

TOWN OF MILAN ZONING BOARD OF APPEALS MEETING MINUTES - FINAL  
WEDNESDAY, MARCH 23, 2011

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None

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

**Applications:**

1. **James Benincasa Area Variance** – James Benincasa appeared before the Board regarding his area variance application to allow an existing shed to remain in its current location 12 feet from the side property line where 35 feet are required on property located at 157 Odak Farm Road, tax grid number 6473-00-367824. Mr. Benincasa said when he purchased the property, part of the shed was pre-existing and he added to it about three years ago. The building is used for storage and his children raise pigs for 4H and they have chickens. The pigs are there from April to about August or September; the chickens are there year round. Mr. Benincasa did not have any photos of the property and he took the measurements himself. Chairman Grumet asked if it would be possible to move the shed and Mr. Benincasa said it is on a concrete floor which would make it difficult to move. Chairman Grumet asked if there were any other solutions besides the variance. Mr. Benincasa said there is a hill in the back of the yard and there are fruit trees on the other side. It would be difficult to be able to set the structure anywhere else. Chairman Grumet asked if anything is stored in the 12 foot area between the shed and property line. Mr. Benincasa said the area is fenced in for the animals with hog panels three feet high. The fence is in between the shed and property line but he did not measure the exact distance between the fence and the property line and does not know the dimensions of the fenced area. Chairman Grumet asked if there is water in the shed. Mr. Benincasa said he has a 90 gallon drum that the kids keep filled up with a hose. Chairman Grumet said, in reviewing the survey map, he noticed that the garage is also out of compliance so that will be part of the variance application as well. Chairman Grumet said the Board members will do a site visit and part of that visit will be to see if there is any way to mitigate the variance for the shed and to see the layout of the property. Mr. Benincasa added that part of why it would be difficult to move the shed is because he needs to get a truck and trailer down there to get the animals. Right now, he comes up along side of the house, and then backs up down the hill. Mr. Zemke asked what brought Mr. Benincasa in to request the variance since the shed is existing. Mr. Benincasa said the Zoning Enforcement Officer received a complaint, he believed from the neighbor Steve Odak (who was also at the meeting) that the structure was on the property line. When asked if the garage had a Certificate of Occupancy, Mr. Benincasa said the garage was existing

when he bought the property but he did put an addition onto it about 5 years ago and he has a Certificate of Occupancy for that.

Chairman Grumet said he believes there is enough information here to schedule the public hearing for the next meeting and the Board agreed. The Board and Mr. Benincasa also agreed to schedule the site visit for Saturday, April 2<sup>nd</sup>, at 8:00 a.m.

Chairman Grumet motioned to set the date for the public hearing for the Benincasa area variance application to be held at the April 27<sup>th</sup> Zoning Board of Appeals meeting. Mr. Zemke seconded. All aye. Motion carried 5-0.

**Administrative/Discussion Items:**

- Chairman Grumet told the Board that the Eiffert use variance application is on hold for the present time. Also, Dianna Bergherr, who withdrew her application for an area variance from the required acreage to have horses, is now going to re-apply so she will be on the April agenda. A letter was received from Ms. Bergherr's neighbor, Peter Ackermann, who raised several good points that the Board will have to consider during the application process.
- Approval of Minutes: Mr. Schneider motioned that the Zoning Board of Appeals approve the minutes of the February 7, 2011 meeting as presented. Mr. Russell seconded. All aye. Motion carried 5-0.

Mr. Mancini motioned to adjourn the meeting at 7:45 p.m. Mr. Zemke seconded. All aye. Motion carried 5-0.

The next meeting will be held on Wednesday, April 27, 2011 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk  
Planning and Zoning

cc: Catherine Gill, Town Clerk  
Town Board Members