

## **Town of Milton Zoning Board of Appeals**

**November 18, 2010**

Attendance: Buhrmaster, Weaver, Companion, Harris, Cook

The meeting was opened with the Pledge to the Flag.

Harris made a motion to appoint Buhrmaster as temporary Chairperson in the absence of Festa. Weaver made a second. All members voted in favor.

Harris made a motion to approve the 10/28/10 meeting minutes. Weaver made a second. All members voted in favor.

Buhrmaster advised the applicants the board is one member short and if they would want to wait one month they may do so.

### **Public hearing Fulmer – 3558 Galway Road – Area Variance**

Mr. Fulmer re-introduced his application explaining he would like a area variance to allow a front building setback of 70 feet where 150 feet is required for the purpose of subdividing his property.

Howe explained the property is in the R2 zone – it is in character with the neighborhood if variance is granted.

Buhrmaster indicated he has visited the area and other homes appear closer than 150 feet.

The public hearing was opened.

There were no public comments. Everyone had an opportunity to speak. The public hearing was closed.

No SEQR action is needed for Type II.

Weaver made a motion to approve an 80 feet front building setback on White Road. Companion made a second. All members voted in favor of the motion.

### **Public hearing Gaba – 434 Sodeman Road – Area Variance**

Bill Gaba re-introduced his application explaining he would like a variance to allow building a carport onto an existing barn. The original slab from the former home is where the carport would be built. The carport is needed to put equipment under cover for protection from elements.

Howe explained a 40 feet setback is allowed currently on that property – a 27 feet setback is being requested – a 13 feet variance is required. There is additional greenspace along the roadway of 15 feet in the right of way.

Gaba indicated the carport would be for legally registered vehicles and no junk cars would be stored there.

The public hearing was opened.

David Beals of 40 Chapman Street commented that Mr. Gaba provides a needed service and runs a good business and he sees no detriment by adding a carport.

John Munter of Sodeman Road indicated he was representing the neighborhood and presented a petition asking if the variance is approved that the carport be enclosed with overhead doors. Also, believes that there is a curb safety problem.

Buhrmaster asked for clarification on the petition – in particular is it asking for a garage.

Munter indicated that they are asking for the carport to be enclosed.

Sara Gaba indicated there is a sliding door with the existing barn that is not being utilized at this time.

Bill Gaba indicated he would do his best to keep the carport area clean and did not plan ahead for enclosing it.

The public hearing was closed.

Discussion ensued.

Type II SEQR does not require any action.

Pozefsky advised the code does allow for conditions.

Companion made a motion to approve a 13 feet variance with condition the carport is enclosed on the sides to the neighbors where visible – on the south and west.

Harris made a second. All members voted in favor.

### **Review – 262 Greenfield Avenue – Kingra – Use Variance**

Mr. Kingra represented his application indicating he would like a Use Variance.

Howe explained the property is in the R1 zone, formerly a salvage yard closed for more than 10 years, since then a duplex had been approved and there is a contractors yard with a garage for profit that use has stopped.

Mr. Kingra explained he has removed the repair shop and is seeking one variance for the contractors yard – there are trucks parked for the Winter and during the paving season the workers leave in the day and return for their personal vehicles in early evening.

Howe indicated the neighbors had complained.

Kingra indicated he would put up a fence on the south side of the property.

Kingra indicated there are two trucks, one trailer and equipment in the garage. Workers are 3-4 most of time. No activity in Winter – activity will begin in May after snow melts.

There is some stone and materials left.

No blacktop, some pavers.

No fuel storage on site. No heat in the garage. Hours are 7 AM to 6 PM.

There is a junk yard 3 houses away and another close by.

Howe indicated the junk yards are pre-existing.

Public hearing was scheduled for 7 PM on January 27, 2011.

There was no other business. The meeting was adjourned.