

BOARD of APPEALS
Public Hearing
September 10, 2015
7:30 p.m., Town Meeting Hall

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

MEMBERS ABSENT: James Murphy
Brian Ivanhoe, Chairman

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

Acting Chairman Richard O'Leary called the September 10, 2015 Town of North Salem Zoning Board of Appeals meeting to order.

The next meeting date was set for October 8, 2015.

The minutes of the August 13, 2015 meeting were unanimously approved.

BA15-17 Summit Farm Realty Inc. (24 Bloomer Road) – Update on status of commercial horse-boarding operation per condition of Special Permit BA13-07.

Ashley Yozzo of Summit Farm addressed the Board, stating that she had originally requested boarding of 14 additional horses (for a total of 35), 10 of which were to be kept on land leased at 880 Peach Lake Road. She has not leased that land, but there are 4 additional horses (25 total) being kept in a new shed-row barn at 24 Bloomer Road. Ms. Yozzo explained that the shed-row is not where it was shown to the Board in 2013 in her application for a variance, but it is no closer to the property line/does not exceed the variance granted.

The Building Inspector, Bruce Thompson, stated that he was able to measure the distance from the shed-row barn to the property line by using a fence depicted on the survey, and the structure is at least 22 ft. away (*variance BA13-08 was for a rear setback of 22 ft.*).

Mr. O'Leary noted there were no negative comments from neighboring property-owners and the Building Inspector was satisfied, and he asked Gerald Reilly if there was anything else the Board needed to do.

Mr. Reilly stated that there would be no vote or resolution because there was actually no application; Ms. Yozzo was simply updating the Board as required by Special Permit BA13-07.

Mr. O'Leary asked when the special permit will expire.

The secretary stated that BA13-07 (an amendment of BA06-15) will expire in March of 2016.

Mr. Reilly said there should be a note put into the file that the land at 880 Peach Lake Road was not leased/is not a part of the boarding operation so the Board will have the information when Ms. Yozzo applies for a new special permit next year.

PUBLIC HEARINGS:

BA15-18 Sally Hamawy (78 Cove Road) – **Area Variance** – To decrease the minimum required side yard setback and increase the maximum permitted Floor Area Ratio 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). A setback variance of 14 ft. (15 ft. required; 13.8 ft. existing; 1 ft. proposed) and a F.A.R. variance of .01 (.20 permitted; .21 requested) for construction of a storage shed.

Mr. O'Leary invited Ms. Hamawy to describe what she was requesting.

Ms. Hamawy said she is very limited as to where she can put a shed for storage of garden equipment, because there are wetlands on her lot; the proposed site is the best she can do in the opinion of the Building Inspector. She explained that if the shed were to be moved farther in on the property, she would not be able to pass between it and her house with a wheelbarrow.

Mr. O'Leary said it appeared the Bloomerside Co-op had approved the shed, and Ms. Hamawy said that was correct.

Mr. O'Leary asked what has the existing side setback of 13.8 ft., and Ms. Hamawy explained that it is the rear corner of the house.

Mr. O'Leary called on Maryellen Heffron of 79 Cove Road.

Ms. Heffron said she would like to understand the process; she thought that in the past when there was a variance request, neighboring property-owners would receive a letter with a copy of the site plan and a picture of the shed, deck, etc. to be built.

Mr. Reilly asked if Ms. Heffron had received a Notice about the hearing of Ms. Hamawy's application, and she answered that she had.

Mr. Reilly said the Notice states that the application is on file. He asked her if she received notice that the application was before the Co-op board.

Ms. Heffron said she did not; she knew the Co-op approved the request, but she never saw anything depicting the shed. She asked if the application includes information/ pictures of the proposed shed.

Mr. Reilly showed Ms. Heffron the site plan and picture of the shed.

Ms. Heffron thanked Mr. Reilly. She said she understood now that the Notice informs the recipient that one may see the application and comment ahead of the hearing.

Mr. Reilly said Ms. Heffron could ask questions or comment at the hearing also.

Mr. O'Leary concurred, adding that the application was available for Ms. Heffron to look at.

Ms. Heffron asked how tall the shed is, and Ms. Hamawy said it will be approximately 7 ft. high.

Ms. Heffron thanked the Board, saying she had not understood the process but now she does.

Noting there were no further questions or comments. Mr. O'Leary closed the public hearing.

Mr. Reilly read a draft resolution.

Mr. O'Leary stated that, as there were only 3 Board members present, approval of applications would have to be unanimous. Alternatively, anyone who would rather have their application held over until October in hopes of being heard by a full Board could do so at no additional cost to them.

Mr. Reilly suggested the Board give an informal sense of their intentions so Ms. Hamawy could move forward.

Mr. O'Leary, Ms. McKean and Ms. Douglas all said they had no objections to the application.

Motion by: Cynthia McKean

Seconded by: Lisa Douglas

Ms. McKean: Aye

Ms. Douglas: Aye

Mr. O'Leary: Aye

Area variance granted, as requested.

BA15-19 Helene Grimaud (736 Titicus Road) – **Special Permit** – For the keeping of up to 5 horses for personal use, per Article XIII Section 250-72.

Becky Adler Fagan (barn manager/trainer) was present for the application. She explained that there are 2 barns on the subject property, and she believed the previous property-owners had a special permit for 6 horses.

Mr. O’Leary asked if Ms. Fagan had consulted with the Building Inspector about the special permit and she said she had.

Mr. Thompson said the application is basically the same as that approved for the Levs (previous owners), adding that he thought she would be using just one of the barns.

Ms. Fagan said that was correct.

Mr. Thompson stated that the horses are to be for personal use only, and Mr. Reilly added that the property consists of over 6 acres.

Mr. O’Leary asked for clarification of the number of horses to be kept, as he thought he had seen something in the paperwork that mentioned 6.

Mr. Reilly pointed out that the prior approval was for 6 horses/the applicant is requesting 5.

There were no comments, and Mr. O’Leary closed the public hearing.

Mr. Reilly read a draft resolution.

Motion by: Lisa Douglas
Seconded by: Cynthia McKean

Ms. McKean: Aye
Ms. Douglas: Aye
Mr. O’Leary: Aye

Special permit granted, as requested.

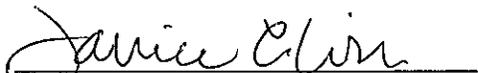
The following 2 applications were carried over to October at the request of the applicant.

BA15-20 Baxter Road LLC (141 Baxter Road) – **Special Permit** – To amend existing Special Permit BA08-39 (commercial boarding operation for up to 13 horses) to include boarding, breeding and personal use of up to 29 horses, construction of a 16-stall breeding barn with 1 employee dwelling unit and a garage with living quarters for 4 employees, a sand ring and additional paddocks/fencing, per Article XIII Section 250-72.

BA15-21 Baxter Road LLC (141 Baxter Road) – Area Variance – To decrease the minimum front yard setback from 100 ft. required to 65 ft. proposed for installation of a generator and construction of a farm equipment storage garage per Article V Section 250-15; to permit parking within a required (front) yard per Article VI Section 250-20; and to permit construction of 4 employee dwelling units in a single structure (3 dwelling units permitted) per Article XIII Section 250-72 H (6).

The meeting was adjourned at 7:50 pm.

Respectfully submitted,



Janice Will, Recording Secretary