

BOARD of APPEALS
Public Hearing
March 12, 2015
7:30 p.m., The Annex

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

MEMBERS ABSENT: James Murphy
Lisa Douglas

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

Chairman Brian Ivanhoe called the March 12, 2015 Town of North Salem Zoning Board of Appeals meeting to order.

The minutes of the February 12, 2015 meeting were unanimously approved.

The next meeting date was set for April 9, 2015.

HEARING HELD OVER:

BA14-34 Marian Zakerin (6 Lakeside Drive) – **Area Variance** - For demolition of a non-conforming single-family dwelling and construction of a new 2-story residence in an R-1 zoning district, per Article V Section 250-15 and Article XIV Section 250-79 (A) (because the non-conforming lot is subject to R-1/2 bulk requirements). The following variances are requested:

- Decrease the minimum combined side yard setback from 40 ft. required to 32 ft. proposed.
- Decrease the minimum rear yard setback from 35 ft. required to 16 ft. proposed.
- Increase the maximum building coverage from 10% permitted to 15% proposed.
- Increase the maximum development coverage from 25% permitted to 42% proposed.
- Increase the maximum F.A.R. from .20 permitted to .33 proposed.

The applicant asked to be held over to the April hearing.

PUBLIC HEARINGS:

BA15-03 Ralph Schlosstein/Jane Hartley (15 Turkey Hill Road) – **Special Permit** – For the keeping of up to 16 horses and maintenance of a commercial boarding operation, including 4 as-built 2-stall pre-fab barn units, per Article XIII Section 250-72.

Frank Veith, attorney for the applicants was present.

Chairman Ivanhoe stated that he appreciated the completeness of the application and found the background story provided by Lainie Wimberly particularly informative.

Mr. Veith said that as stated in the application, when his clients purchased the subject property in 2004, Ms. Wimberly had her business with the previous owner, and she stayed on as a personal trainer for the Schlossteins/their horses. The applicants had a personal special permit for 15 horses for 10 years which expired in November of 2014. Mr. Veith explained that his clients no longer keep horses of their own on the property, and the new application is for a commercial boarding operation run by Ms. Wimberly.

Mr. O'Leary noted that the previous special permit had expired in November 2014, but Mr. Veith said there have been no horses on the subject property since November/they won't be brought back until late April.

The Chairman remarked that the horse operation is moved to Florida for the winter months, and he asked how the one additional horse will be accommodated.

Mr. Veith replied that the Schlosstein barn has always had 16 stalls.

Referring to the Statement of Use, Mr. O'Leary read that manure will be removed monthly, but another part of the application states that it is removed more often.

Mr. Veith responded that it will be removed more often than once a month.

Mr. O'Leary asked if the resolution will contain a condition that fly-predators must be employed on the farm.

Chairman Ivanhoe said fly-predators are strongly encouraged/it is a better practice than using chemicals. He added that use of fly-predators is more and more effective as more contiguous farms use them, noting that they are used by the property next door to the Schlossteins'.

Mr. Veith said he will relay this information to his clients, adding that they may already employ fly-predators.

The Chairman commented that there is plenty of paddock space and also adequate parking. He added that he did not think the Board needed to include a specific condition about manure removal.

Mr. Thompson reminded the Chairman that it is always a stipulation that someone must live on the subject property full-time when there is a commercial boarding operation, and in this case Mr. Schlosstein has a caretaker who resides on his property.

Mr. Veith provided the names of the caretaker and his wife and 2 telephone numbers to the secretary.

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

Mr. Reilly read a draft resolution including conditions that fly-predator is to be employed and someone must reside on the subject property full-time during the months when horses are kept there.

Regarding the 2-stall units, the Building Inspector said any structure used as housing for horses must be included in the alarm system.

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

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

Special permit granted, as requested.

BA15-04 Hilltop Stables LLC (39 Hilltop Drive) – **Special Permit** – To amend special permit BA14-20 (keeping of up to 5 horses for personal use) to include 10 additional horses (15 total) and erection of a clearspan structure with at least 10 stalls in an existing riding ring, per Article XIII, Section 250-72.

Don Rossi, attorney for the applicant, addressed the Board. He explained that the application seeks the keeping of 10 horses from the farm at 741 Titicus Road (*related to owner of 39 Hilltop Drive*) while a new barn is constructed there.

Mr. Rossi stated that a temporary structure used to house these 10 horses will be well below-grade within the existing riding arena in terms of visibility from neighboring properties on Hilltop Drive. He noted that the application requests 10 additional horses and the temporary structure for 2 years, but he anticipates that less time will actually be needed. He said the request is for the temporary conditions to expire in 2 years' time or 60 days after issuance of a Certificate of Occupancy for the new barn, whichever is sooner.

Chairman Ivanhoe asked if the temporary structure will be removed when the 10 horses are returned to 741 Titicus Road, and Mr. Rossi replied that it will.

The Chairman wondered if the amended special permit will expire in 2 years.

Mr. Rossi thought not, saying the resolution just needs a condition included which states that the 10 additional horses and the temporary structure may only be on the subject for a maximum of 2 years.

Ms. McKean asked about provision of water and electricity, noting that the riding ring is a long way downhill from existing water/power sources. She also asked, given how snowy and cold this winter has been, how the horses will be managed in the temporary structure.

Chairman Ivanhoe stated that all the horses are moved south in the winter.

Mr. Thompson remarked that the clearspan structure will remain while the horses are gone for the winter so they may be moved back into it when they are brought back from Florida.

Ms McKean asked about water and electricity again.

Mr. Rossi was not sure a water line has been put in.

Mr. Thompson said he thinks there is water for a sprinkler system for the ring already, adding that the applicant can be relied upon to provide properly-installed power if needed.

Mr. Rossi added that there are roll-down soft sides that may be employed on the clearspan structure if necessary.

Chairman Ivanhoe asked if a generator will be used for power, but Mr. Rossi said he didn't think so.

Mr. O'Leary commented that it seemed as though the temporary structure would glow if lit at night.

Ms. McKean asked if it could be seen from uphill, but the Chairman and Mr. Rossi did not think so.

Mr. Reilly stated that the Board could stipulate that there be no lights on at night.

The Chairman thought it might be better to state that there may be no lights on after 9 pm except as needed for safety.

Mr. Rossi was amenable to inclusion of the usual conditions about lighting, i.e. lights not visible at their sources, shaded and aimed downward.

Mr. O'Leary commented that the drawing of the temporary structure shows 16 stalls.

Mr. Rossi explained that it is a standard rendering, but there will be only 10 to 12, which would allow 2 to be used for storage or tack.

The Chairman agreed that 2 additional stalls would be necessary for those other purposes. He asked if the applicant uses the former Pinto barn, and Mr. Rossi said it is used for the 5 horses permanently kept on the property.

Chairman Ivanhoe asked if the existing manure storage will be adequate.

Mr. Rossi said a bigger container will be employed on the same slab as the existing one.

The Chairman asked that the container be picked up on a weekday morning, and Mr. Rossi agreed to his request.

Mr. Reilly asked if the Chairman wanted to specify how often the dumpster must be exchanged.

Chairman Ivanhoe said he would not, because the pick-up schedule will be determined by the size of the dumpster.

Mr. O'Leary asked if all the usual conditions of special permits will apply to the temporary structure.

The Chairman said they will, including fly-predators and an alarm for the clearspan structure.

Mr. Thompson stated that all the barns at 741 Titicus and 39 Hilltop Drive have alarms.

Mr. O'Leary remarked that the plan seems sufficiently defined and limited, and the requested time-frame is short.

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

Mr. Reilly read a draft resolution, including conditions that the temporary arrangement will expire 2 months after issuance of a Certificate of Occupancy for the new barn at 741 Titicus Road or in 2 years, whichever is sooner; manure dumpsters will be picked up on weekday mornings; fly predators are to be employed in the clearspan structure; and there may only be up to 10 additional horses kept.

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

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

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

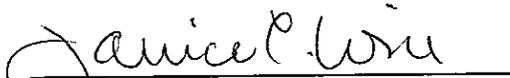
Regarding the held-over application, BA14-34, Gerald Reilly stated that, given that this item has been on the agenda for 5 months, the applicant should be informed that it will be necessary at the very least to re-send the Notice to Property-Owners at such time as she is ready to present her application at a ZBA hearing.

Mr. Thompson said the application may even need to be changed/re-submitted as well once the Bloomerside Co-op weighs in and wetlands issues are considered.

The secretary will send a letter to the applicant stating that her application is being removed from the ZBA agenda and re-notification of property-owners must be mailed within the time period required by the Town Code before the Board of Appeals hearing at which BA14-34 will actually be presented for the Board's consideration.

The meeting was adjourned at approximately 8:05 pm.

Respectfully submitted,



Janice Will, Recording Secretary