

WILTON ZONING BOARD OF APPEALS
THURSDAY May 22, 2014

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, May 22, 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, James Deloria, Dean Kolligian, Robert Barrett, Tony McCracken, and Dave Buchyn. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

ABSENT: Rocco Angerami

MINUTES: The minutes of the last meeting, held on April 24, 2014 were approved, as submitted, on a motion made by Mr. Kolligian seconded by Mr. Barrett . All board members were in favor.

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

OLD BUSINESS:

APPEAL NO. 00-18 Sharee Kelley, 4198 Route 9N, Greenfield Center, New York 12831. Request for the extension of a Special Permit, pursuant to 129-31, 129-21 (D) and 129-176 (Q) of the Zoning Ordinance, for the temporary placement of a mobile home to resolve personal hardship; property located at 180 Gailor Road, Tax Map No. 127.00-1-29, zoned R-3, in the Town of Wilton. Special Permit originally granted on April 27, 2000 for a period of two years, is due for review and renewal.

Chairman O'Brien asked if there was anyone there to represent Ms. Kelley. Mr. Mykins addressed Chairman O'Brien and explained the mobile home had been removed, the hardship was gone and the Special Permit was no longer needed.

NEW BUSINESS:

APPEAL NO. 14-14 Nelson Latour, 74 Ernst Road, Gansevoort, New York 12831. Request for an Area Variance pursuant to Section 129-157 of the Zoning Ordinance for a front yard setback to replace the existing garage that is in disrepair; property located at 74 Ernst Road, Tax Map No. 114.-2-54 zoned RB-1, in the Town of Wilton.

Mr. Latour approached the board and explained his garage is very old and is being torn down; he would like to replace it with a new two-car garage. Mr. Latour further explained the garage had to stay where it was because of the well. Mr. Latour stated he was asking for an 8 ft. variance for front yard setback and everything else was in compliance. Mr. Ramsdill asked if the garage was already torn down. Mr. Latour explained he had a demolition permit and was in the process of tearing it down. Mr. McCracken asked if the existing garage was the same size as the proposed garage. Mr. Latour said no, it was a single car 14' x 20' garage with a 12' x 16' carport and he would like to replace it with a 24' x 24' two-car garage.

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

Mr. Ramsdill made a motion to approve Appeal No. 2014-14 was heard at a meeting of The Wilton Zoning Board of Appeals held on May 22, 2014, and on a motion to approve made by Mr. Ramsdill. The request for an Area Variance pursuant to Section 129-157 of the Zoning Ordinance for a front yard setback of 8 ft. to replace the existing garage that is in disrepair; property located at 74 Ernst Road, Tax Map No. 114.-2-54 zoned RB-1, in the Town of Wilton, 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: They are replacing an older garage that is in disrepair with a new structure that will improve the quality 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 location of the well and the house require the garage stay where it is. 3. The applicant has demonstrated that the requested Area Variance is not substantial because: It is essentially replacing what existed before. 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 is replacing the old garage that was in poor condition. 5. The applicant has demonstrated

that the alleged difficulty was not self-created because: The old garage was in poor condition and they are replacing it with a new superior structure.

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

APPEAL NO. 14-15 Daniel E. Colvin Jr., 18 Forest Way, Gansevoort, New York 12831. Request for Area Variances pursuant to Section 129 -157 of the Zoning Ordinance for a side yard setback; property located at 18 Forest Way, Tax Map No. 129.-1-101 zoned R-2, in the Town of Wilton.

Mr. Colvin approached the board and explained the area where the proposed 24' x 24' garage would go has always been used as a parking area. Mr. Colvin stated he wanted to put the garage up to store all of his things and it would be an esthetic improvement to his property. The board members reviewed the pictures of the proposed garage and its location. Mr. McCracken asked what the distance would be between the existing garage and the proposed garage. Mr. Colvin said it would be about 20 ft. and if he tried to fit it in without the variance, it would be very tight. Mr. Barrett stated he drove by the property he asked if the back of the garage would be back against the trees. Mr. Colvin said yes it would. Mr. Deloria asked about the 60 ft. right of way and questioned the width of the driveway being 24 ft. Mr. Colvin stated he wouldn't say the width of the driveway was 24 ft. Mr. Mykins stated that it was the road. Mr. Deloria asked if all the toys currently parked where the garage was going would be going inside the garage. Mr. Colvin stated yes that was the design, he is a retired marine and likes for things to be organized and put away.

Mr. Kolligian made a motion to approve Appeal No. 2014-15 The request for an Area Variance pursuant to Section 129 -157 of the Zoning Ordinance for a side yard setback of 22 ft. for a 24' x 24' detached garage; property located at 18 Forest Way, Tax Map No. 129.-1-101 zoned R-2, in the Town of Wilton, 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: For reasonable access to the rear yard you would need to build a driveway with the same side yard setback as being discussed it would go over the septic and leach field area. 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: It doesn't really change anything, the tree line for the property separation will stay, the proposed structure will abut the tree line, it will be barely visible to the

neighbors, and no additional landscape changes will be needed. 3. The applicant has demonstrated that the requested Area Variance is not substantial because: The area is currently being used for vehicle parking and storage. 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 variance only adds a structure on top of what is currently being used for the same purpose of vehicle parking and storage. 5. The applicant has demonstrated that the alleged difficulty is self-created because: It is currently is being utilized for vehicles, a boat, and snowmobiles. Based upon the consideration of # 5, not necessarily precluding the board from granting the Area Variance for the applicant.

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

APPEAL NO. 14-16 Mark Bellantoni, 9 Briar Lane, Saratoga Springs, New York 12866. Request for Area Variances pursuant to Section 129-157 of the Zoning Ordinance for side yard setback; property located at 9 Briar Lane, Tax Map No. 140.14-3-26 zoned R-1, in the town of Wilton.

Mr. Bellantoni approached the board and stated he would like to put an addition on the house; it would be a bedroom for his mother in-law. Mr. Bellantoni explained why they chose the left side of the house for the addition; it worked best for the interior, it allows it to be setback from the front of the house, and there is a pool in the rear. Mr. Bellantoni stated they needed an additional 6 ft. to meet the side yard setback, all the neighbors were in accordance, and no trees would be removed. Mr. Bellantoni explained the addition would be built in accordance with the structure of the house and it would be setback to maintain the look of the house as it is now. Mr. Barrett made a comment regarding the pool fence and Mr. Bellantoni said the fence would need to be moved.

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

Mr. Ramsdill made a motion to approve Appeal No. 2014-16 Request for an Area Variance pursuant to Section 129-157 of the Zoning Ordinance for side yard setback of 6 ft. for a proposed addition; property located at 9 Briar Lane, Tax Map No. 140.14-3-26 zoned R-1, in the town of Wilton 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 the minimum amount, it's actually

an angled lot so it is not really the full amount across the entire scope of the project. It is going to be constructed in keeping with 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: His driveway is on the right and there is a pool in the rear of the building, it requires the applicant to go out to the left side. 3. The applicant has demonstrated that the requested Area Variances are not substantial because: The applicant is asking for a minimal amount of 6 ft. at the rear of the property. 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 home will remain in scale and consistent with most of the other properties. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

ADJOURNMENT:

Mr. Kolligian made a motion to adjourn the meeting at 7:18 p.m. Mr. Ramsdill seconded the motion. All board members were in favor. The motion passed.

Dated: _____

Amy DiLeone
Zoning Clerk