

BOARD of APPEALS
Public Hearing
October 13, 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
Paul Taft, Building Inspector
Janice Will, Recording Secretary
Members of the Public

(Chairman Brian Ivanhoe was late getting to the meeting.)

Richard O'Leary called the October 13, 2016 Town of North Salem Zoning Board of Appeals meeting to order.

The minutes of the September 15, 2016 meeting were unanimously approved.

The next meeting date was set for November 10, 2016.

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 review by the Planning Board.

PUBLIC HEARINGS:

BA16-33 Elaine Bowden/Anthony Picciano (7 Lakeside Drive) – **Area Variance** – For installation of a generator 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 side yard setback variance of 12 ft. (25 ft. required; 14 ft. existing; 13 ft. proposed) and a 5.6% increase in development coverage (25% permitted; 30.4% existing; 30.6% proposed) are requested.

(The Chairman arrived near the beginning of the discussion of this application.)

Elaine Bowden addressed the Board, stating that she and her husband have owned their house for 17 years. She said they recently sold their primary residence and intend to make 7 Lakeside their full-time home, and they would like to have a generator for emergencies. Ms. Bowden said that in order for the generator to be installed 6 ft. away from the house (required for safety reasons), it will be about a foot closer to the side yard line than the closest part of the house. The generator will also increase development coverage of the property by a small amount.

Mr. O'Leary acknowledged receipt of a letter from Katonah Management stating the Bloomerside Co-op's approval of the generator, adding that the letter expresses concern about noise from the generator. Mr. O'Leary suggested the ZBA's approval be conditioned upon requirement of additional sound-buffering if Ms. Bowden's neighbors feel such a step is necessary.

Ms. Bowden agreed to this condition.

Mr. O'Leary also stated that the weekly test-run should be scheduled for mid-week during the day, and he asked that the site be kept in an orderly condition while the generator is being installed.

Ms. Bowden agreed to these things also.

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

Gerald Reilly read a draft resolution, noting that the variances are small and including a condition that the applicants must meet the Co-op's requirements per the July 1, 2016 letter from Katonah Management.

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

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

Ms. Barrett: **Aye**
Ms. Milanes: **Aye**
Chairman: **Aye**

Area variance granted.

BA16-34 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 5 grooms (previously amended by BA14-26, BA14-35, BA15-14 and BA16-07)) to reflect the following changes, per Article XIII Section 250-72:

- Increase the number of employee dwelling units from 5 to 8.
- Revise previously–approved Phase IV Residence Building by increasing the number of bedrooms from 3 to 6.
- Authorize an increase of approximately 168 sq. ft. in the size of the Phase IV Residence Building.

BA16-35 Gotham Enterprizes (741 Titicus Road) – **Area Variance** – To increase the maximum number of employee dwelling units from 5 permitted to 8 proposed and to increase the maximum number of employee dwelling units in a single structure from 3 to 6, per Article XIII Section 250-72 (H) (1 and 6).

It was decided to consider these 2 applications together.

Don Rossi, attorney for the applicant, displayed a site plan of the subject property. He explained that the Residence Building is one previously approved by the Board. Mr. Rossi added that the owner feels it would be best to have more employees (grooms and property-maintenance people) live on-site and is requesting to have a total of 8, with 3 additional employees to be housed in the Residence Building (total of 6 in this building). A dormer is to be added to the rear of the structure in order to facilitate construction of 3 bedrooms on the top floor; no other changes to the building’s exterior are proposed. Mr. Rossi opined that given the size of the subject property and the number of horses kept, the farm warrants the number of employees. He also said that some of the employees will travel to Florida in the winter.

Cynthia McKean asked how an increase of 200 sq. ft. in floor space would accommodate 3 additional people.

Mr. Rossi explained that the increase is only for the dormer (needed to provide windows); the space on the top floor is available to be used for bedrooms and bathrooms. He noted that there is also 1 employee dwelling unit in the indoor riding arena and 1 in the treadmill building.

The Chairman said he assumed the bedrooms will meet the size-standards stated in the Code, and Mr. Rossi said they will.

Chairman Ivanhoe asked about additional parking.

Mr. Rossi stated that there is sufficient parking, including 7 spaces at the Residence Building which will be accessed by the existing drive.

The Chairman asked if the applicant was considering some kind of fire-suppression system, given the number of employees to be housed in the Residence Building.

Mr. Rossi replied that the building will be fully sprinklered.

Paul Taft explained that this is required by the Building Code, because the third floor of the building is to be used.

Mr. Reilly said the sprinkler system will be included in the resolution.

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

Mr. Reilly read draft resolutions, noting that all the original special permit conditions will remain, and sprinklers are to be installed in the Residence Building per the agreement of the applicant.

BA16-35

Motion by: *Cynthia McKean*

Seconded by: *Emily Barrett*

Mr. O'Leary: *Aye*

Ms. McKean: *Aye*

Ms. Barrett: *Aye*

Ms. Milanes: *Aye*

Chairman: *Aye*

Area variance granted.

BA16-34

Motion by: *Richard O'Leary*

Seconded by: *Emily Barrett*

Mr. O'Leary: *Aye*

Ms. McKean: *Aye*

Ms. Barrett: *Aye*

Ms. Milanes: *Aye*

Chairman: *Aye*

Special permit granted.

BA16-36 Kent Farrington LLC (6 Delancey Road) – **Special Permit** – For the keeping of up to 14 horses and maintenance of a commercial boarding operation, including construction of a 14-stall barn with indoor riding arena, equipment/hay storage building and installation of a manure dumpster, per Article XIII Section 250-72.

BA16-37 Kent Farrington LLC (6 Delancey Road) – Area Variance – The following variances are requested to facilitate maintenance of a commercial horse-boarding operation, per Article V Section 250-15:

- Decrease the minimum acreage required from 10 acres required to 9.6 acres existing/proposed.
- Increase the maximum building coverage from 5% permitted to 6.7% proposed.
- Increase the maximum development coverage from 10% to 12.89%.

The Board would consider these 2 applications together.

The secretary handed a document to the Chairman, explaining that it was an environmental study of the subject property from 2014. She stated that a neighboring property-owner had just given it to her/it was technically too late to be made a part of the application file.

The Chairman noted that the report was submitted by Arthur VanAllsburg of 7 Springhill Road.

Don Rossi, attorney for the applicant, stated that the proposed boarding operation is scaled back from one the Board previously approved for the subject property. He said the development coverage variance is only needed because of the plan to expand the outdoor riding ring and reconfigure it away from the wetland buffer area. He further stated that a new barn/indoor ring will replace the existing barn at the end of the drive/no new drive is proposed, and a storage building for equipment and hay is also to be constructed.

Mr. Rossi stated that his client is an Olympic equestrian who trains his own horses and also other riders/their horses and wants to make sure the barn is as immaculate and safe as possible. The existing single-family residence will remain/the farm manager will live there, and there will be no grooms' quarters on the property. Mr. Rossi remarked that his client intends to have a pristine, elite facility.

Mr. Rossi said the proposed barn with indoor ring is 6 to 7 ft. lower in height than the previously-approved barn/ring, and significantly smaller (213 ft. in length vs. 380 ft.). He pointed out the paddock configuration on a site plan. Mr. Rossi stated that the applicant originally intended to have a special permit for private use only, but it was decided to apply for a commercial horse-boarding permit so that he may keep others' horses from time to time. He reiterated that the proposed plan will have less impact than the previously-approved one. He said his client has a farm in Florida, where he/most of the horses will be for several months every year.

The Chairman noted that the previously-approved operation was for boarding of up to 18 horses, and the present request is for 14. He stated for the record that he thought for an equestrian competitor of the caliber of Mr. Farrington to choose to have his farm in North Salem was something to be proud of. He added that he has seen Mr. Farrington's Florida operation, which is run at the level one would expect of a farm that trains horses for top Olympic competitors. The Chairman said the layout of the proposed farm fits into the property well, does not require an additional driveway, and the barn/riding ring combination is sensible.

Mr. Rossi said existing wetland areas on the Titicus Road side of the property called for restraint in planning the site, and stormwater control requirements for buildings the size of the barn/riding arena dictate that areas for sedimentation be to the west side.

Chairman Ivanhoe said that in addition to fitting the property well, he assumed that it also meets the requirements of the New York City DEP and the Town's wetland regulations.

Mr. Taft said it does, and in future it may also require a Stormwater Pollution Prevention Plan from the DEC.

Mr. Rossi said the plan should avoid the need for a Town wetland permit, but there will be a SWPPP requirement of one kind or another depending on the total area of disturbance.

Mr. Taft noted that there may also be a post-construction maintenance agreement as part of the SWPPP.

The Chairman asked if the Watershed Agricultural Council has been consulted, but Mr. Rossi did not know.

Chairman Ivanhoe said consulting with WAC is recommended.

Ms. McKean asked what the previous owner's special permit had been for.

Mr. Rossi answered that she had a special permit for 6 horses. He added that the new barn will be farther from Delancey Road than the existing barn. Turning to the elevation drawings, he said the indoor ring will have a viewing area overlooking it.

The Chairman said he was pleased to see that the cupolas will be vented/not illuminated. He commented that a more local-type of stone than that drawn be used on the front façade/coursing of the building (fieldstone versus what appears to be river stone).

Mr. Rossi agreed to this.

Ms. Barrett asked about the manure dumpster site at one end of the proposed shed.

Mr. Rossi explained that the dumpster pad will be to the rear of the shed/accessible for trucks.

The Chairman noted that no changes to the existing residence are proposed.

Mr. O'Leary commented that the proposal seems significantly less impactful than the previously-approved plan, and Ms. McKean agreed.

The Chairman called on Robert Bush of 3 Delancey Road, who wanted to know if trucks will be able to turn around on the property and not need to back in from Delancey Road.

Mr. Rossi said he believes the site is designed so that trucks may pull in and back up to turn around at the rear of the property/they will not need to back out onto Delancey Road.

Mr. Bush asked where vehicles and horse trailers will be parked.

Mr. Rossi said there will never be parking at the front of the property; if needed, there is room to the rear. He explained that the intention of the plan is to minimize the scope and disturbance. Mr. Rossi added that there will never be many people there at one time.

Mr. Bush asked if the Board would limit nighttime operation.

Mr. Rossi stated that regular conditions of special permits include no outdoor ring illumination, loudspeakers or shows.

The Chairman added that use of the outdoor ring could be limited.

Mr. Rossi asked that the Board allow use of the indoor ring until 9 or 10 pm. He added that horses might occasionally be returned to the farm later after an out-of-town show or from wintering in Florida and asked that no specific restriction be put on this.

Chairman Ivanhoe agreed that this occasional occurrence would be typical, and Mr. Bush said he had no objection.

With regard to equipment parking, the Chairman asked what size trailer would regularly be parked on the property.

Mr. Rossi did not know exactly but said there would be no tractor-trailer-size vehicle would be there. He stated his willingness to commit to no truck-parking at the front of the barn/trucks would be kept to the rear parking area.

The Chairman said that was agreeable; the front of the barn would be limited to cars and pickup trucks. He asked where tractors, etc. would be kept.

Mr. Rossi explained that those would be kept in the shed which is actually a garage with a hay loft.

The Chairman said there would be a condition that no horse trailer of any size would be permitted to park at the front of the barn.

Richard Rogers of 4 Spring Hill Road expressed concern that the manure dumpster will be near his house/the trucks and vans parked towards the rear of the barn will also be in front of him, and he asked if this arrangement could be changed.

Chairman Ivanhoe asked Mr. Rogers to indicate his house on the site plan, which he did.

The Chairman thought Mr. Rogers would not be able to see the parking area; it is between the side of the barn and the shed. He also did not think Mr. Rogers would see the dumpster area at the far end of the shed.

Mr. Rogers said he was also concerned that the nearly 30 ft.-high barn would block his view of the reservoir.

Chairman Ivanhoe said the Board cannot be responsible for individual views, adding that a house could have been as much as 5 ft. taller than the proposed barn will be.

The Building Inspector added that 29 ft. 3 in. is the mean height, not the peak.

The Chairman noted that Mr. Rogers' property is at a higher elevation than the barn will be/he will probably be able to see over it. He added that the proposed buildings will actually serve to screen parked vehicles from view. He asked about plans for the paddock fencing.

Mr. Rossi said the paddocks have been designed to fit the property and the requirements of this type of horses; they will basically be the same as the existing paddocks. He turned to a drawing that illustrates the grade changes and said Mr. Rogers would have to look down to the buildings/he should be able to see the reservoir over them.

The Chairman commented that this drawing was very helpful; he said that to the extent possible, the Board tries to protect views, but he really felt Mr. Rogers' view would be out and over the buildings.

Mr. Rogers asked about traffic to/from the garage, and Mr. Rossi replied that the building will be for storage and have an office.

Chairman Ivanhoe commented that the tractor will be stored there also. He stated that the Board would require that the paddocks be maintained in grass and manure be removed regularly, and they recommend use of fly predators.

Mr. Rogers asked if trees planted by the former owner of the subject property will be kept, and Mr. Rossi responded that he did not think they would need to be removed.

Mr. Rogers wanted to know about the paddock fencing, and the Chairman said it will be post-and-rail.

Arthur VanAllsburg said the environmental report was prepared 2 years ago when another application for horse-boarding at 6 Delancey Road was submitted; the application was withdrawn, so the report was not submitted to the Board of Appeals. He thought it was important for the Board to read now.

The Chairman stated that the current plans all meet the latest stormwater requirements.

Mr. VanAllsburg said he does not object to development of the subject property but wants to be sure it is done correctly/environmental issues are properly handled.

The Chairman agreed that these things are important.

Mr. VanAllsburg asked to be shown the location of the dumpster.

Mr. Rossi indicated the area to the rear of the shed, explaining that it must be accessible for trucks.

The Chairman added that the dumpster pad will be sub-grade with a ramp down to it, so the box will probably not be visible.

Mr. VanAllsburg asked what the driveway material will be, and the Chairman said he would assume it will be gravel/not paved.

Mr. VanAllsburg asked how long the construction will take, but Mr. Rossi said he did not know.

Mr. Rossi asked to be sent a copy of Mr. VanAllsburg's environmental report. He stated that he has not seen the current SWPPP plan, but Bibbo Associates is experienced at working up these plans.

The Chairman considered making it a condition that the driveway be gravel.

Mr. Rossi thought his client might prefer another/nicer surface, but he would not have macadam put down.

The Chairman said the condition would read, "not macadam".

Mrs. Rogers asked if there would be an opportunity to see the plan for the driveway.

The Chairman stated that the Board would vote on the submission as received.

Mr. Rossi said there will be a condition in the resolution that the drive may not be paved.

Mrs. Rogers asked if there will be any limit imposed on traffic in and out of the subject property, saying she was concerned about headlights shining into her house.

The Chairman said there is a grade change of about 30 ft. from 6 Delancey Road to Mrs. Rogers' house on Spring Hill Road, and headlights do not aim upward.

Mr. Rossi stated that because the property is to be used as a horse farm, there will be some big trucks, but not many.

The Chairman added that neither hay nor feed will be delivered at night, but horses may occasionally be brought back to the farm after dark. He said that if it ever becomes any sort of nuisance, Mrs. Rogers could speak to the Building Inspector and it will be looked into.

Mr. Rossi suggested speaking to the farm manager first.

Mr. Taft said he has found the farm manager to be very responsive.

Mr. VanAllsburg asked for the square footage of the barn/indoor arena.

Chairman Ivanhoe calculated it to be 28,000 sq. ft.

Mr. Rogers wanted to know what the impact would be on taxes and real estate values of neighboring properties.

The Chairman answered that he didn't see how it would affect the taxes of others, but the new farm will generate more taxes for the Town.

Mr. Rossi told Mr. Rogers that when the last proposal was before the Board, a local realtor stated that in her experience top-notch horse farms increase the value of neighboring properties.

Ms. Milanese said she read something to that effect in the newspaper recently.

Mr. Rossi said one of the reasons the Town's Code provides for the limiting of these special permits is that it provides for reasonable assessment of farms. He stated that his client's proposal will result in a showcase with beautiful buildings on a reasonable scale. He said that if a farm is not built and operated as stated at the time of the granting of a special permit, the Town has the ability to enforce conditions; additionally, the special permit will have to be renewed after 10 years, at which time any problems/concerns would also have to be dealt with. He stated that his client will be training Olympic-caliber animals/riders, and the farm will have to be immaculate to attract those people.

Chairman Ivanhoe agreed, adding that it will really be more like a private farm, although some others may be trained there. Once completed and landscaped, the farm should blend in well with the land/look natural.

Mr. VanAalsburg inquired about the location of the septic system, and Ms. Milanese said it is in the submitted drawings.

Mr. VanAalsburg asked about water and electricity requirements for the farm.

Chairman Ivanhoe said the submitted plans indicate an existing well and proposed well; the electric supply crosses the property now, but he thinks all on-site electricity will probably be put underground. He added that the ZBA does not regulate that, but one never sees building-to-building overhead wires on a lot.

Mr. VanAalsburg asked who does regulate electricity, and the Building Inspector said the NEC code does.

Mr. VanAalsburg was concerned that the farm would draw electricity from other properties.

Mr. Taft said NYSEG will look at the overall operation to determine what size transformer is required.

Mr. VanAalsburg said it looked as though effluent would have to be pumped uphill to the septic system.

Mr. Rossi stated that the septic system will be installed according to the rules and regulations of the Westchester County Department of Health and separated by the required distance from the well.

Mr. O'Leary inquired if there is to be a generator installed, and Mr. Rossi said there is no generator in the plans.

Mr. VanAllsburg asked how involved the DEP gets in projects like this.

Mr. Taft explained that the DEP will be notified by the Westchester County Health Department of the septic plan, and the DEC will be involved in the SWPPP.

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

Mr. Reilly read draft resolutions, noting that an earlier proposal for a more intensive use of the subject property was approved in 2013/that approval was upheld in an Article 78 proceeding. He included the following points for the special permit:

- The Board recommends the applicant seek guidance from the Watershed Agricultural Council.
- The cupola shall not be illuminated.
- The stone front of the barn is to be local/native stone like fieldstone as typically seen on buildings in Westchester County.
- There shall be no parking of large trucks/trailers in front of the barn/this parking area may be used only by cars and pick-up trucks and tradespeople.
- The manure dumpster shall be placed on a sub-grade concrete pad and emptied regularly.
- Paddocks shall be maintained in grass.
- The Board recommends employment of fly predators.
- Any new fencing shall be constructed of natural material post-and-rail.
- Driveways are to be surfaced with gravel or other pervious material/may not be surfaced with macadam.

For the area variance, Mr. Reilly noted that the variances are not large, there has been no evidence now or in a previously-approved application of negative environmental impact or change in the character of the neighborhood.

The Chairman asked that there be a condition in the resolution that no exterior lighting may be visible at its source and a finding that the existing 9.6 acres exceeds the Ag and Markets requirement of 7 acres for a commercial boarding operation/the variance is only needed from the Town Code.

Mr. Rossi asked that the permitted fencing materials include products like Trex, which looks natural.

The Chairman said he has never seen this product used on horse farm fencing, and he would prefer to keep to natural wood.

Mr. Bush still had concerns about lighting.

The Chairman said all lights will be shaded, and farms are usually pretty dark at night.

Mr. Reilly asked for a motion and vote on the area variance first, followed by the special permit.

BA16-37

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.

BA16-36

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

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

Special permit granted.

BA16-38 Oldvineyard LLC (441 Hardscrabble Road) – **Special Permit** – To amend Special permit BA16-24 (breeding operation for up to 150 alpaca) to include installation of a clear-span membrane structure with 2 recessed manure dumpsters and construction of a garage, per Article XIII Section 250-72.

BA16-39 Newvineyard (39 Delancey Road) - **Special Permit** – To amend Special permit BA16-26 (breeding operation for up to 150 alpaca) to include installation of a clear-span membrane structure and 2 recessed manure dumpsters, per Article XIII Section 250-72.

These applications would be taken together.

Michael Liguori, attorney for the applicant, and Lynn Edens, applicant, were present. Mr. Liguori stated that the Board had recently granted special permits and area variances for alpaca operations on the 2 properties with the understanding that Ms. Edens would return to the ZBA when she decided where to locate the clear-span structures and manure dumpsters. He added that Ms. Edens worked to make sure the structures will not be seen from neighboring properties, and he provided the following information (all distances approximate):

- At Oldvineyard, the structure is proposed to be located 925 ft. from Hardscrabble Road, 875 ft. from Delancey Road, 1500 ft. from the rear of Old Salem Farm, and 1900 ft. from the Newvineyard property line.
- At Newvineyard, the structure is proposed to be 875 ft. from Delancey Road, 700 ft. from the north property line, 1600 ft. from the east property line, and 1225 ft. from the south line.

Mr. Liguori stated that changes in topography also help to ensure that neither of the structures will be visible from the Gessler property at 9 Delancey Road.

Chairman Ivanhoe remarked that Ms. Edens has purchased and substantially improved other properties in Town and runs them with high standards. He said he was concerned about the membrane structures and felt they would have a negative impact if they could be seen from anywhere in Town; he wanted to be sure they will not be visible. Although the membrane structures are farm buildings, they are more commonly seen in counties to the north where there is more space.

Mr. O'Leary said he had no problem with the idea of having buildings and dumpsters on the subject properties, but there was once another one of these membrane structures in Town that came to be known as the "bubble barn" that glowed at night in plain sight. He asked if the structure is particularly beneficial to the alpaca.

Ms. Edens said the structures are good because they allow for a minimum footprint/the interior is very efficient, and the white color keeps the interior cool; clear-spans are quiet, efficient and healthy for animals.

Mr. O'Leary wondered if one could be constructed like a closed riding arena with a membrane top/roof.

Ms. Edens said that would be more expensive and less healthy. She said she understood concerns about the look of these buildings; they are agricultural but not suburban in appearance.

The Chairman said he did not expect a suburban-looking building, but the membrane structures are not aesthetic.

Ms. Edens said she understood but added that there are similar greenhouses on Hardscrabble.

Mr. O'Leary commented that the structures Ms. Edens was proposing to have are quite large.

Ms. Edens said she agreed with the Board about their appearance, and she looked for suitable, hidden locations for them. She went on to say that they are practical, healthy buildings, and there will be no lights at night as they are not for horses and clients/just animal housing and hay storage; lighting will be installed for emergency use only as there will be no reason for people to enter the structures at night and there will be a minimal human presence in them at any time compared to horse-boarding operations.

Ms. Edens stated that the photographs included in her applications were an attempt to show that the clear-spans won't be seen. She described the topography of the land and pointed it out on an aerial photograph. Ms. Edens said the structure at Newvineyard will be located on the other side of a hill where the land slopes downward; to the east, the land is heavily wooded. She thought it was possible that part of the top of the structure might be visible from one side when the trees have lost all their leaves but added that it would be just a glimpse of white/not the outline of the structure.

Noting that the structures were staked/the Board invited to go and look, Mr. Liguori asked if they had made a site visit.

Ms. Edens offered to plant evergreens if the structure can be seen through the thick brush from Delancey Road.

Chairman Ivanhoe thought the Board might hold the applications over so they can all go out as a group and take a look at the clear-span sites.

Mr. O'Leary said he thought the structures would be more visible from farther away.

There followed a brief discussion as to whether or not one could see to the clear-span sites from the other side of the reservoir.

The Chairman asked how high the clear-span structures will be, and Ms. Edens replied that they are 31 ft. high.

Mr. O'Leary asked if Ms. Edens wants the clear-span structures because they are cheaper.

Ms. Edens agreed that they are cheaper, but they're also healthier for the heavily-fleeced alpaca because they are cooler than barns. She said they are fairly "green" because there is no need for fans or any extra management, and she feels the benefits make them a good choice as long as the Board is satisfied that they won't be seen.

Mr. O'Leary said his concern was that once the structures have been approved and put up, the Board cannot do anything about them.

Ms. Edens reiterated her belief that there is only one point at which it might even be possible to see 1 of the structures. She said there is a hill in front of the one at Oldvineyard and it is also obscured by a thickly-wooded area/she is sure one would not be able to see through it to the clear-span.

The Chairman noted that Hardscrabble Road is very low.

Mr. Liguori said he parked and walked back onto the property, and the site cannot be seen; the trees are higher than the structure. He added that a balloon test would demonstrate this more clearly.

Ms. McKean said that the problem for her is that a staked area is not a 30 ft. membrane structure/a balloon test would be a better indicator. She added that she is concerned because of the other similar structure in Town in the past, which was difficult to get removed.

Mr. O'Leary agreed with Ms. McKean.

The Chairman noted that the other structure was very clearly visible in an open field with no screening at all.

Ms. Edens remarked that she wouldn't have proposed a site that would be seen.

Chairman Ivanhoe said he thought it would be helpful to some of the Board members to observe the sites with a balloon test.

Mr. Taft stated that Ms. Edens took him around, and he could not see the outer perimeters of the sites. He agreed that a balloon test would help the Board members get a better perspective.

Ms. Edens was concerned that balloons would bob around/not stay upright, but the Chairman said that even 4 stakes painted orange at the top and as tall as the structures could be employed.

The Building Inspector thought a weather-type balloon at each end would help.

Ms. Edens said the structures really are not so big; one balloon of the right height for each should suffice.

Mr. Liguori said that Ms. Edens is trying to keep to a schedule; if the Board's concern is being unable to mitigate any visual impact of the structures after they are constructed, he would consider providing the Board with the ability to require additional mitigation measures after the buildings are up.

Mr. O'Leary did not see what could be done to alter the appearance of the membrane structures once they are up.

Mr. Reilly stated his disapproval of that kind of conditional approval and added that the balloon test would satisfy people.

The Chairman said the applicant has already gone to the trouble of staking the sites and seriously considering the viewshed. If the other Board members feel they must witness a balloon test, he would like to do it soon; perhaps the test could be a final Finding in the resolutions. Chairman Ivanhoe stated that he believes the clear-span structures will not be seen, and the Board could require screening at the one point on Delancey Road from which the one at Newvineyard might be visible.

Ms. Edens said she wants to be responsive to concerns, and she thinks the Board will see that the sites are fine; her concern was that they would say she may not have the clear-span structures at all.

The Chairman said he must be sure they may not be seen from anywhere off the subject properties.

Mr. O'Leary said that in the case of the membrane structure that was right on Peach Lake Road, the biggest complaint was from people who lived fairly far away on Dingle Ridge Road.

The Chairman pointed out that the people on Dingle Ridge Road were at a higher elevation and looked down onto the structure.

Ms. Milanes and Ms. McKean both said they want to see the balloon test before deciding whether or not to approve the membrane structures.

Ms. Edens said she has done the best she can to hide the clear-span structures; winter is coming and she would really like to start preparing the sites for construction.

Mr. O'Leary remarked that the sites will still be good locations for other types of buildings, so site work will not be wasted.

The Chairman asked Ms. Edens if she has a second choice for a type of building, and she replied that she does not because the membrane structures are best for her needs.

Ms. Edens stated her belief that when the Board members see the buildings staked and the balloons as well, they will be convinced that the structures will not be visible.

The Building Inspector said details about the lighting would be helpful also.

Ms. Edens said lighting will be mainly for emergencies; there will be approximately 8 hanging fixtures in each building. She added that there will be no office or work space in the structures/there will just be animal housing and hay storage.

Chairman Ivanhoe said the applications will be held over until November, and the public hearing will remain open.

Ms. Edens asked if it would be alright to start the site work, and the Chairman told her it would.

Ms. Edens said she will have someone set up something for the Board to see soon and let the secretary know when it is up. She described where to enter the properties and which way to walk to get to the building sites.

The Chairman said the Board would go as a group.

Gwen Sherman of 114 Delancey Road said she lives across the street and asked if she would be able to see the building from her property or if screening is planned.

Ms. Edens pointed to the proposed site on the Oldvineyard property and assured Ms. Sherman that she will not be able to see it.

Ms. Edens said she also intends to demolish an old cement block garage on the property and build a new one much farther in. She explained that although it will be on the same property, the garage will not be a part of the alpaca operation but for the haying (for which no special permit is required). Ms. Edens asked, if the Board agrees that it is not part of the special permit, she may begin demolishing the old one/building the new garage.

Mr. Liguori stated that after hearing from the Building Inspector about the garage, he included it in the Notice to Property-Owners, but it does not have anything to do with the alpaca.

Ms. Edens indicated an existing barn and explained to Ms. Sherman that the membrane structure is about 500 ft. beyond it/into the property. She said there is a woodlands, the barn and the future garage all between Ms. Sherman's property and the clear-span structure.

Ms. Sherman asked if she could go along to see the balloon test, and Ms. Edens said that would be fine.

Ms. Sherman asked about exterior lighting on the membrane structure, and Ms. Edens said there will be none.

Annemarie Condon of 42 Delancey Road stated that she lives right across the street from 39 Delancey Road and asked about the manure dumpsters.

Ms. Edens said there will actually only be one on each property.

Ms. Condon asked if the dumpsters will be sub-grade, and Ms. Edens replied that it will.

Ms. Condon said the area is a residential neighborhood and expressed concern that the number of alpaca and dumpsters will increase over time.

Mr. Reilly stated that if Ms. Edens wants more alpaca, she will have to apply to amend her special permit.

Ms. Edens stated that she currently has 120 alpaca on another property on Hardscrabble, and she has never had a complaint in the 2-3 years that the animals have been kept there; alpaca don't make any noise, and they don't smell. That manure dumpster is changed out every 2 to 3 weeks.

Ms. Condon asked if Ms. Edens meant another property near Delancey Road, but Ms. Edens explained that there are just a few on the lot to which Ms. Condon was referring.

Ms. Condon noted that there is no large commercial-looking building there for the alpaca.

Ms. Edens agreed that there is not/she uses sheds.

Ms. Condon asked why those alpaca don't have a large building like what is being proposed for 441 Hardscrabble Road and 39 Delancey Road.

Ms. Edens said that in the first place, she only has permission for a few alpaca on that property; additionally, a membrane structure could not be concealed there/it would be right in plain sight.

Ms. Condon said it was her understanding that Ms. Edens wants the large membrane structures for their cooling benefit for the animals. She also said Ms. Edens had admitted there are alternatives, and Ms. Condon thought those should be considered even if they are more expensive.

Ms. Edens said there are all kinds of agricultural buildings, but this one would be best for the animals, and hers is an agricultural business. She noted that agriculture helps keep land open in Town; given the price of local real estate, only horses, nurseries and alpaca are viable; haying does not really pay very well. Ms. Edens said the Vineyard properties have always been used for agriculture, and alpaca-breeding is a good, low-impact way to continue that. She agreed that visibility of the membrane structure was worth discussing, but she is confident that they won't be seen.

Mr. O'Leary asked if Ms. Edens would be willing to take the buildings down if people complained about them.

Ms. Edens answered that she would probably first try a different color cover on them/see if that made them too hot. She added that these types of building are considered temporary structures and can be moved if necessary.

Mr. O'Leary asked if they have foundations or piers.

Ms. Edens replied that they have piers and added that they are rated up to 115 mph for wind. She said they meet the Town's requirements; the only concern is whether anyone will be able to see the white cover.

Ms. Condon was concerned about odor, but Ms. Edens told her the dumpster will be so far into the property that she won't be able to smell anything.

Ms. Condon asked about use of the manure as fertilizer.

The Chairman said it is valuable as compost, but it will be taken off the property.

Ms. Edens stated that she has a trade arrangement with someone to take it away, because they use it for compost. She said this does add value to her business, but the business is not fertilizer or compost.

Mr. O'Leary asked if Ms. Edens doesn't also have a horse farm on another property and how many dumpsters she has there.

Ms. Edens responded that she has had the horse farm for 11 years, and there are 3 dumpsters which are emptied twice a week because she has 50 horses. She stated that she has never had any problems, and she is quite sensitive to the feelings of neighbors. Ms.

Edens went on to say she understands that people want to live in peace in their own space, because she does also.

Ms. Condon said she was worried about tractor-trailers; the farm at the opposite end of Delancey Road is well situated for trucks to turn in from Titicus Road, but drivers get mis-directed sometimes, and Delancey Road is very narrow.

Ms. Edens said the alpaca farm won't need any trucks to come but for the mid-size truck that will take away the manure dumpster twice a month. There will be no customers or clients, and even the hay will be produced on-site and not need to be delivered.

Ms. Sherman asked if the dumpsters will be near the buildings, and Ms. Edens said they will, but set below grade.

Ms. Edens said alpaca-breeding is a low-water-use operation, but she will need to have a well drilled on one of the lots because there is none.

Chairman Ivanhoe stated that the public hearing would be kept open and closed the meeting.

The meeting was adjourned at approximately 9:45.

Respectfully submitted,



Janice Will, Recording Secretary