



TOWN OF WILTON
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JOSEPH O'BRIEN
Zoning Board Chairman

LISA CLOSSON
Zoning Clerk

MARK MYKINS
Zoning Officer

**WILTON ZONING BOARD OF APPEALS
THURSDAY, March 28, 2019**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, March 28, 2019 at the Wilton Town Hall, 22 Traver Road, Wilton, New York and was called to order by Joseph O'Brien at 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Chairman O'Brien, Chris Ramsdill, James Deloria, Gerard Zabala, and David Querrard. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, and Mark Mykins, Zoning Officer.

ABSENT: Dean Kolligian, Robert Barrett, and Scott Kingsley.

MINUTES: The minutes of the last meeting, held on February 28, 2019 were approved, as submitted, on a motion made by Mr. Deloria, seconded by Mr. Zabala. All board members were in favor.

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

EXTENSIONS:

APPEAL NO. 2011-07 Lauri Barrera, AKA Lauri Fisch, 252 Gurn Springs Road, Gansevoort, New York 12831. Request for the extension of a Special Permit pursuant to Schedule B and §129-176 (V) of the Zoning Ordinance, for a private stable; property located at 252 Gurn Springs Road, Tax Map No. 116.-1-2.13, zoned R-2, in the Town of Wilton.

Lauri Barrera, AKA Lauri Fisch, 252 Gurn Springs Road, stood before the board. There was discussion between Mr. Mykins and Mr. O'Brien pertaining to the property and Special Permit before the board. Mr. Mykins stated there were no concerns nor complaints.

Wilton Zoning Board of Appeals
Regular Meeting March 28, 2019

Mr. Ramsdill made a motion to approve the extension of Appeal No. 2011-07 for an additional two years, pursuant to Schedule B and §129-176 (V) of the Zoning Ordinance, for a private stable; property located at 252 Gurn Springs Road, Tax Map No. 116.-1-2.13, zoned R-2, in the Town of Wilton. Mr. Zabala seconded the motion. All were in favor. The motion passed.

APPEAL NO. 2017-02 Jessica Schwartzman, 26 Fairmount Drive, Gansevoort, NY 12831. Request for an extension of a Special Permit pursuant to §129 Attachment 7 Schedule A, §129-175 D and §129-176 C. (3) and (4) of the Zoning Ordinance, for a home occupation of a consulting and advisory service; property located at 26 Fairmount Drive, Gansevoort, NY 12831, Tax Map No. 128.9-1-44, zoned R-1 in the town of Wilton.

Jessica Schwartzman, 26 Fairmont Drive, stood before the board. There was discussion between Mr. Mykins and Mr. O'Brien pertaining to the property and Special Permit before the board. Mr. Mykins stated there were no concerns nor complaints.

Mr. Zabala made a motion to approve the extension of Appeal No. 2017-02 for an additional two years, pursuant to §129 Attachment 7 Schedule A, §129-175 D and §129-176 C. (3) and (4) of the Zoning Ordinance, for a home occupation of a consulting and advisory service; property located at 26 Fairmount Drive, Gansevoort, NY 12831, Tax Map No. 128.9-1-44, zoned R-1 in the town of Wilton. Mr. Deloria seconded the motion. All were in favor. The motion passed

NEW BUSINESS:

APPEAL NO. 2019-06 Mark Lawson, 492 Maple Avenue, Saratoga Springs, NY 12866. Request for Area Variances pursuant to §129 Attachment 20 Schedule N, CR-1 of the Zoning Ordinance; properties located at Maple Avenue, Saratoga Springs, NY 12866, Tax Map No's 153.13-1-4.12 and 153.13-1-3, zoned CR-1 in the Town of Wilton.

Mark Lawson, 492 Maple Avenue, presented his proposed plan before the board. Mr. O'Brien read correspondence from the Wilton Planning Board and Saratoga County Planning Board. Mr. Lawson explained his proposed lot line adjustments to create access to a piece of the parcel which was not accessible. Mr. Zabala asked if the adjacent landowners have been notified. Mr. Lawson and Mr. Mykins stated all but one. The board discussed the wet lands on the property and found that the 100 ft. buffer zone has been placed. Mr. Ramsdill noted that the rear side from the shed on the property should be included in the variances.

Mr. O'Brien opened and closed public comment at 7:15 p.m.

Mr. Ramsdill made a motion to approve APPEAL NO. 2019-06 Mark Lawson, 492 Maple Avenue, Saratoga Springs, NY 12866. Request for Area Variances pursuant to §129 Attachment 20 Schedule N, CR-1 of the Zoning Ordinance; properties located at Maple Avenue, Saratoga Springs, NY 12866, Tax Map No's 153.13-1-4.12 and 153.13-1-3, zoned CR-1 in the Town of Wilton be granted for Area Variances for the following amounts of relief: for frontage relief on the Commercial lot 492 Maple Avenue, Tax Map No. 153.13-1-4.12 in the amount of 116.72 ft.; for Residential lot 500 Maple Avenue, Tax Map No. 153.13-1-3, north side relief in amount of 21.90 for garage, north side relief of 21.20 ft.

Wilton Zoning Board of Appeals
Regular Meeting March 28, 2019

for the shed, and rear (east side) setback relief for 45.7 ft. for the shed 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 lot line is being shifted to the rear of the property and will run across stream and wetland area, and will not have effect on existing structures, and provide greater access to the rear portion of the property. Also a cleaner division will result for the commercial and residential lot lines.
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 the lots do maintain appropriate sides and only require the frontage on one lot. All other structures are pre-existing non-conforming, and the lot line shift is not affecting these structures.
3. The applicant has demonstrated that the requested Area Variances are not substantial because there are pre-existing non-conforming structures that are not affected by the new lot line proposed.
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 is just shifting the property line over to a more appropriate place on the property to divide the commercial and residential uses and to provide access to the rear left portion of the property.
5. The applicant has demonstrated that the alleged difficulty is self-created.

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

ADJOURNMENT:

Mr. Ramsdill made a motion to adjourn. Mr. Deloria seconded the motion. The meeting was adjourned at 7:18 p.m.

Dated: March 28, 2019

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Joseph O'Brien, Chairman