

TOWN OF AMENIA  
ZONING BOARD OF APPEALS  
October 12, 2005

PRESENT: Harry Clark, Chairman  
Rudy Eschbach  
Norm Cayea  
Katie Loughlin  
John Quinn

The meeting was opened by Chairman Harry Clark at 7:00 P.M. All notices required have been sent to the newspapers and all people notified. The main order of business is a continuation of the Public Hearing Case #2005-F, Crop Productions Services.

Roll call was taken, all present. Rudy Eschbach at that time recused himself from the Board as he is a part time employee of Crop Production.

Mark Reilly of Zarin & Steinmetz as well as Adam Cook, General Manager of Crop Productions were present representing the applicant. Mr. Reilly went into what Crop Production Services did for the tri-state farmers and gave a brief overview and background of the company. Covering a 75-mile radius 50% of their business is done in Dutchess, 25% in Litchfield County, Ct., and 25% in Berkshire County, Mass. They have been in business over 40 years. This is mostly seasonal with 75% of the volume going between April through July. They have limited on site storage. New building would be one story that would contain office space up front with storage behind. The benefits would reduce truck traffic, consolidate storage, more efficient service to customers, reduction in the amount of truck traffic, improved security when storage is all in one building and reconfiguration of the driveway and make one entrance only. Crop Production is ready to screen for the road, rail trail, and the neighbors. The proposed building will be 5130 square feet. The new building would be 45' x 80' for the storage area and 24' x 45' for the office space.

The understanding of a non-conforming use may evolve as conditions and needs change under the "natural evolution doctrine" The Board needs to look at (1) Will it increase the intensity of non-conforming use of the property. Increasing the building of 670 square feet. (2) Does the expansion create a substantial qualitative change in the character of the use of the property or adverse impact on the surrounding neighborhood? This will essentially put what is now on the property under one building.

Adam Cook was sworn in and showed the Board pictures of the type of building they want to erect. There will be a cupola on top of the main building and hope to be painted tan with green trim. In addition, there will be only one entrance/exit instead of the two they now have.

Darlene Reimer, Architect for the project was sworn in. She passed to the Board an Addendum to the large blueprint, noting where the plantings would be.

Katie Loughlin asked if anyone was here to represent the Rail Trail. Mr. Cook stated that one of the entrances into Crop Productions is right where the Rail Trail crosses. They would work with the State to make the entrance past the Rail Trail.

Mr. Cook described the business as a wholesale/retail farm business that supplies fertilizer, seed, crop chemicals, and consulting services to the tri-state area farmers. They are not looking to expand their business in any other areas. Since 9/11, government regulations have become tighter in regards to safety and storage. There is only one major competitor in the area. With additional storage space truck traffic would be reduced by about 25%. Our hours of operation are 8-4 – 5 days a week and April – July sun up to sun-down, 6-7 days a week.

Mr. Reilly argued that this is a new construction, which would be minimum expansion. It would not create any adverse impact and would benefit overall.

Nancy Brusie, Zoning Administrator, stated that Kevin Donohue the previous Zoning Administrator had denied a Building Permit. This is not a permissible change in terms of the Zoning Law however, we may entertain a variance from that aspect of the Zoning Law, based on Michael Hayes memo.

Allen Rappleyea, attorney for the Meili family. The Meili family wants to sit down with Crop Productions and try to work out the problems.

York Meili Jr. was sworn in. The impact on our property is that it is located only 10 feet from our line and it is a very large structure. It would not have any economic impact on our farming practices.

Mr. Cook stated that all options had been explored and that there was no other suitable place on the land.

Rudy Eschbach was sworn in and stated that in 1980 the land was rezoned RM. At that time 90% of product came in by rail, today 95% comes in by truck. Our new comprehensive plan states business friendly especially agricultural. The town created this issue.

The Board discussed the interpretation.

MOTION TO UPHOLD THE ZONING OFFICERS INTERPRETATION OF THE ZONING LAW SECTION 121-18 (C) was made by Norm Cayea, seconded by John Quinn.

ROLL CALL:	Norm Cayea	Yes
	Katie Loughlin	Yes
	John Quinn	Yes
	Harry Clark	Yes
	Rudy Eschbach	Recused

Mr. Reilly then requested a variance to this paragraph under section 121-38 of the Zoning Code.

York Meili Jr., Rudy Eschbach, and Adam Cook as well as Craig Meili and David Coon (who were also sworn in) gave comments in regard to need for the building, square footage, why the building is needed, safety issues, traffic issues, if Crop Productions can't expand, they will move their operation and chemical tanks being kept separate from the rest of the product.

MOTION TO GRANT AREA VARIANCE TO SECTION 121-18 (C) OF THE ZONING CODE WITH THE FOLLOWING CONDITIONS was made by John Quinn, seconded by Katie Loughlin.

CONDITIONS:

1. The applicant applies to the Planning Board for full site plan review.
2. There be a live screening buffer provided to minimize the impact on neighbors and the rail trail.
3. That the new building be constructed as indicated in a form that is consistent with and appropriate for agricultural site.
4. The applicant and neighbors to the south begin constructive conversation to dissolve any differences.

ROLL CALL:	Norm Cayea	yes
	Katie Loughlin	yes
	John Quinn	yes
	Harry Clark	yes
	Rudy Eschbach	recused

It was determined by the Board that there is no other place on the site where a building could be built that did not require an area variance.

MOTION TO GRANT AREA VARIANCE WITH THE FOLLOWING CONDITIONS was made by John Quinn, seconded by Norm Cayea.

CONDITIONS:

1. The applicant apply to the Planning Board for full site plan review and the granting of these hardship variances is dependent on the approval of the site-plan by the Planning Board.
2. The review pay attention to the proposed screening of the building on both rear and front.
3. The applicant present topographical to the Planning Board to support the siting of the building in the front of the lot.

ROLL CALL:	Norm Cayea	yes
	Katie Loughlin	yes
	John Quinn	yes
	Harry Clark	yes
	Rudy Eschbach	recused

**REGULAR MEETING**

LOUGHLIN – REQUEST FOR REHEARING - The Board felt the claim was groundless. Request for rehearing denied.

FINDINGS OF FACT – KRAUS, BRUCE – HARDSHIP VARIANCE – CASE#2005E – BOG  
HOLLOW ROAD, WASSAIC –

MOTION TO ACCEPT THE FINDINGS OF FACT was made by Rudy Eschbach, seconded by  
Katie Loughlin

Correct spelling of Rabideau.

ROLL CALL TAKEN – ALL IN FAVOR

MOTION TO ACCEPT THE MINUTES OF SEPTEMBER 14, 2005 was made by Rudy Eschbach,  
seconded by John Quinn.

ROLL CALL TAKEN – ALL IN FAVOR

MOTION TO THANK HARRY CLARK FOR HAVING CHAIRED THIS BOARD DILIGENTLY  
AND FOR ALL THE WORK, EFFORT AND LEADERSHIP was made by Rudy Eschbach,  
seconded by Norm Cayea.

Harry deeply appreciated the motion.

MOTION TO ADJOUR THE MEETING was made by Katie Loughlin, seconded by John Quinn.

Respectfully submitted,

Susan M. Metcalfe  
Zoning Board Secretary

The foregoing represents unapproved minutes of the Town of Amenia Zoning Board of Appeals from a meeting held on  
October 12, 2005 and are not to be construed as the final official minutes until so approved.

Approved as read

Approved with: deletions, corrections and additions