

ZONING BOARD OF APPEALS MEETING MINUTES – FINAL  
WEDNESDAY, MAY 24, 2023

MEMBERS PRESENT:

Phillip Zemke, Chairman  
Fred Couse  
Rocco Mancini  
Slade Mead

MEMBERS ABSENT:

Jake Stortini

ALSO PRESENT:

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

**Public Hearings:**

1. **Ferdinando Special Use Permit** – Matthew Towne, PE from Willingham Engineering, appeared as the authorized representative for Stephen Ferdinando for the public hearing for a special use permit application for an accessory dwelling unit on property located at 35 Rocann Drive consisting of 16.4 acres, tax grid number 6471-00-037683 located in the A3A Zoning District. Chair Zemke read the legal notice that was posted in the paper and sent to neighboring landowners. Mr. Towne said the property owner is proposing to construct a three bedroom home with a detached one bedroom accessory apartment which requires a special use permit in accordance with Table A, Schedule of Use Regulations of the Town of Milan Zoning Ordinance. They are building the apartment first and will then build the single family dwelling. Mr. Towne brought a copy of the conservation easement that was filed with the Dutchess Land Conservancy which answered the question the board had at the last meeting regarding the septic system and yes, the septic system can be built outside the allowed building conservation area. When asked, Mr. Towne said they plan on starting construction soon. They received Board of Health approval today. There will probably be one year or so between the building of the accessory apartment and the single family dwelling. There was no one present from the public. Chair Zemke said the board questions have been answered.

Mr. Couse motioned to close the public hearing for the Ferdinando Special Use Permit application. Mr. Mead seconded.

Phillip Zemke, Chair	Aye	Slade Mead	Aye
Fred Couse	Aye	Jake Stortini	Absent
Rocco Mancini	Aye		

Motion carried 4-0.

Chair Zemke said the board determined this to be a Type II action under SEQRA at the March meeting.

Mr. Couse asked what would happen if they never build the principal dwelling. The clerk explained that the accessory apartment will be considered the primary dwelling until the primary dwelling is built. If it is never built, then the accessory will remain the primary. The building inspector wanted the applicant to get the

special use permit at this point because both the accessory apartment and primary dwelling will be built close together in time.

Chair Zemke went over the first part of the findings which state the facts.

The board completed the second part of the findings as follows:

1. Is the use in harmony with the purposes of this provision? Yes.
2. Will there be a detrimental effect on the surrounding neighborhood and property values? No.
3. Will the use foster the most appropriate use of the land? Yes. It is residential.
4. Is the lot area adequate, especially with regard to septic and water requirements? Yes. The applicant just received Department of Health approval.
5. Is the application consistent with the Master Plan? Yes. The Town’s Master Plan encourages affordable and alternative housing.

**Conditions:**

- a. **Transfer of Title:** Within 60 days after the transfer of title to premises for which a special use permit has been granted for an accessory apartment, the Zoning Enforcement Officer or Building Inspector shall inspect the premises to determine that the principal residential structure is occupied in accordance with Subsections B through L of 200-17. If the owner or occupant fails to comply within the time allowed or if the ZEO shall determine that the principal residential structure is not the actual residence of the owner, the ZBA shall revoke the special use permit and direct that the accessory apartment created pursuant to this chapter be vacated and the use of the accessory apartment created pursuant to this subsection shall be discontinued.
- b. The special use permit becomes void if the principal dwelling is not built.

Chair Zemke motioned that the ZBA accept the Findings for the Ferdinando special use permit application. Mr. Couse seconded.

Phillip Zemke, Chair	Aye	Slade Mead	Aye
Fred Couse	Aye	Jake Stortini	Absent
Rocco Mancini	Aye		

Motion carried 4-0.

**Applications:**

2. **Murphy Special Use Permit** – Bruce and Denise Murphy appeared for their special use permit application for an accessory dwelling unit on property located at 1029 Route 199 consisting of 3.19 acres, tax grid number 6471-00-608662 located in the A3A Zoning District. They are proposing to construct a one bedroom accessory apartment located within an existing 720 square foot detached

garage which requires a special use permit in accordance with Table A, Schedule of Use Regulations of the Town of Milan Zoning Ordinance. Mr. Murphy said they just purchased the property several months ago and would like to convert the garage into an accessory apartment. When asked, Mr. Murphy said yes, they

intend to live there. When asked about the septic system, Mr. Murphy said the Department of Health has approved the existing septic for three bedrooms. The paperwork was included in the application packet. The house has two bedrooms. The intent at this time is to have Mrs. Murphy's father, who is 85, move up to this area to be closer to them and live in the apartment. Mr. Mead said the garage looks beaten up now so it is beneficial that you are renovating it into a nice building. Chair Zemke said it appears the application is in order.

Mr. Couse motioned that the Zoning Board of Appeals declare this action to be a Type II action under SEQRA requiring no further review. Mr. Mead seconded.

Phillip Zemke, Chair	Aye	Slade Mead	Aye
Fred Couse	Aye	Jake Stortini	Absent
Rocco Mancini	Aye		

Motion carried 4-0.

Chair Zemke motioned that the Zoning Board of Appeals schedule the public hearing for the Ferdinando special use permit to be held at the June 28<sup>th</sup> meeting.

Mr. Mead seconded.

Phillip Zemke, Chair	Aye	Slade Mead	Aye
Fred Couse	Aye	Jake Stortini	Absent
Rocco Mancini	Aye		

Motion carried 4-0.

**Administrative Items:**

Chair Zemke motioned that the Zoning Board of Appeals accept the minutes of the May 24, 2023 meeting as presented. Mr. Couse seconded.

Phillip Zemke, Chair	Aye	Slade Mead	Aye
Fred Couse	Aye	Jake Stortini	Absent
Rocco Mancini	Aye		

Motion carried 4-0.

**Discussion Items/Correspondence:** None

The board welcomed Peggy Coons as the new Zoning Board of Appeals secretary.

Chair Zemke motioned to adjourn the meeting at 7:25 p.m. Mr. Mead seconded.

Phillip Zemke, Chair	Aye	Slade Mead	Aye
Fred Couse	Aye	Jake Stortini	Absent
Rocco Mancini	Aye		

Motion carried 4-0.

The next meeting will be held at the Milan Town Hall on Wednesday, June 28, 2023 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk  
Zoning Board of Appeals

cc: Catherine Gill, Town Clerk  
Town Board