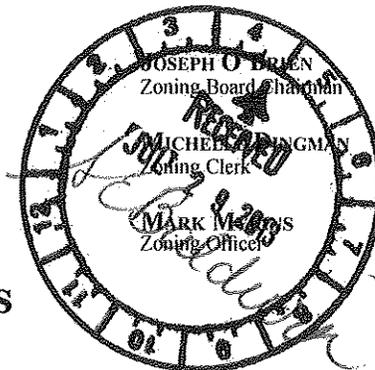


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**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY, June 27, 2013**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, June 27, 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:** Joseph O'Brien, Rocco Angerami, Robert Barrett, Tony McCracken and James Deloria. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

**ABSENT:** Christopher Ramsdill, Dean Kolligian

**MINUTES:** The minutes of the last meeting, held on May 23, 2013, were approved, as submitted, on a motion made by Mr. Angerami seconded by Mr. Barrett all board members were in favor.

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

**OLD BUSINESS:**

**APPEAL NO. 13-12** Altamont Park Apts., Inc., David Canfield, P.O. Box 5107, Clifton Park, New York 12065 for the property located at Margaret Drive, Gansevoort, New York 12831. Request for Area Variances pursuant to Schedule A, R-1 Residential of the Zoning Ordinance for a proposed 2-lot subdivision; at above said property, Tax Map No. 128.5-1-12, zoned R-1, in the Town of Wilton.

Mark Sweeney, Esq. of Whiteman, Osterman and Hanna appeared before the board on behalf of the applicant and request that the board defer action on the application tonight until the July meeting.

**NEW BUSINESS:**

**APPEAL NO. 13-21** Thomas & Joanne Klepetar, 101 Parkhurst Road, Gansevoort, NY 12831. Request for a special permit pursuant to §129-Attachment 8 Schedule B R-2 Residential District and §129-176 V for Agriculture

with Animals; at above said address. Tax Map No. 114.-1-32.2, zoned R-2 in the Town of Wilton.

Chairman O'Brien asked if anyone was here this evening to represent Mr. & Mrs. Klepetar for the special permit no response.

Chairman O'Brien asked Mr. Mykins if he knew anything about it. Mr. Mykins said he did not know, but did say that Ms. Klepetar was in the office the other day and knew about the meeting. Chairman O'Brien said maybe the applicant will show up later. We will hold this application until the end of the meeting and maybe the applicant will show up.

**APPEAL NO. 13-22** Jeffrey Lindahl, 16 Gailor Road, Gansevoort, NY 12831. Request for an area variance pursuant to Schedule B R-2 Residential District for construction of 12' x 20' pre-built detached garage; at above said address. Tax Map No. 128.5-3-26, zoned R-1 in the Town of Wilton.

Jeffrey Lindahl appeared before the board. Chairman O'Brien read a letter from David Bergen, 18 Gailor Road opposing the proposed 12' x 20' pre-built detached garage. (Enclosure (1))

Mr. Lindahl provided an email from James Kehoe the new owner of 18 Gailor Road stating he has no issue with the proposed garage. Mr. Lindahl provided the board with pictures of the proposed site. Chairman O'Brien read the email from James Kehoe. (Enclosure (2)).

Mr. Lindahl provided pictures of the proposed area where the garage is being placed to the board showing red markings of the proposed garage which is 3ft. off the driveway to the right. Mr. Lindahl said the garage sits 28ft. back from the pavement. The stone you see will be the driveway. Mr. Barrett asked about the 15ft. Mr. Lindahl replied the town owns 25ft. from the center of the road in. Mr. Mykins: It is a 30 R.O.W. from center of road 30ft. in one direction the town owns 15ft. past the edge of pavement approximately. Mr. Barrett said the proposed garage will be 15ft. from edge of road. Mr. Lindahl said the garage is going to be 28ft. back from the edge of the road. Mr. Mykins said 15ft. back from the property line which is where the town setbacks are measured from. Mr. Angerami asked why don't you move the garage back flush with existing garage or attach it to the existing garage. Mr. Lindahl said he does not want the garage attached because of the grade, it drops off. Mr. Lindahl said, "Any trees that are there would be done". Mr. Lindahl said the drop off would be gradual it will be built up about 12" on that side. Mr. Deloria asked the purpose of the garage. Mr. Lindahl said it is for my new 2013 Camaro SS. Mr. Lindahl provided pictures from his cellular phone to the board, of the property. Mr. Schachner, Esq. said in order for the board to consider the photos, the applicant will have to submit a

hard copy as some part of the record. Mr. Angerami stated he didn't think the grade is very substantial at all.

Mr. Barrett said I drove by the property and the garage will be sticking out in front of the house quite a bit and there is no other structure in that neighborhood on that street or any other street that is close to what is proposed. Mr. Lindahl acknowledged that there is not a similar structure in that neighborhood. He stated he has received permission from the new owner at 18 Gailor Road. Chairman O'Brien asked Mr. Mykins if this was a regular subdivision? Mr. Mykins replied yes. Mr. McCracken asked what is the difference in the grade of the north east corner if it were pushed back? Mr. Lindahl said it is quite a drop. Mr. Barrett said there are wetlands on the one side. Mr. Barrett said it would be 5ft. Mr. McCracken asked if a frost wall would be required as part of the footing process. Mr. Mykins said this is a pre-built drop on site garage. Mr. Lindahl said "When he is done it will look like it belongs there the garage will be landscaped. Mr. Lindahl said his house is manicured and he does not do anything halfway. Chairman O'Brien asked if there is another garage like this one in this subdivision similar to that? Mr. Lindahl said he does not know any and said it will not look out of place. Mr. Lindahl said there will be a paved driveway to the proposed garage and will look like it is supposed to be there. Chairman O'Brien said it does not look like it is supposed to be there in relation to the other houses in the subdivision. Mr. Lindahl said just because they don't have it does not mean it is not supposed to be there. Mr. Lindahl said it will not block the view and will be in back of the line of trees. Mr. Lindahl said when travelling Gailor Road and taking a right hand turn onto Dakota Drive you cannot even see the garage until you pass it.

Chairman O'Brien said the applicant has another alternative. Mr. Barrett agrees and suggests putting the proposed garage next to the house. Chairman O'Brien said to attach to the existing garage. Mr. McCracken said to move it back. Mr. Lindahl asked how far back. Mr. McCracken to the minimum setback, you have 50' to the corner of the house

Mr. Lindahl said with the grade I will have to bring in, it is not possible if you do that it would kill the existing trees and would be in the wetlands in order to build up. Mr. Angerami: It depends on what slope you went at.

Mr. McCracken said there is 21ft. from the proposed garage to the boundary line, which is considered wetlands and you could certainly build a 4 or 5ft. grade with 21ft.

Mr. Angerami said the applicant has 55' 1" to the front of the building. Mr. Angerami said the applicant could keep an 8ft. separation and would not have to attach it. Mr. Angerami said there are two choices the applicant could resubmit topographical drawings to get a better idea of what the fill areas would be and the slide slopes would be to the property line or we would probably just motion to not

accept it. Mr. Mykins asked what about placing on the opposite side of the property? Mr. Lindahl: I don't have a driveway on the other side of the property and I wouldn't want the neighbors to have to come out and have to look at that garage. This is not obstructing the neighbors view and I don't think the board understands the grade. To bring up the grade will take away my lawn. Mr. Barrett states he had a boat and in order to place his boat next to his home he had to build a retaining wall and backfill to make it work. Mr. Angerami: I don't think the board wants to reject your application without offering you an opportunity to show us why this won't work next to the garage. Mr. O'Brien said to Mr. Lindahl that the board has to act upon the appeal he has presented or does he want more time to get facts and measurements together and come back before us and we will act upon the application then. Mr. Barrett asked is this monetary or some other motivation for not wanting to move the structure back by the garage. Mr. Lindahl: If I put next to the garage it takes up my side yard and the grade is too excessive.

Mr. Barrett so it is expense? It will cost more money to do it? Mr. Lindahl: that plus it will look odd and the retaining wall. Mr. Angerami: We're not suggesting a retaining wall for aesthetics it is to adjust the grade. The board asks Mr. Lindahl for more information or does he want the board to make a decision. Mr. Lindahl: What kind of information does the board want to see? Board: Show grade, more pictures that show established grade. Mr. Lindahl: How far do you want me to go back? Mr. Angerami: Adhere to your setbacks. You could theoretically do this without any variances at all. Chairman O'Brien asks Mark Mykins can he situate the garage anywhere without any variances? Mr. Mykins: he could but it would be at a larger cost. Mr. Lindahl: Has a conversation with Mr. Mykins about how much room he has next to the garage to place the structure Mr. Mykins shows Mr. Lindahl that he has 16 feet off the side of the garage to place the structure and states that it would be out of place so close to the road. Mr. Lindahl agrees to defer the application until the July meeting when he can provide more information.

**APPEAL NO. 13-23** New Horizon Church, Inc. (Edward Kane – Trustee), 150 Perry Road, Saratoga Springs, NY 12866. Request for an area variance pursuant to §129-187 B 12, R-2 Residential District for an area variance for front setback relief 22.75ft. for replacement of an existing free standing sign with a new freestanding sign; at above said address. Tax Map No. 153.-3-91, zoned R-2 in the Town of Wilton.

Appearing before the board Richard Veldman, His son Ryan and Mike Moingan Trustee for the Church to present to the board for both applications 13-23 and 13-24 before the board. Mr. Veldman explains His son is doing his eagle project for scouts, which is the sign for the church Mr. Veldman presents drawings to the board for review. Currently new Verizon Church has a sign that can be seen at the far end of the photos. Mr. Veldman continues to show the board the location of

the old sign. He states the church pastor originally said that he wanted the sign at 7'-3" from the property line and that he was told this is not acceptable and that the sign should be pushed back he further states the third and fourth pages photos show the sign at 15 feet back and the 5<sup>th</sup> and 6<sup>th</sup> pages show the sign at the required 30 foot setback. When he told the pastor that the Town wanted the sign back 30 feet he said that was too far because underneath bottom of the sign, they want to have a smaller sign with the days times for services and some messages. The application that was submitted shows a rendering of what the sign will look like close-up. Mr. McCracken asks if there will be a wall around it Mr. Veldman says yes a small retaining wall. He further states that His son Ryan is required to work with his Eagle Scout advisor who also has to approve everything he is doing for his project. Mr. Veldman goes over the location of the property line and states that it is oriented to the telephone pole noted on the plan. Chairman O'Brien asks if there is anything there that would obstruct the view of the sign. Mr. Veldman replies it is pretty wide open but the pastor's concern was it was so far back that people wouldn't be able to read the times without having to slow down or stop in the middle of the road. Mr. Mykins states that the sign is not a very large sign that it is not substantial enough that they could put huge letters on it. Mr. Moingon states that the lettering on the sign that hangs is only 3" lettering and from that far back you wouldn't be able to read the sign. Chairman O'Brien clarifies this is for the times of service and announcements. The applicant states yes. Mr. Angerami asks Mark Mykins what is the allowed square footage for the sign Mr. Mykins replies 25 feet per side and they are slightly above that at 26.3 per side and that is also part of the 2 applications before the board. Mr. Angerami states he would be more inclined to give the applicant more relief on the square footage rather than allow the sign closer to the road. Mr. McCracken asks basically you are asking for the variance because of the bottom sign with the hours and days. Mr. Veldman answers that is correct. Mr. McCracken states that coming from either direction the sign is visible at 30 feet back. There is discussion about placement of the sign on the property. The board discussion is to allow a larger sign versus allowing a setback variance. The applicant after discussion with the board requests that the application be tabled until the July meeting.

**APPEAL NO. 13-24** New Horizon Church, Inc. (Edward Kane – Trustee), 150 Perry Road, Saratoga Springs, NY 12866. Request for a special permit pursuant to §129-188 B 12, R-2 Residential District for a replacement of an existing free standing sign with a new freestanding sign; at above said address. Tax Map No. 153.-3-91, zoned R-2 in the Town of Wilton. Tabled at the applicant's request.

**APPEAL NO. 13-25** Bruce & Jeanne Moore, 17 Parkhurst Road, Gansevoort, NY 12831. Request for an area variance pursuant to Schedule B, R-2 Residential District for a proposed detached 24' x 24' garage; at above said address. Tax Map No. 114.7-1-26, zoned R-2 in the Town of Wilton.

Bruce Moore appeared before the board. Mr. Moore said he applied for three variances due to the shape of the property, location of the house and septic system location. Mr. Moore said his only option was 19ft. next to the National Grid power line at the rear of the property. Mr. Mykins said the septic system runs out the back and over to the west side of the house so you cannot run over the top of the field without damaging it. Mr. McCracken asked Mr. Moore if he will be entering the garage off the existing driveway. Mr. Moore said it will be 3ft. from end of the garage and will have to add an apron. Mr. McCracken said the National Grid line is a 50ft. buffer with open land. Mr. Mykins said National Grid owns that land. Mr. Moore said National Grid has a R.O.W and does not own the property. Mr. McCracken asked what is directly behind you. Mr. Moore said National Grid line and bamboo. Mr. Moore said behind National Grid is a wooded area.

Mr. Angerami made a motion to approve Appeal No. 2013-25 for the property at 17 Parkhurst Road, Gansevoort, NY, tax map no. 114.-1-26 for the following reasons:

An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the area variance, because the applicant does not have another choice of placement.

The benefit sought cannot be achieved by some method feasible to pursue other than an area variance, because the shape of the property is unique and the septic system is located on the opposite side of the property.

The requested area variance is substantial, but not a detriment.

The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The alleged difficulty was not self-created.

Mr. Barrett seconded the motion and all board members voted in favor. Motion carried.

**APPEAL NO. 13-26** Rucinski Hall Architecture, 627 Maple Ave, Saratoga Springs, NY 12866. Request for an area variance pursuant to Schedule A, R-1 Residential District to convert a single family dwelling into a two-family dwelling at 157 Traver Rd. Tax Map No. 127.12-1-14, zoned R-1 in the Town of Wilton. Tabled at the request of the applicant.

**APPEAL NO. 13-27** Rucinski Hall Architecture, 627 Maple Ave, Saratoga Springs, NY 12866. Request for a special permit to §129-176 P , R-1 Residential District to convert a single family dwelling into a two-family dwelling at 157 Traver Rd. Tax Map No. 127.12-1-14, zoned R-1 in the Town of Wilton.

Ethan Hall Appeared before the board to represent the application for, Jen and Joseph Maurawski. Jen is present this evening. Mr. Hall goes over the site plan for the board. Mr. Hall explains that they are proposing to put an addition over the existing garage, converting the existing garage into living space and then building a new two car garage. Chairman O'Brien states that bordering that property is a subdivision that consists of all single family homes. Mr. Hall confirms that and states that this home is a part of that subdivision. Mr. O'Brien states it seems unusual in a new subdivision like this to convert a single family home into a two family home. Mr. Hall explains that the reason for the project is because of a family situation. There won't be a change in the demographic or number of people using the property. Mr. O'Brien states that the property could be sold at a later date. Mr. Hall concurs. Jen Maurawski the owner states that her and her husband, are in the process of separating and their child is a special needs child and it is for his stability that that wish to remain in the same area. Mr. O'Brien states he has a neighbor with a similar circumstance that was going through the same situation and one of the partners bought a smaller home in the same neighborhood, and that is how they solved that situation. The board establishes that it is an R-1 zone. Mr. Hall states that this an R-1 and that two-family is an allowed specially permitted use. Mr. Hall goes on to explain that this is one of the larger lots in the subdivision. Mr. Deloria: one of the things that concern me is the separate utilities and if the property is sold, it would be sold as a two-family home. The applicant agrees and states that the addition area does not have to have separate utilities. Mr. Angerami states that once the special permit is granted it could be constructed with separate utilities. Mr. Angerami asks why this could not be looked at like an in-law apartment. Mr. Mykins explains that if all the criteria for in-law apartments are not met the code states that it shall be looked at as an accessory apartment or two-family home. Mr. Angerami asks if the applicant were to scale back the project and met the criteria for an in-law apartment would a variance be required? Mr. Hall responds that would cut the space in half. Chairman O'Brien asks if anyone in the audience has any questions or concerns? No reply. Chairman O'Brien: Anyone care to make a motion? Mr. Hall asks that the application be table until the July meeting.

**APPEAL NO. 13-28** Justin Bergin, 110 Ruggles Road, Saratoga Springs, NY 12866. Request for a special permit pursuant to section §129 Attachment 8 Schedule B R-2 Residential District and §129-176V for agriculture with animals; at above said address. Tax Map No. 154.-2-41, zoned R-2 in the Town of Wilton.

Appeal No. 13-28 was heard at the meeting of the Wilton Zoning Board of Appeals held on June 27, 2013, and the request for a special permit for

agriculture with animals was granted for two years pursuant to §129-175 D. with a limit of 12 chickens.

**APPEAL NO. 13-29** John Kearney, 43 Worth Road, Gansevoort, NY 12831. Request for an area variance pursuant to Schedule "A" Residential District and §129-157 projections into required yards for a proposed storage shed; at above said address. Tax Map No. 127.18-1-53, zoned R-1 in the Town of Wilton.

John Kearney appeared before the board. Mr. Kearney said he would like to replace an existing shed that is in the approximate vicinity of the proposed shed. The existing shed is 10' x 12' and proposes to replace with a 12' x 16' shed. The existing shed faces north to south and the new proposed shed would face east to west. Mr. Kearney said it has the same roof line and siding as the house. Chairman O'Brien asked Mr. Kearney if the shed would be placed in the same footprint. Mr. Kearney replied yes, with a larger footprint. Mr. Angerami said the proposed footprint is larger and asked what direction the shed will be facing. Mr. Kearney said the width of the proposed shed will be going farther back into the backyard.

Mr. Angerami made a motion to approve Appeal 2013-29 for the property located at 43 Worth Road, Tax Map No. 127.18-1-53.

An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the area variance, because the existing setback will not be affected. The proposed shed will look better than the existing shed.

The benefit sought cannot be achieved by some method feasible to pursue other than an area variance, because of the location of the leach field.

The requested area variance is not substantial because, it will not encroach further into the existing setbacks.

The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood, because it is not unsightly and not in the neighbors view.

The alleged difficulty was self-created and not a detriment - will make the neighborhood look better.

Mr. Barrett seconded the motion and all board members voted in favor. Motion carried.

**APPEAL NO. 13-21** Thomas & Joanne Klepetar, 101 Parkhurst Road, Gansevoort, NY 12831. Request for a special permit pursuant to §129-Attachment 8 Schedule B R-2 Residential District and §129-176 V for Agriculture with Animals; at above said address. Tax Map No. 114.-1-32.2, zoned R-2 in the Town of Wilton.

Dr. Klepetar appeared before the board stating his neighbor was cited for having five chickens and realized a special permit was necessary. Mr. McCracken asked the size of the chicken coop 4' x 6'. Mr. McCracken asked how many chickens the coop would hold. Dr. Klepetar said he presently has five chickens and has no plans to expand.

Mr. McCracken made a motion to approve Appeal No. 13-21 for the request for a special permit for agriculture with animals pursuant to §129-175D for a period of two years with a limit of six chickens. Mr. Angerami seconded the motion and all board members voted in favor. Motion carried.

**ADJOURNMENT:**

The meeting was adjourned at 8:15 p.m. on a motion made by Mr. Angerami and seconded by Mr. McCracken. All board members voted in favor. Motion carried.

APPROVED: July 25, 2013

  
Mark E. Mykins  
Zoning Officer