

Town of Milton Zoning Board of Appeals

October 22nd 2009

Attendance: Mary Lou Festa (Chair), Kim Weaver, Ken Buhrmaster, Brian Companion, Jim Cook (Alternate), Martin Pozefsky (Attorney), Wayne Howe (Zoning Official), Susan Talmadge (Secretary).

The meeting began with the Pledge to the Flag.

The minutes of September 24th 2009 were approved with a motion by Weaver, a second by Companion, All members were in favor.

Public hearing for 331 Rowland Street, 900 Rock City Road, 309 Greenfield Avenue manufactured home parks – area variance to allow each park to have one manufactured home moved in that is more than 10 years.

John Gula and Steve Hoffman represented the applications.

Mr. Hoffman referred to the documentation submitted as examples – NYS Municipal Regulation of Mobile Homes and a State of New York Supreme Court Article 78 decision.

Buhrmaster indicated that he did not believe the situations were the same as the applications before the board – this situation is for single homes within single parks – do not believe that Article 78 applies to these variances, but only a portion of it.

Discussion ensued.

Mr. Gula explained – the homes are repossessed and putting money into the home is too risky if they cannot be placed. The homes are then removed and vacancies happen that affect the rents. Would like to take the elderly and put them in an older fixed up home and get rid of the older home – it is better for everybody involved.

Hoffman explained when the homes are finished they are real nice with all of the same materials as a regular house.

Companion indicated he is concerned about setting a precedent for future.

Festa asked for a better explanation for each individual home so the board would be able to decide on hardship – what about tenant information.

Gula explained that he owns two and a stop work order was issued after they were moved to the parks (Howe explained without a building permit) Gula stated that he has put money into them and believes the board cannot stop these if they fit uniform code.

Festa asked Pozefsky what the board can do.

Pozefsky advised the board is obligated to follow the town code and can only grant a variance for the law and in particular issues. The town board would have to change the town law. This board can only vary the town law – and may set precedence - but each case should be looked at on its own merits.

Gula – you need to have the flexibility to do this – do not want to seek change to the town code but will if they have to.

Festa indicated Mr. Hoffman has done a great job in the parks and the board understands that there is a vested interest in these two homes. The board will look at each home individually and the board understands the application.

Howe explained the applicant is asking for relief from section 180.39A1.

Hoffman explained if the homes were not going to look new then he would not allow them in his parks.

Discussion.

Pictures of the homes were distributed.

- Hoffman withdrew the application for 900 Rock City Road.

309 Greenfield Avenue lot 5 was discussed – the home is owned by an individual who wants to move from a private park on Rock City Road to this park. Mr. Hoffman indicated he has approved the home to be place in his park and the

home has been upgraded by the homeowner with newer windows and has a peaked roof and siding.

331 Rowland Street lot 47 - the home is owned by Mr. Gula and would be upgraded with new siding, roof and etc. His intention is to sell the home.

Howe explained the proposed homes would not be a detriment or change the neighborhood and the code was 5 years and then changed in 2001 to 10 years – realize it is a tough economic times.

Buhrmaster asked if there was any way to do this other than a variance.

Hoffman explained the large lenders are gone - discussion regarding financing ensued.

Public hearing was opened.

Public comment – looking at each one individually is a good idea – just fixing up homes and putting them in the parks is not so good of an idea.

Public comment – if rehab – what about energy efficiency?

Hoffman explained new windows and etc. are installed and it has to be NYS code compliant.

Public hearing was closed.

Buhrmaster made a motion to approve a variance from Section 180.39 A1 for a home older than 10 years for lot 5 at 309 Greenfield Avenue due to the hardship of the home owner/tenant.

Weaver made a second. All members voted in favor. Festa noted that this decision was case by case and this particular variance was determined due to the hardship for the tenant and because Mr. Hoffman does a good job with his parks.

No SEQR required for Type II action.

331 Rowland Street – additional discussion.

Festa inquired about timeframe for refurbishing the home.

Gula indicated it would be about two weeks.

Pozefsky advised the board may take 60 days from the close of the public hearing to make a decision if they wish.

Howe explained the town cannot allow him to work on the home with no variance.

Pozefsky advised the board may also condition the time frame.

Companion explained that if granted, this variance would determine if a 3rd one would ever be granted.

Companion made a motion to approve an area variance for 331 Rowland Street lot 47 with the following conditions:

1. Update the home to today's specifications as per Building Permit.
2. Peak roof
3. Vinyl siding
4. Time limit of 60 days to complete – 30 days to obtain a building permit and 30 days to complete the work for a certificate of occupancy.

Weaver made a second to the motion.

Vote: Weaver – Yes. Companion. – Yes. Buhrmaster – No. – believe this is self created hardship. Festa – Yes with the conditions stated. Motion passed 3-1.

Review 836 Rock City Road – Sicluna area variance.

Gina Sicluna represented her application explaining she had built a garage too close to the neighbor's property line.

No building permit was obtained and she was fined in court and allowed 120 days to rectify or to remove the garage.

Howe explained the garage is approximately 12 inches from the property line.

Discussion.

Sicluna would submit pictures for the board to review.

Sicluna explained she has a lot of cars and the garage is 24 x30 - built in present location because of access to the pool area in the rear of the property.

Public hearing was scheduled for November 19th at 6PPM.