

TOWN OF MILAN ZONING BOARD OF APPEALS MEETING MINUTES – FINAL

WEDNESDAY, MARCH 25, 2009

MEMBERS PRESENT:

Jack Grumet, Chairman  
Rocky Mancini  
Guy Russell  
John Schneider  
Phillip Zemke

MEMBERS ABSENT:

None

ALSO PRESENT:

Roberta Egan, Town Board Liaison

Chairman Grumet called the meeting to order at 7:00 p.m. There were no public hearings scheduled.

**Applications:**

1. **Chuck DeMarco for Alice and Alex Kirschenbaum:** Mr. DeMarco was present representing Mr. and Mrs. Kirschenbaum who are seeking an area variance to install an in-ground swimming pool and fence on property located at 15B Molland Drive, tax grid number 6470-00-430470. Mr. DeMarco explained that there was an existing in-ground pool on the property which was at least 30 years old and the walls were collapsing and rusting and the fence was rickety. When he pulled the liner out, the pool was so rusted he couldn't save it so they pulled it down and cleaned up the site. There were also two existing run down sheds which they also removed. They will be building one building to replace those two which will meet the setback requirements. The house is right on top of a rock knob and the last part of the driveway is straight up so there is no where else to put the pool. Mr. DeMarco said they are requesting a rear setback of 25 feet for the proposed pool which will be further away from the property line than the old pool because they wanted to pull the pool off the hill and bring it further into the yard. Also, there is a big red oak tree right next to the house which was shading half of the old pool; the new location will provide more sunlight. The new pool is 14 x 38 square feet and the old one was 16 x 36 square feet. The new pool house will not have a septic because they are not installing a toilet but Mr. DeMarco said they would like to install a sink, similar to a wet bar, and possibly a shower on the outside of the building to drain into the gravel. Chairman Grumet said an outside shower draining into the ground is okay but the Board of Health may require a septic system for a sink. Mr. DeMarco will look into that. Mr. Zemke asked if the fence needs to be included in the variance, and he said the applicant needs to provide a clear map which shows the pool, fence and shed with distances to the property lines. Chairman Grumet said the fence will be included in the variance as a fence is considered a structure in the Town of Milan. Mr. DeMarco said he will bring the additional maps in tomorrow.

Chairman Grumet suggested Mr. DeMarco let the landscape architect know that the Board of Health may require a septic system for the sink.

Mr. Russell motioned that the Zoning Board of Appeals set the date for the public hearing for the Kirschenbaum area variance application to be held at the April 22, 2009 ZBA. Mr. Mancini seconded. All aye. Motion carried 5-0.

**Administrative Items:**

- Approval of Minutes: Mr. Zemke motioned to approve the minutes of the April 22, 2009 ZBA meeting as amended. Mr. Russell seconded. All aye. Motion carried 5-0.

Mr. Russell motioned to adjourn the meeting at 7:25 p.m. Mr. Mancini seconded. All aye. Motion carried 5-0.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Wednesday, April 22, 2009 at 7:00 p.m. at the Wilcox Memorial Town Hall.

Respectfully submitted,

Karen Buechele, Clerk  
Planning and Zoning

cc: Catherine Gill, Town Clerk  
Town Board Members