

ZONING BOARD OF APPEALS MEETING MINUTES – FINAL  
WEDNESDAY, JUNE 26, 2019

MEMBERS PRESENT:

Rocco Mancini, Chairman  
Ingrid Kulick  
John Schneider  
Phillip Zemke

MEMBERS ABSENT:

Stephanie Fitzpatrick

ALSO PRESENT:

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

**Public Hearings:**

1. **Clarke Area Variance** – Warren Temple Smith, Architect, was present as the authorized representative for the public hearing for William Clarke’s area variance application along with William Clarke. This is a variance application to extend a pre-existing, non-conforming barn having a front setback of 14 feet where 85 feet are required. The property is located at 565 Salisbury Turnpike, tax grid number 6471-00-205309 in the A5A zoning district. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. The location of the barn predates the location of the road and the barn sits 14 feet from the edge the road. He would like to extend the eastern face of the existing barn along the road about 27 feet. It will not get any closer than 14 feet from the road but it increases the existing non-conformity. The building will house a workshop for the farm along with machinery and equipment. It will have three bays. Mr. Clarke said there is no other option as he can’t extend the existing building in any other direction and building a new building creates many more expenses. Since his property is bisected by Salisbury Turnpike, Mr. Clarke said he is his own closest neighbor.

Public comment: Jim Jeffreys, 403 Salisbury Turnpike, spoke in favor of the variance stating he knows the family and property well, they treat their family homestead with affection, grace and humility and care for the property surrounding their own in the same way, they have good relations with their neighbors and not too long ago were recognized for their ongoing efforts to keep the historic and rural appeal of Milan alive for restoring more than a 1000 feet of stone walls. This property is well over 100 acres on both sides of Salisbury Turnpike with the nearest property on either side over 1,500 feet away and both adjoining properties are owned by Clarke family members. This will be an extension to their utility barn which the family has maintained well and the addition will be towards the east and no closer to the road than the current structure and will have only a slight influence on the property. Mr. Jeffreys said as with everything else the family does, he is certain this barn will be well built and will embody the current character of the neighborhood and urged the ZBA to approve the variance application. Martin Clarke, the closest neighbor to the east and a brother of the applicant, said the barn will be closest to him. He has no problem with the variance. Houses were built on the road back when this house was built. We wish they were 85 feet off the road but they aren’t. He said his

brother has done a great job with the property and agrees with Mr. Jeffreys comments.

Hearing no further public comment, Mr. Schneider motioned to close the public hearing. Ms. Kulick seconded.

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

Motion carried 4-0.

Mr. Zemke said this is a very clear, straight forward application. He as well as Chairman Mancini did a drive by and both agreed there are no issues with this variance. The property is well maintained. Everything done on the property is done well.

Chairman Mancini and the Board completed the Findings and Decision which stated that an undesirable change would 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; the requested variance is not substantial as the building has been there for 100 years; the variance would not have an adverse impact on the physical or environmental conditions in the neighborhood; and the alleged difficulty is self-created but the building has been there for 100 years. The Board determined that the benefit to the applicant does outweigh the detriment to the neighborhood and there were no conditions imposed on this variance.

Mr. Zemke motioned that the Zoning Board of Appeals approve the Findings and Decision as stated above. Ms. Kulick seconded.

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

Motion carried 4-0.

- 2. Malafy Area Variance/Special Use Permit** – Joseph Malafy was present for the public hearing for his area variance and special use permit applications to place a 36’x24’ two story garage/accessory apartment in front of the front line of the dwelling on property located at 287 Milan Hill Road, tax grid number 6472-00-671399 in the A3A zoning district. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. Mr. Malafy brought a rendition of what the building will look like and said the exterior will match the house. Mr. Zemke asked if one area on the map was a loading dock and Mr. Malafy said no, there is no loading dock. It is a refuse pile from the barn which he clears out with the tractor periodically and disposes of. Mr. Malafy said he is going to extend the existing blacktop about 40 feet for the driveway to the garage/apartment. He is putting in a couple of more lines to the existing septic. There is an underground water line going from the house to the shop so they will feed off of that. The apartment will be a one bedroom studio with an open floor plan and a staircase going upstairs.

Hearing no public comment, Ms. Kulick motioned to close the public hearing. Mr. Zemke seconded.

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

Motion carried 4-0.

Chairman Mancini and the Board completed the Findings and Decision for an Area Variance which stated that an undesirable change would 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; the requested variance is not substantial due to the site – it is nestled in the back but still in front of the dwelling; the variance would not have an adverse impact on the physical or environmental conditions in the neighborhood; and the alleged difficulty is self-created. The Board determined that the benefit to the applicant does outweigh the detriment to the neighborhood and there were no conditions imposed on this variance.

Ms. Kulick motioned that the Zoning Board of Appeals approve the Findings and Decision for the requested area variance as stated above. Mr. Schneider seconded.

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

Motion carried 4-0.

Chairman Mancini and the Board completed the Findings for a special use permit which reflect that the factors show the proposal is within the Milan zoning code, and state 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, this use will foster the most appropriate use of the land as there is already a residence on the property, the lot area is adequate, and the application is consistent with the town master plan.

Mr. Schneider motioned that the Zoning Board of Appeals approve the Findings for the requested special use permit as stated above. Ms. Kulick seconded.

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

Motion carried 4-0.

- Kalt Special Use Permit** – Dan Contelmo, Architect, was present as the authorized representative for Martin and Bonnie Kalt for their application for a special use permit for an accessory apartment on property located at 140 Fishwoods Road, tax grid number 6672-00-080971 in the A5A zoning district. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. Mr. Contelmo said the apartment will be going into an existing barn and showed where the building is on

the property. They are still working with the Department of Health for the septic system and water supply but Department of Health approval will be required prior to the issuance of a building permit. The driveway for the accessory apartment will come off of the existing driveway. The family will live in the main house and they will keep the apartment on the first floor for visiting family members and friends and use the second floor for themselves. The lake is higher than the first floor so they will be able to see the lake from the second floor deck. The stairs are covered and both floors are accessed separately. The structure is existing, but it needs firming up and cleaning up. The windows will be changed to meet egress requirements and the current energy code. They will be adding new siding and a new roof. Water service will be brought to the guest house from the existing house and a new septic system will be installed per Department of Health approval. Mr. Zemke said he considers this a straight forward application for a special use permit for an accessory apartment.

Public comment – A representative for an adjoining property owner, 1133 Taconic (Durst property) was there and had no problem with this proposal – it is very far from the 1133 Taconic property, they are improving an old building and providing alternative housing.

Hearing no further public comment, Mr. Zemke motioned to close the public hearing. Ms. Kulick seconded.

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

Motion carried 4-0.

Mr. Schneider said they are improving the property by re-doing this existing structure.

Chairman Mancini and the Board completed the Findings for a special use permit which reflect that the factors support the project within the Milan zoning code and 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, this use will foster the most appropriate use of the land, due to the lot acreage, the Board assumes the lot area is adequate but a condition of approval will be the Department of Health approval for the new septic system, and the application is consistent with the town master plan.

A condition of approval of the special use permit is Department of Health approval for the septic system.

Mr. Zemke motioned that the Zoning Board of Appeals approve the Findings for the requested special use permit pursuant to the condition as stated above. Mr. Schneider seconded.

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

**Discussion Items/Correspondence:**                    **None**

**Administrative Items:**

- **Approval of Minutes:** A motion was made by Mr. Zemke and seconded by Mr. Schneider that the Zoning Board of Appeals accepts the minutes of the May 29, 2019 meeting as presented.

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

Motion carried 4-0

A motion was made by Mr. Zemke and seconded by Ms. Kulich to adjourn the meeting at 7:38 p.m.

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

Motion carried 4-0.

The next regular meeting will be held on Wednesday, July 24, 2019 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk  
Planning and Zoning

cc: Catherine Gill, Town Clerk  
Town Board