

ZONING BOARD OF APPEALS MEETING MINUTES -FINAL
WEDNESDAY, NOVEMBER 19, 2025

MEMBERS' PRESENT:

Phillip Zemke, Chairman
Fred Couse - Absent
Rocco Mancini
Slade Mead
Kathryn Osborn

ALSO PRESENT:

Matthew Braydich
Iaonis Siderias
Grace & Charles Kachigian
Contractor Jacob Angell

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

Public Hearings: Charles Kachigian - 430 East Kerley Corners Road – Special Use Permit:

Mr. Kachigian was present and is requesting a special use permit for an accessory building for their mother/mother-in-law at 430 East Kerley Corners Road, Grid Number 6474-00-011549 with 13.1 acres in the A3A Zone.

The accessory would be for a 2-bedroom Modular single-family dwelling with a full basement that meets all the required zoning setbacks. Board of Health approved Well and Onsite Wastewater Treatment System on August 14, 2025. The NYS Environmental Resource Map indicates that wetlands are present, and Mr. Kachigian contacted DEC. Members of the board did a site visit.

No one from the public was present but a letter was written by, Mr. Paul Rubin and was read. Mr. Rubin is objective to this project because he feels this is not an accessory, this is another dwelling being put on the property and he feels according to notes that he sent with his letter that only one principal dwelling is allowed. Letter is attached.

Chairman Zemke made a motion to close the public hearing and seconded by Mr. Mead.

Phillip Zemke, Chair	Aye	Slade Mead	Aye
Rocco Mancini	Aye	Kathryn Osborn	Aye

Motion carried 4-0.

The application was declared as a Type II action under SEQR requiring no further review. Motion made by Chair Zemke, seconded by Mr. Mead, all vote in favor

Chair Zemke reviewed the findings with the board members,

1. Whether an undesirable change would be produced in character of the neighborhood or a detriment to nearby properties: No.
Reason: The proposed use is common in residential districts, and the use is recommended by Milan's Comprehensive Plan.
2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance? No
Reason: There is no alternative to the proposed use. Location was determined by the existing driveway layout and the presence of wetlands in parts of the lot.
3. Whether the requested variance is substantial: N/A
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood? No

Reason: BOH approval has been obtained for water and septic and it is an approved use.

5. Whether the alleged difficulty was self-created? No
Reason: Special Permit

The ZBA, after taking into consideration the above factors find that, the benefit to the applicant Does outweigh the Detriment to the neighborhood or community and therefore the special request is granted. The permit requires that the property remain occupied by the applicant

Motion to accept Findings made by Chairman Zemke and seconded by Mr. Mead

Phillip Zemke, Chair	Aye	Slade Mead	Aye
Rocco Mancini	Aye	Kathryn Osborn	Aye

Motion carried 4-0.

Public Hearing: Halton Construction – Craig Fitzsimmons- 984 Willowbrook Road–

Mr. Angell from Halton constructions was present for a variance for a pole barn located at 984 Willowbrook Road Grid No. 6570-00-591394 with 10.3 acres in the A5A zone. The variance is for a 30 x 40-foot pole barn for tractor and agriculture storage with a 35-foot front yard where 85 feet is required. There are three buildings on the property currently, this would be the fourth. Some members did a site visit. Chairman Zemke did a site visit and stated this property is a working farm. No public comments or letters.

Chairman Zemke made a motion to close the public Hearing seconded by Mr. Mead.

Phillip Zemke, Chair	Aye	Slade Mead	Aye
Rocco Mancini	Aye	Kathryn Osborn	Aye

Motion carried 4-0.

The application was declared as a Type II action under SEQR on October 22, 2025 requiring no further review.

Motion made by Chair Zemke, seconded by Mr. Mead, all vote in favor

Chair Zemke reviewed the findings with the board members,

1. Whether an undesirable change would be produced in character of the neighborhood or a detriment to nearby properties: No.
Reason: The Location is a working farm
2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance? No
Reason: This is the only logical place, wetland on site and limits available Locations.
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
Reason: Use is consistent with farm use.
5. Whether the alleged difficulty was self-created? No
Reason: Location selected to suit a working farm.

The ZBA, after taking into consideration the above factors find that, the benefit to the applicant Does outweigh the Detriment to the neighborhood or community and therefore the special request is granted.

Motion to accept Findings made by Chairman Zemke and seconded by Mr. Mead

Phillip Zemke, Chair	Aye	Slade Mead	Aye
Rocco Mancini	Aye	Kathryn Osborn	Aye

Motion carried 4-0.

Public Hearing: Hudson Solar Solutions – Charles Gange - 461 Enterprise Road:

Mr. Jeff Irish apologized for missing last month’s meeting and presented that a variance is being requested at 461 Enterprise Road Grid No. 6370-00-740035 with 5.21 acres in the A5A district. He Stated that: The variance requested is for a ground mount solar with a 20-foot side yard setback where 100-foot side yard setback is required. The property is 300-foot-wide North to South, and it appears that placing the solar array 100 feet from the property line would require an extensive clearing of trees to provide solar access. The solar array is a quiet system with a battery backup.

Mr. Irish did present the ZBA with a new legible site plan of exactly where the Solar array would be placed prior to the meeting. Chairman Zemke obtained clarification from the town attorney whether the ZBA could modify by variance the solar array portion of the Zoning Ordinance. Mr. Shane Egan replied yes, the variance could be granted by the ZBA after review.

Planning Board submitted a resolution recommending the ZBA approve the variance. (attached)

Mr. Larry Hauptman a neighbor of Mr. Gange the owner of the property was present and voiced his concerns and objection to granting the variance because he did not want to look at it. He stated the best location would be in the front yard. The law does not allow solar arrays to be in the front yard. It was recommended that Mr. Gange to possibly put up an evergreen tree between the solar array and Mr. Hauptman’s sight of the array so he doesn’t have to look at it. Mr. Irish would mention this to Mr. Gange and stated that an evergreen tree could be planted.

Chairman Zemke made a motion to close the public Hearing seconded by Ms. Osborn

Phillip Zemke, Chair	Aye	Slade Mead	Aye
Rocco Mancini	Aye	Kathryn Osborn	Aye

Motion carried 4-0.

The application was declared as a Type II action under SEQR requiring no further review. Motion made by Chair Zemke, seconded by Mr. Mancini, all vote in favor

Chair Zemke reviewed the findings with the board members,

1.. Whether an undesirable change would be produced in character of the neighborhood or a detriment to nearby properties: Yes

Reason: Site Line to the south objectionable to the neighbor

2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance? No

Reason: panels are in recommended location after review by the Planning Board

3. Whether the requested variance is substantial: Yes
Reason: 100 feet required and 20 feet requested
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood? No
Reason: Small Array
5. Whether the alleged difficulty was self-created? Yes
Reason: Owner chose to install Solar Array

The ZBA, after taking into consideration the above factors find that, the benefit to the applicant Does outweigh the Detriment to the neighborhood or community and therefore the special request is granted.

Motion to accept Findings made by Chairman Zemke and seconded by Mr. Mead

Phillip Zemke, Chair	Aye	Slade Mead	Aye
Rocco Mancini	Aye	Kathryn Osborn	Aye

Motion carried 4-0.

Chairman Zemke made a motion to accept the minutes from October 22, 2025, seconded Mr. Mead

Phillip Zemke, Chair	Aye	Slade Mead	Aye
Rocco Mancini	Aye	Kathryn Osborn	Aye

Motion carried 4-0.

Chair Zemke asked Ms. Coons to provide the tally of member training hours for 2025, she provided the following total hour per member,

Phil Zemke, Chair	6 hours	Slade Mead	9 hours
Rocco Mancini	4 hours	Kathryn Osborn	4 hours
Fred Couse	9 hours		

Chairman Zemke made a motion to adjourn meeting at 8:23 pm seconded by Ms. Osborn

Phillip Zemke, Chair	Aye	Slade Mead	Aye
Rocco Mancini	Aye	Kathryn Osborn	Aye

Motion carried 4-0.

Respectfully,

Peggy Coons
Zoning Clerk