

WILTON ZONING BOARD OF APPEALS
THURSDAY August 28, 2014

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, August 28, 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, Rocco Angerami, James Deloria, Dean Kolligian, Robert Barrett, and Dave Buchyn. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

ABSENT: Christopher Ramsdill, Tony McCracken and Gerard Zabala

MINUTES: The minutes of the last meeting, held on July 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.

RENEWALS:

APPEAL NO. 08-27 Stanley and Maria Brackett, 138 Ernst Road, Gansevoort, New York 12831. Request for the renewal of a Special Permit, pursuant to Schedule A and Section 129-176 C (1), (2), (3) and (4) of the Zoning Ordinance, for a home occupation for a small engine repair shop; property located at 138 Ernst Road, Tax Map No. 127.-2-15.2, zoned R-1, in the Town of Wilton. Special Permit originally granted on August 28, 2008 for a period of two years, is due for review and renewal.

Mr. Brackett approached the Board and stated he would like his Special Permit renewed.

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

Mr. Kolligian made a motion to approve Appeal 2008-27 for Stanley and Maria Brackett, 138 Ernst Road, Gansevoort, New York 12831. Request for the renewal of a Special Permit, pursuant to Schedule A and Section 129-176 C (1), (2), (3) and (4) of the Zoning Ordinance, for a home occupation for a small engine repair shop; property located at 138 Ernst Road, Tax Map No. 127.-2-15.2, zoned R-1, in the Town of Wilton. Special Permit originally granted on August 28, 2008 for a period of two years, in consideration of all findings of Section 129-175 (D), for a period of two additional years.

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

NEW BUSINESS:

APPEAL NO. 2014-21 Joseph and Colleen Paterson, 37 Iris Avenue, South Glens Falls, NY 12803. Request for a Special Permit for a private stable pursuant to Sections 129 Attachment 8, Schedule B of the Zoning Ordinance, and Section 129-176 V (1-7), Agricultural with animals and private stable; property located at 210 Gurn Springs Road, Gansevoort, NY 12831, Tax Map No. 102.-1-35.111 zoned R-2, in the Town of Wilton.

Chairman O'Brien read a favorable correspondence from Colonial Heritage Mobile Home Park, LLC Terry Stewart/Mary Griffin, members.

Mr. Paterson approached the Board and explained they were building a home and would like to have two horses, a barn, a paddock and a pasture. Mr. Patterson further explained that this was for his daughter who rides high school rodeo and they would like to have the horses at their home. Chairman O'Brien stated there would be two horses. Mr. Patterson said yes with the potential of a third horse down the road. Mr. Patterson explained that now they only owned two horses.

Chairman O'Brien asked if there were any questions. Mr. Kolligian asked if the correspondence that was read was from the only neighbor. Mr. Patterson said yes and stated that most of the neighbors had horses and the whole development was planned as a horse development and one of his neighbors was also requesting a Special Permit to have horses. Mr. Barrett asked if a manure pit was going to be installed. Mr. Patterson said no, they would be removing it.

Mr. Kolligian made a motion to approve Appeal No. 2014-21 for Joseph and Colleen Paterson, 37 Iris Avenue, South Glens Falls, NY 12803. Request for a Special Permit for a private stable pursuant to Sections 129 Attachment 8, Schedule B of the Zoning Ordinance, and Section 129-176 V (1-7), Agricultural with animals and private stable; property located at 210 Gurn Springs Road,

Gansevoort, NY 12831, Tax Map No. 102.-1-35.111 zoned R-2, in the Town of Wilton. In consideration of all findings in Section 129-175 D (a-e), 129-176 V (1-7), for a period of two years.

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

APPEAL NO. 14-22 Donald Legere, 29 Parkhurst Road, Gansevoort NY 12831. Request for Area Variances pursuant to Section 129-25 and Schedule B of the Zoning Ordinance for frontage, for a proposed two-lot subdivision, lot "A" requested relief of 6.93 ft. and lot "B" requested relief of 50 ft.; property located at 29 Parkhurst Road, Tax Map No. 114.-2-56, zoned R-2, in the Town of Wilton.

Mr. Legere approached the Board. Chairman O'Brien asked Mr. Legere if he was going to put two houses on the property. Mr. Legere stated he was going to sell one lot. Mr. Kolligian asked Mr. Legere if he resided on lot "A". He said yes.

Mr. Amgerami asked Mr. Mykins if one application was good for both lots. Mr. Mykins said yes, that it was all one lot that was being subdivided into two lots. Mr. Angerami stated that lot "A" was going to need a little and lot "B" was going to need a lot. Mr. Kolligian asked if there would be any issues when lot "B" was sold. Mr. Mykins said no.

Mr. Angerami made a motion to approve Appeal 2014-22 for Donald Legere, 29 Parkhurst Road, Gansevoort, NY 12831. Request for Area Variances pursuant to Section 129-25 and Schedule B of the Zoning Ordinance for frontage, for a proposed two-lot subdivision, lot "A" requested relief of 6.93 ft. and lot "B" requested relief of 50 ft.; property located at 29 Parkhurst Road, Tax Map No. 114.-2-56, 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 Variances because: the amount of relief is minimal and they meet all other setbacks. 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 Variances because: you cannot change the amount of frontage and that is the only feasible way. 3. The applicant has demonstrated that the requested Area Variances is not substantial because: the relief needed is 6 ft. on one and 50 ft. on the other. 4. The applicant has demonstrated that the requested Area Variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district because: the subdivision doesn't affect the adjacent properties. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

APPEAL NO. 14-23 Belmonte Builders 1743 Route 9, Clifton Park, NY 12065. Request for an Area Variance pursuant to Section 129-181 D (b) for a front yard setback, requested relief of 20 ft. on the south property line for proposed signage and structure; property located on the corner of Smith Bridge Road and Cider Mill Way, Tax Map No. 140.18-2-31, zoned R-1, in the Town of Wilton.

Mr. Ricciardi approached the Board. Mr. Deloria addressed Chairman O'Brien explaining he was going to recuse himself due to the fact his business was involved with Belmonte Builders on a different project. Mr. Ricciardi explained that if the sign was to be placed where it was supposed to go it would be in the utilities that connect to the sewer district that were coming across to Cider Mill. Mr. Ricciardi further explained that they would like to have the sign moved forward 20 ft. and would keep the 30 ft. setback on the side. Chairman O' Brien asked if that was the most beneficial area to place the sign. Mr. Ricciardi said he thought so. Mr. Barrett asked if the sign would obstruct anyone's view when coming out of the road. Mr Ricciardi explained it would not affect the Smith Bridge Road traffic or the traffic coming onto Smith Bridge. Mr. Ricciardi further explained the sign would be back off to the side and there was a real clear long read to the west and to the east, it was not going to be affected. Chairman O' Brien asked if the sign was going to be on the side towards the original house. Mr. Ricciardi explained the sign would be on the opposite side back by the utilities. Mr. Angerami asked why they didn't want to place the sign back 30 ft. Mr. Ricciardi said that the utilities run right through there and that they would have to put a frost wall in for the sign and would have dig down where the utilities are located, so they would like to stay forward of that area. Mr. Mykins said 30 ft. would put the sign back quite a way because there was a 15 ft. right of way there. Mr. Mykins further explained that they would actually have to be 45 ft and you would not be able to see the sign; the location of the sign may be in the drainage basin at that point.

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

Mr. Kolligian made a motion to approve Appeal No. 2014-23 for Belmonte Builders, 1743 Route 9, Clifton Park, NY 12065. Request for an Area Variance pursuant to Section 129-181 D (b) for a front yard setback, requested relief of 20 ft. on the south property line for proposed signage and structure; property located on the corner of Smith Bridge Road and Cider Mill Way, Tax Map No. 140.18-2-31, 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: the sign and its associated landscaping will be aesthetically appealing and will help enhance the frontage of the property as seen from Smith Bridge Road. 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 sign cannot be moved back because of the existing utilities location, sewer, water and storm will not allow. Moving the sign behind utilities is too far from the road and poor visibility could cause a safety concern. 3. The applicant has demonstrated that the requested Area Variance is not substantial because: they are looking for less than a 50% variance. 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 sign will be aesthetically pleasing, it will have a waterwheel, be constructed of stone, hand hewn beams and will be visually appealing. 5. The applicant has demonstrated that the alleged difficulty was not self-created because of the fact that the utilities had to be extended to the sewer pump station.

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

ADJOURNMENT:

Mr. Angerami made a motion to adjourn the meeting at 7:00 p.m.. All board members were in favor. The motion passed.

Dated: _____

Amy DiLeone
Zoning Clerk