

TOWN OF MILAN ZONING BOARD OF APPEALS MEETING MINUTES – FINAL
WEDNESDAY, JUNE 24, 2009

MEMBERS PRESENT:

Jack Grumet, Chairman
Rocky Mancini
John Schneider
Philip Zemke

MEMBERS ABSENT:

Guy Russell

ALSO PRESENT:

None

Chairman Grumet opened the meeting at 7:05 p.m. There are no public hearings scheduled for this meeting.

Applications:

1. **Kathleen Caswell Area Variance** – Chairman Grumet explained that Ms. Caswell was in front of board on two prior occasions. She first appeared before the Board in 2004 (Ross Williams was the Chairman) seeking a side line variance to construct a garage. She also needed a variance to place the garage in front of the principle dwelling. At that time, the ZBA was unable to vary a provision in the zoning code that was prefaced by the word “shall” and Section 200-18.A.(2) read “No accessory structure shall be located closer to the street...” A local law was prepared in December of 2004 to remedy that restriction and was enacted by the Town Board in January of 2005. Mr. Williams tried to encourage Ms. Caswell to wait until January to have the ZBA vote on her application. Unfortunately, her application had already been tabled twice due to Mr. Williams’ hospitalization, she was frustrated and wanted the Board to act at the December ZBA meeting. As a result, the variance was denied. Ms. Caswell then appeared before this Board in December of 2008 requesting the same variance, a variance the ZBA can now grant. She said she felt she was not treated fairly initially and asked to have the fees waived. The ZBA directed her to the Town Board. She did appear at the Town Board and they said they could not waive the fee but unanimously asked the ZBA to reconsider the application and to waive the application fee but Ms. Caswell would have to pay the publication fees for the public hearing. Chairman Grumet said due to the unusual circumstances and bad timing of her previous application, he would support waiving the fee and asked for other Board members’ opinions. Mr. Zemke said he had no issue with waiving the application fee, but the publication fee will need to be paid. Mr. Mancini said he feels it was not Ms. Caswell’s fault and agreed to waive the application fee. Mr. Schneider agreed.

Chairman Grumet motioned that due to the aforementioned unusual circumstances of the original area variance application of Kathleen Caswell, the ZBA has agreed to wait the application fee for this application. Mr. Mancini seconded. All aye. Motion carried 4-0.

The Board then moved on to review her application. Ms. Caswell said due to the location of the existing house, septic system and property line, this was the best place for the garage, which is existing. She had previously requested a variance for a two car garage. She built a one car garage and would now like to add a carport to that. The garage is located in front of the principle dwelling and the distance from the side property line is about 10 to 12 feet. Chairman Grumet said we need a definite measurement from the existing garage to the property line for the variance as well as the distance from the proposed carport to the front property line. We would also need the dimensions of the existing building and the proposed carport. There will be two variances required – a side line variance from Table B and a variance from Section 200-18.A.(2) since it is located in front of the principle dwelling. Ms. Caswell said she would bring in the dimensions tomorrow.

Mr. Mancini asked how far away from the property line is the existing pole barn which is towards the middle of the property; it appears from the map to be just about right on top of the property line so if it needs a variance, that might as well be included in this application. Ms. Caswell will also need to provide the distance from the existing pole barn to the side property line.

Mr. Mancini motioned that the ZBA set the date for the public hearing for the Caswell area variance application for the Wednesday, July 22, 2009 ZBA meeting contingent on Ms. Caswell supplying the necessary measurements no later than the submittal due date of July 8th. Mr. Schneider seconded. All aye. Motion carried 4-0.

Administrative Items:

- Approval of Minutes – Mr. Mancini motioned to accept the minutes of April 22, 2009 as presented. Mr. Schneider seconded. All aye except Mr. Zemke who abstained. Motion carried 3-0-1.

Discussion:

- Chairman Grumet told Board members that the Zoning Review Committee is wrapping up the changes to the private and public stables regulations and the work on the fence regulations and briefly explained each.

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

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The next ZBA meeting will be held on Wednesday, July 22, 2009 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board Members