

BOARD of APPEALS
Public Hearing
June 12, 2014
7:30 p.m., The Annex

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

MEMBER ABSENT: James Murphy

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

Chairman Brian Ivanhoe called the June 12, 2014 Town of North Salem Zoning Board of Appeals meeting to order.

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

The minutes of the May 8, 2014 meeting were unanimously approved.

PUBLIC HEARINGS:

Chairman Ivanhoe announced that the first 2 agenda items would be heard last as he anticipated they would take a lot longer to go through than the following items.

BA14-18 Karen and Thomas Roach (32 Hilltop Drive) – **Area Variance** – For installation of a generator and an LP gas storage tank, per Article V Section 250-15. A side yard setback variance of 2 ft. is requested (24 ft. required; 22 ft. proposed).

Thomas Roach addressed the Board, stating that to have the generator installed a safe distance from his house and where it will be convenient to where electricity comes onto the property, he would require a small area variance.

The Chairman noted that Mr. Roach will be having a Generac brand generator installed, and it will run on propane.

There were no questions or comments, and the Chairman closed the public hearing. He asked Gerald Reilly to include a condition in the resolution that the weekly test-run of the generator should be set for midday on a weekday.

Mr. Reilly read a draft resolution including the condition requested by the Chairman.

Motion by: Richard O'Leary
Seconded by: Lisa Douglas

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

Area variance granted as requested.

The following 2 applications were heard/discussed together.

BA14-19 Gotham Enterprises LLC (741 Titicus Road) – **Special Permit** – To amend Special Permit BA10-29 (keeping of up to 20 horses for personal use with 4 grooms) to reflect a lot-line change and an increase in total acreage from 25.89 to 44.9 acres, per Article XIII Section 250-72.

BA14-20 – Hilltop Stables LLC (39 Hilltop Drive) – **Special Permit** – To amend Special Permit BA11-13 (keeping of up to 5 horses for personal use) to reflect a lot-line change and a decrease in total acreage from 33.3326 to 20 acres, per Article XIII Section 250-72.

Don Rossi, attorney for both applicants, explained that they have pending applications before the Planning Board for lot-line changes. He said the main/larger parcel (Gotham Enterprises) has the farm on it; it will absorb 2 other, smaller Titicus Road properties, and also take on an additional 13.326 acres from the Hilltop Stables parcel. Hilltop Stables will decrease in size to 20 acres.

Mr. Rossi stated that both applicants need to have their special permits amended to conform to the new acreage, subject to approval by the Planning Board and compliance with the conditions of the conveyance of the properties. Mr. Rossi asked that the special permit terms start with the amendment date, adding that he thought it was logical. He said the Gotham special permit was granted in July of 2010 and the Hilltop special permit was granted in May of 2011. He explained that the request for a new term for the special permit was included in the Notice to Property-Owners. Mr. Rossi said it was evident that the properties are well-maintained and he felt it unnecessary to have to renew the special permits in 6 and 8 years.

The Building Inspector, Bruce Thompson, stated that what Mr. Rossi was asking for is not the practice; amendments never start a new 10-years term. Mr. Thompson said the applications were for amendments and not new special permits/he frankly wished they were for new permits which would have reconciled everything. Going forward, he would object to the term change.

Mr. Reilly said he had spoken with Mr. Thompson, and it was inappropriate to change the handling of amendments. He stated that an amendment is for a change to part of a special permit, and the 10-year term is not necessarily permanent/special permits may be granted for shorter periods. Mr. Reilly said Mr. Rossi's request was not just a precedent; amendments are viewed differently than new special permit applications.

Chairman Ivanhoe agreed, saying the Board does not normally re-set the terms of special permits.

Mr. Rossi said there was no reason not to do so, it was just that no one asks. He stated that the 10-year term is a condition, and his request for an amendment included an amended term/10 years starting now. Mr. Rossi said his request was merely different from what is usually done in cases of amendments, and the Board has the power to grant the amendments for a 10-year period.

The Chairman said he read the applications as requests for amendments to recognize the lot-line changes only.

Mr. Rossi said the term-change request is in the Statement of Use.

Chairman Ivanhoe suggested that the 2 special permits be re-set in 6 years so they will have the same term periods.

Mr. Reilly remarked that every aspect of a special permit is reviewed when a new special permit is applied for, whereas in these instances only the lot-lines were being looked at.

Mr. Rossi said the request to re-start the terms of the special permits was included in the applications and he did not think it was an extreme hurdle to get over, either legally or in terms of enforcement.

The Chairman noted that the Building Inspector was also not in favor. He said an amendment only asks the Board to look at whatever the proposed change is, not the entire operation.

Mr. Rossi said he thought the Board should look at the issue and consider changing terms to amendment dates in the future.

Mr. Thompson said he could look at the present situation differently, but in the future he would ask that the Board not change the term-dates. He said it is easier to track a special permit from its original date. Acknowledging that Mr. Rossi Noticed for the date-change, he said he would accept it if that was what the Board wanted to do.

Chairman Ivanhoe said he was familiar with the properties and asked if there are any bridle trails left that are open.

Mr. Rossi said there is no more license agreement to permit using them although there is occasional use.

Mr. O'Leary asked if there were any development plans, and Mr. Rossi said there were not at present/the applications were only for the lot-line changes.

Mr. Thompson asked if the houses will remain on the lots to be absorbed by the lot-line change.

Mr. Rossi replied that their removal will probably be a condition of the Planning Board's approval of the lot-line changes. He further stated that the only issue that came up was maintenance of zoning-compliant access on Hilltop Drive for 39 Hilltop Drive, and the lot-line change has been worked out so there will be slightly more than 150 ft. of street frontage.

Regarding the special permit amendment for the Gotham parcel, Mr. Rossi asked to have an understanding regarding the clerestory on the indoor riding arena be confirmed in the form of a condition in the resolution. He explained that the Board had suggested the windows in the clerestory be shaded for night-use of the ring, but his clients found the cost would be prohibitive and asked if they could instead agree not to use the ring between 8 pm and 5 am.

Liz O'Leary of 637 Route 22 asked if the lighting restriction wasn't seasonal.

Mr. Rossi said the agreement was for the same restricted hours year-round, and it has not been an issue.

The Building Inspector stated that there have been no complaints.

Karen Roach of 32 Hilltop Drive asked if Hilltop Stables has any plans for change of use or building plans.

Mr. Rossi said no changes are proposed for either the residence or the private use of horses on that lot.

Richard O'Leary asked what the benefit of the lot-line changes is to the applicant.

Mr. Rossi said it will mainly create a larger lot and larger buffer area for the Gotham property, particularly if Hilltop Stables is ever sold. He noted that an existing stream and wetlands area will now be on the Gotham property.

The Chairman commented that the additional acreage will be good, given the horse-count. He noted there were no further questions and closed the public hearing.

Mr. Reilly said he would suggest 4 motions to the Board: first, that they grant the amendment to reflect the lot-line change for BA14-19/Gotham Enterprises, subject to Planning Board approval of the lot-line change.

Motion by: *Lisa Douglas*
Seconded by: *Cynthia McKean*

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

Mr. Reilly said the second motion should be to deny the request for a new expiration date, as the amendment is only for a single item, and the intent of a time restriction as permitted by the Code would be negated if the practice becomes one of extending the term from the date of an amendment.

The Chairman began to ask the other Board members what they thought about re-setting the term or keeping the original 10-year period.

Mr. O'Leary stated that the Building Inspector had said he was not in favor of the expiration change.

Mr. Thompson said he could accept an exception in this instance.

Mr. Rossi said he had merely thought it would be simpler.

Mr. O'Leary asked if the Board was being asked to change the term on one special permit but not the other.

The Chairman said it would be simpler to have both run from the same time whether they re-set the terms now or not.

Mr. Thompson agreed.

Mr. O'Leary asked if the Board would re-set the terms of both special permits now/from the date of the amendment, and the Chairman said they would.

Mr. Reilly read a draft resolution of the amendment of the Gotham Enterprises special permit, to expire 10 years from the date of the granting of BA14-19.

Motion by: Lisa Douglas
Seconded by: Cynthia McKean

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

Special Permit amendment granted, as requested.

Mr. Reilly stated the motion for BA14-20/Hilltop Stables, to reflect a lot-line change/reduction in acreage, subject to Planning Board approval of the lot-line change, and to allow the 10 year term to run from this date in this particular instance.

Motion by: Lisa Douglas
Seconded by: Cynthia McKean

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

Special permit amendment granted, as requested.

BA14-21 Millie and Roger Bass (8 Fox Den Lane – **Area Variance** - To decrease the minimum side yard setback in an R-2 zoning district, per Article V Section 250-15. A setback variance of 10 ft. is requested (30 ft. required; 20.4 ft. existing/proposed) to permit an addition to a single-family residence to remain as constructed.

Millie Bass explained that she was requesting a variance for an existing addition.

The Chairman asked what had happened.

Ms. Bass explained that a variance was granted before construction of the addition; when she had the property surveyed, the addition was less than 6 in. closer to the property line than what was permitted by the variance.

Mr. O'Leary asked if Ms. Bass was saying that the addition was 6 in. larger than permitted, and she said that was basically the case.

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

Mr. Reilly read a draft resolution.

Motion by: **Lisa Douglas**
Seconded by: **Cynthia McKean**

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

Area variance granted, as requested.

BA14-22 Old Salem Farm (190 June Road) – **Special Permit** – To amend Special Permit BA13-21 (commercial boarding operation/riding academy for up to 94 horses, 10 employee dwelling units, riding academy, hosting of horse shows and service of food) to include a composting pad and vegetative treatment area with access road (from 190 June Road) on the applicant's adjoining lot at 152 June Road, per Article XIII Section 250-72.

Viktor Solarik, architect, and Alan Bietsch, farm manager, were present.

Mr. Solarik said they were requesting an amendment of a special permit granted in 2013, the only change being development of a composting facility designed by the Watershed Agricultural Council and funded by WAC and the Department of Environmental Protection.

He stated that it will allow manure to be handled on the property/turned into compost instead of being transported off site.

Mr. Thompson said the amendment would also be required because the compost facility is on a different lot than the farm lot.

Mr. Solarik said all the uses approved for BA13-21 remain. A road is to be constructed from 190 June Road (farm lot) to the area of the composting facility at 152 June Road. Mr. Solarik explained that the vegetative treatment area will collect any run-off from the composting pad to prevent it from spreading. He stated that the design has been tested many times at other farms.

The Chairman interjected that not all of WAC's ideas are great ones.

Mr. Solarik said the proposed design has been used in the area.

Chairman Ivanhoe asked about the proposed road.

Mr. Solarik showed the Chairman the farm lot at 190 June and 152 June next to it, indicating where the road would run. He noted that 152 has access to June Road via a strip of land running between 2 lots in front.

The Chairman commented that he would not want to see the road in that area.

Mr. Bietsch said the topography is inappropriate. He added that taking the manure through the back of the farm to the composting facility on the adjoining lot will be the best way to manage it.

Chairman Ivanhoe said that made sense.

Mr. Solarik said there should be no need to take the manure off the property.

The Chairman said he might make it a condition in the resolution that there be no second road out to June Road from 152. He said he assumed the composting facility will save the farm money by cutting down the number of container trucks going in and out with manure, and he asked what will be done with the compost.

Mr. Bietsch stated that he first looked into the project 5 years ago. WAC analyzed different functions of the farm and came up with different recommendations. As part of one project, WAC built the composting pad. Due to boarding and training and also horse shows, there is a lot of manure that has had to be hauled off-site; if correctly composted, manure can be reduced by at least 50%. He added that they will also use the compost on their meadows, which will save them money on fertilizer. Mr. Bietsch said that in addition to benefitting the farm, the project will be good for the town because there will fewer 30-yard trucks going in and out of the farm.

Chairman Ivanhoe asked if Old Salem Farm intends to use all the compost itself/not sell it.

Mr. Bietsch remarked that he has enough projects now without taking on a retail business. He said the aim is to be environmentally friendly, reduce truck traffic and save some money. He further stated that it took 4 years to get WAC funding for the project; in 2013, the DEP had funds to be earmarked for a project and Old Salem Farm was designated to receive that money. Mr. Bietsch said the pad has been moved around, ultimately coming back to the originally-proposed site. He said Old Salem Farm does not want to impact its neighbors or its borders with the composting.

The Building Inspector stated that an earlier special permit approved this location for the composting pad; then it was changed back to a site on 190 June and that special permit expired when the composting project did not move forward. He said there had been a miscommunication between WAC and the farm owners when the funding became available.

Mr. Bietsch said the misunderstanding has been straightened out. Thought was not given to the need for local permits because it is an agricultural project; everyone (WAC, OSF, Building Department) subsequently met and he was present now to update the special permit and attempt to move forward with the project.

The Chairman asked how large the filter border is.

Mr. Thompson pointed out something labelled VTA on the site plan, explaining that it is a vegetative treatment area that will capture run-off from the new composting pad and treat it.

Mr. Bietsch said there is an existing buffer area of trees between the composting pad and the treatment area.

The Chairman asked what kind of screening will be employed.

Mr. Bietsch said he felt sure WAC has guidelines re spending the State's money, but he is also sensitive to his customers' use of the trail and doesn't want them riding past a pile of manure. He said he has left a buffer area and relocated part of the trail, and he will try to make the area look nicer if WAC doesn't plant any screening.

Chairman Ivanhoe said he would like to see some natural-looking buffer planting, adding that nature will take over also.

Mr. Bietsch said he hopes to maintain the meadow; to be a good compost facility it will have to be maintained, and Old Salem Farm has the large equipment for the job.

The Chairman asked if an accelerator will be employed.

Mr. Bietsch described a pile-method of turning the manure often with a 5-yd. construction loader. He said air is also introduced into the area to keep odor down. Mr. Bietsch said the large pad is constructed of asphalt with a suitable base so there is room to handle the really large volume of manure the farm will have sometimes.

Chairman Ivanhoe asked how many yards the pad will hold.

Mr. Bietsch said it is large enough to handle manure from both the horse show and regular barn usage for a year, adding that the manure composts down in about 6 months. He said some barn dumpsters will still be maintained so the manure pile will be manageable.

The Chairman asked about the addition of riding academy to the uses on the farm, commenting that this is not an ag use.

The Building Inspector told the Chairman that it has been recognized by NYS Ag & Markets as an ag use since last year.

Noting that Mr. Bietsch said he expects to reduce hauling by 50%, Ms. McKean asked how the compost will be transported to the farm's other property in Southeast.

Mr. Bietsch replied that he will mainly try to broadcast it over meadows at 190 June, but it can be transported in a dump truck.

Ms. McKean asked if the proposed farm road can handle a truck and load like that, and Mr. Bietsch said it will.

Ms. McKean stated that compost heats up and asked if that will pose a problem.

Mr. Bietsch said there has been no issue with an existing pile in 3 years; flipping the compost with a big loader and not driving on it with a bulldozer that compacts it also helps.

Michael Palma of 66 Sunset Drive how high the pile will be, and Mr. Bietsch answered that it will be 10 to 20 ft. high.

Commenting that it could equal 20,000 yds., Mr. Palma wondered if the pile would be visible from the road.

Mr. Bietsch said it will not be visible, and the Chairman added that the pad site is somewhat downhill.

Mr. Palma asked how long the pile will be on the property, and Mr. Bietsch replied that it takes 6 months to break down.

Mr. Solarik said it is eventually stored in rows.

Mr. Bietsch said that is because the manure is at different stages of aging; when it is older it is moved to composting. He also stated that the trees present are 50 to 60 ft. tall, and the closest neighbor's house is 1500 ft. away/the neighbor feels comfortable with the operation. Mr. Bietsch explained that the manure wind rows are flipped to break the manure down.

Constance Dalvito of 148 June Road asked about noise from the trucks going back and forth to the manure pile.

Mr. Bietsch replied that he thinks there will be less noise than trucks with containers going in and out of the farm/there have been no complaints about noise so far, although there will be engine noise from tractors and front-loaders.

Mr. Solarik added that all the work will occur on the pad/there will be no traffic going onto June Road.

Mr. Bietsch stated that both the DEP and the State Department of Agriculture are supporting these kinds of projects to help decrease phosphates in fertilizer and cut back on run-off into the watershed in order to improve drinking water. He said there is a controlled environment with the composting pad on which the wind rows are stored, and then the water is collected and run through the vegetative treatment area which breaks down micro-organisms and odors and introduces the water back into the water table naturally. Mr. Bietsch stated that the system has been tried and proven to work, and it is a benefit to all.

The Chairman commented that the reduced truck traffic will be another benefit. He noted there were no further questions or comments and closed the public hearing.

Mr. Reilly asked if the 2 parcels have been merged, and Mr. Thompson said they have not/Ag & Markets allows them to remain separate even though the special permit will include both.

Mr. Reilly asked if the Notice states the inclusion of the second lot, and Mr. Thompson said it does.

Mr. Reilly began to read a draft resolution, noting that BA13-21 had applied only to 190 June Road/the amendment will add 152 June Road to the farm, as well as include the composting pad/vegetative treatment area and an access road from 190 to 152 June. He asked if the Board wanted a condition about planting screening.

The Chairman asked Mr. Bietsch if he had any objection, and he said he will be happy to plant something to screen the pad. Mr. Reilly said he would include a condition about screening. He also said he assumed the applicants would have to come back to the Board if they wanted to put a road between the neighboring lots on June Road/it would be better left that way than to try and include some kind of condition in this resolution.

The Chairman agreed.

Motion by: Lisa Douglas
Seconded by: Cynthia McKean

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

Special Permit amendment granted, as requested, with specific condition per discussion and agreement.

The Chairman announced that the next application was held over to the July meeting at the applicants' request.

BA14-23 Lynn Tyson and Richard Vosburgh (175 Finch Road) – **Special Permit** – To amend Special Permit BA09-37 (keeping of up to 5 horses for personal use) to include installation of 3 shed-row structures (in place of a 6-stall barn proposed in the application for BA09-37) and paddock fencing, relocation of an existing shed-row and a manure dumpster, per Article XIII Section 250-72.

The following two applications were heard/discussed together.

BA14-13 Allied Community Enterprise, Inc. (602 Route 22) – **Special Permit** – For construction and maintenance of an accessory apartment on the lower level of an existing single-family residence, per Article XIII Section 250-68.

BA14-17 Allied Community Enterprise, Inc. (602 Route 22) – **Area Variance** – For renovations and alterations to a single-family residence 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 development coverage variance of 25% is requested (25% permitted; 42.25% existing; 49.9% proposed).

Joan Arnold, of Allied Community Enterprise addressed the Board, stating that the General Business district allows special permits for accessory apartments in single-family dwellings. She added that there was also an application for an area variance for parking within the required side yard and for development coverage also due to the proposed parking area.

Ms. Arnold said the house is currently abandoned and ACE is under contract to purchase it. It will be used as affordable housing for a homeowner and there will be a 1-bedroom accessory apartment.

Chairman Ivanhoe said the Board had made some recommendations and had some questions about parking at the last meeting and suggested that Ms. Arnold go over those things.

Ms. Arnold agreed but said she first wanted to mention some people who were there with her. She introduced Duo Dickinson, architect, who would go over the plans; Peter Russell, Chairman of the ACE board, Rose Noonan of the Housing Action Council to answer questions about home-ownership and financing; and Bob Eichinger of Decentralized Advisors to answer questions about the septic system proposed for the property.

Mr. Dickinson handed the Board some photographs of the existing house, stating that the project will entail a gut rehab and include raising the house by 2 ft. so the basement will be useable. He added that new windows will be installed symmetrically per the Board's request, showing them a drawing. Mr. Dickinson said he had proposed an entry on the south side because there was an existing area-way there that defined the outline of the building; the entry could go to the north side, but it would further encumber the non-conformity of the house re the side yard setback.

The Chairman said if there were a way to improve the plan, the Board might still recommend the change, even if it meant ACE would need to come back with another application.

Mr. Dickinson said he had merely been trying to avoid a self-created hardship re the need for a variance.

Ms. Arnold said the landscaping had been looked at per Liz O'Leary's suggestion to improve the corner where there is currently an untrimmed privet hedge, and some nice, low-maintenance shrubs can be put in to replace the privet.

Mr. Dickinson said the project only needs an area variance because additional parking is required for the proposed accessory apartment, adding that the additional space will exceed the permitted development coverage. He stated that the house will have new siding put on and be brought up to Code; an abandoned eyesore now, it will be Code-compliant and safe.

Mr. O'Leary asked if there is a minimum size requirement for the main residence and the accessory apartment.

Mr. Thompson replied that the entire house must be 1500 sq. ft., and that total area may include the apartment space. The apartment must have a minimum of 300 sq. ft./not more than 750 sq. ft. or 25% of the house, whichever is less. The subject house will have approximately 700 sq. ft. on each of 3 levels (2100 sq. ft. total), which is adequate.

Ms. McKean asked if the sidewalk will be extended, but Ms. Arnold explained that there is no funding to do it/it might be requested in the future.

Mr. Dickinson said raising the house will leave a little room/sort of a bed for a future sidewalk. He remarked that extreme closeness to the street on that side is the reason the original front entry is being abandoned/moved to one of the sides

Ms. Arnold said the front doors of the house at 606 Route 22 were also abandoned. A 4-ft. fence was installed with the hope that eventually a sidewalk could be put in; residents currently enter through the back from Bridge Street.

Chairman Ivanhoe asked about the landscaping plan proposed by the Board.

Ms. Arnold said a North Salem resident with experience in landscape planning, Pam Pooley, visited the site.

The Chairman asked if 606 Route 22 contains affordable rental units, and Ms. Arnold said it does.

Chairman Ivanhoe said the property is not in very good condition and asked who owns it.

Ms. Arnold said it is owned by A-Home/Owensville Properties.

The Chairman said the building looks alright, but there is no landscaping/a bike rack would help tidy up the appearance of the grounds which look under-maintained. He said this caused him concern for the ACE project, although home-ownership is different.

Mr. Dickinson said he has worked on a lot of these kinds of projects in other towns, and the presence of an on-site owner is a different experience than having an off-site landlord and no superintendent. He added that a property-owner will want to maintain his/her property.

Ms. O'Leary asked what the ceiling height in the basement is, and Mr. Dickinson said it is 7 ft. 2 in.

Ms. O'Leary commented that that is not Code-compliant for living space.

Mr. Dickinson responded that it is a pre-existing non-conforming condition, although he could alter the ceilings to raise them on the other floors of the house.

Mr. Reilly asked how long there have been no residents in the house, and Ms. Arnold said it has probably been 2 years.

Mr. Reilly stated that non-conforming rights are lost after 1 year, but Mr. Thompson said the use variance granted in April makes the building conforming as-is.

Mr. Reilly did not believe the use variance would remove the need to meet Code standards.

Mr. Dickinson said in his experience renovating very old houses, pre-existing non-conformity has been accepted by building officials/only new construction must meet current Code requirements.

Ms. O'Leary noted that the basement is unfinished space.

Mr. Dickinson said the basement will have a full-height, 8 ft. ceiling due to the raising of the house to solve drainage problems.

Mr. Palma stated that he is a member of the Town Housing Board and noted that the proposed project should be reviewed by that group also.

The Chairman called on Tom Christopher, owner of businesses at 3 East Cross Street and 3 Front Street, who said he had 2 concerns: first, that the house is not sustainable with an apartment/there is not enough room for parking; and second, that he has never received the required Notices, even though his businesses are much less than 200 ft. away from the subject property. He said he was aware that the Assessor's Office did not find his properties within the required area, but he was sure they are.

Mr. Christopher also read from the Comprehensive Plan about the desirability of increasing business in the hamlet of Croton Falls, noting that the subject property is in the General Business district.

Chairman Ivanhoe said there was a statement in a petition circulated by Mr. Christopher that the General Business district was to be re-zoned for residential use, which is not correct. He noted there are existing residences in the district but said there is no plan to re-zone the area. The Chairman stated that the subject property had lost its residential status but had it restored by the Board's granting of a use variance, adding that he thought the mix of businesses and residences was good. He noted that there are 6 residential buildings within the same block as the subject property, including 1 or 2 of affordable housing. Having granted the use variance for residential use, the Board was now considering an application for an accessory apartment, which might be too high-density for the subject property.

Mr. Christopher said that in addition to the 2 existing buildings that have affordable housing and the one proposed for 602 Route 22, the vacant lot on the block known as Dino and Arties has been mentioned as a possible site for up to 3 affordable units.

Chairman Ivanhoe said it was his understanding that that site would ideally be used to provide a septic system for the General Business district, which could improve the use of numerous properties in the vicinity.

Ms. Arnold said that with an underground septic system for the entire hamlet, the lot could have a green market or park on it.

Mr. Christopher stated that Ms. Arnold visited his studio and commented that it would be good to see the entire block composed of affordable housing. Mr. Christopher said he would not want that at all; he would like to see more shops.

Ms. Arnold asked if he would feel differently about mixed-income housing.

The Chairman felt this was getting off-track. He said he had not seen an attachment that was supposed to be with the petition and which was described as supporting the notion that the business district was being targeted for housing.

Dawn Christopher, Mr. Christopher's wife, said the attachment was for links to sites, including the ACE site, regarding affordable housing.

Ms. Arnold stated that the affordable units to be built on the Dino and Arties site are all wound into an application from Highgate Woodlands (proposed development on Reed Road being considered by the Planning Board).

Mr. Christopher stated that there are apartments available in Town already that are cheaper than Ms. Arnold's affordable units will be and he offered a photo from a local message board. He read a letter from Joseph Kiley (41 North Street, Katonah) about an A-Home-owned property on his street in which he describes all manner of inadequate care and maintenance. Remarking that what was being presented was not what will be, Mr. Christopher said he did not see how there could be room for both a 4-car parking area and the existing pedestrian easement on the subject property.

Peter Russell stated that he is the Chairman of the ACE board, served on the A-Home board in the past and is familiar with their properties, which are well-maintained. He said Mr. Christopher's statement was incorrect; A-Home is very conscientious about maintaining their properties and working with both residents and neighbors. He suggested that Mr. Christopher meet with someone from A-Home to discuss his allegations and allegations made by Chairman Ivanhoe.

Chairman Ivanhoe said he made an observation regarding the A-Home property at 606 Route 22 based on what he saw when he went to 602 Route 22 to make a site inspection, and it was his opinion of what he saw and not an allegation.

Mr. Russell asked if the one application could be concentrated on, and he contested the inclusion of opinion about other properties.

Mr. Christopher said he thought comments about other properties were germane to the application.

The Chairman agreed, stating that the Board looks at public safety, neighborhood impact and self-imposed hardship when considering applications. Given the "tightness" of the neighborhood, he thought it important to look at the entire neighborhood in consideration of neighborhood impact.

Mr. Russell said he agreed with the Chairman but thought third party testimony from someone in Katonah was inappropriate.

The Chairman agreed with Mr. Russell's point, adding that the photos attached to the letter could be of any building.

Mr. Dickinson said he has been before numerous Boards of Appeals, and it is their job to consider individual cases of appeals based on hardship. He went on to say that in this instance, the hardship is the small lot-size; the requested use (single-family residence with accessory apartment) is permitted. Mr. Dickinson said the subject property will be a privately-owned home with an accessory apartment/it was not reasonable to compare it with multi-family buildings. He remarked that the owner will be a member of the community. He added that ACE seeks to improve the building and sell it to an owner-occupier, and the area variances requested are extremely minimal/ caused by the corner of one parking space.

Mr. Reilly noted that without adequate parking, the apartment may not be permitted. He said hardship is not a test for area variances.

Mr. Dickinson said the hardship is the undersized lot; if the lot were zoning compliant, no variance would be needed.

Chairman Ivanhoe agreed that owner-occupation was a different consideration than all-tenant-occupation. He said the property is in terrible condition right now and he could not think of anyone else who would buy it.

Mr. Christopher made a comment about government-subsidized housing.

Ms. Arnold responded that the mortgage deduction she takes off her taxes is a subsidy, and some people get agricultural tax exemptions for their horse farms.

Michael Keenan of 1 Lee Road said his property is uphill and across the street from the subject property. He noted that use of the subject house as a residence had already been approved, but now an apartment was being requested in the very tiny house. He asked what motivated ACE to want to place so many people in the buildings that they rehabilitate, adding that he admired their proposal to place a property-owner in the house at 602 Route 22.

Mr. Keenan stated that the subject property would be a third low-income building in a high-density area on a dangerous road; allowing a tenant will potentially endanger another person. Mr. Keenan said Bridge Street is dangerous; it is dark and there are no sidewalks. He stated that someone was killed there. He stated that the apartment will be designated low-income for the next 80 years.

Ms. Arnold stated that, in the General Business district, a building may have 3 housing units/be a multi-family structure. ACE tried hard to do that, but 602 Route 22 is not big enough for multi-family use.

Mr. Dickinson said the occupancy will be the same as it was when it was a single-family residence with no apartment; there is no way to control the number of people who live there by the number of bedrooms or square footage. He said the existing house has 4 tiny, non-Code compliant bedrooms; when the renovation is completed, there will be a 3-bedroom house and a one-bedroom apartment with everything Code-compliant regarding minimum size.

The Chairman asked how many people it would be estimated will live in those 4 bedrooms.

Mr. Dickinson said there will be 4 to 5 people in the house and a maximum of 2 in the apartment.

Ms. Douglas asked where the guarantee is that the purchaser of the property will live there (she didn't see how that could be done).

It was explained that part of the granting of a special permit for an accessory apartment is the requirement that the property-owner reside there.

Ms. Douglas asked if an owner could reside on the subject property for 6 months of the year, and Mr. Thompson replied that the house must be the owners' primary residence/they could not rent it out to someone else.

Ms. Douglas thought it seemed as though another family member could live there. She asked how ACE will be able to tell the buyer how many people may live there.

Mr. Thompson said that bedroom size dictates occupancy per the Residential Building Code; one may not simply fill a room with beds. This is enforceable because the Certificate of Occupancy can be withdrawn if there are too many people living in the house.

Mr. Keenan asked if the Board of Appeals may reject an application for an accessory apartment if the legal requirements are met. He reiterated his applause for what Joan Arnold/ACE do, but added that he thought the apartment would create a problem, given the location, and perhaps should not be permitted.

The Chairman stated that the Board had already approved residential use of the property; now they were considering the appropriateness of an accessory apartment.

Mr. Keenan asked if the owners will be compelled to rent out the apartment.

Rose Noonan of the Housing Action Council stated that there is public funding available for the project, and she is responsible for marketing these kinds of developments. She said when ACE closes on the property, there will be a Declaration of Restrictive Covenant filed, stating that it is a property for-sale to an income-eligible party who will in turn rent the accessory apartment to an income-eligible candidate; this is a 50-year restriction in favor of the County. Ms. Noonan said the County takes responsibility for enforcing this restriction because they provide the funding. They check that the owner lives in the main unit on the property and that tenants are in place (appropriate income and household size) and paying the appropriate rent. She explained that affirmative marketing is employed (advertising in 9 counties) over a specific time period, and applications are accepted with a deadline. Applications are then numbered in a lottery and screened for income, household size, credit history and ability to buy the property (subject property will be sold for approximately \$250,000). Ms. Noonan said that based on past experience, a listing like what is proposed for the subject property would attract about 30 applications. She stated that there is a similar lottery for tenants, and they are also screened; a list of appropriate tenants is made and presented to the property-owner to choose from.

Mr. Keenan asked if the owner will be compelled to rent out the apartment, and Ms. Noonan said they must rent it/failure to do so would be a violation of the Restrictive Covenant.

The Chairman asked if applications from people who do not want to rent the apartment but are able to pay the mortgage would be considered.

Ms. Noonan explained that the funding provided for rehabilitation/development of the property is tied to it being developed as a single-family house with rental apartment.

Mr. Reilly said Ms. Noonan had stated that, for 50 years, the owner of the subject property could not decide to use it as a single-family home only.

Chairman Ivanhoe asked why that must be; if the community prefers an affordable home without the apartment, affordable housing is still being created for someone.

Ms. Noonan stated that the County wants to keep the property to the 4-bedroom use it originally had and did not see additional neighborhood impact as a result of the one-bedroom apartment.

The Chairman responded that it seems different because there will be another family.

Ms. Noonan said developing affordable housing is difficult; there are complexities including financing. For this project to be financially-viable, 2 units are needed to be eligible for adequate funding.

Chairman Ivanhoe understood and stated that Ms. Noonan's is a noble profession.

Ms. Noonan said another reason for the apartment is to make the property more financially viable for a future owner, and she is constrained as to maximum permitted income.

The Chairman asked if the Federal government sets the income level.

Ms. Noonan replied that it is based on HUD (Dept. of Housing and Urban Development) requirements that limit eligible income to 80% of Westchester County Median Income (currently 80% of \$104,000/yr. for a family of 4).

Chairman Ivanhoe said it seems like a "one size fits all" regulation; the property may be more appropriate for a single family.

Michael Palma asked if the apartment rent is to be considered family income or to pay the mortgage, and Ms. Noonan answered that it will be income, albeit minor

The Chairman asked if the income threshold includes income from the rental or must an applicant have sufficient income without it.

Ms. Noonan said that for eligibility to purchase the property, income from any source (but without the rent is considered); the second analysis is ability to pay a mortgage based on that income.

Chairman Ivanhoe commented that there are cheaper apartments in Town now/the environment is competitive; it seems possible that no tenant will be found.

Ms. Noonan said the apartment will rent for less than \$900 per month, but the Chairman pointed out that those on the message board were listed at between \$675 and \$975.

Mr. Dickinson said the model used has worked for years; applicants are thoroughly vetted for appropriateness for the unit based on income, credit history household size, etc.

The Chairman said he did not feel he had an answer re consideration of rental income in terms of eligibility.

Ms. Noonan explained that a minimal amount of the future rental revenue is actually factored in by the mortgage bank. Seventy-five% of the total rent is added to the

applicant's income figure, and then approximately 30% of that amount is considered what a person can afford to pay for housing (mortgage in this instance).

The Chairman said he understood then.

Ms. O'Leary asked if public assistance can be considered as an income source for an applicant to buy the property.

Ms. Noonan said all sources of income are taken into account in determining household income; sources including Social Security, earned income, and income from self-employment would all count when a mortgage is applied for.

Mr. Keenan said it seemed income could come from anywhere, including government support, as it could for anyone/not just an applicant for affordable housing. He further stated that the Board of Appeals should realize that their decision will affect Croton Falls for 50 years/take away its dynamism if the apartment is approved.

Mr. Keenan said another point he wanted to make was the disadvantage to people in bringing them into an area where they can't really afford to live. When there is a lot of affordable housing developed in an area, it reaches a point where the benefit of going into a neighborhood that used to be respectable is lessened. He said he considered the neighborhood a blue collar area reminiscent of Queens where he grew up; he watched the single-family homes in that neighborhood be converted to multi-family buildings, and the area changed.

Chairman Ivanhoe agreed that an imbalance of types of housing can change the character of a neighborhood.

Mr. Keenan said ACE should look into areas that are in less danger of suffering from a concentration of affordable housing units like Katonah and Chappaqua.

Mr. Dickinson said they do develop units in those communities. He stated that the subject property would be just great as a boutique restaurant with a \$500,000 septic system, but it is a blight on the neighborhood now. He went on to say that some towns/cities have what are called Living City Initiatives whereby they tear down blighted buildings and leave the lots vacant. He thought it was a false argument to say the question is one of affordable vs. market-rate housing on the subject property; it has been vacant for 2 years/not purchased. Mr. Dickinson said the point is whether a renovated house with an income-limited resident or an abandoned blighted house hurts the neighborhood more.

Mr. Keenan said maybe turning the property into affordable housing for 60 years would serve to scare off other development due to the concentration of low-income housing in such a small area. He stated that he would love to see the house renovated but did not think putting so many people into it was a good use of the property. Mr. Keenan commented that water and septic were apparently a big issue for the subject property.

Bob Eichinger said the property's septic system is in failure and untreated sewage is leaking into the ground; the newly-proposed system is one of the best septic systems that

could be installed for a 4-bedroom house in the New York City watershed with all its restrictions. Mr. Eichinger said he tested the existing system thoroughly with the Department of Health engineer in attendance; it is easily fixed and that repair is part of the ACE proposal.

Mr. Keenan asked why someone else couldn't use the property for another purpose.

Mr. Dickinson said if a family bought the property to use as a single-family house and ultimately the septic failed, it would take the Health Department years to make them repair it. He stated that ACE/Decentralized Advisors will do it right because the County and the State will be monitoring the situation, whereas a speculative developer could do a quick flip of the property without even fixing the septic.

Chairman Ivanhoe asked if the septic failed and a developer bought the property, wouldn't they need a County DOH permit.

Mr. Dickinson said that if the use of a property is not changed, the buyer doesn't have to do anything; the developer can say he checked the septic and it was working.

The Chairman found it hard to believe a developer would not have to repair or replace a failed septic.

The Building Inspector explained that if a septic system is in failure, the property-owner may hire a licensed septic installer to fix it and that gets filed with the County. If the septic fails again, it must be repaired/replaced by a design engineer.

The Chairman thought that sounded like there could be years of dealing with a failed septic system before it is ever fixed/replaced; ACE intends to have the entire thing replaced now, a point worth considering.

Liz O'Leary said she and her husband paid less than half what will be asked for the subject property for theirs, and spent the next 20 years fixing it up. She commented that someone would buy the subject property, and she thought it was wrong for the applicants to present their case as if they were the only people who would buy it. Ms. O'Leary stated that she did not want the accessory apartment approved mainly because she felt the deed restriction regarding the rental unit would run too long. She said she also had reservations about maintenance/property upkeep, given the appearance of 606 Route 22. Ms. O'Leary noted the Comprehensive Plan's promotion of the General Business district in Croton Falls, which she said she is in favor of. She noted the assortment of businesses, improvements made to some older houses and the brickwork and antique-style light fixtures that have all been changes for the better occurring over the past 20 years. Remarking that Dino and Arties is a vacant lot now, Lakeland Lumber is closed and the Fire Department is leaving the hamlet, she said she does not want to see a high percentage of low-income housing replace them, adding that a lot of people feel the way she does. Ms. O'Leary said the subject property could be renovated without money from the County.

The Chairman remarked that the subject property had been for sale for 2 years.

Dawn Christopher wanted to know why she and her husband had not received the Notices to Property-Owners.

Mr. Reilly informed Ms. Christopher that her presence at the meeting waived the Notice issue/the granting of the applications would not be invalidated.

Kerry Feeney of 7 Warner Drive stated that she moved to Croton Falls from Riverdale 10 years ago, and she likes the mixed income levels/housing and the convenient commerce. Ms. Feeney stated that she was concerned about the number of rental units (multi-family and apartment buildings) in Croton Falls, noting that 40% of all rental units in the Town are in Croton Falls (25 out of 64), and that figure is only for known/legal rentals. She stated that she was not against the affordable house, but she was against the accessory apartment and asked that the special permit not be granted.

Brandy Keenan of 1 Lee Road said she was also present at the meeting due to her concern about the accessory apartment; she did not like the idea that the home-owners would not be choosing the tenant themselves, although she acknowledged that the owners would have final say about the tenant. She thought the situation would be difficult and she had concerns about upkeep/the tenant might not care for the property the way an owner would.

John Caralyus of 19 First Street, Purdys, addressed the Board saying he was concerned about the septic for the subject property. He stated that even if the bedroom total was not changed, putting in another kitchen would stress the septic capacity by another 25%.

Mr. Eichinger said the Health Department rule is based solely on number of bedrooms.

Mr. Caralyus said the kitchen contribution to septic use is the law, and Mr. Thompson agreed that the DOH does consider an accessory apartment a contribution to increased water flow over and above bedroom count.

Mr. Eichinger said the DOH approved his plan based on 4 bedrooms, and they are aware that there is to be an apartment.

Mr. Thompson said that if the Health Department has stamped a plan for the subject property that shows two units, that is proof that they have approved the septic plan.

Mr. Caralyus suggested that the Town should contact the DOH to make sure this approval was not a mistake.

Mr. Eichinger said the design of the proposed septic plan is the equivalent of a 5-bedroom septic design with a 1500 gallon tank; whether the DOH approval is based on bedroom-count or kitchens, the plan is more than adequate.

Mr. Caralyus said the County code is 200 gallons per bedroom.

Mr. Eichinger said that was correct, but there is legislature in the works to drop that requirement to 110 gallons per bedroom. He said his design, being large enough for 5 bedrooms, is certainly large enough for 4 bedrooms plus an extra kitchen.

Mr. Thompson said the alternative septic systems being approved by the County for repair work are excellent but require monitoring.

Mr. Eichinger said there is a New York State requirement that there be must be a maintenance agreement with an authorized service provider.

Mr. Palma asked if the drainage problem affecting the basement also affects the first floor.

Mr. Dickinson said it will not, although the house smells moldy now.

Mr. Palma asked if it wouldn't make more sense to create one, 3-bedroom house.

Mr. Dickinson said there is no funding available for that, and Ms. Arnold added that funding is based on dividing development cost by the number of units.

Ms. Christopher stated that she and husband spent a lot of money improving the buildings they have their businesses in, which they did in part due to a passionate belief that the Town is growing. She said local businesses are all struggling a little, but they would all benefit from there being more businesses. Ms. Christopher said she will be happy to see the house fixed up but she does not want the apartment approved, and she added that Ms. Arnold has said putting affordable housing in Croton Falls is a goal of hers. Ms. Christopher said she started up the petition so the Board would see how passionate people are about the Croton Falls business district, and she hoped the Board would consider this.

The Chairman asked if Ms. Christopher would rather see the house become a business, and she said she would.

Chairman Ivanhoe added that residents would be potential customers, and he asked what kind of business should be on the subject property.

Ms. Christopher admitted she didn't know, but it seems it's definitely going to be an ACE house any way; still she wanted to state her objection to the accessory apartment and make the Board aware of ACE's future plans for Croton Falls.

The Chairman said he noted that there were a lot of signatures from out-of-town people on the petition. His issue with the document was that it stated that the Croton Falls business district is slated to be re-zoned for residential use, which is not the case.

Ms. Douglas said the petition uses the word "targeted" which is not incorrect; ACE is looking at multiple sites in Croton Falls for affordable housing.

Paul Feeney of 7 Warner Drive said he would like to hear more about how the funding mechanism works, eligibility requirements, how long the ownership of the house is

mandated, circumstances of selling the house and responsibility for maintenance, given the appearance of the house next door. Mr. Feeney said the residents of 606 Route 22 do not enter through the rear but are out in front of the house and walk on Route 22 with their children. He said he would be interested to know what ACE's commitment to the community is once they've sold the house/who is responsible for proper maintenance. Mr. Feeney said it was very good that ACE will renovate the house, but the apartment would contribute to the existing density of rental units in the area. He commented that 2 houses on his street are also rented, but he also said a number of his neighbors have put a lot of time and money into their properties to improve them

Ms. Arnold said A-home purchased the house at 606 Route 22 10 years ago; at the time of purchase, there were 2, 3-bedroom duplexes and an illegal lower-level apartment. Noting that the house is bigger than the one at 602 Route 22, Ms. Arnold stated that A-Home created 2 studio apartments and 2, 2-bedroom apartments.

Liz O'Leary said she wanted to know what if any interest/responsibility ACE would have for 602 Route 22 once they have sold it.

Ms. Noonan said the house will no longer be ACE's responsibility once it is sold, but the owner will be vested in the community.

Mr. Feeney asked who makes sure the owner follows through on responsibilities, and what happened when the house is re-sold.

Ms. Noonan explained that the property may only be sold according to County guidelines re pricing and to an eligible buyer. The County will vet applications from interested buyers.

Mr. Feeney commented that it would not be in the owners' best interest to make improvements if they are limited re what they can sell the property for. He said that like the O'Learys, he has done a lot to improve his property over time and build up equity, but the owners of 602 Route 22 will not be able to do that.

Chairman Ivanhoe agreed, saying there is no economic incentive for the owner to improve the property or maintain it at a higher than basic level. He added that many people in the hamlet have invested in their properties and continue to do so because they want to remain long-term, like the community and their neighbors and have a vested upside that the purchaser of 602 Route 22 will not have.

Ms. Noonan disagreed, saying that if the owners invest in improvements, they will capture part of that at re-sale.

Mr. Feeney asked who determines the price.

Ms. Noonan explained that it begins with the Census Bureau and the consumer price index.

Mr. Feeney asked what the incentive is to buy a house like this one when someone could rent something for less.

Ms. Noonan said it is not a new concept and suggested that Mr. Feeney tour some of these properties that have existed for 20 years, some of which have of course changed hands.

Mr. Palma said there are moderate-income houses in Salem Chase and when one was up for re-sale a few years ago, there were a lot of problems re financing/banks did not want to finance the house because of the deed restriction.

Ms. Noonan said the ACE program is different/it's monitored by the County and participants are assured they may re-finance or sell, and the Housing Action Council works with banks and helps people get mortgages.

Mrs. Feeney asked if the owner of such a house can re-finance to take equity out of it.

Ms. Noonan said they may do so, but there are controls on how much may be re-financed.

Mrs. Feeney asked how many re-financed homes Ms. Noonan has worked on have gone into default.

Ms. Noonan said she could not answer that but could say the number is very small; the program works as a vehicle to help people before they get into trouble.

Ms. Keenan asked who has the power to evict a tenant if there is a problem.

Ms. Noonan said the property-owner does, and then she refers to an existing list of people interested in that size/type of apartment to search for a new tenant.

Ms. Christopher said she felt it was also an issue of adding another building of affordable housing to a small area where there are already 2 such buildings, adding that she did not think it would be good for property values.

The Chairman asked if Ms. Christopher only had an issue with the accessory apartment.

Ms. Christopher said she has an issue with the house also, but that is already done.

Ms. Arnold said an appraisal was done, and the property would not be feasible for any sort of business because there is no room for the required parking.

Mr. Christopher said the proposed affordable house and apartment demean home-ownership for people who have worked to improve their property.

Chairman Ivanhoe stated that everyone had been given a chance to speak, so he wanted to put the application to a vote.

Ms. Arnold requested that the matter be adjourned so she can meet with neighbors.

Mr. Reilly said an applicant may always withdraw their application, but an adjournment requires a vote of the Board. He added that if Ms. Arnold were to withdraw her application, she would have to re-apply and re-Notice.

Ms. Arnold asked the Board to consider holding the hearing over, because it seemed to her that the Board was not inclined to view approval of the special permit application favorably at present.

The Chairman thought Ms. Arnold was right. He said the Board could hold it over to give Ms. Arnold time to meet with neighbors.

Ms. Noonan said she would like the application held over.

Mr. Feeney said he had a lot of questions about who/what ACE is and what their aims/goals in Croton Falls are. He added that he did not think the basement apartment was a good idea.

Mr. Reilly stated that the applicant had requested an adjournment, and he would recommend that the Board do that.

The Chairman said he would like to close the public hearing.

Mr. Reilly advised him not to do so unless there is an effort to address just the single-family home, adding that the Chairman could restrict public comment at the next meeting.

Chairman Ivanhoe said he would do that/only hear new comments.

Mr. Reilly stated that the applicant should not continue to request adjournment over and over again; at that point, the Board would drop the application from the agenda and Ms. Arnold would have to re-apply.

Mr. O'Leary stated that he objected to the application for the accessory apartment. He noted that North Salem has 2 General Business districts, both in Croton Falls, and increasing the number of residences in the GB district is contrary to the Comprehensive Plan's intent and to the benefit of people who live in Croton Falls. Mr. O'Leary said more business opportunities are needed. He said he also objected to the deed restriction; the property should be able to evolve and change based on other things happening in the neighborhood instead of being static with a requirement for a dwelling and an apartment outside the control of the owner. Mr. O'Leary said the proposal would have a negative impact on the community, the GB district should be used for business, and the hardship is self-created. Given what ACE is proposing to invest in the subject property, they should be able to find a property elsewhere that would not negatively impact the neighborhood. With regard to the building next door (606 Route 22), Mr. O'Leary said he drives by it every day and it is not well-maintained; for example, the hedges are never trimmed. He added that there have also been no gestures of neighborliness to establish a sense of community or engagement with the rest of the area. Mr. O'Leary said he was not against the residential use, but he did not want the apartment/he would prefer something like a home professional office use.

Chairman Ivanhoe said the sense of the Board was that, having approved the use variance for residential use, the addition of the apartment and all its attendant restrictions did not have a lot of Board support. He added that it could be held over or the Board could vote.

Ms. Arnold said she would like it held over.

Mr. Reilly said he would ask for a motion to adjourn the application to the July meeting.

Mr. O'Leary said the Board had already agreed to meet as scheduled on July 10, when he had already said he cannot attend the hearing.

It was agreed to change the date of the July meeting.

Mr. Dickinson said some Boards require that the same Board members who hear an application initially be present at any subsequent hearings of the same application or the hearing is invalid.

Mr. Reilly said that is not the case, but the Board would choose a new date.

It was agreed to re-schedule the July meeting for July 17.

To adjourn the ACE application to the July meeting, now to be held on July 17 when only new testimony will be heard/old material will be available in the meeting minutes.

Motion by: *Lisa Douglas*
Seconded by: *Cynthia McKean*

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

The meeting was adjourned at approximately 10:45 pm.

Respectfully submitted,



Janice Will, Recording Secretary