

Town of Milton Zoning Board of Appeals June 24, 2010

Attendance: Mary Lou Festa (Chair), Fred Harris, Kim Weaver, Brian Companion, Ken Buhrmaster, Jim Cook (Alternate), Martin Pozefsky (Attorney), Gerry Morris (Zoning Official), Allison Saul (Town Board Liaison), Sue Talmadge (Secretary).

The meeting was opened with the Pledge to the Flag.

The minutes of May 27, 2010 were approved with a motion by Weaver, a second by Companion and all members in favor.

Public hearing for 840 Greenwood Drive – Carrig – Area Variance

Mrs. Carrig reintroduced her application:

She would like to build a one stall garage onto her existing home.

The garage would blend with her home – matching her roof line.

A 7 feet variance is requested.

There is access to the rear yard on the other side of the home.

Festa commented that it does appear to be in character with the neighborhood.

The public hearing was opened.

Meg Stevens of Whippetree Rd commented.

There were no other comments.

The public hearing was closed.

Weaver made a motion to approve the variance request of 7 feet to allow placement of the garage as close as 13 feet from the side property line at 840 Greenwood Drive. Buhrmaster made a second. All members voted in favor.

Public hearing 451 Route 29 – Sarro – Area Variance

Mr. Sarro reintroduced his application explaining he would like to have a horse on less than two acres and is in need of a variance for 1/3 of an acre.

He would install a 6 ft privacy fence on the east property line.

Waste disposal would be once per week minimum and none would be stored on site.

Festa commented she stopped by at the property and it is very private.

The public hearing was opened.

There were no public comments.

The public hearing was closed.

Buhrmaster made a motion to approve the variance requested with conditions:

1. 6 feet high privacy fence will be installed on the east property line as indicated in the plan.
2. One horse only.
3. Waste disposal weekly.

Harris made a second. All members voted in favor of the motion.

Public hearing 1 White Oak Path – Moran – Area Variance

Mr. Moran reintroduced his application explaining he would like to replace an above ground swimming pool in the same location.

A side yard setback variance of 5 ft and a 5 ft variance to the house are requested.

The septic leach field is in the rear property preventing placement there.

The public hearing was opened.

There were no public comments.

The public hearing was closed.

Weaver made a motion to approve the variances as requested.

Companion made a second. All members voted in favor of the motion.

Public hearing Lewis Road – Rickson – Area Variance

Josh Rickson reintroduced his application explaining he has a large parcel of land – 17 acres – and would like to create two building lots.

The property has 50 feet of road frontage.

A variance to allow two 25 feet road frontage for each proposed building lot is being requested.

Pozefsky advised If the variance is approved the planning board would proceed with subdivision approval.

The public hearing was opened.

A letter from Marie Willard, adjacent property owner voiced no objections.

Todd Butler, adjacent property owner objected to the additional curb cut on Lewis Road.

Meg Stevens, of Whippletree Rd commented if others have less road frontage then this would be in character of the neighborhood.

Weaver asked Mr. Butler where his home is located in relation to this property.

Mr. Butler indicated he has no house on his property at this time.

After a brief discussion Pozefsky advised that the planning board would decide how the access would work for each lot due to topography and other factors and they may look at possible shared easements.
- the road frontage is the variance being requested.

The public hearing was closed.

Buhrmaster made a motion to approve the variances to allow two 25 feet road frontages on Lewis Road with one condition:

1. The road frontages would provide access for single family dwellings only – one for each building lot.

Companion made a second to the motion. All members voted in favor of the motion.

Review 462 Route 29 – Nimmo – Use variance extension

Mrs. Nimmo represented her application explaining last year they had received a use variance for their business.

They did a lot of work on the building and property.

The people who come to their winery want to outside seating for summer and they want to utilize the back yard area.

It would be 100 ft long and 40 ft deep.

The grass on the west side would be for picnic area.

There are no late hours. A stone patio would also be installed.

The original variance was for the footprint of the building.

The State Liqueur Authority is currently reviewing an application for the use.

A fence would be installed in the rear.

Buhrmaster indicated that a use variance requires certain criteria to be met and asked about reasonable return on the property.

Nimmo explained that her business would be in jeopardy if they do not offer this type of business – to keep people there longer would be important – there is a short window in the season. Nimmo also indicated they have a lot of fundraisers and it would help with that as well.

Pozefsky advised that he would like Mr. Howe to look at this application and determine if site plan review would be required for site plan amendment.

Public hearing was scheduled for July 22, 2010 at 7:00 PM.

Weaver made a motion to adjourn. Buhrmaster made a second. All were in favor.