

ZONING BOARD OF APPEALS MEETING MINUTES – FINAL
WEDNESDAY, MARCH 22, 2023

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None

ALSO PRESENT:

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

Public Hearings:

- 1. Martin Area Variances** – Mr. and Mrs. Martin were present for the public hearing for their application for three area variances to bring into compliance an existing 8’x12’ foot having a front setback of 20 feet and a side setback of 40 feet, to construct a 12’x24’ shed having a rear setback of 30 feet, and for lot coverage from the allowed 5% to 9% on property located at 156 Indian Road, tax grid number 6571-02-791621 consisting of 0.45 acres in the A5A zoning where 50 feet is required for the side and rear setbacks and 85 feet is required for the front setback. Mr. Martin said the 8’x12’ shed is existing. The 12’x24’ will be placed right next to the house. There is also an open woodshed with a roof to hold wood which is really just an overhang over a platform which seems to be located on the paper road between him and the neighbor. The neighbor has no problem with the wood shed being there.

Chair Zemke asked Mr. Martin what the possibility is of moving the existing 8’x12’ shed back so that is behind the front of the house. Mr. Martin said he can move it back 10 feet to line up with the house. Currently, the shed is on blocks as they thought they may have to move it. Mr. Martin said he will continue the existing driveway with item four to the new shed.

There was no one from the public present.

Mr. Mancini motioned to close the public hearing for the Martin area variance application. Mr. Couse seconded.

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

Motion carried 5-0.

The board was in agreement that the 8’x12’ shed should be moved back to be in line with the front of the house with a side setback of no less than 30 feet.

Chair Zemke said at the January meeting, the board determined these area variances to be a Type II action under SEQRA requiring no further review.

The board completed the Findings and Decision as follows:

1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties. No. The existing shed will be relocated to be even with or behind the front building line of the dwelling.
2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance. No. This is a small lot in the A5A zoning district.
3. Whether the requested variances are substantial. The individual variances are not substantial given the small size of the lot.
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 small size of the lot limits what can be done without a variance.

The determination of the ZBA based on the above factors is that the benefit to the applicant does outweigh the detriment to the neighborhood because this is a pre-existing, non-conforming 0.45 acre lot in the A5A zoning district and the applicant agreed to re-locate the existing 8’x12’ shed to be even with or behind the dwelling and no less than 30 feet from the side setback to mitigate the visual impact. .

Conditions:

Condition No. 1: The existing 8’x12’ shed will be re-located to be even with or behind the front building line of the dwelling and no less than 30 feet from the side property line.

Adverse impact to be minimized: Front and side yard setback.

Chair Zemke motioned that the ZBA accept the Findings and Decision for the Martin area variance. Mr. McHale seconded.

Phillip Zemke, Chairman	Aye	Travis McHale	Aye
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Fred Couse	Aye	Jake Stortini	Aye
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Rocco Mancini	Aye		
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Motion carried 5-0.

Applications:

1. **Marron Area Variance** – Warren Temple Smith, Architect and authorized representative for Glenn Marron, appeared for an area variance application for a front setback from the required 80 feet to 74 feet for the construction of a two story garage on property located at 564 Milan Hollow Road consisting of 21.90 acres, tax grid number 6470-00-646771 located in the LC Zoning District.

Mr. Warren said Ms. Marron has an old farmhouse which is built close to the road on this 21.90 acre property located in the LC (Land Conservation) zoning district. The Wappingers Creek runs through the Eastern end of the property. There used

to be an old road where the driveway is now which used to have a bridge but it washed out years ago. The house sits against a rock ledge. The proposed location for the garage is to the left of the house. We will pull it back as far as we can and defer to the house which is the primary structure. The garage can't be up directly against the house due to windows so there is a mud room between the garage and house which will give access along the back of the house to the kitchen door. Putting the garage in this location means she can use the same access point which is currently being used and just loop around to the garage. The septic is in the front lawn. Ms. Marron has lived in this house for many years without a garage but now has decided she wants one. This is the best place for the garage, so we are asking for a six foot front yard variance from 80 feet to 74 feet. We are currently before the Planning Board for site plan and special use permit approval because the addition constitutes a structure subject to review due to the land conservation district. We are far enough away from the wetlands by putting the garage on the west side of the house, so we don't need to notify the New York State Department of Environmental Conservation. The Planning Board determined our application to be a Type II action under SEQRA requiring no further review and the ZBA agreed with that.

Chair Zemke said this is a straightforward variance. Mr. Warren added that Ms. Marron owns the property on the south side of the stream as well but it's hard to access. Mr. McHale said he drove by the property on his way to the meeting and noted that the rocky embankment is significant.

Chair Zemke motioned that the Zoning Board of Appeals schedule the public hearing for the Marron area variance to be held at the April 26th meeting. Mr. Couse seconded.

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

Motion carried 5-0.

Administrative Items:

Chair Zemke motioned that the Zoning Board of Appeals accept the minutes of the February 22, 2023 meeting as presented. Mr. McHale seconded.

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

Motion carried 5-0

Discussion Items/Correspondence:

- There is no correspondence.
- Chair Zemke said this will be Mr. McHale's last meeting. He is resigning due to work demand. Chair Zemke thanked him for his service and said if his situation changes, he should think about coming back.

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Mr. Stortini motioned to adjourn the meeting at 7:25 p.m. Mr. McHale seconded.

Chair Zemke	Aye	Travis McHale	Aye
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Rocco Mancini	Aye	Jake Stortini	Aye
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Fred Couse	Aye		
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Motion carried 5-0

The next meeting will be held at the Milan Town Hall on Wednesday, April 26, 2023 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Zoning Board of Appeals

cc: Catherine Gill, Town Clerk
Town Board