

**WILTON ZONING BOARD OF APPEALS
THURSDAY, April 22, 2021**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, April 22, 2021 via a ZOOM webinar and was called to order by Vice Chairman Ramsdill at 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Vice Chairman Christopher Ramsdill, Jim Deloria, Scott Kingsley, Dean Kolligian, and Gerard Zabala. 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.

ABSENT: Chairman O'Brien, Robert Barrett, Jay Rifenburg, 1st Alternate, and Christian Clark, 2nd Alternate.

MINUTES: The minutes of the last meeting, held on March 25, 2021, were approved, as submitted, on a motion made by Mr. Deloria, seconded by Mr. Kolligian. 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. 2009-05 Charles R. Pickett, Jr., 7 Pine Ledge Terrace, Gansevoort, New York 12831. Request for an extension of a Special Use Permit, pursuant to Schedule A, R-1 District and §129-176 C (1), (2) and (3) of the Zoning Ordinance, for a home occupation as a gunsmith/firearms dealer; property located at 7 Pine Ledge Terrace, Tax Map No. 140.6-4-1, zoned R-1, in the Town of Wilton. SUP No. 2009-05, originally granted on May 28, 2009 for a period of two years, and continuously extended every two years, is due for review and extension on or before May 28, 2021.

Mr. Ramsdill read correspondence from Charles Pickett, Jr., 7 Pine Ledge Terrace, explaining he would like his Special Use Permit extended in the event he could not connect to the Zoom webinar. Mr. Pickett, Jr. was present and explained he would like his Special Use Permit, and has not had any concerns in the past two years. Mr. Mykins explained there have been no complaints at all. Mr. Ramsdill explained that this permit has been extended for two years since 2009, and due to the length of time it has been in good standing, a move

Wilton Zoning Board of Appeals
Regular Meeting April 22, 2021

can be made to extend it for greater than two years. Mr. Pickett, Jr. explained that his State renewal permits come in three year bursts, and in three years he would be back up for renewal again. Mr. Kolligian agreed based on the licensing requirement for the State.

Mr. Deloria made a motion to approve the extension of SUP No. 2009-05, Charles R Pickett, Jr., 7 Pine Ledge Terrace, Gansevoort, New York 12831. Request for an extension of a Special Use Permit, pursuant to Schedule A, R-1 District and §129-176 C (1), (2) and (3) of the Zoning Ordinance, for a home occupation as a gunsmith/firearms dealer; property located at 7 Pine Ledge Terrace, Tax Map No. 140.6-4-1, zoned R-1, in the Town of Wilton, for a period of 3 years, and will be due for review and extension on or before May 28, 2024. Mr. Kolligian seconded the motion. All board members present were in favor. The motion passed.

OLD BUSINESS:

None

NEW BUSINESS:

Appeal No. 2021-09 David Huestis, 3 Autumn Court, Gansevoort, New York 12831. Request for an Area Variance pursuant to §129-157 and Schedule A, R-1 District, of the Zoning Ordinance; property located at 3 Autumn Court, Gansevoort, New York 12831, Tax Map No. 140.12-1-52, zoned R-1 in the Town of Wilton.

Mr. Ramsdill read correspondence from David Huestis, 3 Autumn Court, regarding his appeal, and acknowledged 5 other letters from his adjacent landowners expressing general support for the project as proposed. All correspondence have been placed into record. Mr. Huestis was present and Mr. Ramsdill asked him to explain what he would like to do. Mr. Huestis realized that asking for the relief he was asking for placement of the pool equipment very close to the property line is not something the Board in general in favor of. Mr. Huestis explained the mailings went out to his neighbors, but only received one out of the five signed returned receipts back. Mr. Ramsdill and Mr. Schachner discussed the requirement.

Mr. Huestis explained his project. There was discussion between Mr. Ramsdill and Mr. Huestis about the pool house being constructed.

Mr. Zabala asked if the pool was operational right now, and Mr. Huestis explained they are on the schedule for the pool to be installed, and do not have the permit yet, pending the hopeful approval of the variance request for the pool equipment.

Mr. Ramsdill opened the public hearing at 7:17 p.m. and closed the public hearing at 7:18 p.m. due to lack of public comment.

Mr. Zabala asked about shrubbery and plantings on the side of the shed and pool house, Mr. Huestis explained there was no plan. Discussion continued.

The Board and Mr. Huestis discussed the fencing, screening, and noise buffer around the pool equipment, along with possible conditions.

Mr. Kingsley made a motion to approve Appeal No. 2021-09, David Huestis, 3 Autumn Court, Gansevoort, New York 12831. Request for an Area Variance pursuant to Schedule A, R-1 Residential One District and §129-157 of the Zoning Ordinance; property located at 3

Wilton Zoning Board of Appeals
Regular Meeting April 22, 2021

Autumn Court, Gansevoort, New York 12831, Tax Map No. 140.12-1-52, zoned R-1, in the Town of Wilton, be granted for relief in the amount of 9' rear setback for pool equipment.; property located at 3 Autumn Court, 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 Variance because the pool equipment will be located between both the pool house and the trees and greens that border on the property and McGregor Links Golf Course. 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 if they were to place the pool equipment 10 ft. from the property line, the equipment would be seen and will also reduce the practical use of their back yard. 3. The applicant has demonstrated that the requested Area Variance is substantial. 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 equipment itself will be sandwiched between the pool house and the greens and the trees that border the Golf Course. 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. 2021-10 Aaron and Meghan Mondore, 8 Margaret Drive, Gansevoort, New York 12831. Request for an Area Variance pursuant to §129-157, C. (2), (a), of the Zoning Ordinance; property located at 8 Margaret Drive, Gansevoort, New York 12831, Tax Map No. 128.5-1-12.1, zoned R-1 in the Town of Wilton.

Mr. Ramsdill read two pieces of correspondence from Diane Roy, 10 Margaret Drive, expressing concern of the proposed placement of the pool and the trees on her property. Meghan and Aaron Mondore, 8 Margaret Drive, were present and presented the project they were proposing for placing an in ground pool and equipment. Mrs. Mondore also spoke of the tree line on Mrs. Roy's property and that they (Mr. and Mrs. Mondore) have been cleaning the branches because the trees shed in their yard. Mrs. Mondore also mentioned that Mrs. Roy's concern, when she had visited the Mondore's, was how the pool was to be cleaned and water removed from the pool.

Mr. Kingsley asked if the pool is going to be where the trampoline is currently. Mrs. Mondore said no, and that the property goes down an embankment, and the trampoline will be removed, and that side yard is where the pool will be.

There was discussion between Mr. Ramsdill, Mr. Mykins, and the Mondore's about the location and distance to the embankment relative to the north side property line. Mrs. Mondore stated it is pushed back further, but that's Mrs. Roy's property that they continually care for, but basically, those main trees that are seen, is a good indication the property line.

Mr. Deloria spoke about a property stake and a large pine on the Mondore's property.

Mr. Ramsdill expressed concern about digging exactly at that seven foot mark because they're (contractor) going to need to excavate further than that, to place the footings in for the pool, and digging a couple of feet away from where the ground is sloping down and right into the base of a lot of those tall trees that are going to be leaning right over the property. Another concern, not certain if this was reviewed by the contractor, there are a couple of

Wilton Zoning Board of Appeals
Regular Meeting April 22, 2021

trees that are pretty big, and if digging, it will be digging in three or four feet off the side of these large trees, taking out all the roots, those trees could come down right on top of the pool.

Mr. Kingsley said those roots of those trees might actually be in the way of digging that pool out.

Mr. Mykins explained that this is to the water line, concrete will be put in around the pool, another four or five feet, and if there is any erosion on that side of the property, there will be problems with the concrete on that side. This is a big investment. The further the pool can be moved toward the house and patio in the back, the better off it will be. Mr. Ramsdill confirmed.

Discussion continued between the Mondore's, Mr. Ramsdill, Mr. Kolligian, Mr. Deloria, and Mr. Mykins regarding the placement of the pool and erosion of concrete.

There was discussion about moving the pool and the neighbor's trees between the Board and the Mondore's.

There was discussion about proper notification to neighbors if the pool was going to deviate from the original plan between Mr. Kolligian, Mr. Schachner, Mr. Deloria, and Mr. Ramsdill. The Mondore's understood the concerns and were willing to revisit the project by moving the pool over to the right toward the house, deviating from 7ft. north side setback to 14 ft. north side setback, requiring 6 ft. north side setback relief.

There was discussion between Mr. Zabala, Mr. Ramsdill, and Mr. Mykins about the width of the concrete and the setback from the waterline of the pool.

Mr. Ramsdill opened the public hearing at 8:11 p.m.

Diane Roy, 10 Margaret Drive, shared that she did speak with Mrs. Mondore early before the meeting and discussed the plans and concerns about the tree system and liability. She also stated that a couple of years ago Mrs. Mondore expressed some serious concern about the trees and the nuisance of the branches, and that she offered to work with her, and suggested to use Tom Mullan, and that she had an arborist come out to evaluate the trees, which he said the trees are very healthy. She also stated that she suggested to Mrs. Mondore that if she (Mrs. Mondore) wanted to remove the trees that she (Mrs. Roy) might be agreeable but that Mrs. Mondore wanted her (Mrs. Roy) to pay for them, and that was not agreeable, if she wanted them removed she could tell her (Mrs. Roy) which ones needed to be removed and if she wished to remove them herself, she would consider that, and still is of that persuasion. She then spoke of the root system and digging near the pines, damaging the tree, and creating a liability. She also spoke of the drop off of the property.

Mr. Ramsdill explained to Mrs. Roy the modification that the Mondore's have made, and Mrs. Roy explained that the root ball of the trees needs to be taking into consideration, if it doesn't kill the tree, doesn't pose additional liability for the Mondore's, and that the installation of an in-ground pool is a significant cost, and would hate to see them lose their investment.

Mr. Deloria confirmed with Mrs. Roy that if the applicant said they were going to pay to remove the trees, that she (Mrs. Roy) would be ok with that. Mrs. Roy explained that she told Mrs. Mondore that a number of times.

Mrs. Roy explained that Mrs. Mondore told her that it was an in-ground pool before the meeting and that relieved some concern about the amounts of water that would be dumped onto the low lying land and that she (Mrs. Mondore) also said she was going to have a fence around the pool, and confirmed with Mr. Mykins the fence ordinance which says 6" from the property line. Mrs. Roy thanked the Board for the opportunity to comment and

Wilton Zoning Board of Appeals
Regular Meeting April 22, 2021

expressed that she would like to have the approval or disapproval suspended until there is an opportunity to discuss what the Mondore's would like to do, and is agreeable to having trees removed at the Mondore's cost. She then spoke about the erosion of that drop off and that there has been a lot of debris that has been pushed in that area. And that she did clean it up soon after they had the house put up, and apparently there's still some youth activity in the area. She stated she did pick up beer cans today and tarps and a variety of things. That was right on the property line just below the property line.

Mr. Kingsley shared that he would be opposed to closing the public hearing and would like to see if the applicants and the neighbor can come to some kind of arrangement, but it is up to the applicants.

Mr. Kolligian replied that he thinks that the applicants have an understanding and are willing to listen and agreeable to making a modification to their original plan, and would be remissed to not let them get started with their project. Discussion continued between the Board and Mr. Schachner about closing the public hearing, placing conditions on the motion, and notification of the modification to the neighbor.

Mr. Ramsdill closed the public hearing at 8:23 p.m.

Mr. Kolligian made a motion to approve Appeal No. 2021-10, Aaron and Meghan Mondore, 8 Margaret Drive, Gansevoort, New York 12831. Request for an Area Variance pursuant to §129-157 C. (2), (a) of the Zoning Ordinance; property located at 8 Margaret Drive, Gansevoort, New York 12831, Tax Map No. 128.5-1-12.1, zoned R-1, in the Town of Wilton, be granted for the proposed placement of a pool at 14 ft. north side setback, property located at 8 Margaret Drive, Gansevoort, New York 12831, Tax Map No. 128.5-1-12.1, 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 Variance because the area is heavily treed and contains lots of debris from over the years. 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 considerable slope of this portion of the property, and the land behind the home and a permanent concrete patio directly behind the house which has been in use for many years making it difficult to move the pool closer to the home line. 3. The applicant has demonstrated that the requested Area Variance is not substantial because they simply would like to utilize the area of the property that would make sense with the landscape, and currently have a patio that is installed which would make it difficult to bring the pool any closer than what has been agreed upon. 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 surrounding land and landscape will no longer be affected. 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. 2021-11 Kevin Kleis, 8 Bradford Drive, Saratoga Springs, New York 12866. Request for an Area Variance pursuant to §129-157 and Schedule A, R-1 District, of the

Wilton Zoning Board of Appeals
Regular Meeting April 22, 2021

Zoning Ordinance; property located at 8 Bradford Drive, Saratoga Springs, New York 12866, Tax Map. No. 153.7-2-7, zoned R-1 in the Town of Wilton.

Mr. Ramsdill read correspondence from Fred and Deborah Dente, 6 Bradford Drive, expressing conditions they would like to see met regarding the build of the garage.

Kevin Kleis, 8 Bradford Drive, was present and presented his project to the board.

Mr. Ramsdill confirmed the terraced areas on the rear of the property and a retaining wall with Mr. Kleis.

There was discussion about the setback and amount of relief needed between Mr. Schachner, Mr. Mykins, and Mr. Ramsdill, and that they (the Board) are going to have to modify to state the relief requested is 21 feet east side setback instead of the 19 ft. presented.

There was discussion between Mr. Kingsley, Mr. Ramsdill, Mr. Mykins, and Mr. Kleis about living space versus storage space above the garage, and the neighbors request to lower the roof line to 18 ft.

Mr. Ramsdill pointed out that the applicant would not have an easy time placing the garage somewhere else on the property because of the two fronts, the retaining wall in the back, and the location of the current access to the driveway.

Mr. Zabala asked Mr. Kleis about the little area between the new garage and the end of the current asphalt, if that is that going to be paved also? Mr. Kleis replied that was the plan, and also plan on widening the driveway. Mr. Zabala then asked about the concern of the neighbor for the run off and drainage from the roof, would that include the new section of the driveway as well? Mr. Kleis explained he would make sure the run off would still run down his driveway, and was planning on putting in a gutter system.

Mr. Ramsdill opened and closed the public hearing at 8:37 p.m. due to lack of public comment.

Mr. Kolligian made a motion to approve Appeal No. 2021-11, 8 Bradford Drive, 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 8 Bradford Drive, Saratoga Springs, New York 12866, Tax Map No. 153.7-2-7, zoned R-1, in the Town of Wilton, be granted for the for the proposed placement of a 24' x 30' garage in the amount of relief of 21 ft. east side setback, property located at 8 Bradford Drive, Saratoga Springs, New York 12866, Tax Map No. 153.7-2-7, 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 proposed building is for storage only and in order to protect and secure the boat, truck, and pother things from the elements. The garage will also match same color scheme as current residence. The applicant has taken into consideration the request from the neighbor to lower the roof line as well as no longer seeking application for the residential component above the garage. 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 there is no other location on the property to build the structure. 3. The applicant has demonstrated that the requested Area Variances are not substantial because the two neighboring homes are about 100' apart and there is a 6' fence between the two homes. 4. The applicant has demonstrated that the requested Area Variances will not have

Wilton Zoning Board of Appeals
Regular Meeting April 22, 2021

an adverse effect or impact on the physical or environmental conditions in the neighborhood district because the structure is set back on the southern part of the property, not to directly interfere with the neighboring homes. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

Adjournment:

Mr. Kingsley made a motion to adjourn. Mr. Deloria seconded the motion. All board members were in favor. The meeting was adjourned at 8:42 p.m.

Dated: April 23, 2021

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Christopher Ramsdill, Vice Chairman