

TOWN OF WILTON
22 TRAVER ROAD
GANSEVOORT, NY 12831-9127

(518) 587-1939, Ext. 603
FAX (518) 587-2837

Website: www.townofwilton.ny.gov
E-Mail: buildingdept@townofwilton.com

John Herlihy
Senior Building Inspector
Code Enforcement Officer
Zoning Officer

Marcus Hart
Building Inspector
Code Enforcement Officer

DETERMINATION OF ZONING ENFORCEMENT OFFICER

DATE: March 2, 2026 **ZONING DISTRICT:** R-1

APPLICANT: Mike Smith
ADDRESS: 12 Hillside Avenue
Saratoga Springs, New York 12866

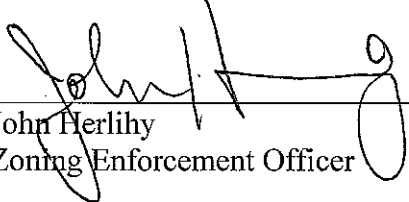
OWNER: Mike Smith
PROPERTY LOCATION: 12 Hillside Avenue
Saratoga Springs, New York 12866

TAX MAP NO.: 153.13-2-22

PROPOSED USE: Two Lot Subdivision

DETERMINATION:

Pursuant to §109-5 A. §129-157 and Schedule, "A" Residential One Zone. The Applicant is proposing to subdivide an existing parcel into two separate parcels. This does not fall under subdivision regulations because it does not result in three or more parcels upon completion of the subdivision. The applicant meets the area and frontage requirements for the R-1 zone. Required frontage is 150.00 feet and 40,000 square feet area. Required setbacks are 50.00 feet front, 50.00 feet rear and 25.00 feet side yard. The existing structures on the parcel are pre-existing non-conforming and do not meet the setback requirements. The applicant is proposing for lot 1, 38.20 feet of front setback relief for the house, 28.8 feet for the garage and 14.00 feet for the car port. For lot 2, 3.10 feet of front setback relief for the home.


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. 2026-11
Date: 11 March 2026

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

Michael, Smith
_____, _____
(Name of Applicant(s)) (Mailing Address)
Saratoga Springs, NY, 12185
_____, _____, _____
(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 subdivide property.

I. Property Information:

- A. Location of Property (Number and Street): 12 Hillside Avenue
- B. Tax Map No.: 153.13-2-22 C. Zoning District: R1
- C. Name and address of owner, if other than applicant: _____

E. Present use of property: Residential

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: City of Saratoga Springs

H. Is premises located in an Agricultural District: No

II. Facts upon which this appeal is based:

- A. Provision of the Ordinance appealed: Zoning Setbacks
- B. Brief description of proposed action: Grant variance of setbacks

C. Type of area variance requested: Setbacks - See Determination dated 02 March 2026

D. Requirement in applicable zone: Multiple - See Determination dated 02 March 2026

E. Applicant has (in feet, percent, sf, etc.): Multiple - See Determination 02 March 2026

F. Exact amount of relief requested: Multiple - See Determination 02 March 2026

(Subtract line E from line D)

G. Has work, use or occupancy to which this appeal relates already begun?
Yes _____ If yes, when? 1961

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? N/A

I. Is project worth more than \$300,000: Yes _____ No X

- 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 granted of the area variance because There is no change in use or occupancy.

 2. The benefit sought cannot be achieved by some method feasible to pursue, other than an area variance because Buildings exist in current location and grandfathered in.

 3. The requested area variance is not substantial because There is no change in use or occupancy.

 4. The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district because There is no change in use or occupancy.

 5. The alleged difficulty was/ was not self-created because Buildings existed prior to subdivision request

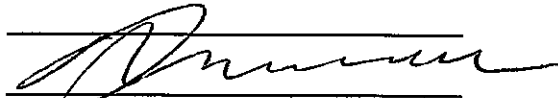
(Note: Consideration of Number 5 shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude granting of the area variance.)

- 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.

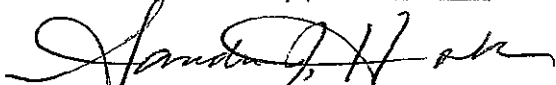
This form must be signed before a notary. Notaries are available at the town hall if needed. Do not sign form until you appear before the notary.

I hereby affirm that the foregoing statements of fact are true, under penalty of perjury, this 11 day of MARCH, 2026.


Signature of Applicant(s)

**STATE OF NEW YORK
COUNTY OF SARATOGA**

Sworn to this 11 day of MARCH, 2026.


Notary Public

SANDRA J. HOLCOMB
Notary Public, State of New York
Saratoga County #01HO0010833
Commission Expires July 10, 2027

Received by the Wilton Zoning Board of Appeals on 3/11/2026 by Lisa Chisson / SK

Reviewed by the Building Department on 3/20/2026 by [Signature]

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.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Subdivision of Lands of David C. Smith, Trustee			
Project Location (describe, and attach a location map): Hillside Avenue, Town of Wilton			
Brief Description of Proposed Action: Subdivision of existing 3.86 acre parcel into two lots Lot 1 - 2.52 acre lot with existing house and garages Lot 2 - 1.34 acre lot with existing house and garage			
Name of Applicant or Sponsor: Daniel C. Wheeler, L.S.		Telephone: [REDACTED]	
		E-Mail: surveydw@nycap.rr.com	
Address: 432 Broadway, Suite 5			
City/PO: Saratoga Springs		State: NY	Zip Code: 12866
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Wilton Planning Board approval			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		3.86+/- acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.86+/- acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): City of Saratoga Springs Watershed			
<input type="checkbox"/> Parkland			

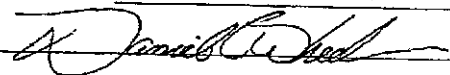
5. Is the proposed action,	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline	<input checked="" type="checkbox"/> Forest	<input type="checkbox"/> Agricultural/grasslands
<input checked="" type="checkbox"/> Wetland	<input type="checkbox"/> Urban	<input type="checkbox"/> Suburban
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO YES
		<input checked="" type="checkbox"/> <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?		NO YES
		<input checked="" type="checkbox"/> <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?		NO YES
If Yes,		<input checked="" type="checkbox"/> <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?		<input checked="" type="checkbox"/> <input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?		<input checked="" type="checkbox"/> <input type="checkbox"/>
If Yes, briefly describe:		

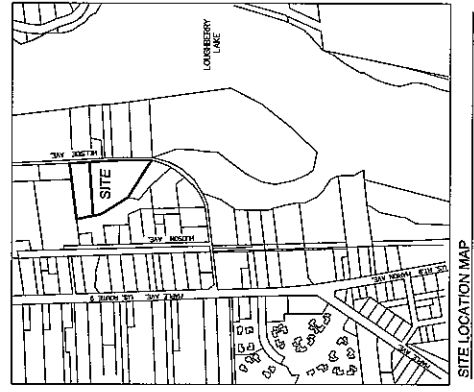
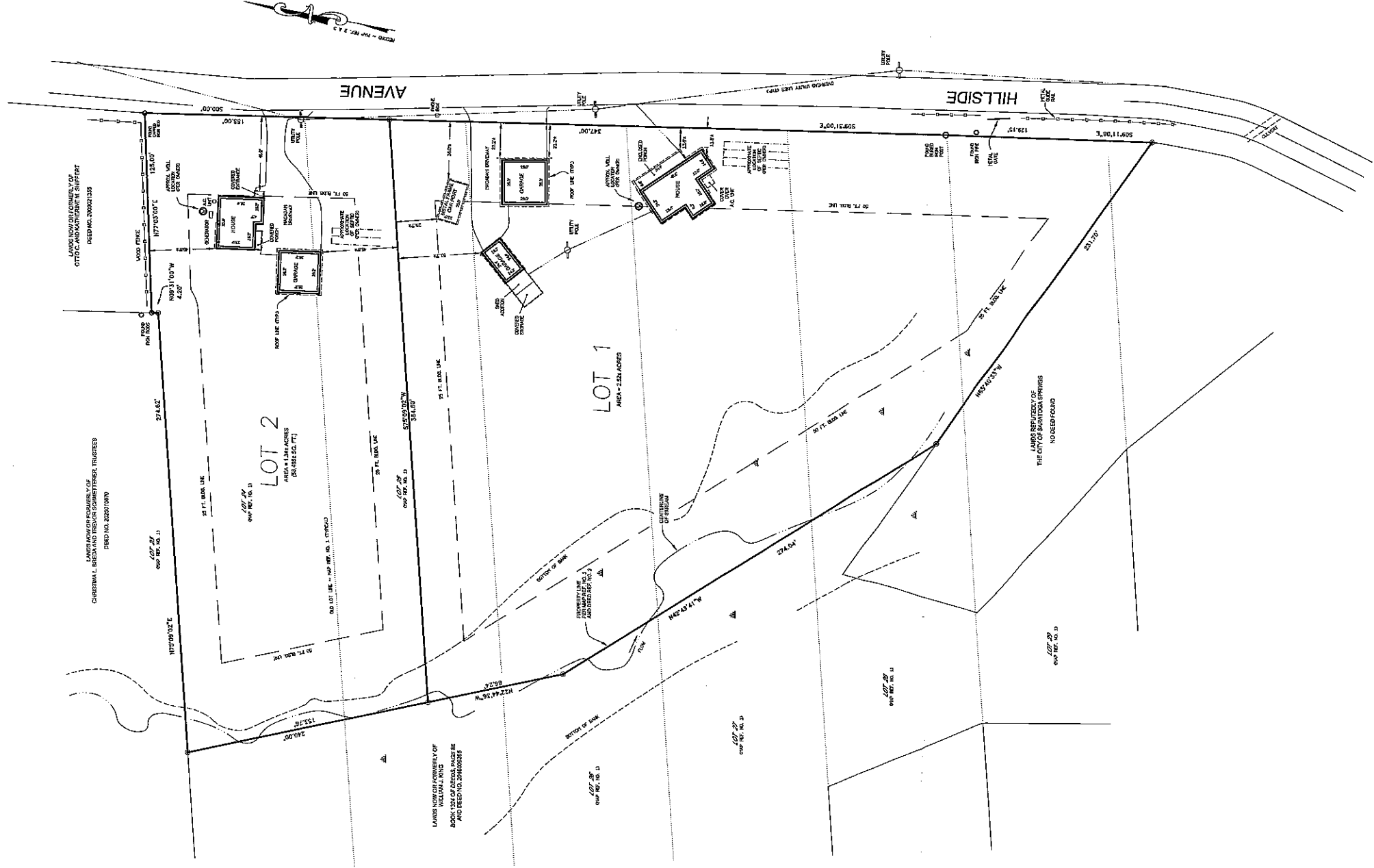
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?		NO YES
If Yes, explain the purpose and size of the impoundment:		<input checked="" type="checkbox"/> <input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?		NO YES
If Yes, describe:		<input checked="" type="checkbox"/> <input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?		NO YES
If Yes, describe:		<input checked="" type="checkbox"/> <input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: Daniel C. Wheeler, L.S. (Sponsor)		Date: 2-25-2026
Signature: 		Title: Land Surveyor

PRINT FORM

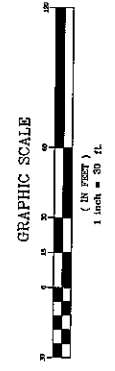


SITE LOCATION MAP

NOT TO SCALE

ZONING INFORMATION:

ZONING DISTRICT: R-1 (WITH NO WATER OR SEWER)
MINIMUM LOT SIZE: 40,000 SQ. FT.
MINIMUM FRONTAGE: 150 FT.
MIN. GREEN SPACE: .3%
MAXIMUM BUILDING HEIGHT: 35 FT.
MINIMUM SETBACKS:
FRONT: 50 FT.
SIDE: 25 FT.
REAR: 50 FT.
MIN. FLOOR AREA: 750 SQ. FT.



SURVEY ASSOCIATES, LLC
 PROFESSIONAL LAND SURVEYING
 432 BROADWAY, SUITE 5, SARATOGA SPRINGS, NY 12866
 PH. (518) 583-7502 FAX (518) 583-7503

TITLE:
SUBDIVISION OF LANDS OF SMITH FAMILY IRREVOCABLE TRUST
LOCATION: TOWN OF WILTON, SARATOGA COUNTY, NEW YORK
DATE: FEBRUARY 24, 2026
SCALE: 1 INCH = 30 FEET
MAP NO. 2026-02-05

DANIEL C. WHEELER
 P.L.S., L.C. NO. 50,137

DEED REFERENCES:
 1) DEED DATED OCTOBER 24, 2016 FROM MICHAEL J. SMITH AND DANIEL C. WHEELER, P.L.S., L.C. NO. 50,137 TO DAVID C. SMITH, TRUSTEE OF THE SMITH FAMILY IRREVOCABLE TRUST AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE AS DEED NO. 2016035631.

2) BOUNDARY LINE ADJUSTMENT AGREEMENT DATED MARCH 1, 2016 BETWEEN MICHAEL J. SMITH AND DANIEL C. WHEELER, P.L.S., L.C. NO. 50,137 AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE AS DEED NO. 2016035626.

MAP REFERENCES:
 1) MAP ENTITLED "MAP OF TOPPOWILLE AT SARATOGA SPRINGS, NEW YORK" DATED JANUARY 2, 2016, MADE BY SURVEYORS DANIEL C. WHEELER AND MICHAEL J. SMITH AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE AS DEED NO. 2016035626.

2) MAP ENTITLED "SURVEY OF CERTAIN LOTS OF GEORGE W. SMITH AND DANIEL C. WHEELER, P.L.S., L.C. NO. 50,137, IN THE SARATOGA COUNTY CLERK'S OFFICE AS DEED NO. 2016035626, POCSET 10, SEPT. 7, 1898 AND MADE BY AED ENGINEERS AND SURVEYORS."

3) MAP ENTITLED "LOT LINE ADJUSTMENT MAP LINES OF MICHAEL J. SMITH AND DANIEL C. WHEELER, P.L.S., L.C. NO. 50,137, DATED JANUARY 2, 2016, MADE BY SURVEYORS DANIEL C. WHEELER AND MICHAEL J. SMITH AND RECORDED IN THE SARATOGA COUNTY CLERK'S OFFICE AS DEED NO. 2016035626."

PARCEL INFORMATION:
OWNER:
 SMITH FAMILY IRREVOCABLE TRUST
 DAVID C. SMITH, TRUSTEE
 117 PHILLIPS ROAD
 VALLEY FALLS, NY 12285
TAX MAP PARCEL NO.:
 E5313-2-22
TOTAL AREA:
 THE TOTAL AREA OF THIS SUBDIVISION IS 3.066 ACRES.

NOTES:
 1) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR A TITLE REPORT.
 2) THERE WAS SIGNIFICANT SNOW AND ICE COVER PRESENT WHEN THIS SURVEY WAS PERFORMED.
 3) UNLESS OTHERWISE NOTED, OFFSET DIMENSIONS ARE MEASURED TO ROOF LINES.

Mike Smith
 12 Hillside Ave
 Saratoga Springs, NY 12866
 153.13-2-22

Zoning Ordinance Section	Required	Proposed	Relief requested
§129-157, Schedule A, R-1 Lot 1 House ----- Garage ----- Car Port	50 ft. front yard setback	11.80 ft. front yard setback ----- 21.20 front yard setback ----- 36 ft. front yard setback	. 38.20 ft. front yard setback ----- 28.8 ft. front yard setback ----- 14 ft. front yard setback
§129-157 Schedule A, R-1 Lot 2	50 ft. front yard setback	46.9 front yard setback	3.10 front yard setback