

**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY, January 25, 2024**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, 2024, at Wilton Town Hall and was called to order by Vice Chairman Ramsdill at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT:** Vice Chairman Christopher Ramsdill, Nicholas Collins, Jay Rifenburg, Christopher Iwinski, 1<sup>st</sup> Alternate, and Andrew Bobbitt, 2<sup>nd</sup> Alternate. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

**ABSENT:** Chairman O'Brien, Scott Duffy, Scott Kingsley, and Amanda Pelfrey.

**MINUTES:** The minutes of the last meeting, held on December 14, 2023, were approved, as submitted, on a motion made by Mr. Rifenburg, seconded by Mr. Collins. 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\*

**SUP NO. 2012-31** Laura Fogg and Shane Pratt, 256 Gurn Springs Road, Wilton, New York 12831. Request for an extension of a Special Use Permit pursuant to §129-176 V of the Zoning Ordinance for a private stable; property located at 256 Gurn Springs Road, Tax Map No. 116.-1-2.11, zoned R-2, in the Town of Wilton. SUP No. 2012-31, originally granted on July 26, 2012 for a period of two years with a maximum of two horses, amended for a maximum of three horses, and continually extended since, is due for review and extension on or before February 28, 2024.

No one was present to represent the appeal. SUP No. 2012-31 has been tabled until the next meeting scheduled to be held February 22, 2024.

**OLD BUSINESS:**

**Appeal No. 2023-02** David Lemen, for Dale Charbonneau, 184 Phila Street, Saratoga Springs, New York, 12866. Request for an Area Variance pursuant to Schedule E, RB-1 District, of the Zoning Ordinance; property located at 4205 Route 50, Saratoga Springs, New York, 12866, Tax Map No. 141.-1-8, zoned RB-1, in the Town of Wilton.

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**\*Tabled pending submission of additional information**

There was discussion on formally placing a deadline for the submission of additional information. Mr. Ramsdill suggested 60 days. All Board members present agreed.

**NEW BUSINESS:**

**Appeal No. 2024-01** Kimlee Stewart, 665 Saratoga Road, Apt. # 121, Gansevoort, New York, 12831. Request for Area Variances pursuant to Schedule B, R-2 District, of the Zoning Ordinance; property located on the corner of Edie and Louden Road, Saratoga Springs, New York, 12866, Tax Map No. 154.-1-76.3, zoned R-2, in the Town of Wilton.

David Kimmer from ABD Engineers, Scott Beckwith, applicants' fiancé, and Kimlee Stewart (applicant), 665 Saratoga Road, Apt. # 121, were present. Mr. Kimmer explained the project to the Board. He explained that there are NYSDEC wetlands that cover most of the parcel, and they have been working with NYSDEC to present a plan that is acceptable.

Mr. Rifenburg was trying to gain an understanding of where the property lines were discussing where the electric box and big tree would be in relation to the property line. He then confirmed that there has been no issues with the neighbors.

Mr. Ramsdill opened and closed the public hearing at 7:09 p.m. due to lack of public comment.

Mr. Rifenburg made a motion to approve Appeal No. 2024-01, Kimlee Stewart, 665 Saratoga Road, Apt. # 121, Gansevoort, New York, 12831. Request for Area Variances pursuant to Schedule B, R-2 District, of the Zoning Ordinance; property located on the corner of Edie and Louden Road, Saratoga Springs, New York, 12866, Tax Map No. 154.-1-76.3, zoned R-2, in the Town of Wilton, be granted, for 22 ft. front yard setback relief and 16 ft. south side yard setback relief, for a proposed single family home; property located on the corner of Edie and Louden Road, Saratoga Springs, New York, 12866, Tax Map No. 154.-1-76.3, zoned R-2, 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 Variances because there have been favorable responses, the proposed house will be similar in size to the others in the area, minimal disturbance of the lot is proposed, and the separation from the house next door will be similar to other homes in the neighborhood. 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 NYSDEC wetland buffers on the property do not allow construction on any other part of the lot. 3. The applicant has demonstrated that the requested Area Variances are not substantial because the house and yard have been made smaller to offset the decreased setback distances. 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 the single family use will be in harmony with the surrounding neighborhood, minimal land disturbance is proposed, and the proposed home is smaller

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than most of the other homes nearby. 5. The applicant has demonstrated that the alleged difficulty is not self-created because the restrictions of the property are imposed by NYSDEC, and the wetland buffers combined with the zoning setbacks would make the property unusable.

Mr. Iwinski seconded the motion. All board members present were in favor. The motion passed.

**Appeal No. 2024-02** Neil Edmonds, 19 Cambridge Court, 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 19 Cambridge Court, Saratoga Springs, New York, 12866, Tax Map No. 153.14-1-28, zoned R-1, in the Town of Wilton.

Mr. Ramsdill read correspondence from Chris Cannata, 23 Cambridge Court, expressing support for the construction of a pavilion at 19 Cambridge Court. It has been placed in record.

Neil Edmonds, 19 Cambridge Court, was present and explained his project to the Board.

Mr. Ramsdill opened and closed the public hearing at 7:14 p.m. due to lack of public comment.

Mr. Iwinski confirmed with Mr. Edmonds that the septic and leachfield are on the open area on the side of the pool.

Mr. Bobbitt confirmed that the neighbor behind Mr. Edmonds was notified on Sydney Hill Road, along with all the other adjoining neighbors.

Mr. Collins made a motion to approve Appeal No. 2024-02, Neil Edmonds, 19 Cambridge Court, 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 19 Cambridge Court, Saratoga Springs, New York, 12866, Tax Map No. 153.14-1-28, zoned R-1, in the Town of Wilton, be granted, conditioned on no off premise lighting, for 25 ft. rear yard setback relief, for a proposed pavilion; property located at 19 Cambridge Court, Saratoga Springs, New York, 12866, Tax Map No. 153.14-1-28, 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 25 ft. at the rear yard would not produce a change, most of the property is surrounded by mature trees, and the view of the pavilion will be minimal by all the neighboring properties. 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 proposed placement of the pavilion is in the optimal location as it relates to the existing exterior features, and does not encroach on any part of the property that would compromise established setbacks beyond the rear yard setback where requested. 3. The applicant has demonstrated that the requested Area Variance is substantial, however, not

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enough to outweigh the other factors needed to approve the requested variance. 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 pavilion will be constructed on existing open space bordering the pool without the need to remove any of the trees bordering the property. 5. The applicant has demonstrated that the alleged difficulty is self-created.

Mr. Iwinski seconded the motion. All board members present were in favor. The motion passed.

**Adjournment:**

Mr. Collins made a motion to adjourn. Mr. Iwinski seconded the motion. All board members were in favor. The meeting was adjourned at 7:19 p.m.

**Dated: January 26, 2024**

**BOARD OF APPEALS**

**BY** \_\_\_\_\_

**Lisa Closson, Zoning Clerk**

**BY** \_\_\_\_\_

**Christopher Ramsdill, Vice Chairman**