

**BOARD of APPEALS**  
**Public Hearing**  
**July 17, 2014**  
7:30 p.m., The Annex

**MEMBERS PRESENT:** Richard O'Leary  
Cynthia McKean  
James Murphy  
Brian Ivanhoe, Chairman

**MEMBER ABSENT:** Lisa Douglas

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

*Chairman Brian Ivanhoe called the July 17, 2014 Town of North Salem Zoning Board of Appeals meeting to order.*

The next meeting date was set for August 14, 2014.

The minutes of the June 12, 2014 meeting were unanimously approved.

**PUBLIC HEARINGS:**

Chairman Ivanhoe announced that the Board would hear agenda items out of their posted order.

**BA14-25** Cecily and Gordon Grand (424 Hawley Road) – **Area Variance** – To decrease the minimum front yard setback in an R-4 zoning district, per Article V Section 250-15. A setback variance of 4 ft. is requested (75 ft. required; 45.5 ft. existing; 71 ft. proposed) for construction of a mudroom addition and kitchen expansion.

Thomas O'Brien, architect, addressed the Board, explaining that his clients' turn-of-the-century house has a front yard setback of 45.5 ft. and the small 2-story addition will have a setback of 71 ft.. He stated that the addition will improve the undersized kitchen and that the requested variance is minimal yet will provide much help.

Chairman Ivanhoe agreed that the variance was small, and he didn't see that it would cause any negative impact on anyone else.

Mr. O'Leary commented on the small size of the addition, and Mr. O'Brien said it will be about 6 .5 ft. x 10 ft.

The Chairman asked how the mudroom will be accessed from the house, and Mr. O'Brien replied that entry will be through a butler's pantry.

Chairman Ivanhoe asked if any exterior lighting will be added.

Mr. O'Brien said there is an existing porch light over an existing door; the light and door are to be replaced.

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

Gerald Reilly read a draft resolution.

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

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

**Area variance granted, as requested.**

**BA14-27** Nora and Todd Amus (27 June Road) - For the granting of a further extension of Building Permit #5508, which expires on July 14, 2014 and may not be further extended by the Building Inspector, per Chapter 92-4 of the Town Code.

The Chairman commented that the project at 27 June Road appears to be moving along.

The Building Inspector said his office had received a complaint about the dumpster on-site.

Mrs. Amus explained that the company that provided the dumpster has gone out of business, but she has recently managed to have it removed.

The Chairman remarked that an older truck is still parked on the subject property, but he believes it belongs to the applicants.

Mr. Reilly asked how long an extension would be needed.

Mrs. Amus said additional stone is required for work on the front entry, but she can no longer get the same stone from the original source. She added that she hopes to have the stairs/entrance finished before winter.

The Building Inspector said that in the past, when a job has so nearly been finished, people have taken out a new building permit just for the remaining work so that a Certificate of Occupancy may be issued.

Mrs. Amus said the front door is boarded up as a safety precaution/her family is using the kitchen door or the garage to enter the house.

Mr. Thompson commented that the project is so nearly finished that the Amuses should be able to get everything done in less than 2 months.

The Chairman asked what the problem is with the front entry, and Mr. Thompson explained that without the stone work completed, the front door cannot be used.

Chairman Ivanhoe asked, if everything else is finished, couldn't a Temporary CO be issued.

Mr. Thompson said he could do that; a Temporary Certificate of Occupancy costs \$500 and is good for 90 days.

Mrs. Amus said she doesn't think she will need that much time; everything is all done but for the stone work and some additional baths (2.5 baths have been completed).

The Building Inspector said 60 days should be enough time.

Mrs. Amus remarked that she might have to use a different stone to finish the work in time.

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

Mr. Reilly read a draft resolution, stating that the building permit will be extended from July 14 to September 14, 2014, based on information provided by the applicants, their architect and their attorney.

**Motion by:** James Murphy  
**Seconded by:** Cynthia McKean

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

***Appeal granted, as requested, with specific condition per discussion and agreement.***

**BA14-26** 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/amended via BA14-19) to include a reduction in employee dwelling units from 4 to 3, re-construction of a horse barn and a storage/utility building to include 2 employee dwelling units, new construction of a hay barn and equipment building, parking areas, covered treadmill pavilion, turn-out pen, 2 run-in sheds and a covered viewing pavilion, and installation of paddock fencing, per Article XIII Section 250-72.

Don Rossi, attorney, stated that his client was seeking an amendment of the special permit granted in June, as their plans for the property have been finalized since then. He said the lot-line changes that the Board is aware of were approved with conditions by the Planning Board the night before.

The Chairman asked what is to be done with the 2 houses on the 2 lots being absorbed by the subject property as a result of the lot-line change.

Mr. Rossi answered that the houses will be demolished and the land used for paddock space with some run-in sheds. He listed all the other building plans and described them as the continuation of a plan to improve the farm.

Mr. Rossi explained that permits will be required for the demolition of the 2 houses and the work will be done to comply with existing regulations. He said the electric supply will be capped, and the septic system will probably be left in place to minimize disturbance. He added that his client is not permitted to proceed with the demolition until the Board has approved BA14-26.

Chairman Ivanhoe mentioned contacting the Fire Department about the houses before they are demolished (so they may use them for field training), and Mr. Rossi said that is being done.

The Chairman commented that the overall plan looks good, adding that it appears there will be more reconfiguration than construction of additional buildings.

Mr. Rossi noted that his client had agreed to limit the hours when the indoor riding arena may be used so the lights will not disturb anyone.

The Chairman said the renovated barn will be taller than it is now and also have a cupola, and he asked if there is any plan to have a light in the cupola. Commenting that he would not want it to be a beacon, Chairman Ivanhoe said there should be no light in the cupola.

Mr. Rossi said it would just be like a skylight and offered to accept conditions regarding hours, but the Chairman said a barn is different than a riding ring /people will need to go into the barn at night.

Mr. Thompson said there is an upper level/the cupola will not be open to the main floor of the barn, but the Chairman said he wanted to be assured that there will be no light in the cupola.

Mr. Rossi said he would agree not to light the cupola.

Mr. Reilly said it will be a condition in the special permit amendment.

The Chairman thought that was best and said the Board could not restrict use of the barn. He asked about the proposed skylights.

Richard O'Leary stated that they will just let in daylight/do not really emit any light.

Chairman Ivanhoe noted that the skylights will be open to the stalls and said he thought the skylights would not be visible to others, while the cupola will be.

Mr. Rossi said the barn will largely be blocked from view by the indoor riding ring and is turned sideways from Hilltop Drive.

Mr. O'Leary said if there are lights on in the barn, the skylights will glow some/only downlights should be employed.

The Chairman agreed, saying any lights should be indirect/not visible at their source and not aimed at the skylights and the cupola is to have no light in it. He noted that the barn will be a good distance from neighbors' houses. He noted a tennis court on a neighbor's property but said only new paddocks will be near it, and he asked if the paddocks are picked regularly.

Mr. Rossi said the farm is meticulously kept clean.

Chairman Ivanhoe said he customarily suggests use of fly predators in barns.

Mr. Rossi pointed out that the plans call for planting of additional shrubs between some of the new paddocks and the neighbor's tennis court.

Mr. O'Leary asked Mr. Rossi to explain about the septic systems on the 2 newly-added lots.

Mr. Rossi said the utility lines will be capped rather than dug up, and the plan is to leave the septic system in place if possible. He said it might be used in the future/it would be wasteful to rip it out.

Mr. Thompson stated that the power lines will not be energized.

Mr. O'Leary remarked upon the speed with which the building/renovation plans were finalized.

Mr. Rossi said numerous options were considered before deciding to go with the plan submitted.

The Chairman said the proposal was not included with the June application because the plans were not completed then. He asked if tractor-trailers going to/from the hay barn will be able to maneuver on the existing driveways.

The Building Inspector said the curb cuts are quite large/there will be enough room.

Mr. Rossi added that the existing shared drive to the 2 other houses will remain and be straightened to lead up between the new paddocks.

Chairman Ivanhoe called on Daniel Torchio, attorney, who was at the meeting on behalf of his client, Frances Sweeney Fraenkel of 753 Titicus Road.

Mr. Torchio stated that his client was concerned about the new covered viewing pavilion, and he asked what it is to be used for.

Mr. Rossi explained that it will be provided for viewing of the large exercise field; there will be no habitable space but there will be electricity.

Mr. Torchio noted a parking area adjacent to the viewing pavilion and asked if it is intended for public parking.

The Chairman stated that the special permit is for private use only.

Mr. Rossi agreed, adding that the parking area is only for convenience/ to allow people to park near the viewing pavilion.

Mr. Torchio asked about lighting, noise and entertainment.

Chairman Ivanhoe said the outdoor ring is not lit, the Board would not allow the large field to be lit either, and horse shows are not permitted. He did say given the applicant's level of riding, it would not be unusual to invite friends and other trainers and there might be a small send-off before departure for a major equestrian event like the Olympics. The Chairman said it appears that the pavilion will merely be an amenity for the farm.

Mr. Torchio asked that the resolution state that the pavilion may only be used for viewing horse demonstrations/performances on the field.

The Chairman was disinclined to limit use of the pavilion so strictly.

Mr. Rossi stated that there will be no public events, but it is possible that the pavilion might be used for a party.

Mr. Torchio said the viewing pavilion will be quite attractive, but he had concerns about noise and lights.

The Chairman said use of the subject property would be subject to the same noise ordinance as any other property in Town, and Mr. Torchio said that was satisfactory.

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

Mr. Reilly read a draft resolution, including a statement that approval was per submitted plans by Jeffrey T. Pearson, Architect, PLLC, dated June 26 and 27, 2014. He also noted that the special permit will run for 10 years from the date of the approval of special permit BA14-19 (June 12, 2014).

**Motion by:**            **James Murphy**  
**Seconded by:**       **Cynthia McKean**

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

***Special permit amendment granted per discussion and agreement.***

**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.

Don Rossi, attorney for the applicants, stated that, if the application is approved, his clients would like the amended special permit to run for 10 year from this date.

Chairman Ivanhoe said he thought the special permit had expired, and Mr. Thompson added/explained that the applicants did not fulfill the conditions of the original special permit.

Mr. Reilly said for that reason the application should be considered for a new special permit.

Mr. Rossi stated that his clients have had the farm since 2009, when they originally intended to use temporary shed-rows and then build a barn. Using a pointer on a displayed site plan, he indicated 3 existing shed-rows and a manure dumpster; his clients want to relocate 1 shed-row and the dumpster, install 3 additional shed-row structures and add paddock fencing. Ms. Tyson wishes to move one shed-row to the south end of the subject property. In response to concerns raised by neighbors, Peter and Janet Meisels (165 Finch Road), Mr. Rossi said some fencing was adjusted by his clients. He explained that his clients keep horses in an untypical way; their 4 horses are left outdoors to roam the paddocks freely, sheltering in the open shed-rows when they want to. Mr. Rossi stated that the fencing is approximately 15 ft. back from Finch Road and goes around a rock outcropping. He pointed out the Meisels residence on the adjoining lot and indicated placement of 2 exiting shed-rows.

Mr. Rossi explained that his clients are proposing to have an all-weather paddock to the east of the proposed new shed-row arrangement; the horses would be confined to this all-weather paddock in bad weather. He said the front paddocks have some trees in them, and it has not been a problem to keep the area somewhat forested. He said that following discussions with the Meisels, his clients are willing to move the existing shed row to the farther away of 2 proposed sites.

Chairman Ivanhoe said he looked at the paddocks on the subject property both from its driveway and from the Meisels property, and they look good. He added that a berm planted with trees for privacy appears to work well. He asked which of the 2 structures near the driveway is to be moved and where.

Mr. Rossi showed the existing and proposed location of the shed-row, stating that the second one will remain where it is. He pointed out the u-shaped configuration of the 3 proposed, new shed-rows and re-located dumpster to the east of the driveway.

Chairman Ivanhoe commented that the existing structures will mainly be used as run-in sheds. He said that usually there is an even smaller all-weather area as a walk-out that may be further opened. He asked if all four horses will have access to all the paddock area at one time.

Richard Vosburgh said they will have access to all or part of the paddocks, depending on use of gates to allow some areas to rest.

The Chairman remarked that, coming westward down Finch Road, the first paddock on the property line looks wet and has a lot of trees.

Mr. Vosburgh said it has been left relatively wild for privacy.

Chairman Ivanhoe stated for the record that he rides regularly with Lynn Tyson, who has been described by others as a talented rider and knowledgeable about horses. He added that the way her horses are cared for is rather different from what one usually sees in North Salem. He said his concern would be that the land be given enough time to rest and grow stable healthy grass. He said he had at first thought to suggest thinning the trees, but if that area is used as a buffer it wouldn't be necessary. The Chairman commented that he wanted to be sure that what the applicants plan to use is useable.

Mr. Rossi submitted to the Board a letter from a veterinarian, attesting to the health and care of Ms. Tyson's horses.

The Chairman said he was only concerned about how the land will be managed and what condition it could end up in if over-grazed or not given time to rest.

Mr. Rossi stated that the way the horses are circulated around the property provides ample space for 4 horses and will enable rotation of paddock-use.

Chairman Ivanhoe suggested that if there are to be walk-out stalls, each be given its own all-weather walk-out area; stripped down to a base layer with crushed stone compacted on it is a good surface that will hold up and stay drier.

The Chairman stated that he had seen photographs submitted by the Meisels, and the subject property looks different/better now. He commented that the winter was especially difficult; last year's manure-accumulation should be more easily avoided with the new stall setup/additional turn-out areas. He suggested considering closing some turn-outs completely for the winter.

Mr. Rossi said that in response to the Meisels' complaints about hay-feeders along the property line, his clients will agree to move the racks to areas at least 75 ft. from the property lines.

The Chairman was not sure what the Meisels' objections were, but Ms. McKean said it was all the manure.

Chairman Ivanhoe recommended that the manure dumpster be put on a concrete pad, adding that this will be required in the new Code.

Mr. Rossi said the dumpster will at least be on a base of Item 4/the Code has not been changed yet.

The Chairman said the ZBA had hoped to be permitted to make decisions themselves about whether the size of a farm would require a concrete pad or Item 4 with compacted gravel, but it is his understanding that the Town engineer has recommended that concrete pads be required for all manure dumpsters. He added that he thought it would be better to put in a concrete pad now rather than 10 years from now.

Ms. McKean said she was amazed how good the grass and trees on the subject property look and considers it well-maintained.

Peter Meisels approached the Board, distributing copies of the photos that were part of his earlier, written submission. He said his neighbors have done an excellent spring clean-up, but the way the horses are kept and fed causes manure to accumulate in the fields, and there was a great deal of it by the end of April. Mr. Meisels said the theory given is that the horses use the entire property, but they do not; they stay in the vicinity of the hay racks. He stated that his wife informed him that a horse produces a bucket of manure per day; 4 horses created a great deal of manure that was left to accumulate all winter near the front of his house. Mr. Meisels said the accumulation was so vast that machinery was required to remove it.

Mr. Meisels said he and his wife were asking the Board to impose some conditions to deal with problems. He noted that the 2009 Board of Appeals meeting minutes concerning the neighbors' special permit application gave no indication of the number of trees and shrubs that would actually be removed; there is far less privacy now than there was then. Mr. Meisels said Mr. Rossi had stated then that only shrubs and some small trees would be removed, but an area that was moderately- to heavily-wooded is now wide open.

The Chairman agreed that the subject property is somewhat startling as viewed from the Meisels' driveway, and the fence-line is close to the property line. He asked Mr. Meisels what the distance is from the fence-line to his property line.

Mr. Meisels said that except for a deviation around a rock outcropping and a curve required by the Board, the fence is on the property line until a point just past the berm where it begins to angle inward/away from the property line.

Chairman Ivanhoe asked if there were more trees and shrubs inside the fence line before, and Mr. Meisels said that was correct/it is almost cleared now.

The Chairman said it looked to him as though the berm would work to shield the view of the paddocks, but he added that there is nothing otherwise along the fence but the

Meisels' front lawn. He recalled discussing setting the paddocks fencing back from the road in 2009, but the Board had not talked about the side fence line.

Mr. Meisels said he suggested to Mr. Rossi that the berm with trees be continued/lengthened to about 100 ft., which would provide privacy for both properties. Alternatively, if the Tyson/Vosburghs will move the fence back, Mr. Meisels will plant trees on his side of it. He explained that he cannot plant trees now, because his septic field is just back from the fence.

Chairman Ivanhoe noted that the primary farm operation is now to be moved eastward/away from the Meisels property.

Mr. Meisels said the reason he and his wife had not taken issue with a lot of the provisions of the 2009 temporary special permit was because they thought it was temporary, but 4.5 years later the bulk of the operation is in front of their house. He agreed that the proposed plan would help but expressed concern that his neighbors might not do what they proposed. Mr. Meisels asked the Board to consider including a requirement for either a 100 ft. line of trees in the vicinity of the berm or relocation of the fence so the Meisels will have room to plant trees on their side.

The Chairman commented that moving the fence would be difficult and expensive; he did not think the Board would ask the applicants to do that.

Mr. Meisels said given that the horses do stay near the hay rack, he would like to ask that the paddocks next to his house not be used in the winter.

The Chairman said that could be considered; he might also ask that the big hay mow not be used in the one particularly degraded paddock, adding that it might most need to be rested any way. He remarked that typically every farm has some "trash" paddocks that are used in the winter/bad weather to allow the good paddocks to rest, and he added that trash paddocks are ideally not where people see them. He said that he did not want to be too specific about paddock usage, but he would not want to see a repeat of the conditions of the past winter.

Mr. Meisels suggested the Board include a condition that no hay-feeding apparatus be allowed in that area.

The Chairman stated that throwing hay instead of using a hay mow would also not cause the kind of manure accumulation previously seen in the vicinity of the hay mow.

Mr. Meisels commented that the Tyson/Vosburghs have a very different way of keeping horses.

The Chairman agreed, adding that it is more common in the Southwest or on larger properties.

Mr. Meisels agreed that it is a more common practice on very large farms, although he has also seen the paddocks being picked out regularly on those large farms. He said given the

amount of snowfall in this part of the country, it is hard to do; however, if an owner is committed to keeping their horses outdoors, they have to find a way to manage. He noted that an all-weather paddock for bad-weather use could easily be picked out, and he asked that the Board include a provision to prevent accumulation of manure on the subject property. Mr. Meisels stated that his property is at a lower elevation than the subject property, and he experienced manure-tinted run-off in heavy rain storms. He said the manure accumulation on the subject property smelled bad, was unsightly and attracted flies in the spring; otherwise, he was not opposed to the application. He reiterated that he felt the issues were privacy/screening and manure.

Mr. Rossi stated that there is a lot of paddock fencing horse in the neighborhood, and his clients do not want to move the fence or be required to plant more trees. He pointed out that the original fence-line ran along the property lines; his clients agreed to relocate the fence in a few places and they did so. He said the conditions of the past winter were noted by the Zoning Enforcement Officer (Mr. Thompson) and made apparent to the applicants who addressed the issue. Mr. Rossi said his clients do not want to be held to a specific manure-removal schedule; the Board could simply state that there must be no manure accumulation in the paddocks.

Mr. Reilly agreed that could be a condition, stating that they would be in violation of their special permit if they allowed the manure to accumulate.

Chairman Ivanhoe said the new farm set-up will allow the applicants to rest some paddocks in the winter/perhaps the ones near the Meisels so the grass will be good/strong in the spring.

Janet Meisels asked to speak. She said the new grass in the paddocks next to her property is contractor mix that comes up very quickly and not pasture mix. Mrs. Meisels said this past severe winter was not the first time the subject property has looked the way it did; it has looked that way for 5 years. She said she has spoken to the Tyson/Vosburghs, and they have said they would do things that they did not do. She remarked that when she asked Ms. Tyson to come and speak to her about the farm, Ms. Tyson said it had been a bad winter and she would do what she had in the past and have the manure removed once a year after the pastures dried out.

Chairman Ivanhoe said that would not be acceptable, and Mr. Reilly added that the Board will make it a condition that there be no accumulation of manure.

Mrs. Meisels said there has never been grass in the paddocks next to her property before this time; what little there may have been in past springs has disappeared shortly after the horses are turned out there.

The Chairman was not surprised to hear this, noting that even well-rested paddocks can turn to mud if they are heavily-used.

Mrs. Meisels said only about 2 acres of the subject property is actually used for the 4 large horses, while the rest of the property has the house, pool, etc. on it. She added that she and her husband had not opposed the original application for the temporary permit.

The Chairman said the Board might also include a condition that dead hay be removed from the paddocks, as it impedes the growth of grass.

Noting that Mr. Meisels had said the same thing, Mr. Reilly stated that Mrs. Meisels was incorrect in calling BA09-37 a temporary special permit; it was a regular special permit that had conditions that were not fulfilled and the current application was being considered for a new special permit.

Chairman Ivanhoe asked what Mrs. Meisels thought of the new proposed layout with additional paddock space allowing the paddocks adjoining her property to be closed to rest.

Mrs. Meisels said the applicants' western paddocks were so heavily used/manure-filled that they need to be rested for 2 years with pasture mix planted and fertilized. She also stated that the applicants' horses have eaten the bark off most of the trees in those paddocks and the trees have died. She commented that the subject property looks very good now, but it has not looked that way in the past/it is not a true depiction of the farm. Mrs. Meisels said she was not sure the horses would have been kept in the barn that was not built, because Ms. Tyson leaves them outdoors all the time, even in bad weather.

The Chairman stated that the horses have access to shelter.

Mrs. Meisels said there are only 3 open stalls for 4 horses.

Chairman Ivanhoe said the horses are in good condition as attested to by their veterinarian and he has seen them himself.

Mrs. Meisels said she was told in the past that trees and shrubs would be left on the subject property and they are all gone; the paddocks enclosed by the fence on the property line is basically cleared and there has only been grass instead of manure for about 2 weeks.

The Chairman stated that there will be conditions that no manure or hay may be left to accumulate in the paddocks. It seemed to him that the western paddocks will be rested and the Board will suggest an all-weather surface for small paddocks in the new shed-row configuration. He noted that the applicants propose to have the hay mows 75 ft. from the property lines.

Mrs. Meisels said that will still be right out her front door.

Chairman Ivanhoe thought the Board might say there may be no hay mows in the paddocks near the driveway, adding that they do intensify the use of paddocks.

Mr. O'Leary asked if the Chairman wanted to consider requiring the all-weather turn-out areas, and Chairman Ivanhoe said he did/he did not think that would be burdensome.

Mr. Rossi said putting an all-weather surface to the rear of the new shed-row barn, keeping hay mows at least 75 ft. from property lines and moving one existing shed-row to the farther of 2 possible new sites at the south end of the subject property were all agreed-to.

Mr. Reilly asked if the Board would require that the hay mows not be used in the western paddocks, but Mr. Rossi said his clients did not want to commit to that.

Chairman Ivanhoe said he thought the Board might ask that hay mows not be put in the western paddocks at all.

Mr. Rossi objected, saying it would impact the operation; the horses live outdoors and move around freely.

Mr. O'Leary remarked that if the horses are free to move around, they can move to wherever the hay is.

Mr. Rossi said he thought it would be too limiting.

The Chairman said he thought hay mows have been used in the western pastures in the past because there has been no grass to graze on. He explained that typically, in healthy paddocks, smaller amounts of hay can be thrown in twice a day for horses to eat and again if the horses are to stay out overnight, and there is grass to graze on.

Mr. Rossi responded that his clients' horses do not get a significant amount of their feed from grazing.

The Chairman agreed, adding that it comes mostly from hay and grain.

Mr. Rossi said eliminating hay from the western paddock will intensify the use of the other paddocks.

The Chairman said he only wanted there to be no hay mow used there/hay may be thrown. He explained that when a hay mow is employed, the horses stay there. When hay is thrown, it is customarily thrown in a different place each time so the horses will move and to save the paddock.

Mr. Rossi said this would be imposing a practice that is not consistent with the way his clients keep their horses.

Mr. O'Leary remarked that the consistent practice is producing a field full of manure and is not a good practice. He asked if the hay rack is used so that nothing needs to be done for a couple of days.

Mr. Rossi said the hay rack is used so there is always hay available for the horses to eat.

Richard Vosburgh said fresh hay is put into the mow daily and the hay mow is moved from time to time.

Chairman Ivanhoe said perhaps the Board would require that the hay mow be kept out of the neighbors' view.

Mr. Thompson said that if manure is not allowed to accumulate and grass must be maintained, the paddocks will not be over-used.

The Chairman agreed that those 2 points would cover the issue.

Mr. Rossi said there is no condition at present about maintaining grass, but Mr. Reilly pointed out that they were discussing a new permit.

Mr. Rossi said they did not want to commit to maintaining grass in the paddock.

Mr. Thompson said he had been present at the hearing in 2009, and Mr. Rossi's clients' representation was that they would maintain grass cover despite the presence of woods. Mr. Thompson said he doubted then that it could be done, and it has not been done. He remarked that when grass is lost, there is always dust or erosion; 2 conditions that plague small farms. He went on to say that it takes diligence to recover/without grass cover the problem is constant.

Mr. Rossi said there is no erosion or run-off problem in this paddock.

Mr. Thompson stated for the record that there was no grass in the paddock this spring, and it will happen again if it continues to be over-used.

Mr. Vosburgh said there is a special base in the paddock.

Mr. Rossi stated that if there were a manure run-off problem, his clients would have heard from the Meisels. He said there is an enforcement mechanism in place already if there is a hazardous/nuisance situation that is detrimental to the public health. He said there is no drainage problem on the subject property, and the new plan will improve the property.

Chairman Ivanhoe commented that the western paddocks are at a higher elevation than the Meisel property.

Mr. Rossi stated that despite very heavy recent rain, there has been no evidence of a drainage problem. He asked the Board not to impose restrictions if there is no problem.

Chairman Ivanhoe said if the paddocks were not on the property-line they would probably not be discussing it. He said he would not ask the applicants to move the fence line, but some management practice is needed to ensure that there is grass and the paddocks are kept clean.

Mr. Rossi reiterated his objection to any prohibition re the use of the western paddocks and suggested that the application be tabled/other agenda items heard so he could speak to Mr. Vosburg about the conditions being discussed and see what they might be able to do.

The Chairman said the Board would not insist that the western paddocks not be used in the winter, although it sounded to him as though they might be rested then. He added that the Board was considering prohibiting use of hay mows in those paddocks in the winter. He said the issues to be dealt with were manure and hay mows near the fence-line/property-line.

Mr. Rossi said his clients would be willing to pull the hay mow back to a distance of 100 ft. from the property line.

Chairman Ivanhoe said it might be helpful to put the hay mow between the remaining shed-row and the applicants' driveway/away from the Meisels.

Mr. Vosburgh said once the new buildings/new set-up are in place, he does not intend to have hay-mows on that side of the property any more.

*Mr. Rossi and Mr. Vosburgh stepped outside to discuss the issues raised.*

**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).

Chairman Ivanhoe stated that the proposed accessory apartment was discussed at length at the June meeting, for which reason he would like to take some time to discuss the area variance.

Joan Arnold, Executive Director of Allied Community Enterprise, Inc. and Peter Russell, President, were present.

Ms. Arnold stated that she felt the variance for lot coverage being requested was fairly small and she explained that it is needed for the 4-space parking area required for the 3-bedroom house (2 spaces) and the one-bedroom apartment (2 spaces).

Mr. Reilly said the development coverage variance was incorrectly described in the agenda listing; the increase requested is almost 100 % (25% permitted; 49.9% proposed). He added that the variance requested for parking in the setback is also 100%, because parking is not permitted within a setback at all. He said the factors that the Ordinance mandates be considered for an area variance should be discussed. Substantiality is one factor; self-created hardship is another. He noted that viable alternatives/commercial use of the property were discussed in June when the Board approved the use variance to continue the residential use of the property, but the alternative now is use of the single-family house without the apartment. Mr. Reilly said neighborhood character is also to be

considered. He stated that if the factors listed in the Ordinance cannot be satisfied by the area variance, there is no way to grant the special permit without it.

Ms. Arnold said that after the June meeting, ACE wanted to make a statement/she asked to have the application held over, and Peter Russell would read a statement now.

*Mr. Russell's statement, addressing concerns raised at the June Board of Appeals hearing and points he deemed important/valuable, is attached at the end of these meeting minutes.*

Chairman Ivanhoe thanked Mr. Russell. Noting that meetings were held between ACE and members of the Town Board and also community members, he asked to hear how those meetings went. The Chairman also stated that after hearing from many people at length in June, the Board would only want to hear any new comments there might be.

Mr. Russell said community members should respond themselves about the meeting at the Firehouse. He added that Croton Falls is not slated to be re-zoned and the ACE applications are for one structure/one project; the Town may plan future residential uses. He said there were also a lot of questions about people qualifying to purchase/own the house, be landlords, keep up the property and meet their financial obligations.

The Chairman asked if there were members of the public present who had been at the Firehouse meeting.

Dawn Christopher (business at 3 East Cross Street) and Liz O'Leary (residence at 637 Route 22) both said they had not been notified of the meeting.

Ms. Arnold said Ms. Christopher's husband was notified of the meeting.

Terry DiPaoli of 619 Route 22 said she had been one of only 6 Croton Falls residents at the meeting/others were boycotting it because they do not approve of the proposal. It was Ms. DiPaoli's opinion that no one was in favor of the proposal; she went to the meeting to hear what the ACE representatives had to say.

The Chairman asked how the meeting had been publicized.

Ms. Arnold said that after she met with Supervisor Warren Lucas and Deputy Supervisor Peter Kamenstein, they said to let 2 Croton Falls residents inform others about the meeting at the Firehouse. She contacted Michael Keenan (1 Lee Road resident) and Tom Christopher (business-owner at 3 East Cross Street and husband of Dawn Christopher), providing the place, date and time of the meeting.

Ms. Arnold explained that an ACE board member moderated the meeting which was also attended by Supervisor Lucas. Informational boards about the proposal were displayed and there was discussion about peoples' preference for just the single-family residence versus the financial need to go with the house plus apartment. She said another concern was that affordable housing would be going into other sites in Croton Falls which she thought she had managed to dispel. Ms. Arnold thought Supervisor Lucas would say that he plans to hold some kind of planning session about/for Croton Falls. She added that

someone wanted to know what the implication of the septic system would be for the rest of the town; it has none/it is just for 602 Route 22.

John Caralyus of 19 First Street said he would like to ask Supervisor Lucas why a public meeting was held without inviting the public, adding that he would like to hear about the septic plan, given that the existing one cannot be used. He said if there is to be an apartment, a new regular septic system is required.

Ms. Arnold said the proposed system has been approved by the Health Department.

Chairman Ivanhoe said the septic system is not really part of the applications being considered at this meeting.

Mr. Reilly stated that Board of Appeals applications are totally separate and apart, legally and constitutionally, from the legislature/The Town Supervisor. The ZBA hears evidence and makes decisions based on the State Code which separates the Town Board from the Planning Board and from the Zoning Board, for which reason it is not the function of Supervisor Lucas to get involved in these zoning applications.

Mr. Russell said the Supervisor had made the same point clearly himself.

Mr. Reilly said the applications are for 2 area variances necessary to enable granting of a special use permit, and a use variance has already been granted for residential use of the subject property. He reiterated that the special permit may not be granted if the area variance application is rejected.

Jim Stake, proprietor of Croton Creek Restaurant (4 West Cross Street), stated that he was concerned, not about having middle-income housing in Town, but that the location is dangerous. He described near-misses he has experienced, a past accident on Bridge Street and said Route 22 is also dangerous/there are no sidewalks. Mr. Stake felt that 602 Route 22 was not a safe site for any housing. He said he also has concerns about increased parking in the neighborhood. Stating that there are already not enough spaces for patrons of his restaurant, he added that all businesses in Croton Falls want and need more parking.

Dawn Christopher said she has a parking lot near the subject property and has observed people darting across Route 22 and rushing under the trestle to catch a train. She asked where any guests of the residents of 602 Route 22 would park, adding that she was concerned about people sneaking into her lot.

The Chairman called on Patty Hughes of 3 Harvey Road. Ms. Hughes stated that a lot of children get on a school bus on Route 22 at the corner of Warner Drive, so any more people and cars in the area would be a problem/the neighborhood is already too busy/there is too much traffic.

Dawn Curran commented that adding an apartment will add people, and that will not help the community. She said additional water will be needed, a septic system will be needed in a limited space, and the proposal includes 4 parking spaces in an already

dangerous/dense area. Ms. Curran stated that although it did not sound like a big project, she thought it would be better to fix up the property for a single-family residence.

Mary Molina of 624 Route 22 said the building she lives in has 6 cars in the driveway; there is enough room for those cars, but sometimes it seems dangerous for her children. She asked how the parking will be set up at 602 Route 22, which is a much smaller lot. Ms. Molina also asked if the accessory apartment is thought to be needed so the property-owner will be able to afford the mortgage. She said her 3400 sq. ft. house has 8 residents and asked for the size of the house at 602 Route 22.

Chairman Ivanhoe said the accessory apartment was being proposed for reasons of financing the renovations to the house and also to help augment the future owner's income. He asked Ms. Arnold to describe the proposed parking area.

Ms. Arnold indicated the 4-car parking area on a site plan, with side-by-side spaces.

The Chairman asked how the parking area will affect the house next-door on Bridge Street.

Ms. Arnold responded that there is a driveway and plenty of room.

The Chairman remarked that there is not so much room, and guests might block other people in.

Ms. Arnold said trucks used to park behind the house. She stated that an area variance is needed for the Code-required 4 spaces; sometimes ACE has limited 1-bedroom apartments to a single parking space, but the Town requires 2.

Ms. Hughes commented that she didn't see how the parking area would fit and she thought people blocked in would honk their horns, disturbing others.

Ms. Molina asked how many cars may park at 602 Route 22 at present, and the Building Inspector answered that it would be at least 2 cars.

Ms. Molina remarked that 2 additional spaces will have an impact on the area.

Jim Stake said he lives in a condominium where he is allowed 2 parking spaces, and people always need more places to park. He stated that when there was a fire in the restaurant building the Fire Department pumped water from the river to put it out, and he asked how emergency vehicles would access 602 Route 22 if 4 cars were parked behind the building.

Chairman Ivanhoe said he assumed fire trucks would park on the road and agreed that the whole area is pretty tight.

Ms. Curran commented that there is another little house next door to the subject property on Bridge Street that probably has 2 cars, and she expressed concern about there being as many as 6 cars using Bridge Street.

Liz O'Leary of 637 Route 22 commented that different Board members were present than were at the June meeting. She stated that no area variance would be needed if the applicants did not want a special permit for an accessory apartment. She noted that special permits are indefinite/run with the land, and there will also be a 50-year deed restriction on the property. For these reasons, she was opposed to the special permit because the affordable house with apartment will be there for many years no matter who owns it. Ms. O'Leary said the points made by the applicant were just those required for the application/were otherwise not informative. She said she thought it was important to consider that others are capable of improving the subject property as a single-family house, and the applicants are creating a self-imposed hardship because they need the apartment in order to secure financing. Ms. O'Leary remarked that there was a lot of negative feeling about the proposal and added that she would like to see a master plan developed for the hamlet.

Terry DePaoli commented that if as many as 8 people could live in the house with an apartment, there could be as many as 8 cars. She said the moderate-income building across the street from her home does not have enough parking/the residents are parking at Lakeland Lumber (currently vacant).

Mary Molina remarked that there is affordable housing in North Salem and asked if there is really a need for more.

The Chairman said he did not know, but the Board was only discussing the area variance and special permit applications.

Rose Noonan of the Housing Action Council stated there will be 3+ people in the single-family house and at least 1 person in the apartment.

Someone said there could be 2 people for each bedroom, coming to a total of 8.

Ms. Noonan said there are other limitations based on bedroom size/the building could not legally house 8 people.

Chairman Ivanhoe said the Board wanted to know what the actual maximum occupancy would be.

Mr. Thompson said he would need to check the bedroom sizes; the requirement is 80 sq. ft. for the first person in a bedroom and about 50 sq ft. for each additional person so there is no bedroom large enough for 3 people. He said he would look at the proposed floorplans.

Ms. Noonan stated that there were 2 issues at hand: an area variance for development coverage and a special permit for an apartment. She commented that the lot is non-conforming, and an increase from 42% to 49% coverage was not substantial. Regarding viable alternatives, ACE cannot secure sufficient funding for a single-family house, although they looked into that. She said the renovated house will be in keeping with the character of the neighborhood, adding that the Town had encouraged rehabilitation of the

derelict house and there were no takers but ACE. Ms. Noonan said ACE was not before the Board for a parking variance; they are aware of the existing parking issues in the hamlet, and they are requesting a development coverage variance for parking on the subject property. She stated that ACE, contract-vendees of the subject property, wants to proceed with the proposal, and they were invited by the Town to look at it. Funding has been approved, and if approved the house with apartment will count toward the 750 units that the County is obligated to provide under the housing desegregation settlement. She said she assumed Ms. Molina had been referring to Bridleside when she said there is already affordable housing in Town. Ms. Noonan said all the 1-bedroom units at Bridleside were leased much more quickly than the 2-bedroom units/there is a need for 1-bedroom apartments both locally and regionally.

Mr. Stake sought additional information about Bridleside, but Mr. Reilly pointed out that it was not a relevant inquiry.

Ms. O'Leary asked the Board to disregard the information about funding and the County requirements, because they have nothing to do with the application for a special permit for an accessory apartment. She stated that without an apartment there would be no need for a variance for parking, and she added that an increase from 25% permitted development coverage to 49% is large/the stated increase from 42% to 49% is not correct.

Chairman Ivanhoe closed the public hearing and said he would first ask for a motion on the area variance application.

Mr. Reilly pointed out that there are 2 area variances.

Peter Russell said he didn't understand what the second area variance would be.

Mr. Reilly said that in addition to development coverage, a variance is required for any parking within a required yard, and both are necessary if the special permit is to be approved.

Mr. Reilly said the motion should be either to grant or deny the application.

The Chairman asked for a resolution.

Mr. Reilly suggested the Board vote on the application, and then he will prepare a draft resolution for the August meeting. He stated that the Board has 60 days to make a determination, but he needed the Chairman to direct him as to which way the Board wants the resolution drafted.

Chairman Ivanhoe re-read the agenda description of BA14-17 for the area variance, correcting the size of the requested development coverage increase to 50% (from 25% per the agenda).

Mr. Reilly said the factors as set forth in the Statute should be articulated, and he offered to go through them. He stated that one is whether there is a viable alternative. The evidence presented by the applicants is that there is no alternative but to include an

accessory apartment due to criteria for funding eligibility. Others have said that it is not necessary for ACE to renovate the existing single-family house/someone else can do it. Another issue is self-created hardship, which this case is although that cannot be the Board's decision. Neither can the Board base its decision on community pressure alone. Another factor is if the variance is substantial. Mr. Reilly stated that it is because there is no parking permitted at all within a required yard, and the development coverage requested is nearly 100% more than permitted. He explained that the Board must decide if the significance of the variance is mitigated by the pre-existing non-conforming site. Mr. Reilly said the Board has to consider if the proposal would change the character of the neighborhood and public safety/parking/traffic should be considered as well as aesthetics. He said there was as potpourri of facts presented that the Board should address.

Chairman Ivanhoe explained that usually Mr. Reilly would read a draft resolution and then the Board would vote. In this case, because there have been so many findings, the Board will vote on the area variance application based on all the factors described by Mr. Reilly, and Mr. Reilly will take the time to draw up findings to include in the draft resolution, based on the outcome of the vote and a review of the minutes that contain the findings.

Mr. Reilly said the Board will show him what direction from which to write the resolution.

The Chairman called for a motion to vote on the area variance application.

**Motion by:** James Murphy  
**Seconded by:** Cynthia McKean

**Mr. O'Leary:** Nay  
**Ms. McKean:** Nay  
**Mr. Murphy:** Nay  
**Chairman:** Nay

**The area variance was denied.**

Mr. Reilly stated that he will prepare a draft resolution for the August 14 meeting.

Regarding BA14-13 (special permit application for an accessory apartment), Mr. Reilly stated that this is a permitted use by law, but it cannot be achieved without the denied area variance, so the application is moot.

Chairman Ivanhoe called for a motion to vote that the application was moot.

**Motion by:** James Murphy  
**Seconded by:** Cynthia McKean

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

***The special permit application was moot.***

*BA14-23 cont.*

Don Rossi stated he and his client, Richard Vosburgh, had spoken to Lynn Tyson during the break. He said the paddocks on the west side of the subject property behind the sheds were specifically constructed of an all-weather material purchased from Lawton Adams.

Janet Meisels said the material is footing removed from Old Salem Farm's ring and not all-weather material.

Mr. Rossi said that if these kinds of comments were going to be permitted, there would have to be an evidentiary hearing and cross-examination. He read from BA09-37 that none of the paddocks may have sand or be dusty; if they became dusty, the applicant would remedy that situation in a timely manner. Mr. Rossi said this indicated that the applicants never intended the paddocks to be grass pastureland. He added that the difference between paddocks and pastures is clearly distinguished on the 2009 plan.

Chairman Ivanhoe said they should distinguish the different areas again. He said he didn't think the area where grass is being regenerated is the area meant to be all-weather paddocks; that would be the smaller area in front of and between the run-in sheds which the Meisels wouldn't even see from their property.

Mrs. Meisels said such a small area is not a paddock.

The Chairman said he would describe it as a walk-out.

Mr. Rossi read the 2009 resolution section again.

Mr. Reilly said the resolution statement does not preclude having grass, but Mr. Rossi replied that it does not require grass.

The Building Inspector expressed his disappointment with Mr. Rossi's position. He said a statement that there be no sand and no dust means there should be grass.

Mr. Rossi maintained that the resolution only states that his clients may not have sand; they want to keep it as is and not be required to have grass in the paddock. He said his clients want to keep the paddocks with the materials they have now.

Mr. O'Leary asked what that is.

Mr. Rossi said it is an all-weather material that permits drainage.

Ms. McKean disagreed.

The Chairman said Mr. Rossi needed to clarify for the Board which part of the paddock is being discussed. He said that the area immediately around and in front of the sheds and

closed off by an electric fence is all-weather; beyond that it appears the applicants are attempting to re-grow grass. The Chairman also said he disapproves of this type of electric fencing, although it is sometimes employed.

Richard Vosburgh said the area is the way it has been laid out since he built it; he indicated the area directly behind and in front of the shed-rows as the paddock in which he said they have a special all-weather footing. It is fenced off primarily with wood fencing; the white fencing is temporary/used as needed to regenerate the grass area.

The Chairman said all-weather walk-out area paddocks are customarily permanently fenced (non-electrically), they are easily picked of manure/kept hay-free, and gates can be used for separation/regeneration of grass paddocks. He said this is what he would like to see and noted that this is the arrangement proposed for the new area on the other side of the subject property.

Mr. Rossi said there will be no manure allowed to accumulate and any dust or run-off will be remedied.

Chairman Ivanhoe said the plan is good and what the Board would like to see; what's there now is not what was intended or what the Board wanted or would have approved except temporarily. The Chairman stated that current conditions on the subject property were not approved by the Board; a barn was to be constructed. He said the Board accepted on good faith what was proposed to be temporary because Lynn Tyson needed to get her horses on the lot quickly.

Mr. Rossi said he did not acknowledge or concede that what went on at the 2009 meeting has any bearing on the Board's consideration now, he was presenting an application for a new special permit. He pointed to paddocks on the site plan, saying they are to be all-weather.

The Chairman said Mr. Rossi was incorrect; the all-weather paddocks are to be in the new barn area/the current all-weather paddock is to be returned to grass.

Mr. O'Leary said the overall fence area Mr. Rossi pointed to is way too big to be an all-weather paddock.

Mr. Rossi said that was their application, adding that it would be an inappropriate condition to require his clients to take up all the material there and convert it to grass. He said it is also unnecessary.

The Chairman pointed out there will be only one building there in the future, so there is no reason to have an all-weather surface there.

Ms. McKean said free-moving horses will go where the food is/not where structures are, for which reason she thought it was very important to move the hay away from the west side of the property. She said it should be planted in grass and the hay offered in the new area to the east.

Mr. Rossi said his clients do not want to do that, but Mr. O'Leary pointed out that they do want a special permit.

Mr. Rossi said they have a right to apply for a special permit and the Board only has the right to impose conditions if it can be shown/proven that conditions are warranted. He raised the subject of evidentiary proceedings again, and Mr. Reilly asked him to stop.

Mr. Rossi said no evidence of a run-off problem had been presented.

The Chairman stated that there exists a limited area where there are currently 2 run-in sheds and there is a type of all-weather footing there. He said the proposed plan should show the area that will include the remaining single run-in shed and the area to be considered all-weather paddock with special footing and which should be fenced-in so the rest of the paddock may be kept in grass.

Mr. Rossi objected, saying his clients' methods are a type of horse-farm management that may not be the same as what the Board is familiar with.

The Chairman said his point was best practice/not familiarity.

Mr. Rossi said the issue is whether or not the operation meets the conditions in the Zoning Ordinance properly and without adverse impacts.

Chairman Ivanhoe said the farm does have an adverse impact, both on the neighbors and on the land.

Ms. McKean agreed.

Mr. O'Leary added that certain habits are offensive to other people; restaurants may require that people wear shirts for this reason. The applicants' method of keeping their horses is unconventional, for which reason the burden is on them to do more if necessary to conform to best practice standards.

Mr. Rossi said the standards to be met are those in the Zoning Ordinance, not what someone may find offensive. To deny a special permit application or impose conditions, the Board must have a clear basis for doing so; not because a method is unconventional.

Mr. O'Leary commented that there had been a mountain of horse manure on the subject property that required a loader to remove it.

Mr. Rossi said the manure has been cleared.

Mr. O'Leary said it should never have been allowed to get that way.

Mr. Rossi said the Board could impose a condition about removal of manure. He remarked that at the beginning of the meeting, Board members had said how good the subject property looks.

Ms. McKean said it looked good by the road, but she had not seen the pictures submitted by Mr. Meisels and would not have been able to see that area from the road any way.

Mr. Rossi said there was nothing to prevent approval of a paddock area without grass if it has no adverse impact; and if there is no clear adverse impact, conditions may not be imposed on that aspect of the special permit.

Mr. Reilly said the Building Inspector's statement and photographs submitted are evidence of an adverse impact.

Mr. Rossi said his clients want to keep their horses the way they like to do it.

Chairman Ivanhoe said some management practices on the subject property were meant to be temporary, but they were never changed. He said the Board wants to be specific about removal of manure and dead hay. The Chairman said he also wants to see the hay mow moved. He said the Board would not ask that those paddocks be closed off for an entire season/the Board does not go that far. Regarding the area where one shed-row will remain, he did want to suggest that it be fenced off and have a gate (that can also be left open) so that it can be closed to let the area rest periodically in order to manage the land. It was the Chairman's understanding that in the newly-developed area there will be all-weather paddocks in a walk-out area and turn-out paddocks beyond. The Chairman said that if everyone was on the same page up to that point, he didn't see a problem.

Mr. Rossi said he was not agreeing that the area where the shed-row remains will be grass.

The Chairman and Ms. McKean both said they understood/accepted that that area will be all-weather.

Chairman Ivanhoe said he does not want all-weather paddocks on the property line.

Mr. O'Leary remarked that clearer representations on the site plan would be helpful.

Mr. Vosburgh asked if the Board was proposing that the all-weather paddock on the west side be fenced so that it does not go all the way to the property line. He said he needed to know where the fence is to go/how big the all-weather area should be.

Chairman Ivanhoe said it was important not to have dust too close to the property line, but Mr. Vosburgh should say how large an area he wants to have separated off.

Mr. Thomson said any dust-producing activity in an R-4 zoning district (including barns and manure storage) is supposed to be at least 150 ft. from any property line; he feels that if there is no grass, there is dust. He went on to say that the Board may relax the setback requirement to 75 ft.; if Mr. Vosburgh wants less of a setback than that, he will need to apply for a variance.

The Chairman thought a 75 ft. setback would be adequate.

The Building Inspector said 75 ft. was fine, but there should be a plan submitted to show where the different types of areas will be, so his department will have something to enforce.

Mr. Rossi said that was why his clients submitted a revised plan ahead of this meeting; now it sounded as though they would have to attend another meeting and his clients would have to incur the expense of involving an engineer again.

The Chairman didn't think they would need an engineer.

Mr. O'Leary agreed, but he said there should be a paper document that represents what is agreed to and becomes part of the file. He suggested someone scale it in on the presented site plan.

Mr. Rossi asked the Board (and the Meisels) what they thought of an area variance for a setback of less than 75 ft.

The Chairman pointed out that Mr. Vosburgh would need to submit an application for an area variance.

Mr. Rossi said he just wanted to know what the Board thought of the idea.

Mr. O'Leary said he was not in favor of a setback of less than 75 ft. at all, because there have been complaints and there is room enough near the new barn arrangement for a walk-out with an all-weather surface.

The Chairman said the applicants should look at the situation in the field before they commit to drawing something up.

Mr. O'Leary suggested Mr. Rossi's clients reconsider the horse-count if they don't want to make any changes.

Chairman Ivanhoe said that with the existing set-up, reducing the number of horses wouldn't change anything.

Ms. McKean asked why the two existing, 2-stall run-in sheds would be separated from each other and from the new arrangement with the barn. She said the horses would still be able to seek shelter when they need it if all the structures are together.

Mr. Vosburgh said it is a contingency plan/the structures will really just be used for run-in purposes/not as stables, and they also might be needed to separate horses.

Mrs. McKean said then why not fence in the western area as a nice little medical paddock, and draw that in on the plan as Mr. O'Leary suggested. She commented that it will be better for the land and the Board should see a plan.

Mr. Vosburgh asked to be told specifically what dimensions the Board needed and he will have the property re-mapped if necessary.

Mr. O'Leary asked the Chairman what kind of enclosure per horse he would recommend as a good practice.

The Chairman said it depended on whether the applicants want to have an individual walk-out and paddock for each horse, or have a 2-stall run-in to be shared by 2 horses. He said it would not be usual to have 2 together in a small area/one would want 8 ft. between, but the applicants' horses seem to get along so well it might be fine. He stated his preference to provide only guidance, leaving the applicants to provide a plan to enclose 2 areas they think will be large enough.

Mr. Vosburgh said that is what he wants; 2 separate 2-stall run-in sheds in areas with gates that can be kept separate or left open, depending what is needed.

Ms. McKean said it is a plan that really needs to be drawn so the Board will be able to see what the applicants want/intend to do.

Mr. O'Leary asked that the hay racks be addressed also.

Mr. Rossi said the hay mows are used to avoid putting bales of hay on the ground and being wasted or trampled. He added that given the reduced area, he would like to keep to the 100 ft. distance/not move them to the front of the sheds/adjacent to the driveway.

Ms. McKean said if just as much hay as the horses will eat is put into the hay mows, there won't be hay wasted.

Mr. Rossi said his clients run a different kind of operation, but Ms. McKean responded that feeding horses is all the same.

Mr. Rossi said his clients prefer to use the hay mows rather than put the hay on the ground.

Mrs. Meisels stated that Lynn Tyson puts huge bales in the hay mow, all 4 horses congregate there, and the hay goes all over the ground and mixes with manure. She said the manure has been removed to an area near her swimming pool.

The Chairman said this would not be allowed.

Mrs. Meisels commented that none of the best practice methods described are what Ms. Tyson uses. She added that nothing is done about flies either, and the horses have runny eyes.

Mr. Rossi reminded the Board that he had submitted a letter from a veterinarian attesting to the good health of the horses.

Admitting that he had let the situation get away from him this year, Mr. Vosburgh explained that when the manure was cleared out in the spring he had the matted hay spread, thinking this was the right thing to do. The Building Inspector told him this was not permitted if there was manure mixed into the hay and so he stopped the spreading.

The Chairman agreed, saying it should either be composted in a bin or taken away. He described a 2-bin composting method that he said produces good fertilizer quickly. He added that the compost bin should not be near a property line and suggested Mr. Vosburgh visit other farms for ideas.

Mr. Vosburgh was surprised to hear this, as he thought composting was not permitted. He asked the Board where he could put the hay mows, adding that he will move them to places 100 ft. from property lines.

Mr. Reilly asked that placement of the hay mows be indicated on the site plan, but Mr. Rossi said they are moved around.

Chairman Ivanhoe remarked that 2 or 3 smaller ones would be better than one large hay mow and they're easy to rotate.

Peter Meisels said he would ask that the hay mow be put on the side of the run-in shed that is nearer to Mr. Vosburgh's driveway/away from his property.

The Chairman said he thought keeping the racks 100 ft. from the property line would be adequate. He stated that the Board wants to see a new plan with fences, gates, etc. clearly indicated.

Mrs. Meisels asked how soon things will be changed. She commented that the present condition of the property with grass growing and no manure build-up is nice, and asked that it be maintained that way until the set-up is changed.

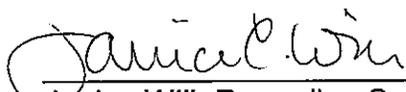
The Chairman said that would not be easy to enforce, and the Board needs to see a plan.

Mr. Reilly said the next meeting will be in only 3 weeks on August 14.

The Chairman offered Mr. Vosburgh some extra time to put together a plan if he needs it, but Mr. Reilly asked that it not be delivered the day of the meeting.

The meeting was adjourned at approximately 11:30 pm.

Respectfully submitted,

  
\_\_\_\_\_  
Janice Will, Recording Secretary