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Zoning Board Chairman

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MARK MYKINS
Zoning Officer

WILTON ZONING BOARD OF APPEALS THURSDAY February 23, 2017

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, February 23, 2017 at the Wilton Town Hall, 22 Traver Road, Wilton, New York and was called to order by Vice Chairman Ramsdill at 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Christopher Ramsdill, James Deloria, Dean Kolligian, Joseph Sabanos and Scott Kingsley. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

ABSENT: Chairman Joseph O'Brien, Charles Foehser, Robert Barrett, Gerard Zabala

MINUTES: The minutes of the last meeting, held on January 26, 2017 were approved, as submitted, on a motion made by Mr. Kingsley and seconded by Mr. Kolligian. All board members were in favor.

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

RENEWALS:

APPEAL NO. 12-31 Laura Fogg and Shane Pratt, 256 Gurn Springs Road, Wilton, 176B 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 Special Permit granted on July 26, 2012 for a period of two years and amended on January 25, 2015, is due for review and renewal.

Vice Chairman Ramsdill asked the applicants to state their names for the Board. Vice Chairman Ramsdill verified with the applicants that they wish to continue to renew the use of the property. Applicants Pratt and Fogg agreed, and reported no issues or problems.

Mr. Kolligan made a motion to approve Appeal No. 12-31 for Laura Fogg and Shane Pratt at 256 Gurn Springs Road, in the Town of Wilton, 176 B of the Zoning Ordinance which is a request for a Special Permit for a private stable located at said property Tax Map No. 116.-1-2.11, zoned R-2, Town of Wilton. This Special Permit was originally granted on July 26, 2012, and is approved for another 2 years.

Motion to approve made by Mr. Kolligan and second by Mr. Kingsley.
All Board Members were in favor. The motion passed.

NEW BUSINESS:

APPEAL NO. 2017-03 Saratoga Sports Club, 175 Ballston Avenue, Saratoga Springs, NY 12866. Request for Area Variances for a proposed change of use from a single family residence to a commercial use for a not for profit baseball club. Pursuant to Schedule E RB-1 District; property located at 4252 Route 50, Saratoga Springs, NY 12866, Tax Map No. 141.-2-83, zoned RB-1 in the Town of Wilton.

Mr. Ramsdill read email from Gailor, Alex: Requesting this application be tabled.

Mr. Kingsley motions to table Appeal No. 2017-03 until the March meeting.
Mr. Sabanos seconds the motion.

All Board Members in favor.

Mr. Ramsdill confirms this is tabled until the next zoning board meeting.

APPEAL NO. 2017-04 Mark McRoberts, 17 Story Brook Drive, Saratoga Springs, NY 12866. Request for Area Variance to bring property into compliance. Pursuant to Section 129-157 B and 129 Attachment 8; property located at 108 Ruggles Road, Saratoga Springs, NY 12866, Tax Map No. 154.-2-22.2, zoned R-2 in the Town of Wilton.

Mr. Ramsdill requests applicant McRoberts explain what he would like to do.

Mr. McRoberts states he would like to bring the property into compliance. McRoberts believes the garage was built in the early 80's and was never given a certificate of compliance. Seems it was built approx. 6 ft. into the set-back of the side and we bought the property not knowing that back in November, so we just want to bring it up to code.

Mr. Ramsdill asks if there are any questions.

Mr. Kolligan asks Mark Mykins if this would fall under the preexisting non-conforming. Mark Mykins answers, "No", it doesn't fall under preexisting non-conforming because the property didn't conform when the garage went up. It was built, started without a permit and they made them file for a permit and never closed out the permit-(Mr. Kolligan, "previous owners correct?"), "Yes". "It doesn't make it pre-existing by ownership, it's by property/lot."

Attorney Mark Schachner states that “In order for it to be in compliance it needs a variance even though it is after the fact variance”.

Mark Mykins explains that Mr. McRoberts “kinda’ walked into this” and we are trying to help him clean up the property.

Mr. McRoberts stated they are doing renovations to the main house, so they are going to bring the garages into compliance, bring the electrical up to code and whatever else. None of the structures are being added on to or torn down, they are just trying to make it compliant. It’s been there quite a long time, early 80’s without complaints from the neighbors, Mr. McRoberts mentioned.

Mr. Ramsdill asks if there is any public comment. There was none.

Mr. Kolligan made a motion to approve application Appeal No. 2017-4 for Mark McRoberts, 17 Story Brook Drive, Saratoga Springs, NY 12866. Request for Area Variance located at the said property to bring property into compliance. Pursuant to Section 129-157 B and 129 Attachment 8; property located at 108 Ruggles Road, Saratoga Springs, NY 12866, Tax Map No. 154.-2-22.2, zoned R-2 in the Town of Wilton, be granted because the benefit to the applicant outweighs the detriment to the health, safety and welfare of the community for the following reasons: The request for an Area Variance pursuant to Section 129-157 B and 129 Attachment 8, for frontage is 199.79 feet relief requested is 50.21 feet. The north side yard setback to the closest structure is 29.20 feet relief requested is 10.80 feet, the south side yard setback to the garage is 34.1 feet amount of relief requested is 5.9 feet; property located at 108 Ruggles Road, Saratoga Springs, NY 12866, Tax Map No. 154.-2-22.2, 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 the property owner purchased the property with the garage that had existed for 30 years with no complaints from any of the neighbors. 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 this garage was existing and it would be very costly to remove. 3. The applicant has demonstrated that the requested Area Variance is not substantial because all structures are existing; again, with no complaints from the neighbors for 30 years. 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 all the structures are existing and there are others like it in the neighborhood. 5. The applicant has demonstrated that the alleged difficulty is it is self -created from the pre-existing owner.

Mr. Kingsley seconds the motion. Motion Roll Call: Mr. Ramsdill-Approve, Mr. Deloria-Approve, Mr. Kolligian-Approve, Mr. Sabanos-Approve, Mr. Kingsley-Approve. The motion passed.

ADJOURNMENT:

Motion to adjourn made by Mr. Ramsdill.

Motion made by Mr. Kolligan and Second by Mr. Kingsley.

All Board Members were in favor. The motion passed.

Meeting adjourned 7:10PM