

Town of Milton Zoning Board of Appeals

November 19th 2009

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

The meeting was opened with the Pledge to the Flag at 6:00 PM.

The meeting minutes from October 22nd were approved with a motion by Companion, a second by Harris and all members voted in favor.

The board reviewed a variance application by Joe and Carol Salerno at 14 Skylark Drive in Milton Oaks subdivision.

George Farnum represented the application explaining that the Salerno's would like to build an addition to their home and they will need a 4 foot variance. The addition would place the home 16 feet to the property line and 20 feet is required in that zone.

The living space would be in a two story addition with a bath on the second floor.

Howe explained the lot is $\frac{1}{4}$ acre due to the PUD. The setback on one side of the home is a legal 6'10". The side the variance is being requested requires 20 feet. The property is pie shaped lot that is common in this subdivision.

Board questions ensued.

Buhrmaster asked if the applicant had sought other ways to do the addition.

Mrs. Salerno explained that they had looked at building in the back but it would have taken their yard and this way they would get more square footage by building up than by building out. The addition would be approximately 1,000 sq ft.

The roofline was discussed. Mr. Farnum would provide the board with elevations for the next submission.

The public hearing was scheduled for December 17th at 6:00 PM.

Public hearing for Gina Sicluna variance application at 836 Rock City Road.

Ms. Sicluna briefly reintroduced her request for a variance to allow a pole barn as close as one foot to the property line.

Howe explained the accessory structure was built without a permit and Ms. Sicluna has gone to town court and has paid a fine and must obtain a variance in order to get a building permit for the structure.

Howe explained a letter came in from the neighbor, Mr. Gnip, who is concerned about his well that is located quite close to the pole barn. Also the building code requires 3 feet minimum with an exception that if the end of the garage were to be fire rated then it could be as close as 1 foot. Town zoning requires 10 feet.

Pozefsky advised the zoning board has the authority to vary local code but not state code.

Sicluna agreed to sheetrock the variance side of the pole barn with 5/8 sheetrock for a one hour fire rating.

Festa asked why the garage wasn't shifted to the left when built.

Sicluna explained that was due to access to the back yard and pool and keeping a 12 feet separation from the house.

The letter from Mr. Gnip was read into the record and placed in the file.

The public hearing was opened.

Mr. Beals of Ballston Spa asked about for clarification about how the building would be fire rated. Howe explained.

There were no other questions.

The public hearing was closed.

Buhrmaster made a motion to approve a 9 feet variance to allow a 1 foot building setback at 836 Rock City Road with the following conditions:

1. The approval and issuance of a building permit in accordance with the State Building Code.,
2. No toxic or petroleum storage within the structure.

The motion was seconded by Harris. All members voted in favor of the motion.

There was no other business.

The meeting was adjourned at 7:30 PM.

Submitted by Susan Talmadge, Secretary