

WILTON ZONING BOARD OF APPEALS
THURSDAY January 23, 2014

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, January 23, 2014 at the Wilton Town Hall, 22 Traver Road, Wilton, New York and was called to order by Chairman O'Brien at 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Chairman O'Brien, Christopher Ramsdill, Rocco Angerami, James Deloria, Dean Kolligian, and Dave Buchyn. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

ABSENT: Tony McCracken and Robert Barrett

MINUTES: The minutes of the last meeting, held on November 21, 2013 were approved, as submitted, on a motion made by Mr. Kolligian seconded by Mr. Deloria. All board members were in favor.

CORRESPONDENCE: None other than those relating to current applications before the board.

RENEWALS:

APPEAL NO. 01-40 Olan Aldrich and Janice Bravo, 286 Loudon Road, Saratoga Springs, New York 12866. Request for the renewal of a Special Permit for an accessory apartment; property located at 286 Loudon Road, Tax Map No. 154.-1-23, zoned R-2. Special Permit originally granted on December 4, 2001 for two years and has been renewed several times since.

Mrs. Bravo's son Christopher approached the board stating he was representing his family. Chairman O'Brien asked Christopher if he would like the Special Permit renewed he stated yes he would.

Chairman O'Brien asked Mr. Mykins if there were any problems or concerns. Mr. Mykins said there were none.

Chairman O'Brien asked if there were any questions. There were none.

Mr. Kolligian made a motion to approve Appeal No. 01-40, the request for a Special Permit for Olan Aldrich and Janice Bravo, 286 Loudon Road, Saratoga Springs, New York 12866. Request for the renewal of a Special Permit for an accessory apartment; property located at 286 Loudon Road, Tax Map No. 154.-1-23, zoned R-2. In consideration of all findings of Section 129-175 (D), for a period of two additional years.

Mr. Angerami seconded the motion. Mr. Ramsdill, Mr. Buchyn, Mr. Deloria and Chairman O'Brien were all in favor. The motion passed. This permit will be due for review and renewal on or before December 4, 2015.

APPEAL NO. 06-01 Richard and Lucy Butler, 29 Dimmick Road, Gansevoort, New York 12831. Request for the renewal of a Special Permit pursuant to Sections 129-176 V and Y of the Zoning Ordinance for the keeping of agricultural animals and the boarding of horses; property located at 29 Dimmick Road, Tax Map No. 102.-1-39.2, zoned R-2. Special Permit was originally granted on January 26, 2006 for two years and has been renewed several times since.

Mr. Butler approached the board. Chairman O'Brien asked Mr. Mykins if there were any problems or concerns. Mr. Mykins said there were none.

Chairman O'Brien asked if there were any questions or concerns. There were none.

Mr. Ramsdill made a motion to renew Appeal No. 06-01, for Richard and Lucy Butler, 29 Dimmick Road, Gansevoort, for a Special Permit for the keeping of agricultural animals for a period of two years.

Mr. Deloria seconded the motion. Mr. Angerami, Mr. Buchyn, Mr. Kolligian and Chairman O'Brien were all in favor. The motion passed. This permit will be due for review and renewal on or before January 26, 2016.

NEW BUSINESS:

APPEAL NO. 14-01 Estate of Louis Ventre, 4258 Route 50, Saratoga Springs, NY 12866. Request for Area Variance pursuant to Section 109-8, Compliance with Zoning Ordinance and Schedule E, RB-1 Residential Business District to subdivide 74.611 acre parcel into two separate parcels; property located at 4258 Route 50, Saratoga Springs, NY 12866, Tax Map No. 141.-2-5, in the Town of Wilton.

Mr. Ventre approached the board. Chairman O'Brien asked if we had all the receipts. Mrs. DiLeone answered yes.

Mr. Ventre explained they were dividing the property into two parcels for the purpose of selling the house on the smaller piece and to retain the 74 acre parcel for himself and his brother. Mr. Ramsdill asked if the lots were pre-existing non-conforming and if that was why they needed the variance. Mr. Mykins stated yes, and that they were subdividing the property. Mr. Ramsdill asked if it wasn't for the variance would the subdivision still need to come in front of the board. Mr. Mykins stated that was correct, if they didn't need a variance they wouldn't need to come in front of the board. Attorney Schachner stated this would not approve the subdivision they would still have to go to The Planning Board for the approval of the subdivision, but because something is substandard they would first need the variance from this board.

Chairman O'Brien asked if there were any questions or concerns. There were none.

Mr. Ramsdill made a motion that the application of Appeal No.14-01 for the estate of Louis Ventre, property located at 4258 Route 50, Saratoga Springs, NY 12866, for an Area Variance, Tax Map No. 141.-2-5, in The Town of Wilton was granted in the amount of 12.30 ft. on the east yard setback because the benefit to the applicant outweighs the detriment to the health, safety and welfare of the community, for the following reasons: 1. The applicant has demonstrated that an undesirable change will not be produced in the character of the neighborhood and a detriment to nearby properties will not be created by the granting of the area variance because: The house is over one hundred years old and pre-dates the current zoning 2. The applicant has demonstrated that the benefit sought cannot be achieved by some method feasible for the applicant to pursue other than by area variance because: He can't move the structure that existed prior to the zoning. 3. The applicant has demonstrated that the requested area variance is not substantial because: The house was built close to the property line. 4. The applicant has demonstrated that the requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district because: The house pre-dates the zoning. 5. The applicant has demonstrated that the alleged difficulty was not self-created.

Mr. Angerami seconded the motion. Mr. Kolligian, Mr. Deloria, Mr. Buchyn and Chairman O'Brien were all in favor. The motion passed.

APPEAL NO. 14-02 Kenneth West, 6 West Lane, Saratoga Springs NY 12866. Request for an Area Variance pursuant to Section 129-8, Schedule B, RB-2 Residential District for frontage; property located at 6 West Lane, Saratoga Springs, NY 12866, Tax Map No. 128.-1-29.1, in the Town of Wilton.

Kenneth West was unable to attend the meeting his wife Lori West was there to represent him. Mrs. West approached the board. Mrs. West explained they would like to put a 12' x 12' horse run on their property with one horse in the fenced in area. Mr. Ramsdill asked if the appeals should be handled separately or together, does it matter. Mr. Mykins stated they should be handled separately. Mr. Mykins explained the Area Variance should be first then the Special Permit.

Chairman O'Brien asked if there were any questions. Mr. Deloria asked how many horses were on the property now. Mrs. West explained there were none; it's an open field that sits way in the back of the property. Mr. Deloria asked if there was going to be one horse. Mrs. West answered yes. Mr. Kolligian asked if the 20 ft. was all they needed, everything else is fine. Mr. Mykins stated everything else meets.

Mr. Ramsdill made a motion for the application of Kenneth West for an Area Variance, Appeal No. 14-02; property located at 6 West Lane, Saratoga Springs, NY 12866, Tax Map No. 128.-1-29.1, in The Town of Wilton, in the amount of 20 ft. of frontage was granted because the benefit to the applicant outweighs the detriment to the health, safety and welfare of the community, for the following reasons; 1. The applicant has demonstrated that an undesirable change will not be produced in the character of the neighborhood and a detriment to nearby properties will not be created by the granting of the area variance because: It is a minimal amount of 20 ft., the property is appropriate having the woods, the open fields, and meets all other requirements. It will fit the character of the neighborhood. 2. The applicant has demonstrated that the benefit sought cannot be achieved by some method feasible for the applicant to pursue other than by an area variance because: The road frontage is established and they can't enlarge the front of their property. 3. The applicant has demonstrated that the requested area variance is not substantial because: It's the minimal amount of relief they can seek. 4. The applicant has demonstrated that the requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district because: It's a large wooded area with fields and would be an appropriate setting. 5. The applicant has demonstrated that the alleged difficulty was self-created.

Mr. Deloria seconded the motion. Mr. Kolligian, Mr. Amgerami, Mr. Buchyn and Chairman O'Brien were all in favor. The motion passed.

APPEAL NO. 14-03 Kenneth West, 6 West Lane, Saratoga Springs, NY 12866. Request for a Special Permit for a private stable pursuant to Section 129-175 Attachment 8, Schedule B, R-2 Residential District and Section 129-176 V (1-7), Agricultural with animals and private stable; property located at 6 West Lane, Saratoga Springs, NY 12866, Tax Map No. 128.-1-29.1, in the Town of Wilton.

Chairman O'Brien asked Mrs. West if the special permit was for the keeping of a horse. Mrs. West said yes.

Mr. Kolligian made a motion to approve Appeal No. 2014-03 Special Permit for Kenneth West, 6 West Lane, Saratoga Springs NY 12866. Special Permit for a private stable Section 129-175 (D) Attachment 8, Schedule B, R-2 Residential and Section 129-176 V (1-7) for a period of two years.

Mr. Deloria seconded the motion. Mr. Angerami, Mr. Buchyn, Mr. Ramsdill, and Chairman O'Brien were all in favor. The motion passed.

APPEAL NO. 14-04 Shane and Andrea Mayer, 1 Brookside Drive, Saratoga Springs, NY 12866. Request for an Area Variance pursuant to Section 129-157, Projections into required yards, Schedule A, Residential District for a proposed addition on the west side of the home; property located at 1 Brookside Drive, Saratoga Springs, NY 12866, Tax Map No. 140.14-3-9, in the Town of Wilton.

Mr. Mayer approached the board and explained that they were building an addition to the side of the house and would be over the setback by 6 ft. and they are looking for approval to build it. Mr. Mayer corrected himself by saying they were asking for 6.9 ft. Chairman O'Brien asked if there were any questions. Mr. Deloria asked Mr. Mayer if his neighbor was still Scott Hunt, to the west of him. Mr. Mayer said he believed so. Mr. Mayer then corrected himself by saying Mr. Hunt was no longer his neighbor. Mr. Deloria was concerned with the screening and landscaping that was currently between Mr. Mayer's house and the neighbor's house now. Mr. Deloria asked if the landscaping would be eliminated. Mr. Mayer said that the landscaping would all stay. Mr. Deloria asked if the addition was on the east side of the hedge. Mr. Mayer explained most of the screening was on his neighbor's property and his property line runs right along the hedge. Mr. Deloria questioned the proposed garage on the plans and stated there was a garage on the east side close to Joans Road. Mr. Mayer explained the garage had been converted to a bedroom on the first floor for his mother in-law, and they are proposing to build a garage to replace that garage. Mr. Mykins stated the proposed garage meets all the requirements.

Chairman O'Brien asked if there were any questions. There were none.

Mr. Ramsdill made a motion the application of Shane and Andrea Mayer property located at 1 Brookside Drive, Saratoga Springs, NY 12866, Tax Map No. 140.14-3-9, Appeal No. 14-04 be granted for the west side yard setback in the relief amount of 6.9 ft. because the benefit to the applicant outweighs the detriment to the health, safety and welfare of the community, for the following reasons; 1. The applicant has demonstrated that an undesirable change will not be produced in the character of the neighborhood and a detriment to nearby properties will not be created by the granting of the area variances because: The home will remain within the scale and look of the other homes consistent with the area that they are in. 2. The applicant has demonstrated that the benefit sought cannot be achieved by some method feasible for the applicant to pursue other than by area variances because: It's a corner lot; they have a 50 ft. setback already on the other side, which requires them to move to the west side if they want to put the garage in. 3. The applicant has demonstrated that the requested area variances are not substantial because: The 6.9 ft. is the minimal amount they could do to be able to provide for what they needed. They still left the screen barrier with the plantings and the neighbor's property is significantly far away, it doesn't look like it's intruding on their space. 4. The applicant has demonstrated that the requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood

APPEAL NO. 14-05 Saratoga Health and Wellness, 30 Gick Rd., Saratoga Springs, NY 12866. Request for modification of a previously approved Area Variance for frontage pursuant to Schedule N, CR-1 Commercial/Residential One District and Section 129-174 C. for the construction of a fitness center; property located at 538 Route 9, Saratoga Springs, NY 12866, Tax Map No. 153.9-1-8, in the Town of Wilton.

Chairman O'Brien read a correspondence from the Saratoga County Planning Board for a favorable recommendation. The decision was; No Significant Countywide or Inter Community Impact.

Mr. Dannible approached the board and stated he would like to apologize to the board for having to come in front of them again. Mr. Dannible stated there had been quite a lengthy review on this property and they are back for an additional variance for frontage. Mr. Dannible explained that at the previous three meetings some of the field survey had been done and according to the field survey there was about 170.30 linear feet of property. After reviewing all the deeds and the surveyors fit the property with the adjacent boundaries both on the north and the south of the state highway, the frontage was reduced from the 170.30 ft. to 168.86 ft. Mr. Dannible explained they needed an additional 1.14 ft. of variance from the permitted 170 ft. for a total of 30.14 ft. from the 200 ft. of property. Mr. Ramsdill and Attorney Schachner corrected Mr. Dannible by stating it was 31.14 ft. and not 30.14 ft. Mr. Mykins stated it was 30 ft. plus 1.14 ft. Attorney Schachner stated

Mr. Dannible said 30.14 ft. Mr. Dannible said thank you and continued explaining it was all pre-existing, the lot and the property had been in this configuration well before zoning and well before any of us were probably around and he was looking for the variance. Mr. Ramsdill asked if this was a request for a modification, was full approval needed, or do we modify the prior approval. Attorney Schachner said to Mr. Ramsdill that he could do the latter if he wanted to. Mr. Kolligian asked for confirmation on the original amount that was approved. Mr. Mykins stated the approved amount was 30 ft. Mr. Ramsdill stated they need 31.14 ft. Mr. Mykins explained they needed 1.14 ft. Mr. Dannible stated they were asking for 1.14 ft. additional. Mr. Kolligian explained he thought Mr. Dannible said 171.40 ft. and the difference would have been 28 ft. and change. Mr. Ramsdill stated the amount was 171 ft. to 168 ft. Mr. Dannible stated the original approved variance amount was 170 ft. Attorney Schachner explained originally they were looking for 30 ft. of relief when they thought they were at 170 ft. from the 200 ft. requirement and it turned out they are 168.86 ft. which means they need 31.14 ft. of relief, which is 1.14 ft. more than what this board originally granted. Mr. Dannible explained they had been granted a 15% variance and they are now looking for 15.5% variance.

Chairman O'Brien asked if there were any questions. There were none.

Mr. Ramsdill made a motion to approve Appeal No. 2014-05 to modify a previously approved Area Variance from the prior amount of 30 ft. to the new amount of 31.14 ft. pursuant to Schedule N, CR-1 Commercial/Residential One District and Section 129-174 C for Saratoga Health and Wellness 30 Gick Road Saratoga Springs, NY 12866 for the construction of a fitness center; property located at 538 Route 9, Saratoga Springs, NY 12866, Tax Map No. 153.9-1-8, was granted for the reasons as stated in the previous Appeal for the parcel Appeal No. 13-32.

Mr. Deloria seconded the motion. All board members were in favor.

ADJOURNMENT:

Mr. Kolligian made a motion to adjourn the meeting at 7.25 p.m. Mr. Deloria seconded the motion. All board members were in favor. The motion passed.

Dated: _____

Amy DiLeone, Zoning Clerk

