

**BOARD of APPEALS**  
**Public Hearing**  
**September 11, 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 September 11, 2014 Town of North Salem Zoning Board of Appeals meeting to order.*

The next meeting date was set for October 9, 2014.

The minutes of the August 21, 2014 meeting were unanimously approved.

**PUBLIC HEARINGS:**

**BA14-30** Barbara Sullivan (5 Park Lane) – **Area Variance** – To decrease the minimum side yard setback in an R-1/2 zoning district, per Article V Section 250-15. A setback variance of 12 ft. is requested (15 ft. required; 3 ft. proposed) for construction of an open pool pavilion.

Barbara Sullivan addressed the Board, saying she has an in-ground pool and there used to be some trees that provided shade from the sun. She explained that the trees had to be removed, so she would like to have a 6 ft. x 16 ft. pavilion where she will sit to keep an eye on her grandchildren in the pool and where they can also sit in the shade when they are not swimming. Ms. Sullivan showed the Board a photograph of the pavilion in a manufacturer's brochure.

Chairman Ivanhoe asked if there will be any lights in/on the pavilion.

Ms. Sullivan replied that there will be a light inside on the ceiling.

The Chairman said the light must not be visible at its source, and then commented that if it is up inside the pavilion on the ceiling and does not hang down much, it will almost certainly not be seen.

Gerald Reilly suggested that Ms. Sullivan tell her contractor to make sure the light is installed so that it will not show.

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

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

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

**Area variance granted, as requested.**

*The Board heard/discussed the next 2 applications together*

**BA14-31** Sandra Holden and Andrew Rosenberg (13 Starr Ridge Road) – **Special Permit** – For the keeping of up to 16 horses and maintenance of a commercial boarding operation, per Article XIII Section 250-72, including construction of a 16-stall barn with one employee dwelling unit, expansion of an existing indoor riding arena, and installation of a dumpster pad and paddock fencing.

**BA14-32** Sandra Holden and Andrew Rosenberg (13 Starr Ridge Road) – **Area Variance** – For the boarding operation with related construction described in BA14-30, the following variances are requested per Article V Section 250-15 and Article XIII Section 250-72:

- Decrease the minimum lot size for a commercial horse-boarding operation from 10 acres required to 9.90 acres existing.
- Decrease the minimum lot size for one employee dwelling unit from 14 acres required to 9.90 acres existing.
- Decrease the minimum combined side yard setback from 75 ft./200 ft. required to 4 ft./133 ft. proposed.
- Increase the maximum building coverage from 5% permitted to 6.25% proposed, a variance of 1.25%
- Increase the maximum development coverage from 10% permitted to 13.56% proposed, a variance of 3.56%.

Sandra Holden and Brian Hildenbrand of Kellard-Sessions Consulting were present.

Mr. Hildenbrand displayed a site plan of existing conditions on the subject property, pointing out the single-family residence, pool, barn, paddocks, riding ring and a chicken coop that is very close to the southerly side property line. He stated that the adjoining property on that side is a nursery (Triple E).

Mr. Hildenbrand next displayed a proposed site plan, commenting that all the activity will be on the upper two-thirds of the property. He indicated a new barn, an expanded indoor riding arena and a manure dumpster. He said a small existing barn will be converted to be used for equipment storage and as a workshop. Mr. Hildenbrand pointed out the location of a new 16-stall barn with grooms' quarters and hay storage and explained that the indoor arena will be lengthened by approximately 67 ft. He stated that there is an existing suitable concrete slab at the rear of the property that will be used for the manure dumpster and the dumpster will meet the minimum setback requirement of 75 ft.

Chairman Ivanhoe asked if there are to be any additional paddocks, and Mr. Hildenbrand responded that one to the east will have to be reconfigured due to the expansion of the indoor riding ring, but all the others will be left as as/none will be added.

The Chairman asked what is planned for the rear of the property.

Sandra Holden said it will just be used as pasture; the existing outdoor ring will be removed/all activity will take place in the expanded indoor arena.

Chairman Ivanhoe asked how the rear area will be divided up with fencing.

Ms. Holden said all the fencing will be kept exactly as it is except for the shift in one area to accommodate enlargement of the indoor ring.

Cynthia McKean asked if the fenced area with the chicken coop will be used as a paddock.

Ms. Holden said she does not think it will be needed, and she intends to keep the chickens and 3 peacocks left to her by the former property-owner.

The Chairman asked if the chickens provide eggs.

Ms. Holden said they do, and she added that one of the peacocks is nesting.

Chairman Ivanhoe asked if there is also a rooster, and Ms. Holden said there is.

James Murphy asked how many employees will be needed to care for 16 horses.

Ms. Holden said she thinks 2 people will be needed. She explained that at first there will just be her own 6 horses for whom she has hired a groom; when there are more horses, she will hire another person.

Mr. Murphy asked if the grooms will come with their families.

Ms. Holden said they don't usually, but her groom will be bringing his wife.

Mr. Murphy said it seemed that there could potentially be 2 families living there, in addition to Ms. Holden and her family.

Ms. Holden said grooms are usually single men, and not all grooms need to live on-site. She noted that the groom's quarters to be built in the new barn will be a 2-bedroom apartment.

The Chairman commented that a groom with a wife and/or family is likely to stay with a farm longer than single grooms usually do.

Ms. Holden said that is what she hopes for; she would love to see her groom have children.

Mr. Murphy asked how many people could eventually live on the farm, and he wondered where 2 families would live if there is to be a 2-bedroom apartment.

Ms. Holden said she will probably hire a single person to be the second groom, and that groom will not need to live on the farm.

Mr. Murphy asked if there is a small existing manure dumpster where she plans to have her dumpster.

Ms. Holden said there is no dumpster at present; the pad is very large and could accommodate a 40-yd. dumpster, although she only intends to have a 16 yd. dumpster that will probably be changed out every 2 weeks. She described the dropped configuration of the concrete pad, adding that the approach is already black-topped.

Noting that the property slopes upward at the rear, Mr. Murphy expressed concern about the existing farm roads' ability to handle the bigger trucks/equipment that would be expected for a 16-horse farm.

Ms. Holden said she will not have tractor trailers coming onto the property, as it would have been necessary to alter the drives to accommodate them. She explained that it will be more expensive to use smaller trucks for hay delivery, but it is worth it to her.

Richard O'Leary asked about the entry gate at the front of the property. He pointed out that there is a neighbor on either side; if vehicles have to wait to be let in, they will be waiting right in between those 2 lots.

Ms. Holden said that when someone rings at the gate, a loud alarm sounds in every area of the subject property; no one will wait more than a few minutes. She added that there are also intercoms in every room of the house and also in the indoor riding ring and the barn; one need only push a button to open the gate.

Chairman Ivanhoe asked if Ms. Holden intends to use the gate as it is now.

Ms. Holden said it is part of a thorough security system for the completely-fenced property and she will use it.

The Chairman wondered if the alarm is loud enough to bother the neighbors.

A neighbor said she can hear the alarm sometimes.

Ms. Holden offered to see if the alarm volume can be turned down, and she added that the gate can also be set to open automatically when someone is expected. She said there will always be someone on the property.

The Chairman suggested using the auto-entry feature during the day and then closing the gate at night. If a horse is being brought in or someone is coming to ride in the evening, Ms. Holden will know in advance and can turn off the alarm then also.

Ms. Holden said she would be happy to do that.

Ms. McKean asked if Ms. Holden and her family will live on the subject property.

Ms. Holden said they will, but not immediately, as they need to sell their house in Pleasantville. She added that a groom and trainer will live on the subject property now, and she will be there every day from 8 am to 4:30 pm.

Chairman Ivanhoe asked if Ms. Holden is campaigning her horses.

Ms. Holden replied that she is; 3 are going to a championship event in Texas soon and one is going to a regional championship in Saugerties. She added that the 3 are "eventing" and the other horse will be competing in dressage.

The Chairman asked if Ms. Holden intends to have an event barn.

Ms. Holden said her preference is for dressage/she hopes to use the farm for that exclusively in the future.

Mary Cooper of 3 Lakeside Drive in Bloomerside was present with 2 other Bloomerside residents; Julia D'Arcy (67 Cove Road) and Linda Kavanaugh (61 Lakeside Drive). Ms. Cooper explained that the Peach Lake Environmental Coalition asked her to inquire about the dumpster, and she asked how often the manure dumpster will be emptied and who checks to see that it is emptied on time and does not leak.

The Chairman commented that Ms. Holden had said the dumpster will be exchanged every 2 weeks and added that they do not usually leak. He said that the dumpster will be on a sloped concrete pad; if anything were to leak out of the container it would probably remain on the pad and dry. He stated that the farm will be inspected by the Building Inspector once a year; it is a fire safety inspection, but the Inspector would also note anything irregular.

Ms. Holden invited Ms. Cooper and the others to come to the farm any time to check on the dumpster.

Chairman Ivanhoe said the Board will ask that fly predators be used.

Ms. Holden said she already uses fly predators.

The Chairman asked if the paddocks are picked out daily, and Ms. Holden said they are.

The Chairman remarked that use of natural fly-predators and daily paddock-picking are good practices, adding that a large paddock is near the property line shared with Bloomerside.

Ms. Cooper asked if there is an annual inspection report.

Mr. Reilly said if there is a complaint, the Building Inspector will go out to check on things.

Ms. Holden again invited the Bloomerside neighbors to come over to her farm any time.

Ms. Kavanaugh asked if the Environmental Coalition could obtain a copy of the inspection report.

Bruce Thompson, the Building Inspector, said all reports generated by his department are available to the public, and he invited Ms. Kavanaugh to call the office.

Ms. Kavanaugh commented that there are numerous horse farms in the area, and she lives downhill from 13 Starr Ridge Road.

Ms. Holden said there is one paddock on the rear hill. She indicated other, flat areas and pointed out that the land slopes downward toward the house.

Ms. Kavanaugh remarked that there would not be much on the area that slopes downward toward Bloomerside/most of the lot looks flat.

Mr. Murphy asked if Ms. Holden would consider inviting the ladies from Bloomerside to tour the property, and she said she would be happy to do so, adding that she will be away from September 17 until October 1.

Chairman Ivanhoe recommended contacting the Watershed Agricultural Council, noting that they are funded by the DEP. He explained that they monitor and help farms to improve and/or correct conditions; their mission is to protect the New York City watershed. After evaluating a farm, they make suggestions and even grant money to pay for recommended changes.

Ms. Cooper asked how many horses per acre the Town permits.

The Chairman explained that the Code recommends 2 acres for the first horse, and one acre per horse after that, but it is merely a guideline; other factors considered are the type of operation proposed and how much land is available for pastures.

Ms. Cooper commented that 16 horses on 10 acres is a lot.

Chairman Ivanhoe said the Board considers the turn-out plan in addition to the size of the property, explaining that horses kept for breeding are turned out to graze a lot whereas horses that work get most of their exercise from work/don't get most of their sustenance from pasture-grazing and are turned out for much shorter periods.

Ms. Holden stated that she lives next to Beech Hill Farm where 70 horses are kept on 3 acres, and the horses aren't turned out at all. She explained that there are 5 big paddocks on the subject property which is more than enough room to turn out 16 horses 3 times a day. She said another example of low acreage/high number of horses is CB Walker farm where there are 50 horses and just 9 paddocks and 4 medical paddocks. The horses are turned out for 1 and a half hours a day. Ms. Holden said her own horses will go out in shifts of 4 hours each, but some people will not want their horses turned out at all or only for an hour or so. She added that she will not offer all-day turn out at all, as she plans to have a show barn; owners of hunters will be told that hers is not the right farm for them. Show horses are exercised by their owners every day.

Mary Ann Castellano of 4 Starr Ridge Road said Triple E Nursery has a great deal of truck/trailer traffic all day long, and she asked how many horse trailers Ms. Holden anticipates will be coming to her farm.

Ms. Holden said she will not offer trailer storage, although she has 2 trailers of her own (2-horse and 3-horse). Horses show in the summer months and not in the winter, so there will be some summer trailer traffic, although not all boarders will be show horses. Ms. Holden added that there will only be 10 horses in addition to her own 6. She stated that dressage riders would be trailering for 4 summer shows, and eventers like herself would be travelling every other weekend in the summer.

Ms. Kavanaugh asked if boarders will use smaller, individual horse-carriers.

Ms. Holden said they will use bumper-pulls like her smaller one/she will not allow tractor-trailers on the property.

Ms. Castellano said she was concerned because the road is both narrow and predominantly residential in use.

The Chairman remarked that the horse farm will generate much less truck traffic than the nursery does.

Nora Bisignano of 17 Starr Ridge Road wondered why the nursery trucks are allowed to come in the middle of the night.

Ms. Holden said there will be no late-night horse-trailer activity; the barn hours will be 8 am to 4:30 pm.

Ms. Bisignano asked if the existing well on the subject property will be sufficient for the grooms apartment, etc.

Ms. Holden said there are 2 wells, and the inspector she used before purchasing the property said the water-flow was extraordinary; the inspector rated everything on the property A-Plus, which was exceptional.

Julia D'Arcy asked if the subject property is zoned for commercial use.

Chairman Ivanhoe said it is not; while it has been described as a commercial horse-boarding operation, what is proposed will actually be a farm. He explained that New York State notes a difference between boarding stables and farms where only the owners horses are kept, but there will be no horses for hire/the farm will not be open to the general public. The Chairman remarked that it will be an agricultural operation and not as commercial as it may sound. He noted that the State requires only 7 acres for a commercial boarding operation, whereas the Town requires 10.

Robert Herzberg of 11 Starr Ridge Road stated that Rob Murphy (former owner of the subject property) did everything in a top-notch way/always exceeding requirements and was a good neighbor. He said he had been concerned about use of the lower part of the subject property because there was a water issue in the past, but he was not worried any longer. He said that although the gate alarm is very loud, he does not mind it. Mr. Herzberg said he would not like his driveway blocked but also noted that vehicles waiting to enter the subject property would be beyond/above his driveway cut, and the shared drive is owned by 13 Starr Ridge Road.

The Chairman stated that there will be a condition in the resolution that the gate will be on auto-open between 8 am and 4:30 pm and then locked.

Mr. Reilly asked where vehicles wait to get in at 13 Starr Ridge Road.

Mr. Herzberg explained that the gate is much farther up the drive than his access area, and the Murphys had never caused him any problems.

Ms. Holden said she hopes to follow in the Murphys' footsteps/she doesn't want to cause any problems for anyone. She stated that if something comes up, she will see that it is addressed/fixed.

The Chairman said horse people are usually good neighbors.

Mr. Herzberg asked about the 4 ft. setback on one side of the subject property described in the agenda.

Mr. Thompson said the existing chicken coop has a 4 ft. setback.

Mr. O'Leary commented that the proposed barn does not appear to be aligned with the topography or the existing outdoor arena, and he wondered why.

Mr. Hildenbrand said it is aligned with the indoor ring instead, for aesthetic reasons.

Chairman Ivanhoe asked if a lot of site work will be needed as a result.

Ms. Holden said Lawton Adams informed her that the only grading work needed will be construction of 2 retaining walls for the riding ring addition; the barn will not require anything/its site is level.

Ms. Cooper asked if Ms. Holden intends to use the skeet-shooting area on the subject property; she said she does not.

Someone asked about the pond on the property.

Ms. Holden said it will not be changed/there will be no changes to the front of the property at all; the only changes anywhere will be the new barn and the addition to the indoor ring. She went on to say that the pond must be maintained because it was put in as part of a wetlands permit. She said the Murphys paid the pond maintenance agreement through the end of the year/she will continue with it, and there are koi in the pond.

Mr. O'Leary asked about a tree house on the property.

Ms. Holden said she has 3 children who will enjoy playing in it.

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

Mr. Reilly said the Board should vote on the variance first, as the special permit could not be granted without it. He read a draft resolution, including findings that the State requires only 7 acres for a commercial horse-boarding operation, and the 4 ft. side yard setback requested is for an existing chicken coop.

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

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

**Area variance granted, as requested.**

Next Mr. Reilly read a draft resolution of the special permit, noting that an existing concrete pad is to be used for the manure dumpster, the property is large enough for the type of boarding operation described, and the entry gate will be set to open automatically between 8 am and 4:30 pm.

Ms. McKean noted that the indoor arena has open sides and asked if the Board should have a condition about lighting.

Ms. Holden said she will be putting sides on the arena, and the barn will be in front of it.

Chairman Ivanhoe asked if Ms. Holden anticipates a lot of night-riding in the arena during the winter months.

Ms. Holden said it would only be used by her at night, as the barn will close at 4:30.

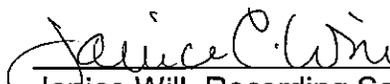
**Motion by:** Cynthia McKean  
**Seconded by:** Richard O'Leary

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

**Special permit granted, with specific condition per discussion and agreement.**

All the agenda items having been heard, the meeting was adjourned at approximately 8:30 pm.

Respectfully submitted,

  
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Janice Will, Recording Secretary