

ZONING BOARD OF APPEALS MEETING MINUTES - FINAL
WEDNESDAY, JANUARY 25, 2017

MEMBERS PRESENT:

Rocco Mancini, Chairman
Stephanie Fitzpatrick
Ingrid Kulick
Adam Schneider

MEMBERS ABSENT:

Phillip Zemke

ALSO PRESENT:

Chairman Mancini opened the meeting at 7:00 p.m.

Public Hearings:

1. **Kremenick Area Variance** – Kenneth Kremenick was present for the public hearing for his area variance application to place a stand by generator 50 feet from the front boundary line and 39 feet from the side boundary line on property located at 11 Eagle Lane, tax grid number 6570-00-540583 in the A5A zoning district. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. Mr. Kremenick said he previously submitted the drawings and presented his proposal and everything remains the same. Chairman Mancini read the letter that was submitted by Jeremy Lang, a neighbor, in support of the variance. There was no public comment.

Ms. Kulick motioned that the Zoning Board of Appeals close the public hearing for the Kremenick area variance. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Absent
Ingrid Kulich	Aye		

Motion carried 4-0.

The Board completed the Findings and Decision which state that an undesirable change will not be produced in the character of the neighborhood or detriment to nearby properties. The benefit sought by the applicant cannot be achieved by a feasible alternative to the variance because this is the most reasonable place to put the generator. The requested variance is not substantial. The variance will not have an adverse impact on the physical or environmental conditions in the neighborhood. The alleged difficulty is self-created. There were no conditions placed on this variance.

Ms. Kulick motioned that the Zoning Board of Appeals approve the Findings and Decision for the Kremenick area variance for a generator. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Absent
Ingrid Kulich	Aye		

Motion carried 4-0.

2. **AB Olson Holdings LLC Special Use Permit** – Tom Cunningham appeared before the Board as the authorized representative for the public hearing for the special use permit to construct an accessory dwelling unit within an existing commercial structure on property located at 1470 Route 199, tax grid number 6571-00-620245 in the Highway Business zoning district. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. Mr. Cunningham said we are asking for permission to install a 1,500 square foot accessory apartment as part of the second floor of this existing building following the existing layout. The primary business of Firehouse Productions is to provide sound equipment for large concert tours and they do a considerable amount of work with bands from overseas. The apartment will not be rented out but will be used to provide accommodations for the sound guys who come over to work with them to set up the equipment, probably involving two or three people for two or three nights at a time.

There was no one present for the public hearing. Ms. Kulick motioned to close the public hearing for the special use permit for AB Olson Holdings for an accessory dwelling unit. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	Ingrid Kulick	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Absent
Adam Schneider	Aye		

Motion carried 4-0

The Board completed the Findings which state that the use is in harmony with the purposes of this provision as it meets the criteria set forth in Section 200-17 of the zoning code; there will not be a detrimental effect on the surrounding neighborhood and property values as the building is existing and there will be no changes to the outward appearance of the building; that the use will foster the most appropriate use of the land as the apartment will be confined to the interior of the existing building; the lot area is adequate, and the application is consistent with the Town Master Plan with encourages affordable and alternative housing.

Ms. Fitzpatrick motioned that the Zoning Board of Appeals approve the Findings and Decision for the Olson special use permit for an accessory apartment to be located on the second floor of the commercial dwelling. Ms. Kulick seconded.

Rocco Mancini, Chairman	Aye	Ingrid Kulick	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Absent
Adam Schneider	Aye		

Motion carried 4-0

3. **Pulver Request for Interpretation** – Tammy Pulver, along with Greg Hangac, was present regarding her request for interpretation of Section 200-5, Home Occupation, on property located at 174 Battenfeld Road, tax grid number 6472-00-396237 in the A3A zoning district. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. Ms. Pulver said they are looking to build a three car garage and use it seasonally to process deer for the local hunters in the area. She said there is a demand for processors, especially in an agricultural area. She said they would

like to amend the time frame to be between September and December as the Connecticut hunting season opens earlier than locally. Chairman Mancini said he visited the site as well as Ms. Fitzpatrick and Ms. Kulick. They agreed that the garage will be set back off the road and has adequate side and rear setbacks to provide privacy. There was no public comment.

The Board made the following motion:

Chairman Mancini motioned that the Zoning Board of Appeals approve the following resolution:

BE IT RESOLVED, the ZBA received an application from Tammy Pulver dated December 19, 2016 for a request for an interpretation to Section 200-5, Home Occupation, of the Town of Milan Zoning Ordinance as to whether the seasonal processing of deer within the confines of an accessory structure, primarily September through December, falls within the guidelines of a home occupation; WHEREAS,

- The property is owned by Tammy Pulver and is located at 174 Battenfeld Road, tax grid number 6472-00-396237 in the A3A zoning district and consisting of 8.4 acres; and
- The Zoning Enforcement Officer, Stephen Cole, issued a determination dated January 21, 2017 that the business as described above does not meet the criteria of a Home Occupation as stated in Section 200-5, Definitions, of the Town of Milan code citing specifically “and does not change the character thereof. Any intended use shall maintain, in all aspects, the residential characteristics of a dwelling and/or accessory buildings”; and
- In their meeting on December 28, 2016, the ZBA motioned to declare this request for an interpretation for a home occupation to be considered a Type II action under SEQRA requiring no further action; and
- A public hearing was held on January 25, 2017 at which time there was no public comment.

NOW, THEREFORE, BE IT RESOLVED, after careful consideration of Section 200-5, Definitions, of the Town of Milan Zoning Code, the Zoning Board of Appeals has determined that the seasonal processing of deer within the confines of an accessory structure September through December does fall within the parameters of the definition of a Home Occupation because:

- The property owner has attested to the fact that the processing will take place completely inside the accessory structure and the waste products will be taken away on an as needed basis by Welsh Sanitation.
- There will be additional traffic due to customers dropping off and picking up but this will not negatively impact traffic in the area as it is not uncommon for residential areas to have normal deliveries on a regular basis.
- The use is clearly secondary to the use of the dwelling for dwelling purposes as it will be entirely conducted within the proposed accessory structure.
- This proposed accessory structure will not change the residential characteristics of the dwelling as it is a three car garage which is a customary accessory structure to a dwelling.

- The property owner has agreed that if this business expands to beyond September through December, the Zoning Enforcement Officer will re-visit whether the business still fits the parameters of a home occupation.

Ms. Kulick seconded.

Rocco Mancini, Chairman	Aye	Ingrid Kulick	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Absent
Adam Schneider	Aye		

Motion carried 4-0

Applications:

- 1. Lewis Special Use Permit** – Gary Lewis was present for his special use permit application for an accessory dwelling unit on property located at 71 North Road, tax grid number 6571-02-907576 in the Hamlet zoning district. Mr. Lewis said the property is 1.8 acres and the house is a raised ranch. He finished off the downstairs for his in laws and had not intended to create an accessory apartment but his father in law now has trouble navigating the stairs so he decided to put in a kitchen where he was going to put in a wet bar which now makes the area an accessory dwelling unit requiring the special use permit. The work is all done.

Ms. Fitzpatrick motioned that the Zoning Board of Appeals declare this special use permit application for an accessory apartment to be a Type II action under SEQRA requiring no further action. Ms. Kulick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Absent
Ingrid Kulick	Aye		

Motion carried 4-0.

Ms. Kulick motioned that the Zoning Board of Appeals set the date for the public hearing for the Lewis special use permit for the February 22, 2017 meeting. Mr. Schneider seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Absent
Ingrid Kulick	Aye		

Motion carried 4-0.

- 2. Rougier Area Variances** – Andrew Mazor from Thomas Phifer and Partners, was present for the Rougier application to locate accessory buildings closer to the street than the main house on property located at 291 Willow Glen Road, tax grid number 6573-00-707298 in the A5A zoning district. Mr. Mazor said the property is accessed through an easement to an existing driveway. They are proposing to place the house at the highest point on the property. The property owner would like to have a garage, fitness room and guest room. The best place to put those structures which would cause the least amount of disturbance to the property is in front of the building line of the dwelling about 900 feet from the road. The area between the road and the structures is wooded so you will not see them from the road. There are houses located on lots that are situated between the road and this property already. They have just started construction on the main house. The Board is welcome to visit the site. There is a contractor there during the day and

there is a chain across the driveway so anyone who wants to go up should call ahead first.

Ms. Kulick motioned that the Zoning Board of Appeals declare this area variance application to locate accessory structures in front of the main dwelling to be a Type II action under SEQRA requiring no further action. Mr. Schneider seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Absent
Ingrid Kulick	Aye	Motion carried 4-0.	

Ms. Fitzpatrick motioned that the Zoning Board of Appeals set the date for the public hearing for the Rougier area variance for the February 22, 2017 meeting. Ms. Kulick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Absent
Ingrid Kulick	Aye	Motion carried 4-0.	

Discussion Items: None

Administrative Items:

- **Approval of Minutes:** Ms. Kulick motioned that the Zoning Board of Appeals accept the minutes of the December 27, 2016 meeting as presented. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Absent
Ingrid Kulich	Aye	Motion carried 4-0.	

Ms. Fitzpatrick motioned to adjourn the meeting at 7:30 p.m. Ms. Kulick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Absent
Ingrid Kulich	Aye	Motion carried 4-0.	

The next regular meeting will be held on Wednesday, February 22, 2017 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board