

BOARD of APPEALS
Public Hearing
July 11, 2013
7:30 p.m., The Annex

MEMBERS PRESENT: Cynthia McKean
William Monti
James Murphy
Brian Ivanhoe, Chairman

MEMBER ABSENT: Richard O'Leary

OTHERS PRESENT: Bruce Thompson, Building Inspector
Janice Will, Recording Secretary
Members of the Public

Chairman Brian Ivanhoe called the July 11, 2013 Town of North Salem Zoning Board of Appeals meeting to order.

The Chairman set the next meeting date for Thursday, August 8, 2013.

The minutes of the June 13, 2013 meeting were unanimously approved.

PUBLIC HEARINGS:

BA13-26 Tina/Eric Buzzetto (52 Lakeside Drive) – **Area Variance** – For construction of a two-story addition to an existing, non-conforming single-family residence in an R-1 zoning district 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). The following variances are requested:

- A. Decrease the front yard setback from 12.4 ft. existing/required to 8.9 ft. proposed, a variance of 4 ft.
- B. Decrease the combined side yard setbacks from 15 ft./40 ft. required to 5.3 ft./13.5 ft. proposed (5.6 ft. /13.8 ft. existing), a variance of 27 ft.
- C. Increase the maximum development coverage from 25% permitted to 42% proposed (36% existing), a variance of 17%.
- D. Increase the maximum building coverage from 10% permitted to 32% proposed (26% existing), a variance of 22%.
- E. Increase the F.A.R. from 0.2 permitted to 0.53 proposed (0.25 existing), a variance of 0.33.

Daniel Simone, engineer, addressed the Board. He explained that his clients wish to add to an existing 1-story house on a 1/10-acre lot. The house currently has 1080 sq. ft.; the first floor addition will have approximately 200 sq. ft. and the second floor addition will have 970 sq. ft. Displaying plans for the additions, Mr. Simone said the first floor addition will allow an update of the kitchen and create a foyer, leaving one bedroom on the first floor. The second floor addition will be for 3 bedrooms and 2 baths. He stated that the house will be about 10 ft. higher overall with the addition. Mr. Simone said the Buzzettos worked with

the Bloomerside co-op to keep the additional building height to a minimum, and the house will not exceed any Town Code limitations on height. He added that the entire house is non-conforming, so the non-conformity will all be increased by construction of the proposed additions.

Cindy McKean asked if the application includes a letter from the co-op board, giving their approval of the proposal, and the secretary replied that it does.

Chairman Ivanhoe asked about exterior lighting.

Mr. Simone stated that there is a light at the front door and there are also 2 existing lights flanking the patio, but no additional lighting is proposed.

The Chairman stated that counsel to the Board, Gerald Reilly, could not be at the meeting, so the Board would be voting on applications but no draft resolution would be read, although some specific conditions will be mentioned.

Chairman Ivanhoe asked what kind of exterior siding will be used.

Mr. Buzzetto said it will be vinyl siding like the house has now.

Mr. Simone added that the existing siding will be replaced so there won't be any trouble trying to match new and old siding.

Chairman Ivanhoe asked what color the siding will be, and Mr. Buzzetto responded that it will be gray which is consistent with the appearance of other houses in the neighborhood.

The Chairman remarked that the application was straightforward, and asked what the bedroom count will be.

Mr. Simone said there will be 3 bedrooms in the second floor addition as well as the existing one on the first floor.

Chairman Ivanhoe asked if the subject property is on the new sewer system, and Mr. Simone said it is.

The Chairman called on Steve Kristian of 53 Lakeside Drive.

Mr. Kristian asked what the lot-coverage will be, and Mr. Simone replied that it is currently 26% and will be about 30% with the addition.

Mr. Kristian stated that he was strongly opposed to the application. He said the proposal is out of proportion for such a small lot. Mr. Kristian explained that he is a member of the Bloomerside Architectural Review Committee, and building height is an issue in the community. He said Bloomerside residents feel that their views are part of what they bought when they purchased homes there. Acknowledging people's right to improve their property, Mr. Kristian said that does not include a right to destroy the property of others.

Mr. Kristian said the Architectural Review Committee did not have a majority of members present at the review of the Buzzetto proposal but 3 out of 6 members present voted to

approve it with a height of 18 ft. He noted that the Buzzettos originally applied to increase the height of their house to 25 ft. which was rejected; once the height was lowered to 23 ft., one member changed their vote and the project was allowed to go ahead.

The Chairman stated that the co-op's vote is important; as long as a request conforms to Building Code standards, it is up to them to determine whether or not to permit something. He noted the compromise in lowering the proposed height of the house.

Mr. Kristian stated that the residents of 51 Lakeside Drive (about 40 ft. away from the subject property) will have a close-up view of a wall when the second floor is added. He said the house will be twice as high as it is now and be so much higher than the neighboring houses that it will stick out. He remarked that the proposal is a good plan for a bad lot.

Chairman Ivanhoe stated that installation of the new sewer system means many home-owners will want to make the most of their properties and construct additions, and the Board of Appeals urges the co-op boards to handle these issues themselves. He said that if a co-op approves a project and the proposal is in compliance with Code standards, the home-owner has a right to proceed. The Chairman said the Board does not rubber-stamp applications, but looks at proposals in terms of health and safety for example.

Mr. Kristian said he appreciated what the Chairman said.

The Chairman said that if the owners of 51 Lakeside Drive anticipate a view problem, he would like to hear from them.

Mr. Kristian stated that the property-owners were present. He said he would like to convey to the Board of Appeals his feeling that every house has value with regard to its lot and its position. He said people will construct additions, but the Buzzetto request is egregious. Mr. Kristian stated that he thought 18 ft. in height was enough; addition of a full second story will hurt others' view of the lake.

The Chairman said that kind of issue is up to the co-op.

Mr. Kristian remarked that there were a lot of irregularities and anomalies at the Bloomerside meeting about the Buzzetto house, although he did not want to cast aspersions on his community. He stated that if the Board of Appeals were to turn down the application, the co-op board might not approve it again.

Chairman Ivanhoe asked where Mr. Kristian lives.

Mr. Kristian answered that he lives one house north of #51, at 53 Lakeside Drive.

Mr. Simone stated that 51 Lakeside Drive is uphill from #52 and not squarely behind it.

Mr. Kristian said Mr. Simone should stand in the house at 51 Lakeside Drive and look toward #52, and Mr. Simone said he understood Mr. Kristian's point.

Mr. Simone commented that adding 6 ft. of height to the Buzzetto house would not provide habitable space. He said he did a lot to mitigate the height issue and kept the second floor proposal to a minimum of 8 ft. with a low-pitched roof.

Mr. Kristian said the Bloomerside maximum height of 25 ft. is not automatically permitted/height allowed depends on the site.

Chairman Ivanhoe reiterated that the Bloomerside board approved the application. He said there were several more items on the Board of Appeals agenda and many people present, so he would like to hear from someone else.

Irving Siebrecht of 51 Lakeside Drive said he will be looking directly at a wall of the Buzzetto house, commenting that the issue is not so much the view he will be losing as what he will be getting.

Chairman Ivanhoe asked if Mr. Siebrecht expressed his opinion to the co-op board.

Mr. Siebrecht replied that he did. He said the proposed house doesn't conform to the overall look of the neighborhood, and it will stick up. Mr. Siebrecht said Mr. Kristian was right about the distance between the 2 houses (40 to 50 ft.); if his house was farther away, he would be able to see over the Buzzetto house.

Georgia Kindgren of 49 Lakeside Drive said her lake-view will not be completely obscured, but it will be trimmed. She added that as the house is close to the road, she was concerned about emergency vehicles getting through.

Mr. Buzzetto said he originally requested an addition with a total height of 25 ft. The co-op board asked that the house be lowered to 23 ft., which he did, and the board voted to approve it.

Mr. Simone said the first floor of the house is approximately 4 ft. below the road level and the garage is under the house, whereas the Siebrecht house is approximately 10 ft. above the road level. He stated that the view from 51 Lakeside would mostly be of the Buzzetto living area, 9 to 10 ft. above the road. Mr. Simone said the Siebrechts will certainly see the added second story of the Buzzetto house, but they will not just be facing a wall.

Referring to "backroom deals" and irregularities, Mr. Kristian said it was his understanding that Mr. Buzzetto asked a friend on the Bloomerside board what he needed to do to get his plans approved, and he was advised to take the height down to 23 ft.

The Chairman said the ZBA was not going into that kind of thing.

Mr. Kristian repeated his opinion that the altered house will be out of scale for the community and have a detrimental effect on others.

Chairman Ivanhoe said he understood that Mr. Kristian had strong feelings about the application, but it was up to the Bloomerside Board and not the Board of Appeals to reject it. He added that everyone knew things would change when the sewer system went in, and the co-ops need to find a way to deal with this.

Mr. Siebrecht invited the Board to come to his house and look out in the direction of the Buzzetto property.

The Chairman said Cindy McKean had noted that the proposed addition did not require a height variance, and he closed the public hearing. Chairman Ivanhoe reiterated that, in the

absence of Gerald Reilly (counsel to the Board), there would be no draft resolution read as is usually done, but the resolution will contain the usual advisements.

Mr. Monti suggested that the variances requested be read aloud and included in the resolution and also said the resolution should state that the plans were approved by the co-op board.

The Chairman said he had spoken to Gerald Reilly before the meeting, and it was decided that the draft resolutions will be circulated to the ZBA members for review before the Chairman signs them. Chairman Ivanhoe read the Buzzetto variance requests aloud.

Motion by: William Monti
Seconded by: Cynthia McKean

Ms. McKean: Aye
Mr. Monti: Aye
Mr. Murphy: Aye
Chairman: Aye

Area variance granted, as requested.

BA13-33 Theresa Robson (21 Bonnieview Street) – **Area Variance** - For construction of a deck 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 combined side yard setback variance of 18 ft is requested (15 ft./40 ft. required; 4.85 ft./23.81 ft. existing; 4 ft./22 ft. proposed).

Michael Beyer, engineer, stated that the subject property is a non-conforming lot on Peach Lake and one of the few lakefront houses without a deck. Mr. Beyer explained that he might have tried harder to avoid the need for an area variance, but he wanted to keep the deck to the house lines.

There were no questions or comments, and the Chairman closed the public hearing.

Motion by: James Murphy
Seconded by: William Monti

Ms. McKean: Aye
Mr. Monti: Aye
Mr. Murphy: Aye
Chairman: Aye

Area variance granted, as requested.

BA13-34 Avalon Gardens LLC (955 Peach Lake Road) – **Special Permit** – For the keeping of up to 18 horses and 2 cows and maintenance of a commercial horse-boarding operation, including living quarters for 2 grooms, per Article XIII Section 250-72.

The Chairman announced that this application would be heard last, as it seemed likely that it would take some time.

BA13-35 John Keiley (5 Vail's Lakeshore Drive) – **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 (A) (because the non-conforming lot is subject to R-1/2 bulk requirements). A variance of 24 ft. is requested (15 ft./40 ft. required; 11 ft./16 ft proposed) for construction of a deck extension.

John Keiley addressed the Board, stating that he has a 10 ft. deck and wants to add 6 ft. to it.

The Chairman noted a letter from the Vail's Grove Co-op approving the deck expansion and asked Mr. Keily what the extension will be constructed of.

Mr. Keiley said the existing deck is wood, but he wants to re-build it with Trex.

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

Motion by: James Murphy
Seconded by: William Monti

Ms. McKean: Aye
Mr. Monti: Aye
Mr. Murphy: Aye
Chairman: Aye

Area variance granted, as requested.

BA13-36 Episcopal Society (296 Titicus Road) – **Area Variance** – To decrease the minimum rear yard setback and increase the maximum Floor Area Ratio for Use Group "B" per Article V Section 250-15. A rear yard setback variance of 97 ft. (100 ft. required; 4.44 ft. existing; 3.5 ft. proposed) and a FAR increase of .017 (0.2 permitted; .202 existing; .219 proposed) are requested for construction of a rear addition consisting of a new handicap elevator and new stairway. Additionally, a variance of Article XIV Section 250-79 (B) is requested for new, non-complying bulk created by the proposed rear addition.

David Dunne, architect, explained that he is working on this project with Rick and Liz O'Leary. He said the church hall renovation will include handicapped access and increased energy efficiency, and he explained that the bump-outs on the rear of the building are for an elevator and a new stairway that will increase the overall non-conformance of the building. He further stated that the rear setback requirement is 100 ft., but the entire existing building is only 4.4 ft. from the rear yard line; the stairs and elevator will decrease that to a 3 ft. rear setback.

The Chairman remarked that it is a small increase for a good reason, and the building will look nice.

Mr. Monti asked where the elevator machinery will be located,

Mr. Dunne said it will be a limited use elevator, and the machinery will be self-contained.

Mr. Monti asked if there will be interior work done also.

Mr. Dunne replied that there will be handicap restrooms and some other reconfigurations.

Chairman Ivanhoe commented that the lighting looks nice, adding that it will be a great project.

Mr. Monti stated that he spoke to Mrs. Vanscoy, owner of the neighboring property at 298 Titicus Road, who told him that she agreed to allow workers to access the church hall from her property with the understanding that her property will be restored to the condition it was in before construction started.

The Chairman closed the public hearing.

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

Ms. McKean: **Aye**
Mr. Monti: **Aye**
Mr. Murphy: **Aye**
Chairman: **Aye**

Area variance granted, as requested.

BA13-37 Nora and Todd Amus (27 June Road) - For the granting of a further extension of Building Permit #5508, which will expire on July 14, 2013 and may not be further extended by the Building Inspector, per Chapter 92-4 of the Town Code.

Nora Amus stated that she and her husband are still self-funding the construction project, and he had some business problems that are better now. She described a letter from her architect that was provided to the board which reports on the progress of construction. Mrs. Amus explained many things that have been completed in her house. She also told the Board that she had to have numerous HVAC repairs after Superstorm Sandy, and she now has a final inspection certificate.

Mrs. Amus said she still needs a letter from Bibbo Associates detailing their final site inspection and she has a new attorney to deal with the bank regarding the construction loan. Mrs. Amus explained the problems with a handrail that is still unstalled. Chairman Ivanhoe asked what remains to be done.

Mrs. Amus said some floors still need to be done.

The Chairman asked Bruce Thompson what he thought of the progress.

Mr. Thompson stated that the renovations/additions have taken a long time, but the Amuses have made steady progress. He said he has no complaints about the exterior and the architect provides updates regarding the construction sequence. The Building Inspector said the Bibbo letter and electrical inspections are still needed before he can

issue a Temporary Certificate of Occupancy. He also stated that the Amuses always come in to the office before their building permit extensions expire.

Ms. Amus said she would like to ask that the extension be for a year; she does not anticipate needing this much time, but there are still problems with the bank.

Chairman Ivanhoe said he hopes the Amuses get finished soon.

Ms. McKean asked if they are only waiting for the hand-rails.

Ms. Amus said there are still floors, some bathrooms, etc. to be finished also.

Ms. McKean said she remembered that a truck was supposed to be removed from the property, but she has noticed that it is still there.

Mrs. Amus said it was a contractor's truck that had to be removed, and it is gone. The truck on the property now belongs to her husband, and there is not room for it yet in the garage because construction materials are stored there. She said the truck is in a parking area at the garage entrance/she did not want to park it in front of the house.

The Chairman commented that the truck just looks odd parked parallel to the garage/it would look less peculiar parked perpendicular to the garage.

Ms. Amus explained that there are 9 construction trucks on-site every day/she needs to keep her truck out of the way.

Chairman Ivanhoe remarked that parking her truck in front of the house would offer an appearance of security.

Ms. Amus said the Board had specifically asked the Amuses not to park in front of the house.

Todd Amus said the truck would be more visible parked perpendicular to the garage, but the Chairman said it would look less odd.

The Chairman noted there were no further questions or comments and closed the public hearing. He stated that the building permit would be extended for another year.

Motion by: *William Monti*
Seconded by: *James Murphy*

Ms. McKean: *Aye*
Mr. Monti: *Aye*
Mr. Murphy: *Aye*
Chairman: *Aye*

Appeal granted.

BA13-34 Avalon Gardens LLC (955 Peach Lake Road) – Special Permit – For the keeping of up to 18 horses and 2 cows and maintenance of a commercial horse-boarding operation, including living quarters for 2 grooms, per Article XIII Section 250-72.

John Kirkpatrick, attorney, was present and pointed out his clients, Robert and Anke Young (Avalon Gardens LLC). Mr. Kirkpatrick said his clients were seeking the issuance of a special permit for 18 horses and 2 cows. He said the former property-owner had not been a good neighbor, but the Youngs are spending time and money on corrections and maintenance which will keep them busy for a while. Mr. Kirkpatrick said his clients will comply with the 2006 special permit requirements and have already received a bid to plant trees, which was required by the 2006 special permit but not done. He stated that his clients are aware that lights in the indoor riding ring must be turned out by 8 pm. The Youngs hope to replace the membrane-structure in the future but not immediately and would like to be good neighbors.

Stating that he is familiar with the subject property, Chairman Ivanhoe asked how many horses the Youngs have there at present.

Mr. Kirkpatrick stated that the property required a lot of clean-up.

The Chairman said the Youngs may keep up to 2 horses on the property as-of-right, and Anke Young said she has 2 horses there now.

Chairman Ivanhoe said he felt the Board's main concern was the membrane structure/ indoor riding ring, and he noted that Mr. Kirkpatrick had said his clients hope or intend to replace it.

Mr. Kirkpatrick said they intend to replace it, but do not promise to do so. He said his clients agree that the structure is ugly.

Chairman Ivanhoe said it is ugly, adding that such structures are commonly seen in Dutchess County but not in North Salem. He said there isn't another one quite like it in Town, and it is an unfortunate circumstance that it is there now. The Chairman stated that, although he wasn't familiar with the reason the membrane-structure was approved in the previous special permit, it is both the purview and the responsibility of the ZBA to right past wrongs, and he was glad to hear that the Youngs intend to do something about the ring.

Mr. Murphy asked how long the previous special permit including the indoor riding ring was good for, and the Chairman answered that it would have been for 10 years if the property had not been sold.

Mr. Murphy asked if the Board could grant the new special permit for a shorter period of time or modify it somehow to ensure that the indoor arena is replaced.

The Chairman said he thought the Board would need a specific reason to do so.

Mr. Murphy remarked that the Youngs are making great improvements to the property and he would like to help them, but he would also want to consider a shorter term for the special permit.

Chairman Ivanhoe said commercial horse-boarding is a commitment and requires investment, so applicants need to know they can run their operations for 10 years. He said the Board may include language in the resolution regarding a time frame to replace the membrane structure, adding that if theirs is a good operation, they will find it too small.

Mrs. Young said it is approximately 60 ft. x 130 ft. which is small for dressage training.

The Chairman said he thought the Board would include some kind of time frame in the resolution, but they may also want more time to consider the application and time for Mr. Reilly (counsel to the ZBA) to review the past file, so perhaps they should hold it over for a month.

Mrs. Young said she felt she and her husband had demonstrated good faith, and they paid over \$1 million for the property. She stated that she agreed the membrane structure is not attractive, and she plans to be a good neighbor. Mrs. Young also said they would not have made the investment in the property to keep it as it is.

Mr. Monti stated that he was on the Board in 2006 when the former owner's special permit was granted. He said the information/pictures provided at that hearing were not representative of what the indoor ring actually looks like; he said he had assumed it would be a solid color and not striped. Mr. Monti added that he visited the McKay property (122 Dingle Ridge Road) when Mr. McKay submitted a variance application for a generator, and he could see the indoor riding ring on the subject property.

Mr. Monti further stated that the Board had made another mistake in allowing lights in the arena to be on until 8 pm, because in the winter it has been dark for hours by 8. He said the Board should have required the lights to be extinguished by dusk. Mr. Monti said he would like to see the membrane structure removed; the quicker it is replaced, the better it will be for the business also.

Mrs. Young agreed that the structure is not compatible with what she wants; adding that she merely wants to have her horses for now and needs time to plan for the replacement building.

Mr. Kirkpatrick said he would not like for his clients to be penalized in any way, and they want to get their operation started.

Chairman Ivanhoe asked when the Youngs want to bring the horses in, and asked if they are theirs or other people's horses.

Mrs. Young said she wants to buy young horses; those she has are mostly hers/some belong to her trainer. She said they buy, train and then sell the horses.

The Chairman asked when Mrs. Young wants to move the horses to her North Salem farm, adding that having young, high-strung horses on-site while there is a lot of construction/work going on would not be good.

Mrs. Young stated that she has a yearling and ponies for her children that she would like to bring to the farm now and bring in dressage horses by spring.

Mr. Young stated that some footings in the ring and barn need to be replaced, and some roof repair is needed. He commented that the barn is a lovely building but needs work. They have also been spending a lot of money on boarding and would rather not delay bringing their horses onto the property. He said his intention is to improve the footings, fix some stalls and get the horses in, but he needs some time to plan for the new indoor ring. Mr. Young added that there is an existing tenant who needs to move out/off the property also.

Chairman Ivanhoe remarked that an indoor arena similar in appearance to the barn would be wonderful.

Mr. Young offered photographs of examples of what he wants.

The Chairman commented that they looked nice. He said the Youngs could take apart an old barn from Vermont and move it, but that would be very expensive. He added that the indoor riding ring will be accessory to the beautiful barn and asked if an Olympic-size ring is larger than a standard one.

Mrs. Young said she thinks they are the same size. She stated that she has spoken to someone at King Construction about the future ring.

Ms. McKean commented that the membrane structure is an eyesore, and Mrs. Young said it is one for her, too.

Noting there is a lot of work to be done on the subject property, Ms. McKean asked what the Youngs' time frame is for replacement of the indoor riding ring.

Mr. Kirkpatrick said the work and repairs will all take longer than one might think; ideally, construction of the new ring would start in 1 to 2 years.

Mrs. Young asked how long it will take to get a building permit.

Chairman Ivanhoe stated that the building permit process is not long. He said he thought the Board was moving toward a resolution that will give the Youngs the ability to move their horses in while getting in shape for the commercial operation and working toward removing the membrane structure. He added that he thought there would be a condition that the membrane structure will be replaced within a specified time period, but he needs to consult with Mr. Reilly on the appropriate language to include in the resolution.

Mr. Monti asked Mrs. Young what she wants.

Mrs. Young replied that she needs the use of an indoor ring during the winter and must therefore plan accordingly. She said she didn't know how long it would take to remove the existing ring and build a new one.

The Chairman remarked that an indoor riding ring can be built in as little as 3 months.

Ms. McKean asked if the location of the existing ring is okay for the new one.

Mr. Thompson explained that the project will require a storm-water pollution prevention program which will include a lot of controls. He said the application process does take a little longer for that reason and will require input from an engineer. The Building Inspector stated that a 20,000 sq. ft. structure plus disturbance could still be under an acre total, so the SWPPP would be a shorter process than some. He said the building permit, from application to permit-issuance will take about 2-3 months because of the SWPPP. Regarding construction, he noted that it will go faster in the spring than in the fall because then some work will have to stop due to cold weather. Mr. Thompson said that ideally, work would begin in time to be finished by winter.

Mr. Kirkpatrick said complications can come along, so he would like the Board to consider a "best effort" scenario and give his clients 2 years.

Chairman Ivanhoe said that if the Board approves the application now, the Youngs will need to apply for an amended special permit to include a new indoor ring.

Ms. McKean said she would approve everything but thought there should be a time limit of 18 months to replace the membrane structure.

Mrs. Young said she was afraid there might not be enough time; she didn't want to have a half-finished project in November and no indoor facility available.

Ms. McKean said she thought it would be reasonable to ask the Youngs to submit a plan in 6 months for a project to be completed within 18 months of its start-date.

Mrs. Young said she would not want to make bad decisions because of the pressure of time.

Mr. Monti suggested granting the special permit with a stipulation that the Youngs return in 6 months with a proposal.

Ms. McKean asked if the Youngs could get their SWPPP in the meantime.

Mr. Kirkpatrick said his clients are cleaning up the property now; winter will be a good time for planning next steps.

Mrs. Young said there are holes in the roofs and garbage to be dealt with, and she didn't want an artificial constraint to force a bad decision.

Mr. Monti said he was only asking for a proposal in 6 months, and then maybe giving the Youngs until September 2014 to execute the plan.

Mrs. Young said she did not want to dismantle the membrane structure in September and having nothing for winter use.

The Chairman said it would be up to the Youngs what they have in their proposal in 6 months.

Mr. Monti asked for a proposal in 6 months and for execution to begin no later than September 2014, commenting that it is more than a year away. He said setting of the plan/steps to be taken would be up to the Youngs.

Chairman Ivanhoe said that if the Board were to approve the special permit, he needs advice regarding language for the timing condition. He noted that the Youngs will have to take down the membrane structure and then build a new one. He said the Board would require a special permit amendment to cover the new ring, and he would like to see the time-frame for the new arena included in the amended special permit. The Chairman noted that special permits allow applicants 18 months to get a building permit.

Ms. McKean approved, saying that will keep the process moving.

The Chairman stated that a good application for an amended special permit will help the Board reach a decision, and then the Youngs will have 18 months to get a building permit. He said it seemed the Board was in agreement but they need to decide on the parameters, adding that he had wanted to hold the application over for a month, but the Board will not do that so the Youngs may bring their horses onto the property.

Eric Grasinger of 991 Peach Lake Road was called on, and he said he was grateful to see the subject property being cleaned up. He added that he can see the membrane structure from his property and feels his property is the one most impacted by it, but he would like the Youngs to be given time to fix up their property.

John McKay and John Lombardo (122 Dingle Ridge Road) were also present. Mr. McKay welcomed the Youngs to the neighborhood, saying he was thrilled to see the subject property cared for. Mr. McKay said he had tried to work with the previous owner, but it was to no avail. He added that his property overlooks the striped membrane structure. He stated that the residents of upper Dingle Ridge Road are dedicated to the rural character of North Salem and include members of the North Salem Open Land Foundation and Gaymark land stewards. Mr. McKay said a group of Dingle Ridge Road residents donated money to buy the Gaymark preserve to keep the land open.

Reiterating that he had attempted to work with the former property-owner regarding violations (lights on in the ring), Mr. McKay said it seemed to him that she really had nothing to lose and was therefore not motivated to co-operate. He said he was happy to see new owners investing money in the property. He commented that he and his neighbors have all put money into their homes which are mostly antiques, and they had to respect their neighbors during construction and keep to a time-frame for the sake of their neighbors' peace.

Mr. McKay said he can see the indoor ring from every window in his house, and it has impacted both the value of the property and his enjoyment of it. He added that it is worse in the winter when the trees are bare and the lights are on inside the arena. Mr. McKay stated that he was willing to discuss a compromise, but he would like firmer dates with regard to completion of the project. He remarked that he has lived with the issue for 7 years and a new special permit will be for another 10 years. Mr. McKay said he was glad to hear time discussed, and he thought 2 years was plenty of time.

Chairman Ivanhoe said it was a challenge. He pointed out that the membrane structure is Code-compliant, but he also added that if the Board finds a mistake, they can get things changed. He said the Board realizes the impact the indoor ring has on the neighborhood, and they are moving in a positive direction toward something reasonable. The Chairman said he did not know if they would conclude with regard to timing at this meeting, but they want an agreement that the ring will be replaced within a set amount of time, and the applicants will be given time to fix up the property.

John Lombardo thanked the Youngs for buying and starting to fix up the property. He commented that he had no recourse before, but now the situation can be discussed and agreement reached in principle. Mr. Lombardo asked the Board what would happen if the Youngs were to decide 12 months down the road that they do not want to replace the membrane structure.

Chairman Ivanhoe said he had asked himself that question and spoke to Mr. Reilly about it also. Mr. Reilly said intent is important; he also wanted to take more time to conclude. Chairman Ivanhoe said he wanted to help the Youngs get their horses onto the property and start working, but he didn't know the answer yet. He stated that the resolution will contain language regarding the membrane structure and a time-frame for its removal, adding that the Board has enough findings to be that specific.

Mr. Young said he would remind the neighbors that he and his wife want the ring replaced more than they do. He remarked that the neighbors could have purchased the property and also that he may keep 2 horses without a special permit and keep the membrane structure forever. Mr. Young stated that he does not want time constraints on replacement of the ring.

The Chairman said that what Mr. Young said was true, but it would not make sense to withdraw his application.

Mr. Young said he merely objected to the idea of time constraints.

Chairman Ivanhoe said that if the Youngs find they need more time, the Board will give it to them/they would not stop the job unfinished.

Mr. Young said he had been worried by what he heard during the application discussed before his on the agenda, but the chairman assured him that the previous applicants' situation was unique.

Janet O'Loughlin of 1 Vail Boulevard addressed the Board, saying she lives across the street from the subject property. She said she was concerned about a man currently living on the property. She asked about the proposal to keep to 2 cows, adding that there were cows on the property in the past and when those cows were removed, rats from the cow barn came onto her property. Ms. O'Loughlin asked, if the Youngs are not going to live on the subject property, who will be responsible and which building will those people reside in.

Mr. Young said he and his wife will be responsible, and the man living on the property was given 60 days to vacate the premises as a condition of the sale.

Mrs. Young said she is from Germany, and Germans like cows. She added that hers will be dairy cows/not beef cattle.

Ms. O'Loughlin said she was glad to hear that.

Mrs. Young said 2 grooms will reside on the farm; they are in the United States legally and are family-oriented men.

Chairman Ivanhoe asked where their living quarters will be, and Mr. Young responded that there is an apartment in the 4-car garage that is in reasonable condition.

The Chairman asked if the building has or needs a Certificate of Occupancy and requires Code-compliance, and the Building Inspector responded that it does.

Mr. Thompson pointed out that in other instances where owners have not resided on their farm properties, the Board has required that someone live there full-time. He said it is also advisable to have an alarm in the barn that rings in the grooms' quarters. He explained that according to the Code, one groom equals one dwelling unit, and the subject property could have up to 3 grooms living on the farm with the requested number of stalls and existing acreage.

The Chairman asked where the grooms are living at present.

Mr. Young explained that there is a Certificate of Occupancy for the garage/apartments, and the grooms are living there.

Mr. McKay acknowledged that the neighbors could have bought the property. He stated that part of the previous owner's success was because the neighbors all allow trail-access for riders.

Chairman Ivanhoe said there are a lot of bridle trails in the area, and Mr. McKay was right that the trails are open due to the good will of property-owners.

Steve Mulligan of 126 Dingle Ridge Road stated that his property is up for sale now. He said he appreciated Mr. Monti's candor re his surprise when the striped membrane structure went up, and he asked the Board to please consider the lighting issue because the ring looks like a space ship at night.

The Chairman said the Board would probably require that the lights be turned off at dusk. Mrs. Young asked if that would hold true for the new ring also.

The Chairman explained that they will look at that when something is proposed. He stated that they would require shading of any cupola or windows that face other properties if the ring is to be used at night. Chairman Ivanhoe added that these requirements are also in keeping with the Town's "dark-sky" policy.

Mr. Mulligan asked if the trails will be kept open and perhaps an easement put in place to prevent development.

Chairman Ivanhoe explained that the Planning Board deals with easements; the ZBA encourages property-owners to keep the trail open, and the Youngs will want it open so they may use the trail also.

Mr. Mulligan said he wanted to welcome the Youngs to Town, but he also believes something needs to be included in the special permit in the way of a cap on how much time will be allowed before the existing indoor ring is removed.

Noting that he did not receive the Avalon Gardens Notice to Property-Owners because he lives more than 200 ft. away from the subject property, Mr. McKay asked if in the future, where viewsheds are concerned, the Notice could be sent to residents who live farther away.

The Chairman stated that the Board of Appeals is not legislative; such a change would have to be made by the Town Board. He said he would close the public hearing and get a sense of the Board's feeling about the application, with the knowledge that there will be language in the resolution regarding the issue of the membrane structure with a reasonable time-line to complete the change.

Mr. Murphy said he was in favor.

Mr. Monti stated that he was also in favor. He said he would like a proposal in 6 months.

Chairman Ivanhoe said the Board could require the Youngs to apply for an amended special permit in 6 months.

Mr. Monti said he would also ask that work begin by September 2014, at which time a specific plan and path would be provided to the Board.

Ms. McKean said she was in favor/there should be a plan with a time-line in 6 months. She stated that her house was built from September to June. She added that she was aware that the Youngs have other things to do as well, but she felt replacement of the indoor ring should be a priority.

Mr. Murphy stated that if the Youngs run into a problem, they may ask for more time to complete the project.

Ms. McKean said providing a plan in 6 months will show the Board that the Youngs are serious. She suggested they look at some of the many indoor rings around Town and ask the owners how long it took for them to be built.

Mr. McKay said indoor riding rings are very simple, and Chairman Ivanhoe agreed that that is usually true.

Mr. Monti asked that while the existing structure is used, the lights be off from dusk to dawn.

Chairman Ivanhoe said that will be included in the resolution.

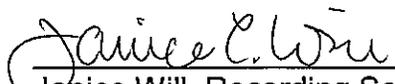
Motion by: James Murphy
Seconded by: William Monti

Ms. McKean: Aye
Mr. Monti: Aye
Mr. Murphy: Aye
Chairman: Aye

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

The meeting was adjourned at approximately 9:45 pm.

Respectfully submitted,



Janice Will, Recording Secretary