



TOWN OF AMENIA

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****PLEASE NOTE
TIME CHANGE****

ZONING BOARD OF APPEALS
SPECIAL MEETING AGENDA
7:30 PM – TOWN HALL
WEDNESDAY, MAY 24, 2006

EXECUTIVE SESSION:

JOSEPH LOUGHLIN-
LOUGHLIN WAY
WASSAIC, NY

CONTINUATION:
APPEAL OF INTERPRETATION
APPEAL # 2006B

OTHER DISCUSSION, IF NEEDED

ADOPT FINDINGS OF FACT & RESOLUTION 2006C

MINUTES

ADJOURN

5/16/06
dmk

**TOWN OF AMENIA
ZONING BOARD OF APPEALS
SPECIAL MEETING
THURSDAY, MAY 24, 2006**

PRESENT: Chairman Rudy Eschbach
Norm Cayea
Judy Velletri
David Rosenberg
Michael Hayes, Attorney

Katie Loughlin – recused

JOSEPH LOUGHLIN, CONTINUATION: APPEAL OF INTERPRETATION #2006B,
LOUGHLIN WAY, WASSAIC, N.Y.

Continuation of Executive Session: Appeal #2006B

Katie Loughlin, recused.

When the meeting was adjourned what was needed was clarification on definitions and choices on how to make a decision from the ZBA Attorney.

Chairman Eschbach related to Michael Hayes memo of May 18, 2006. What is needed is definitions and eliminations and in the end come to a conclusion.

Norm Cayea felt that a big question was: is it a farm operation? The Board all agreed that yes it was a farm. What type of farm is it and what is the primary use? Vegetable and produce. Section 301 (11) was explored by the Board as was 305-a (1) (a) of the Agriculture and Markets Law.

In exploring answers the Board agreed that the use of the property as a “drop-off” for the equipment of an off site commercial landscaping company constitutes use of the property by that company for its commercial purposes? The answer was unanimously yes.

In breaking down Mr. Hayes questions from the memo

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- ❖ Does the use of the property as a “drop-off” for the equipment of an off site commercial landscaping company constitute use of the property by that company for its commercial purposes?
- ❖ The Board agreed the answer was yes.

Michael Hayes explained to the Board the differences between “customary” and “incidental”. Incidental requires a link between accessory use and the identified primary use. He further stated

that if the Board upholds Ms. Brusie violation, the applicant could request a variance or file an Article 78.

After discussing this matter at length, the Board felt that there were two questions that needed to be answered in order to determine if the Board should uphold the violation or not.

1. Does the storage of this equipment on the property constitute either A. a commercial use or use of a commercial landscaping business or B. does it constitute a generic accessory use customarily incidental to the farm? Roll Call taken:

Norm Cayea	B
Rudy Eschbach	A
David Rosenberg	A
Judy Velletri	B
Katie Loughlin	Abstain

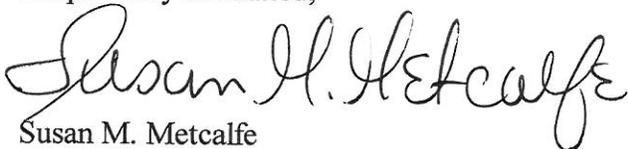
The tie vote in this matter supports the operation of a commercial business on the farm property.

2. Is this A. a commercial use by the landscaping business or B. is this open storage of machinery or vehicles customarily associated with farming operation. Roll Call taken:

Norm Cayea	B
Rudy Eschbach	A
Judy Velletri	A
David Rosenberg	A

The above decision of the Amenia Zoning Board of Appeals has the result of New York State Agricultural and Markets Law 305A not applying in this case.

Respectfully submitted,



Susan M. Metcalfe
Zoning Board of Appeals Secretary

The foregoing represents unapproved minutes of the Town of Amenia Zoning Board of Appeals from a meeting held on May 24, 2006 and are not to be construed as the final official minutes until so approved.

 X Approved as read
 Approved with: deletions, corrections and additions