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MARK MYKINS
Zoning Officer

WILTON ZONING BOARD OF APPEALS
THURSDAY, January 24, 2013

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, January 24, 2013, at the Wilton Town Hall, 22 Traver Road, Wilton, New York and was called to order by Chairman Joseph O'Brien at 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Michael Worth, John Minogue, Rocco Angerami, Christopher Ramsdill, Robert Barrett, Alternate and Chairman Joseph O'Brien. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Code Enforcement Officer.

ABSENT: Dean Kolligan and Anthony McCracken

MINUTES: The minutes of the last meeting, held on October 25, 2012, were approved, as submitted, on a motion made by, seconded by Mr. Worth and seconded by Mr. Angerami. All board members were in favor.

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

Chairman O'Brien welcomed new Zoning Board secretary Michelle Dingman.

RENEWALS:

APPEAL NO. 07-03 James and Kate Fontaine, 28 King Road, Saratoga Springs, New York 12866. Request for the renewal of a Special Permit pursuant to Section 129-26, 129-176 (P) and Schedule B of the Zoning Ordinance, for an existing accessory apartment; property located at 28 King Road, Tax Map No. 128.-1-37.2, zoned R-2, in the Town of Wilton. Appeal was originally granted on January 25, 2007 for a period of two years and renewed respective times.

Mr. Fontaine stated the accessory apartment is currently occupied and no changes were made since the last meeting.

Mr. Fontaine stated the accessory apartment is currently occupied by his son and no changes were made since the last meeting.

Mr. Worth made a motion to renew Appeal No. 07-03 for James and Kate Fontaine, 28 King Road for a Special Permit for an accessory apartment for a period of two years. Mr. Ramsdill seconded the motion. Mr. Ramsdill, Mr. Worth, Mr. Minogue, Mr. Angerami, and Mr. Barrett were all in favor. The motion passed.

APPEAL NO. 10-33 Wendy Mongillo for H.O.P.E., P.O. Box 2497, Wilton, New York 12831. Request for the renewal of a Special Permit pursuant to Schedule E and Section 129-175 of the Zoning Ordinance for a low cost spay and neuter clinic/veterinary services; property located at 4253 Route 50, Tax Map No. 141.-2-31, zoned RB-1, in the Town of Wilton. Permit originally granted November 30, 2010.

Ms. Mongillo was present to request a renewal for the Special Permit.

Mr. Worth asked if there were any complaints. Mr. Mykins, Zoning Enforcement Officer said there have been none.

Mr. Worth made a motion to renew Appeal No. 10-33 for Wendy Mongillo for H.O.P.E., P. O. Box 2497 for a low cost spay and neuter clinic/veterinary services for two years. Mr. Angerami seconded the motion. Mr. Ramsdill, Mr. Worth, Mr. Minogue, Mr. Angerami, and Mr. Barrett were all in favor. The motion passed.

NEW BUSINESS:

APPEAL NO. 13-01 Shahed Hussain, 776 Route 9, Gansevoort, NY 12831. Request for an Area Variance pursuant to Section 129-170 of the Zoning Ordinance for lot size for a Limousine Service; property located at 776 Route 9, Tax Map No. 127.-3-25, zoned RB-1, in the Town of Wilton.

Mr. Hussain appeared before the board for an area variance pursuant to Section 129-170 for an additional use, a Limousine Service. Mr. Hussain presently owns and operates a limousine business located on Albany Shaker Road and respectfully requests the board's permission to park two of the limousines on above said property for use in the Saratoga area.

Chairman O'Brien read correspondence from the Town of Wilton Planning Board, dated January 18, 2013. The following actions was taken: "Ron Slone moved for a positive recommendation to the ZBA regarding a request for an area

variance for relief of 32,692 sf for existing businesses and a request for a special permit to operate a limousine business at the property located at 776 Route 9 with the additional recommendation that the ZBA include in its variance decision a condition that there be no more than two (2) limousines as shown on the amended site plan dated 1/4/13. Donald Needham seconded the motion, which passed with all board members in favor."

Mr. Worth stated the parking lot was full on several occasions and when driving by this evening, a vehicle was parked on Ernst Road.

Mr. Worth said there are ongoing issues with this site. The applicant has obviously been operating the limousine business without a Special Permit. The fence and signage are damaged in the front part of the property. Debris encompasses the rear yard.

A further discussion was held on the limousine registrations.

Mr. Worth stated three uses on a substandard parcel are abundant.

Mr. Mykins said the uses consist of a single-family home, hotel and six cabins.

Mr. Worth suggested operating the limousine business out of the existing Latham office.

Further discussions were held on the exterior conditions of the property.

Mr. Hussain said an inspection was recently performed by Mr. Mykins, Code Enforcement Officer. Mr. Mykins said, "an inspection was performed a month and a half ago."

Mr. Hussain proposes extending parking adjacent to the existing single-family dwelling in the southwest portion of the property.

Linda Schmidt, 195 Ernst Road said she has concerns with parking on the property. When travelling from Route 9 East onto Ernst Road, there are two areas of ingress/egress on Ernst Road with no signage, causing dangerous conditions at the posted 40mph speed limit.

Mr. Ramsdill asked after reviewing the site plan, if building will be occurring or just additional parking. Mr. Hussain said additional parking.

Mr. Worth said he witnessed limousines parked on the lawn.

Peggy Kelly asked if the applicant is proposing to use this property for parking the two limousines. Mr. Hussain said the proposal is only showing parking for two limousines. Ms. Kelly asked if there was a possibility of parking more than two limousines and a potential for a parking lot. Mr. Hussain replied no.

Linda Schmidt, 195 Ernst Road said there were three limousines parked on the property.

Bill Schmidt, 195 Ernst Road said, "the proposed parking space is adjacent to the leach field." Mr. Mykins said proposed parking is outlined on the submitted plans adjacent to the single-family dwelling."

Mr. Worth made a motion to deny the Area Variance for Appeal No. 13-01 for Shahed Hassain, 776 Route 9 Tax Map No. 127.-3-25 for an Area Variance relief request of 32,692sf for the following reasons:

1. The applicant has demonstrated than an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the area variance. The applicants parcel is too small, causing vehicles to be parked on Ernst Road and adding another use and additional parking would cause added traffic making it hazardous.
2. The applicant has demonstrated the benefit sought can be achieved by some other method feasible to pursue other than an area variance. The applicant could purchase property to operate limousine business or precede with daily operations at their Latham headquarters.
3. The applicant demonstrated the requested area variance is substantial: The existing property has a residence and a hotel-motel. To grant relief of 32,692sf is substantial. The site is not designed for three uses and additional parking.
4. The applicant has demonstrated that the requested area variance will have an adverse effect on the physical and environmental conditions in the neighborhood causing increased traffic and additional vehicles parked on Ernst Road.
5. The applicant has demonstrated that the alleged difficulty was self-created.

Mr. Angerami seconded the motion.

Mr. Hussain said the proposed parking shown on the site plan is for two limousines.

There were no additional questions from board members.

The Chairman asked the board for a vote. Mr. Ramsdill, voted to deny the motion, Mr. Worth voted to approve the motion, Mr. Minogue voted to approve, Mr. Angerami voted to approve, Mr. Barrett, voted to approve, and Chairman O'Brien voted to approve. Area variance denied.

APPEAL NO. 13-02 Shahed Hussain, 776 Route 9, Gansevoort, NY 12831. Request for a Special Use Permit pursuant to Schedule E of the Zoning Ordinance for a Limousine Service; property located at 776 Route 9, Tax Map No. 127.-3-25, zoned RB-1, in the Town of Wilton. Not heard because the previous appeal was denied rendering this appeal void.

APPEAL NO. 13-03 John and Laura Vincek, 89 Smith Bridge Road, Saratoga Springs, NY 12866. Request for a Special Use Permit pursuant to Section 129-176 P of the Zoning Ordinance for an accessory apartment; property located at 89 Smith Bridge Road, Tax Map No. 153.-2-27.2, zoned R-1, in the Town of Wilton.

Mr. Vincek was present requesting an accessory apartment above an existing garage. The proposed apartment was shown on the original house plans.

Mr. Mykins said it was an open space above the garage to be finished at a later date.

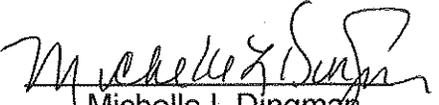
There were no additional questions from board members.

Mr. Worth made a motion to approve Appeal No. 13-03 for John and Laura Vincek, 89 Smith Bridge Road, Tax Map No. 153.-2-27.2 for a Special Permit for an accessory apartment in compliance with all criteria listed pursuant to section 129-175D. Mr. Rasdill seconded the motion. Mr. Ramsdill, Mr. Worth, Mr. Minogue, Mr. Angerami, Mr. Barrett, Mr. O'Brien. All board members voted in favor. The motion passed.

ADJOURNMENT:

The meeting was adjourned at 7:20pm on a motion made by Mr. Worth and seconded by Mr. Barrett. All board members voted in favor.

APPROVED: 2/28/2013


Michelle L. Dingman
Zoning Board Secretary