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**JOSEPH O'BRIEN**  
Zoning Board Chairman

**MICHELLE DINGMAN**  
Zoning Clerk

**MARK MYKINS**  
Zoning Officer

**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY, February 28, 2013**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, February 24, 2013, at the Wilton Town Hall, 22 Traver Road, Wilton, New York and was called to order by Vice-Chairman Christopher Ramsdill at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT:** Michael Worth, Rocco Angerami, Dean Kolligan, Christopher Ramsdill, Tony McCracken and Robert Barrett. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

**ABSENT:** Joseph O'Brien, Chairman

**MINUTES:** The minutes of the last meeting, held on January 24, 2013, were approved, as submitted, on a motion made by Mr. Worth, seconded by Mr. Angerami. All board members were in favor.

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

**APPEAL NO. 13-04** James Doyle, 175 Church Street, Saratoga Springs, NY 12866. The applicant proposes an Area Variance pursuant to section 129-158 and 129 attachment 8, Schedule B of the Zoning Ordinance for the construction of a single family residential home with detached garage. Property located on Ingersoll Road, Tax Map No. 154.-1-62, zoned R-2, in the Town of Wilton.

Mr. Doyle stated he purchased the 80ft. x 250ft. property in a tax sale from the City of Saratoga Springs. Mr. Doyle stated he has built between six or seven houses on Jefferson Street in the City of Saratoga Springs. Mr. Doyle said he spoke with the neighbor to the north that wanted to purchase the property in 2007 offered to sell the property. Mr. Doyle said that he would not go through with the build if the neighbor was still interested in the land. Since that time, her finances have changed and she was unable to purchase

the property and Mr. Doyle has started to clear the land. Mr. Doyle respectfully requests the board's support and will do a nice job and will answer any questions at this time.

Mr. Worth said this lot was before the board several years ago and the variance was denied. Mr. Worth thinks there was a discussion about the neighbors purchasing the land. Mr. Doyle said the discussion back then was they (The City of Saratoga Springs) did not try to have the neighbors purchase the land at the time." The other discussion was a nebulous plan to provide zoning but, did not have a real person or a house. Mr. Doyle stated he offered to sell the property; he is a real person and submitted plans to the board that conform to the specifications necessary by the town. Mr. Doyle said the proposal is for a single family house similar to those constructed on Jefferson Street in Saratoga Springs.

Mr. Barrett asked Mr. Doyle if he talked to the neighbor to the south. Mr. Doyle said the house to the south has graffiti and has never seen anyone at the residence. Mr. Doyle said, "He understands she has her hands full with what she is doing presently with her house."

Mr. Angerami asked Mr. Mykins why the applicant does not need to apply for frontage or area variances. Mr. Mykins said he does not under §129-158 states that such lots must be in separate ownership and not of contiguous frontage with other such lots in the same ownership. This provision shall apply even though such lots fail to meet the requirements for the area or width, or both, that are generally applicable in the district, provided that the yard dimensions and other requirements not involving area or width of the lot shall conform to the regulations for the district in which the lot is located. Mr. Mykins said this particular lot preexisted zoning.

Mr. Mykins said there are 13 lots in that subdivision were all the same size. Mr. Mykins said all the lots were 247ft. deep and 80ft. wide.

Mr. Kolligan asked if all the other lots have been built on to date. Mykins said except for one which has been purchased by Bill Morris to gain another access out of his approved subdivision.

Mr. Doyle said if I put a new house on the property, it will improve the property values on the surrounding 12 lots and it might spur property owners to make home improvements.

Vice Chairman Ramsdill asked if there were any public comments. There were no public comments.

Mr. Worth made a motion to approve Appeal No. 13-04, for James Doyle, 175 Church Street, property located on Ingersoll Road, Tax Map No. 154.-1-62, zoned R-2 for the following relief.

<u>Requirement</u>	<u>Applicant Has</u>	<u>Relief Requested</u>
250ft. Frontage	80ft. Frontage	170ft. Frontage
40ft. Side yard setback	26.60ft. Side yard setback (N)	13.4ft. Side yard setback
40ft. Side yard setback	24.10 Side yard setback (S)	15.9ft. Side yard setback

1. Mr. Worth said an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting of the area variance. Mr. Worth said this is a preexisting lot and there are several lots of the same size in that development and no other land available. A single family home is to be constructed on that lot to match existing homes in the area.

2. Mr. Worth said the benefit sought cannot be achieved by some method feasible to pursue other than an area variance. Mr. Worth said both sides of the land are built on and no other land is available to purchase, it is a preexisting lot.

3. Mr. Worth said the requested area variance is not substantial although it sounds substantial, this is a development that was subdivided prior to zoning with at least a dozen lots in this development that are the same size.

4. Mr. Worth said the requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. Mr. Worth said it is a residential area with several lots the same size; it's going to be a single family house and will match the rest of the neighborhood.

5. Mr. Worth said the alleged difficulty was not self-created it was a preexisting lot the individual bought it and legally is a buildable lot. Mr. Barrett seconded the motion. Mr. Worth in favor, Mr. Angerami opposed, Mr. Kolligan in favor, Mr. McCracken in favor, Mr. Barrett in favor, Mr. Ramsdill in favor. The motion passed.

**APPEAL NO. 13-05** Richard & Lea Covell, 35 Youngs Road, Schroon Lake, NY 12870. The applicants propose a Sign Variance pursuant to section 129-181 of the Zoning Ordinance to move the existing 26.42 sq. ft. sign for the business "Impressive Interiors" for the property located at 209 Edie Road. Tax Map No. 128.-1-51, zoned C-2 in the Town of Wilton, with Residential Home Occupation.

Ms. Covell said she is applying for a sign variance and is in the process of constructing an addition to her home to move the business from the existing location on Route 50 to the current location on 209 Edie Road and would like to bring existing sign to the Edie Road location. A variance was received for a Home Occupation on 209 Edie Road, which only affords a sign of 2sf. This existing sign is 28.4sf total. Ms. Covell is requesting a variance to bring the existing sign to the current location.

Mr. Worth said other than the cost of the new sign, what is the hardship of the square feet. Ms. Covell said visibility of being able to have people see our location. Ms. Covell said the business is far back from the road. Mr. Barrett said there are other signs on that road that are much bigger than 2sf. Mr. Worth said, "There was a sign that was turned down there not too long ago." His concern with a home occupation when you set a precedent you can see these signs in neighborhoods, lighted signs, and if the town has its way, digital signs on front lawns. Mr. Worth said there is an automotive sign, Mr. Barrett said there is a for lease sign bigger than Childs sign. Mr. Worth said just to approve the sign because it is in a C-2 zone. Mr. Mykins said you can use this as the uniqueness of the particular variance.

Mr. Ramsdill opened the public hearing at 7:15pm. No public comment.

Mr. Schachner, Esq. said if in fact a motion is to be made, this would not likely occur in a C-2 zone.

Mr. Kolligan stated the applicant would like to take the sign from its original location, but to potentially compromise and entertain a new sign that may be larger than the 2sf allowed, but less than the proposed 26sf. Ms. Covell said when she purchased this property and received the variance for a Home Occupation relies on signage for the business. Ms. Covell said they are a small two person family business, advertising and a new sign would be a big cost. Ms. Covell said if it would mean cutting the sign back a little bit to be able to get a sign bigger than 2sf to make it feasible. Ms. Covell said looking at the Childs sign and the leasing sign, the fear would be lost in the effect of driving by and overpowering her sign. Ms. Covell said she is willing to negotiate to get a sign for her business and cost is a big factor. Ms. Covell said as Mr. Mykins said, this is a unique situation to make this work for their business. Mr. Kolligan asked if this area was discussed specific to the potential zoning. Mr. Mykins said no, C-1 had the zoning change. Mr. Kolligan asked the size of the Childs sign. Mr. Worth said it's bigger than what the applicant is requesting. Mr. Worth said there are special requirements put on Home Occupations, not on commercial businesses. Ms. Covell said a handi-cap ramp was installed, but not required by a Home Occupation, which was an added expense.

Mr. Angerami made a motion to approve Appeal No. 13-05 for Richard & Lea Covell for the property located at 209 Edie Road, Tax Map No. 128.-1-51.

1. Mr. Angerami said an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting of the area variance.
2. Mr. Angerami said the benefit sought cannot be achieved by some method feasible to pursue other than an area variance. The applicant could use their present sign.

3. Mr. Angerami said the requested area variance is semi substantial approximately ten times and does not think it is to a disadvantage to anyone town or otherwise.

4. Mr. Angerami said the requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district. Mr. Angerami said it will not.

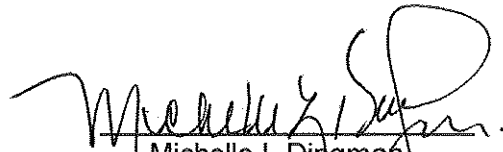
5. Mr. Angerami said the alleged difficulty was self-created for a good cause.

Mr. Angerami would like to grant the variance based on the criteria mentioned above. Mr. Worth opposed, Mr. Angerami in favor, Mr. Kolligan in favor, Mr. McCracken in favor, Mr. Barrett in favor, Mr. Ramdill in favor. The motion passed.

**ADJOURNMENT:**

The meeting was adjourned at 7:27pm on a motion made by Mr. Angerami and seconded by Mr. Kolligan. All board members voted in favor.

APPROVED: 3/28/13

  
Michelle L. Dingman  
Zoning Board Secretary