

BOARD of APPEALS
Public Hearing
March 10, 2016
7:30 p.m., Town Meeting Hall

MEMBERS PRESENT: Cynthia McKean
Emily Barrett
Brian Ivanhoe, Chairman

MEMBERS ABSENT: Nzingha Milanes
Richard O'Leary

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

Chairman Brian Ivanhoe called the March 10, 2016 Town of North Salem Zoning Board of Appeals meeting to order.

The next meeting date was set for April 14, 2016.

The minutes of the February 11, 2016 meeting were unanimously approved.

HEARINGS HELD OVER:

BA15-30 Joseph Bryson (2 Fields Lane) – **Use Variance** - For the re-establishment of a gas station with addition of an accessory convenience retail store, pumping of gasoline, and continued operation of an existing tow-repair business, per Article IV Section 250-11 and the Table of General Use Requirements for the R 1/2 zoning district.

BA15-31 Joseph Bryson (2 Fields Lane) – **Area Variance** – For the operation of a gasoline station with convenience store and tow-repair business in an R-1/2 zoning district, per Article V Section 250-15, Article VI Section 250-20 and -22 (C), Article VIII Section 250-35 (B), and Article XIII Section 250-73 (B, C, and D), the following variances are requested:

- a. To allow application of Use Group "L" (retail gas/convenience store) lot area and bulk standards as permitted in the GB zoning district.
- b. Decrease the gas station access point distance from the intersection of the designated street line from 100 ft. required to 40 ft. proposed.
- c. Decrease the front yard setback from 35 ft. required to 13 ft. proposed for installation of 4 fuel pump islands with a canopy.
- d. Decrease the rear yard setback from 50 ft. required to 40 ft. proposed for installation of a diesel fuel pump island.
- e. Increase the maximum height of a fence in a side yard from 5 ft. permitted to 7 ft. for a fence and 11 ft. for a retaining wall.

- f. For areas where the required 10 ft.-wide landscaping cannot be provided, a variance of 10 ft. is requested.
- g. Decrease the side yard setback from 20 ft. required to 11 ft. proposed for a trash enclosure and to 1 ft. for an off-street loading berth.

These two applications are still under SEQRA review by the Planning Board.

PUBLIC HEARINGS:

BA16-05 Jennifer Prittie (3 Juengst Road) – Area Variance – To decrease the minimum required rear yard setback in an R-1 zoning district from 50 ft. required to 30 ft. proposed for construction of a sunroom.

Jennifer Prittie introduced herself. She explained that part of the rear of her property is in Southeast; she filed an application for an area variance in Southeast and was told she did not need it, because the house and proposed addition are completely within the Croton Falls part of her property (*although also very close to the Southeast line*).

Chairman Ivanhoe asked Ms. Prittie to tell the Board about the sunroom.

Ms. Prittie stated that she wants the sunroom so that more light will come into her house, which is very old and dark.

Bruce Thompson asked Ms. Prittie to describe the portion of her property that is in Southeast, and she answered that it is all wooded/undeveloped.

The Chairman asked if Ms. Prittie intended to have any exterior lights on the sunroom.

Ms. Prittie replied that she would probably want to have lights at the top of the stairs leading down to the yard.

Chairman Ivanhoe said that would be fine, but there will be a condition in the resolution that any exterior lights may not be visible at their source/there may be no floodlights.

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

Gerald Reilly read a draft resolution.

Motion by: *Emily Barrett*
Seconded by: *Cynthia McKean*

Ms. McKean: *Aye*
Ms. Barrett: *Aye*
Chairman: *Aye*

Area variance granted, as requested.

BA16-06 Baxter Road LLC (141 Baxter Road) – Special Permit for the keeping of up to 18 horses and maintenance of a commercial boarding operation, including construction of a 5-stall barn with 2 employee dwelling units (3 bedrooms), per Article XIII, Section 250-72.

Dylan Zublin of Zublin Construction Services stated that his clients were granted a special permit in December 2015; the special permit was for the keeping of up to 29 horses and included a substantial construction project which is not going forward. Mr. Zublin explained that the scaled-back project will entail just the demolition of an existing barn and construction of a new 5-stall barn with office, and 2 apartments for 3 grooms on the second floor. He added that the old barn is not up to current Code standards, and it will be easier to replace it than to bring it up to Code.

The Chairman asked how many stalls there are in the existing barn.

Mr. Zublin replied that there are 5 in 2 sections of the L-shaped barn; the new barn will reconfigure the stalls in one area and there will be a Code-compliant fire wall between the stalls and the apartments upstairs.

Chairman Ivanhoe asked if the entire existing barn will be demolished, and Mr. Zublin answered that the foundation walls will be re-used/the new barn will have 5 stalls plus a wash stall.

Ms. McKean asked where the other 13 stalls are/will be.

Mr. Zublin said there is another barn near the indoor riding arena that has enough room; a Special Permit issued before the plan to expand to 29 horses was for 13 horses (BA08-39).

Mr. Thompson further explained that the site will remain essentially unchanged with the new 5-stall barn/grooms' quarters and continued use of the existing 13-stall barn.

Mr. Reilly asked how large the subject property is, and Mr. Zublin replied that it is 37.2 acres.

Emily Barrett asked about the grooms' quarters.

Mr. Zublin explained that there is to be a 2-bedroom apartment and one with 1 bedroom, for a total of 3 grooms in living quarters separated from the new 5-stall barn by a 2-hour fire wall.

Chairman Ivanhoe stated that the Board would again require that there be no exterior lighting visible at its source.

Mr. Reilly asked if there exists a site plan with both the existing conditions and the new proposal on it.

Mr. Thompson said a large outdoor sand ring from the previously-approved large expansion plan is also to be included in the new plan. He further stated that it will be

reflected on a site plan to be provided by Kellard-Sessions which will reflect all that is to be done. He added that the new plan is greatly reduced from the previously-approved one; 80 to 90% of the new plan is existing/10-20% will be changing; the previous plan included a new 16-stall barn and a garage. The old 5-stall barn had to be replaced because the apartments were not legal; now there will be 2-hour fire wall between the proposed apartments and the new 5-stall barn, per NYS Code requirements.

Mr. Reilly suggested approval be conditioned on receipt of a site plan from Kellard-Sessions including all existing and proposed conditions.

Chairman Ivanhoe thought an as-built site plan would be adequate.

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

Mr. Reilly read a draft resolution including a condition that an as-built site plan be provided to the Building Department upon completion of the project that includes all structures and other changes/improvements to the property, e.g. the enlarged outdoor riding arena and the new barn/apartments.

Motion by: *Cynthia McKean*
Seconded by: *Emily Barrett*

Ms. McKean: *Aye*
Ms. Barrett: *Aye*
Chairman: *Aye*

BA16-07 Gotham Enterprizes (741 Titicus Road) – **Special Permit** – to amend existing special permit BA14-19 for the keeping of up to 29 horses for personal use, including living quarters for 4 grooms (previously amended by BA14-26, BA14-35 and BA15-14) to allow the following changes, per Article XIII Section 250-72:

- Increase the number of grooms' quarters from 4 to 5.
- Replace previously-approved Optional Grooms' Apartment Building (3 grooms' quarters) and previously-approved Equipment Building with one Residence Building to contain 3 grooms' quarters on the 2nd floor.
- Approve 1765 sq. ft. size of 3 grooms' quarters in the Residence Building.
- Relocate the Residence Building and parking area.
- Decrease the number of grooms' quarters in the previously-approved Grooms' Storage/Equipment Building to 1 (from 3). (*5th grooms' quarters located in indoor riding arena*)
- Approve the 568 sq. ft. size of the groom's quarters in the Grooms' Storage/Equipment Building.

Nancy Tagliaferro, attorney, was present for the applicant. She displayed a site plan of the 44-acre property with existing and proposed conditions, explaining that the special permit amendment was being requested because the overall project has had 4 phases. Phase 1 was for expansion of the sand riding ring. Phase 2 included demolition of 2 existing residences on lots since absorbed by the subject property and construction of run-

in sheds on them. Phase 3 included construction of a new main barn, hay barn, and grooms' quarters in either a treadmill building (grooms' storage/equipment) or construction of an alternative grooms' apartment building and a mechanical/equipment building. Phase 4 eliminates the mechanical/equipment building and re-locates (turns) the residence building; parking will be closer to Titicus Road instead of the building, and a spur run from the main/middle driveway to the new residence building/parking area. Ms. Tagliaferro stated that the residence building will be somewhat larger than the optional apartment building (it will also have equipment storage and an office), and her client would also ask to have one groom's quarters in the treadmill building/increase the number of grooms' quarters to 5 altogether. She added that there will be enough horses to merit the increased number of grooms, and the subject property is large enough to accommodate the living quarters.

Ms. Tagliaferro explained that the larger apartments are being requested because her client believes they will attract better employees who will stay longer; the 3-bedroom apartment is to be 1765 sq. ft. and the apartment in the treadmill building (for 1 groom) will be 604 sq. ft. (not 568 sq. ft. as originally requested). She further stated that hedges are to be planted between Titicus Road and the parking area/residence building to minimize any visual impact, although the land slopes in such a way that little would be visible any way.

Chairman Ivanhoe agreed that the rise is steep enough that nothing can really be seen either from the road or from properties across the road. He asked if the treadmill building is completed.

Ms. Tagliaferro said it is framed-out.

The Chairman said the change in the plan is a nice improvement.

Ms. Tagliaferro agreed, noting that one building will be eliminated, and the residence building will be further from the road than the apartment building was to be.

Ms. McKean asked which driveway will be used.

Ms. Tagliaferro explained that the building/parking area will be accessed by the middle driveway now instead of the third (easternmost) one.

Chairman Ivanhoe thought this was an improvement also, and he asked where the treadmill building is located.

Noting that it was not on the site plan section submitted with the application, Ms. Tagliaferro said it is between the indoor ring and the barn.

Mr. Reilly asked if there is a site plan with all improvements on it.

Ms. Tagliaferro said it was received just that day; she had a small copy with her.

Mr. Reilly said the Building Inspector should be given a full-size copy, and he asked for the date on the site plan.

Ms. Tagliafierro said it is dated March 4, 2016.

Mr. Reilly commented that the plan was unsigned.

Mr. Thompson said the engineer's stamp was on it, and he added that the February 16, 2016 site plan submitted delineates all 4 phases of the project.

Ms. McKean asked for the total number of employees/employee residences on the property.

Mr. Thompson said there are/will be the following: a caretaker's house; living space for a groom or trainer at the south end of the indoor arena; a 1-bedroom apartment is to be included in the treadmill building; and there will be 3 grooms housed in the new residence building.

Ms. McKean asked if any landscaping people live on-site.

Mr. Thompson said they do not; the office on the first floor of the newly-proposed residence building will be used by the person who oversees the grounds people (also does not live on-site).

Ms. McKean remarked that it appeared as if no one will live close to the barn, but the Building Inspector pointed out that there will be one groom's apartment in the treadmill building located between the indoor arena and the barn.

Mr. Thompson went on to say that this building will be the communications center of the property in the event of an emergency. He noted that upstairs in the barn is also a finished living space, but it is for entertaining/not a residence.

The Chairman asked what the fire safety systems consist of and are there heat sensors as well as smoke-detectors.

Mr. Thompson said the property has every means of detection imaginable, and the main barn, hay barn, and treadmill building are all sprinklered. There is also a generator on the premises (in addition to one for the residence) that will instantly restore power in the event of an outage.

Ms. McKean commented that the Board had previously looked at a proposed new building by the grand prix field; the Building Inspector said that structure will not be built/is not part of the plan any longer.

Mr. Reilly asked if all that is currently proposed is on the plan Ms. Tagliafierro brought to the meeting.

Mr. Thompson said the plan has just been updated; Ms. Tagliafierro's site plan does represent everything proposed/built.

Chairman Ivanhoe asked if the property has on-site water for fire emergencies.

Mr. Thompson said there was a 30,000-gallon tank previously on-site; to support the enlarged fire suppression system for the new barn, a 10,000-gallon tank was added. Both tanks are piped by gravity to a fire pump at a lower elevation. All 3 structures (the indoor arena and apartment, the new barn, and the new hay barn have NFPA13 fire sprinkler systems.

The Chairman thought it seemed as though there would not be water for fire trucks to use; perhaps it is not necessary.

The Building Inspector explained that the fire suppression system holds a fire at bay or extinguishes it before the Fire Department arrives.

The Chairman opened the hearing up to public comments.

Dylan Zublin stated that he thought the original barn at Gotham was nicer than the new one.

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

Mr. Reilly read a draft resolution including a condition that the Building Department is to be provided with a copy of the site plan dated February 16, 2016.

Motion by: *Cynthia McKean*
Seconded by: *Emily Barrett*

Ms. McKean: *Aye*
Ms. Barret: *Aye*
Chairman: *Aye*

Special Permit amendment granted, as requested, with specific condition per discussion and agreement.

Respectfully submitted,


Janice Will, Recording Secretary