

WILTON ZONING BOARD OF APPEALS
THURSDAY, June 27, 2019

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, June 27, 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, Robert Barrett, Jim Deloria, Scott Kinglsey, and Gerard Zabala. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

ABSENT: Christopher Ramsdill, Dean Kolligian, David Querrard,

MINUTES: The minutes of the last meeting, held on May 23, 2019 were approved, as submitted, on a motion made by Mr. Barrett, seconded by Mr. Kingsley. All board members were in favor.

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

OLD BUSINESS:

EXTENSIONS:

APPEAL NO. 2013-28 Justin Bergin, 110 Ruggles Road, Saratoga Springs, NY 12866. Request for the extension of a Special Permit pursuant to §129 Attachment 8 Schedule B, R-2 Residential District, §129-176V for agriculture with animals, and §129-175 D with a limit of 12 chickens; property located at 110 Ruggles Road, Tax Map No. 154.-2-41, zoned R-2 in the Town of Wilton, originally granted June 27, 2013, is up for review and extension.

Suzanne Bergin was present and stated that they would like their permit extended. The board questioned Mr. Mykins about the property and if there were any complaints. Mr. Mykins stated there were no complaints. Mr. Kingsley made a motion to approve the extension of Appeal No. 2013-28 Justin Bergin, 110 Ruggles Road, Saratoga Springs, NY 12866 for an additional two years, pursuant to §129 Attachment 8 Schedule B, R-2 Residential District, §129-176V for agriculture with animals, and §129-175 D with a limit of 12 chickens; property located at 110 Ruggles Road, Tax Map No. 154.-2-41, zoned R-2

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

NEW BUSINESS:

APPEAL NO. 2019-11 Cletus & Elizabeth Simonetti, 89 Edie Road, Saratoga Springs, New York 12866. Request for a Special Permit pursuant to §129 Attachment 8, and §129-176 V of the Zoning Ordinance for the keeping of chickens; property located at 89 Edie Road, Tax Map No. 154.-2-3 zoned R-2, in the Town of Wilton.

Mr. and Mrs. Simonetti were present and directed to the board that they would like to continue to have chickens, with a limit of 12. The board recognized that this appeal is a re-application of a Special Permit that expired. The board and Mr. Mykins discussed the property and compliance.

Mr. O'Brien opened public comment at 7:06 p.m.

Eric Rosenberg, 16 Craw Lane, talked about procedural concerns.

Mr. Mykins explained the procedure pertaining to the appeal before the board.

The board asked the applicants why the previous appeal filed for the special permit expired. Mrs. Simonetti stated there was not a letter sent when it was time to extend, and that they had just not realized the time had passed.

Mr. O'Brien closed public comment at 7:08 p.m.

Mr. Deloria made a motion to approve appeal No. 2019-11, Cletus & Elizabeth Simonetti, 89 Edie Road, Saratoga Springs, New York 12866. Request for a Special Permit pursuant to §129 Attachment 8, and §129-176 V of the Zoning Ordinance for the keeping of chickens; property located at 89 Edie Road, Tax Map No. 154.-2-3 zoned R-2, in the Town of Wilton for a period of two years, with a condition of a maximum of 12 chickens. Mr. Kingsley seconded the motion. All were in favor. The motion passed.

APPEAL NO. 2019-12 Ghislain Gagne and Cathy Morin, 28 Taylor Road, Gansevoort, NY 12831. Request for a Special Permit pursuant to §129 Attachment 8, and §129-175 D. 1-7 of the Zoning Ordinance for Detached Accessory Apartment, property located at 28 Taylor Road, Gansevoort, NY 12831, Tax Map No. 129.-1-72.1, Zoned R-2 in the Town of Wilton.

Mr. O'Brien read a correspondence from SCPB, and a correspondence from Robert Stanton and Sandra Loftis, 361 Ruggles Road.

Mrs. Morin approached the board and explained that she had young buyers, Britany and Frank Silvestri, who are planning on moving in with a mother-in-law to care for their children.

The Board and Mr. Mykins discussed the detached garage and how the property would be considered a two family dwelling, and should have conditions of occupancy by a relative, and use as a non-income generating property. Mr. Mykins explained that it would be hard to police the conditions set upon a two family dwelling Special Permit. The board questioned construction of an attached in-law apartment. Mrs. Morin and Mrs. Silvestri stated that the detached garage would require minimal renovations.

Mr. O'Brien opened public comment at 7:23 p.m.

Eric Rosenberg, 16 Craw Lane, questioned the conversion of the property.

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Mr. O'Brien alerted Mrs. Morin and Mrs. Silvestri of the amount of Zoning Board members in attendance at the meeting. There needs to be four members to vote in favor, and present tonight were five members. If three vote in favor and two vote opposed, the appeal can move to the next month's meeting where there could be a chance of reaching a quorum. A motion to close the public hearing made by Mr. Zabala failed. The board discussed the action needed to be taken to make motions upon the appeal before the board. Mr. Deloria made a motion to close the public hearing at 7:31 p.m. Mr. Kinglsey seconded the motion. All were in favor. The motion passed.

Mr. Deloria made a motion to approve Appeal No. 2019-12 Ghislain Gagne and Cathy Morin, 28 Taylor Road, Gansevoort, NY 12831. Request for a Special Permit pursuant to §129 Attachment 8, and §129-175 D. 1-7 of the Zoning Ordinance for Detached Accessory Apartment, property located at 28 Taylor Road, Gansevoort, NY 12831, Tax Map No. 129-1-72.1, Zoned R-2 in the Town of Wilton.

Mr. Kingsley seconded the motion. Mr. Zabala, Mr. Kingsley, and Mr. Deloria voted in favor. Mr. Barrett and Mr. O'Brien opposed. The motion failed. The appeal will be carried over to the next month's meeting on July 25, 2019 at 7:00 p.m.

APPEAL NO. 2019-13 Gary and Stephanie Battell, 97 Cobble Hill Drive, Wilton, NY 12831. Request for an Area Variance pursuant to §129 attachment 7, and §129-157 of the Zoning Ordinance, property located at 97 Cobble Hill Drive, Wilton, NY 12831, Tax Map No. 140.12-2-17, zoned R-1 in the Town of Wilton.

Stephanie Battell was present and addressed the board about a shed that was accidentally placed on the property while the application for a shed was in review in the Building Department. To help the board understand, Mrs. Battell explained her family circumstances over the last few months. The board questioned Mr. Mykins about the shed placement and size. Mr. Mykins told the board that the shed would be fine where it is on a property if it was not a corner lot. A corner lot has two fronts and two sides, and on a corner lot front side, any size shed needs to be within setbacks. The board questioned a different location for the shed. Mr. Mykins explained that the lot really had no other place for placement.

Mr. O'Brien opened public comment at 7:40 p.m.

Eric Rosenberg, 16 Craw Lane, stated he drove by the property and spoke about shed permitting in the Town of Wilton.

Mr. Barrett made a motion to close the public hearing. Mr. Deloria seconded the motion. All were in favor. Public comment closed at 7:43 p.m.

Mr. Zabala made a motion to approve Appeal No. 2019-13 Gary and Stephanie Battell, 97 Cobble Hill Drive, Wilton, NY 12831. Request for an Area Variance pursuant to §129 Attachment 7, and §129-157 of the Zoning Ordinance, property located at 97 Cobble Hill Drive, Wilton, NY 12831, Tax Map No. 140.12-2-17, zoned R-1 in the Town of Wilton be granted in the amount of relief of 35 ft. front setback on the Roberts Court front 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

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by the granting of the Area Variance because other homes in the neighborhood have sheds, and the placement of the shed on the property is the most practical.

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 applicant requires use of a shed for storage.

3. The applicant has demonstrated that the requested Area Variance is substantial because the relief is 70%.

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 shed meets the requirements, and other homes in the neighborhood have sheds.

5. The applicant has demonstrated that the alleged difficulty is self-created.

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

Adjournment:

Mr. Barret made a motion to adjourn. Mr. Deloria seconded the motion. All were in favor. The meeting was adjourned at 7:45 p.m.

Dated: July 1, 2019

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Joseph O'Brien, Chairman

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