

TOWN OF MILAN ZONING BOARD OF APPEALS MEETING MINUTES - FINAL  
WEDNESDAY, AUGUST 24, 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.

**Public Hearings:**

- **Milan Volunteer Fire Department, Inc.** - Carl Sardaro was present on behalf of the Fire Department for the public hearing to permit an addition on an existing structure requiring front yard setback variances on property located on Jackson Corners Road, tax grid number 6673-00-065528. Chairman Grumet read the public notice that was sent to neighboring landowners and published in the paper. Mr. Sardaro said the department needs an addition because all the bays are full and they have a new truck coming, the existing doors are too small to allow the new truck to get into the building and when neighboring departments are called in for mutual aid, they don't fit into the building so have to stand by outside. Chairman Grumet said so the addition is required because the current size of the fire house is obsolete and does not meet the requirements of the newer, larger trucks. The architect, who was also present, submitted photos of where the addition will go. They are raising the roof and adding some roof but the architectural style of the addition will match the existing building. The existing doors will stay but will be increased in height and they are adding one door. Mr. Zemke asked how much traffic is on Jackson Corners Road. Mr. Sardaro said it is mostly people headed to King Road and Church Road. Jack Gomm, who is a member of the Fire Department, said he thinks it is less than 25 cars a day. Mr. Zemke said he only brought the traffic up because that is the side of the addition that will be closest to the road. When asked, Mr. Sardaro said there is no other feasible location to put this addition.

Board discussion: Mr. Mancini said he looked at the property and he thinks the addition will fit in just fine. Chairman Grumet said he also stopped by the property and it seems like the impact will be very limited and the addition will give the Fire Department the room they seem to desperately need for increased space for the fire trucks and additional door height. It is a win-win for the community. When asked, Mr. Sardaro said the diesel tank will probably be somewhere near the front because it needs to be accessible to the trucks. It is a portable tank and is on skids. Mike Herlihy, a member of the Fire Department, said the three gas tanks are being removed and replaced with one sub tank that will be at the rear of the building near the generator because the generator runs off of gas.

Hearing no public comment, Mr. Russell motioned to close the public hearing. Mr. Mancini seconded. All aye. Motion carried 5-0.

Chairman Grumet read the proposed Findings and Decision. This is a Type II action under SEQ. Dutchess County Planning responded to the zoning referral that this is a matter of local concern. An undesirable change will not be produced in the character of the neighborhood because the addition will be a benefit to the community with little or no impact on the surrounding properties. The benefit sought by the applicant cannot be achieved by any feasible alternative to the variance. The requested variance is substantial but justified. The variance will not have an adverse impact on the physical or environmental conditions in the neighborhood because the property is surrounded on all sides by roads. The alleged difficulty is not self created because this garage was built approximately 25 years ago to accommodate smaller trucks. Over the years, the trucks have gotten bigger and the building can no longer adequately house them. Therefore, it is the determination of the ZBA that the benefit to the applicant does outweigh the detriment to the neighborhood or community. The Board agreed there were no conditions associated with this variance.

Mr. Russell motioned that the Zoning Board of Appeals accept the Findings and Decision for the requested area variance by the Milan Fire Department to permit an addition on an existing structure having a setback along Jackson Corners Road of 15 feet where 85 feet is required and a setback of 34 feet along County Route 50 where 85 feet is required. Mr. Mancini seconded. All aye. Motion carried 5-0.

**Discussion Items:**

1. Chairman Grumet said he heard from a Town resident who had concerns regarding Milan Market selling used cars again and felt that it was degrading their property value. Board members agreed that there appear to be unregistered vehicles for sale on the Milan Market property and would ask Steve Cole, Zoning Enforcement Officer, to look into as this has been an ongoing problem. The Clerk will forward a request to Mr. Cole to look into this situation and to keep the Board informed.
2. Chairman Grumet addressed the memo received from Warren Replansky, attorney for James Benincasa, dated August 18, 2011 offering a compromise for the existing shed. The memo states that Mr. Benincasa would agree to relocate the pigs to a new shed on his property which will not require any variances. He would like to keep the existing shed and lean-to to be used for storage purposes only and will not house any livestock. Mr. Benincasa will have to apply for a variance for the existing shed to be used for storage only and the Board will consider it and conditions could be attached to the variance if necessary, i.e. painting, screening. Chairman Grumet said he thought this was a good compromise. By removing the pig element, the shed becomes like every other shed this Board has looked at in the past. Chairman Grumet felt this resolution would benefit

everyone, including the Town as far as legal fees. Board members agreed this seems like a good compromise but they may want to consider requiring a fence or some type of screening. As far as Mr. Replansky's request to waive the filing fees, that is not a decision the ZBA can make. Mr. Benincasa would need to approach the Town Board about that. The Clerk will send a memo to John Greco, Town Attorney, informing him of the Board's agreement that this seems like a reasonable proposal and that the Board will consider a new area variance from Mr. Benincasa for the existing shed and lean to for the storage of equipment.

**Administrative Items:**

- Approval of Minutes: Mr. Zemke motioned to accept the minutes of July 27, 2011 as presented. Mr. Schneider seconded. All aye. Motion carried 5-0.

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

The next ZBA meeting will be held on Wednesday, September 28, 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