

TOWN OF MILO, NEW YORK

Zoning Board of Appeals
137 Main Street – Town Hall
Penn Yan, New York 14527
Telephone No.: (315) 531-8042
Facsimile No.: (315) 536-9760
TDD No.: (202) 720-6382
Email: codeofficer@townofmilo.com



Meeting Minutes

Meeting Date: September 27, 2016



1) Call to order.

- a) The Chairperson of the Zoning Board of Appeals called to order the meeting of the Zoning Board of Appeals at 6 PM in the conference room, which is located at 137 Main Street – Town Hall, Penn Yan, New York.

2) Pledge of Allegiance.

- a) The Chairperson of the Zoning Board of Appeals led all present in the pledge of allegiance to the United States of America.

3) Attendance.

- a) Board members. The following board members were present at this meeting:
 - i. Phil Riehl
 - ii. Terry Jensen
 - iii. Gerald Masucci
 - iv. Ben Sward
 - v. Jake Reddout
 - vi. P. Earle Gleason

A quorum was present to hold this meeting.

- b) Town staff. The following town staff was present at this meeting:
 - i. Anthony Validzic – Code Enforcement Officer

- c) Public:
 - i. Floyd Lane

4) Open Meetings' Law.

- a) The Chairperson of the Zoning Board of Appeals read the Open Meeting's Law statement to the board members and the public. There were no requests from the public to obtain copies of said statement at this meeting.

5) Approval of minutes from last meeting.

- a) The ZBA reviewed the June 2016 meeting minutes.

- i. The Chairperson of the Zoning Board of Appeals asked if any revisions are needed to the submitted meeting minutes. No revisions were requested. Member Terry Jensen made a motion to approve the meeting minutes as submitted. Said motion was seconded by Member P. Earle Gleason. The members voted and the results were:
 - (1) Phil Riehl – Aye
 - (2) Terry Jensen – Aye
 - (3) Gerald Masucci – Aye
 - (4) Ben Sward – Aye
 - (5) Jake Reddout – Aye
 - (6) P. Earle Gleason – Aye

A majority affirmative of the Zoning Board of Appeals was achieved and the motion was adopted.

6) Comments from Town staff, chairperson or other board members.

- a) The Secretary read the Public Hearing Protocol.
- b) The Secretary informed the public that any individual present at this Public Hearing is invited to speak before this Board to discuss their opinions about the application under review as expressed in the Public Hearing Protocol. However, the Town of Milo wants it clearly understood that if an individual who has submitted written communication to the Town of Milo, which pertains to said application under review, speaks at this Public Hearing, he, she or they rescind(s) his, her or their right to confidentiality. Lastly, said action will cause the Town of Milo to have no other recourse but to allow said communication(s) to be fully disclosed and obtained pursuant to a FOIL.

7) Applications under review.

- a) Application No.: ZBA-09-27-2016A: An application for this board's determination pertaining to one (1) area variance (i.e., fire separation distance between structures) for the construction of a single unit dwelling to replace the existing cottage #9 at 350 Route 54-East Lake Road, which such real property is owned by Willow Grove Camp Inc., and is more specifically known as Tax Map Identification Numbers 73.71-1-11.
 - i. The Chairperson of the Zoning Board of Appeals asked the applicant to address the board and provide a brief summary of the proposed application. Floyd Lane provided a brief explanation of their application.
 - ii. The members of this board reviewed the application and supporting documents. The Chairperson of the Zoning Board of Appeals asked if the members of this board had any questions to be addressed by the applicant. No questions were asked by the members of this board to the applicant.
 - iii. The Chairperson of the Zoning Board of Appeals opened the Public Hearing at 6:08 P.M. and invited the public to speak to the board pertaining to this application. No public comments were received and the Public Hearing was closed at 6:09 P.M.
 - iv. The Secretary asked the applicants if they have read the conditions written in Resolution No.: 2016-011 / Final Determination. Floyd Lane informed the Secretary and the board that he and the owners have read said resolution and have no objections to the conditions prescribed therein.
 - v. The Secretary asked the board if they read the "Statement of Hardship" that contains the five state designated criteria that this board must consider to "balance the benefit to be realized by the applicant against the potential detriment to the health, safety and general welfare of the neighborhood and community if the variance was granted." Said board informed the Secretary that they have read the

“Statement of Hardship” and agree with the responses to the state mandated questions as written in Resolution No.: 2016-009 / Final Determination.

- vi. The Chairperson of the Zoning Board of Appeals asked for a motion to approve Resolution No.: 2016-011 / Final Determination as submitted. Member Terry Jensen made a motion to approve said resolution as submitted. Such motion was seconded by Member P. Earle Gleason. The members voted and the results were:
 - (1) Phil Riehl – Aye
 - (2) Terry Jensen – Aye
 - (3) Gerald Masucci – Aye
 - (4) Ben Sward – Aye
 - (5) Jake Reddout – Aye
 - (6) P. Earle Gleason – Aye

A majority affirmative of the Zoning Board of Appeals was achieved and the resolution was adopted. This completes the activity the Board shall execute for this application.

8) Other Business.

- a) Training. The Secretary provided training to the board members in regards to the “NY Appellate Court Upholds Granting of Area Variance Despite Finding it to be Substantial” written by Patricia Salkin, Law of the Land.

9) Adjournment.

- a) The Chairperson of the Zoning Board of Appeals asked for a motion to adjourn the meeting at 6:25 P.M. A motion was made by Member Terry Jensen and seconded by Member Phil Riehl. The members voted and the results were:
 - i. Phil Riehl – Aye
 - ii. Terry Jensen – Aye
 - iii. Gerald Masucci – Aye
 - iv. Ben Sward – Aye
 - v. Jake Reddout – Aye
 - vi. P. Earle Gleason – Aye

A majority affirmative of the Zoning Board of Appeals was achieved and the meeting was adjourned.