

TOWN OF MILAN ZONING BOARD OF APPEALS MEETING MINUTES – FINAL

WEDNESDAY, APRIL 22, 2009

MEMBERS PRESENT:

Jack Grumet, Chairman
Rocky Mancini
Guy Russell
John Schneider

MEMBERS ABSENT:

Philip Zemke

ALSO PRESENT:

None

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

Public Hearings:

1. **Kirschenbaum Area Variance** – Chuck DeMarco of CDS Pools was present on behalf of Alex and Alice Kirschenbaum for this area variance request to permit a rear yard setback of 25 feet where 35 feet are required to allow the installation of an in-ground swimming pool and to allow a fence to be installed on the rear property line for approximately 190 feet and on the side property line for approximately 60 feet where 35 feet are required for the rear and side setbacks. The property is located at 15B Molland Drive, tax grid number 6470-00-430470. Chairman Grumet read the legal notice that was posted in the paper. Mr. DeMarco said there was an existing pool located about 15 feet off of the boundary line. It was collapsing so he ripped it out. They have placed the new pool about 25 feet away from the boundary line, and further from the house, and the oak tree. Mr. DeMarco said that the electric was substandard so they will replace it to current standards with the proper inspections. The pool house, which will house the filter, and the shed will be off to the side away from the property lines. Both of the existing sheds are still on the property but have been moved to the bottom of the driveway. The property owners may keep one for storage for lawn mowers, etc. but are disposing of the other shed. They are installing a cartridge filter so there will be no back washing required. At the previous meeting, they had discussed putting a sink in the pool house but because it would have required Board of Health approval, that is now off the table. The pool house will be a simple changing area. Mr. DeMarco said the only level spot in the yard is where the pool is going, then it drops off. The property owners are trying to make the most of what little level area they have. The ground is all shale. They went from an 8 foot deep pool to a 4.6 foot pool. He added that the patios shown on the drawing may change depending on the cost of everything else. He said this is a nice spot that has been neglected for many years. Chairman Grumet said this is a straight forward application which will be a big improvement to the property and the board members agreed.

There was no one from the public present for the public hearing. Mr. Russell motioned to close the public hearing. Mr. Mancini seconded. All aye. Motion carried 4-0.

Chairman Grumet read the Findings and Decision (attached) which state this is a Type II action, there was no public comment, this will be a big improvement for the individual property owner, land constraints don't allow any other location for the pool and pool house, the pool is farther away from the setback line than it was previously so it is less non-conforming, they are pulling the pool further away from the slope, previously, the pool, pool house, and electricity were substandard and now will be done properly, and the benefit to the applicant does outweigh the detriment to the neighborhood or community and no conditions were stated. The publication fees were paid.

Mr. Russell motioned to approve the Findings and Decision for the Kirschenbaum area variance application. Mr. Mancini seconded. All aye. Motion carried 4-0.

Administrative Items:

1. Approval of Minutes – Mr. Russell motioned to approve the minutes of March 25, 2009. Mr. Schneider seconded. All aye. Motion carried 4-0.

Discussion:

- Chairman Grumet said a Zoning Review Committee has been established which he is a part of which, among other items, will be reviewing the fence and horse law.
- There was a brief discussion about the public information session that was held on April 18th for the new Milan Market proposal.

Mr. Russell motioned to adjourn the meeting at 7:45 p.m. Mr. Mancini seconded. All aye. Motion carried 4-0.

The next ZBA meeting will be held on Wednesday, May 27, 2009 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board Members