

WILTON ZONING BOARD OF APPEALS
THURSDAY, November 19, 2020

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, November 19, 2020 via a ZOOM webinar 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, Dean Kolligian, Gerard Zabala, and Jay Rifenburg, 1st Alternate. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, Lisa Closson, Zoning Clerk, and Joshua Carlsson, ZOOM Meeting Coordinator.

ABSENT: Chairman O'Brien and Christian Clark, 2nd Alternate

MINUTES: The minutes of the last meeting, held on October 22, 2020, were approved, as submitted, on a motion made by Mr. Kingsley seconded by Mr. Kolligian. All board members present were in favor. The motion passed.

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

EXTENSIONS: *SPECIAL USE PERMIT EXTENSIONS ARE NOT SUBJECT TO A PUBLIC HEARING*

None

OLD BUSINESS:

None

NEW BUSINESS:

Appeal No. 2020-33 Patricia Misurelli, 51 Jones Road, Saratoga Springs, New York 12866. Request for an Area Variance pursuant to §129-157 and Schedule A, R-1 District, of the Zoning Ordinance; property located at 51 Jones Road, Saratoga Springs, New York 12866, Tax Map No. 153.15-1-3, in the Town of Wilton.

Mr. Ramsdill recused himself from Appeal No. 2020-33, and turned the meeting over to Mr. Kingsley.

Wilton Zoning Board of Appeals
Regular Meeting November 19, 2020

Mr. Kingsley asked if Patricia Misurelli was present and if so, if she would like to explain what she would like to do. Ms. Misurelli was present and expressed that she would like to be granted a variance to continue the building of her garage, and that she was unaware that she needed a building permit until a gentleman came by and told her she needed one. Mr. Kingsley asked Mr. Mykins about history of the property, and Mr. Mykins explained that the property was pretty run down for years, and that the old owners were an older couple. He further explained the new owners have done a lot of improvements on the property, and the Building Department didn't notice the structure being built until they were on the second story, which is when a stop work order was issued. Mr. Mykins also related to the board that they are here to get back into compliance, and need a variance because they are too close to the property line, and if they were to move the garage over, they would have to loop around the house to get into it and they have done a lot of work in the back yard as far as the lawn, and have a patio and fire pit out there, leaving not a lot of area to put it in by moving it over. Mr. Mykins suggested that the board condition the approval, if approved, upon the second story not being used as a living space. Ms. Misurelli explained she was not going to use it as living space, just for storage, but the garage wasn't big enough so she wanted to add a second story. She then asked if she could put closets in. Mr. Mykins stated so long as no one is living there and does not become a heated space because the garage was not designed to meet the energy requirements for the code. She then asked about plumbing, and Mr. Mykins said she wouldn't be able to put plumbing in there. Mr. Kingsley asked when the initial construction began on the garage and when the second story began, and Ms. Misurelli replied she thinks it began in 2018, and the second story was just started when Mr. Mykins had stopped by. Mr. Rifenburg asked if she was building it herself, and Ms. Misurelli explained that she has friends helping her build it. Mr. Kingsley asked if any inspections have been done, Mr. Mykins said they can not inspect until a permit is issued. Mr. Barrett asked Ms. Misurelli if it occurred to her friends that she may need a building permit. Ms. Misurelli explained that it wasn't until after the situation happened that everybody asked her about a permit. She explained she is a first time home buyer and had no idea of the steps.

Mr. Kingsley opened and closed the public hearing at 7:09 p.m. due to lack of public comment. Mr. Rifenburg made a recommendation if the variance is granted, there should be criteria about restrictions of what the structure can be used for. Mr. Kingsley concurred.

Mr. Zabala made a motion to approve Appeal No. 2020-33, Patricia Misurelli, 51 Jones Road, Saratoga Springs, New York 12866. Request for an Area Variance pursuant to §129-157 and Schedule A, R-1 District of the Zoning Ordinance; property located at 51 Jones Road, Saratoga Springs, New York 12866, Tax Map No. 153.15-1-3, zoned R-1, in the Town of Wilton, be granted for south side setback relief in the amount of 18.70 ft. for placement of a garage, conditioned upon the garage not being used for residential occupancy or business purposes, with no living purposes; property located at 51 Jones Road, 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 is located in the rear property, the structure looks similar to neighboring properties, and the garage matches the character of the house.

Wilton Zoning Board of Appeals
Regular Meeting November 19, 2020

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 the structure, although it is already in place, it would cost immensely to relocate, and it would not line up with the current driveway that accesses the street. 3. The applicant has demonstrated that the requested Area Variance is not substantial because the garage is considerably located in the rear of the property, but on the south side it is near the property line which borders woods, is screened with trees and a fence, which shields it from direct view. 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 garage is set back on the property along with being aesthetically pleasing and matching the property and other properties in the area. 5. The applicant has demonstrated that the alleged difficulty was self-created.

Mr. Kolligian seconded the motion. Mr. Ramsdill recused himself from Appeal 2020-33. A Roll call showed all other board members present were in favor. The motion passed.

Adjournment:

Mr. Rifembary made a motion to adjourn. Mr. Barrett seconded the motion. All board members were in favor. The meeting was adjourned at 7:17 p.m.

Dated: November 20, 2020

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Christopher Ramsdill, Vice Chairman