



Town of Washington Zoning Board of Appeals

10 Reservoir Drive  
Millbrook, NY 12545  
845-677-3419 ext. 116

RESOLUTION DISMISSING APPEAL

**Date:** August 19, 2025

**Motion:** Redl

**Second:** Kunkle

WHEREAS

1. On June 13, 2025, August Madeline Fields, LLC ("August Madeline") filed an appeal with the Zoning Board of Appeals ("ZBA") challenging certain enforcement actions related to the solar panel installation on the property located at 749 Stanford Road, Washington, NY, 12514 (the "Project Site").
2. The ZBA previously addressed the issues raised in this appeal in its determination dated February 18, 2025, which overturned the building permit for the solar development on the Project Site and required Planning Board approval for any solar development on non-residential properties.
3. The February 18, 2025, determination resolved the fundamental issues that the property at 749 Stanford Road is nonresidential (requiring Planning Board approval), overturned the permit, and required referral for necessary approvals. All arguments and evidence related to land use status, permit validity, agricultural law protection, and the use of solar energy on the property were raised or could have been raised and are precluded from re-litigation before the ZBA under principles of administrative res judicata. The only issues not decided are compliance matters like screening or the 110% rule, which the ZBA expressly declined to reach in deference to Planning Board's jurisdiction.
4. The February 18, 2025, determination was based on the finding that the Project Site is a non-residential property, thus necessitating site plan and special use permit approval from the Town of Washington Planning Board.
5. August Madeline did not challenge the ZBA's February 18, 2025, determination in court within the required statute of limitations, and the determination has become final and binding.
6. The doctrine of res judicata applies to quasi-judicial determinations of administrative agencies, including municipal zoning tribunals, and precludes

the relitigation of claims that were previously litigated on the merits or could have been so litigated at the time.

7. New York case law supports the application of res judicata in this context, as demonstrated in *Calapai v. Zoning Bd. of Appeals of Vill. of Babylon*, 57 A.D.3d 987, 989 (2nd Dep't 2008), and *Palm Mgmt. Corp. v. Goldstein*, 8 N.Y.3d 337, 341 (2007), which preclude relitigation of issues previously decided by zoning boards.

## NOW, THEREFORE, BE IT RESOLVED

1. The appeal filed by August Madeline on June 13, 2025, is hereby dismissed on the grounds of res judicata, as the issues raised have already been adjudicated by the ZBA in its February 18, 2025, determination.
2. The ZBA declines to entertain any further appeals from August Madeline on these matters, as they are barred from relitigation under the principles of res judicata and collateral estoppel.

The foregoing Resolution was duly put to a vote which resulted as follows:

- **YEA:** Redl, Rolland, Kunkle, Frederick
- **NAY:** None

**Dated:** Millbrook, New York, August 19, 2025

### CERTIFICATION

I, Frank Redl, Chair of the Zoning Board of Appeals of the Town of Washington, do hereby certify that the foregoing is a true copy of a decision of the Zoning Board of Appeals made at a meeting thereof duly called and held on the 19<sup>th</sup> day of August, 2025.

  
Frank Redl, Chairman