

TOWN OF MILAN ZONING BOARD OF APPEALS MEETING MINUTES – FINAL

WEDNESDAY, FEBRUARY 25, 2009

MEMBERS PRESENT:

Jack Grumet, Chairman
Guy Russell
John Schneider
Phillip Zemke

MEMBERS ABSENT:

Rocky Mancini

ALSO PRESENT:

Chairman Grumet opened the meeting at 7:02 p.m.

Public Hearings:

1. **Red Hook Fence** – Paul Hughes was present for the public hearing for his area variance request to permit a front yard setback of 6 feet where 80 feet are required to allow stock to be displayed within the setback area facing Route 199 on property located on route 199/Willowbrook Road, tax grid number 6571-00-572228. Chairman Grumet read the legal notice that was posted in the paper and opened the public hearing. Dutchess County Planning responded to the referral sent to them that this was “A Matter of Local Concern”. Mr. Hughes showed the fence display area proposed on the map and said it is where it was three years ago. It was changed during site plan review with the Planning Board which was required to bring the property into compliance with Section 200-14.1.F, Non-Conforming Highway Businesses. Mr. Hughes said where the display is located now poses a hardship for the business because people driving by can’t see the different types of fencing available. By moving the display forward, people driving by will see it. The Planning Board sent the ZBA a letter dated January 15, 2009 recommending the granting of the variance with conditions. Chairman Grumet asked Mr. Hughes was additional work needed to be done to the site. Mr. Hughes he moved the gate and removed the mulch piles. He needs to complete the permahedge fence and move the Red Hook Fence sign out of the NYS DOT right of way. Chairman Grumet clarified that the requested setback is six feet off of the property line but not from the edge of the road; there is a right of way in between the edge of the road and the property line so from a visual standpoint, the display area will not appear six feet from the edge of the road. There will still be plenty of frontage. Chairman Grumet said the concern of the Planning Board is to get everything wrapped up within a set time frame in order for Mr. Hughes to get his Certificate of Occupancy. Mr. Hughes said he will have the work done within six months. Elizabeth Burns, who lives on the other side of Rowe Road, said she had a couple of concerns. She said the way the fence is now, it is very close to the road on the curve and a couple of times, she came really close to having an accident with vehicles coming out of the driveway and usually, the vehicles are towing a trailer behind them. Ms. Burns said she never wanted Red Hook Fence to have access off of Willowbrook. Mr. Hughes said where the fence is now is

where the Planning Board wanted him to put it. Mr. Hughes agreed with her and said he came close to an accident there himself. Chairman Grumet asked if a mirror would help and Ms. Burns and Mr. Hughes both did not think it would. Mr. Hughes said he put the permahedge in the fence per requirements of the Planning Board; he said he thinks if the privacy material was removed from the fence, it would allow for better visibility. Ms. Burns said her other concern is, when you pull out of Willowbrook to make a left, the “Open” flag that hangs on the Red Hook Fence sign blocks the view towards oncoming traffic. Mr. Hughes said he is moving the sign back so that will alleviate that problem. Ms. Burns, who works for the Assessor’s office in Milan, said she noticed that while Mr. Hughes got a special use permit for the apartment, he has not gotten a building permit yet. She thinks he needs to get a building permit and Certificate of Occupancy. Chairman Grumet suggested Mr. Hughes think about a possible way to alleviate the situation of pulling out of his drive onto Willowbrook. Mr. Hughes said one factor that adds to that situation is that most people travel faster than the speed zone in that area and Ms. Burns agreed with that. Ms. Burns asked Mr. Hughes why he didn’t access off of Route 199 and Mr. Hughes said it was extremely expensive. Hearing no further public comment, Mr. Russell motioned to close the public hearing for Red Hook Fence. Mr. Zemke seconded. All aye. Motion carried 4-0.

Chairman Grumet read the proposed Findings and Decision and the Board agreed to the following condition: “The site must fully comply with the approved amended site plan and be granted a Certificate of Occupancy for the site no later than 180 days after the Planning Board grants site plan approval.”

Mr. Russell motioned that the Zoning Board of Appeals approve the Findings and Decision for Red Hook Fence to permit a front yard setback of 6 feet where 80 feet are required to allow stock to be displayed within the setback area facing Route 199. Mr. Zemke seconded. All aye. Motion carried 4-0.

Administrative Items:

- Approval of Minutes: Mr. Russell motioned to approve the minutes of January 28, 2009 as presented. Mr. Schneider seconded. All aye. Motion carried 4-0.

Discussion Items:

- Chairman Grumet said Milan Market has still not complied with the Notice of Violation regarding the used car sales on his property. The sign is still up and the cars are still on the property. Chairman Grumet said if the Board was in agreement, he was going to attend the next Town Board meeting and voice the ZBA’s concern about the lack of enforcement on these zoning issues. He feels other businesses comply with Zoning and try to do the right thing. The Board agreed.

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Mr. Russell motioned to adjourn the meeting at 7:45 p.m. Mr. Schneider seconded. All aye. Motion carried 4-0.

The next regular meeting of the ZBA will be held on Wednesday, March 25, 2009 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board