

WILTON ZONING BOARD OF APPEALS
THURSDAY, October 24, 2019

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, October 24, 2019 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, Jim Deloria, Robert Barrett, Scott Kingsley, and Gerard Zabala. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

ABSENT: Dean Kolligian, and David Querrard.

MINUTES: The minutes of the last meeting, held on September 26, 2019 were approved, as submitted, on a motion made by Mr. Kingsley, seconded by Mr. Barrett. All board members were in favor.

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

OLD BUSINESS:

EXTENSIONS: * **Special Permit Extensions are not subject to Public Hearing.**

APPEAL NO. 2001-40 Olan Aldrich and Janice Orozco-Bravo, 286 Loudon Road, Saratoga Springs, New York 12866. Request for extension of a Special Permit pursuant to §129-176 P (1), (2), (3) (c) for an accessory apartment; property located at 286 Loudon Road, Tax Map No. 154.-1-23, zoned R-2. Special Permit originally granted on December 4, 2001 for a period of two years, is due for review and extension.

Mr. O'Brien asked if anyone was present. Janice Orozco stated she was and would like to extend her special permit. Mr. Ramsdill questioned if this special permit could be permanently extended due to it being an accessory apartment. Mr. Mykins said he would

Wilton Zoning Board of Appeals
Regular Meeting October 24, 2019

have to inspect what is surrounding this particular property to make such a decision. Resident, 16 Craw Lane, spoke about the condition that was placed on the special permit when it was originally issued. He stated he had a copy of it if on his phone if the board needed. Mr. O'Brien read the original Notice of Decision from December 7, 2011 from the paper file. He asked Mrs. Orozco if the original conditions still exist, and she explained it did. Mr. Ramsdill made a motion to approve the extension of Appeal No. 2001-40, Olan Aldrich and Janice Orozco-Bravo, 286 Loudon Road, Saratoga Springs, New York 12866, for an additional two years, pursuant to §129-176 P (1), (2), (3) (c), in consideration of all findings in §129-175D, and with current conditions remaining, for an accessory apartment; property located at 286 Loudon Road, Tax Map No. 154.-1-23, zoned R-2. Mr. Kingsley seconded the motion. All were in favor. The motion passed.

APPEAL NO. 2009-20 Douglas Dockendorf, 640 Wilton Gansevoort Road, Gansevoort, New York 12831. Request for extension of a Special Permit pursuant to Schedule B and §129-176 C of the Zoning Ordinance for a home occupation as a home office for a 1-888 Chuck It business; property located at 640 Wilton Gansevoort Road, Tax Map No. 101.20-1-22, zoned R-2, in the Town of Wilton. Special Permit originally granted on December 2, 2009 for a period of two years, is due for review and extension.

Mr. O'Brien asked if anyone was present, and if anyone has had any contact. No one was present, and no one had been in contact. He asked if the appeal should be tabled. Mr. Kingsley made a motion to table the extension until the next meeting. Mr. Deloria seconded the motion. All were in favor. The motion passed.

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 Yasenchack, from Engineering America Co., stood before the board to represent Mr. Spackmann. Tonya explained that at the last meeting the board had questions on the uses and properties in the surrounding area of Mr. Spackmann's site. She presented to the board the research she had put together about the properties. All board members had received a copy and it has been placed in the file for record. Tonya asked the board to consider the uniqueness of the property currently before the board. She explained that consideration of an in-law apartment to meet code to come through the main residence, but the way the current house is set up with the garage, there would be no way of meeting that requirement. The board discussed with Tonya the properties in the area, the zoning district, and of pre-existing non-conforming uses. Tonya explained that the use of the proposed garage with an accessory apartment would not take away from the character of the neighborhood. Resident, 16 Craw Lane, spoke about the previously given variances and demolition upon the property, and made comments about area variances and how they should be granted. John McEchron, Town Councilman, stated he was speaking as a resident to the Zoning Board, and spoke of the residents comments. Mr. McEchron brought up a previous appeal upon the property that approved a garage, interrupted by the

Wilton Zoning Board of Appeals
Regular Meeting October 24, 2019

resident to state it was a two car, not a three car garage that was approved, and were given the approval to put up another structure. Mr. Ramsdill explained the substantial amount of variances needed for the accessory apartment. Mr. Kingsley expressed it was substantial, but there is no detriment to the community. Tonya raised concern about two family dwellings in CR-1, and that if the two dwellings were in one structure, the variances would be less than that of a detached structure, and that the one structure is difficult to create. Mr. Spackmann, 582 Route 9, was inquisitive upon the terms the board used, and spoke to the board about his proposed project and what it meant to his family. Mr. Deloria expressed his concern about an in-law apartment in the existing structure. Mr. Ramsdill agreed. Tonya explained they can come back for the next meeting with house plans of the current structure to prove the difficultness of creating an attached in-law apartment, rather than a detached accessory apartment. Mr. Zabala made a motion to table the appeal at the applicant's request. Mr. Ramsdill seconded the motion. All were in favor. The motion passed. Public hearing remains open.

Mr. O'Brien reminded the board and applicants of the combined November/December meeting to be held on November 21, 2019.

APPEAL NO. 2019-20 Brandon and Jael Beckman, 296 Palmer Ridge Road, Gansevoort, New York, 12831. Request for Area Variances, pursuant to 129 attachment 8, Schedule B, §129-157, and §129-158 of the Zoning Ordinance, property located at 296 Palmer Ridge Road, Gansevoort, New York, 12831, Tax Map No. 102.-1-53, zoned R-2 in the Town of Wilton.

Mr. O'Brien opened public comment at 7:41. p.m. Brandon and Jael Beckman explained their application before the board. Resident, 16 Craw lane, spoke of the file he viewed earlier in the day. He expressed that variances should be given sparingly, and that the lot is a long lot, and according to the pictures he had on his phone from the file, a narrower house would eliminate variances and keep proper space between buildings. He asked that the applicant's variances not be approved and that they come back with something that could be built within the setbacks. Mrs. Beckman asked the board if she could speak to the resident's comments, and with approval from the board, she explained that they looked into a narrower house, but it would not be desirable or feasible. She spoke of their neighboring lots as well as hers and how they are mostly pre-existing non-conforming lots, and that the existing structure is closer to road and wider than the proposed new build. Their neighbors to the south were present at the meeting as well and expressed no objection to the build. Public comment closed at 7:48 p.m. Mr. Ramsdill made a motion to approve Appeal No. 2019-20, Brandon and Jael Beckman, 296 Palmer Ridge Road, Gansevoort, New York, 12831. Request for Area Variances, pursuant to 129 attachment 8, Schedule B, §129-157, and §129-158 of the Zoning Ordinance, property located at 296 Palmer Ridge Road, Gansevoort, New York, 12831, Tax Map No. 102.-1-53, zoned R-2 in the Town of Wilton, be granted in the amount of relief of 13.9 ft. north side and 19.8 ft. south side setbacks, 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 new build will overall move the structure further away from

Wilton Zoning Board of Appeals
Regular Meeting October 24, 2019

the road and be more consistent with the rural character of 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 there is a substantial side setback requirement in the particular zone, the property is long and narrow, and it would be difficult to comply with both north and south setbacks, and a long narrow house would not be a feasible alternative. 3. The applicant has demonstrated that the requested Area Variances are not 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 it would improve compliance with overall setbacks and slightly more narrow than the existing structure, and be further set back from the road. 5. The applicant has demonstrated that the alleged difficulty is self-created.

After taking into consideration the above five factors, the benefit does outweigh the detriment to the neighborhood and community because of the reasons stated in the above review of the five factors and that this is the minimum amount that could be granted to protect the character of the neighborhood, and health safety and welfare of the community, and placing a condition that the existing home be removed within 90 days after the issuance of a Certificate of Occupancy upon the new build.

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

APPEAL NO. 2019-21 Matthew and Pam Darcangelo, 82 Jones Road, Saratoga Springs, New York 12866. Request for an Area Variance, pursuant to 129 attachment 7, Schedule A, and §129-157 of the Zoning Ordinance, property located at 82 Jones Road, Saratoga Springs, New York 12866, Tax Map No. 153.11-2-52, zoned R-1 in the Town of Wilton.

Mr. O'Brien opened public comment at 7:51. p.m. Matthew Darcangelo stood before the board to explain his application and why he would need a variance for his deck and gazebo. The board discussed the property with Mr. Darcangelo, and complimented the work that has been done so far. Resident, 16 Craw Lane, focused on requirements of the zoning ordinance and town law. He explained that he has taken a look at the file and that he understands the applicant wants to have a nice big deck and gazebo, and further explained that property owners just don't always get what they want. Mr. Deloria stated that Jones Road will not be impacted by this addition, but Park Circle might. The resident added that the applicant has already purchased the wood for the project. He asked Mr. Darcangelo if that was what was in the pictures, the pre-bought lumber. Mr. Darcangelo explained he purchased some of the materials before he realized he would need a variance. Resident addressed the board to think about how some people are purchasing materials for projects without getting approval for variances. Mr. Kingsley asked Mr. Darcangelo if he purchased the materials knowing he would need a variance, and Mr. Darcangelo explained he did not realize he was going to need a variance at the time of purchase, but did realize he would need a permit, and when applying for the permit he realized he would not meet the setbacks and would need a variance. Public comment closed at 8:00 p.m. Mr. Ramsdill made a motion to approve Appeal No. 2019-21, Matthew and Pam Darcangelo, 82 Jones Road, Saratoga Springs, New York 12866. Request for an Area Variance, pursuant to 129 attachment 7, Schedule A, and §129-157 of the Zoning Ordinance, property located at 82 Jones Road, Saratoga Springs, New York 12866, Tax Map No. 153.11-2-52, zoned R-1 in

Wilton Zoning Board of Appeals
Regular Meeting October 24, 2019

the Town of Wilton, be granted in the amount of relief of 15 ft. rear 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 Variance because it will be an improvement on the property and continue to improve the value and aesthetic beauty of the property and 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 Variance because of the unusual nature of the rear Park Circle curve on the property leaves a restricted area in the rear left triangular portion of the property. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it is a minimal amount to be able to place the structure on the property in consideration of the angular shape of the property with a curved backyard created by Park Circle. 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 is improving the piece of property and will not be intrusive to neighbors due to the pump station across the street, and tennis court area just beyond the rear. 5. The applicant has demonstrated that the alleged difficulty is self-created.

After taking into consideration the above five factors, the benefit does outweigh the detriment to the neighborhood and community because of the reasons stated in the above review of the five factors and that this is the minimum amount that could be granted to protect the character of the neighborhood, and health safety and welfare of the community. Mr. Mykins asked the board to make an administrative correction on the previous application from 2004, because it was noted as a front yard setback, but it should be a rear yard setback because the lot is not a corner lot.

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

Adjournment:

Mr. Kingsley made a motion to adjourn. Mr. Zabala seconded the motion. All were in favor. The meeting was adjourned at 8:03 p.m.

Dated: October 28, 2019

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Joseph O'Brien, Chairman