

**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY July 23, 2015**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, July 23, 2015 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, Dean Kolligian, Robert Barrett, Tony McCracken, Gerard Zabala, Scott Kingsley and Tony McCracken. Also present were James Deloria and Charles Foeher.

**ABSENT:** Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

**MINUTES:** The minutes of the last meeting, held on June 25, 2015 were approved, as submitted, on a motion made by Mr. Zabala seconded by Mr. McCracken. All board members were in favor.

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

**RENEWALS:**

**APPEAL NO. 03-29** Wendy Zwijacz, 19 Strong Road, Gansevoort, New York 12831. Request for the renewal of a Special Permit, pursuant to Section 129-26 (G) and 129-176 (V) of the Zoning Ordinance, for the keeping of agricultural animals. Permit originally granted on July 24, 2003, amended on October 28, 2004 (Appeal No. 04-45), and has been renewed every two years; property located at 19 Strong Road, Tax Map No. 102.-1-35.2, zoned R-2, in the Town of Wilton.

Chairman O'Brien asked Ms. Zwijacz if she would like her Special Permit to be continued. Ms. Zwijacz said yes please. Chairman O'Brien asked Ms. Zwijacz if there had been any problems. Ms. Zwijacz said none that she knew of.

Mr. Kolligian made a motion to renew Appeal No. 2003-29 for Wendy Zwijacz, 19 Strong Road, Gansevoort, New York 12831, pursuant to Section 129-26 (G) and

129-176 (V) of the Zoning Ordinance, for the keeping of agricultural animals for a period of two years.

Mr. McCracken seconded the motion. All Board members were in favor. The motion passed.

**APPEAL NO. 95-23** Ralph and Patricia Benincasa, 69 Edie Road, Saratoga Springs, New York 12866. Request for the renewal of a Special Permit, pursuant to Section 129-26 (B) of the Zoning Ordinance, for the boarding of horses. Permit originally granted on July 27, 1995 and has been renewed every two years. Property located at 69 Edie Road, Tax Map No. 154.-1-12.121, zoned R-2, in the Town of Wilton.

Chairman O'Brien asked Mr. Benincasa if he would like the Special Permit continued. Mr. Benincasa said yes sir.

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

Mr. McCracken made a motion to renew Appeal 1995-23 for Ralph and Patricia Benincasa, 69 Edie Road, Saratoga Springs, New York 12866, pursuant to Section 129-26 (B) of the Zoning Ordinance, for the boarding of horses for a period of two years.

Mr. Barrett seconded the motion. All Board members were in favor. The motion passed.

**NEW BUSINESS:**

**APPEAL NO. 2015-19** David M. Fisher, 60 Timbira Drive, Wilton, New York 12831. Request for an Area Variance pursuant to Section 129-157B, projection into required yards, for a rear yard setback relief requested is 20 ft., for a proposed shed; property located at 60 Timbira Drive, Wilton, New York 12831, Tax Map No. 114.20-2-24, zoned R-1 in the town of Wilton.

Chairman O'Brien asked if Mr. Fisher was there. Mr. Fisher answered yes. Chairman O'Brien asked if there were any questions for the applicant. Mr. Zabala asked if Mr. Fisher submitted for a building permit or spoken to the town officer about that. Mr. Fisher said yes he did and it was denied. Mr. Zabala asked if Mr. Fisher had spoken with the building inspector regarding the size of the shed not being an issue. Mr. Fisher said he had not heard anything regarding it being an issue. Mr. Ramsdill said the building inspector would have been the one that told him he needed a variance. Mr. Fisher said right.

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

Mr. Ramsdill made a motion to approve Appeal No. 2015-19 for David M. Fisher, 60 Timbira Drive, Wilton, New York 12831. Request for an Area Variance pursuant to Section 129-157B, projection into required yards, for a rear yard setback relief requested is 20 ft., for a proposed shed; property located at 60 Timbira Drive, Wilton, New York 12831, Tax Map No. 114.20-2-24, 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's a wooded area behind the property and there are other similar sheds in 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 of the unusual shape of the property and where he would like to locate it and still be able use the backyard, it requires that it be set in the back corner 3. The applicant has demonstrated that the requested Area Variance is not substantial because the shape of the lot causes it to approach the rear line in an unusual way. 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's similar to other properties in the area. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

**APPEAL NO. 2015-20** Karen and Paul Kelly, 27 Cobble Hill Drive, Wilton, New York 12831. Request for an Area Variance pursuant to Section 129-157B projections into yards, for a front yard setback relief requested is 10 ft., for a proposed attached porch; property located at 27 Cobble Hill Drive, Wilton, New York 12831, Tax Map No. 140.8-4-33, zoned R-1 in the town of Wilton.

Chairman O'Brien asked Mr. Kelly if he was Mr. Kelly. Mr. Kelly said yes. Chairman O'Brien asked if they had all the return receipts. Ms. DiLeone said yes. Chairman O'Brien asked if there were any questions. Mr. Zabala said he drove by and he thought it would improve the appearance. Mr. Kelly said thank you and they were trying to do a combination of improving the appearance and making it a little bit safer.

Mr. Zabala made a positive motion to approve Appeal No. 2015-20 for Karen and Paul Kelly, 27 Cobble Hill Drive, Wilton, New York 12831. Request for an Area Variance pursuant to Section 129-157B projections into yards, for a front yard setback relief requested is 10 ft., for a proposed attached porch; property located at 27 Cobble Hill Drive, Wilton, New York 12831, Tax Map No. 140.8-4-33, 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 construction of the front porch will make the structure consistent with other homes in 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 it cannot relocate the front door to the structure and that is the only front entry way. 3. The requested area variance is not substantial because the requested amount is only 10 ft. 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 many homes in this neighborhood also have front porches of similar design and characteristics. 5. The applicant has demonstrated that the alleged difficulty is self-created because they own the structure as it currently is.

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

**ADJOURNMENT:**

Mr. Ramsdill made a motion to adjourn the meeting at 7:12 p.m. Mr. Kolligian seconded the motion. All board members were in favor. The motion passed.

Dated: 8/28/2015

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Amy DiLeone, Zoning Clerk