

WILTON ZONING BOARD OF APPEALS
THURSDAY, February 27, 2020

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, February 27, 2020 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: Vice Chairman Christopher Ramsdill, Robert Barrett, Jim Deloria, Scott Kingsley, Gerard Zabala, and David Querrard, 1st alternate. Also present were Brian Reichenbach, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

ABSENT: Chairman O'Brien and Dean Kolligian

MINUTES: The minutes of the last meeting, held on January 23, 2020 were approved, as submitted, on a motion made by Mr. Zabala, seconded by Mr. Barrett. All board members were in favor.

CORRESPONDENCE: None other than what is presented before the board.

OLD BUSINESS:

EXTENSIONS: * **Special Use Permit Extensions Are Not Subject to Public Hearing.**

NEW BUSINESS:

APPEAL NO. 2019-18 Richard Spackmann, 582 Route 9, Saratoga Springs, New York 12866. Request for Area Variances, pursuant to §129-157 and §129-170 of the Zoning Ordinance, property located at 582 Route 9, Saratoga Springs, New York 12866, Tax Map No. 153.5-1-11, zoned CR-1 in the Town of Wilton.

Tonya Yasenchak, from Engineering America, stood before the board representing Mr. Spackmann. Tonya explained she has been before the board previously regarding this appeal and spoke of multifamily and pre-existing non-conforming properties around the applicant's property. She also presented a plan which included an in-law apartment built into the existing home rather than an accessory apartment over a detached garage. She explained that though the in-law apartment is feasible, it does not meet the family's needs. The board discussed with Mr. Mykins the pre-existing non-conforming

Wilton Zoning Board of Appeals
Regular Meeting February 27, 2020

properties in the area, and questioned variances on these properties. Mr. Mykins explained the majority of the properties that are pre-existing non-conforming have not had variances granted and the application before the board has had variances granted in the past. Mr. Barrett explained that the 80% lot size relief, if granted, might set a precedent for the rest of the town. Mr. Kingsley stated that in order to have precedent, there would need to be a very similar application brought before the board. There was discussion of the balancing test for area variances. Mr. Deloria stated that all five factors need to be looked at, Mr. Kingsley explained that there are five factors and it is a balancing test.

Mr. Ramsdill opened the public hearing at 7:16p.m. Richard Spackmann, 582 Route 9, explained that this was not self-created because he was not taking care of his mother at the time of purchase. Mr. Kingsley explained that self-created is not individual based, but property based, which is why this application is self-created. Mr. Zabala questioned the plan before him showing an apartment in the existing attached garage rather than in the proposed detached garage. Tonya explained that the existing attached garage would be changed into a small apartment, and then a new attached garage in front of the apartment would have to be placed, and the applicant really wants a detached garage. Mr. Spackmann asked if the garage and the accessory apartment could be addressed separately and approved, then address the apartment at a later time. The board and Mr. Mykins explained that they could be addressed separately, but if the apartment gets denied, the applicant cannot re-apply for relief for an accessory apartment. Mr. Ramsdill closed the public hearing at 7:24 p.m. After further discussion among the board about where the board members stood upon the granting of this application and questions asked by Mr. Spackmann and Tonya about the decision that could be made tonight, Mr. Spackmann requested to withdraw his application.

APPEAL NO. 2020-01 Thomas & Lynn Ebert, 3 Craw Lane, Gansevoort, New York 12831. Request for Area Variances, pursuant to 129 Attachment 7, Schedule A, R-1, and §129-157 of the Zoning Ordinance, property located at 3 Craw Lane, Gansevoort, New York 12831, Tax Map No. 115.13-4-35, zoned R-1 in the Town of Wilton.

Tomas and Lynn Ebert, 3 Craw Lane, stood before the board to explain the relief they are seeking to place their proposed detached garage. Mrs. Ebert told the board that the corner lot next to them has a garage placed in the rear of their property, and this garage would be very similar. Mr. Ramsdill opened the public hearing at 7:39. Mr. Mykins explained that the corner lot has different setbacks, two fronts and two sides, allowing that garage to meet setbacks and no variances were needed. The board asked if the proposed garage could be located 20 ft. from the property line instead of the proposed 10 ft. Mr. Ebert stated that if the garage was 20 feet from the side, it would almost be located behind the house and that they would have to hook the driveway in, and there would be no yard. Mrs. Ebert stated they could move the garage up to 20 ft. from the rear instead of the 10 ft. proposed. Mr. Ramsdill closed the public hearing at 7:47.

Mr. Zabala made a motion to approve Appeal No. 2020-01, Thomas & Lynn Ebert, 3 Craw Lane, Gansevoort, New York 12831. Request for Area Variances, pursuant to 129 Attachment 7, Schedule A, R-1, and §129-157 of the Zoning Ordinance, property located at 3 Craw Lane, Gansevoort, New York 12831, Tax Map No. 115.13-4-35, zoned R-1 in the

Wilton Zoning Board of Appeals
Regular Meeting February 27, 2020

Town of Wilton, be granted in the amount of relief of 30 ft. rear setback and 10 ft. north side setback, 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 Variances because the neighbors on either side have no issues and have been notified, and there are similar garages 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 Area Variances because where the woods are in the wooded lot in the rear yard, and where they propose to place the garage and move the shed, allow them easy access to the entrance to the garage. 3. The applicant has demonstrated that the requested Area Variances is substantial. 4. The applicant has demonstrated that the requested Area Variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district because other garages are in the neighborhood, and it would be set back, not readily visible from the road. 5. The applicant has demonstrated that the alleged difficulty is self-created because they are asking for relief.

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

Adjournment:

Mr. Kingsley made a motion to adjourn. Mr. Deloria seconded the motion. All were in favor. The meeting was adjourned at 7:48 p.m.

Dated: February 28, 2020

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Christopher Ramsdill, Vice Chairman