

ZONING BOARD OF APPEALS MEETING MINUTES - FINAL
WEDNESDAY, FEBRUARY 22, 2017

MEMBERS PRESENT:

Rocco Mancini, Chairman
Stephanie Fitzpatrick
Adam Schneider
Phillip Zemke

MEMBERS ABSENT:

Ingrid Kulick

ALSO PRESENT:

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

Public Hearings:

- 1. Lewis Special Use Permit** – Donna Lewis appeared before the Board for the public hearing for the special use permit to construct an accessory dwelling unit within an addition to an existing dwelling on property located at 71 North Road, tax grid number 6571-02-907576 in the Hamlet zoning district. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing and read the email sent by Nick Colvin, 62 North Road, in support of the special use permit. Mrs. Lewis said they did an addition and renovated the space into a bedroom with sanitary facilities but then decided to add a kitchen so the building inspector told them they needed a special use permit for an accessory apartment. They have a temporary CO now and when they special use permit is granted, the building inspector will issue the permanent CO. Chairman Mancini said he visit the site and didn't see any problems with the apartment.

There was no one present for the public hearing. Ms. Fitzpatrick motioned to close the public hearing for the special use permit for Gary Lewis for an accessory dwelling unit. Mr. Zemke seconded.

Rocco Mancini, Chairman	Aye	Ingrid Kulick	Absent
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Adam Schneider	Aye		

Motion carried 4-0

The Board completed the Findings which state that the use is in harmony with the purposes of this provision, there will not be a detrimental effect on the surrounding neighborhood and property values, the use will foster the most appropriate use of the land; the lot area is adequate, and the application is consistent with the Town Master Plan which encourages affordable and alternative housing.

Ms. Fitzpatrick motioned that the Zoning Board of Appeals approve the Findings and Decision for the Lewis special use permit for an accessory apartment to be located within the addition to the dwelling. Mr. Schneider seconded.

Rocco Mancini, Chairman	Aye	Ingrid Kulick	Absent
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Adam Schneider	Aye		

Motion carried 4-0.

Applications:

1. **Kassell Area Variance** – David Beckwith, Architect, was present as the authorized representative for Burton Kassell application for an area variance to locate an accessory building closer to the street than the main house on property located at 12 Indian Road, tax grid number 6571-00-691909 in the A5A zoning district. Mr. Beckwith said Mr. Kassell wants to put up a 60 x 36 square foot barn and due to the configuration of his property, the best place to put the barn is in the front yard. It is a large piece of property, 78 plus acres, and the entire property is fenced in. There is 344 feet between the proposed barn location and Indian Road and much of that area is wooded although the proposed location for the barn is clear. When asked what the barn would be used for, Mr. Beckwith said to the best of his knowledge, they may use it someday to house horses. Mr. Zemke asked why, with all this property, they are putting the barn in a place where a variance is required. Mr. Beckwith said he didn't know the answer but figured the building should be kept up and out of the way if they are planning on keeping animals in there. Mr. Beckwith said for the Board's information, Mr. Kassell also owns other pieces of property surrounding this property.

Mr. Zemke said he believes there is enough information in this application to set the date for the public hearing. Mr. Zemke would like Mr. Beckwith to find out what the property owner's reason is for placing the barn in this location.

Mr. Zemke motioned that the Zoning Board of Appeals declare this area variance application to locate an accessory structure in front of the main dwelling to be a Type II action under SEQRA requiring no further action. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Absent	Motion carried 4-0.	

Mr. Zemke motioned that the Zoning Board of Appeals set the date for the public hearing for the Kassell area variance for the March 22, 2017 meeting. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Absent	Motion carried 4-0.	

That Board asked about a site visit. Mr. Beckwith suggested anyone who wants to visit the site call him and he will contact Mr. Kassell who is only there on weekends. There is a property manager who could be available. The Board would like the location of the barn to be staked.

Discussion Items:

- Chairman Mancini said he has been in discussions with Supervisor Gallagher about appointing Karen Buechele, the board clerk, to be an alternate member to the ZBA in case there is not a quorum present since she is at all the meetings

anyway. Chairman Mancini said Supervisor Gallagher is looking into whether that is possible since she does not live in the Town of Milan and is already the Board clerk. The ZBA members were in favor of the idea.

Administrative Items:

- **Approval of Minutes:** Ms. Fitzpatrick motioned that the Zoning Board of Appeals accept the minutes of the January 25, 2017 meeting as presented. Mr. Schneider seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Abstain
Ingrid Kulick	Absent	Motion carried 3-0.	

Ms. Fitzpatrick motioned to adjourn the meeting at 7:22 p.m. Mr. Schneider seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Aye
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Absent	Motion carried 4-0.	

The next regular meeting will be held on Wednesday, March 22, 2017 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board