

TOWN OF MILAN ZONING BOARD OF APPEALS MEETING MINUTES - FINAL  
WEDNESDAY, SEPTEMBER 28, 2011

MEMBERS PRESENT:

Jack Grumet, Chairman  
Guy Russell  
John Schneider  
Phillip Zemke

MEMBERS ABSENT:

Rocky Mancini

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

**Applications:**

- 1. Benincasa Area Variance:** Mr. and Mrs. Benincasa appeared for their area variance application for a shed on property located at 157 Odak Farm Road, tax grid number 6473-00-367824. Mr. Benincasa said it is basically the same variance application as before except the shed will be for storage only, no animals. He is building a new shed towards the rear of the property to house the pigs and chickens which will be on a concrete platform away from the property line and he has a building permit for that shed now. Chairman Grumet said so the new shed will remove the complaints associated with keeping the pigs in the existing shed that were voiced at the previous public hearing. Mr. Benincasa agreed and said he wants to keep the existing shed where it is to use for storage and to keep the lawn mower and snow blower. The existing shed has a concrete floor with poles concreted in about three feet into the ground so if he has to take it down, he will be left with a concrete slab. When asked, Mr. Benincasa said the garden area will remain where it is. He also said he would like to keep the lean to that is attached to the existing shed, also for storage. The lean to is what is 16.4 feet to the side property line. Chairman Grumet said when the Board had done previous site visits, there had been some discussion about the possibility of installing screening for the shed which is typical with this type of an application so one condition to the variance may be to install some type of minimal screening. Mr. Benincasa said when he talked to Steve Odak, who used to own the adjacent property, he was against putting up a fence. He said there is a lot of screening between his house and the shed there already and the animals will no longer be in that shed. He said the new shed is running about \$15,000 and he would really like to keep any additional costs to a minimum. Chairman Grumet said in his mind, a minimal amount of screening would be about five sections of eight foot fencing which would probably be less than \$200. He said he thinks that type of screening would be an effective way to avoid problems in the future.

Mr. Zemke said it appears that the application is complete and we can set the date for the public hearing. The screening issue can be discussed at that meeting. Mr. Benincasa said the Board was more than welcome to do another site visit if they would like to. Chairman Grumet said this appears to be a good resolution of the problems on the site by moving the livestock. Mr. Zemke motioned that the Zoning Board of Appeals set the date for the public hearing for the Benincasa public hearing for the October 26<sup>th</sup> meeting.

Mr. Schneider seconded. All aye. Motion carried 4-0. Chairman Grumet asked the Board to consider the screening issue and they will discuss it at the October meeting.

2. **DelGiudice Area Variance:** Mr. DelGiudice was present to present his area variance application to the Board for property located at 194 Milan Hill Road, tax grid number 6472-00-760130. He said he would like to build a garage and is also in need of storage space since he does not have an attic or basement. They have considered other locations but this is the most feasible spot to put it as this is where the driveway comes in; if he were to put it on the other side of the house, that would also require a variance and his well is located there. He said the lot next door is empty and he has a long driveway coming in. Chairman Grumet said so this location is the most feasible spot to put the garage due to lot constraints. Mr. DelGiudice agreed and said they did consider attaching the garage to the house but there is a nice view from the house overlooking the pond so they would prefer to maintain the view. The garage would have two bays and be two stories high. He said they will be using the upper story for storage not living space. Chairman Grumet said the Board will need to see a drawing of what the garage will look like and elevations. That information will need to be submitted within the next two weeks so the Board can see it prior to the public hearing. Chairman Grumet said the garage is in front of the house so would require a setback variance and a variance to allow the placement in front of the dwelling. Mr. Zemke said the property on the other side of the driveway belongs to Mr. DelGiudice's father and is just fields. Mr. DelGiudice said that's true and there are no plans for that property at this time. Mr. DelGiudice said the garage will be similar to the house in architecture and will probably be the same color. The Board agreed the application is complete enough to set the date for the public hearing pending receipt of the blueprints and elevations for the garage.

Mr. Russell motioned that the Zoning Board of Appeals set the date for the public hearing for the DelGiudice area variance for the October 26<sup>th</sup> meeting pending receipt of the blueprints and elevations for the garage by October 12th. Mr. Schneider seconded. Motion carried 4-0.

#### **Discussion Items:**

- **Milan Market:** At the August meeting, the Board asked Steve Cole, Building Inspector/ZEO to look at the Milan Market site based on a complaint received from a resident to Jack Grumet regarding the site being used to keep and sell cars. Mr. Cole provided the Board with a letter dated September 15, 2011. Chairman Grumet said he drove by the site on Saturday and there were five cars out back and two in front and there were people looking at the cars. It appears that, despite Mr. Rabadi's claims that he is not using this area to sell cars, that cars are being sold there. Mr. Zemke referred to Mr. Cole's letter and asked what is permanent and what is temporary? The cars sit on this site until they are somewhere else? Chairman Grumet said there does not seem to be any reason why the cars can't be brought right to the mechanic and if they are on the Milan

Market site, they should have dealer plates. Mr. Zemke asked what is in the code regarding selling cars and what if he is selling them on-line? Chairman Grumet said the sale of cars is not permitted anywhere in Town. Chairman Grumet would like to ask the Building Inspector what is the number of unregistered, unlicensed cars that is allowed on a lot in the Town of Milan under the zoning code and then to enforce that number on the Milan Market site. Mr. Rabadi should be held to whatever the requirement is in the law. The Board agreed with that.

**Administrative Items:**

- Approval of Minutes: Mr. Schneider motioned to approve the minutes of the August 24, 2011 meeting as presented. Mr. Zemke seconded. All aye. Motion carried 4-0.

Mr. Russell motioned to adjourn the meeting at 7:30 p.m. Mr. Schneider seconded. All aye. Motion carried 4-0.

The next ZBA meeting will be held on Wednesday, October 26, 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