

**BOARD of APPEALS**  
**Public Hearing**  
**March 13, 2014**  
7:30 p.m., The Annex

**MEMBERS PRESENT:** Richard O'Leary  
Cynthia McKean  
Lisa Douglas  
Brian Ivanhoe, Chairman

**MEMBER ABSENT:** James Murphy

**OTHERS PRESEN** Gerald Reilly, Counselor  
Bruce Thompson, Building Inspector  
Janice Will, Recording Secretary  
Members of the Public

***Chairman Brian Ivanhoe called the March 13, 2014 Town of North Salem Zoning Board of Appeals meeting to order.***

The next meeting date was set for April 10, 2014.

The minutes of the January 16, 2014 meeting were unanimously approved.

**PUBLIC HEARINGS:**

**BA14-04** Dean Colley (13 Apple Mill Lane) – **Area Variance** – For construction of an in-ground swimming pool and spa in an R-4 zoning district, per Article V Section 250-15. A rear yard setback variance of 35 ft. is requested (100 ft. required; 65 ft. proposed).

Tony Markey, landscape architect with Christe Pools, was present for the applicant. Mr. Markey explained that the location of the house and wedge shape of the subject property both factor in to the proposed location of the pool and spa. He stated that everything will be several hundred feet from wetlands on the property. Mr. Markey said he wants to build a gunite-and-steel pool with a saltwater system and a raised Jacuzzi with a stream bed that feeds into the pool, and he would like to use an existing rock outcropping to wind the stream down into the pool. He stated that the pool will be 75 ft. from the rear yard line, and the spa will be 65 ft. away. Mr. Markey said the adjoining property is Audobon-owned open land/there is no house, and he added that the saltwater system will employ no chemicals.

Chairman Ivanhoe remarked that it was clear from the application that the proposed site for the pool/spa is desirable.

Mr. Markey said the site was also chosen for openness to sunshine and a view of the Titicus Reservoir. He further stated that his client wishes to be able to use the Jacuzzi in the off season, so it will have plumbing that is separate from that of the pool.

The Chairman asked where the pool equipment is to be located, and Mr. Markey indicated an area on the north side of the pool.

Chairman Ivanhoe noted that the submitted drawings did not include any fencing.

Mr. Markey explained that there are several options and his client will decide what he wants, but the pool enclosure will be built to Code requirements.

The Chairman asked about landscape lighting for the pool area.

Mr. Markey said there is nothing planned at present, but any lighting employed would be low-wattage.

Chairman Ivanhoe said any lighting installed must not be visible at its source, in keeping with the Town's dark sky policy.

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

Gerald Reilly read a draft resolution, including a condition that any exterior lighting installed may not be visible at its source.

**Motion by:** *Cynthia McKean*  
**Seconded by:** *Richard O'Leary*

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

***Area variance granted, as requested.***

**BA14-05** Melissa and Timothy Braz (28 Bonnieview Street) – **Area Variance** – For construction of an addition to an existing, non-conforming single-family dwelling, per Article V Section 250-15. A Floor Area Ratio variance of .048. is requested (.200 permitted; .190 existing; .248 proposed).

Mr. and Mrs. Braz were present, and Mr. Braz showed the Board a large drawing, depicting the rooms to be added.

Mrs. Braz explained that the addition of a second floor will provide 3 bedrooms and 2 baths.

Mr. Braz said the addition will only be built above the rear portion of the house.

Cynthia McKean remarked that, as no neighbors were present, it would seem there had been no objections to the application.

Chairman Ivanhoe asked about any exterior lighting planned, and Mr. Braz replied that there will be some.

The Chairman stated that the Board would ask that exterior lighting not be visible at its source and that no bare floodlights be installed. He said there are floodlights with covers.

*At this time, the applicants' architect, Daniel Simone arrived and apologized for being late.*

Mr. Simone stated that his clients own 2 lots, but they are still separate tax lots. He noted that the addition to the house will only require a variance for coverage; there are no issues with setbacks or the height of the house. Mr. Simone explained that the house is about 20 ft. high now and will be 8 ft. taller with the second floor addition.

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

Mr. Reilly read a draft resolution, including a condition that any exterior lighting installed may not be visible at its source.

**Motion: Cynthia McKean**  
**Second by: Richard O'Leary**

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

***Area variance granted, as requested.***

**BA14-03B** Avalon Gardens LLC (955 Peach Lake Road) – **Special Permit** – To amend BA13-34 to include demolition of an existing membrane structure, construction of a new 100 ft. x 200 ft. indoor riding arena, and the addition of 6 horses (24 total).

**BA14-08** Avalon Gardens, LLC (955 Peach Lake Road) – **Area Variance** - For construction of renovations/additions to an existing, non-conforming single-family residence, per Article V Section 250-15. A front yard setback variance of 31 ft. is requested (75 ft. required; 44 ft./8 in. existing/proposed).

*(BA14-08 was discussed first.)*

Don Rossi of Hogan and Rossi and Viktor Solarik, architect, were present with the applicant. Mr. Rossi pointed out that the front yard setback requirement is actually 100 ft. due to the commercial horse-boarding operation on the subject property (*different Use Group from R-4/residential which requires a front yard setback of 75 ft.*).

Mr. Reilly noted that this meant the variance will be 56 ft. and not 31 ft. as described in the agenda.

Mr. Rossi stated that in addition to the garage/dwelling there is also a farmhouse on the lot. He stated that the proposed improvements will be to the rear and right side of the building and will not increase its non-conformity with regard to the setback.

Chairman Ivanhoe asked if the living quarters above the garage will be an accessory apartment or housing for grooms.

Mr. Rossi replied that the property legally has 2 single-family dwellings on it that may be used any way the owners wish.

Mr. Solarik displayed floor plan drawings, including a small addition and a porch/entrance to the rear and a patio with hot tub on the side.

In addition to the renovation of the main floor, Mr. Rossi indicated a loft with bedroom and bath on the second floor with a new dormer to be added. He said he feels the changes to the building will contribute to the overall enhancement of the old farm property, adding that he does not believe it will negatively impact the neighborhood and is in character with the existing farm operation.

Mr. Solarik pointed out the change in the roofline and addition of cupolas.

The Chairman asked if there will be any lights in the cupolas, and Mr. Solarik responded that there will be none.

Chairman Ivanhoe noted there is no exterior lighting on the plans, and Mr. Rossi said there will be no lighting visible at its source.

The Chairman asked if a gate is planned for the entrance from Peach Lake Road.

Robert Young, the property-owner, said there is a plain gate there already.

Chairman Ivanhoe said he was interested to know if the gate will be changed/electronic control added.

Mr. Young said he was considering that/the primary purpose of the gate is to keep horses from escaping onto the street, so it must be kept closed at all times.

The Chairman agreed that this is important, especially given that Peach Lake Road is very busy. He pointed out that if the gate is changed and made higher, an area variance might be needed.

Mr. Young said he would only change the gate to be able to operate it electrically.

Rick O'Leary asked the dashed lines on the elevation drawings indicate existing conditions, and Mr. Solarik replied that they do.

Mr. O'Leary asked what the change will be to the walls and roof.

Mr. Solarik said the existing walls on the main floor are only 6 ft. high, so all walls will be raised to 8 ft. He indicated the low existing roof that will also be replaced/raised to accommodate the loft in what is currently storage space.

Mr. O'Leary asked if a bedroom will be added, but Mr. Solarik explained that it has a four bedroom septic now/there will be 4 bedrooms (*building currently has 3 bedrooms*).

The Chairman asked where the septic is, and Mr. Solarik pointed to an area on the south side of the house near the proposed patio.

Mr. O'Leary asked if the new front windows are in the same locations as the existing windows.

Mr. Solarik replied that they are almost the same, and he tried to line them up over the garage doors.

Mr. O'Leary asked if the variance is only needed for the rear porch.

Mr. Solarik said it is also for increased area/coverage, and Mr. Rossi added that the patio/hot tub to the right of the house requires a variance too.

Mr. Solarik said he did not think the patio would require a variance.

Bruce Thompson explained that it would only be necessary if the patio were more than a foot above the ground.

Mr. Solarik said the patio will be higher than that.

The Chairman invited public comments and questions; there were none, and he closed the public hearing.

Mr. O'Leary asked if the variance is only needed for the patio/the addition will not require a variance because it is to be built on the existing non-conforming footprint.

Mr. Solarik said the variance would be for a setback of 44 ft., so anything farther away from the property line would be covered by that.

Mr. Reilly said the porch/mudroom addition requires a variance also, because it increases the non-conforming area (bulk) of the building/is also within the required setback.

Mr. Reilly read a draft resolution, including a condition that any exterior light fixtures not be visible at their source.

The Chairman asked if the hot tub will be on top of the patio or set lower/he wondered if there should be screening employed. He said he brought this up because the building/patio are pretty close to the road.

Mr. Solarik said the retaining wall (approximately 4 ft. high) at the front will be topped with a 6 ft. picket fence/this would be a lot to see over.

Mr. Thompson agreed, also pointing out that the road is lower than the property.

Mr. Rossi said the hot tub will be uphill from even the garage doors.

Mr. Solarik indicated that the hot tub top is 1.5 ft. above the patio floor and will be stepped down into. The hot tub will be 11 ft. up from the road and still not as high as the fence-topped wall.

Chairman Ivanhoe wanted to consider including a condition in the resolution that if the hot tub is visible from the road, screening will be required.

Mr. Young said it will not be visible because of the existing fence; if the fence were not there, he would put one up.

The Chairman said his point was that a hot tub is not in character with the look of a horse farm.

Mr. Young assured the Chairman that the hot tub will be far enough uphill and the wall/fence is high enough that it will not be seen.

Mr. Reilly read a draft resolution.

**Motion:**                    **Cynthia McKean**  
**Seconded by:**        **Richard O'Leary**

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

**Area variance granted, as requested.**

*(BA14-03B cont.)*

Mr. Rossi described the special permit amendment requested in application BA14-03B, including removal of an existing "bubble" structure and construction of a new indoor riding ring big enough for dressage training on the same basic footprint (*new arena larger than membrane structure*). Mr. Rossi said the riding arena is well-designed and intended to mimic the barn roofline. He pointed out that there will be no stalls in the indoor ring and stated that his client also wishes to increase the number of horses to be kept to 24 from the currently-permitted 18. The subject property consists of 23.94 acres, which is room enough for 24 horses, and there are 26 existing stalls (2 to be used as wash or sick stalls). He noted that the current special permit also includes 2 cows, which the Youngs still want to have. Mr. Rossi noted that the ZBA required the applicants to provide plans to remove/replace the membrane structure.

Mr. Rossi said the Youngs are very diligent regarding the boarding operation and have spoken at length with the Watershed Agricultural Council. Mr. Rossi referred to a letter from WAC in which it is stated that they found no potential environmental issues on the property. He said the Youngs also submitted plans to the DEP on the recommendation of the Westchester County Planning Department, and there has been no comment from them. Farm activities are well away from wetland areas, and Kellard-Sessions has prepared a Storm Water Pollution Prevention Plan which routes waste water from the new impervious areas to an infiltration system at the rear of the barn and which incorporates some of the latest innovations in storm water management. Mr. Rossi stated that there are over 3 acres of paddock space which should facilitate rotation/prevent problems with erosion.

Regarding timing of the demolition and new construction, Mr. Rossi said the Youngs are committed to the project, but he is concerned about completing all the work in this building season. He said the storm water plan and building plans are ready and the Youngs are ready to go forward. Mr. Rossi said he would appreciate some flexibility to cover the uncertainties of the construction process.

Chairman Ivanhoe said the Board could talk about that, and he noted that it will take a long time for the ground to dry this year. Given the request for an increased number of horses, the Chairman asked if there was a paddock layout (*included in an e-mail from Mr. Rossi that afternoon/Mr. Thompson provided a copy to Chairman*).

Mr. Thompson stated that the e-mail also included a tally of the square footage of all the paddock space.

Noting that the total paddock area is 3.13 acres, the Chairman asked which paddocks are existing and which are new.

Mr. Rossi said they are all existing/there are now 20, including some new ones adjacent to the area of the house. Four new paddocks added another 3000 sq. ft. of space, all employing a surface called Ecoraster (*an all-weather surface*).

Mr. Young said the Ecoraster will be used to replace the existing surface in one of the existing paddocks also.

While noting that the special permit amendment application states that the horses are turned out for 3 hours a day and that WAC was satisfied with the conditions, the Chairman suggested that if the Youngs ever do experience any kind of drainage problems, it will be good to call WAC for assistance as they may be eligible for a grant to cover the expense of remediation.

Mr. Rossi stated that there are no "red flags" at present.

Chairman Ivanhoe moved the discussion forward to the new indoor riding arena, and Mr. Solarik displayed an elevation drawing.

The Chairman noted the roll-up garage doors on the sides of the building.

Mr. Solarik said they will be nice, because they can be opened up in good weather and even when closed, they will maximize natural light.

Ms. McKean asked if the doors will be all glass, and the Chairman added that the all-glass doors will exude a great deal of light at night.

Mr. Rossi said the light fixtures will be installed high up inside the ring. He added that he would like his clients to be spared the expense of screening/shading.

Ms. McKean asked how big the doors will be, and Mr. Solarik responded that they will be 10 ft. high atop a 4 ft.-high wall and 16 ft. wide.

Ms. McKean commented that that is a lot more window/light than the windows normally seen on an indoor ring.

Mr. Rossi remarked that the new arena will be a big improvement over what exists now, and the lights will be up in the rafters and aimed downward/not having as much impact as Ms. McKean might think.

The Chairman mentioned another indoor riding arena in Town that is up on a hill and has lights shining through a clerestory on the roof, which the ring being proposed by Avalon Gardens will not have.

Displaying a site section drawing, Mr. Solarik said the wall of the new riding arena will scarcely be visible from the road. He said that to further mitigate views of the arena, it will be sited approximately 2 ft. lower than the existing grade in front of it.

Ms. McKean said the ring will be more visible in winter when the trees are bare, and she asked what will be seen from the east (*Dingle Ridge Road*).

Chairman Ivanhoe remarked that lights from houses show more in winter also, adding that there have to be windows on the ring.

Mr. Reilly said it looked to him as though the side/windows would not be seen from the road.

Ms. Douglas said the kind of light emanating from the ring will be less bright than that of spot lights which she would find more annoying.

Mr. Rossi pointed out that houses on Dingle Ridge Road are high on a ridge and 1400-1500 ft. away. He displayed a photo of the view downward from Dingle Ridge Road with the current view of the membrane structure and the new arena added in; scarcely more than the roof is seen. Mr. Rossi said it is a good design and, with the proposed lighting, will not look lit-up at night.

Chairman Ivanhoe asked for more detail about the lighting.

Mr. Solarik said the lights will be mounted on the trusses, about 16 to 18 ft. above the floor. He described round fixtures about 20 in. around and containing halogen bulbs, to be suspended on rods. He added that the 200 ft. span (length of the proposed arena) will probably have 2 rows of 8 lights each. Mr. Solarik said the lights will not be visible at their source/they will be above the height of the walls and point downward.

Chairman Ivanhoe said some light will emanate from the windows but not directly, adding that the design is nice.

Mr. Solarik said exterior lights will be recessed above the doors of the arena and shine downward/not spill outward.

John Lombardo of 122 Dingle Ridge Road rose to address the Board. He expressed concern about the deadline for demolition of the "bubble", saying he thought the date was in May 2015.

Mr. Reilly explained that the timing requirement was always for the entire project, and it provides 18 months from the date of the granting of the special permit amendment for demolition, construction, and issuance of a Certificate of Occupancy for the new indoor ring. He stated that if the amendment were to be granted at this meeting, 18 months would be up in September 2015.

Mr. Lombardo said it is already going to be 2 months longer because the Youngs did not have plans in January/were not in compliance with the special permit condition then.

The Building Inspector pointed out that the first thing that must occur before the new ring is constructed is the removal/demolition of the "bubble".

John McKay, also of 122 Dingle Ridge Road, said he thought the agreement had been that the membrane structure must come down by May of 2015, with the new ring to go up in September. He commented that the plan was discussed in January and now it is March, so the time line is being extended.

The Chairman said he did not think a March amendment (as opposed to one granted in January) would change the time line unless the applicants have problems. He added that there has been a lot of forward movement, and he believes the project will happen. Chairman Ivanhoe said that if weather delays the work, allowing additional time will be discussed.

Mr. O'Leary remarked that if the new building is to be constructed on the existing structure's footprint, that structure must first be removed. He asked how long it will take to finish the new arena.

Mr. Solarik said that once demolition is completed and construction materials are on-site, the new building can be up in 3 months.

Mr. Reilly stated that the entire project must be completed by September of 2015.

Mr. Solarik said that to meet a completion deadline of September 2015, the Youngs need to start right away, buying the building materials, getting the building permit, etc.

Mr. McKay said he would like a specific date for removal of the "bubble", adding that he did not care how long it takes to finish the new building.

Mr. O'Leary said he thought the work could be done this year, and Mr. Solarik said it is possible/up to the owners.

Mr. Rossi said time will be needed to secure commitment from contractors, to get materials, etc., and his clients are agreeable to the existing special permit condition for completion by September 2015.

Mr. Reilly asked if Mr. Rossi would be willing to commit to removal of the "bubble" by May of 2015.

Mr. Rossi said he would prefer to keep to the completion date for the entire project.

Mr. O'Leary asked what would happen if the economy changes drastically, and the project does not go forward/the "bubble" remains in place.

Mr. Reilly said the applicants would have to return to the ZBA; if they are not in compliance with their special permit, they could lose it/be unable to keep horses on their property.

Chairman Ivanhoe agreed, saying that if the work is not begun, the special permit could be revoked, and everything would be left as it is. He remarked that there are no guarantees until the "bubble" is actually gone, which everyone including the applicants wants.

Mr. McKay said this was the reason he wanted a finite date for removal of the "bubble".

The Chairman said the Board did require a specific date for the total project.

Mr. Rossi stated that the farm cannot be run with a barn and no ring, so when construction is set to commence in a week or so, the bubble will be removed.

Chairman Ivanhoe asked if Mr. Rossi would agree to setting a demolition deadline for a certain period after the issuance of the building permit.

Mr. Rossi said it would still be contingent upon contractors performing, which would be beyond his clients' control.

The Chairman agreed that the overall project is a big undertaking.

Mr. McKay remarked that it is many months away, and he felt there would be time enough to get construction drawings approved, etc. He said he was confused as to why there was any discussion of a deadline for completion of the new building, which he thought should be up to the owners. He said he had always been of the impression that the only deadline being imposed was for removal of the "bubble".

Chairman Ivanhoe said the Board of Appeals does not condemn buildings. He explained that to get the end result desired, the Board can effect a change for the good. By granting the special permit, the Board was able to say they wanted the membrane structure removed, and they tied it in to construction of a new arena. If they only required demolition of the "bubble" and the work was not finished, the Board would have created a loss of value even if they were able to get the existing ring demolished.

Mr. McKay disagreed, saying the Youngs would create the loss of value themselves if they chose not to build a new indoor arena.

The Chairman said it is not the purview of the ZBA to require that buildings be removed; they have succeeded in getting that done by way of a plan for new/replacement construction.

Mr. Reilly stated that, unlike an area variance, a special permit may not be denied if the application is in compliance with special permit requirements. He pointed out that the Board could have granted the special permit without requiring demolition of the "bubble".

Chairman Ivanhoe asked if Mr. McKay was worried that the "bubble" might not be removed at all.

Mr. McKay said that was his concern, especially given the talk of extensions/it did not seem finite to him.

The Chairman admitted that extensions were possible; but, based on the vote at the time of the initial special permit application, it seems the Board felt the project would move forward. He said they took the opportunity of the special permit application to set a time requirement that includes removal of the "bubble", and they believe the project will be completed.

Mr. McKay moved to the subject of the new indoor riding arena. He said that in January there was a lot of discussion about windows and light and tolerance of light versus darkness requirements. He said the new building is an improvement, but there are a lot of very large unshaded windows, a subject mentioned by members of the Board in January.

Mr. Lombardo said the total window area will be 1120 sq. ft. on each side.

The Chairman said this was a good point. He said he likes the design idea of garage doors as windows, but he agreed the doors/windows could have an impact at night when the lights are on. He said he assumed that the doors will be custom-made and suggested that smoked glass could be used in the doors on the east side with little or no additional expense involved.

Mr. Lombardo remarked that the lights would still show when the garage doors are open.

Chairman Ivanhoe stated that the indoor ring would seldom be used in the summer, when we also have daylight until 9 pm.

Mr. Lombardo said the Board customarily speaks to applicants about the Town's dark sky policy, and he would like to see that standard maintained in this instance.

The Chairman said light from the indoor arena could be an issue in winter, and perhaps the ring would be used until 7 or 8 pm. He added that it is also not uncommon to see the lights from indoor riding rings at night in the winter.

Mr. Rossi said the dark sky policy is not about this kind of lighting/it applies to exterior lights.

Ms. McKean said indoor rings are often restricted; either they may not be used at night or the windows are shaded, due to the proximity of neighbors.

Mr. Rossi stated that this particular situation is different because the houses on Dingle Ridge Road are nearly 1500 ft. away and uphill. In the instance of an application including an indoor riding arena on Delancey Road, the neighboring houses were about 400 ft. away, and the applicant agreed to shade the windows. He said he did not think the impact of the Youngs' arena would be significant.

Chairman Ivanhoe said that with 24 horses being boarded, the ring will certainly be used at night.

Mr. Rossi commented that a 15,000 sq. ft. house could be built in Town with no restrictions whatsoever about lights on in the house.

Ms. McKean wondered if some kind of tree screening closer to Dingle Ridge Road would help.

Mr. Solarik said the total building height and the wall height of the existing structure and the proposed ring are the same, but the new ring will have a dark roof, whereas the current structure glows all over.

Chairman Ivanhoe thought this was a good point.

Mr. McKay said the new ring will be twice as big as the current structure.

The Chairman stated that no light will show through the metal roof of the new ring.

Mr. Lombardo acknowledged that no one on the Peach Lake Road of the subject property seemed to have any objections; he asked if perhaps every other window on the east side could be shaded.

Chairman Ivanhoe said he wanted to explore the idea of doing something with different glass in the windows on the east-facing side, or else maybe some kind of landscaping for screening. He said this would not be unreasonable under the circumstances.

Robert Young stated that the Dingle Ridge Road neighbors could find themselves looking at the membrane structure forever, as there is no legal way to insist that it be removed. He

Mr. Reilly stated his belief that indoor riding rings normally have time limits re use after dark/Mr. Young shouldn't think he was being singled out.

Mr. Rossi said those are essentially agreed-upon conditions.

Mr. Reilly said the ZBA may set conditions as part of granting special permits, and he could not recall a special permit for a horse farm that does not have a time limit.

The Chairman agreed that limiting the hours when an indoor ring may be used is typical.

Mr. Young said he had driven past an indoor ring that evening that had no walls at all.

The Chairman explained that it would have been a carousel, adding that it would certainly have time limits for use.

Mr. Young asked if everyone would be better off with the new ring or with the existing membrane structure.

Chairman Ivanhoe said that, if Mr. Young were to drop his plans/let the special permit lapse, the next person who applies for a special permit for the keeping of horses at 955 Peach Lake Road would have to remove the "bubble".

Step  
Mr. Young said a new owner could keep 2 horses on the property without a special permit/the membrane structure could be there forever. He added that if someone had not removed the stand of trees at the top of the hill, Messrs. McKay and Lombardo would not be able to see the new ring at all.

Chairman Ivanhoe pointed out that he had already said that the Board does not protect views ad infinitum/it is not the purview of the ZBA. He said the proposed new ring will be a major accomplishment upon completion, but the Board wants to address dark sky situations as they do in everything, and he would like to come to an agreement about how to deal with the issue.

Mr. O'Leary asked what the typical time limit is for illumination of indoor rings for night use.

The Chairman said it depends on where the ring is located; some are allowed to remain lit until 10 pm, and others may not be used after dark at all.

Mr. Young said he would not spend a cent on the project with limits imposed.

Chairman Ivanhoe said he imagined that Dr. Young (Mr. Young's wife) would ride at night, but he also pointed out that other commercial horse operations have limits.

Mr. Rossi said there are just a few hours when the ring could possibly have any impact, perhaps from 8:30 to 11 pm in the summer.

Chairman Ivanhoe said that typically, during the Standard Time months (from November through March), there is a limit on how late a ring may be used with lights on.

said he is proposing a substantial improvement with the new indoor riding ring, and trees (with or without leaves) already cover the area of the entire side wall. He stated that the Dingle Ridge Road neighbors have an objection to the membrane structure because the entire "bubble" gives off light at night, whereas no one will see the dark, asphalt shingle roof on the new ring.

Chairman Ivanhoe said he did not know whether or not the windows would be visible in winter when the trees are bare, but he agreed that in an area where the trees are very thick, visibility is obstructed even in winter.

Mr. Solarik said all the windows of the new ring will be below the tree line.

Mr. Young agreed, saying he is contemplating a massive investment. He described the McKay/Lombardo home as being a quarter of a mile away, separated from his property by 56 acres. Mr. Young said plans call for the building to be lowered by 2 ft. (a big additional expense), because he thought it would be better for him and for the neighbors. He said he felt he had gone to a lot of trouble and expense already and had reached the limit of what he was willing to do. He does not want to change the windows/wants the ring built as shown. Mr. Young said an area of trees has been topped/cleared between Dingle Ridge Road and the proposed building site which removed natural screening.

The Chairman said Mr. Young's most important point was the distance between the 2 properties. He said viewshed can only be protected up to a point. He acknowledged that Messrs. McKay and Lombardo had helped to protect their view by contributing to creation of an open land parcel. Chairman Ivanhoe stated that the only way to preserve all one sees is to purchase it or protect it somehow. He said he felt a good middle ground had been reached, adding that the ZBA cannot absolutely protect the views in a neighborhood. The Chairman said he thought the Board would limit the hours when the indoor ring could be used after dark; if the Youngs do not abide by this restriction, they will not have a special permit.

Mr. Young said he did not want such a limitation, although the Chairman said the cut-off time would be a reasonable one like 9 pm.

Ms. McKean said she thought most boarding farms in Town close their indoor riding rings at 8.

Mr. Young said his wife is a busy surgeon and usually only has time to ride at night.

Mr. Rossi said he had been shocked to learn that the Young's initial special permit required removal of the "bubble", as it was on the property when they bought it, was part of a previous special permit and had a Certificate of Occupancy. He said he had thought it was an agreement on the part of the Youngs to remove the "bubble". He said his clients have agreed to remove the "bubble" although it is already present and they have a right to maintain it; imposing further restrictions on them in the use of the new ring is a lot to ask. Mr. Rossi said the topography and tree cover ensure that the new ring does not present great enough potential impact to warrant further limitation.

Mr. Reilly stated his belief that indoor riding rings normally have time limits re use after dark/Mr. Young shouldn't think he was being singled out.

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Chairman Ivanhoe said that, if Mr. Young were to drop his plans/let the special permit lapse, the next person who applies for a special permit for the keeping of horses at 955 Peach Lake Road would have to remove the "bubble".

Mr. Young said a new owner could keep 2 horses on the property without a special permit/the membrane structure could be there forever. He added that if someone had not removed the stand of trees at the top of the hill, Messrs. McKay and Lombardo would not be able to see the new ring at all.

Chairman Ivanhoe pointed out that he had already said that the Board does not protect views ad infinitum/it is not the purview of the ZBA. He said the proposed new ring will be a major accomplishment upon completion, but the Board wants to address dark sky situations as they do in everything, and he would like to come to an agreement about how to deal with the issue.

Mr. O'Leary asked what the typical time limit is for illumination of indoor rings for night use.

The Chairman said it depends on where the ring is located; some are allowed to remain lit until 10 pm, and others may not be used after dark at all.

Mr. Young said he would not spend a cent on the project with limits imposed.

Chairman Ivanhoe said he imagined that Dr. Young (Mr. Young's wife) would ride at night, but he also pointed out that other commercial horse operations have limits.

Mr. Rossi said there are just a few hours when the ring could possibly have any impact, perhaps from 8:30 to 11 pm in the summer.

Chairman Ivanhoe said that typically, during the Standard Time months (from November through March), there is a limit on how late a ring may be used with lights on.

Mr. Rossi said the houses on Dingle Ridge Road are very far away, but the Chairman countered that the proposed design is large and has a lot of glass.

Mr. Young brought up the area of downed trees again, but Mr. McKay stated that the treeless area near his home has been that way for years/he did not remove the trees.

Ms. McKean said the work the Youngs have done on their property is wonderful and she senses their commitment to the property in the plans for the house. She also said she has been riding in Town for years, and every farm she has been to has had restrictions on when lights must be turned off in the indoor rings.

Mr. Young asked if the lights in the previously-mentioned ring with the clerestory have to be turned out.

The Chairman said they do now/the lights had become quite an issue. He said North Salem has many farms and horses and is also a lovely residential community.

*(Per correspondence following issuance of BA10-29/special permit renewal, lights in the indoor riding arena described must be extinguished between 8 pm and 5 am.)*

Mr. Young said his problem is that there are millions of dollars involved, and the Board is making an issue for the sake of 2 neighbors.

The Chairman said the Board was not asking that the hours of use for the indoor ring be limited just because the neighbors want it.

Ms. McKean responded that the restriction would not be because the neighbors want it; the Board does not want the Town to be lit up like baseball fields at night.

Mr. Young said he has seen plenty of illuminated rings.

Mr. O'Leary asked how late Mrs. Young might want to use the ring; perhaps there is no problem/nothing to argue about.

Mr. Young said he would like to be allowed to use the ring until 10 pm; he doesn't really expect that it would be used that late but would like to have the freedom to do so. After the large investment in construction of the ring, he does not want to have to deal with phone calls to the Building Inspector from people complaining about the lights/he is certain they will be turned off by 10.

The Chairman commented that once in a while a boarder wants to ride a little later at night.

Ms. McKean said it won't only be the indoor ring that is lit up: the exterior barn and the path to the ring will also be lit. She added that boarders accept limitations.

Mr. Young said he does not plan to have a lot of bright safety lighting.

Chairman Ivanhoe said only the indoor ring lighting is really a concern. He said he thought 10 pm would be a reasonable lights-off time. He remarked that staff won't want to work late at night, and farms are usually closed on Monday so the staff, horses and the land may rest.

Mr. Young asked if it was the experience of Ms. McKean and the Chairman that riders are all finished by 10/would not expect later hours.

The Chairman said that braiders would be there late at night before a show, but they would be in the barn/not in the ring. He added that riders are all done before 10 pm, and one who wants later hours presents a problem Mr. Young would not want to deal with. The Chairman also said the staff need a rest/their work day starts very early.

Mr. Young said he would agree to a 10 pm limit.

Ms. Douglas remarked that dressage prep of horses takes place very early in the morning and not at night, but the Chairman pointed out that braiders would not be in the indoor ring any way.

Ms. Douglas also said she did not understand how the Board could tell an applicant what time they must turn out lights if there is no law to that effect.

The Chairman said the standard for such regulation is in the special permit process. He explained that the Board is not setting a precedent, but it is an established requirement to monitor lighting, in part because there have been complaints from neighbors in the past. He said the Board is also charged with, among other things, responsibility for public safety and impact on both the neighborhood and the Town as a whole.

Ms. Douglas asked what happens when the Board approves a 10 pm lights-out time for one applicant and a time of 8 pm for another.

Mr. Reilly said there are different types of buildings and different locations to consider.

Chairman Ivanhoe said that each application is heard and considered on its own merits and the Board has established some policies of its own, which it may do. He added that when a special permit expires after 10 years, the applicant may ask for changes at that time.

Mr. McKay said he was not asking for limitations to preserve his view; the issue is the inconvenience of a structure that the Board has agreed was approved by mistake. He said he was interested in keeping things in line with the Town's dark sky policy, and the membrane structure does not fit in with that. Mr. McKay went on to say that he is very appreciative of the work the Youngs have done on their property, he thinks the planned house looks beautiful, and he is aware that a lot of money is to be invested in the project. He reiterated that he was not seeking view-preservation; he merely wants limited lighting in keeping with dark sky guidelines.

Mr. Reilly stated that Mr. Young had agreed to the restriction, and Chairman Ivanhoe added that it seemed like everyone was going to agree to it.

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

Mr. Reilly read a draft resolution of the special permit amendment, noting that an existing membrane structure will be demolished/a new indoor riding arena constructed, and 6 additional horses may be kept (*24 total*). Lights in the new indoor ring are to be extinguished by 10 pm. The demolition and issuance of a Certificate of Occupancy are to be accomplished within 18 months (September, 2015).

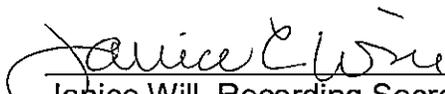
**Motion by:**            **Cynthia McKean**  
**Seconded by:**      **Richard O'Leary**

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

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

The meeting was adjourned at approximately 9:30 pm.

Respectfully submitted,

  
Janice Will, Recording Secretary