

WILTON ZONING BOARD OF APPEALS
THURSDAY, March 25, 2021

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, March 25, 2021 via a ZOOM webinar and was called to order by Vice Chairman Ramsdill at 7:03 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Vice Chairman Christopher Ramsdill, Robert Barrett, Jim Deloria, and Christian Clark, 2nd Alternate. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, Lisa Closson, Zoning Clerk, and Joshua Carlsson, ZOOM Meeting Coordinator. Gerard Zabala joined the meeting at 7:08 p.m.

ABSENT: Chairman O'Brien, Dean Kolligian, Scott Kingsley, and Jay Rifenburg, 1st Alternate.

MINUTES: The minutes of the last meeting, held on February 25, 2021, were approved, as submitted, on a motion made by Mr. Deloria, seconded by Mr. Barrett. 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*

OLD BUSINESS:

Mr. Ramsdill explained to the applicants that a vote requires four members in agreement, either to approve or decline something for a decision to be made by the board, and will need to have all four in agreement on any motions that are made in order for them to pass. Mr. Zabala joined the meeting at 7:08, making a 5 member board.

Appeal No. 2021-05 Robert and Jane Burns, 34 Corinth Mountain Road, Gansevoort, New York 12831. Request for Area Variances pursuant to §129-157, §129-158, and Schedule C, R-3 District, of the Zoning Ordinance; property located at 34 Corinth Mountain Road, Gansevoort, New York 12831, Tax Map No. 101.-1-61.1, in the Town of Wilton.

Wilton Zoning Board of Appeals
Regular Meeting March 25, 2021

Mr. Ramsdill asked if Mr. and Mrs. Burns were present and if they would like to tell what they would like to do. Robert and Jane Burns, 34 Corinth Mountain Road, were present. Mrs. Burns questioned a decision by the board if not in agreement.

Mr. Burns explained that the building lines were revised to move the envelope for a possible structure, which would give 100 feet from the southern property line and 60 feet on the north side.

Mr. Ramsdill asked if everyone present was present during the last meeting to remember the project, and Mr. Barrett said he was not. Mr. Ramsdill summarized the project for Mr. Barrett.

There was discussion about the lots and the size of a ranch home between Mr. Mykins and the Board.

Mr. Ramsdill re-opened and closed the public hearing at 7:10 p.m. due to lack of public comment.

Mr. Zabala asked about comments or concerns on the surrounding property owners. Mrs. Burns said there was not, and made comment on zoning in R-3 on other subdivisions which do not meet frontage on some lots. Mr. Mykins explained that some of those lots pre-existed zoning. Discussion continued.

Mr. Ramsdill made a motion to approve Appeal No. 2021-05, Robert and Jane Burns, 34 Corinth Mountain Road, Gansevoort, New York 12831. Request for Area Variances pursuant to §129-157, §129-158, and Schedule C, R-3 District of the Zoning Ordinance; property located at 34 Corinth Mountain Road, Gansevoort, New York 12831, Tax Map No. 101.-1-61.1, zoned R-3, in the Town of Wilton, be granted for Lot No. 1 a relief for 4,594 sq. ft. lot size, 150.99 ft. frontage, 34.90 ft. south side for existing house and 74.6 ft. north side for existing sheds, and for Lot No. 2, a relief of 17,643 sq. ft. lot size, 164.82 ft. frontage, and 40 ft. north side setbacks; property located at 34 Corinth Mountain Road, zoned R-3 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 it will be consistent with similar properties that are in the immediate area along the road, and will be set back and moved away from the adjacent property.
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 it is difficult to break the larger pieces of property that they have up and maintain the road frontage.
3. The applicant has demonstrated that the requested Area Variances are not substantial because they worked to reduce and still allow for two building lots on the two properties.
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 will be consistent with other residential homes and will be set back and away from the existing lots.
5. The applicant has demonstrated that the alleged difficulty was self-created.

Mr. Deloria seconded the motion. A Roll call showed all other board members present were in favor. The motion passed.

Wilton Zoning Board of Appeals
Regular Meeting March 25, 2021

NEW BUSINESS:

Appeal No. 2021-07 Stephen and Donna Kloss, 27 Corinth Mountain Road, Gansevoort, New York 12831. Request for Area Variances pursuant to Schedule B, R-2 Residential Two District and Schedule C, R-3 residential Three District, of the Zoning Ordinance; property located at Corinth Mountain Road, Gansevoort, New York 12831, Tax Map No's. 114.7-1-2, 101.-1-65.11, and 101.-1-64, zoned R-2/R-3, in the Town of Wilton.

Mr. Ramsdill read correspondence from SCPB and WPB which have been placed into record. He then asked if the Kloss's were present and if they would like to present what they would like to do. Stephen and Donna Kloss, 27 Corinth Mountain Road, were present and explained that they have been in touch with Gary Meyer regarding the driveway for lot 4. Mrs. Kloss explained that they have 39+ acres that they would like to turn over to their family, and continued to explain the proposed project. There was discussion between the Board and Mrs. Kloss regarding the right-of-way to access lot 4. Mr. Mykins explained that the driveway has to be a minimum of 15' wide for fire and emergency vehicles, which would be addressed by Planning.

Mr. Deloria asked about the Lands of Niagara Mohawk/National Grid. Mrs. Kloss replied that the electric company owns to the left of the proposed right-of-way, to the right, they have a right-of-way. Discussion continued between the Board, Mr. Mykins, Mr. Schachner, and Mrs. Kloss.

Mrs. Kloss asked about the notifications sent and voicing concerns. Discussion continued regarding concerns and conditions. Mr. Ramsdill made mention of the possibility of relocating driveway for lot 4 to Woodard Road. Mr. Zabala followed up with Mr. Deloria's comment on the right-of-way over existing Niagara Mohawk/National Grid easement for proposed driveway to lot 4. There was continued discussion between the Kloss's, the Board and Mr. Mykins.

Mr. Ramsdill questioned if the dots along the Niagara Mohawk/National Grid easement represent poles, the Kloss's affirmed. He then stated that one will be in the middle of the driveway and would have to be moved. Discussion continued between the Board and the Kloss's.

Mr. Ramsdill opened and closed the public hearing at 7:45 p.m. due to lack of public comment.

Mr. Ramsdill asked Mr. Mykins about the lot line adjustments for lot 1 and lot 2, almost creating two separate parcels. Mrs. Kloss explained that when they purchased this land, they had the 39 plus acres that went with lot 1, then built their house on lot 2, and there was nothing separate. When they gave land to their other daughter, Mary Hansen, to the left of lot 1, she had the deed turned over, and wound up having two deeds to that, the one in the back and the one in the front. She continued to explain she did not understand. Mr. Ramsdill asked Mr. Mykins if it would be considered a lot line adjustment if two parcels were created, and Mr. Mykins explained that Planning has this as a 5 lot subdivision. Discussion continued between Mr. Mykins, Mrs. Kloss, Mr. Ramsdill, and Mr. Schachner.

Wilton Zoning Board of Appeals
Regular Meeting March 25, 2021

Mr. Ramsdill made a motion to approve Appeal No. 2021-07, Stephen and Donna Kloss, 27 Corinth Mountain Road, Gansevoort, New York 12831. Request for Area Variances pursuant to Schedule B, R-2 Residential Two District and Schedule C, R-3 residential Three District of the Zoning Ordinance; property located at 25 Corinth Mountain Road, Gansevoort, New York 12831, Tax Map No's. 114.7-1-2, 101.-1-65.11, and 101.-1-64, zoned R-2/R-3, in the Town of Wilton, be granted, conditioned on Niagara Mohawk/National Grid consent must be obtained for a right-of-way through a Niagara Mohawk/National Grid easement to access proposed Lot 4 and appropriate size of right-of-way must be determined by the Planning Board in order for the Variances to take affect, and that proposed Lot 1 West and Lot 1 East along with proposed Lot 2 West and Lot 2 East remain in common ownership and not subdivided into separately owned lots in the future; for 2 proposed lot line adjustments and 3 lot subdivision, Lot # 4 relief in the amount of frontage for 400 ft. with a proposed right-of-way through 29 Corinth Mountain Road, Tax Map No. 101.-1-65.2, and Lot # 5, reliefs in the amount of frontage for 127.13 ft.; property located at 25 Corinth Mountain Road, Gansevoort, New York, 12831, 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 these are very large pieces of property, that due to subdivisions of the main lot that occurred prior to zoning, had created difficult frontage situations, and this is the best method for the family to access the large rear parcels. 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 pre-existing smaller lots that have been carved out along the road have caused a large portion of the property in the rear of those properties, and does not allow the substantially large pieces of property to have appropriate road frontage. 3. The applicant has demonstrated that the requested Area Variances are substantial because of the frontage relief for Lot 4, but by the granting of the right-of-way, it will allow that to have a minimal impact on the road frontage. 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 these are large rural lots, and most of the development will occur in an area where it is not going to have impact on any adjacent properties or physical or environmental conditions. 5. The applicant has demonstrated that the alleged difficulty was self-created. Mr. Zabala seconded the motion. A Roll call showed all other board members present were in favor. The motion passed.

Appeal No. 2021-08 Ryan Washburn, for Courtney Washburn, 28 Suffolk Lane, Gansevoort, New York 12831. Request for Area Variances pursuant to §129-157 and Schedule A, R-1 District, of the Zoning Ordinance; property located at 28 Suffolk Lane, Gansevoort, New York 12831, Tax Map No. 115.13-3-1, zoned R-1, in the Town of Wilton.

Mr. Ramsdill asked if Ryan Washburn was present and if he would like to explain what he would like to do. Mr. Washburn, 28 Suffolk Lane, was present and explained that he would like to install a 24' x 21' shed on the east side of his property, using a rear setback of 20 ft., and a side setback of 3 ft., entering from the west side of the lot through a gate, and not put a driveway near the town right-of-way.

Wilton Zoning Board of Appeals
Regular Meeting March 25, 2021

Mr. Ramsdill acknowledged the finished area that is fenced in on the right side of the lot, and asked if that is why Mr. Washburn did not want to place the shed there, and Mr. Washburn explained that they are going to put a pool there in the future.

Mr. Barrett made mention that 3 ft. from the Town property line is close, can it be moved 15 to 20 ft., and Mr. Washburn explained it would be 35 ft. into the middle of the yard preventing the reasonable use of the property. Discussion continued between Mr. Washburn, Mr. Barrett, and Mr. Ramsdill, about the placement of the shed.

Mr. Deloria asked about correspondence from the neighbor at 27 Suffolk Lane next to where the shed is going to be, and Mr. Washburn explained they have a good working relationship and he says it doesn't bother him at all.

Mr. Ramsdill explained that by looking at the picture he was inclined to feel like it needed to be moved, but that there is a smaller area back there then it looks like in the drawing, compared to the size of the shed and the shape of the property. Mr. Washburn agreed, and explained that he has changed the location from the original application from 3 ft. rear to 20 ft. rear.

Mr. Ramsdill opened and closed the public hearing at 8:08 p.m. due to lack of public comment.

Mr. Zabala started to make a motion to approve but could not finish it due to technical problems.

Mr. Ramsdill made a motion to approve Appeal No. 2021-08, Ryan Washburn, for Courtney Washburn, 28 Suffolk Lane, Gansevoort, New York 12831. Request for Area Variances pursuant to §129-157 and Schedule A, R-1 District of the Zoning Ordinance; property located at 28 Suffolk Lane, Gansevoort, New York 12831, Tax Map No. 115.13-3-1, zoned R-1, in the Town of Wilton, be granted for the proposed placement of a 21' x 24' ft. garage/carport in the amount of relief of 15 ft. rear setback and 7.5 ft. east side setback, property located at 28 Suffolk Lane, Gansevoort, New York 12831, Tax Map No. 115.13-3-1, 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 Variances because the property is an unusual shape on the cul-de-sac that limits the area that the shed could be placed upon, forever wild area in the rear, and a heavily wooded area on the left side property that would make the shed less obtrusive in the placement selected by the applicant. There is limited useable space in the rear yard, the right area already has structures on it. 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 property has very limited buildable area, the unusual pie shape leaves a small section of buildable property. Moving the shed in the buildable allowable area would place the shed within close proximity to the house and an existing deck. 3. The applicant has demonstrated that the requested Area Variances are not substantial because it is the minimum use that could be done to place it on the property. Currently, there is 10 foot setbacks from the neighbor's land and is heavily wooded in forever wild area. 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 will be hidden in the rear of the property behind a heavily wooded area and will be similar with other size sheds

Wilton Zoning Board of Appeals
Regular Meeting March 25, 2021

that are on neighborhood properties. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

Adjournment:

Mr. Deloria made a motion to adjourn. Mr. Barrett seconded the motion. All board members were in favor. The meeting was adjourned at 8:15 p.m.

Dated: March 26, 2021

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Christopher Ramsdill, Vice Chairman