

**STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS**

**In the Matter of Compelling Compliance with the
provisions of Agriculture and Markets Law
§305-a (1) by**

**Town of Lewisboro
11 Main Street
PO Box 500
South Salem, NY 10590**

and

**Town of Lewisboro Planning Board
Cross River Shopping Center @ Orchard Square
Suite L (Lower Level), 20 North Salem Road,
Cross River, NY 10518**

**DETERMINATION
AND
ORDER**

PRELIMINARY STATEMENT

In December 2011, John and Lynn Briganti (Bygott), owners of Hazelnut Farm, requested that the Department of Agriculture and Markets ("Department") review the Town of Lewisboro's zoning code as it pertains to their commercial horse boarding operation. The Department investigated to determine whether the Town of Lewisboro administered the Town's Zoning Code in a manner consistent with the provisions of Agriculture and Markets Law (AML) §305-a. AML §305-a(1)(a) mandates that when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations, local governments do so in a manner as may realize the policy and goals of Agriculture and Markets Law Article 25-AA. The policy and goals include to conserve, protect and encourage the development and improvement of agricultural land for the production of food and other agricultural products; to conserve and protect agricultural lands as valued natural and ecological resources; and to protect and enhance agricultural land as a viable segment of the local and State economies and as an economic and environmental resource of major importance. The statute further provides that local governments "shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened."

In conducting its review, the Department took into account its review of information, correspondence and documentation submitted by John Briganti and Lynn

Bygott; Carrie Davis, Agricultural Program Coordinator, Watershed Agricultural Council, East of Hudson Program; farm site visits by Dr. Robert Somers on January 13, 2012 and May 17, 2013; correspondence, discussions and e-mails from Town Attorney Anthony Molé, Esq., and Planning Board Attorney Larry Praga; Town of Lewisboro Planning Board Minutes; Town of Lewisboro Town Board Minutes; aerial imagery of the farm as acquired through the National Aerial Photography Program and the NYS Digital Orthoimagery Program; and the Town of Lewisboro's Zoning Code, Chapter 220.

FINDINGS

1. By letter dated January 4, 2012, Dr. Robert Somers, Manager of the Department's Agricultural Protection Unit, Division of Land and Water Resources, notified former Town Supervisor Charles Duffy that the Department received a request from John Briganti for a formal review of the Town's Zoning Code for compliance with AML §305-a.
2. Supervisor Duffy was informed that the landowners are engaged in a horse boarding and training operation that is conducted on 7.6 acres of land located within the Town's R-4A Residential Zoning District and within Westchester County Agricultural District No. 1, a county adopted, State certified agricultural district. The property was added to the District on November 22, 2011.
3. Dr. Somers visited Hazelnut Farm on January 13, 2012 to gather information and discuss the farm operation with Mr. Briganti and Ms. Bygott. At the time of review, Ms. Bygott had 10 horses on the farm, but has the capacity to board up to 14. The land and accessory structures on the property support her horse boarding activity. Structures include the main barn, with five horse stalls; a tack room; residence on the second floor of the barn; grooms quarters; three horse stalls in the second barn; four horse stalls in the third barn and two horse stalls in the last barn. The property also has one run-in-shed to shelter an additional horse; paddocks and an outdoor riding ring. Ms. Bygott states that the annual gross sales from boarding and training exceeds \$10,000. The Department determined that Ms. Bygott's horse boarding activity (based upon acreage, gross sales and on-farm boarding/training activities) would be considered a "farm operation" as defined in AML §301(11) and a "commercial horse boarding operation" as defined in AML §301(13) if the Town Code permitted 10 or more horses on less than 10 acres of land. The land would also qualify as a "commercial equine operation" as defined in AML §301(17).
4. On February 17, 2012, Dr. Somers submitted a letter to Supervisor Peter Parsons stating that the Department reviewed the Town of Lewisboro's Zoning Code for compliance with the AML. The Department found that to be a "riding academy" under the Town Code, Hazelnut Farm must consist of 10 acres or more [§220-23(A)(6)] and operate pursuant to a horse management plan [§§220-23(A)(6)(a), (b) and (c)], special permit (§220-32) and a site development plan (§220-44) approved by the Town's Planning Board. Sections 220-23(A)(4)(c) and 220-23(A)(6)(b) limit

the number of horses on a parcel of land to one animal for the first two acres and one animal for each additional acre thereafter.

5. Based upon its review of Town Code and Department guidelines, the Department determined that Hazelnut Farm operates as a closed system where feed is brought in and manure/bedding is exported off the farm. Pasture is not available to provide sustenance to the boarded horses. Nutritional requirements are dependent upon the feed and additives provided to the horses. This practice is common among farms with smaller acreages and this feeding regimen can easily accommodate more than one horse per acre. This was also recognized by the New York State Legislature when it amended the AML to allow 10 horses and seven acres of land to be considered a commercial horse boarding or commercial equine operation under the AML. The Town was informed that its Zoning Code, which ties the number of horses on a farm to acreage, has a chilling effect on Hazelnut Farm, preventing it from growing and making the activities conducted on the farm ineligible for an agricultural assessment. The Department concluded that the acreage limitation unreasonably restricts Hazelnut Farm and violates AML §305-a (1).
6. In the February 17th letter, the Department informed the Town that agricultural uses in an agricultural district are not "special uses." They are constitutionally recognized land uses which are protected by AML § 305-a (1). In light of the purposes of an agricultural district, the Department concluded that requiring Hazelnut Farm to operate pursuant to a special permit unreasonably restricts the farm operation in possible violation of AML § 305-a(1). The Department further stated that since site development plan approval is required due to the Town's treatment of Hazelnut Farm as a special permit use, requiring Hazelnut Farm to operate pursuant to an approved site development plan also unreasonably restricts the farm operation in possible violation of AML § 305-a (1). The Department informed the Town that it may develop a streamlined site plan review law consistent with provisions identified in the Department's *Guidelines for Review of Local Zoning and Planning Laws*. The Department stated that it does not view inspections, when required in conjunction with a streamlined site plan, rather than a special use permit, and reasonable fees, to be unreasonably restrictive.
7. The Department also commented on §220-23(A)(6)(a)(1) of Town Code which states that the storage of manure and soiled bedding is not allowed within 150 feet of a street, property line, watercourse or wetlands area. The Department's guidance document on manure storage, entitled *Guidelines for Review of Local Laws Affecting Nutrient Management Practices (i.e., Land Application of Animal Waste, Recognizable and Non-recognizable Food Waste, Sewage Sludge and Septage: Animal Waste Storage/Management)*, is consistent with the Department of Health's Appendix 5-B, Standards for Water Wells, that provides that managed manure storage facilities cannot be located within 100 feet of a water well. The DOH established these standards to protect the water supply and public health and safety. The Department concluded that setbacks which exceed the DOH standard may be unreasonably restrictive under the AML.

8. The Department also informed the Town that to require Hazelnut Farm to delineate wetlands on their property is expensive and time consuming, especially when the potential use of the wetland for agricultural purposes does not conflict with the ECL. The Department concluded that Hazelnut Farm should not be required to submit a wetlands map for the farm, but could be required to discuss how the use of the wetlands would be incorporated into their farm plan. The Department of Environmental Conservation's regulation of wetlands is set forth in §24-0701 of the Environmental Conservation Law (ECL) and 6 NYCRR Part 663. Section 24-0701(4) of the ECL excludes the following from regulated activities: "The activities of farmers and other landowners in grazing and watering livestock, making reasonable use of water resources, harvesting natural products of the wetlands, selectively cutting timber, draining land or wetlands for growing agricultural products..." Established paddocks on Hazelnut Farm are not located within the State regulated wetland.
9. The Department's February 17, 2012 letter to Supervisor Parsons requested that the Town respond in writing within 30 days of receipt of the letter, to the Department's review of the Town of Lewisboro's Zoning Code and its application to Hazelnut Farm.
10. On April 2, 2012 John Rusnica, Esq., Associate Attorney with the Department of Agriculture and Markets, sent Town Attorney Anthony Molé an e-mail providing resources which the Town could use to develop a streamlined site plan process for, or exempt from site plan review, farm operations in a county adopted, State certified agricultural district.
11. On May 7, 2012, Mr. Molé responded to the Department's January 4, 2012 letter. Mr. Molé stated that the Town Board is currently reviewing the Department's suggested site plan review process and indicated that some revisions to the Code may be appropriate to specifically address properties located in an agricultural district. Mr. Molé stated that the current Town Code provides the Planning Board with the ability to waive certain requirements in the Town's site plan review process. He suggested that Hazelnut Farm may wish to appear "...before the Zoning Board of Appeals (the "ZBA") and the Planning Board to obtain the necessary relief from the Town Code provisions, as waiting for new legislation to be enacted could take some time." He explained that the Applicant may apply to the ZBA for relief from lot size, number of horses, setback requirements and proceed to the Planning Board for relief from certain provisions in Town Code as reviewed by that Board (i.e., special use permit and site plan review).
12. On May 31, 2012, Dr. Somers sent Mr. Briganti an e-mail concerning the Department's review of the Town of Lewisboro's Zoning Code. Dr. Somers stated that a 6-month review process is unreasonable, but a streamlined process should not take more than three months. He suggested that the farm may want to apply to the ZBA for an area variance on the number of horses, minimum lot size and

setbacks and let the Department know about denial or approval of such requests. Dr. Somers indicated that the Planning Board should waive the Special Use Permit requirements as discussed in the Department's February 17, 2012 letter, but the farm could apply for a site plan using the Department's model as an example.

13. On May 31, 2012, Mr. Rusnica sent Mr. Molé an e-mail informing him of the suggestions provided to Mr. Briganti. Mr. Rusnica explained that Mr. Briganti stated that he was scheduled to meet with the ZBA and Planning Board on June 12, 2012 to discuss the farm; and that the Town provided him with extensive applications for site plan and special use permit review and asked him to complete them. Mr. Rusnica indicated that based upon the forgoing request for applications, the Town appeared to be unwilling to comply with AML §305-a as outlined in the Department's February 12, 2012 letter. He reiterated that current Code requirements for special use permit and site plan review should not be applied to Mr. Briganti's farm operation. Mr. Molé acknowledged receipt of Mr. Rusnica's e-mail and stated that he would forward the same to Planning Board Attorney Lawrence Praga, Esq.
14. According to the June 12, 2012 minutes of the Town of Lewisboro's Planning Board, Ms. Bygott (Briganti) appeared before the Board to answer questions about the farm. Ms. Bygott informed the Planning Board that the farm has been working with the Watershed Agricultural Council (WAC) for three years and that a WAC Conservation Planner was coming out to the farm to design the drainage and the manure container. The Chair of the Planning Board, Jerome Kerner, referred to Dr. Somers' February 2012 correspondence and advised that what Dr. Somers had recommended with respect to the site plan process (i.e., a streamlined site plan be used for the farm operation) is something that the Board felt is appropriate and is comfortable with. Mr. Kerner noted, however, that the Town Code stipulates that if there are illegal aspects to a property that they must be rectified before the application can proceed. Mr. Kerner suggested that Ms. Bygott prepare a rudimentary site plan incorporating the procedures set forth in the Department's guidelines; but noted that ultimately it was up to the Town Board to change the regulations. Board member Mr. O'Donnell suggested that going through the normal route may be quicker than hoping that the Town Board may change the regulations.
15. On August 3, 2012, Mr. Rusnica sent an e-mail to Mr. Molé and Mr. Praga and suggested a conference call with the attorneys, the Town Supervisor and any local officials that should be involved to discuss the case in light of the Planning Board's June meeting. Mr. Rusnica stated that based upon the June 12, 2012 Planning Board minutes, it appeared that the Board was willing to have the Brigantis prepare a streamlined site plan and obtain two variances. Mr. Rusnica reminded the Town of the Department's February 17, 2012 letter that states that the Town's minimum acreage and horse number limitations are unreasonably restrictive on their face; and that the farm should not have to obtain variances from such requirements.
16. Mr. Rusnica and Dr. Somers had a conference call with attorneys Molé and Praga on August 23, 2012. Mr. Rusnica indicates that he and Dr. Somers discussed AML

§305-a and that the application of the Town Code's acreage and horse number limitations, as well as the requirement for a special use permit, unreasonably restricts Hazelnut Farm in possible violation of AML §305-a. Mr. Praga explained that the Planning Board handles site plans and special use permits for the Town but couldn't waive the need for a special use permit without direction from the Town Board. Mr. Rusnica explained that the Department would send the Town a letter confirming that the subject Code provisions unreasonably restrict the farm operation in violation of AML §305-a; and that the Town must waive the special use permit requirement. Mr. Rusnica and Dr. Somers indicated that they would recommend that Ms. Bygott have a WAC staff member, or other farm advocate, attend the next Planning board meeting to help answer any questions the Board may have.

Mr. Praga recommended that Ms. Bygott apply to the Zoning Board of Appeals for area variances on the Town Code's acreage and horse number limits to expedite the project. Dr. Somers explained that the farm would have to incur costs for professional assistance, and further delay the project, to pursue the variance process. Dr. Somers and Mr. Rusnica indicated they would discuss this with the farm but confirmed that the farm should not be required to pursue the area variances because the Code requirements are unreasonably restrictive on their face.

17. On October 16, 2012, Mr. Rusnica sent a letter to Town Attorney Anthony R. Molé and Planning Board Attorney Lawrence Praga, Esq. Mr. Rusnica discussed the Department's findings as represented in its February 17, 2012 letter to Supervisor Parsons. Mr. Rusnica further noted in his correspondence that Planning Board Chair Jan Johannessen stated that before the Board can proceed, any illegal aspects to a property must be rectified and Hazelnut Farm must seek a zoning variance for the additional horses, an acreage variance, a special use permit and a horse management plan. Mr. Rusnica stated that "...while the farm may chose to pursue such variances, the variances should not be required to conduct a farm operation in a county adopted, State certified agricultural district." He further stated that "[b]ased upon its review in this matter, the Department has concluded that the Town of Lewisboro Code and its administration requiring Hazelnut Farm to limit the number of horses on the property to six; that the farm have at least 10 acres to operate a riding academy; and that the farm operate pursuant to a special permit and an approved site development plan (other than a streamlined site plan review) unreasonably restricts the farm operation in possible violation of AML §305-a(1)." Mr. Rusnica requested responses from the Town and Planning Board in writing within 30 days of receipt of this letter. He stated that if the Town and/or the Planning Board believes that, absent the application of the subject Town Code requirements, public health or safety is threatened, to provide documentation and other evidence to that effect.
18. On December 20, 2012, Dr. Somers informed Supervisor Parsons and Planning Board Chair Jan Johannessen by letter that the Department completed its review of the Town of Lewisboro's Zoning Code as it pertains to Hazelnut Farm for compliance with AML §305-a(1). The Department informed the Town and the Planning Board

that to comply with AML §305-a(1), they must not subject Hazelnut Farm to special permit and site plan review requirements or to the acreage and horse limitations contained in the Town's Zoning Code. The Department requested that the Town and the Planning Board confirm within 20 days that it will not continue to impose such requirements on the farm. The Department concluded that the Town and the Planning Board had not demonstrated that the public health or safety is threatened by the activities proposed by Hazelnut Farm.

19. Town Attorney Molé responded to Mr. Rusnica by e-mail dated December 31, 2012, explaining that the matter would be placed on the next Town Board agenda for discussion by the Board. Mr. Rusnica replied to Mr. Molé by e-mail dated January 2, 2013, reiterating that the resolution of this matter should not have to await changes to the Code which, ultimately, may not be adopted; and that Hazelnut Farm should be allowed to proceed as outlined in the Department's December 20, 2012 letter and not be further delayed pending Code amendments.
20. Mr. Molé responded to Mr. Rusnica by e-mail dated January 2, 2013. Mr. Molé indicated that the Town Board is a proponent of making some Code changes to better address these types of properties in the future; but stated his belief that the delays by the applicant (Hazelnut Farm) in its application far exceeded any delays that would have been incurred by going through the Town Code process.
21. On January 29, 2012 Mr. Molé informed Mr. Rusnica that the Town is in the process of making changes to the Town Code and that a public hearing was scheduled on the proposed changes for February 12, 2013. Mr. Molé sent Mr. Rusnica a copy of the proposed amendments on January 29th and stated that the Town is reviewing the Department's suggestion for a streamlined site plan review process.
22. On January 30, 2013 Mr. Rusnica sent Mr. Molé a letter commenting on proposed Local Law Number 1-2013. Mr. Rusnica states that the proposed amendments attempt to address the Department's concerns over minimum acreage and maximum number of horses allowed. However, Mr. Rusnica states that a special permit is still required for farm operations located within an agricultural district. He further states that the required horse management plan, together with a streamlined site plan review, should address the Town's concerns about environmental and other impacts from a horse boarding/equine operation.
23. On February 12, 2013 the Town Board met and discussed the proposed changes to Chapter 220, Zoning, §220-23(A) (6) and §§220-47(A) and 220-47(C) (1). The Town Code's special permit requirement was not part of the discussion. The Town opened the public hearing to discuss the proposed amendments. According to the minutes of the meeting, there were no public comments. The public hearing was kept open until comments were received from the Town's Planning Board and ZBA. According to the minutes, the public hearing was adjourned until the Town Board's March 18th meeting.

24. Mr. Rusnica sent an e-mail to attorney Molé on February 20, 2013 inquiring about the status of the proposed local law. Mr. Molé replied by e-mail on February 20th and indicated that the Town Board met and discussed the matter last week and will continue to do so next week. He explained that the Board was awaiting further comments from the Planning and Zoning Boards.
25. Mr. Rusnica contacted Mr. Molé about the status of the proposed amendments by e-mail dated March 7, 2013. Mr. Molé replied on March 7th that the Board held a public hearing in which it considered the Department's comments and others.
26. On April 9, 2013 Mr. Rusnica e-mailed Mr. Molé about the status of the proposed amendments. Mr. Molé replied by e-mail dated April 10, 2013 that the Town Board, or members thereof, were planning to meet next week to finalize what they intend to adopt.
27. A review of the Town Board minutes as posted on the Town's web site for meetings held on February 25, 2013; March 4 and 18, 2013; April 8 and 22, 2013; and May 6 and 20, 2013 indicates that the public hearing for the proposed amendments was not closed and no further discussion or action on the proposed changes to the Zoning Code occurred at a Town Board meeting after the February 12, 2013 public hearing. Furthermore, the Town did not respond to the Department's comments on the proposed amendments, provided with Mr. Rusnica's January 30, 2013 letter; or provide the Department with any subsequent drafts of the proposed amendments to address the Department's concerns.
28. Mr. Rusnica contacted Mr. Molé again about the status of the proposed amendments by e-mail dated May 1, 2013. Mr. Rusnica stated that the Department would like to schedule a conference call with the Town to discuss the case and further explained that the Department was proceeding to draft an AML §305-a Order. Mr. Molé replied that he did not believe the Department has grounds to issue an Order but would be happy to schedule a conference call.
29. Department staff Michael Latham, Director of the Division of Land and Water Resources; Dr. Somers; Mr. Rusnica; and Department Counsel Susan Rosenthal had a conference call with Mr. Molé and Supervisor Parsons on May 10, 2013. Mr. Molé and Supervisor Parsons stated that they are still working with various parties, including Town engineers and County Planning staff, on the proposed amendments. Department staff asked Mr. Molé and Supervisor Parsons if the Town's proposal addresses the concerns that the Department expressed in its January 30, 2013 letter to the Town. Mr. Molé and Supervisor Parsons did not indicate that the Department's concerns were addressed. Supervisor Parsons raised an apparent issue with a private road on the Hazelnut Farm property. [Review of the Planning Board's April 9, 2013 meeting minutes indicates that the issue was raised by some of the farm's neighbors at the meeting.] Department staff explained that the Town Board may be working to address various issues with the current Town Code

procedures; but reiterated that the Department was enforcing AML §305-a and needed to resolve the Hazelnut Farm matter.

30. As Ms. Bygott indicated at the June 12, 2012 Planning Board meeting, to address potential environmental concerns she worked with the Watershed Agricultural Council, East of Hudson Program, to design a new manure storage facility for the farm and other water management/soil protection structures. On May 17, 2013, Dr. Somers met with WAC staff Carrie Davis, Agricultural Program Coordinator; and Andy Cheung, P.E., East of Hudson Project Engineer; and Lynn Bygott to discuss proposed construction activities on the farm. Proposed work and construction specifications for Hazelnut Farm are contained in WAC Document NYC-WE-CR-011, dated April, 2013. Activities include stormwater management, construction of concrete dumpster pad, rip/rap swale, three board fencing, vegetated treatment channels, catch basins, and an animal trail. The document states that all work will be constructed in accordance with USDA NRCS Practice Standards and Specifications Technical Guide and/or general Engineering principles and practices.
31. By e-mail dated June 3, 2013, Ms. Bygott provided the Department with a copy of an Order to Remedy Violation (Complaint #0096-13) issued to John and Lynn Briganti on May 30, 2013. The Order states that the farm is operating a riding academy without a special permit as required, in violation of Town Code §220-23A (6).
32. A list of Relevant Documents Considered by the Department is attached to this Determination and Order.

CONCLUSION

Based upon the above findings, I conclude the following:

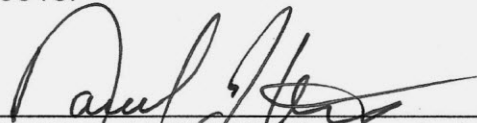
1. The Town of Lewisboro's Zoning Code and its administration by the Town and the Planning Board requiring Hazelnut Farm to limit the number of horses on the property to six; that the farm have at least 10 acres to operate a riding academy; and that the farm operate pursuant to a special permit and an approved site development plan unreasonably restricts the farm operation in violation of AML § 305-a (1). The Department informed the Town that the horse management plan, together with a streamlined site plan should address the Town's concerns about possible environmental and other impacts from a commercial horse boarding and commercial equine operation.
2. Although given the opportunity to do so, the Town and the Planning Board have not shown that the subject Town Code provisions are needed to protect against any threat to public health or safety due to the activities conducted on and by Hazelnut Farm.

DETERMINATION AND ORDER

Now, therefore, in consideration of the above-stated findings and conclusions, it is hereby determined that the Town of Lewisboro and the Town of Lewisboro Planning Board have violated AML §305-a (1), and it is hereby

ORDERED, pursuant to the provisions of AML §36 that the Town of Lewisboro and the Town of Lewisboro Planning Board comply with the provisions of AML §305-a (1) by not requiring Hazelnut Farm to operate pursuant to a special permit and an approved site development plan (other than a streamlined site plan review); and by not subjecting Hazelnut Farm to the acreage and horse number limitations contained in the Town's Zoning Code.

This Order shall take effect immediately upon service of a certified copy thereof on the Town of Lewisboro, by mail to Hon. Peter Parsons, Supervisor, 11 Main Street, PO Box 500, South Salem, New York, 10590; and by mail to Jerome Kerner, Chair of the Planning Board, Cross River Shopping Center @ Orchard Square Suite L (Lower Level), 20 North Salem Road, Cross River, NY 10518.


DARREL AUBERTINE, Commissioner
of Agriculture and Markets of the State
of New York

Dated and Sealed this 27th
day of June, 2013
at Colonie, New York



**STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS**

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provisions of Agriculture and Markets Law
§305-a (1) by**

**Town of Lewisboro
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PO Box 500
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**DETERMINATION
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LIST OF RELEVANT DOCUMENTS CONSIDERED BY THE DEPARTMENT

- 1) New York State Department of Agriculture and Markets Section 305-a Review Questionnaire submitted by John and Lynn Briganti, dated December 30, 2011 (3 pages);
- 2) Letter from Robert Somers, Manager, Agricultural Protection Unit, to Supervisor Charles Duffy, dated January 4, 2012 (2 pages);
- 3) Field report prepared by Dr. Robert Somers of January 13, 2012 farm site visit (5 pages);
- 4) Letter from Robert Somers to Supervisor Peter Parsons, dated February 17, 2012 (4 pages);
- 5) Electronic mail from Department Associate Attorney John Rusnica to Town of Lewisboro Town Attorney Anthony Molé, dated April 2, 2012 (14 pages, including attachments);
- 6) Letter from Anthony Molé to Mr. Rusnica, dated May 7, 2012 (2 pages);
- 7) Electronic mail from Mr. Rusnica to Mr. Molé, dated May 31, 2012 (2 pages);
- 8) Electronic mail from Mr. Molé to Mr. Rusnica, dated May 31, 2012 (3 pages);
- 9) Minutes of the June 12, 2012 meeting of the Town of Lewisboro Planning Board (10 pages);
- 10) Electronic mail from Mr. Rusnica to Mr. Molé and Lawrence Praga, Esq., Attorney for the Town of Lewisboro Planning Board, dated August 3, 2012 (4 pages);
- 11) Letter from Mr. Rusnica to Messrs. Molé and Praga, dated October 16, 2012 (2 pages);
- 12) Letter from Mr. Somers to Supervisor Parsons and Jan Johannessen, Chair of the Town of Lewisboro Planning Board, dated December 20, 2012 (2 pages);
- 13) Electronic mail from Mr. Rusnica to Messrs. Molé and Praga, dated January 2, 2013 (1 page);
- 14) Electronic mail from Mr. Molé to Mr. Rusnica, dated January 2, 2013 (2 pages);
- 15) Electronic mail from Mr. Rusnica to Mr. Molé, dated January 29, 2013 (2 pages);
- 16) Electronic mail from Mr. Molé to Mr. Rusnica, dated January 29, 2013 (3 pages);

- 17) Electronic mail from Mr. Rusnica to Mr. Molé, dated January 29, 2013 (3 pages);
- 18) Electronic mail from Mr. Molé to Mr. Rusnica, dated January 29, 2013 (3 pages);
- 19) Electronic mail from Mr. Molé to Mr. Rusnica, dated January 29, 2013 (8 pages, including attachment);
- 20) Letter from Mr. Rusnica to Mr. Molé, dated January 30, 2013 (10 pages, including attachments);
- 21) Electronic mail from Mr. Rusnica to Mr. Molé, dated January 30, 2013 (14 pages, including attachments);
- 22) Electronic mail from Mr. Rusnica to Mr. Molé, dated February 20, 2013 (5 pages);
- 23) Electronic mail from Mr. Molé to Mr. Rusnica, dated February 20, 2013 (6 pages);
- 24) Electronic mail from Mr. Rusnica to Mr. Molé, dated March 7, 2013 (6 pages);
- 25) Electronic mail from Mr. Molé to Mr. Rusnica, dated March 7, 2013 (6 pages);
- 26) Electronic mail from Mr. Rusnica to Mr. Molé, dated April 9, 2013 (1 page);
- 27) Electronic mail from Mr. Molé to Mr. Rusnica, dated April 10, 2013 (1 page);
- 28) Electronic mail from Mr. Rusnica to Mr. Molé, dated May 1, 2013 (1 page);
- 29) Electronic mail from Mr. Molé to Mr. Rusnica, dated May 1, 2013 (2 pages);
- 30) Electronic mail from Ms. Lynn Bygott to Dr. Somers, dated June 3, 2013 (2 pages, including attachment);
- 31) Minutes of Town Board Meeting Held on February 12, 2013, Town of Lewisboro (5 pages);
- 32) Minutes of Town Board Meeting Held on February 25, 2013, Town of Lewisboro (8 pages);
- 33) Minutes of Town Board Meeting Held on March 4, 2013, Town of Lewisboro (5 pages);
- 34) Minutes of Town Board Meeting Held on March 18, 2013, Town of Lewisboro (24 pages);
- 35) Minutes of Town Board Meeting Held on April 8, 2013, Town of Lewisboro (12 pages);
- 36) Minutes of Town Board Meeting Held on April 22, 2013, Town of Lewisboro (9 pages);
- 37) Minutes of Town Board Meeting Held on May 6, 2013, Town of Lewisboro (9 pages);
- 38) Minutes of Town Board Meeting Held on May 20, 2013, Town of Lewisboro (8 pages);
- 39) Minutes of Meeting of the Planning Board of Town of Lewisboro held on April 9, 2013 (8 pages);
- 40) Horse Management Plan, Hazelnut Farm (submitted to the Department of Agriculture and Markets by Lynn Bygott) (5 pages);
- 41) Aerial images of Hazelnut Farm (3 pages);
- 42) Watershed Agricultural Council, Whole Farm Plan Revision Summary (Hazelnut Farm; Farm #WE-CR-011; February 2013) (4 pages)
- 43) Watershed Agricultural Council, Construction Specifications for Hazelnut Farm, NYC-WE-CR-011 (April 2013) (57 pages)