

**TOWN OF AMENIA
ZONING BOARD OF APPEALS
WEDNESDAY, MARCH 14, 2007**

REVISED June 20, 2007

PRESENT: Chairman Rudy Eschbach
Judy Velletri
Norm Cayea
Leo Blackman

Michael Hayes, Attorney

ABSENT: David Rosenberg

Before the ZBA meeting was called to order Chairman Eschbach requested the ZBA members be sworn in for the year of 2007 by the Honorable Norman Moore.

Chairman Eschbach called the meeting to order at 7:00 P.M and roll call was taken.

PUBLIC HEARING

The Public Hearing was opened at 7:01 P.M. and the Public Hearing notice was read. Chairman Eschbach explained to the applicants what will happen as not all the ZBA members were present. They would need at least 3 affirmative votes in order carry the motion. They were given the choice they could either continue tonight or to postpone until all the ZBA members could be present. Katie Loughlin stated they would like to continue.

Michael Hayes advised the Board that there are two issues in the appeal.

1. If the activity currently going on the property is in compliance with the variance already granted in 2005, there would be no additional variance necessary and could rely on the 2005 variance to conclude that the notice of violation should be rescinded.
2. If you conclude that the conduct that is currently occurring exceeds or is inconsistent with the variance that was granted, should a new variance be granted that would permit the new activity. If something is happening that inconsistent with or exceeds the scope of the authority you gave with the prior variance then the question is should a new variance be granted to cover the additional or new activity?
3. A third issue is a request that you revisit the wisdom of the variance you granted in 2005.

Kathleen C. Loughlin and was sworn in. She proceeded to give the Board a history of what has happened to date and noted they were under Agricultural Exemption. She also stated that she continued to use people who work on the farm for seasonal work. They do cemetery boxes for churches and individuals, pumpkins/sweet corn, Easter, Thanksgiving and Christmas arrangements; both fresh and artificial floral arrangements, fruit and vegetable stand, vegetable baskets, bouquets for nursing homes, hospitals, the elderly and those with special needs all done on the farm. The Board of Health and Dutchess County Planning Department are both in approval. The Thrasher's live in the apartment and help with the above mentioned activities on the farm. Spring is potting time with the vegetables and also high level time. Ms. Loughlin uses various distributors for some of the year, however they grow vegetables on the farm across the road next to the Ten Mile River in addition to the back of the farm. Sweet Corn 6-7 acres; flowers and vegetables 5-6 acres. The tenants will assist in the irrigation, fencing and harvesting of the crops.

Brad Schwartz spoke representing Dan O'Brien. Are the Loughlin's in compliance with the 2005 variance. It is believed that the ZBA erred in granting the variance since the farm was not a working farm. Michael Hayes explained it to Mr. Schwartz and the Board. Leo Blackman asked why Mr. Schwartz was here. He explained that his client wanted to see the zoning enforced.

Tom Warner was sworn in and asked the Board about the violation pending on the property. Nancy Brusie stated it would be remedied within the next two weeks. He also asked about the driveway permit? It was concluded that none was needed.

Chairman Eschbach asked that the Assessor, when the final Ag Exemption is given, have a copy of it for the file.

MOTION THAT (1) THE ZBA IS SATISFIED IT IS A WORKING FARM BY THE AMENIA TOWN LAW AND (2) THE OCCUPANTS LIVING IN THE DOWNSTAIRS APARTMENT ON THIS FARM ARE SUPPLYING SEASONAL PART TIME WORK was made by Judy Velletri, seconded by Norm Cayea.

ROLL CALL TAKEN

	YES	ABSENT
Leo Blackman	X	
Norm Cayea	X	
Judy Velletri	X	
David Rosenberg		X
Rudy Eschbach	X	

MOTION CARRIED

MOTION TO CLOSE THE PUBLIC HEARING AT 8:13 P.M. was made by Norm Cayea, seconded by Leo Blackman

VOTE TAKEN – ALL IN FAVOR

MOTION TO APPROVE THE FINDINGS OF FACT FOR VONERON WITH TWO MINOR TYPOGRAPHICAL CORRECTIONS was made by Judy Velletri, seconded by Norm Cayea

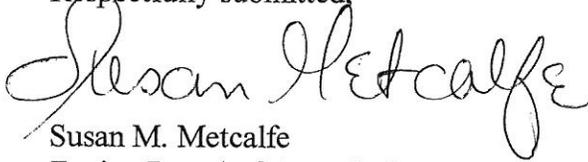
ROLL CALL TAKEN

	YES	ABSENT	ABSTAIN
Norm Cayea	X		
Judy Velletri	X		
David Rosenberg		X	
Leo Blackman			X
Rudy Eschbach	X		

MOTION CARRIED

MOTION TO ADJOURN THE MEETING was made by Norm Cayea, seconded by Judy Velletri

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 March 14, 2007 and are not to be construed as the final official minutes until so approved.

Approved as read
 Approved with : deletions, corrections and additions
Revised June 20, 2007