

Town of Milton Zoning Board of Appeals May 27, 2010

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

The meeting was opened with the Pledge to the Flag.

Buhrmaster made a motion to approve the minutes of the April 28, 2010 meeting, Harris made a second to the motion, all members voted in favor.

Review area variance application for Carrig at 840 Greenwood Drive

Mr. Carrig explained he would like to build a 2nd garage onto his home.

The setback would be 13/3 feet to the side property line and 20 feet is required.

Howe commented the home next door to this property is 13 feet away so the character of the neighborhood would not be affected.

Public hearing was scheduled for June 24, 2010 at 7:00 PM

Review area variance for Sarro at 451 Route 29

Mr. Sarro explained he is currently boarding a rescued trotter horse in Vt and would like to bring it to his property – he has 1.76 acres and needs 2 acres for the horse.

Howe explained the property is located in the R2 Rural zoning district – questioned the manure storage.

Sarro indicated he has an agreement and a letter (in file) that he will be removing the manure 1 or 2 x per week – stored in garbage cans.

Sarro indicated he would be installing a fence on the east property line and there are over 30 acres vacant to the north. West side has a two car garage that blocks view. The house can barely be seen at the roadside.

Public hearing was scheduled for June 24, 2010 at 7:00 PM.

Review area variance for Rickson at Lewis Road

Mr. Rickson explained he has 17 acres and would like to divide it into 2 lots.

He would need a variance for road frontage to allow 25 feet road frontage on Lewis Road for each proposed lot.

Rickson explained it is a flag parcel and the lot was subdivided in 2004.

Howe explained if the variance is granted Mr. Rickson would need to go to the planning board for subdivision approval.

Pozefsky advised the easement for the driveways would be handled by the planning board if the variance were to be approved.

Public hearing was scheduled for June 24, 2010 at 7:00 PM

Review area variance for Moran at 1 White Oak Path

Mr. Moran explained he had purchased the home in 1989 and there was a pool that now needs to be replaced.

A variance is needed for the pool to be 7 feet from the house (12 feet required) and 10 feet from the property line (15 feet required).

There are leach fields for the septic behind the pool placement.

The pool would be the same size and shape as before.

Public hearing was scheduled for June 24, 2010 at 7:00 PM

Public hearing for Theriault at 10 Russell Street – use variance

Fred Harris stepped down due to possible conflict of interest; Jim Cook took his place on the board.

Mr. Robert Mink represented the application explaining he would like to utilize the property for his landscaping business.

Mink indicated he would have no office there and no traffic for customers. He would be leasing the property with the intention of purchasing in future.

Pozefsky explained the SEQR requirements for a use variance.

Traffic was discussed – two trucks would leave at 5:30-6:00 AM during summer. Normal hours are up to 7:00 PM when the trucks would return.

Festa advised there is a criterion that has to be met for the board to approve a use variance.

Pozefsky - conditions could be imposed to address any environmental concerns upon any approval.

Types of equipment were explained by the applicant and discussed.

Mink indicated he would install a fence for screening and would not normally be working on weekends.

All materials are mixed off-site and no water would be utilized.

After discussion Buhrmaster made a negative SEQR motion, Weaver made a second, all were in favor.

Public hearing was opened.

Russ NoWhitney – 30 Frederick Street spoke against the application.

Julie Stevens – 34 Frederick Street spoke against the application.

Mr. Mink indicated that he would withdraw his application.

The public hearing was closed.

Harris returned to the board as active member.

Other business

Howe explained there was no other avenue but to come to the ZBA for relief from the zoning law and that is why Mr. Mink was here – he was told by the zoning department that the use was not allowed.

Pozefsky further explained the meaning of the Use Variance to the public.

The meeting was adjourned with a motion by Harris, a second by Buhrmaster and all in favor.

