

WILTON ZONING BOARD OF APPEALS
THURSDAY August 27, 2015

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, August 27, 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: Christopher Ramsdill, Dean Kolligian, Robert Barrett, Tony McCracken, Gerard Zabala, Charles Foehser, II and Scott Kingsley. Also present were Justin Grassi, Attorney, Mark Mykins, Zoning Officer and Sign Language Interpreters Sabrina Seeger and Elizabeth Beauregard

ABSENT: Chairman O'Brien, James Deloria and Mark Schachner, Town Attorney

MINUTES: The minutes of the last meeting, held on July 23, 2015 were approved, after Mr. Zabala entered a correction from last month's minutes for Appeal No. 2015-20 number 3 of the notice of decision; the requested Area Variance is not substantial because the requested amount is only 10 ft., on a motion made by Mr. McCracken seconded by Mr. Kingsley. All board members were in favor.

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

RENEWALS:

APPEAL NO. 93-18 Diane Esposito, 61 Davidson Drive, Saratoga Springs, New York 12866. Request for the renewal for a Special Permit for the temporary placement of a mobile home, to resolve a personal hardship. Special Permit originally granted August 23, 1993, and has been renewed every two years; property located at 61 Davidson Drive, Tax Map No. 140.14-1-34, zoned R-1.

Mr. Ramsdill asked Mr. Esposito to identify himself. He said he was John Esposito and he was there to represent his mother Diane Esposito. Mr. Ramsdill asked Mr. Esposito if he would like another renewal for two years. Mr. Esposito said yes. Mr. Ramsdill asked if there were any questions or concerns. Mr. Kolligian asked Mr. Mykins if there were any issues. Mr. Mykins said there were no issues. Mr. Ramsdill asked for comments. There were none.

Mr. McCracken made a motion to renew Appeal No.93-18 for Diane Esposito, 61 Davidson Drive, Saratoga Springs, New York 12866, pursuant to Section 129-21 of the Zoning Ordinance, for the temporary placement of a mobile home to resolve a personal hardship, in consideration of all finding off Section 129-175 (D), for a period of two years.

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

APPEAL NO. 09-15 Debra Pechette, 22 Amy Lane, Saratoga Springs, New York 12866. Request for the renewal of a Special Permit, pursuant to Schedule B and Section 129-176 (C) of the Zoning Ordinance, for a home occupation for a floral business. Special Permit originally granted on August 27, 2009 and has been renewed every two years; property located at 22 Amy Lane, Tax Map No. 141.15-1-50, zoned R-2, in the Town of Wilton.

Gary Pechette said he was there to represent his wife Debra Pechette. Mr. Pechette said they would like to renew for another two years, if possible. Mr. McCracken asked Mr. Mykins if there had been any problems. Mr. Mykins said there had been no problems or complaints. Mr. Ramsdill asked if there were any questions. There were none.

Mr. Barrett made a motion to renew Appeal No. 09-15 for Debra Pechette, 22 Amy Lane, Saratoga Springs, New York 12866. Request for the renewal of a Special Permit, pursuant to Schedule B and Section 129-176 (C) of the Zoning Ordinance, for a home occupation for a floral business. Special Permit originally granted on August 27, 2009; property located at 22 Amy Lane, Tax Map No. 141.15-1-50, zoned R-2, in the Town of Wilton, in consideration of all findings of Section 129-175 (D), for a period of two years.

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

APPEAL NO. 13-34 Kimberly VanHeste, 27 Suffolk Ln., Gansevoort, NY 12831. Request for the renewal of a Special Permit for a Home Occupation pursuant to Section 129-175 D. (1) – (5) and 129-176 C. (1), (2) and (3) for the

property located at 27 Suffolk Ln., Gansevoort, NY 12831, Tax Map No. 115.3-3-16, in the Town of Wilton. Special Permit originally granted on August 22, 2013 is due for review and renewal.

Kimberly VanHeste requested a renewal for two years. Mr. Ramsdill asked if there any concerns or issues. Mr. Mykins said no. Mr. Kingsley asked what the home occupation was. Ms. VanHeste said she makes jelly. Mr. Mykins said she makes jams and jellies. Mr. Ramsdill asked if there were any questions or comments.

Mr. Kingsley made a motion to approve Appeal No. 13-34 for Kimberly VanHeste, 27 Suffolk Lane, Gansevoort, N.Y., request for a Special Permit for a Home Occupation pursuant to Section 129-175 D. (1) – (5) and 129-176 C. (1), (2) and (3), for a period of two years.

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

APPEAL NO. 13-35 Michael G. Dobis and Lesley Waters, 21 Bullard Lane, Saratoga Springs, NY 12866. Request for the renewal of a Special Permit pursuant to Schedule B and Sections 129-175 D (a-e) and 129-176 C (1-4), for a home occupation for aromatherapy and therapeutic massage. Special Permit originally granted on September 26, 2013, is due for review and renewal; property located at 21 Bullard Lane, Saratoga Springs, NY 12866, Tax Map No. 128.-1-64, zoned R-2, in the Town of Wilton.

Mr. Dobis requested another two years. Mr. Ramsdill asked if there were any questions or concerns. Mr. Mykins said there were no concerns.

Mr. Kolligian made a motion to approve Appeal No. 13-35 for Michael G. Dobis and Lesley Waters, 21 Bullard Lane, Saratoga Springs, NY 12866. Request for the renewal of a Special Permit pursuant to Schedule B and Sections 129-175 D (a-e) and 129-176 C (1-4), for a home occupation for aromatherapy and therapeutic massage; property located at 21 Bullard Lane, Saratoga Springs, NY 12866, Tax Map No. 128.-1-64, zoned R-2, in the Town of Wilton for a period of two years.

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

NEW BUSINESS:

APPEAL NO. 2015-23 Gabryshak Construction, 22 Sydney Hill Drive, Saratoga Springs, NY 12866. Request for an Area Variance for side yard setback pursuant to special setbacks, for Kings Mills Conservation Subdivision, required

is 10.5 ft., relief requested is 1.50 ft., for a proposed garage with adjoining breezeway; property located at 4 Kent Drive, Gansevoort, NY 12831 Tax Map No. 115.17-4-29, zoned R-1 in the Town of Wilton.

Sign Language Interpreters Sabrina Seeger and Elizabeth Beauregard were present for Ms. Dohmann of 4 Kings Mills Road.

Ms. DiLeone noted there was one green card that was not returned and it was Nicholas Barton of 7 Aberdeen Way.

Dave Massaroni was representing Gabryshak Construction. Mr. Massaroni explained that there was a one foot and 6 inch overhang on the side yard setback. Mr. Ramsdill asked if there were any questions from the Board. Mr. McCracken stated it was the overhang that was creating the variance and the relief that they were looking for. Mr. Mykins said it was part of the building and the overhang, was a one foot overhang and six inches. Mr. Zabala asked Mr. Mykins if it was just the front corner of the building. Mr. Mykins said just the front corner of the building. Mr. Kingsley asked if the card that was missing that was missing from Mr. Barton was the adjoining property. Mr. Mykins said it's just the return card, correct. Ms. DiLeone said yes it was just the return card. Mrs. DiLeone said no.

Mr. Ramsdill asked if there were any comments from the public. There were none.

Mr. McCracken made a motion to approve Appeal No. 2015-23 for Gabryshak Construction, 22 Sydney Hill Drive, Saratoga Springs, NY 12866. Request for an Area Variance for side yard setback, pursuant to special setbacks, for Kings Mills Conservation Subdivision, required is 10.5 ft., relief requested is 1.50 ft., for a proposed garage with adjoining breezeway; property located at 4 New Kent Drive, Gansevoort, NY 12831 Tax Map No. 115.17-4-29, 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 part of the existing building and it's merely an overhang. 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's part of the existing building and it fits into the structure. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it's basically a 1 ft. overhang on the back of the building. 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 there are other buildings and or structures that are very similar. 5. The

applicant has demonstrated that the alleged difficulty is not self-created because it is part of the existing structure. The relief that the applicant is looking for is 1.5 ft. the applicant has 9 ft. and the requirement is 10.5 ft. for side yard setback.

Mr. Foehser seconded the motion. Mr. Zabala, Mr. Kingsley, Mr. Barrett, Mr. McCracken, Mr. Kolligian, Mr. Foehser and Mr. Ramsdill were all in favor. The motion passed.

APPEAL NO. 2015-21 Rochelle Keller, 191 Saratoga Blvd, Saratoga Springs, NY 12866. The proposed purchaser would like to combine two parcels creating a keyhole with rear parcel; pursuant to Schedule B, for an Area Variance for frontage, required is 250 ft., relief requested is 216.51 ft. for a proposed single family residence; property located on Route 50, Saratoga Springs, NY 12866, Tax Map No.'s 141.-2-24.1 & 141.-2-74.3 zoned R-2 & RB-1, in the Town of Wilton.

Mr. Keller introduced himself and said he was there on behalf of his mother Rochelle Keller and he was accompanied by his wife Heather.

Mr. Ramsdill read a referral from the **Saratoga County Planning Board**.

Decision: No significant County Wide or Inter Community Impact.

Mr. Keller said he had a copy of the survey that was done by Jessica Ferrizzi and asked if he Board had a copy. Mr. Keller put a copy of the survey on the board for the Board members to see. Mr. McCracken asked if that was the copy they had and Ms. DiLeone said yes. Mr. Keller explained that there was a small little piece that puts them in touch with Route 50 and that was the piece they were asking for the variance for and it was for frontage to access into the larger parcel which was 8.2 acres. He further explained they needed the variance to take the property in the back from being land locked and to have access to Route 50. Mr. Keller said it was a proposed single family home with an in-law sweet.

A Member of the audience asked where exactly on Route 50 was this going because he owns Waldren Lane and he received a letter that didn't really explain too much. Mr. Ramsdill asked the audience member to identify himself, he said he was Joseph Gero and he owned Waldren Lane and he lived at 6 Waldren Lane. Mr. Gero said the residence there were concerned because the property touches his property and the Lewis's, they are renting with the option to buy. Mr. Gero asked where they were planning to cut through to that property. Mr. Keller said the ideal situation if the Board grants the variance would be to enter from Route 50. Mr. Gero asked where. Mr. Keller said the addresses he had seen on the mail boxes were Mr. Tully, the new resident. Mr. Tully purchased Jessica's brothers property which adjoins the Biss farm and they would be right next to that

driveway going in and the neighbor north off them would be Chris and Barbara Latzko, they would be coming in on Route 50 and the back of the property borders the Bog Meadow Creek. Mr. Ramsdill said there was a real-estate sign parked right in the center of that strip and it says pending. Mr. Keller said yes. Mr. Ramsdill said he didn't know if they were familiar with that. Mr. Gero said he was a couple doors up from there and his neighbors were under the impression they were going to try and go across Bog Meadow Creek and down through Waldren Lane. Mr. Keller said that was not in the budget and that was not proposed in any way shape or form. Ms. Keller said it was basically running right next to the existing driveway that was already there. Mr. Keller said its maybe 100 ft. back before it turns to get to the larger portion which is where they will hopefully putting the driveway to get back there. Mr. Keller spoke to Mr. Gero and said it was not going to impact on him and they weren't going near the creek at this point and that had no desire to do that at this point they were not crossing the creek. Mike Dobis said he was a neighbor he had some rentals on his property which was 8 acres. Mr. Dobis said he was fine with the project and he thought the driveway was in a perfect spot. Mr. Dobis asked if they were combining the driveway with the one that was there. Mr. Keller said that was a good question he had thought about it but the people that are there now just purchased and they have been there about 30 days; he thought it would be a little intimidating to walk up to them and say hi we are going to hopefully your neighbors and by the way can we talk about easements or otherwise. Mr. Keller said he wouldn't have a problem doing that he wanted to get through this and then they could talk about that. Mr. Dobis said no concern, his Board looks at flag lots favorably now because you can combine driveways but regardless that's fine back in there. Mr. Keller said it was a maximum width of 25 ft. wide for a driveway and it would still leave them a tiny buffer on each side.

Mr. Zabala asked Mr. Mykins if there were any questions from the town or the state regarding the entrance on Route 50 or any question about location to the Bog Meadow Creek. Mr. Mykins said because it's a building lot and they're not going to encroach on the creek at all, they are well enough back, their setbacks for where they flagged the approximate location are well beyond the setbacks required for DEC and ACOE. Mr. Mykins further explained that coming in on Route 50 as long as there is a lot there basically DOT can't deny a curb cut and they will have to get permits for the curb cut. Mr. Zabala asked Mr. Mykins if when Fire Departments and EMT's access down the driveway if that would be an issue. Mr. Mykins said they need 14 ft. width.

Mr. Ramsdill asked if there were any questions from the Board or the audience. There were none.

Mr. Kolligian made a motion to approve Appeal No. 2015-21 for Rochelle Keller, 191 Saratoga Blvd, Saratoga Springs, NY 12866. Request for an Area Variance

pursuant to pursuant to Schedule B, for an Area Variance for frontage, required is 250 ft., relief requested is 216.51 ft. for a proposed single family residence; property located on Route 50, Saratoga Springs, NY 12866, Tax Map No.'s 141.-2-24.1 & 141.-2-74.3 zoned R-2 & 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 the variance necessary is for a permit for a driveway allowing access to the rear parcel. 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 there is no other access point to the public road Route 50. 3. The applicant has demonstrated that the requested Area Variance is not substantial because the use is for a driveway in order to access approximately 8.2 plus or minus acres in the rear of the property which is currently landlocked. 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 an adjacent driveway is existing and this applicant is looking to do the same thing for the rear parcel of land that they own. 5. The applicant has demonstrated that the alleged difficulty is not self-created due to the fact that the parcel of land being owned behind and this being the only access point in which they can provided the driveway to access their land. No conditions need to be met the tax map number is 141.-2-24.1 and 141.-2-74 zoned R-2 and RB 1 in the Town of Wilton.

Mr. Kingsley seconded the motion. Mr. Zabala, Mr. Kingsley, Mr. Barrett, Mr. McCracken, Mr. Kolligian, Mr. Foehser and Mr. Ramsdill were all in favor. The motion passed.

APPEAL NO. 2015-22 Gabryshak Construction, 22 Sydney Hill Drive, Saratoga Springs, NY 12866. Request for an Area Variance for front yard setback pursuant to section 129-181 B, for a proposed detached sign to be placed 9.583 ft. from the property line, required is 30 ft., amount of relief requested is 20.417 ft.; property located at 23 Northern Pines Rd., Gansevoort, NY 12831, Tax Map No. 114.8-1-9, zoned H-1 in the Town of Wilton.

Mr. Ramsdill read a referral from the **Saratoga County Planning Board**.

Decision: No significant County Wide or Inter Community Impact.

Comment: A sight visit was conducted and with the aid of posting to indicate the location of the proposed signage, it was determined that placement of the sign will not impact the visibility and sight distance for left turn movements from

Wilton Gansevoort Road onto southbound Northern Pines Road. We recommend that town staff be vigilant of any future landscaping that may be incorporated around the sign and impair visibility for drivers making such turns

Mr. Ramsdill noted there were three missing green cards; John Priest, John Weir and David Hummel.

Mr. Massaroni said from what he understood it was Hamlet Zoning and he asked Mr. Mykins about the correct distance of the building. Mr. Mykins said it had to be within 15 ft. to 25 ft. from the front property line. Mr. Massaroni said the building. Mr. Mykins said yes. Mr. Massaroni said his recommendation would be for Hamlet Zoning to change the sign requirement because the requirement is 30 ft. back. Mr. Mykins said that was addressed in the Comp Plan which hasn't been adopted yet. Mr. Massaroni said anyway the building has to be twenty something feet off the furthest point from the road and the sign has to be 30 ft. Mr. Ramsdill said it would be hard to see it from inside the building. Mr. Ramsdill asked if the location of the sign was where the post was with the red tape on top. Mr. Zabala asked about the type of illumination and if it was going to be from the interior of the sign and if it would have illumination below or flood lights shining on it. Mr. Massaroni said he had not seen the final draft of the sign, he said he doubted they were going to do the stone base and he understood the concern about landscaping for visibility on the turn. Mr. McCracken said the plan said; double lit sign, stone base, high output and Mr. McCracken assumed it would be backlit. Mr. Mykins said to Mr. Massaroni he had to understand that this was what they were approving because this was what was submitted. Mr. Massaroni said their intent was to be able to slide pieces of the sign in and out. Mr. Kolligian said what Mr. Mykins was saying was Mr. Massaroni mentioned he was not going to do the stone base so what the Board was looking to approve right now was what you have applied for, which includes a stone base. Mr. Kolligian said if that was going to change ultimately the board would have to approve something different and it sounds like the letter that came from Mike Valentine had some recommendations for conditions that could be put on the variance if granted. Mr. Kolligian said if they were to revoke this application and come back again with a new design they could have those conditions put in there to pay attention to the landscaping. Mr. Kingsley asked Mr. Mykins, if they were just approving the relief wouldn't design review be per view of the Planning Board. Mr. Mykins said no because this is not going in front of the Planning Board. Mr. Mykins explained that this was what they were doing, this was what they were going to put in and if they go and change that by putting two posts out farther, they have now further encroached their setbacks or if they change the design; they are asking for this sign, if they gave us nothing else. Mr. Kingsley stated if they did something different but it was within the relief the Board gave them. Attorney Grassi said that was correct, the variance that will be given will take into account the dimensional limitations that they have in this application and whatever relief the Board grants them

because he has expressed that they may change the bottom; if the Board so chose they could now approve a design that was different than what he has provided to the Board. Mr. Mykins said they would come back to zoning or planning. Mr. Massaroni asked if the stone base was Versa-Lok would that be alright. Mr. Mykins said he would have to provide that with the application, this isn't a sign application it's a variance. Mr. Mykins explained that if it changed drastically it would have to go in front of the Planning Board. Mr. Massaroni said ok. Mr. McCracken said the Board would be giving the variance for the space. Mr. Massaroni said that was the way he understood it. Mr. Ramsdill said that was cosmetics versus substantial changes in dimensions. Mr. Mykins said the Hamlet Zone has a lot of design considerations. Mr. Ramsdill asked if there were any questions or comments. Mr. Massaroni said this was basically for relief of the setback. Mr. Mykins said correct, but there are Hamlet design considerations that have to be taken into accountability. Mr. McCracken asked about a 6 inch marking on the sign. Mr. Barrett said it was a six inch overhang. Mr. Mykins said he thought the six inches was on the bottom also. Mr. McCracken said it comes straight down with the stone base. Mr. Ramsdill said it sits up in the air pretty substantially off the road. Mr. Barrett said the ground was high to begin with and the ground blocks your sight lines more than a sign would. Mr. Kingsley asked if there were any tests done to determine if the bright light would be going into anyone's windows. Mr. Mykins said there are no windows right there and it's high enough up on the corner, if it is their windows and they own the property across the street that is vacant as well as the property kitty corner.

Mr. Ramsdill asked if there were any other questions. Mr. Kolligian asked if they could review the letter from Mike Valentine before someone makes a motion either way because he thought there would be a couple of conditions to be put into the approval. Mr. Ramsdill re-read the portion of the letter that stated "We recommend that town staff be vigilant of any future landscaping that may be incorporated around the sign and impair visibility for drivers making such turns." Referencing "left turn movements from Wilton Gansevoort Road onto southbound Northern Pines Road." Mr. Barrett said it would be any shrubs or anything that would be around the base of the sign. Mr. Massaroni said they have trees there now that were required by the Planning Board. Mr. Mykins explained they looked at the sign and what they didn't want to happen was once you get the sign in you decide you're going to put up a brick swale around it and put plantings in the brick swale so it doesn't further encroach and block sight distance. Mr. Massaroni said on the bank there are Pine Trees that are going to get bigger over time. Mr. Mykins said they were on top on the other side. Mr. Massaroni said no they're on the bank they're on the other side and they are inside the sidewalk they were between the sidewalk and the building and the building. Mr. Mykins said Ryan would have to look at that. Mr. Ramsdill said the town would always look at anything that could potentially impede sight lines that would be a safety concern if someone tried to erect anything in sight distance. Mr.

Mykins said that was why they put the pole up there because the county wasn't sure exactly where it was going and they wanted to know where the sight lines were.

Mr. Kolligian made a motion to approve Appeal No. 2015-22 for of Gabryshak Construction, 22 Sydney Hill Drive, Saratoga Springs, NY 12866. Request for an Area Variance for front yard setback pursuant to Section 129-181 B, for a proposed detached sign to be placed 9.583 ft. from the property line, required is 30 ft., amount of relief requested is 20.417 ft.; property located at 23 Northern Pines Rd., Gansevoort, NY 12831, Tax Map No. 114.8-1-9, zoned H-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 will not obstruct the view of traffic and is in the character of the H-1 District. 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 front yard setbacks for this structure do not allow the 30 ft. setbacks and more specifically the Hamlet Zone requires a building to be closer than the current sign setbacks. 3. The applicant has demonstrated that the requested Area Variance is not substantial because of the way the building sits on 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 it will not distract from the current neighborhood. 5. The applicant has demonstrated that the alleged difficulty is not self-created due to the fact that the current zoning rules in the Hamlet Zone require the building to be closer than the current setback for signage. Conditioned upon the letter set from the county signed by Mike Valentine; to take into consideration the landscaping whether it be plantings and or physical structure around the sign are carefully designed so as to not prohibit clear site lines for traffic.

Mr. Barrett seconded the motion. Mr. Zabala, Mr. Kingsley, Mr. Barrett, Mr. McCracken, Mr. Kolligian, Mr. Foehser and Mr. Ramsdill were all in favor. The motion passed.

APPEAL NO. 2015-24 Michael Dobis, 21 Bullard Lane, Saratoga Springs. NY 12866. Request for Area Variances for front yard setback and side yard setback pursuant to Schedule "B" and Section 129-1-157 projections into required yards, for a proposed garage, front yard setback is 50 ft. requested relief of 25.50 ft. and side yard setback is 40 ft. requested relief of 27.50 ft.; property located at 21 Bullard Rd., Saratoga Springs, NY 12866, Tax Map No. 128.-1-64, zoned R-2 in the Town of Wilton.

Mr. Dobis said what he had now was a pre-existing nonconforming use. Mr. Ramsdill said so sorry, he had to mention they didn't receive a green card back from Charles Gerber. Mr. Dobis said he contacted all the neighbors and had spoken to Mr. Gerber and he said he knew what Mr. Dobis was doing and wasn't going to send the card back. Mr. Dobis said he had a pre-existing nonconforming storage shed with an overhang and had lost his garage to a massage therapy business. Mr. Dobis explained they took the existing storage building and removed it. He said he was looking to put a 28' x 30' garage. Mr. Dobis said he had a barn in the back so really need to have the garage where the storage building was. Mr. Dobis said the new building is not going to be any closer to the property line which is the county forest and it won't be any closer to the road than his house was right now. Mr. Dobis said all the buildings were there before zoning so the setbacks weren't required. Mr. Dobis said he had talked to all his neighbors and that was not an issue and the expanded footprint is going farther towards the back and the left side of the property and that will give him access to the back barn. Mr. Dobis explained that the picture showed Wendy Zwijacz house if you were standing in the front of his proposed new garage location looking off to the left about 125 ft. her house was the only house that could see his property.

Mr. McCracken stated Mr. Dobis was removing the existing building and proposing the new one. Mr. Dobis said yes. Mr. McCracken asked if there was a reason it couldn't go closer to the house to have a larger relief between the property lines. Mr. Dobis said he had about 24 ft. separation between the house and what was existing. He explained he was trying to keep the garage in the same area so he still would have the same distance to get back to the barn and this building wouldn't be any closer to the side which is county forest and it wouldn't be any closer to the front than his house is now. Mr. McCracken asked if the existing building 28 ft. wide. Mr. Dobis said no. Mr. McCracken asked what the width was Mr. Dobis said it was 27 ft. Mr. Ramsdill asked if there were any other questions. Mr. Dobis said the Board should have a hand drawn map. Mr. Dobis said the map shows what is there now and he was proposing it is more towards the left and rear sided of the property. Mr. Barrett asked if he was pulling out the existing storage shed. Mr. Dobis said yes. Mr. Kingsley asked Mr. Mykins about the property boarding County Forest and having to be referred to the county. Mr. Mykins said the county was notified. Ms. DiLeone said Mike Valentine didn't feel it needed to be reviewed, it will be put on the quarterly reporting form. Mr. Ramsdill asked if there were any questions from the audience. There were none.

Mr. Zabala made a motion to approve Appeal 2015-24 for Michael Dobis, 21 Bullard Lane, Saratoga Springs. NY 12866. Request for Area Variances for front yard setback and side yard setback pursuant to Schedule "B" and Section 129-1-157 projections into required yards, for a proposed garage, front yard setback is 50 ft. requested relief of 25.50 ft. and side yard setback is 40 ft. requested relief of

27.50 ft.; property located at 21 Bullard Rd., Saratoga Springs, NY 12866, Tax Map No. 128.-1-64, 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 there was previously a structure on the property and the additional structure will improve the property and is equivalent to what is currently located there. 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 there needs to be a required access way to his current barn and have that between his house and the structure and the property lines were there or added after zoning was required, the setback was added after the structure was built. 3. The applicant has demonstrated that the requested Area Variance is not substantial because he is only requesting 27.5 ft. on the side yard setback and 25.5 ft. for the front yard setback. 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 current neighborhood is mostly forested and there is one visible property and that individual approves the change to this property. 5. The applicant has demonstrated that the alleged difficulty was not self-created because the structure that is being built or current storage structure was in place before the zoning was adopted by the town.

Mr. McCracken seconded the motion. Mr. Zabala, Mr. Kingsley, Mr. Barrett, Mr. McCracken, Mr. Kolligian, Mr. Foehser and Mr. Ramsdill were all in favor. The motion passed.

ADJOURNMENT:

Mr. Kingsley made a motion to adjourn the meeting at 7:45 p.m. Mr. McCracken seconded the motion. All board members were in favor. The motion passed.

Dated: _____

Amy DiLeone
Zoning Clerk