

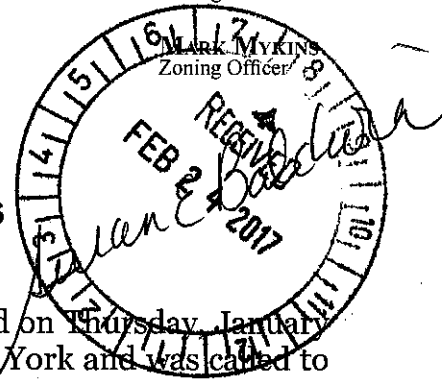


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JOSEPH O'BRIEN
Zoning Board Chairman

AMY DiLEONE
Zoning Clerk

MARK MYKINS
Zoning Officer



WILTON ZONING BOARD OF APPEALS
THURSDAY January 26, 2017

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, January 26, 2017 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, Robert Barrett, James Deloria, Gerard Zabala, Charles Foehser, Dean Kolligian and Scott Kingsley. Also present were Justin Grassi, Town of Wilton Zoning Board of Appeals Attorney and John Herlihy, Assistant Building Inspector.

ABSENT: Mark Mykins, Zoning Officer

MINUTES: The minutes of the last meeting, held on December 8, 2016 were approved, as submitted, on a motion made by Mr. Barrett and 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. 12-31 Laura Fogg and Shane Pratt, 256 Gurn Springs Road, Wilton, 176 Zoning Ordinance for a private stable; property located at 256 Gurn Springs Road, Tax Map No. 116.-1-2.11, zoned R-2, in the Town of Wilton granted on July 26, 2012 for a period of two years and amended on January 25, 2015, is due for review and renewal.

The Board by resolution adjourned the public hearing and tabled any action on this appeal, until the next meeting, due to the applicant's failure to appear.

APPEAL NO. 07-03 James and Kate Fontaine, 28 King Road, Saratoga Springs, New York 12866. Request for the renewal of a Special Permit pursuant to Section 129-26, 129-176 (P) and Schedule B of the Zoning Ordinance, for an existing accessory apartment; property located at 28 King Road, Tax Map No. 128.-1-37.2, zoned R-2, in the Town of Wilton. Special Permit was originally granted on January 25, 2007 for a period of two years, is due for review and renewal.

Mr. Fontaine said they would like to renew. He said their son Paul lived there with his wife and son. Mr. Fontaine said he and his wife resided in the main house and haven't had any issues or changes and they plan to keep it.

Mr. Kolligian made a motion to approve Appeal No. 07-03 James and Kate Fontaine, 28 King Road, Saratoga Springs, New York 12866. Request for the renewal of a Special Permit pursuant to Section 129-26, 129-176 (P) and Schedule B of the Zoning Ordinance, for an existing accessory apartment; property located at 28 King Road, Tax Map No. 128.-1-37.2, zoned R-2, in the Town of Wilton. Special Permit was originally granted on January 25, 2007 for a period of two years and shall be renewed for a period of two years.

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

NEW BUSINESS:

APPEAL NO. 2017-01 Galarneau Builders Inc., 526 Maple Avenue, Saratoga Springs, NY 12866. Request for an Area Variance, pursuant to Section 129-157B and 129 Attachment 7 Schedule A of the Zoning Ordinance, to construct a 758 square foot addition. The applicant is proposing a 16.8 foot side yard setback, relief requested is 8.2 feet; property located at 11 Bradford Drive, Saratoga Springs, NY 12866, Tax Map No. 153.7-2-2, zoned R-1 in the town of Wilton.

Ed Lewis was with Galarneau Builders explained that they were representing Thomas Beauregard and was proposing to put an addition on his house. Mr. Lewis said that they were asking for relief on the side setback and it was an Area Variance of 8.2 ft. He said the setback was 25 ft. on the side and to decrease that by 16.8 ft. Mr. Lewis said that they were building an area for their in-laws because they were having some health issues and were going to come live with them. He said it was going to be an apartment then he said it wasn't going to be an apartment, it was going to be an added area for the in-laws to live in. Mr. Lewis said that over time the addition will be made into a master suite, after the in-laws were gone. Mr. Zabala questioned the addition of landscaping and trees and was it a concern of the neighbors. Mr. Lewis said he had talked to the neighbors and there were quite a few trees on that side between the neighbor's and that was a deed restriction. Mr. Ramsdill said that there was a low area that was filled a lot of trees between the two properties. Mr. Lewis said that was on the other side and this was on the right hand side and the next door neighbor was Schumacher and it was level to that area. He said it was level between 11 and 9, and on the opposite side towards Flannigan that it drops. Mr.

Lewis said he had lived in that subdivision since 2001 and had built seven houses in the subdivision. Chairman O'Brien asked if it was going to be a self-sustained living quarters. Mr. Lewis said it was not it was part of the house. He explained that it had a kitchen, living room, master bedroom, master bath and a full basement. Chairman said that it was a little unusual. Mr. Kolligian asked if it had a separate entrance. Mr. Lewis said there was no separate entrance. Mr. Deloria asked if it was a Special Permit in consideration for an in-law apartment. Mr. Barrett said it was an Area Variance not a special use. Mr. Ramsdill said it wasn't really an in-law apartment because it has the same entrance. Mr. Lewis said it was additional living space. Mr. Barrett said that they had something similar in their home. Mr. Deloria said if he used a scale on the plan sheet one inch was supposed to be twenty feet the numbers don't add up. He said if you measured an inch it would be well into the addition. Mr. Lewis said the map he had was an actual scale map and the map that the Board had was a reduction. Mr. Lewis said that the area that caused the need for the variance was the egress window. Mr. Deloria questioned the measurement and Mr. Ramsdill asked if the patio counted because the requested Area Variance included the patio. He said if it wasn't including the patio and only included the egress window then it would be two feet less of relief requested. Mr. Lewis said it was probably a mistake by the secretary who made out the paperwork. Mr. Ramsdill said he would only need 6.2 feet of relief. Mr. Herlihy said it would be 16.8 feet because people turn patios into decks and at that point you would need the extra relief. Mr. Lewis agreed it was better to have a little extra relief.

Chairman O'Brien asked if there were any questions. Mr. Lewis said he had a scale out in his truck. Mr. Barrett said he didn't think the scale was as important as the distance to the setback. Mr. Lewis said the distance was still going to be the same number.

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

Mr. Ramsdill made a motion to approve Appeal No. 2017-01 for Galarneau Builders Inc., 526 Maple Avenue, Saratoga Springs, NY 12866. Request for an Area Variance, pursuant to Section 129-157B and 129 Attachment 7 Schedule A of the Zoning Ordinance, to construct a 758 square foot addition. The applicant is proposing a 16.8 foot side yard setback, relief requested is 8.2 feet; property located at 11 Bradford Drive, Saratoga Springs, NY 12866, Tax Map No. 153.7-2-2, 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 going to be consistent with the home and it will remain a part of the home. It will not have a separate entrance to the addition and it will fit in nicely with the properties in terms of the scale and square footage. 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 in scale with the house and would fit in to the area that they are attempting to place it. 3. The applicant has demonstrated that the requested Area Variance is not substantial because of the unusual cut-back on the property line on that side and it pushes it closer to the house when you enter into the rear portion of where the addition would be built. The addition only intrudes in several small

triangular shapes to the side yard. The majority of the addition would actually be within the setback. The garage and access to the backyard off on the left hand side with the drop off makes it difficult to place it on that side of the house. 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 in scale with the house and would fit in to the area that they are attempting to place it. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

APPEAL NO. 2017-02 Jessica Schwartzman, 26 Fairmount Drive, Gansevoort, NY 12831. Request for a Special Permit pursuant to Section 129 Attachment 7 Schedule A, Section 129-175 D and Section 129-176 C. (3) and (4). The applicant is proposing a home occupation of a consulting and advisory service; property located at 26 Fairmount, Gansevoort, NY 12831, Tax Map No. 128.9-1-44, zoned R-1 in the town of Wilton.

Chairman O'Brien read the correspondence Ms. Schwartzman submitted to the Zoning Officer, Mark Mykins.

To whom it may concern,

I will be operating Cambliamento LLC out of my residence at 26 Fairmount Drive. The LLC will provide consulting and advisory services. The LLC may operate a blog and utilize social media and other outlets for advertising or other purposes. There will be no clients at the residence and no shipments or deliveries of goods.

Thank you for your consideration,
Jessica Schwartzman
CEO/Member Cambliamento LLC
26 Fairmount Drive
Gansevoort, NY 12831

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

Mr. Kolligian made a motion to approve 2017-02 for Jessica Schwartzman, 26 Fairmount Drive, Gansevoort, NY 12831. Request for a Special Permit pursuant to Section 129 Attachment 7 Schedule A, Section 129-175 D and Section 129-176 C. (3) and (4). The applicant is proposing a home occupation of a consulting and advisory service; property located at 26 Fairmount, Gansevoort, NY 12831, Tax Map No. 128.9-1-44, zoned R-1 in the Town of Wilton will be granted for a period of two years.

Mr. Deloria seconded the motion. Chairman O'Brien asked if there was any further discussion. Mr. Kingsley asked if the Board wanted to add a condition on the Special Permit that there will be no clients or delivery of goods to the home. Chairman O'Brien said Ms. Schwartzman had stated that in her letter. Attorney Grassi explained that the

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Board would be approving is the specific parameters of the use which was on the application.

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

Mr. Kolligian Made a Motion to table Appeal No. 20102-31 for Laura Fogg and Shane Pratt, 256 Gurn Springs Road, until next month's meeting.

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

ADJOURNMENT:

Mr. Ramsdill made a motion to adjourn at 7:30 pm. Mr. Kolligian seconded the motion. All Board members were in favor. The motion passed.

Dated: 2/24/2017

BOARD OF APPEALS

BY Amy DiLeone

Amy DiLeone, Zoning Clerk

BY Joseph O'Brien Ad.

Joseph O'Brien, Chairman