

WILTON ZONING BOARD OF APPEALS
THURSDAY September 25, 2014

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, September 25, 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, Rocco Angerami, James Deloria, Dean Kolligian, Tony McCracken, and Dave Buchyn. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

ABSENT: Robert Barrett

MINUTES: The minutes of the last meeting, held on August 28, 2014 were approved, as submitted, on a motion made by Mr. Angerami seconded by Mr. Mr. Kolligian. All board members were in favor.

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

RENEWALS:

APPEAL NO. 06-39 Kimberly and Randall Ramsey, 332 Gurn Springs Road, Gansevoort, New York 12831. Request for the renewal for a Special Permit, pursuant to Section 129-176 C (1) a, b, c, d, e, and Section 129-176 C (2) of the Zoning Ordinance, for a home occupation for a towing business; property located at 332 Gurn Springs Road, Tax Map No. 115.-3-6, zoned R-2, in the Town of Wilton. Special Permit originally granted on September 28, 2008 for a period of two years, is due for review and renewal.

Chairman O'Brien asked Mr. and Mrs. Ramsey if they would like to renew their Special Permit. Mr. and Mrs. Ramsey said yes. Chairman O'Brien asked Mr. Mykins if there had been any issues. Mr. Mykins said there had been no issues. Chairman O'Brien asked if there were any questions. There were none.

Mr. Kolligian made a motion to approve Appeal No. 2006-39 for Kimberly and Randall Ramsey, 332 Gurn Springs Road, Gansevoort, New York, 12831, the request for the renewal of a Special Permit, pursuant to Section 129-176 C (1) a, b, c, d, e and Section 129-176 C (2) of the Zoning Ordinance for a home occupation for a towing business; property located at 332 Gurn Springs Road, Tax Map No. 115.00-3-6, zoned R-2 in the Town of Wilton. Special Permit originally granted on September 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. Angerami seconded the motion. Mr. Buchyn, Mr. McCracken, Mr. Kolligian, Mr. Angerami, Mr. Deloria, Mr. Ramsdill and Chairman O'Brien were all in favor. The motion passed.

NEW BUSINESS:

APPEAL NO. 14-24 Michael and Phyllis Whittam, 32 Moonglow Road, Wilton, NY 12831. Request for a Special Permit pursuant to Section 129-176 V and Schedule B of the Zoning Ordinance for a private stable; property located at 250 Gurn Springs Road, Tax Map No. 116.-1-28, 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.

Chairman O'Brien read a second correspondence from Steven Siepman, property-owner of 206 Gurn Springs Rd. Mr. Siepman noted his concern as to the potential attraction and nuisance of flies. Mr., Mykins addressed the concern by stating if the manure is not stored on site for a long period of time the chance of flies would be less and less.

Chairman O'Brien asked Mr. Mykins if the Short Environmental Assessment Form should be done at that time. Mr. Mykins said the Short Form could be done after the motion. Mr. Kolligian re-stated that the motion would be done first then we would do the Short Form. Mr. Mykins said yes they would go through the questions on the Short Form. Chairman O'Brien asked if there were any questions. Mr. Kolligian stated he would ask the obvious question that was addressed by Mr. Mykins regarding the manure and the question was do you have a manure removal plan in place. Mr. Whittam said yes. Mr. Kolligian stated since the letter was sent it needed to be addressed. Mr. Kolligian Asked if there were other properties with horses out that way. Mr. Mykins said there were three adjacent properties with horses. Chairman O'Brien asked if there were any questions. There were none.

Mr. Kolligian made a motion to approve Appeal No. 2014-24 for Michael and Phyllis Whittam, 32 Moonglow Road, Wilton, NY 12831. Request for a Special Permit pursuant to Section 129-176 V and Schedule B of the Zoning Ordinance for a private stable; property located at 250 Gurn Springs Road, Tax Map No. 116.-1-28, zoned R-2, in the Town of Wilton, in consideration of all findings in Section 129-175 D. (1-7), for a period of two years.

Mr. Angerami seconded the motion.

Chairman O'Brien read the questions from Part 2 of the Short Environmental Form.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use of intensity of use of land? No
3. Will the proposed action impair the character or quality of the existing community? No
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
7. Will the proposed action impact existing:
 - a. Public / private water supplies? No
 - b. Public / private wastewater treatment utilities? No
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)? No
10. Will the proposed action result in an increase in the potential for erosion, flooding or damage problems? No
11. Will the proposed action create a hazard to environmental resources or human health? No

Mr. Ramsdill asked if the Short Environmental Form should be declared negative. Mr. Mykins said yes it was declared negative.

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

APPEAL NO. 14-25 Donald W. Kubish, 773 Route 9, Gansevoort, NY 12831. Request for an Area Variance pursuant to Schedule E of the Zoning Ordinance for relief of 61.98 ft. for frontage, to replace existing cottage with a new modular home; property located at 771 Route 9, Gansevoort, NY 12831.

Mr. Kubish introduced himself as Don Kubish and his wife Colleen Kubish. Mr. Kubish explained they were the owners of the parcel at 771 Route 9, it was the second parcel south of the intersection of county Route 36 and Parkhurst Road. Mr. Kubish further explained they owned the parcel immediately to the north 773 Route 9 where they currently reside. Mr. Kubish stated they would like to do a remove and replace operation. Mr. Kubish explained they would like to remove the unoccupied small cottage that was located on the 771 parcel and on the same footprint replace it with a manufactured modular home. Mr. Kubish described the new manufactured home as being a chalet design and it was consistent with the esthetic nature of the neighborhood and the town. Mr. Kubish showed The Board a visual aid of the proposed before and after, he describes the new house as being essentially the same color gray with white trim, like the existing house. Mr. Ramsdill asked if the house was in bad shape. Mr. Kubish said yes, but it was structurally sound and had been used for storage for quite a while. Mr. McCracken stated the new structure was 12 ft. wider than the existing. Mr. Kubish said yes and it would be approximately the same centerline, it would be a little wider to the north and south. Mr. Angerami stated the drawing he was looking at showed 60 ft. from the property line to the front of the building. Mr. Kubish said yes. Mr. Angerami stated Mr. Kubish's application said he had 88.02 ft. Mr. Ramsdill asked if it was a setback not frontage. Mr. Mykins said he thought Mr. Kubish did his application before he got his survey. Mr. Angerami stated Mr. Kubish was asking for more than 62 ft. Mr. Mykins explained it was just frontage Mr. Kubish was not asking for a setback. Mr. Ramsdill said that it did say front yard setback on the chart. Ms. DiLeone (Zoning Clerk) said that was her fault the chart should have read frontage. Mr. Mykins clarified it was frontage and that Mr. Kubish met all other setbacks. Ms. DiLeone apologized to The Board.

Chairman O'Brien asked if there were any other questions. Mr. Deloria asked where the new septic would be installed. Mr. Kubish said he had a sight-engineered diagram that he had reviewed briefly with Mr. Mykins. Mr. Kubish explained the septic was in the front, on the north side and next to the driveway. Mr. Deloria asked what they planned to do with the property. Mr. Kubish said that they were going to live there.

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

Mr. Ramsdill made a motion to approve Appeal 2014-25 for Donald Kubish, 773 Route 9, Gansevoort, NY 12831. The request for an Area Variance pursuant to Schedule E of the Zoning Ordinance for relief of 61.98 ft. for frontage, to replace existing cottage with a new modular home; property located at 771 Route 9, Gansevoort, NY 12831, 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 the existing structure with a new structure. 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 lot is pre-existing non-conforming. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it is the minimum amount of relief and you can't change the size of the lot. 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 they are improving the property and replacing what is already there. 5. The applicant has demonstrated that the alleged difficulty is not self-created because you can't alter the size of the lot.

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

Chairman O'Brien recognized Dave Buchyn's resignation from The Zoning Board due to the fact he was elected to be the Chairman of The Wilton Republican Committee for a two-year term. Chairman O'Brien thanked Mr. Buchyn for attending and for his contributions to The Board.

ADJOURNMENT:

Mr. Kolligian made a motion to adjourn the meeting at 7:15 p.m. Mr. McCracken seconded the motion. All board members were in favor. The motion passed.

Dated: _____

Amy DiLeone
Zoning Clerk

