

ZONING BOARD OF APPEALS MEETING MINUTES - FINAL
WEDNESDAY, SEPTEMBER 27, 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:

- Hermann Special Use Permit** – Pam and Larry Hermann were present for their special use permit to bring into compliance an existing accessory dwelling unit on property located at 17 Wyant Lane, tax grid number 6571-00-955760. Ms. Hermann said it is an existing house with an apartment. The apartment was the original house and they did the addition so that they could live with her mother. The addition became the principal dwelling unit and the original house became the accessory dwelling unit. The addition was done in 2002. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners. When asked if the apartment meets all the building codes, Ms. Hermann said they are working on the last item which is to have the firewall built and to install a fire door. It is in process now. They have a Certificate of Occupancy for the addition. Chairman Mancini said he drove up to the site and said everything looked okay. The building inspector has been there several times on various inspections. Joan and Bob Wyant's daughter Angie was present representing them and said she had no objection to what the Hermann's were doing. She did have concerns regarding the enforcement of the zoning law on properties on North Road and an easement question regarding an existing right of way. The Board advised her to meet with Steve Cole, Building Inspector/Zoning Enforcement Officer, regarding those issues as they would be considered enforcement issues.

Chairman Mancini motioned to close the public hearing. Mr. Zemke seconded.

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

Motion carried 4-0.

The Board completed the Findings as follows: The use is in harmony with the purposes of this provision as the Master Plan encourages alternate and affordable types of housing, there will not be a detriment on the surrounding neighborhood and property values, the use will foster the most appropriate use of the land, lot area is adequate, and the application is consistent with the Town's Master Plan which encourages affordable and alternative housing.

Mr. Zemke motioned that the Zoning Board of Appeals approve the Findings for a special use permit for an accessory apartment for 17 Wyant Lane, tax grid number 6571-00-955760. Ms. Fitzpatrick seconded.

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

Motion carried 4-0.

Discussion Items:

- The Clerk reminded the Board members that the fall class schedule has come out so those who need hours need to register.

Administrative Items:

- **Approval of Minutes:** Ms. Fitzpatrick motioned that the Zoning Board of Appeals accept the minutes of the August 30, 2017 meeting as written. Mr. Zemke seconded.

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

Motion carried 4-0.

Applications:

1. **Miller Area Variance** – Ed Miller was present for his area variance application to place a pole barn in front of the front building line of the dwelling approximately 69 feet from the front property line where 85 feet are required on property located at 25 Fowler Lane, tax grid number 6470-00-188758 in the A5A zoning district. Mr. Miller had obtained a building permit for this building which is in the process of being constructed now. In place currently are the footings and poles and the roof and sides are up. They waiting for the concrete floor, doors, windows, and siding. Mr. Zemke asked about the height of the building. Mr. Miller was not sure of the height but said it is supposed to be a 26'x36' building. Mr. Zemke thought a site visit would be in order to see the surrounding area and asked if the Board could go up to the site. Mr. Miller said yes. Mr. Zemke said he feels there is enough information to set the date for the public hearing and the Board agreed.

Mr. Zemke motioned to declare the Miller variance application a Type II action under SEQRA requiring no further action. Mr. Schneider 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 to be held at the October 25th ZBA meeting. Ms. Fitzpatrick seconded.

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

- 2. Temme Area Variance** – Raymond Nelson, Architect, was present as the authorized representative of Juergen Temme for his area variance application to build an addition to the existing dwelling having a side setback of approximately 24’6” from the required 50 feet on property located at 111 Lamoree Road, tax grid number 6470-00-154092 in the A5A zoning district. Mr. Nelson said the front of the lot is on an angle and the building is oriented to face this angle and it is way off to the side of the property. The structure, which is a two family dwelling, has a CO which was issued in 1990. The only access to the basement is off of Mr. Temme’s side. Mr. Temme is the owner and rents out the other half. Mr. Nelson showed the Board some pictures. The property is heavily wooded. Mr. Nelson said Mr. Temme is a bakery chef at the Culinary Institute and he wants to add a commercial kitchen to the existing dwelling to test recipes. The variance is for a two story addition off the back of the house which will be accomplished in two phases. Phase I will be the construction of the first story which will include the commercial kitchen. Phase II will be to raise up the roof, turn the kitchen into a living room, turn another area into the kitchen, add a set of stairs and a dormer on the front, close off the bedroom downstairs and move it to the second story and move the bathroom. Mr. Temme would make this a three bedroom home once he receives Board of Health approval for the septic. The house is one story at present. The commercial kitchen will not have any hoods and will not have propane. The dwelling would remain a two family. Part of the renovation includes the addition of a deck for ease of delivery and storage. Mr. Temme will require about 100 pounds of flour to be delivery every two weeks. The deck would facilitate the delivery by allowing a truck to back in and right up to it. Then Mr. Temme could store the flour on the deck.

Mr. Zemke motioned to declare the Temme variance application 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	

Ms. Fitzpatrick motioned that the Zoning Board of Appeals set the date for the public hearing to be held at the October 25th ZBA meeting. Mr. Zemke seconded.

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

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Ms. Fitzpatrick motioned to adjourn the meeting at 7:34 p.m. Mr. Zemke 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, October 25, 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