

ZONING BOARD OF APPEALS MEETING MINUTES – FINAL
WEDNESDAY, SEPTEMBER 28, 2022

MEMBERS PRESENT:

Phillip Zemke, Chairman
Fred Couse
Rocco Mancini
Jake Stortini

MEMBERS ABSENT:

Travis McHale

ALSO PRESENT:

Debra Blalock

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

Public Hearings:

1. **Dier Area Variance Application** – Kevin Dier was present for his area variance application to bring into compliance an existing shed that was placed in this location by the previous owner on property located at 21 Jameson Lane, tax grid number 6472-00-028518 in the A3A zoning district where 35 feet are required. Chair Zemke read the legal notice that was posted in the paper and sent to neighboring landowners. Mr. Dier said they purchased the home in August. Five days before they closed, they were informed there was no permit for the shed. The shed has been there for about eight years and is tucked into the corner of the property with blacktop up to the door. This seems to be an ideal spot for the shed as the neighbors can't see it. It is too big to be moved. Mr. Dier had a quote of \$5,000 to move it. Chair Zemke looked at the site plan and agreed this would not be easily moved. There was no one from the public present for this application.

Mr. Mancini motioned to close the public hearing. Mr. Stortini seconded.

Phillip Zemke, Chairman	Aye	Travis McHale	Absent
Fred Couse	Aye	Jake Stortini	Aye
Rocco Mancini	Aye		

Motion carried 4-0.

Chair Zemke said last month the board declared this application to be a Type II action under SEQRA requiring no further review.

The board completed the Findings and Decision. 1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties. No. 2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance. No. There may be an alternative but it would be a financial hardship. 3. Whether the requested variance is substantial. No. 4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood? No. 5. Is the alleged difficulty self-created? No. The shed was existing when the applicants purchased the property.

The determination of the ZBA based on the above factors is that the benefit to the applicant does outweigh the detriment to the neighborhood for the reasons stated above. There were no conditions.

Mr. Mancini motioned that the ZBA accept the Findings and Decision for the Dier area variance. Mr. Stortini seconded.

Phillip Zemke, Chairman	Aye	Travis McHale	Absent
Fred Couse	Aye	Jake Stortini	Aye
Rocco Mancini	Aye		

Motion carried 4-0.

- 2. Verven Area Variance Application** – Stephen and Amanda Verven were present for their area variance application to construct a garage with a side setback of 22 feet on their property located at 105 Lamoree Road, tax grid number 6470-00-216150 in the A5A zoning district where 50 feet are required. Chair Zemke read the legal notice that was posted in the paper and sent to neighboring landowners. Mr. Verven said the lots on Lamoree are all pie shaped and very narrow. The front width is only 200 feet. Due to wetlands, we could only put the house in one spot. We are proposing to build a two-car garage off the side of the house away from the wetlands which would leave us with a 22 foot side setback. It is the same side of the house as the current garage. They submitted the site plan showing the driveway that was requested at the last meeting. Also dictating this placement of the garage is a slope on the hill. Mr. Verven said they have already put in privacy trees. Mr. Couse and Mr. Mancini drove by the site and did not see any issues with the garage placement.

Mr. Mancini motioned to close the public hearing. Mr. Couse seconded.

Phillip Zemke, Chairman	Aye	Travis McHale	Absent
Fred Couse	Aye	Jake Stortini	Aye
Rocco Mancini	Aye		

Motion carried 4-0.

Chair Zemke said last month the board declared this application to be a Type II action under SEQRA requiring no further review.

The board completed the Findings and Decision. 1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties. No. 2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance. No. There are alternatives but not a better alternative and the driveway is already there. 3. Whether the requested variance is substantial. No. 4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood? No. 5. Is the alleged difficulty self-created? Yes.

The determination of the ZBA based on the above factors is that the benefit to the applicant does outweigh the detriment to the neighborhood for the reasons stated above. There were no conditions.

Mr. Stortini motioned that the ZBA accept the Findings and Decision for the Vervan area variance. Mr, Mancini seconded.

Phillip Zemke, Chairman	Aye	Travis McHale	Absent
Fred Couse	Aye	Jake Stortini	Aye
Rocco Mancini	Aye		

Motion carried 4-0.

- 3. Ginsberg Area Variance Application** – Gina Ginsberg and Alex Mallory were present for her area variance application to construct a fence which will have sections 12 feet in height on property located at 149 Round Lake Road, tax grid number 6370-00-840741 in the A5A zoning district. Section 200-10P, Fences, side and back yard, states fences shall not exceed 8 feet in height. Chair Zemke read the legal notice that was posted in the paper and sent to neighboring landowners. Mr. Mallory said the property is in a fairly rural part of Milan and is very private except for one side. There is a forested strip that divides it but the neighbors added to an existing carport turning it into a garage and then expanded the garage with windows and electricity so now we are looking at lights. Their property sits high compared to ours. At the low point, you need a taller fence to block that area out. It would be difficult to plant substantial evergreen trees there as it is already a forested area. You would have to cut down trees to plant more trees. Both properties were surveyed recently and so have clearly marked property lines. Mr. Mallory and the neighbor are in agreement with the fence placement and height. The twelve foot section is a small portion of the fence. The remaining fence is eight and six feet. Chair Zemke read a letter from Slade Mead, the immediate neighbor, who stated he supported the fence and thinks it is reasonable and logical.

Mr. Stortini motioned to close the public hearing. Mr. Mancini seconded.

Phillip Zemke, Chairman	Aye	Travis McHale	Absent
Fred Couse	Aye	Jake Stortini	Aye
Rocco Mancini	Aye		

Motion carried 4-0.

Chair Zemke said last month the board declared this application to be a Type II action under SEQRA requiring no further review.

The board completed the Findings and Decision. 1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties. No. The fence is 300 feet long and only 72 feet will be twelve foot panels. 2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance. No. Plantings will not work in this situation. 3. Whether the requested variance is substantial. No. 4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood? No. 5. Is the alleged difficulty self-created? No.

The determination of the ZBA based on the above factors is that the benefit to the applicant does outweigh the detriment to the neighborhood for the reasons stated above. There were no conditions.

Mr. Mancini motioned that the ZBA accept the Findings and Decision for the Ginsberg area variance. Mr, Stortini seconded.

Phillip Zemke, Chairman	Aye	Travis McHale	Absent
Fred Couse	Aye	Jake Stortini	Aye
Rocco Mancini	Aye		

Motion carried 4-0.

Applications:

- 1. Eastgate Motors Automobile Storage (Verrilli)** – Frank Mazzearella, Architect, was present along with the property owners for the area variance request for lot coverage and front setback on property located at 1359 Willowbrook Road, tax grid number 6571-00-572228 in the HB zoning district. This application is currently before the Planning Board for review for site plan approval for a public garage. The Planning Board sent a positive letter of recommendation to the ZBA for the variances. Mr. Mazzearella said we are seeking area variances for lot coverage from the allowed 10% to 15.85% and a front setback along Willowbrook of 30 feet where 80 feet are required. Variances were granted for the previous owner for a front setback to 35 feet in 2005 and to 30 feet in 2006. Chair Zemke said the previous variance will establish a precedent but does not establish a new setback. Mr. Mazzearella said the two proposed new buildings meet the 5,000 square feet limit and they are staked out because the Planning Board did a site visit. These buildings will be used for long term storage for vintage automobiles. Greg Verrilli, the owner, will be the one driving the vehicles into the buildings. The vehicles get dropped off in the existing parking area and then Greg parks the vehicles. Dr. Verrilli said there will be no displays. This use is strictly for storage. They have been operating this business in the Chocolate Factory in Red Hook for years but it is getting too crowded. We maintain the cars doing such things as tire changes, battery changes, etc. but no mechanical repairs. The activity on the site will be minimal. Mr. Mazzearella said the highway superintendent visited the site and approved the two entrances onto Willowbrook pending the removal of one tree to provide greater visibility looking towards Route 199. We are planning on reducing the slope of the other entrance as some of these vintage cars are low to the ground. Currently, we are moving through site plan approval with the Planning Board and part of the process is the variances.

Chair Zemke said this appears to be a completely application and the board members agreed.

Chair Zemke motioned to declare the Verrilli area variances a Type II action under SEQRA requiring no further review. Mr. Mancini seconded.

Chair Zemke	Aye	Travis McHale	Absent
Fred Couse	Aye	Jake Stortini	Aye
Rocco Mancini	Aye		

Motion carried 4-0.

Mr. Mancini motioned to set the date for the Verrilli public hearing for the October 26th ZBA meeting. Mr. Stortini seconded.

Chair Zemke	Aye	Travis McHale	Absent
Fred Couse	Aye	Jake Stortini	Aye
Rocco Mancini	Aye		

Motion carried 4-0.

The Verrillis said the board members are free to visit the site anytime. There are no gates.

- 2. Shafer Area Variance** – Sarah and Joshua Shafer were present for their area variance application to reduce the front setback from the required 80 feet to 40 feet to construct a single family dwelling on property located on Willowbrook Road, tax grid number 6571-00-666242 in the HB zoning district. Mr. Shafer said we just bought property and walked the place with an engineer. It was decided that this is the best place to locate the house due to the plateau on the property. They are working on getting an easement to cross the neighbor’s property to gain access off of Otero Drive which is a private road. There is a dedicated entrance off of Willowbrook Road to provide the required road frontage. Chair Zemke would like to see the driveway located on the map. The front lot line has been established by the Zoning Enforcement Officer as the line between 620245 and 666242. The setbacks are staked. Mr. Shafer said the board is welcome to visit the site. The best bet is to access via Otero Drive as it is too steep along Willowbrook. The house location is not staked out and the location of the well and septic is dependent on the variance.

Chair Zemke said the application is complete pending receipt of a site plan showing the driveway prior to the public hearing.

Chair Zemke motioned to declare the Shafer area variance a Type II action under SEQRA requiring no further review. Mr. Stortini seconded.

Chair Zemke	Aye	Travis McHale	Absent
Fred Couse	Aye	Jake Stortini	Aye
Rocco Mancini	Aye		

Motion carried 4-0.

Mr. Mancini motioned to set the date for the Verrilli public hearing for the October 26th ZBA meeting. Mr. Couse seconded.

Chair Zemke	Aye	Travis McHale	Absent
Fred Couse	Aye	Jake Stortini	Aye
Rocco Mancini	Aye		

Motion carried 4-0.

Administrative Items:

Chair Zemke motioned that the Zoning Board of Appeals accept the minutes of the August 31, 2022 meeting as presented. Mr. Mancini seconded.

Chair Zemke	Aye	Travis McHale	Absent
Fred Couse	Abstain	Jake Stortini	Aye
Rocco Mancini	Aye		

Motion carried 3-0-1.

Discussion Items/Correspondence:

- A reminder that Milan Community Day will be held on Saturday, October 1st.

Chair Zemke motioned that the board authorize Chair Zemke send a note to Ingrid Kulick thanking her for her years of service. Mr. Mancini seconded.

Chair Zemke	Aye	Travis McHale	Absent
Fred Couse	Aye	Jake Stortini	Aye
Rocco Mancini	Aye		

Motion carried 4-0.

Chair Zemke motioned to adjourn the meeting at 7:50 p.m. Mr. Couse seconded.

Chair Zemke	Aye	Travis McHale	Absent
Fred Couse	Aye	Jake Stortini	Aye
Rocco Mancini	Aye		

Motion carried 4-0.

The next meeting will be held at the Milan Town Hall on Wednesday, October 26, 2022 at 7:30 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board