/occasional use to be put up inside the ring. He indicated that there will be 15 temporary stalls in the arena while the building is being constructed.

Chairman Ivanhoe said he has been inside the arena, and he asked if the portable stalls against the wall are there now.

Mr. Barrett said they are not present now but might have been when the Chairman was there.

Ms. McKean asked about the plan for the portable stalls.

Mr. Barrett said the 15 temporary stalls will be removed when the new building is ready; the other 5 will not always be in the indoor arena/they'll be taken down when not in use. He noted that the existing barn has 10 stalls; when work is done there will be an additional 15 permanent stalls and 5 portable stalls to be used as needed.

The Chairman commented that it seemed Monomoy would not be able to use the indoor ring while the 15 temporary stalls are there, and Mr. Cobban said that was correct.

Mr. O'Leary asked if there would be any other changes in use of the property.

Mr. Barrett said all the facilities will be the same/no other changes are proposed.

Mr. Reilly asked if any other changes will be needed in the new resolution, and Mr. Barrett said no.

Ms. McKean asked if more paddocks will be needed, but Mr. Barrett said there is plenty of paddock space already.

Chairman Ivanhoe asked for an estimate of the acreage of the existing paddocks, and Mr. Barrett said he thought it might be 5 to 6 acres.

The Chairman commented that he has never noticed a lot of horses turned out on the subject property.

Mr. Cobban explained that the horses are put out one at a time in cycles.

The Chairman said he just wanted to be sure the excellent maintenance of the farm continues, and Mr. Cobban said he wouldn't have it any other way.

Chairman Ivanhoe called on Marny Lundy, attorney for Ronald Stanton (owner of property at 787-821 Peach Lake Road). Ms. Lundy said her client had concerns about tripling the number of horses kept on the subject property and questions about whether or not the paddocks will be increased and how the density might impact his property. Ms. Lundy asked if there will be additional manure storage and/or more riding rings. She stated that Monomoy Farm recently re-located a dirt farm road inside the property. She asked if more fencing will be installed along the road, because the existing fence-topped wall is very high which prevents anyone from seeing beyond it and detracts from the bucolic views. She remarked that the application stated that the farm will be for private use, and her client would like that to be part of the special permit.

The Chairman asked what the current manure-handling situation is.

Mr. Cobban replied that there are 2, 20-yard boxes that are swapped out regularly; with an increased number of horses on the property, the boxes will be exchanged more often. He added that trash will be removed more frequently also.

Mr. Monti asked how often the manure dumpsters are taken out now.

Mr. Cobban answered that it is about once a week, depending on the number of horses on the farm at the time. He added that when only the owner's 6 horses are on the farm, removal is about once every 2 weeks. Mr. Cobban said it is preferable to remove the existing boxes more often, because the 20-yard size is manageable.

The Chairman commented that 2, 20-yard dumpsters should be more than adequate for 30 horses.

Ms. Lundy remarked that 30 horses will require much more frequent dumpster pick-ups than 10 horses.

Chairman Ivanhoe asked how much more often the dumpsters would be swapped out if the farm was at full capacity with 30 horses.

Mr. Cobban replied that it might require a third weekly pick-up of 1 dumpster, adding that it is important not to over-fill the dumpsters. He noted that depending on how many horses are present, he would simply call for additional pick-ups if needed.

The Chairman said it would be better to have pick-ups during the week. He said that although the Stanton property across the street is undeveloped now, it is possible that some day there could be houses there whose residents would have to be considered. Chairman Ivanhoe noted that Peach Lake Road is not too busy, so a dumpster pick-up 3 times a week during normal business hours should not be a hardship.

Chairman Ivanhoe asked what Ms. Lundy's question was about fencing.

Ms. Lundy said she didn't know if Monomoy plans to extend the long, tall wall.

The Chairman said he thought the wall already ran the length of the property along Peach Lake Road.

Mr. Barrett indicated the length of the wall on a site plan, explaining that there had been a wall present which his client re-built and landscaped. He further stated that the wall buffers road noises for the horses and provides privacy for people riding on the farm.

Mr. Reilly asked if the only change proposed/the only difference between the March site plan and the new one is construction of additional stalls, and Mr. Barrett said that was right.

Ms. Lundy asked if more paddocks will be put in, and Mr. Barrett said they will not be.

The Chairman commented that there had been no word from Mr. Stanton in March, when Monomoy Farm had an application to increase the number of horses from 10 to 20.

Ms. Lundy said she thought her client hadn't noticed, and now Monomoy seeks to increase the number of horses again.

Mr. Barrett said he didn't think there would usually be 30 horses on the farm, but his client wants to be able to have that many, and 80+ acres is sufficient for that number.

Ms. McKean said 6 acres of paddocks might not be enough for 30 horses in bad weather/it would be hard to rotate through them, adding that one part of the farm is boggy and gets quite muddy.

Mr. Cobban said the horses are turned out indoors in bad weather.

Ms. McKean noted that there will be five stalls in the indoor ring.

Mr. Barrett said the indoor arena is quite large, and he indicated where the 5 temporary stalls will be located to one side.

Chairman Ivanhoe asked if there is an area where paddocks could be added.

Mr. Cobban said the keeping of 30 horses is really a thought for the future/his clients have no intention of having that many horses soon. He said that is also the reason for the temporary stalls; if 30 horses were to be on the farm regularly, permanent stalls would be built.

Mr. Barrett said that if there proves to be too much wear on the paddocks, there is room to build more, despite the presence of trails and jumps and wetlands.

Ms. Lundy said her concern was how much is to be done/what would additional paddocks look like.

Mr. Reilly said that at present, the applicant is only able to do what is presented on the submitted site plan. He noted that Monomoy would have to apply to amend the special permit and re-Notice neighboring property-owners if changes/additions are wanted.

Mr. Cobban said the existing paddocks are so large they could be split in two.

Ms. McKean said she thought there should be a contingency plan for such a large number of horses.

Ms. Lundy asked if use of the temporary stalls could be limited, time-wise.

The Chairman stated that part of the March application had been for commercial status, and the secretary said the April application is also.

Ms. Lundy said the Statement of Use states that the property will not be open to the general public.

The Chairman said that can be true while a farm is still considered a commercial boarding operation.

Mr. Cobban said all horses not owned by Monomoy belong to one owner.

Chairman Ivanhoe asked if the owner is a trainer.

Mr. Cobban said that was correct. He added that there will be no lessons offered to the public.

Ms. Lundy remarked that the draft March 14 resolution contained no limitations regarding lessons or shows.

It was agreed that those conditions should both be part of the resolution.

Mr. Thompson said Monomoy's special permit has always been for a commercial boarding operation. He explained that the big distinction used to be between that and a riding academy, which does involve the general public. Stating that the farm won't be open to the general public is a way of making clear that there will be no hourly renting of horses or riding lessons given. Mr. Thompson added that Ag and Markets now recognizes riding academies as an agricultural operation, although Monomoy does not seek to have a riding academy.

Ms. Lundy said she just wanted to be sure that a riding academy will not be permitted in this instance.

Mr. Thompson said he was merely trying to point out that there is no change in the kind of operation run at Monomoy Farm; it was not open to the public in the past and won't be now.

Mr. O'Leary asked if all the restrictions in the 2005 special permit will be included in this new one.

Mr. Reilly said it will state that there may be no riding academy. Additionally, if the paddock space proves to be inadequate, the paddocks may be divided or more paddocks created, but a new application must be made to amend the special permit to reflect any site plan changes.

Ms. McKean commented that it might not be necessary to re-apply just to divide existing paddocks.

Mr. Reilly stated that the Board could make a condition about site changes if they wish to do so.

Chairman Ivanhoe said the special permit should be amended to reflect any changes, i.e. paddocks and buildings.

The Building Inspector said he had not asked people to amend their special permits in the past for added paddocks, unless they were dirt paddocks because of the dust created.

Mr. Barrett said he thought it somewhat onerous to have to return to the Board if his client wants to add paddocks when there are 80 acres available. He said that as long as they are not put in restricted areas, they should be free to have the paddocks without amending the special permit.

The Chairman noted that paddock fencing does not require a building permit and asked how anyone would know new paddocks were not being put in restricted areas (wetlands).

Mr. Reilly said the Board may include any conditions they want, adding that there are a lot of restricted areas on the subject property.

The Chairman said it wouldn't make sense to put a paddock in a wetlands area, because it would not be useable.

Ms. Lundy said she believed it would be discovered that 30 horses require more paddock space, but there is nothing further on the submitted site plan.

Chairman Ivanhoe said he knows of farms with similar horse-counts and less paddock space, and the subject property appears able to support the number of horses requested. He asked what the problem would be if Monomoy decides more paddocks are needed.

Ms. Lundy said she does not know where it would be; extension of the fencing along Peach Lake Road would be a problem, because the existing stone wall is solid and so tall.

The Chairman remarked that he had never found the wall so imposing, and it is no higher than paddock fencing.

Mr. Barrett reiterated that the wall was there when his client purchased the property, and trees were planted behind it.

Chairman Ivanhoe asked if Ms. Lundy sought to protest the view from her client's property, and she said she did.

The Chairman stated that it is not within the purview of the Board to protect peoples' viewsheds. He said the wall does not impact the neighborhood in a negative way and is not inconsistent with that part of Town. Chairman Ivanhoe pointed out that there are no neighbors at present. He added that if there were houses across the street, their second floor windows would have a view of beautiful fields. He also said he saw no reason to protect the view of people driving by.

Ms. Lundy said the wall changes the community's feel.

Mr. Barrett stated that trees were planted behind the wall to buffer road noise.

Mr. Monti asked if Mr. Cobban had said that one party owns the property and another owns the horses.

Mr. Cobban said the property-owner owns some of the horses, but most of the horses belong to another person.

Mr. Monti asked about fire-protection for the 5 temporary stalls.

Mr. Thompson said the arena is sprinklered; it also received a State variance to allow a second opening for a viewing room, and the conditions of that variance must be met. He explained that the arena is separated from the barn by a fire wall; the second opening in the fire wall for the viewing room was what required the State variance. Mr. Thompson explained some of the technical aspects of what the variance called for.

Mr. Monti asked if the 15 temporary stalls to be used during construction of the new permanent stalls will also be covered by the arena's fire protection system, and Mr. Thompson said they will be.

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

The Chairman asked which of the Stanton brothers Ms. Lundy was representing.

Ms. Lundy said the property across from Monomoy Farm is actually owned by both brothers, but she has dealt with Ronald Stanton.

Mr. Reilly read a draft resolution noting that the only change to the previous site plan will be the addition of 5 stalls to the former 10-stall structure yet to be built. He stated that the property consists of 85 acres, the applicant acknowledged having 5 to 6 acres of paddock, and any changes to the submitted plan will require application to amend the special permit. Mr. Reilly also stated that one neighboring property-owner expressed concern about the application, but there are 85 acres and a special permit is a permitted use/not a variance.

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

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

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

BA13-21 Old Salem Farm (190 June Road) – **Special Permit** – For the maintenance of a commercial boarding operation for up to 94 horses, including living quarters for 8 grooms and 2 other employees, operation of a riding academy and hosting of horse shows with serving of food, per Article XIII Section 250-72.

Viktor Solarik, architect, and Alan Bietsch, farm manager, were present. Mr. Solarik said the special permit granted in 2003 is due to be renewed, and he noted that there were numerous amendments over the years. He said all the amendments are part of the special permit renewal application except for those that expired because no permits were applied for/issued; construction of separate housing for more employees and a composting facility, neither of which was ever pursued.

Mr. Solarik said the number of grooms and employees living on-site is consistent with the building permits issued, and apartments were constructed over the past several years. There are 8 units for grooms and an apartment in the main barn.

Mr. Solarik said the only changes proposed are inclusion of a riding academy (no longer excluded from agricultural uses by Ag and Markets), and use of an existing pole barn (previously used for storage and as a temporary stall facility during the shows) to include those stalls to permit an increase in the number of horses boarded from 70 to 94.

Mr. O'Leary asked what the current configuration of the pole barn is, and Mr. Solarik explained that it is an open-sided building used as a riding ring or for 24 temporary stalls during shows.

Chairman Ivanhoe commented that the pole barn is a large building, as is the main barn.

Mr. Solarik agreed, adding that the main barn includes 2 indoor riding rings.

Mr. Reilly asked for the changes from the previous special permit, and Mr. Solarik said the changes will be an increase in the number of horses boarded from 70 to 94 and inclusion of a riding academy.

Mr. Reilly said changing the temporary stalls to permanent ones would be a change also.

Ms. McKean said the stalls will not be changed.

The Chairman agreed, saying they are not really stalls at all but temporary tent-type stalls; they are already in the pole barn, but now they will be used full-time.

Ms. McKean asked how many horses can be boarded in the main barn.

Mr. Bietsch said the permit is for up to 70, but there are groom and wash stalls that take the number down to 68.

Ms. McKean asked what the horse count typically is.

Mr. Bietsch said the farm is currently full, at 68.

Mc. McKean asked if Mr. Bietsch thought the polė barn would be filled, and he replied that he thinks/hopes so.

Mr. O'Leary inquired about maintenance issues raised by the Board in the past.

The Building Inspector stated that the 2 houses on Hardscrabble Road have been thoroughly cleaned up, inside and out, addressing the Board's concerns.

The Chairman asked, if the pole barn stalls are filled, what will be done for the May show.

Mr. Bietsch said it has been used for the show in the past. He said use of those stalls will be seasonal, as about 40 horses are taken to Wellington, FL for the winter. He also said he would like to be able to build the tent stalls into the farm's income stream for use during

the summer, when people want to lay over between shows/events, sometimes for up to a month.

Mr. Solarik said it will still be a sort of flex-space, but this will allow it to be used for longer periods than just during the show.

Ms. McKean asked about fire-safety in the pole barn.

Mr. Bietsch said there is a centrally-monitored smoke alarm already installed, adding that the building has been under-used in the past but he is looking to put it to more use now.

The Chairman asked if the Farm will require a new storage building now.

Mr. Bietsch answered that he doesn't think so, as some equipment has been moved down to Florida.

Mr. Solarik said consideration is being given to the addition of a lean-to on the pole barn for jump storage.

Mr. Reilly asked Mr. Thompson what needed to be in the resolution to include the riding academy.

Mr. Thompson replied that nothing extra is called for; it is just added to the uses covered by the special permit, now that it is recognized by Ag and Markets. He explained that he advised Messrs. Solarik and Bietsch to include the use in their application now to combine with all the changes over the past years and be captured in one special permit that reflects the actual farm as it operates now. He said he did want an as-built survey showing all buildings/improvements accurately located and any changes per the site plan that require it be gone over with the Planning Board. Mr. Thompson said he thought the relocation of the vendor tents and the VIP tent would require Planning Board approval, adding that Old Salem Farm must have site plan approval from the Planning Board because they host 25 shows per year. He explained that OSF needs the site plan approval only for the horse shows.

Mr. Reilly asked if they need to re-apply for that approval every year, but Mr. Thompson replied that they only need to re-apply if the site plan for the shows is changed.

Mr. Bietsch said the special permit application includes an updated horse show site plan, adding that he will submit an as-built survey.

Mr. Reilly asked if the survey is to be submitted to both the Building Department and the Planning Board, and Mr. Thompson said it is, insofar as it relates to the shows.

Mr. Monti asked if the relocated tents are a substantial enough change to warrant Planning Board review.

Mr. Thompson explained that one may apply for a waiver of site plan approval for minor changes, which he feels these are; however, they should be captured. He said Old Salem Farm has done a great job over recent years, and he added that the specific number of grooms housed on-site should be included also.

Mr. Solarik said the attempt had been to summarize all the amendments from past years into one application to be encompassed in one, 10-year special permit.

Mr. Bietsch said he tried to incorporate all the changes into the new site plan to illustrate how the property is used now.

Ms. McKean said a map provided, showing agricultural operations, is extremely out-of-date.

The secretary said the farm names and owners are out-of-date, but the map was provided to help Mr. Solarik identify properties in the Ag District. He then got the correct names and mailing addresses of owners from the Assessor.

Mr. Thompson said a lot-line change added 15 acres to the farm.

Mr. Solarik stated that it now consists of 69.71 acres.

Mr. Monti asked if the houses on Hardscrabble are included in the lot-line change, but Mr. Solarik replied that they are 2 separate tax lots.

Chairman Ivanhoe invited questions from members of the public. When there were none, he closed the public hearing.

Mr. Monti inquired about 2 large piles visible on a hill at the farm.

Mr. Bietsch said they are piles of topsoil saved when the land was being developed. He explained that the farm kept the top-soil rather than sell it so it can be used it to top-dress areas disturbed during the show.

Mr. Monti said the owner was present the last time Old Salem Farm was before the ZBA, and he (Mr. Monti) had raised the subject of the condition of the 2 properties on Hardscrabble Road. Mr. Monti told the owner that the farm was in commendable shape, but one would never know the other 2 properties were owned by the same owner. Mr. Monti said he would agree that the Hardscrabble Road have been improved, but his previous comment still stands.

Mr. Reilly read a draft resolution including the following:

- Use of the property and all accoutrements are set forth on page 1 of 1 of the application, and those things are reflected on the site plan.
- The applicant has agreed to submit an as-built survey and update the site plan for the Planning Board regarding horse shows.

- The property has increased in size by 15 acres as the result of a lot-line change.
- The special permit includes operation of a riding academy as a permitted use, now approved by Ag and Markets law.
- An existing pole barn, previously used occasionally, will now be used permanently to accommodate the increase from 70 to 94 horses.
- The special permit will include conditions per Article XIII, Sections 250-65 and -72.
- The Building Inspector has indicated that past problems with the subject property have been rectified over recent years.
- The application was submitted with notice, and there were no objections from neighbors, written or oral.

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

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

Special Permit granted, as requested.

Mr. Solarik thanked the secretary and Mr. Thompson for their help with the last-minute application.

Chairman Ivanhoe closed the meeting at approximately 9:12 pm.

Respectfully submitted,

Janice C. Will

Janice Will, Recording Secretary