

ZONING BOARD OF APPEALS MEETING MINUTES – DRAFT
WEDNESDAY, JUNE 28, 2023

MEMBERS PRESENT:

Phillip Zemke, Chairman
Fred Couse
Rocco Mancini
Slade Mead
Jake Stortini

MEMBERS ABSENT:

ALSO PRESENT: Mr. and Mrs. Murphy

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

Public Hearings:

- 1. 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. Chair Zemke read the legal notice that was posted in the paper and sent to neighboring landowners.

Mr. Murphy gave a small presentation. Question asked by member Mead as to whether Mr. Murphy had any long-term plans after his father-in-law is no longer in the apt. Would it be rented out? Mr. Murphy currently has not thought about any long-term plans. Chair Zemke stated that Mr. Murphy would have to live on the property for it to be rented. Member Mead wanted to make sure Mr. Murphy was aware of what his long term would be with the apartment. Member Mead asked if Mr. Murphy left and could he rent out the house and the apartment? A special permit is for the apartment, and they would have to live on the property but can rent out the apartment.

Chair Zemke motioned to close the public hearing for the Murphy Special Use Permit application. Mr. Mead seconded.

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

Motion carried 5-0.

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

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
- 4. Is the lot area adequate, especially with regard to septic and water requirements? Yes
- 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.

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

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

Motion carried 5-0.

Applications: None

Administrative Items:

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

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

Motion carried 5-0.

Discussion Items/Correspondence: Determined that zoning members need to have 4 hours of training per year. Rewording of the existing law. July meeting chair Zemke will not be at the meeting. Will have to nominate a temporary Chairperson.

Town of Milan Zoning Board of Appeals Meeting Minutes – Draft – 06-28-2023

Chair Zemke motioned to adjourn the meeting at 7: 23 p.m. Mr. Stortini seconded.

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

Motion carried 5-0.

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

Respectfully submitted,

Peggy Coons, Clerk
Zoning Board of Appeals

cc: Catherine Gill, Town Clerk
Town Board