

**WILTON ZONING BOARD OF APPEALS
THURSDAY February 25, 2016**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, February 25, 2016 at the Wilton Town Hall, 22 Traver Road, Wilton, New York and was called to order by Vice Chairman at 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Vice Chairman Ramsdill, James Deloria, Dean Kolligian, Gerard Zabala, Charles Foehser and Scott Kingsley. Also present were Justin Grassi, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

ABSENT: Chairman O'Brien, Robert Barrett and Anthony McCracken

MINUTES: The minutes of the last meeting, held on January 28, 2016 were amended and approved, on a motion made by Mr. Kingsley seconded by Mr. Zabala. All board members were in favor.

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

NEW BUSINESS:

APPEAL NO. 2016-03 Kathryn Taylor Anilowski, 27 Tom Sawyer Drive, Gansevoort N.Y. 12831. Request for an Area Variances pursuant to Schedule "A", Sections 129-157 and 129-109, for a proposed carport on the north side of the home; property located at 27 Tom Sawyer Drive, Gansevoort N.Y. 12831, Tax Map No. 114.20-1-21, zoned R-1 in the Town of Wilton.

Ms. DiLeone said she received an email from Mrs. Anilowski stating she would like to table this appeal until next month's meeting.

Mr. Kingsley made a motion to table Appeal 2016-03. Mr. Deloria seconded the motion. All Board members were in favor.

APPEAL NO. 2016-05 Robert Reeves, 15 Waverly Place, Wilton, N.Y. 12831. Request for an Area Variance pursuant to Section 129-157 B Attachment 7, Schedule A, for a proposed 12 x 24 pool house, on the left side of the house. Applicant is proposing a 5 ft. side yard setback relief of 15 Ft.; property located at 15 Waverly Place, Wilton, N.Y. 12831, Tax Map No. 127.11-3-7, zoned R-1 in the town of Wilton.

Mr. Reeves approached the Board and thanked the Board. Mr. Reeves asked if everyone had the property map to reference.

Mr. Ramsdill noted there was one green card missing, 17 Cardiff Circle. Mr. Reeves said as of that day it had not come back and that was the only person he had not heard from and it was the only person he had not spoken to.

Mr. said they wanted to put in a pool this spring and a pool house with a bathroom in it. Mr. Reeves explained how they had done quite a bit of work on the layout and how to fit it into what he had out there. Mr. Reeves said he had the guy who is doing the pool come this past weekend and he was able to stencil the pool in the yard so he could get a good idea of what he had to work with. Mr. Reeves explained that with what he had existing already, the top right hand corner there was a shed and a swing set. He further explained what he wanted to do in the future was why he had laid things out that way. Mr. Reeves said there would be a future sunroom off the back of the house, it was in the center of the house and was 16 ft. x 24 ft. He further explained that it limited him to the left side of the property because it was too cluttered to work on the right side. Mr. Reeves said he was dealing with the left side of the property for the pool house, he explained the pool was 18 ft. x 29 ft. x 37 ft. centered in the yard and that was what they really wanted to do. Mr. Reeves said that left him with the side yard and the rear yard to work with. Mr. Reeves said he had the plans to show his intent on building the room; he had picked them up this week and brought them with him. Mr. Reeves said the plans were already paid for and he couldn't do all of the work at once financially all in the same year. Mr. Reeves said his intent was to build the addition in the next couple of years and this summer he wanted to do the pool and the pool house. Mr. Reeves said he was left with the left side of the yard and the rear and his second big point was the plumbing. He said he had a plumber come to the house for a consultation just to explain what his plans were and if he could do what he wanted to do. Mr. Reeves said he also spoke to Ethan Hall an architect and a Sani Flow rep, which was the company that made the grinder pump toilets. Mr. Reeves explained that was what he was going to have to do out there, because he could not grade it in without a pump. Mr. Reeves said the advice all three of the people he had spoken with said

he was better off keeping it close to the house and it was a 25 ft. or 30 ft. run straight into the house that was horizontal and level. He explained the pumps were not made to go up hill they were designed to pump vertically like in a basement pitched with gravity into the main in the house. Mr. Reeves said he had to do it the opposite way; he had to pump it horizontally into the basement and then get another pump to pump it vertically. Mr. Reeves said it could be done at his chosen location but if he had to do it in the rear yard somewhere, he would be in the same boat with the amount of relief he needed. Mr. Reeves said he was really working out of his parameters where he decides to put the pool house but the big thing was he didn't want to run into any problems when he was running the plumbing around the pool. He explained again that he was advised by all three guys to keep the pool house where it was being proposed. Mr. Reeves said it really didn't give them a lot of options to do what they wanted to do. He explained that they really wanted the pool and the bathroom and that was a key component out there and did not want to compromise on that and he didn't have a whole lot of option other than what was laid out there. Mr. Reeves said he was going to do a privacy fence in the front and he had already done an Arborvitae tree line that ran almost the entire side of the left property line and turned the corner. He explained he had already pre-thought the screening idea to close it in. Mr. Reeves explained the structure to the Board. He explained it had a hipped roof and that made the structure look smaller than it really was. Mr. Reeves said by the time he would have his fencing and his screening up the only thing anyone was going to see would be the roof from the road. He explained he had a lot of tree barrier everywhere else and it was going to be a beautiful building.

Mr. Reeves said he didn't believe it would compromise the integrity of the neighborhood at all it would probably enhance it.

Mr. Zabala asked what the elevation difference was from the proposed shed to the house. Mr. Reeves said it wasn't much, it was fairly flat and it graded away from the house a little bit. He said the side yard was closer to the grade of the house than the rear, it drops off slightly more in the back but it was not a substantial amount. Mr. Zabala asked a question about the utility issues being located within the building area or other side of the pool. Mr. Reeves said for addition he was going to do it really wouldn't do it justice looking at the map when you go out in the yard it would be very crowded and it would be barely 10 ft. from the structures. Mr. Reeves said it would be too close to the addition, the shed and the swings. Mr. Reeves said he wanted to keep a little bit of the yard if possible. Mr. Zabala asked about lot 13 and if there was structure anywhere near the proposed building. Mr. Reeves said there was not a structure there; there was a small patio in the back of his house towards the right side. Mr. Reeves said there was a basketball court in the center left rear of his yard. Mr. Reeves said he had spoken to everyone except the neighbor that had not responded and no one had an issue. Mr. Reeves explained the neighbor at 13 said if there was anything he could do to help and Mr. Reeves said he didn't call him on it. Mr. Zabala said it looked like an attractive

improvement and addition. Mr. Foehser said lot 13 only had a window on the second story and it was high and in front so, he wouldn't be staring at it.

Mr. Ramsdill asked if there were any questions or public comments. Mr. Kolligian stated this was a relatively new development and asked Mr. Mykins if there were any other pools and or structures in the neighborhood. Mr. Mykins said not really. Mr. Ramsdill said there was one down by 19. Mr. Reeves said there was a pool and some sort of gazebo structure and it was located on the corner of the cul-de-sac. Mrs. Reeves said that 12 had a pool as well.

Mr. Kolligian made a motion to approve Appeal No. 2016-05 for Robert Reeves Robert Reeves, 15 Waverly Place, Wilton, N.Y. 12831. Request for an Area Variance pursuant to Section 129-157 B Attachment 7, Schedule A, for a proposed 12 x 24 pool house, on the left side of the house. Applicant is proposing a 5 ft. side yard setback relief of 15 ft.; property located at 15 Waverly Place, Wilton, N.Y. 12831, Tax Map No. 127.11-3-7, 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 the building will visually match the house and shed in the way it will be constructed, giving the entire property an esthetically pleasing look from the street and neighborhood properties. 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 existing shed and swing set are already in the yard and the future plans for an expansion of a four season room to be added to the home. 3. The applicant has demonstrated that the requested Area Variance is not substantial because the existing Arborvitae tree line provides significant current and future coverage from the street and neighborhood properties. There are also some other pools as well as another structure in the neighborhood. 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 building will be in the rear of the home covered by Arborvitae as well as a privacy fence. 5. The applicant has demonstrated that the alleged difficulty is self-created and there are no conditions to be met.

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

APPEAL NO. 2016-06 James L. Zeigler, 256 Wilton-Gansevoort Rd., Gansevoort, N.Y. 12831. Request for a Special Permit pursuant to Section 129 Attachment 8 and Section 129-176, Schedule B, to raise 24 chickens and 2 pigs; property located on 256 Wilton- Gansevoort Road, Gansevoort N.Y. 12831 Tax Map No. 102.-1-32.113, zoned R-2 in the town of Wilton.

Mr. Ramsdill read a correspondence from the Saratoga County Planning Board dated February 19, 2016. Stating the applicant would like to raise 24 chickens and 2 pigs on the property.

Decision: Approve

Jim Zeigler approached the Board and said he lived at 256 Wilton/Gansevoort Road. He said he was surrounded by an agricultural area and would to raise some chickens for eggs, fresh meat and to raise a couple pigs for the same purpose. Mr. Zeigler said it was a simple process for them; they were going to do a small pigsty to give the pigs some shelter. Mr. Zeigler said they would only have the pigs from spring to fall and then they would be slaughtered. He said they would keep part of the chickens throughout the winter, roughly keeping the number around 24.

Mr. Zabala asked Mr. Mykins if there were any requirements about the mix of chickens, hens and roosters or didn't it matter because it was an Agricultural District it wouldn't matter. Mr. Mykins said it didn't matter. Mr. Zabala asked Mr. Zeigler about his compost pile being the waste from the chickens and the pigs. Mr. Zeigler said yes, he was going to pile it for a while let it compost down then utilize it in his gardens.

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

Attorney Grassi said the applicant had submitted the Short Environmental Assessment Form, Part 1 and said the Board had the opportunity to review it and if there were no questions, they could move onto Part 2.

SEQRA was read by Attorney Grassi and answered by the Board. The Board determined a negative declaration of SEQRA Short Environmental Assessment Form.

Mr. Ramsdill asked if there were any comments from the public. Mr. Zeigler said he had spoken with all of his neighbors that were right next to him and they didn't have any problems.

Mr. Kingsley made a motion to approve Appeal No. 2016-06 for James L. Zeigler, 256 Wilton-Gansevoort Rd., Gansevoort, N.Y. 12831. Request for a Special Permit pursuant to Section 129 Attachment 8 and Section 129-176, Schedule B, to raise 24 chickens and 2 pigs; property located on 256 Wilton-Gansevoort Road, Gansevoort N.Y. 12831 Tax Map No. 102.-1-32.113, zoned R-2 in the town of Wilton. In consideration of all findings of Section 129-175 (D), for a period of two years. This permit is due for review and renewal on or before February 25, 2018.

Mr. Kolligian explained the two-year Special Permit process to Mr. Zeigler. Mr. Zeigler said he completely understood.

Seconded by Mr. Kolligian. Mr. Zabala, Mr. Kingsley, Mr. Kolligian. Mr. Foehser, Mr. Deloria and Mr. Ramsdill were all in favor. The motion passed.

APPEAL NO. 2016-07 513 Broadway LLC, 18 Division Street, Saratoga Springs, N.Y. 12866. Request for an Area Variance for a proposed addition to the existing building to be placed 7.34 ft. from the northern property line, amount of relief requested is 22.66 ft.; property located on 11 Blue Lupine Lane, Gansevoort, N.Y. 12831, Tax Map No. 128.-1-97, in the town of Wilton.

Mr. Ramsdill a correspondence from the Wilton Planning Board dated February 18, 2016.

Please be advised that the Wilton Planning Board reviewed the above-referenced application by 513 Broadway LLC for a side setback variance for the property located at 11 Blue Lupine Lane, Tax Map Parcel 128.-1-97, zoned C-2. The following action was taken at its meeting held on February 17, 2016

Ron Slone moved for a positive recommendation to the ZBA regarding ZBA Application No. 2016-07. Brett Hebner, Alternate, seconded the motion recommending the relief requested which passed with all board members in favor.

Doug Heller from the LA Group introduced himself, Tony Bonacio and Mark Hutchinson from Bonacio. Mr. Heller also introduced Bob Flansberg from Dream Scapes. Mr. Heller said as he had mentioned 11 Blue Lupine this was the existing site and they did steel fabrication. He explained where the building was located and that the parking was up front and there was a gravel storage yard out in the back. Mr. Heller said Bonded Concrete abutted them. Mr. Heller explained there

were three different portions of the project, first they were looking to expand the gravel storage yard, looking to put in the proposed paint booth and the reason they were there was the proposed additions to either side. Mr. Heller were the area was that they were looking for relief. He said they were proposing 7 ft. from the property line to the edge of the building. Mr. Heller said he was going to hand it over to Mr. Flansberg to explain what the building was going to look like. Mr. Flansberg introduced himself as being from Dream Scapes Unlimited. He said he had a few renderings of what the project looked like. Mr. Flansberg explained that from the parking area in the front looking at the 60 ft. by 65 ft. addition to the structure and the requested variance fell where the columns were located. Mr. Flansberg explained that they were bringing materials in and unloaded them, feed them through the operation inside and then they come out the other side where there was a similar addition on the other side. Mr. Ramsdill asked if the sides were going to be open. Mr. Flansberg said that was their intent and it didn't affect the footprint. Mr. Flansberg explained that was generally the area the variance was for. He said the other side of the building would have the same size addition. Mr. Flansberg said there was a paint booth that was one of the three projects in question.

Mr. Hutchinson said they bought the building back in 2006 from DA Collins and they used to fabricate some plastic products out it. He said when they purchased the building it was for their sub company/support company of Bonacio Construction such as; landscape company, metal shop and wood shop. Mr. Hutchinson said the metal shop just didn't seem to get along with anybody and they had grown in a sense that had pushed them out of the building. He said they support all of their development projects, currently they had gone from a pick-up truck company back in the late 90's to what it was today. Mr. Hutchinson said the building handled 850 tons of steel and approximately 15,000 pieces on some of their last projects. He said they were working on 14 Hudson right now and fortunately they had good neighbors and they haven't sold property so they had steel that's not on their property. Mr. Hutchinson part of the plan with the Planning Board was to clear an area so they could get all their materials on site. He explained as part of their master plan was when they do a work a section of the building would grow in height, they would have a pendant crane that works at 5 tons and now they had a 1-ton crane. Mr. Hutchinson said that tractor trailers would come in steel would be off loaded, that product comes in length of 20 ft., 40 ft. and 60 ft. hence the reason why they need the addition on either side. Mr. Hutchinson said when that steel comes in there was a specialty machine that was purchased a few years ago, it was a fortune, it was computerized and did all of the drilling and cutting. He explained that the steel goes through the machine and comes out on the other end then they do the welding in that area or that material would go into the paint booth and come out and a tow lift comes in and grabs the steel and it loaded and goes off to the job. Mr. Hutchinson explained that when they were dealing with that many pieces of steel they want to get it through the

machine as quickly as possible is imminent. Mr. Hutchinson said he knew the Zoning Board would like to see how you could stay away from acquiring a variance but unfortunately the one piece of equipment was around three or four hundred thousand dollars and calibrated set up and it's located in that bay. Mr. Hutchinson said there were also structural requirements and that is why they were trying to stay within that bay in the building. He said to move it would require moving every piece of equipment. Mr. Kolligian said even if they flipped it around they would run into the same issue in the front. Mr. Kolligian said the property was a funny shape. Mr. Hutchinson said it was the shape of the property, the way the original building was laid out and how they had grown into it had landed them in the situation that they are in now. He said they had met with Carl Clementi and he was supposed to stop down tonight to speak on their behalf and send in a letter. Mr. Ramsdill asked if they would be ok with the esthetics of the building, he knew it would be a primary concern back there. Mr. Hutchinson they hoped their building would be all one color in all of this master planning. Mr. Hutchinson said he believed he was planning on doing something with his property. He said they had not met with the neighbors in the back yet because that was more of a Planning Board issue. Mr. Hutchinson said they were hoping to be in front of the Planning Board if they received a positive response in the middle of March. Mr. Hutchinson said they were going to knock on the door but this past Saturday didn't feel right. He said they were going to send a mailing out to them and see if they could get them over to their shop or go visit them at their homes. Mr. Zabala commended them for continuing to grow their operation in the town. Mr. Zabala asked how they were going to access the storage area in the back. Mr. Hutchinson said their access would be off Blue Lupine and there would be either a door or the structure will be open depending on how they are going to secure it and that material would then be stacked and then loaded onto tracker trailers. Mr. Zabala asked if there would be vehicles or devices driving on the side of the building. Mr. Hutchinson said only on one side. Mr. Hutchinson said they had spoken to one of the property owners and the other was not home. Mr. Ramsdill said the only part of the plan that the Board was giving the variance for was the lower left corner. Mr. Hutchinson said that they would reach out to them just as they did to Mr. Clementi and make sure that they understand that they were well within and it only had to be 50ft. there and if they didn't have to do all the wonderful stormwater stuff now we would have to take up there other property. Mr. Deloria asked if the proposed addition was going to change traffic or the dust factor to environmentally make a difference. Mr. Hutchinson said that they had guys actually fabricating steel outside. He said a lot of the steel that they did now matches there required inspections and when you're working outside and it's raining out it becomes difficult to maintain the wells that need to be placed in order to pass those inspections. Mr. Kolligian asked if there had been any correspondence from Mr. Clementi. Mr. Mykins said no.

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

Mr. Kolligian made a motion to approve Appeal No. 2016-07 for 513 Broadway LLC 18 Division Street, Saratoga Springs, N.Y. 12866. Request for an Area Variance for a proposed addition to the existing building to be placed 7.34 ft. from the northern property line, amount of relief requested is 22.66 ft.; property located on 11 Blue Lupine Lane, Gansevoort, N.Y. 12831, Tax Map No. 128.-1-97, 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 neighborhood is comprised of industrial facilities and the proposed project is a building expansion of an existing industrial building. No changes in the building use are proposed as part of the project. 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 existing on-site structure has an internal structural bay that runs through the center of the building. The proposed expansion will be expanded in the structural bay to allow larger more efficient production. The required dimensions of the expansion are to allow for the loading and offloading of the vehicles. 3. The applicant has demonstrated that the requested Area Variance is not substantial because the vast majority of the proposed building expansion is within the required set back distances. It is less than approximately 5% of the total building expansion that requires this Area Variance. 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 proposed building expansion will be placed on an existing gravel lot. Storm water controls are proposed as part of the project and will mitigate storm water runoff from existing and proposed conditions. No additional clearing is associated with the building expansion. 5. The applicant has demonstrated that the alleged difficulty was not self-created because the original building placement did not anticipate the size and growth of the use.

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

ADJOURNMENT:

Mr. Kingsley made a motion to adjourn the meeting at 7:35 p.m. Mr. Kolligian seconded the motion. All board members were in favor. The motion passed.

Dated:_____

BOARD OF APPEALS

BY_____

Amy DiLeone, Zoning Clerk

BY_____

Joseph O'Brien, Chairman