

TOWN OF MILAN ZONING BOARD OF APPEALS MEETING MINUTES – FINAL
WEDNESDAY, AUGUST 28, 2012

MEMBERS PRESENT:

Rocco Mancini, Chairman
Stephanie Fitzpatrick
Martin Otter
John Schneider
Phillip Zemke

MEMBERS ABSENT:

None

Chairman Mancini called the meeting to order at 7:00 p.m.

Public Hearings:

1. **Schmidt Area Variance:** Pursuant to a request by the applicant, Mr. Otter motioned to hold over the public hearing for the Schmidt area variance application. Mr. Zemke seconded. All aye. Motion carried 5-0.
2. **Klawson Area Variance:** Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners. Mr. and Mrs. Klawson were present for the public hearing for their area variance application to install a handicap ramp within their front setback area on property located at 1645 Route 199, tax grid number 6671-00-005450. Mr. Klawson submitted a new drawing showing the ramp 25 feet back from the edge of Route 199. Originally, they had located the ramp 8 feet from the edge of the road, then at the last meeting, then he moved it to 12 feet back once the 12 foot easement area along 199 was discovered. Mr. Klawson then decided to rework it one more time and found a way to install the ramp leaving 25 feet which is the best case scenario. The ramp will hug the house where the existing stairs are now which will be safer and a straight shot without all the turns. Installing the ramp in this location will also leave enough room for the Klawsons to park their cars. The Board members agreed this was the best plan that made the most sense. Tim Hall, a neighbor, was present and said he has no problem whatsoever with this. Hearing no further public comment, Mr. Otter motioned to close the public hearing. Mr. Schneider seconded. All aye. Motion carried.

Chairman Mancini reviewed the proposed findings with the Board members. The Board agreed that this variance would not create an undesirable change in the neighborhood, the benefit sought by the applicant cannot be achieved by a feasible alternative to the variance, the variance is not substantial, the variance will not have an adverse impact on the neighborhood, and the alleged difficulty is not self-created. The Board made the determination that the benefit to the applicant does outweigh the detriment to the neighborhood. The only condition associated with this variance is that it is based on Plan Number 3 that was presented at the ZBA meeting on August 28, 2012.

Mr. Zemke motioned that the ZBA accept the Findings and Decision approving the variance request by the Klawsons to install a handicap ramp having a front setback of zero feet where 20 feet are required. Mr. Otter seconded. All aye. Motion carried. Mr. Klawson submitted a check for the publication fees.

Applications:

1. **Denise Chiumento Area Variance:** Bob Miller, Ms. Chiumento's husband, was present for this application representing Ms. Chiumento. This is an area variance application to install a fence 10 feet from the front property line and zero feet from the side property line on property located at 21 Hamlet Lane, a private road, tax grid number 6571-04-893446. Mr. Miller said there is no survey on record for this property. He printed a map from the aerial on the Dutchess County website and placed the fence roughly 10 feet back from the edge of the private road. Mr. Zemke asked Mr. Miller how he determined the property line. Mr. Miller said he staked it out using aerial and the existing tree line. These are paper roads up there that don't really exist. Mr. Zemke pointed out that the lines off of a map off of parcel access are not always accurate which is stated right on the web site. Mr. Miller said there is a neighbor on the other side of the fence so they are proposing a stockade fence, 6 x 8, with the nice side facing out about 10 feet back from existing road line. Mr. Zemke asked Mr. Miller how he determined the edge of the road. Mr. Miller said he put down all the gravel there because no one maintains the road so at least now there is access for emergency vehicles so he put the gravel to where he thought the edge of the road would be. The gravel also keeps the dust down. He maintains the road. Mr. Miller pointed out that the house at the end, 2 Hamlet Lane, has an existing fence which is less than 10 feet away from the edge of the road. He said they want the fence for privacy and for their dogs. Chairman Mancini asked Board members if they wanted to do a site visit and the Board agreed they will go to the property on their own and look at the site and surrounding area. Mr. Miller said he works from home so is there all the time. He added that presently, there is a snow fence there to keep the snow away from the grass he planted last year. Board members agreed there is enough information to schedule the public hearing.

Mr. Zemke motioned to set the date for the public hearing for the Chiumento area variance application for the September 26th ZBA meeting. Mr. Schneider seconded. All aye. Motion carried 5-0.

2. **Binnie Area Variance** – Mr. and Mrs. Binnie were present regarding their area variance application to replace an existing shed with a larger shed on property located at 11 Hillcrest Lane, tax grid number 6371-20-886036. The existing shed was there when they bought the house but it is too close to the front and side property lines. They want to put a larger shed in the exact same location. Mrs. Binnie said their lot is a one plus acre lot but the house is squished into the corner due to the huge hill on the property. In the area where the shed was, there are five

trees and a telephone pole so the shed is nestled in. There is nowhere else on the property to put the shed that would not require a variance due to the steep slopes, the well, septic field, the driveway and the property line is at an angle. There is a pad where the old shed used to be which they will replace with a new one and the old shed is shown on the aerial photo. The original shed was 4 x 8, the new one is 12 x 8. Mrs. Binnie said the neighbors did not have any complaints about it. Mrs. Binnie said they were being conservative asking for 13 feet for the front setback; it will probably be more like 17 feet in actuality. The shed did not and will not have electricity. They are using it store the kids' bikes, garbage cans, etc. The shed does have a window. They submitted a photo of the shed. The Board agreed the application was complete.

Mr. Otter motioned that the ZBA schedule the public hearing for the Binnie area variance application for the September 26th meeting. Mr. Zemke seconded. All aye. Motion carried.

3. **Keil for Bond Area Variance:** Ed Keil, Keils Pools, appeared representing Clint Bond for an area variance for a pool on property located at 311 Milan Hill Road, tax grid number 6472-00-718433. Mr. Keil said the pool, which is located in the side yard of the property, is under construction and they have discovered that part of the pool is actually in front of the dwelling which is in violation of the zoning code. The house is about 200 feet off of the road, and a corner of the pool is about 10 feet in front of the house. Mr. Zemke said according to the drawing, the pool appears to be behind the house so after looking at the pictures and the property line, the Board determined that Mr. Keil would have to submit a new drawing showing the actual location of the pool within the next couple of weeks for the public hearing. Mr. Schneider suggested the drawing should also include the fencing and any buildings that are part of this pool such as a pump house and the Board agreed. Mr. Keil said there will be a fence but no additional buildings; the equipment will be up against the house. The Board agreed to set the date for the public hearing contingent upon receiving the drawing.

Mr. Zemke motioned that the ZBA set the date for the public hearing for the Keil/Bond area variance application for the September 26th meeting contingent upon the drawing being submitted showing the exact location of the pool and fencing within the next two weeks. Ms. Fitzpatrick seconded. All aye. Motion carried 5-0.

4. **Lawrence Area Variance:** Chuck Silver, architect, appeared on behalf of George Lawrence for his area variance application to construct a carport with a side setback of 17.6 feet on property located at 483 Academy Hill Road, tax grid number 6572-00-579524. Mr. Silver said this is a large piece of property with the house jammed up against the property line. There is a below grade entrance to get into the garage. The owners are planning to age in place and want an entrance that is at living level. The land ramps up alongside the building and they will use that area to create a covered carport. Mr. Silver said this is being done in

conjunction with other changes which don't require a variance so are not before the board. The red line on the map is the existing house. They are not changing the line of the house, just adding a carport. The house is 33.5 feet from the property line; the carport corner foundation would be 17.6 feet, the roof edge would be 15.4 feet. When asked, Mr. Silver said they will have to build the area up somewhat to install the carport which will be basically at grade. Architectural drawings were submitted that show the grades. Mr. Zemke said he felt the application was complete and the Board can schedule the public hearing and the Board members agreed.

Mr. Zemke motioned that the ZBA schedule the public hearing for the Lawrence area variance application for the September 26th meeting. Ms. Fitzpatrick seconded. All aye. Motion carried 5-0.

Administrative Items:

Approval of Minutes: Mr. Zemke motioned to accept the minutes of July 25, 2012 as presented. Mr. Schneider seconded. All aye. Motion carried 5-0.

Mr. Schneider motioned to adjourn the meeting at 8:10 p.m. Mr. Otter seconded. All aye. Motion carried 5-0.

The next Zoning Board of Appeals meeting is scheduled for Wednesday, September 26, 2012 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board