

**BOARD of APPEALS**  
**Public Hearing**  
**June 9, 2016**  
**7:30 p.m., Town Meeting Hall**

**MEMBERS PRESENT:** Richard O'Leary  
Cynthia McKean  
Emily Barrett  
Nzingha Milanes  
Brian Ivanhoe, Chairman

**OTHERS PRESENT:** Gerald Reilly, Counsellor  
Bruce Thompson, Building Inspector  
Paul Taft, Assistant Building Inspector  
Janice Will, Recording Secretary  
Members of the Public

***Chairman Brian Ivanhoe called the June 9, 2016 Town of North Salem Zoning Board of Appeals meeting to order.***

The Chairman announced that the Building Inspector, Bruce Thompson, will be retiring at the end of the month. He said he has known Mr. Thompson for more than 15 years, and he has learned a lot from him. Chairman Ivanhoe said Mr. Thompson is one of the most dedicated public servants he has known, and it is not often that one sees a well-written, cogent, and interesting e-mail from a building inspector that is sent at 11:30 pm mid-week. On behalf of the Board of Appeals, the Chairman wished Mr. Thomson good luck and thanked him for all his great work.

Mr. Thompson thanked the Chairman, saying it has been a privilege to work with him and the Board. Commenting that there has been a lot of turn-over on the Board, he has enjoyed seeing the new people come and a treat to work with so many different people and see them reason the way they have. Mr. Thompson thanked the Board members for the privilege.

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

The minutes of the May 12, 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.*

**BA16-13** Susan/John Carty (22 Lakeside Drive) – **Area Variance** - For construction of a new 1.5-story single-family residence in an R-1 zoning district per Article V Section 250-15. The following variances are requested:

- Decrease front yard “A” from 50 ft. required to 20 ft. proposed (33.9 ft. existing), a variance of 30 ft.
- Decrease front yard “B” from 50 ft. required to 20 ft. proposed (22.1 ft. existing)
- Decrease the combined side yard setbacks from 20 ft./50 ft. required to 6 ft./16 ft. proposed (9 ft./25 ft. existing), a variance of 34 ft.
- Increase the maximum development coverage from 20% permitted to 48.7% proposed (22% existing), a variance of 28.7%.
- Increase the maximum building coverage from 10% permitted to 33.7% proposed (17.6% existing), a variance of 23.7%.
- Increase the F.A.R. from 0.20 permitted to 0.82 proposed (0.176 existing), a variance of 0.62.

Gerald Reilly stated that the public hearing of this application remained open from the May ZBA hearing so the Board could make a site inspection of the subject property with the outline of the proposed house staked and the height flagged.

The Chairman said the Board did meet with the applicant and walked around the neighborhood/spoke with some neighbors. He asked if there was anyone present who wished to comment on the proposal who has not already spoken.

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

Mr. Reilly read a draft resolution, noting that the Pietsch Gardens Co-op had approved the request, and the ZBA generally gives deference to the Co-ops in Town. He stated that

neighbors were consulted and that although the variances are substantial, that is mitigated by the non-conforming lot's location in an R-1 zoning district.

Chairman Ivanhoe asked if the other Board members had any final questions or comments.

There were no questions or comments from members of the Board.

**Motion by:** *Emily Barrett*  
**Seconded by:** *Nzingha Milanese*

**Mr. O'Leary:** *Nay*  
**Ms. McKean:** *Nay*  
**Ms. Barrett:** *Aye*  
**Ms. Milanese:** *Aye*  
**Chairman:** *Aye*

***Area variance granted, as requested.***

PUBLIC HEARINGS:

**BA16-15** Kathleen/Rodney Vega (22 Whittier Hills Road) – **Area Variance** – To increase the maximum height of a fence in a front yard from 4 ft. permitted to 6 ft. proposed, per Article VI Section 250-22.

Rodney Vega was present. He explained that he lives on a cul-de-sac where school buses and trucks turn around right in front of his house and people also drive up to get their mail from the several boxes that are on his property. Mr. Vega stated that his house sits down from street level, and at nights headlights shine into the windows. For these reasons and also for the safety of his 2 children, he would like to put in a fence taller than 4 ft.

The Chairman asked what color the fence will be, and Mr. Vega replied that it will be white like his house.

Chairman Ivanhoe asked if the fence will be like one pictured in the application, and Mr. Vega said it will be exactly the same.

Mr. O'Leary asked the secretary if there had been any comments from neighboring property-owners, and she replied that there had not.

There were no further 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. Barrett:**      **Aye**  
**Ms. Milanes:**      **Aye**  
**Chairman:**         **Aye**

**Area variance granted, as requested.**

**BA16-16** Theresa/William Garvey (4 Memorial Drive) – **Area Variance** - For construction of a new single-family residence with deck and side entry porch in an R-1 zoning district, per Article V Section 250-15 and Article VI Section 250-20 (because parking is not permitted in a required yard). The following variances are requested:

- Decrease the front yard setback from 35 ft. required to 11 ft. proposed (12.80 ft. existing).
- Decrease the combined side yard setbacks from 20 ft./50 ft. required to 6 ft./13 ft proposed (9.80 ft./21.50 ft. existing).
- Decrease the rear yard setback from 50 ft. required to 34 ft. proposed (50.43 ft. existing).
- Increase the maximum development coverage from 20% permitted to 31.70% proposed (18.47% existing).
- Increase the maximum building coverage from 10% permitted to 24.52% proposed (11.47% existing).
- Increase the maximum F.A.R. from 0.20 permitted to 0.37 proposed (0.16 existing), a variance of 0.17.

Christopher Harrigan, architect, stated that the subject property, located in an R-1 zoning district, is scarcely 1/10 of an acre, and his clients wish to demolish an existing 436 sq. ft. cottage and build a new house, deck and side entry. He said the Pietsch Gardens Co-op board has reviewed and approved the plan.

Mr. O'Leary asked if the secretary received anything from any neighbors, and she said she did not.

The Chairman noted no exterior lighting on the elevation drawings.

Mr. Harrigan said there will be recessed lights in the ceiling of the covered porch and 2 wall sconces at the doors.

Chairman Ivanhoe said the Board would require that those lights not be visible at their sources. He asked about the siding for the new house.

Mr. Harrigan said the shingles will either be stained or painted.

The Chairman asked if there had been any issues/changes required by the Co-op board.

Mr. Harrigan said there was initially an issue with the proposed height of the house, but an agreement was eventually reached.

Emily Barrett asked what the height will be, and Mr. Harrigan replied that it will be just under 16 ft.

Chairman Ivanhoe said the Board is familiar with the Bloomerside baseline and height calculation and asked what Pietsch Gardens uses.

Mr. Harrigan said it is an 8 ft. plate.

Mr. O'Leary asked if the Co-op uses the first floor top of foundation or first floor as a benchmark for replacement of a house.

Mr. Harrigan said it is typically 2 ft. from grade, except for those houses in the flood zone. *(The Garvey house site is not in the flood zone/Zone A.)*

Paul Taft explained that for houses in Zone A, there must be an elevation of 3 ft. to the finished floor if everything below is flood-resistant; otherwise, it really has to be 3 ft. above existing grade.

Mr. O'Leary asked if the measurement is based on a perimeter average.

Mr. Taft thought so, but he added that it may be from the high point.

Mr. Thompson said measuring from the high point would work, because the lots in Zone A are nearly level.

Mr. O'Leary explained that he was interested in the height information, because if new houses are built in Zone A, the visual impact of those that are not in Zone A (like the Garvey house) will be lessened.

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

Mr. Reilly read a draft resolution.

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

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

***Area variance granted, as requested.***

At this time, the Chairman noted that the Board had not brought up the issue of the attic in the new Carty house. He asked Mr. Reilly to include in the resolution a condition that there may not be heat, drywall or insulation put in the attic/it must not be living space, adding that Mrs. Carty had agreed to this limitation at the May meeting.

**BA16-17** Emily/William Barrett (82 Blackberry Ridge Road) – **Area Variance** – For construction of an addition to a non-conforming, single-family residence and legalization of an existing shed in an R-1 zoning district, per Article V Section 250-15. The following variances are requested:

- Decrease the front yard setback from 35 ft. required to 12 ft. existing/proposed.
- Increase the maximum development coverage from 25% permitted to 42.6% proposed (27.9% existing)
- Increase the maximum building coverage from 10% permitted to 20.5% proposed (15.9% existing).
- Increase the maximum F.A.R. from .20 permitted to .42 proposed (.32 existing).

Emily Barrett took a seat in the audience, recusing herself from the hearing of her application. She said she is proposing a 15 ft.-addition to the driveway end of her house to create a master bedroom suite and additional garage space for storage. With regard to the as-built shed, Ms. Barrett explained that she was granted a side yard setback last year, but the Building Inspector has reconsidered and thinks a front yard setback is also called for.

The Chairman stated that the Board visited Ms. Barrett's property and got a good sense of what is proposed. He said that the Board would require that any exterior lighting not be visible at its source.

Ms. Barrett said there is currently a floodlight on the driveway that she will keep.

Mr. O'Leary asked for clarification of what are front, side and/or rear property lines.

Ms. Barrett explained that the peninsula-shaped lot is considered to have 3 front yards and one side yard. She said the addition will not be any closer to Blackberry Ridge Road than the existing house, and there is no neighbor on the side where the addition will be built.

Mr. Thompson agreed, stating that the Zoning Ordinance is clear about corner lots; Ms. Barrett's property basically has a front and one side yard.

Mr. O'Leary asked if the entire addition will be built over the existing driveway.

Ms. Barrett said it will, adding that an existing retaining wall will have to be pushed back for the new foundation to be built, and there will still be room to park 2 cars.

The Chairman noted there will be room for 3 cars in the garage (1 single space/2 in tandem).

Nzingha Milanese asked if the Barretts will re-do their planting.

Ms. Barrett explained that they have already done a lot of planting; she hopes to preserve the plants even if she has to move them for the wall relocation.

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

Mr. Reilly read a draft resolution.

**Motion by:** Nzingha Milanés  
**Seconded by:** Richard O'Leary

**Mr. O'Leary:** Aye  
**Ms. McKean:** Aye  
**Ms. Barrett:** Abst.  
**Ms. Milanés:** Aye  
**Chairman:** Aye

**Area variance granted, as requested.**

**BA16-18** Donna/Matthew Ulrich (35 Bonnieview Street) – **Area Variance** – To decrease the minimum front yard setback in an R-1/2 zoning district, per Article V Section 250-15. A variance of 4 ft. is requested (10.90 ft. existing/required; 7.29 ft. proposed) to allow an as-built covered deck with stairs to remain as constructed.

Chris Harrigan addressed the Board, stating that the subject property is in the NWCC neighborhood. He explained that the Ulrichs were issued a building permit in 2015 for construction of the deck and steps, but the proposed steps were deemed to be too steep; the change in the step-height required more steps and extended them into the setback.

The Chairman asked what NWCC stands for.

Mr. Harrigan said it is Northern Westchester Country Club, although it is also known as the Hotel Property.

Don Rossi (present for another application) explained that NWCC is the name of the club that was formed by the property-owners when the land was conveyed to them by the Pabst family.

Mr. O'Leary asked if the submitted plan was the original plan modified to show the extension of the stairway.

Mr. Harrigan said that was right; he designed the stairs to be 11 in. riser-to-riser and modified them to be 10 in. riser-to-riser.

Mr. Reilly asked if the property is part of a co-op; the secretary told him it is a homeowners association but not a co-op/no letter of approval is required.

The Chairman asked about the change in step-height, and Mr. Harrigan explained that the original plan was felt to be too steep to be safe for the Ulrich's children.

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

Mr. Reilly read a draft resolution including a finding that the variance is necessary to ensure the safety of the steps for children.

**Motion by:** Nzingha Milanés  
**Seconded by:** Emily Barrett

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

**Area variance granted, as requested.**

**BA16-19** Joelle Savino (55 Lakeside Drive) – **Area Variance** – For conversion of a deck to living space and other alterations to a non-conforming single-family 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 combined side yard setback from 15 ft./40 ft. required to 5 ft./31 ft. proposed (14.2 ft./40.1 ft. existing).
- Increase the maximum development coverage from 25% permitted to 32% existing/proposed.
- Increase the maximum building coverage from 10% permitted to 16% proposed (12% existing).
- Increase the maximum F.A.R. from .2 permitted to .37 proposed (.23 existing).

Joelle Savino said she grew up in Peach Lake and likes the Bloomerside environment; she recently had twins (and has another child), and her family needs more room. Ms. Savino explained that she now wants only to enclose the deck to create a bedroom and does not plan to raise the roof on the rear half of the house as depicted in her submission.

Mr. Reilly said she will need to provide the Building Inspector with revised plans, and Ms. Savino said she will do so.

Mr. Reilly pointed out that the Bloomerside approval includes conditions which the Board of Appeals should include in its resolution also.

Ms. Barrett asked if, without the second floor addition, the proposed work will be in line with the existing roofline.

Ms. Savino said it will be.

Mr. O'Leary asked if there had been any comments from neighbors, and the secretary said she had not received anything about the application.

Chairman Ivanhoe asked if the submitted plans could be marked up to show the Board what she plans to do.

Mr. Thompson said he had explained to Ms. Savino that if she does not build what the area variance is granted for, she will lose the variance. He suggested she keep the submitted plan and hope to build within 3 years/not lose the variance.

Mr. O'Leary remarked that if Ms. Savino builds less than she applied to do, the bulk increase will be less and the variance will more than cover the scaled-back job.

The Chairman thanked Ms. Savino for telling the Board that she may not build the full addition right away and noted that she may do as much as is in her application if she does it within 3 years.

Don Rossi commented that the Peach Lake communities are glad to be able to let people add bedrooms since the new sewer system was put in; it is good to be able to allow young, growing families to remain in their communities.

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

Mr. Reilly read a draft resolution including the conditions enumerated in the Bloomerside Co-op's letter of approval.

**Motion by:** *Nzingha Milanes*  
**Seconded by:** *Richard O'Leary*

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

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

**BA16-20** Lynn Tyson/Richard Vosburgh (175 Finch Road) – **Special Permit** – To amend existing Special Permit BA14-23 for the keeping of up to 5 horses for personal use to include the following:

- Construction of a 5-stall barn in lieu of 3 shed-row structures provided for in BA14-23.
- Installation of up to 5 compost bins to be used in lieu of a previously-approved manure dumpster.
- Installation of additional paddock fencing.
- Relocation of 1 existing shed-row structure/removal of a shed.

Don Rossi, attorney for the applicants, displayed a site plan of the subject property, noting that his clients currently have a valid special permit for the keeping of up to 5 horses and have 3 horses at present. He said the proposed plan is an improvement over the previous one, including a new barn to be constructed on the east side of the property and replacement of the manure dumpster on the west side with 3 compost bins adjacent to the new barn on the east side. Mr. Rossi noted that 5 compost bins are asked for in the event that 3 are not enough. He said the barn and compost bins will be less than 150 ft. from the side property

line but more than 75 ft. and added that he thinks the barn is an improvement over the previously-approved shed-row structures. Mr. Rossi further stated that one of the 2 existing shed-rows is to be moved closer to the house for use as a garden shed/replace a shed to be removed.

Mr. Rossi stated that all conditions of the existing special permit have been complied with; pastures are in grass and paddocks have/will have Item 4 or other non-dust-producing surfaces. There is a medical paddock adjacent to the 2 shed-rows on the west side and another turn-out area/courtyard will be adjacent to the new barn on the east side. Mr. Rossi stated that the applicants' horses roam freely within the pastures and paddocks and will not be in the barn regularly. He pointed out changes to the fencing configuration, expanding pasture areas and allowing for greater rotation. He said the composting system is self-contained and aerated, and the compost will be utilized to keep the pastures green; any excess product will be given to the landscaper/not offered for sale. Mr. Rossi said the compost bins are sealed and fly/rodent-proof, and the system has a good track record.

Chairman Ivanhoe noted that there is a house to the west side of the subject property, Stony Creek Farm to the south, and undeveloped land to the east. He asked if the new turn-out circulation will include a wedge-shaped area at the front of the subject property.

Lynn Tyson said that area/its fencing is existing and not used by the horses. She further explained that her horses may circle the property except for the driveway, which serves to eliminate the front area. She said that, depending on the condition of the pastures/if some are being rested, there is a gate through which the horses could be allowed into the front part of the property.

The Chairman asked how the fans in the composting system are powered.

Ms. Tyson said they will be electric, although they can also be solar-powered.

Chairman Ivanhoe asked if Ms. Tyson has a back-up generator.

Ms. Tyson replied that she does, and the composting system will be connected to it.

The Chairman asked if there is a separation between the PVC tubes going into the bins and the manure, saying he was concerned that the tubes could become plugged.

Ms. Tyson said it is recommended to have a base of shavings under the tubing; the manure just falls around the pipes/moisture evaporates, and people say the tubing does not get plugged.

Chairman Ivanhoe asked how it is determined how many bins are needed for a given number of horses.

Ms. Tyson said there is a calculation provided by both the manufacturer and the Department of Agriculture.

Chairman Ivanhoe noted that the Watershed Agricultural Council was involved.

Ms. Tyson said they made a site inspection and were very supportive, and they volunteered to send engineers to monitor the system/they are interested in recommending it to other small farms.

The Chairman asked if the subject property is in the Ag District, and Ms. Tyson said it is not.

The Chairman said his former Finch Road property is in it, adding that if Ms. Tyson applies to be in the Agricultural District, she could benefit from further WAC involvement/funding provided to protect the New York City watershed.

Mr. O'Leary asked if the subject property isn't too small for inclusion in the Ag District.

Mr. Rossi stated that at slightly over 6 acres it is too small and the farm is not commercial, but 175 Finch Road is still an agricultural endeavor.

Chairman Ivanhoe said he knows of others who have employed similar composting systems, and it works for small operations. He added that it reduces the carbon footprint of farms.

Ms. Tyson remarked that the bins are wooden and look like coffin-jumps.

The Chairman asked if Ms. Tyson will continue to remove manure from the paddocks, and she said she will/it will go into the bins.

The Chairman asked if WAC would go to the farm to test the system/see how it is working.

Ms. Tyson said the manufacturer will monitor it with her; when it's time to determine whether the input has become compost yet or not (approximately 60 days in), she will ask WAC to come out and see.

Mr. Taft said he spoke to both WAC and O2 (manufacturer) about the number of containers, and more could be needed; the system is sensitive to both temperature and moisture. He added that if WAC is willing to come out, they will be very helpful during the learning process.

Chairman Ivanhoe recommended Ms. Tyson speak to Ernest Vogliano (306 Titicus Road), because he used a similar system on his property in Bedford.

Ms. Tyson said she was aware that the system could fail if it is put on a concrete pad or if there is not enough moisture.

The Chairman asked how the moisture-level is kept up.

Ms. Tyson said one adds water if needed. For some, bedding put into the bins is moist enough, but her horses do not urinate in their stalls/she will probably need to add water.

Mr. Thompson agreed that the composting system sounds good. With regard to the proposed turn-out area by the new barn on the east side of the property, he said he had told Ms. Tyson that it must be dust-free because it goes right to the property line. His reasoning was that the ZBA had required this in the past for an area on the west side that was 75 ft.

from the property line. Mr. Thompson said that in his opinion, anything but grass is dust-producing.

Mr. Rossi said it was stated in the application that Item 4 would be used.

Mr. Thompson said Item 4 is not dust-free. He also stated that the property to the east of the subject property will not be vacant much longer; he has spoken to an engineer for the new owner of the property and is expecting a building permit application any day now for construction of a new house on the lot. Mr. Thompson noted that what is approved by the ZBA is what he and Mr. Taft enforce. He asked that a dust-free surface be specified, and reiterated that Item 4 is not dust-free.

Chairman Ivanhoe asked what material other than dust-free ring-footing or grass would be considered dust-free.

Mr. Thompson asked Ms. Tyson what Lawton Adams had used for her medical paddock.

Ms. Tyson responded that it had been a dust-free surface consisting of a combination of aggregates.

Mr. Thompson said he knows dust-free materials do exist, but he does not know the names of them. He reminded the Board that the Zoning Ordinance clearly states that any dust-producing activity must be at least 150 ft. from any property lines in an R-4 zoning district. The Ordinance gives barns and manure storage as examples, and Mr. Thompson said he includes sand rings; anything less than 150 ft. from a property-line must be maintained dust-free. He noted that the setback requirement is lowered to 75 ft. in an R-2 zoning district.

Ms. McKean recalled a past issue with hay-mows (feeders) on the subject property; horses were congregating at them, and she asked if they are still fed the same way and where these feeders are located now. Ms. McKean also asked if the hay dropped around the feeders and then soiled would be put into the composting bins.

Mr. Rossi said it is taken into account when calculating the volume managed by the bins.

Ms. McKean said stall-kept horses eat in one place and defecate in another; whereas, Ms. Tyson's horses would be soiling hay that drops from the large feeders. She thought this hay would be likely to clog the system.

Ms. Tyson said the volume measurements do not include hay, and she wanted to clarify how her horses are fed. Manure does not get mixed into the hay; her horses are mainly fed hay and they eat it. Accumulation of hay on the ground scarcely happens; what does land on the ground is picked up and will be put into the bins. She added that what goes into the bins shrinks in volume as it processes.

Ms. McKean asked if a different feeding system is being used now.

Mr. Rossi said it is not different, but the feeders have been moved away from the neighboring property.

Ms. Tyson admitted there had been an accumulation of manure one winter, which was cleaned up and not allowed to happen again.

Mr. O'Leary asked if manure picked out of the paddocks will be put into the compost bins, and Mr. Rossi replied that it will.

Mr. O'Leary noted that the literature states that after a certain amount of time, the compost may be spread back out in the pastures.

Mr. Rossi said it can also be used in flower beds.

Mr. O'Leary thought discretion should be used in spreading the compost, given the past problems.

Ms. Tyson said that properly processed, compost is not manure.

The Chairman remarked that the Town began requiring dumpsters for manure, because people were spreading it in their fields/pastures.

Ms. Tyson said WAC encouraged her to spread the compost.

Chairman Ivanhoe said some hay in the compost will help the process along.

Ms. Barrett asked if the heat of the compost could be a safety concern.

Ms. Tyson said it is supposed to reach a maximum temperature of 130 degrees and is not a problem.

The Chairman asked how the system is vented or if it even needs to.

Ms. Tyson said it doesn't need to vent; covers may be propped open, and air does circulate through the bins. She commented that use of the composting system will be a learning experience initially.

Chairman Ivanhoe said the bins are closed on 5 sides and open at the bottom.

Ms. Milanes asked if any kind of fire protection is available in proximity to the bins.

The Chairman did not think it would be necessary.

Ms. Tyson thought the composting system's chemistry would not be consistent with combustion.

Mr. Taft said he was not aware of any issues with combustion either.

Mr. Rossi asked the Board to note that the new next-door-neighbors received the Notice to Property-Owners that was sent regarding the application. He said he thought that, given the limited scope of the operation, it was reasonable for the Board to permit the new barn to be

constructed with an 87 ft. side yard setback (more than the 75 ft. the Board could allow). He said courtyard surface material could be discussed.

Mr. O'Leary and Ms. McKean believed the horses would congregate in the courtyard/turn-out area at the in front of the walk-out stalls that goes just about to the property line.

Ms. Tyson agreed, saying this was why grass was not an option.

Ms. McKean asked how Ms. Tyson would keep the dust down.

Ms. Tyson said she wanted it on the record that she never had a complaint about dust, and the area by the barn won't be a riding arena/it will be used for passive recreation. She added that if there were a complaint she would remediate the problem, but her excavator believes Item 4 will be fine/not actively create dust, and it can be watered down in a dry spell.

Mr. O'Leary asked what the limit of the proposed area is.

The Chairman asked if Ms. Tyson intends to have Item 4 up to the chute/walkway.

Ms. Tyson said the turn-out area will be in the rectangle on the stall-door side of the new barn and run to the property line; the grass walkway starts on the right side at that point.

Chairman Ivanhoe asked what size Item 4 will be employed, but Ms. Tyson did not know.

Mr. Rossi said the intention will be to maintain the area as dust-free.

Mr. Reilly said it will be a requirement that the area be dust-free.

Mr. Rossi said this was understood, and he felt Item 4 would be fine/it can be watered if necessary.

Mr. Reilly stated that the Ordinance requires a non-dust-producing substance, and Mr. Thompson had said Item 4 is dust-producing.

The Chairman said there are different mixes that may be used, adding that it would help to know what size Item 4 will be employed. He remarked that something that packs smoothly like a medical paddock would probably be best.

Ms. McKean said if a horse just walks in a ring during a dry spell in summer, dust kicks up. This kind of fine substance is desirable in an exercise area, but it won't be appropriate in the area next to the new barn; something that won't hurt the horses' feet but also won't create dust is needed.

The Chairman commented that with heavy use, the surface in a riding ring pulverizes into powder.

Mr. O'Leary asked if the barn couldn't be turned so the stalls open toward the middle of the property.

Ms. Tyson said it would be too difficult for the horses to get all-around access to the property that way. She explained that the chute/walkway enables an almost limitless configuration of how the horses may move in and out of the barn facing eastward as submitted; turning it around would make it difficult for the horses to get to the rear of the property. She added that she also doesn't want the barn facing in the opposite direction.

Chairman Ivanhoe said it is not reasonable to compare this area to a riding ring; it will be more like a driveway in terms of impact on surface material and less likely to break down.

Mr. Taft said there are materials that used to be employed indoors that are now being used outdoors as well, and they produce no dust.

The Chairman said that was what he would like to see. He didn't think ring footing would be appropriate; something packed down like a driveway would be better.

The Building Inspector said the courtyard area from the barn to the property line and the chute are sensitive; they will have intense use and there is a gradient (the land goes up and then back downhill).

Ms. Tyson interrupted to say it had not been confirmed that this will be the case; the horses may take this route, but they can also be walked to the other side of the property. She said that just as she monitors the use of the pastures, she will monitor the use of the walkway.

Chairman Ivanhoe asked what surface will be used in the walkway.

Ms. Tyson stated that it is grass. She said the horses won't be on it; they will walk on it if they are in the back pasture and it time to go to the barn to eat. She added that if they are in the side pasture they might be walked across if the back pasture is closed. She said she believes it will remain grass like the pastures.

The Chairman commented that it could be a challenge if the horses can get through any time they want to.

Ms. Tyson said they cannot; there are gates everywhere.

Ms. McKean thought Ms. Tyson had said she likes her horses to have free-range of the entire property, and they will want to go to the barn to eat.

Ms. Tyson stated that she intends to maintain the pastures as she has in the past. She said her horses eat mostly hay/get only a very small amount of grain, and they could also spend the night in one of the pastures.

Ms. McKean asked if she was saying the horses will not go to the barn every day, and Ms. Tyson said she was.

Mr. O'Leary asked Mr. Rossi to point out the 2 existing shed-rows and the location of the one that is to be moved.

Mr. Rossi indicated the shed-rows on the site plan, saying the relocated shed-row will replace the garden shed and will be outside the paddock area. He added that the chute/walkway will be maintained in grass like the pastures.

The Chairman asked for the distance from the gravel area at the barn to the gate where the grass starts, and Mr. Rossi said it is 87 ft.

Chairman Ivanhoe asked how wide the walkway is, and Ms. Tyson said it is 15 ft. wide.

The Chairman remarked that some farms have "run-betweens" with gates that are easily kept in grass; if Ms. Tyson intends to open the gates to let the horses pass and then closes the gates again, it should not be difficult to maintain the grass. Chairman Ivanhoe thought there should be something specific in the resolution.

Mr. Reilly agreed, saying there should be a condition about the surface of the area next to the new barn, especially if there is to be a neighbor on the east side.

Mr. Rossi said the owner of the property had been sent a Notice, and he didn't think issues should be raised for the benefit of someone who was not even present at the meeting/seemed unconcerned.

Mr. O'Leary said it is the Board's job to maintain neighborhood character, public safety, etc.

Mr. Rossi said it is also their job to grant special permits for permitted uses, and the use is not intense. He added that a neighbor expressed objections in the past which were heard by the Board and Ms. Tyson; it would seem that the new neighbor would have more interest or concern. Mr. Rossi said he felt the submitted plan would not significantly impact the neighbors, and it was not necessary for the Board to act as the neighbor's advocate.

Mr. O'Leary disagreed, saying the Board advocates for the well-being of the entire Town.

Mr. Rossi said he meant that the level of concern need not be so great if an adjoining land-owner doesn't submit any sort of concern of their own.

The Chairman said the Town has the proof that the Notices were sent/there is no obligation to prove they were received and they may not always be received, but the Board has to represent the interests of the entire neighborhood.

Mr. Rossi agreed and said the Board must comply with the general conditions of the Ordinance that say the use must be found to be within the bounds of the special permit requirements and will not have an adverse effect on the neighborhood. He said he was not arguing that the rectangular area should be kept dust-free, but he thought that was sufficient/the Board need not do more than they typically do.

Chairman Ivanhoe stated that even if the property next door had not been sold, it might be sold in the future and so must be considered.

Mr. Rossi said he was asking that the Board use its authority to allow his clients to utilize their property to within 87 ft. of the side line which is farther away than the 75 ft. minimum permitted without a variance. He added that he would be happy with reasonable conditions.

The Chairman said he thought the Board would be specific about both the courtyard and the walkway; namely that the walkway will be maintained in grass which will be dust-free, and they will want to keep an eye on the courtyard.

Mr. Reilly asked if the Chairman could be somewhat more specific than that.

The Chairman said he wished he could talk to the excavator about using something suitable for a gravelly courtyard.

Mr. O'Leary pointed out that they do not need to name a specific product; they may simply say that the surface must not be dust-producing.

Mr. Rossi continued to support the use of Item 4, saying horses will just be walking in the courtyard and not running. He added that Item 4 is put on a solid base which prevents erosion.

The Chairman commented that everyone has a different description of Item 4 in their minds.

Ms. Tyson said her excavator was aware that Mr. Thompson had concerns about dust, so he will use something that is non-dust-producing for the proposed use. She added that she does not know what the Item 4 mix is.

The Building Inspector stated that Item 4 is a State specification, indicating a processed material that meets certain standards.

Mr. O'Leary remarked that it is usually a base put under something else.

Mr. Thompson said it is also used alone to grade dirt roads.

Chairman Ivanhoe asked if everyone could agree that the resolution will specify that a non-dust-producing aggregate, as specified by the contractor, is to be used in the courtyard.

Mr. O'Leary asked if there might be a way to keep the courtyard back enough from the property line to continue the grass of the walkway/transition the walkway by widening it at the courtyard.

Ms. Tyson said Mr. O'Leary's suggestion would require additional fencing and reduce the area of the courtyard too much, especially in the event that she eventually has 5 horses.

The Chairman thought it would be possible to simply extend the fence and move the gate.

Mr. O'Leary asked Mr. Rossi and Ms. Tyson to consider this suggestion.

Mr. Rossi said they will, but he did not think the non-intensive use warranted a change to another 15 ft. of grass – nor would it make for a big change in the viewshed of the new neighbor.

Mr. O’Leary said it would just extend the apron toward the barn area.

Mr. Thompson said he did not believe much would be gained by doing this, and the dust-free surface of the courtyard will be more stable than what would be trampled grass in a larger walkway entrance.

Mr. Rossi stated that the petition includes a letter of support from neighbors, Yolanda and Richard Knowlton (132 Finch Road), and the Chairman acknowledged this.

The Chairman closed the public hearing.

Mr. Reilly read a draft resolution, including conditions that the courtyard at the new barn will have a non-dust-producing surface and the 15 ft.-wide walkway will be maintained in grass.

**Motion by:** *Emily Barrett*  
**Seconded by:** *Richard O’Leary*

**Mr. O’Leary:** *Aye*  
**Ms. McKean:** *Aye*  
**Ms. Barrett:** *Aye*  
**Ms. Milanes:** *Aye*  
**Chairman:** *Aye*

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

Mr. Rossi asked if the amendment could be written so that it runs for 10 years from now, but Mr. Reilly said that the application was for an amendment, so the special permit will run for 10 years from the date of its 2014 resolution.

The Chairman agreed with Mr. Reilly.

Mr. Rossi continued to press his point for a while, but Mr. Reilly/the Board did not change their minds about the expiration date of the special permit.

The meeting was adjourned at approximately 9:50 pm.

Respectfully submitted,

  
Janice Will, Recording Secretary