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January 28, 2021 Zoning Board Meeting

Board Attendance: Matt Akari, Jerry Manning, Pat Quillan, Eric Smassanow and Chairwoman Meg Soden

Zoning Alternate: JD Wood

Zoning Attorney: William Keniry, Esq.

Zoning Official: William F. Lewis

Pledge to the Flag

Lead by Jerry Manning

Chairwoman Announcements

Chairwoman Soden – If you want to make a comment during the public comment section please use the raise hand symbol and state your name and address, you will have three minutes to state your comment. We have 2 public hearings tonight, 794 Schuyler Way and 523 Middle Line Road, if you have comments on those variances please wait till those public hearings. On a side note, if the public hearing for Schuyler Way goes quicker than anticipated, I may change the order of Middle Line Road since it doesn't start till 7:30.

Minutes approval from November 19, 2020 Zoning Board Meeting

Board had no comments of questions.

Motion made by Mr. Manning, 2nd Mr. Smassanow.

Mr. Smassanow – Yes; Mr. Manning – Yes; Mr. Quillan – Yes; Mr. Akari – Yes; Chairwoman Soden – Yes; Motion carried; to approve Minutes.

Public Comment Section

No one had any comments; closed at 7:03 PM

January 28, 2021 Zoning Board Meeting

Public Hearing – Area Variance – 794 Schuyler Way – John & Jennifer Howard – 177.9-1-18

Chairwoman Soden - A review of what's going on here before we open up the public hearing. This is an area variance to add a first-floor mud room transition between existing detached garage and the kitchen. They are seeking a 4-1/2-foot relief from permitted 50 foot set back to a 45.5-foot front setback.

Public Hearing opened at 7:05PM:

Jace Brown – Architect for project – The applicants, as you stated, would like to add a mud and laundry room to the 1st floor of their house. It's a pretty typical desire in the northeast due to our climate. We did a number of studies with this project looking at different locations to do this. The optimal location for this is of course between the kitchen and garage, where they primarily enter and exit. We did look at adding this onto the side of the home, there is a small amount of side setback. Unfortunately, that would result in going over the side setback where the garage currently is. We also looked at adding onto the back, where their family room is currently located. There is a steep drop-off at the back which would make construction on the back of the home difficult to frost protect. So, both of those are preexisting conditions that came with the house. We felt the least impactful way of doing this is what we proposed, which is to add the mud and laundry room to the existing garage space and that would dislocate the garage and push it forward. The nice thing about this plan is that it will result in the garage being in the same place as it always has been. This neighborhood is characterized by front facing garages with a recessed front entry, so it would fit in with the neighborhood. It also doesn't require any relocation of the driveway or anything invasive. It does result in us pushing the garage forward 10-feet to make room for the mud and laundry room. This does result in a slight overlap of the 50-foot front yard setback. So, the request is for a 4-1/2-feet of relief which we feel is minimal. I would also point out that the house is located with some enclosing trees to the adjacent properties, especially the one to the East, and is located on a slight curve. So, it's pretty hard to apprehend the garage would be a little bit forward of the neighbors because the road is curved in that location. We feel this is the best solution. I'd be happy to answer any questions about this proposal or answer any public comment questions.

Homeowners have no additional comments.

No one from public has questions or comments.

Mr. Smassanow – This seems like a very coherent and logical plan for the house.

January 28, 2021 Zoning Board Meeting

Mr. Manning – It seems very well thought out and planned and doesn't change the neighborhood too much.

Chairwoman Soden – I would like to get a motion to approve this variance for the proposed addition with the 4-1/2 – foot relief as stated in the application for 794 Schuyler Way.

Motion made by Mr. Manning; 2nd by Mr. Quillan.

Mr. Smassanow – Yes; Mr. Manning – Yes; Mr. Quillan – Yes; Mr. Akari – Yes; Chairwoman Soden – Yes; Motion carried; to approve the area variance.

Public Hearing – Area Variance – 523 Middle Line Road – Brooks & Rachel Ingalsbe – 215.-1-13.12

Chairwoman Soden – Its only 7:11 pm right now and the public hearing is at 7:30 pm so we need to wait for that. We will push ahead to the next action we have which is review of 1073 Middle Line Road – Sticks & Stones and come back to this.

Continued Review – Area Variance Application – 1073 Middle Line Road – Sticks & Stones Holding – Stuart Thomas – 176.1-1-23.2

Chairwoman Soden – This is a continued review of the area variance for new residential construction in a lot that is less than 5-acres in an R2 district. There are 5 adjoining properties that are also less than 5-acres. First thing I would like to do, I have an email from our Town Historian, Karen Staulters. This email is a late starter that came in before our November Zoning Board Meeting and was not read, so I will read it now.

Wed Nov 18th, Hi Meg. My nephews friend recently toured the property and put in an offer to purchase the property. The asking price was \$99,000 and they offered \$50,000, and Mr. Thomas wouldn't take less than \$85,000 for it. The friend really wants to build a house there and is willing to put up a fence to protect the cemetery. I know it's only hearsay, but she told my nephew that whoever showed her the cemetery "Mr. Thomas?" said to her that he was planning to take all the stones out and forget there was ever a cemetery there. What if this is true? What would be the consequences to something like this? I thought you would like to know, please pass this on. Thanks, Karen Staulters.

Chairwoman Soden - As in the other variance for 523 Middle Line Road; the one that we will come back to after this one, and this variance both were subject to referral to the Saratoga County Planning Board. However, due to the waiver agreement that we have in place with them, both actions were waived by the County Planning Board review and is subject to local Zoning Board review only. I just wanted to let everyone know where that came out on it.

January 28, 2021 Zoning Board Meeting

Another thing we have for review on 1073 Middle Line Road is we submitted a request for SHIPO review, and they responded and made a couple recommendations. The board does have this document in hand. Some of their recommendations included 25-ft. buffer and restricted deed covenant. So those are the 2 things they highlighted in their review and recommendations.

In our Town Zoning Code, there are a couple additional and different things, Chapter 180 -42c: Cemetery: There is some additional language in there, we have talked about this previously, it's in regard to our Code definition of a cemetery. As previously discussed, this clearly falls under our definition of a cemetery.

I sent an email to Mr. Sutton (Sticks and Stones/Mr. Thomas Attorney) on January 7th, 2021, asking him for further clarity on the status of some outstanding item that the board has talked to him and Mr. Thomas about in regard to restricted deed covenant and approval to inventory and capture all the headstones in the cemetery by Karen Staulters (Town Historian). We received a response from Mr. Sutton on January 14th, and I'll let him talk in regard to that. But Mr. Thomas and his attorney have not provided approval for Karen to inventory the headstones. As a point of reference and to add clarity to it, in consideration to this application and area variance it is within the board's purview to consider and protect the cemeteries in our Town. So, the Town Code provides useful information in the review of this variance. Since I did read the email from Karen Staulters, I would like to give her the opportunity to talk.

Karen Staulters (Town Historian) – The Town has recognized this as a cemetery since before the date of 1878. As this cemetery is not a burial ground it is made up of several families. This cemetery has historical significance to the Town as the folks that are buried there were some of the first settlers in this area. There were two mills at the corner of Geysers Road and Middle Line Road and these families were involved with these mills and they also lived in the immediate area. There are 8 persons buried here and the State Office of Historic Preservation (SHIPO) has recommended that the bodies not be reinterred. The first burial was in 1797 and the last in 1881 according to the written history. The Historic Structures and Places Committee feels strongly that this cemetery needs to be protected. In looking at the map that shows the surveyed stones it only has 8 of the 11 stones recorded in the survey. Being there are 3 stones we don't know about our committee would like to inventory the stones and more importantly take pictures individually of them for our Town records as we currently do not have any. Permission to do this was denied several times by the applicant and now that it is winter it will have to wait until spring. I have also suggested that a fence be put around the cemetery for protection and SHIPO also recommends this, the Town Zoning Code also states this as well. This mentions the 50-ft. distance from the cemetery to the nearest building and providing an enclosure/fence in Section 3. What would be ideal would be to have an easement off the Circle C Road to the cemetery so people can visit if need be, this is mentioned in Section 2 of the Code. The Historic Structures and Places Committee also has

January 28, 2021 Zoning Board Meeting

concerns about how close the proposed house might be to the cemetery. Having the home at least 50-ft. satisfies the code, but that is still pretty close. Our hope is that the new homeowner would center the house on the property leaving more distance between the cemetery and the house. The Historic Structure and Places Committee is also asking to have an inventory of the stones with pictures and that a fence be erected to protect the cemetery and that an easement of 3-ft from Circle C Road be granted for future access to the cemetery. These items could be used as a condition of approval by the Zoning Board. Thank you.

Chairwoman Soden – Would anyone from the community or the alternate JD Wood like to speak in regard to this action as it applies to this variance?

JD Wood (Zoning Board Alternate) – (Gives his personal background to show personal interests in protecting historical sites; Including: Highschool – Part of NYS Historical Association, formed a Committee to save Elis Island by letter writing campaign to get to become a National Park; 1974 - Suffolk County Park Ranger, assigned to Sagtikos Manor, headquarters of British Troops during Revolutionary War built in 1690's; 1976 – National Park Ranger, worked on settlement by 1st settlers cabin and archeological dig for Metoac Indians; 1990's - Worked with Ballston Historian, got plaques for the Railroads bike path; Master's in Regional Planning – Internship with NYS Parks and Recreations & SHIPO) Thank you everyone for this opportunity for sharing public comment and opinion. To begin with I'd like to share a bit of recent history along with some historic segments of our heritage and past. Before moving to Milton, I enjoyed several homes and addresses around Ballston Lake. One of these homes was in the shadow of what was known as The Castle on Eastside Drive, which was built in 1885 by famous artist William Bliss Baker and a NYS Historical marker denotes its significance. Another home I enjoyed, which should be noteworthy and lets me dovetail with the current project on Middle Line Road with this cemetery, for several years was on Lake Shore Drive. Neighbors two houses north were Shannon and Dick Carasone. There were good neighbors and great stewards to those gravesites in their backyard (the first white settlers to the area Nicholas and Michael McDonald who built a cabin here in 1763). The family burial ground is now fenced in yet accessible for public viewing of some 5-6 headstones, including those of Nicholas and Michael McDonald. The town maintains overgrowth vegetation and presentation. The NYS Historic Marker is at the head of Whites Beach Road and RT 50. The Carasones always allowed people to go across their property to look at these gravesites. I now live in Milton with my significant other, Betsy. Though I'm not next-door to a Historic Site I am living with a direct descendent of Catherine Van Rensselear and Philip Schuyler's daughter, Elizabeth Schuyler, or as you may know her as, Mrs. Alexander Hamilton. Mrs. Hamilton died in 1854 in Washington D.C. Let's put that in perspective as the Town Zoning Board considers a variance on lands that hold the remains of our first Milton settlers with grave sites dating back to 1812, some 42 years earlier than when Mrs. Hamilton passed away. Are these gravesites significant at 1073 Middle Line Road?

January 28, 2021 Zoning Board Meeting

My answer: Extremely, and my final comment on this subject is that; Sticks and Stones MUST protect these bones. Our local historic past must be preserved and not desecrated. Thank you.

Chairwoman Soden – At this time, I'd like to give Mr. Sutton or Mr. Thomas a chance to speak in regard to this variance as well.

Mr. Sutton – I did not get the gentlemen's name who was just speaking, I do want to say I am a bit of a history buff as well. You guys sent us Joe Betty up in New Galway in 1776, and his parents' house is south there on Rt. 50, if you remember that history. I understand very well how historical Middle Line Road is. I believed when the gentleman talked about the McDonald's cemetery, he mentioned that the Town maintains it. And that is one of the essential issues that we have madam chair. I believe that you are aware, that we believe that the Town has the responsibility for making that a 291 cemetery that is described by the other sections of the Zoning Law. We do believe that those sections that apply to special use permits and subdivisions do not apply to a situation that we have here, where the Town apparently does not consider it a cemetery that they have responsibility for. So, we do take exception to the position of the chair with regard to the applicability of those two sections involving subdivisions and special use permits. We do recognize that we do have a conflict there with the Board.

Chairwoman Soden – The board was suggestive in our recommendations at our November meeting for the variance in moving forward with this, along with the email sent to Mr. Sutton on January 7th. I don't believe these were addressed in full. So, in determining, I've gone through this in many of the meetings we have had, in whether we grant the Zoning Board of Appeals is requires to engage in a balancing act/ test. The Board shall weight the balance the benefit to the applicant with detriment to health, safety and welfare of the neighborhood and community in which the variance is requested. As I like to do, I think it's a good reminder for everyone, is to read the language that we have in our code in Area Variance. In consideration of an area variance the Board of Appeals shall take into account the benefit to the applicant, if the variance is granted as weight against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. Section A: is whether an undesirable changed will be produced in the character of the neighborhood, or detriment to nearby properties will be created by granting of the area variance. Section B: whether the benefits sought by the applicant can be achieved by such method feasible for the applicant to pursue other than the area variance. Section C: whether the requested area variance is substantial. Section D: whether the proposed area variance will have an adverse effect or impact on a physical or environmental condition in the neighborhood or district. Section E: whether the alleged difficulty was self-created, which consideration can be relevant to the decision of the Board of Appeals but should not necessarily preclude the granting of the area variance. The Board

January 28, 2021 Zoning Board Meeting

of Appeals in granting the area variance should grant the minimum variance that it shall deem necessary and adequate at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the neighborhood or community. At this time, I would like to get feedback and discussion with our Board members, see where their heads are at and see what direction we are leaning towards here on this.

Mr. Smassanow – I would like to ask a question to Mr. Sutton, I would like to know if they were ever considered answering all the questions from your January 7th email which they hadn't done in their response letter. I don't know if they had forgotten somethings, or just to give them the opportunity. Before that I would like to ask him about something I just heard, what we said was here say, since we have the principals online here, I would like to know is that true. Were they made an offered and did they refuse an offer, and did he say that they were going to get rid of the grave markers? Is that something he did in fact say? Can I ask the applicant that?

Mr. Thomas – I'm very clear about what I tell people, and I let people know that there are gravestones on the property, that they are on the survey, that's because we made sure they were on the survey. I tell most of the people that the gravestones are in the setback, that you can't build within the setback. And that 3 of the gravestones are actually on someone else's property. So, it's only a portion of the gravestones. I never tell anybody that I'm going to remove them, I give them the SHIPO letter which clearly states, and we all at Sticks & Stones Holding agree, that they shouldn't be disturbed, and they shouldn't be moved. I have said that since the very first meeting on August 27th and that is our standard. I have never had a written offer for \$50,000 and I do not entertain offers that are not in writing as they wouldn't be legal.

Mr. Smassanow – Alright, just to be clear I wanted to see if they did get that offer and if they did turn it down? I just wanted to see if in fact that happened, whether it was written or not was not my question.

Mr. Thomas – I'm a realtor, in being a realtor I have certain things I have to do. One of those things I do is that if someone is serious and wants to make an offer it needs to be in writing. Now the confidentiality of offers is up to the individuals if they decide to tell you. But I have never ever had a written offer of \$50,000 on this property.

Mr. Smassanow – So basically, you're refusing to answer. Is that correct?

Mr. Thomas – I did answer the question, you're breaking up a bit, but I'm not sure what you are getting at.

January 28, 2021 Zoning Board Meeting

Mr. Smassanow – Did someone verbally say they wanted to buy your property? It's a yes or no. I don't care if you're a realtor or not.

Mr. Thomas – I can't hear you you're breaking up, please repeat.

Mr. Smassanow – No that's okay, we can go on. Madam Chair, for the record I would first like to say if there is ever an easement, I think we shouldn't say how big it should be, we should leave it to Buildings and Grounds to decide what is appropriate. I have no idea what equipment they would use to maintain a cemetery. I don't think we want to hamstring ourselves in that regard. Second, as far as I know, a single lot is not a subdivision, so I have no idea why they are quoting subdivision regulations. I just want to let the Board know what we are looking at with our zoning regulations, I was on the comprehensive plan back in 2000 & 2012. In 2000 we changed zoning from R1 R2 & R3 where the R2, where this property is, was changed from 2-1/2 to 5-acres, I should note that this is the recommendation we made to the Town Board and they adopted it. My own property was zoned 2-1/2-acres and changed to 5-acres, as on the side.

Mr. Thomas – Eric, I don't mean to interrupt you, but to clarify this property was created in 1984. As Bill Lewis has said, it was a preexisting legally created lot as of 2001, and in April 1991 there was a CO issued on the property for the current double wide that is on it. I think this is all in the application and I believe Meg and Bill have reiterated this several times during these meetings.

Mr. Smassanow – The 5-acres zoning was determined by meetings throughout the town, by a survey and it was the consensus of the Town to maintain the rural aspect of the western part of Town. Now, properties that did not conform to the new regulations, in this case we can say was preexisting, non-conforming lot, we figured over time would phase out. What was presented to us is a non-conforming, preexisting lot which has historical and physical restraints on them. You gave us a sketch, we asked for more information, we've never received it. You've been basically beating around the bush not listening to our requests at all, which in my mind is not really productive. You have not provided us the information where we can seriously even look at your area variance. I can't tell you, you've given us a plot plan, if you had just rehabilitated the trailer that was on there, I guess that would have been fine. But your sketch made everything larger. I can't tell where these bodies are, I don't take a sketch as something I can go by. I wish you had helped us, letting our Historian get on the property, or cooperated in some way so that we could help you. You have left us with our hands tied, I don't know why, I honestly don't know why. It seems to me that anyone would consider any intern soul to be precious and to be respected. There are Town Laws that cover that, and we want to abide by those, in addition even if there were no law this is just a human

January 28, 2021 Zoning Board Meeting

thing we should do. That being said I'm sorry you couldn't give us all the information, now it's kind of late. I just don't understand your actions, you just don't answer us.

Mr. Manning – I apologize if any of this is redundant, but the application deserves to be considered carefully by everyone of us. As you must know we as the Board use an area variance criteria balancing test as a means for approval or disapproval. You can rehab the structure that already exists, you don't see that as an option, newer is better I understand. Will there be an undesirable change to the neighborhood or a detriment to nearby property? Here we can only assume that because of no actions to property we do not know the full extent of how much of the property will be consumed by the cemetery. We shouldn't push a problem down the road, this is a probable detriment in my opinion. Is the request substantial? That's a definite Yes, because it's about 40% of the lot. The applicant obviously knew that because it precipitated a request for this variance. Flipping a property for greater value isn't justification for granting this variance. Will the request have an adverse physical or environmental effect? I believe yes, the cemetery needs to be identified and protected for long-term preservation so these first residents of our Town are respected as they should be. Whether the difficulty is self-created? The applicant states that the Town caused the hardship by changing their Code. The Code changed in 2001, the application was submitted in 2020. We as a Board understand this consideration should be relevant but should not stop the granting of a variance. I agree we just do not have enough information and for whatever reason the willingness to cooperate I just do not understand either. That's all I have to say.

Mr. Quillan – The applicant has not moved forward like we requested him to do, I feel we can't move forward on this.

Mr. Akari – I agree with Eric, it is just a concern. He gave the same comments and concerns I had, so I'm good.

Chairwoman Soden – When I look at the application, the process, documentation that we have received, letters and emails, I think the two biggest things when I look at it for the criteria as far as the variance approval/disapproval goes. What stood out to me was whether the alleged difficulty was self-created, and whether the requested area variance is substantial. As far as whether the difficulty was self-created, as we have stated the difficulty in this application was entirely self-created, as the 5-acre minimum went into effect in 2001. Obviously, it has been 19 years since that has transpired. The applicant stated that the Town caused the hardship by changing the code, but this is not the case. The applicant purchased the property when they had known, or should have known, the requirements of the Code. Particularly in a case where there is new construction, and they know a project is going to take place on that property. As far as, is the requested area variance substantial, the lot size is 3-acres. This was, as Mr. Thomas stated, approved in 1984 and it was non-conforming, pre-

January 28, 2021 Zoning Board Meeting

existing lot. All of the information was known to the applicant, the Code requires a 5-acre minimum in the R2 District. I find that the 2-acre differential to be substantial, particularly where the lot was already allowed by variance type relief. I find the amount of the variance to be significantly increased because of the physical constraints to the site, due to the unknown location of various human burials on the site. These burial sites are unknown in quantity and location. We have a map, as Mr. Smassanow stated, it's essentially a sketch where it's not an official map. This reduces the useable acreage and increases the magnitude of the relief sought. Due to the unknown location of the burials and the unwillingness of the applicant to let the Town Historian to go inventory the burial site, it remains unknown whether or not a new single-family structure with a well and septic and everything else that is needed can safely and lawfully be designed and constructed on this property. Those are some of the things that have gone through my mind. At this point, I'd like to get a motion to approve or disapprove the variance as stated in the application for 1073 Middle Line Road.

Motion made by Mr. Smassanow.

Mr. Smassanow – I move that the Town of Milton Zoning Board of Appeals deny the application for an area variance at the property located at 1073 Middle Line Road, for the following reasons among others stated in the record:

1. **The benefit to the applicant is outweighed by the detriment to the health, safety and welfare of the neighborhood.** In this case, the applicant has stated an intent to flip the property to a third party seeking to build a single-family residence on the site. Because of the unknown locations of human burial sites, which have not been reliably determined, documented and verified, on and about the subject real property, it remains unknown whether or not a single-family residence, with a code compliant well and septic system, can be safely and properly configured and located on the property in a manner such that the burial sites, with appropriate buffers, will in no way be impacted. It is unsafe and harmful to grant the variance allowing construction activity on the site without knowing and documenting the exact location of all burial sites.
2. **An undesirable change will be produced in the character of the neighborhood and detriment to nearby properties will be created by the grant of this variance.** In this case, the undesirable change will be the risk and high likelihood that a known burial ground, having existed since the late 1700's, will likely be desecrated or destroyed rather than protected and preserved. The destruction of a historical cemetery with at least between 8-11 stones, evidencing burials from 1797-1881, with most burials in the 1830's, from multiple families who likely owned and worked in nearby mills is entirely undesirable and detrimental change to both the neighborhood and the Town. SHIPO stated that the cemetery should not be removed or excavated, but rather avoided in order to

promote long term preservation. The Board concurs with these recommendations.

3. **The benefit sought by the applicant can be achieved by some other method, feasibly for the applicant to pursue, other than an area variance.** The applicant stated that he clearly understood that he has a present right to simply rebuild, but not enlarge or expand, the current single-family residence on the site. It is a preexisting, non-conforming condition which may not be enlarged or expanded. The condition of the current structure is not hidden, but rather obvious on visual inspection and the necessity for renovation was immediately apparent on first sight.
4. **The variance is substantial.**
5. **The proposed variance will have an adverse effect and impact on both the physical and environmental conditions of the neighborhood.** In this case, the grant of the variance will allow the construction of a single-family dwelling, with a well and septic system in a manner that may imperil the unknown locations of present burial sites, this is an obvious physical harm to the existing historical conditions and disrespectful of others.
6. **The alleged difficulty was entirely self-created.** The application materials reflect that the applicant very recently purchased the property in a foreclosure sale. When someone is in real-estate, maybe they should get all their ducks in a row before they go out and buy something on speculation. Over the course of several meetings the applicant has stated that he will not undertake the single-family residence project himself, that he has several business partners, and that their intention is simply to flip the subject property to a third-party buyer. It was evident to the Board, based upon the statements of the applicant, that he intends to disregard the self-created difficulty and appropriate proper treatment and respect for the burial grounds, by ignoring or otherwise, failing to address the known and undefined conditions on the site. Compounding the self-created difficulty, the Board finds that the applicant's intention to ignore the self-created difficulty is highly likely to dump the difficulties and problems with the site onto and unknowing third-party buyer. This would have been so simple to remedy.
7. **The Zoning Board considered the imposition of reasonable conditions; however, the applicant stated an unwillingness to comply.** The Board specifically finds that the applicant was directed to contact SHIPO early on in the process, and he did not do so, nor did his attorney. The Board specifically finds that the Board encouraged the applicant to permit the Town of Milton Historian access to the site for the specific purpose of determining the specific locations of the burial locations on the site. At a public meeting, the applicant refused and denied the Historian access, asserting that he had no insurance and that there was difficult terrain on the residential lot. Finally, he stated that the access would be

January 28, 2021 Zoning Board Meeting

determined by his attorney. The Board's counsel contacted the applicant's counsel after the meeting in order to promote and facilitate access. This too was unsuccessful after diligent efforts by the Board's counsel. It should be noted that we did inform the applicant that Town insurance would cover the Historian. So, it was a bogus play to begin with. The Board finds that the applicant has been uncooperative in the process, evasive and not forthright with reasonable requests of the Board. The Board finds that the applicant has not been candid or forthright concerning the true conditions at the property.

The Board further finds that the applicant was directed to map and locate the exact locations of all burials on the site. The map that was submitted was wholly inadequate, lacks measurement and locations, among other deficiencies; Due to the applicant's own noncompliance the Board does not believe that the mapping is sufficiently reliable, complete or accurate with respect to site conditions such that the relief could be justified.

Finally, the Board finds and determines that it is the obligation under the law, for all parties concerned here, that is both the applicant and the Zoning Board, to act responsibly and with respect to the history of the Town of Milton, to preserve and respect the burial sites.

Motion 2nd by Mr. Manning.

Mr. Smassanow – Yes; Mr. Manning – Yes; Mr. Quillan – Yes; Mr. Akari – Yes; Chairwoman Soden – Yes; Motion carried; to deny the application for the area variance.

Public Hearing – Area Variance – 523 Middle Line Road – Brooks & Rachel Ingalsbe – 215.-1-13.12

Chairwoman Soden – Back to the public hearing of 523 Middle Line Road. This is an area variance for the erection of a garage for the storage or recreational vehicles, collectors' cars and RV as well as property maintenance equipment. This lot is in the R2 District requiring 5-acres, this lot is both narrow and deep. They are requesting a relief of 25 ft. on the side setback from the required 50 ft. to 25 ft. The adjoining neighbor that this would affect is the Town of Milton, it's an entrance that could be used for the park that is off of Rt 67. After our last Zoning meeting as I stated for the previous action this application was referred to the Saratoga County Planning Board, as the property is near a County road. During a further review we were able to find the waiver agreement with the County Planning Board and this falls under the waiver. So, we are able to make a determination on this as a Zoning Board. At the December 9th, 2020 Town Board Meeting, they met and discussed the variance as it pertains to this property that we own right next to this variance. They have no objections at this time. At this point I would like to open up the public hearing for this action. Is there

January 28, 2021 Zoning Board Meeting

anyone who would like to speak in regard to this? I'm going to open up the mic to Brooks and Rachel to allow you the opportunity to speak.

Brooks & Rachel Ingalsbee – We are pretty good if you have a firm understanding on what we want to do. Thank you for your consideration.

Chairwoman Soden – Well, thank you for coming before us, we certainly appreciate it.

Barbara Kerr – I just wanted to reiterate what you had said Meg, that I did promise to bring that before the Board and we absolutely had no objections, and welcome to the neighborhood.

Chairwoman Soden – Thank you Barb. Since I didn't see any further comments or questions, I would like to have a motion to close the public hearing.

Motion made by Mr. Manning, 2nd by Mr. Quillan.

Mr. Smassanow – Yes; Mr. Manning – Yes; Mr. Quillan – Yes; Mr. Akari – Yes; Chairwoman Soden – Yes; Motion carried.

Chairwoman Soden – Does anyone on the Board have any additional questions or comments?

Mr. Smassanow – I have a question for the applicants, the part of the building that faces the road, have you settled on a way of how you're going to finish it, what its' going to look like?

Brooks Ingalsbee – We were looking to do white vinyl to match the house.

Mr. Smassanow – So it will look the same as the house?

Brooks Ingalsbee – Yes.

Chairwoman Soden – Any other questions from the Board for the applicants? Ok, if there are no additional comments from the Board, I'd like to get a motion to approve the variance for the proposed garage with a 25-ft. relief as stated in the application at 523 Middle Line Road.

Motion made by Mr. Manning; 2nd Mr. Smassanow.

Mr. Smassanow – Yes; Mr. Manning – Yes; Mr. Quillan – Yes; Mr. Akari – Yes; Chairwoman Soden – Yes; Motion carried; to approve the area variance.

January 28, 2021 Zoning Board Meeting

Chairwoman Soden – Well congratulations to you both and we will look forward to seeing that come along. There are no other announcements. Being none, I'd like to move to adjournment. Can I get a motion please?

Motion made by Mr. Smassanow, 2nd Mr. Manning.

Mr. Smassanow – Yes; Mr. Manning – Yes; Mr. Quillan – Yes; Mr. Akari – Yes; Chairwoman Soden – Yes; Motion carried.