

ZONING BOARD OF APPEALS MEETING MINUTES - FINAL
WEDNESDAY, FEBRUARY 26, 2014

MEMBERS PRESENT:

Stephanie Fitzpatrick
Martin Otter
John Schneider
Phillip Zemke

MEMBERS ABSENT:

Rocco Mancini, Chairman

ALSO PRESENT:

Ms. Fitzpatrick motioned that the Zoning Board of Appeals appoint Phillip Zemke as the Acting Chairman in the absence of Rocco Mancini. Mr. Otter seconded. All Aye. Motion carried 4-0.

Mr. Zemke opened the meeting at 7:00 p.m.

Public Hearings:

1. **Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless** – Mr. Zemke motioned that, as requested by the applicant, the Zoning Board of Appeals adjourn the public hearing for Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless until the March 26th ZBA meeting as per an email from Scott Olson, Esq., Young/Sommer LLC. Mr. Schneider seconded. All aye. Motion carried 4-0.

2. **Hynes Area Variance** –Sean Hynes, property owner, appeared for the public hearing regarding his area variance application to reduce the front yard setback from the required 85 feet to 60 feet to construct a single family dwelling on property located on Woody Row Road, Lot #16, tax grid number 6572-00-321434, in the A5A zoning district. Mr. Zemke read the legal notice that was posted in the paper and sent to neighboring landowners. Mr. Hynes said right now, this is a vacant lot with a high percentage of DEC wetlands. The variance is necessary to maintain the 100 foot buffer to the wetlands in order to build a home. Mr. Hynes said he if met the 85 foot requirement, he would encroach into the 100 foot buffer area. The septic system also has to be located out of the buffer. Mr. Hynes showed the Board his house plans and described some minor changes he is planning on making. There is a small porch but it is built into the footprint of the house. He said they may add a deck in the future but he would put it on the side of the house and would not impact the setback area. The ZBA had asked for an updated drawing from Mr. Interrante, Architect, at the last meeting. The Board never received it but agreed to accept the current drawing submitted by Mr. Hynes. When asked, Mr. Hynes said they will have to do some clearing to allow for construction but they are leaving as many trees as possible. They will be clearing for the house and septic system but have no plans for any fences or sheds. There was no one present for the public hearing.

Mr. Zemke motioned to close the public hearing. Mr. Otter seconded. All aye. Motion carried 4-0.

The ZBA completed the Findings and Decision to grant the area variance from the required 85 feet to 60 feet to allow a single family dwelling to be located on the property based on the following findings: An undesirable change will not be produced in the character of the neighborhood, the benefit sought by the applicant cannot be achieved by a feasible alternative to the variance due to the wetlands and wetland buffer, the variance is not substantial, the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood and the difficulty is self-created as the applicant could have chosen to build a smaller house. The ZBA found that the benefit to the applicant does outweigh the detriment to the neighborhood or community. There were no conditions attached to the variance.

Applications:

1. **Smith Area Variance** – Warren Replansky, Attorney, was present representing Robin Smith who is seeking an area variance to construct a shed in front of the front building line of the dwelling but outside the required front setback in variance with Section 200-18A(2) of the Town of Milan Zoning Code on property located at 60 Hammock Hill, tax grid no. 6471-00-639331 in in the A3A zoning district. Mr. Replansky said the variance is required due to the configuration of the property and will have no impact to the neighbors. He submitted the building plans for the shed. He said this is a flag lot and there is no place at the rear of the property to put the shed as it is wooded with no level area for the shed. The shed will be used for storage. The proposed location is the most level area on the property and is close in proximity to the driveway. Mr. Replansky said no matter where the shed is placed, it will require a variance. The shed will be installed by Bay Horse and does not have a foundation. The Board members agreed that the application is complete.

Ms. Fitzpatrick motioned to set the date for the public hearing for the Smith area variance application for the Wednesday, March 26th ZBA meeting. Mr. Otter seconded. All aye. Motion carried 4-0.

Administrative Items:

- **Approval of Minutes:** Mr. Otter motioned that the Zoning Board of Appeals accept the January 22, 2014 meeting minutes as presented. Mr. Zemke seconded. All aye. Motion carried 4-0.

Mr. Zemke motioned to adjourn the meeting at 7:20 p.m. Mr. Schneider seconded. All aye. Motion carried 4-0.

The next meeting will be held on Wednesday, March 26, 2014 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board