Zoning Board of Appeals

Minutes of the Regular Meeting

November 24, 2012

Present: Chair, Cathy Patella, John Dentes, Ann Tobey and Patty Mattingly

The regular meeting was called to order at 7:00pm. A motion was made by Ann Tobey and seconded by John Dentes to approve the minutes of the December 29, 2010 Public Hearing and Regular Meeting. The motion was approved.

Michael Piechuta, our village code enforcement officer, requested an interpretation of the Zoning Law from the ZBA. He believed Mrs. Zwigard was conducting an illegal business in a residential zone. Mrs. Zwigard is offering yoga classes in her home located at 331 Main Street. She is compensated by what Mrs. Zwigard refers to as “donations”. She does not instruct the class personally but has an outside instructor come into her home. Mr. Piechuta could not find a definition of "business" in the current Zoning Law and has asked ZBA for an interpretation of its meaning.

Since this letter was written by Mr. Piechuta it came to the attention of the ZBA members that Susan May is offering private music classes in Mrs. Zwigard’s home.

C. Patella acknowledged that a specific definition of "business" is not defined in the Zoning Law. The ZBA had a brief discussion if this situation could be interpreted as a home occupation. A. Tobey did not feel that this situation was a home occupation since the owner of the home, Mrs. Zwigard, was not teaching any of the classes offered in her home. Everyone agreed with this interpretation.

The ZBA concluded that:

1. The definition of business is not defined in the Zoning Law and the chair would refer this issue to the Planning Board.
2. Even though "business" was not defined in the Zoning Law, the law did have a Table of Uses in *Article IV: Use Regulations, Section 404*.
3. We all agreed after reviewing the table of uses that *Use 32: "Professional offices for lawyers, doctors, counselors, private instructors, massage therapists, and the like,”* was the closest description that described the activity of Mrs. Zwigard.
4. The Board concluded that our interpretation of the situation is that Mrs. Zwigard is conducting an improper use of her home in a residential zone and chair, Cathy Patella will inform Mr. Piechuta of the Board's conclusions.

Motion to Adjourn by John Dentes and seconded by Patty Mattingly was approved. Time was inadvertently not recorded and the chair apologizes. Best estimate is 7:30pm.