



**TOWN OF WILTON**  
22 Traver Road  
Gansevoort, New York 12831-9127  
(518) 587-1939 Ext. 224  
FAX (518) 587-2837  
www.townofwilton.com

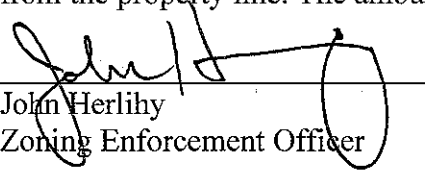
**SCOTT KINGSLEY**  
Zoning Board Chairman  
**LISA CLOSSON**  
Zoning Clerk  
**JOHN HERLIHY**  
Zoning Officer

**DETERMINATION OF ZONING ENFORCEMENT OFFICER**

**DATE** January 20, 2026 **ZONING DISTRICT:** R-2  
**APPLICANT:** Ann Peternell / Kevin Harrington  
**ADDRESS:** 19 San Luis Rd.  
Gansevoort, New York, 12831  
**OWNER:** Ann Peternell  
**PROPERTY LOCATION:** 18 King Rd.  
Saratoga Springs, New York 12866  
**TAX MAP NO.:** 128.-1-38.1  
**PROPOSED USE:** Single-Family Home

**DETERMINATION:**

**Pursuant to §129-157 Projections into required yards. Schedule "B" R-2 District.** The applicant has constructed the attached garage of the home within the 40.00 foot side yard setback for the R-2 District. The initial plot plan survey handed in with the Building and Zoning Permit Application showed the garage 85.00 +/- feet from the side property line. The final survey required for the issuance of a Certificate of Occupancy determined that the garage was 16.20 feet from the property line. The amount of relief requested is 23.80 feet.

  
John Herlihy  
Zoning Enforcement Officer

.....  
NOTE TO APPLICANT: This is to inform you that you may appeal this determination to the Town of Wilton Zoning Board of Appeals by filing a Notice of Appeal with the Zoning Enforcement Officer and the Zoning Board of Appeals within sixty (60) days of the date this determination was filed in the Code Enforcement Office. Effective May 30, 2007

ZONING BOARD OF APPEALS  
TOWN OF WILTON

APPLICATION FOR AN AREA VARIANCE

Appeal No. 2026-04  
Date: 1/27/2026

APPEAL FROM THE DECISION OF THE BUILDING INSPECTION AND  
APPLICATION FOR RELIEF UNDER THE ZONING ORDINANCE.

KEVIN HARRINGTON 165 County RT 64  
(Name of Applicant(s)) (Mailing Address)  
CONANTVILLE NY 12816  
(City/Town) (State) (Zip Code)

Telephone No. [REDACTED] (cell, home, work {circle one})

I (we) hereby appeal to the Zoning Board of Appeals from the Decision of the Building Inspector, denying me (us) permission to obtain a Certificate Occupancy

- I. Property Information:
  - A. Location of Property (Number and Street): 18 KIDG KORN
  - B. Tax Map No.: 128-1-38-1 C. Zoning District: \_\_\_\_\_
  - C. Name and address of owner, if other than applicant: ANN PETERBELL  
19 SAULGUS CAUSVAULT NY 12831
  - E. Present use of property: 1 FAMILY HOME
  - F. Has a previous appeal been filed with the board for this property? NO  
If yes, when and what number: \_\_\_\_\_
  - G. Is premises located within 500 feet from a state park, municipality boundary, state or county highway? YES If yes, identify: COUNTY RT 39
  - H. Is premises located in an Agricultural District: NO

- II. Facts upon which this appeal is based:
  - A. Provision of the Ordinance appealed: 129-157
  - B. Brief description of proposed action: request side yard setback relief for existing new construction
  - C. Type of area variance requested: EAST SIDEYARD SETBACK
  - D. Requirement in applicable zone: 40 FT
  - E. Applicant has (in feet, percent, sf, etc.): 16.1 FT EAST SIDE
  - F. Exact amount of relief requested: 24 FT  
(Subtract line E from line D)
  - G. Has work, use or occupancy to which this appeal relates already begun? YES If yes, when? \_\_\_\_\_
  - H. Are other approvals needed from any state, county or town agencies: NO If so, which ones? \_\_\_\_\_  
Has application for approval been filed for above? \_\_\_\_\_
  - I. Is project worth more than \$300,000: Yes \_\_\_\_\_ No /

III. Reason for appeal. Use additional sheets of paper, if necessary.

A. A variance to the Zoning Ordinance is requested for these reasons:

1. An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the area variance

because SETS IN A RURAL AREA  
ALL SINGLE FAMILY HOMES

2. The benefit sought cannot be achieved by some method feasible to pursue, other than an area variance

because I HAVE TO MEET THE  
YOUR SET BACK DISTANCES

3. The requested area variance is  substantial

because THE RELIEF REQUESTED IS MORE  
THAN 50% OF THE SIDE YARD SET BACK

4. The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district because

ITS A RURAL RESIDENTIAL AREA

5. The alleged difficulty was/ was not self-created

because HAD TO MOVE NEW HOME TO  
THE EAST SIDE TO GET OUT OF THE HIGH WATER TABLE  
(Note: Consideration of Number 5 shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude granting of the area variance.)

AND BUILDS UP  
ELEVATION TO  
SUSTAIN NEW  
HOME

IV. Evidence to be submitted with this application. It is the applicant's responsibility to see that submission is complete. The following items must be submitted with two copies of this form with **ORIGINAL SIGNATURES** in order for the application to be considered complete:

- A. Proof of contract to purchase, if property not owned by applicant, or  
B. Statement from owner that applicant has the right to represent him/her.  
C. Two copies of a site plan of the property, drawn to scale.  
D. Environmental Assessment Form, if applicable.  
E. Filing Fee: Make all checks payable to the Town of Wilton.

Other information, such as statements from the adjacent landowners, photographs, or any other information that the applicant wishes reviewed may be submitted with this application.

V. Evidence to be submitted after the application is filed: Adjacent landowners must be notified by certified mail, return receipt requested. The **original white certified receipts** stamped by the post office must be submitted to the board for each adjacent landowner notified. A copy of the notice is to be submitted to the ZBA office for review before mailing. Notification should be made at least two weeks prior to the hearing date, but **NOT UNTIL AFTER**

**THE APPLICATION IS FILED.** All signed return receipt cards must be submitted. See instruction sheet for more information on notification requirements.

This form must be signed before a notary. Notaries are available at the town hall if needed. Do not sign form until you appear before the notary.

I hereby affirm that the foregoing statements of fact are true, under penalty of perjury, this 22 day of JANUARY, 2026.

  
\_\_\_\_\_  
Signature of Applicant(s)

STATE OF NEW YORK  
COUNTY OF SARATOGA

Sworn to this 22 day of January, 2026.

SUSAN E. BALDWIN  
Notary Public, State of New York  
No. 01BA6303730  
Qualified in Saratoga County  
Commission Expires May 19, 2026

  
\_\_\_\_\_  
Notary Public

Received by the Wilton Zoning Board of Appeals on 1/22/2026 by Lisa Carson / SK

Reviewed by the Building Department on \_\_\_\_\_ by \_\_\_\_\_

**PLEASE MAKE SURE TO READ ALL INSTRUCTIONS PRIOR TO FILING APPLICATION. ALL APPLICATIONS MUST HAVE BEEN REFERRED BY THE BUILDING DEPARTMENT.**

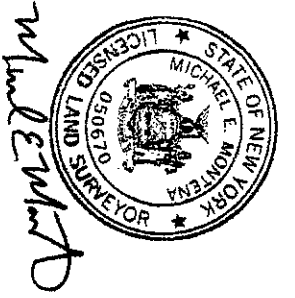
**Fees:**

Area Variance – Residential-Single & Two Family Homes	\$50.00
Area Variance – Commercial & Multi-Family Units:	
Est. < \$300,000 value	\$300.00
Est. > \$300,000 value	\$500.00
Use Variance – Residential-Single & Two Family Homes	\$100.00 (Non-Refundable)
Use Variance – Commercial & Multi-Family Units:	
Est. < \$300,000 value	\$750.00 (Non-Refundable)
Est. > \$300,000 value	\$1250.00 (Non-Refundable)
Signs	\$100.00
Special Permit – Residential-Single & Two Family Homes	\$50.00
Special Permit – Commercial & Multi-Family Units:	
Est. < \$300,000 value	\$300.00
Est. > \$300,000 value	\$500.00
Interpretations	\$50.00

12/12/2025

**DEED REFERENCE:**  
 1. CONVEYANCE TO "ANN M. PETERNELL", DATED 02/02/22 AND  
 RECORDED IN THE SARATOGA COUNTY CLERKS OFFICE IN DEED  
 BOOK 2022 AT PAGE 4070.

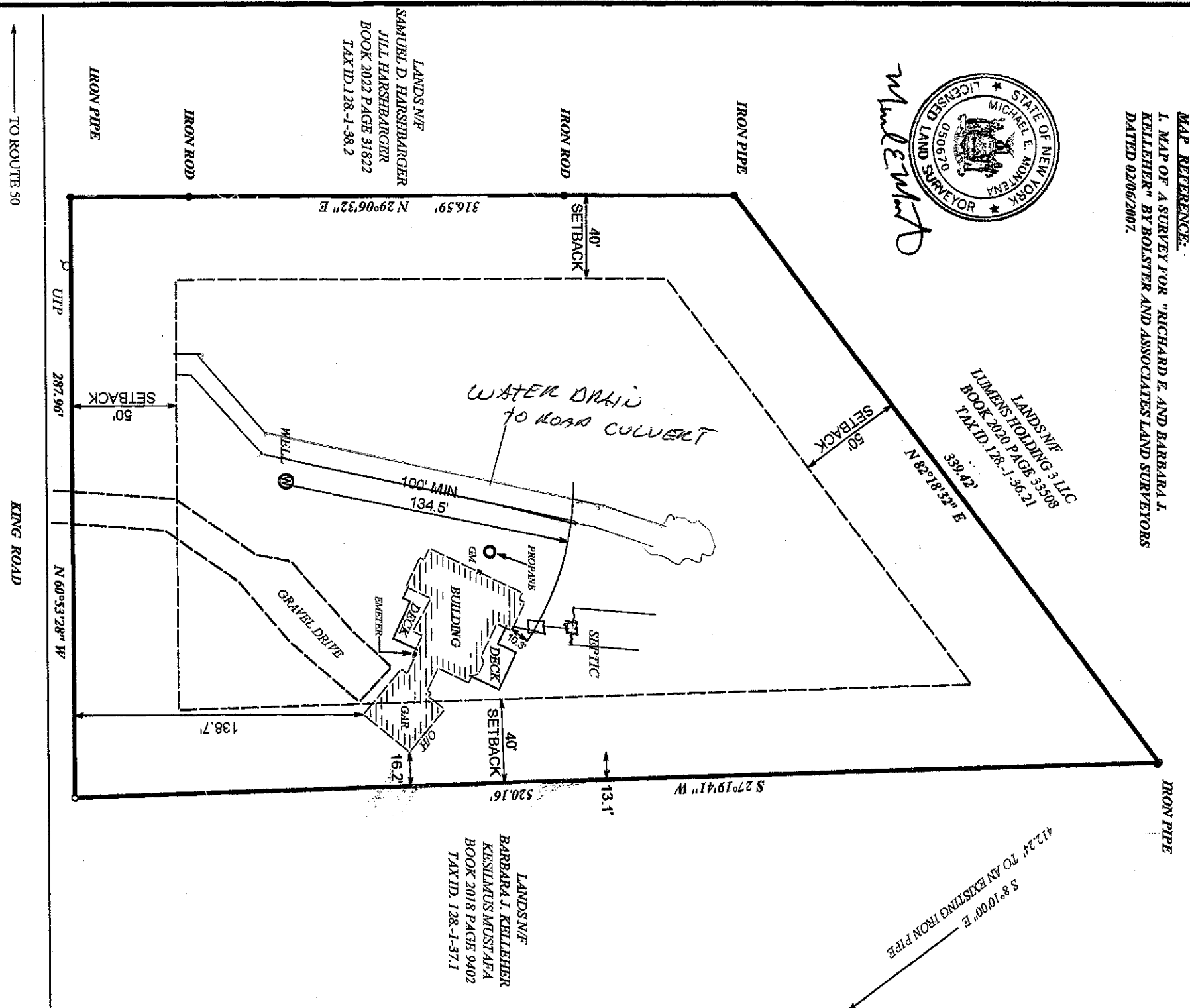
**MAP REFERENCE:**  
 1. MAP OF A SURVEY FOR "RICHARD E. AND BARBARA J.  
 KELLEHER" BY BOLSTER AND ASSOCIATES LAND SURVEYORS  
 DATED 02/06/2007.



*Michael E. Montena*

LANDS/N/E  
 LUMENS HOLDING 3, LLC  
 BOOK 2020 PAGE 3508  
 TAX ID 128-1-36.2

S 8°10'00" E  
 412.24' TO AN EXISTING IRON PIPE



LANDS/N/E  
 SAMUEL D. HARSHBARGER  
 JILL HARSHBARGER  
 BOOK 2022 PAGE 31822  
 TAX ID 128-1-38.2

LANDS/N/E  
 BARBARA J. KELLEHER  
 KESIMUS MUSTAFA  
 BOOK 2018 PAGE 9402  
 TAX ID 128-1-37.1

TO ROUTE 50

KING ROAD

CULVERT

LS # 050670

I HEREBY CERTIFY THAT THIS SURVEY MAP IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED JAN. 5, 2026, AND THAT THIS SURVEY MAP WAS PREPARED BY ME OR UNDER MY DIRECTION, AND CONFORMS WITH THE MINIMUM STANDARD CODE OF PRACTICE THAT HAS BEEN DEVELOPED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

ZONING DISTRICT: "R-2"  
 TAX ID# 128-1-38.1  
 AREA± 2.706 ACRES

ABL SURVEYING, PLLC  
 MICHAEL E. MONTENA, SURVEYOR  
 5 AVON PLACE  
 SOUTH GLENS FALLS, NY 12803  
 518-798-2219

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS PLAN OR ANY PORTION THEREOF IS PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

FINAL SURVEY MAP FOR  
 KEVIN HARRINGTON  
 AT 18 KING ROAD  
 JANUARY 5, 2026 SCALE 1" = 50'  
 TOWN OF WILTON, SARATOGA COUNTY,  
 NEW YORK

Ann Peternell/Kevin Harrington

18 King Road

Saratoga Springs, NY 12866

128.-1-38.1

Zoning Ordinance Section	Required	Proposed	Relief requested
§129-157	40 ft. side yard setback	16.20 ft. East side yard setback	23.80 ft. East side yard setback