

BOARD of APPEALS
Public Hearing
April 9, 2015
7:30 p.m., The Annex

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

MEMBER ABSENT: James Murphy

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

Chairman Brian Ivanhoe called the April 9, 2015 Town of North Salem Zoning Board of Appeals meeting to order.

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

The next meeting date was set for May 14, 2015.

PUBLIC HEARINGS:

BA15-05 Mary White (24 Norton Lane) – **Special Permit** – For interior alterations to an existing 2-story accessory building to create one 2-bedroom and one 1-bedroom accessory apartment, per Article XIII Section 250-68.

Anik Pearson, architect, was present for the applicant. Ms. Pearson described the subject property as large (22.55 acres) with a main residence and accessory structures. She said her client wishes to re-convert an existing carriage house to 2 apartments; one for a caretaker and the other for visiting family members and/or guests. Previously there was one 3-bedroom apartment that had been converted to office space.)

Chairman Ivanhoe noted that the property is large enough to permit a second accessory apartment, and the parking area seems adequate. He asked if the first floor garage will remain in the carriage house.

Ms. Pearson said the garage bays will be eliminated for creation of the first floor apartment.

Richard O'Leary asked if any exterior changes are proposed.

Ms. Pearson explained that the only change will be removal of the garage door/installation of windows; there will be no change to the footprint of the building.

The Chairman asked if the caretaker is in residence full-time, and Ms. Pearson replied that he is.

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

Mr. Reilly read a draft resolution.

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

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

Area variance granted, as requested.

Chairman Ivanhoe stated that Dr. White's property is beautifully maintained and the restoration work done has been of a high quality, having a very positive effect on the neighborhood.

BA15-06 Bellawinny Trust (17 Baxter Road) – **Area Variance** – For the installation of 2 standby generators and construction of a service gate with light-topped support pillars, per Article V Section 250-15 and Article VI Section 250-22. A front yard setback variance of 68 ft. (75 ft. required; 7 ft. proposed) and a front yard height variance of 3 ft. (4 ft. permitted; 7 ft. proposed) are requested.

BA15-07 Bellawinny Trust (17 Baxter Road) – **Special Permit** – For the keeping of up to 10 horses, per Article XIII Section 250-72.

After reading the two agenda items, the Chairman stated that the Board would discuss the variance application first.

Dan Holt (engineer), Shelly Ferrall (employee of the applicant), Keith Gerety (contractor), and Quashie Frattalone (electrician) were present to answer questions.

Mr. Holt displayed a site plan, noting the structures present.

The Chairman commented that all the Board members have been to the subject property at one time or another.

Mr. Holt said there are 2 generators on the property; one for the cottage and one for the main residence. The owner decided after the variance application was submitted that she does not want to move the main house generator; the other generator is mainly to run the new water system on the property.

Mr. Holt stated that there are also plans to construct a fence and service gate. He commented that a lot is being done at one time to get the house ready, install the new water system, and deal with the ag barn/clean up the site. Mr. Holt said it was his understanding that the gate piers are no longer proposed to have lights on top of them as shown in the application.

The Chairman remarked that the proposed gate looks appropriate/nice, adding that there are other ways to light the entranceway. He asked that only a small key pad be installed for operating the gate.

Mr. Holt said a small key pad will be put in. He added that there will be a flat platform right near the gate so there will be room for trucks to get off the road and wait for the gate to be opened.

Chairman Ivanhoe asked if the main gate will be electric also.

Ms. Ferrall said it is to be returned to electric operation and already has a small call box, although it needs to be raised up so it can be reached from a car. She said there will be no other change to the existing main gate.

The Chairman asked about the generators.

Mr. Holt said that if the Board did not like the proposed site for the re-located generator, he could put it somewhere else.

Chairman Ivanhoe thought locating the generator close behind the stone wall as proposed would be good for sound-deadening. He asked that the weekly test be run mid-week at midday.

Ms. McKean asked if additional propane tanks are to be installed.

Mr. Holt answered that one tank will be installed well outside the setbacks.

Mr. Reilly asked for confirmation that the 68 ft. setback variance requested is now for just one generator, and Mr. Holt said it is.

Chairman Ivanhoe asked to be shown where the existing generator that will not be moved is located, and Mr. Holt indicated an area near the garage.

Mr. O'Leary noted that the site plan includes a proposed propane tank that is within the front yard setback.

Mr. Holt explained that the tank is to be moved farther back/outside the setback for easier truck access.

Chairman Ivanhoe stated that he wanted to discuss an existing ag building (barn) in a field south and west of the house. He read a letter from Steven Rattner (806 Peach Lake Road and 706 Titicus Road), in which Mr. Rattner stated his support for the Special Permit application and also his concern that the new barn (constructed by the previous owner of the property) had previously been used for purposes other than agricultural and should be painted and landscaped to fit in better with the character of the neighborhood.

The Chairman commented that there was initially a mixed use of the building, and he noted that the applicant is aware of the deficiency of its appearance. He asked if there has been any discussion of painting the buildings on the farm (all currently white). Chairman Ivanhoe said that while the group of residential buildings looks nice, the white barn in the field sticks out visually.

Ms. Ferrall said she and her client were looking over the property, and there was agreement that something should be done about how the barn looks. She stated that her client would like to implement some landscaping around the barn and possibly have it painted, and it was also noted that the driveway is eroding/needs work.

The Chairman agreed that landscaping would help to soften the look of the barn, adding that he felt sure the former owners would have done something had they retained the property. He said it was his understanding from talking to the Building Inspector that the applicant is clear about what needs to be done re the erosion issues, and he added that there is also some wet meadow.

Mr. Holt said the situation will be resolved.

Chairman Ivanhoe said there will be a statement in the special permit resolution to the effect that conditions will be resolved to the satisfaction of the Building Inspector. He commented that landscaping the barn will be tricky, because it is in the middle of what was a hayfield/the aim should not be to make it look suburban. The Chairman suggested looking around town for ideas, adding that buffering of the wet meadow side of the barn should be planted to look like natural hardwood growth, and something more like the landscaping at the house would look good closer to the barn. Finally, he said he would not ask the applicant's representatives to return to the ZBA with landscaping plans; he would take them at their word that they will improve the appearance of the barn in the field, but he would like to see their plan when they have one.

Ms. Ferrall said both a landscape architect and a wetlands specialist will be working on the project, and a cover crop is to be planted. She stated that she will provide a landscaping plan when she has one.

The Chairman asked Ms. Ferrall to submit the plan to the Building Inspector.

Mr. Reilly said the Building Inspector will share the landscaping plan with Chairman Ivanhoe, and all the landscaping and stormwater management plans must be to the Building Inspector's satisfaction.

Mr. Holt said the wetlands consultant, Paul Jaehnig, will also meet with the DEC to make sure materials to be used are appropriate. Mr. Holt added that a lot of the driveway will be relocated and more green cover will be employed around the barn, both of which will help with erosion control as will construction of some walls.

The Chairman asked if there are any plans for hardscaping at the rear to deal with the hill, and Mr. Holt replied that there are.

Chairman Ivanhoe said Mr. Jaehnig is very good and has done a lot of work for Mr. Rattner, adding that a landscape architect who can visualize what a natural outgrowth of a wet meadow would look like will be very helpful.

The Chairman said the Board would discuss the special permit application and open the floor up to members of the public at this time.

Shelley Ferrall stated that no changes/construction are proposed for the farm; a larger manure dumpster may be needed, but it will be in the same location as the Rosen's dumpster. She added that the farm will be for private use only.

The Chairman suggested that a 20-yard box will probably be needed.

Ms. Ferrall said her employer has 3 rescued ponies, 2 other rescued horses and one that she trail-rides, and she may wish to rescue more. The application is for a maximum of 10 horses, and the intention is to keep things private.

Chairman Ivanhoe said the condition of the existing fencing should be checked/it looks like some needs to be repaired. He noted that the subject property is a key access point for trail-riders and asked if it will be kept open for riders.

Ms. Ferrall said she met with Charlotte Harris of the Bridle Trails Association, and her employer intends to leave the trail open. Ms. Ferrall said one trail that runs between the paddocks will be closed, and Ms. Harris offered to provide a sign directing riders to the open trail/away from the closed one.

The Chairman remarked that the owner could just close the fence line at that point and have a gate at the other end so her own horses could be turned out to graze.

The Chairman called on Jim Davis, architect, who was present with Richard Swanson, owner of 11 Baxter Road.

Mr. Davis said the road is not the property line; the stone wall in front of the subject property is, and the road is shared Mr. Swanson and the applicant. Mr. Davis said he and

Mr. Swanson were concerned about where the gates are going to be put in and also about the larger trucks necessary to handle larger manure containers. Mr. Davis said the road is narrow and trucks have knocked down fencing and driven onto the grass in the past, so he wanted to know more about the proposed gate and also the generator.

Mr. Holt displayed the site plan showing the proposed service gate at the opposite end of the subject property from Mr. Swanson's.

Mr. Davis said he was no longer concerned about the gate and asked to be shown where the generator is to be located.

Mr. Holt pointed out the generator.

Mr. Davis said the proposed location would be very close to Mr. Swanson's property and asked if it couldn't be moved away.

Mr. Holt offered to move the generator farther back on the property.

Mr. Davis said Mr. Swanson would appreciate it if the generator is moved back. He went on to say that there has been a problem in the past with trucks moving even small dumpsters in and out of the subject property due to the very small north driveway, and they have driven onto the grass on Mr. Swanson's property.

Mr. Holt offered to look into this, saying it might be possible to widen the driveway.

Mr. Reilly asked to see where the generator would be moved to, explaining that its changed location will change the variance to be granted.

Mr. Holt consulted Mr. Gerety, and they suggested that it would be possible to move the generator to a location near the garage across from the cottage where it would be about 50 ft. from the front property line.

Mr. Davis asked if the generator couldn't be moved back to the required front setback distance of 75 ft.

Mr. Gerety said placing the generator behind the detached garage might help/move it farther back.

Richard Swanson asked that the generator be located out of the setback.

Mr. Holt said there is other equipment present that would preclude moving the generator back that far.

Chairman Ivanhoe thought the newly-proposed location was a very good compromise and a significant change, and he asked what Mr. Swanson's problem with it was.

Mr. Swanson replied that the problem would be noise emanating from the generator.

The Chairman remarked that Mr. Swanson does not reside on the property at 11 Baxter Road, but Mr. Swanson said he plans to live there.

Chairman Ivanhoe said generators are usually not in operation; when they are employed in an emergency situation, they are not very loud. He said the new location was a good improvement.

Mr. Gerety said it might be possible to locate it behind the 3-car garage, where it would be more than 50 ft. back.

Mr. Davis thought Mr. Swanson would be amenable to this.

Mr. Gerety said it would nearly be outside the front yard setback.

Mr. Reilly asked if the variance needed would be about 20 ft. instead of 68 ft.

Mr. Gerety said he would like to ask for 20 ft. as it would allow a few ft. to maneuver within.

Mr. Swanson asked what will be done at the north driveway, and Mr. Holt noted that he had already said that he will see if it can be widened.

Mr. Swanson reiterated that trucks have torn down a fence more than once.

Mr. Reilly asked who owns the fence that gets knocked down, and Mr. Swanson replied that it is on the property line.

The Chairman asked who put the fence up.

No one seemed to know the answer to this question/it seemed the fence has been present for many years.

Chairman Ivanhoe thought the applicant would probably need a 4-board fence in that area any way, and he asked that it be moved back a bit from the property line.

Mr. Swanson repeated that trucks keep knocking down the fence, and he said they also knocked the overhand off one of his buildings, and no one ever fixed it.

The Chairman said he thought a new fence, moved back from the property line would make a worthwhile difference/cause Mr. Swanson fewer problems.

Mr. Swanson said trucks used to back onto his property in order to enter the subject property to unload hay.

The Chairman said he would ask that the trucks either remain perpendicular or come in at the other entrance.

Ms. Ferrall said trucks could unload hay from the road without actually turning in. She stated that there will be no horses in the north barn/the 6 horses will be kept in the small barn closer to the main house. If hay is needed for the back barn, trucks will be pull onto the property and not need to load/unload from the road.

Chairman Ivanhoe suggested asking the hay-supplier to send a smaller truck, adding that he did not think unloading from the road was a good idea.

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

Mr. Reilly read a draft resolution of the area variance of not more than 20 ft. for one generator, noting that the applicant offered to move the generator back. He also stated that there will be no light fixtures on the tops of the gate piers, so only a 1 ft. height variance will be necessary.

The Chairman asked that a statement be included that entrance key pads for any electronically-operated gates be the smallest possible to satisfy the applicants' needs and have no lights/video screens.

Mr. O'Leary noted that there is another pair of pillars on the Service Gate Detail drawing for which no dimensions are given.

Mr. Holt said they will match existing piers and nothing will be more than 5 ft. high.

Motion by: Lisa Douglas
Seconded by: Cynthia McKean

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

Area variance granted, with specific conditions per discussion and agreement.

Mr. Reilly read a draft resolution of the special permit, noting the following findings:

- No additional construction is proposed.
- The horses kept are for the personal use of the applicant.
- Access to one riding trail will remain open.

The following conditions were also noted:

- The damaged section of front fencing will be repaired/replaced.
- The manure dumpster will be in the same location as a previous one.
- A landscaping plan for the Ag barn will be presented to the Building Inspector for his review and also that of the Chairman.
- Existing wetland and storm-water issues will be resolved to the satisfaction of the Building Inspector.

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

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

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

The meeting was adjourned at approximately 8:30 pm.

Respectfully submitted,



Janice Will, Recording Secretary