

**WILTON ZONING BOARD OF APPEALS
THURSDAY, APRIL 28, 2022**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, April 28, 2022 at Wilton Town Hall and was called to order by Chairman O'Brien at 7:05 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Chairman O'Brien, Vice Chairman Christopher Ramsdill, Jim Deloria, Scott Kingsley, and Jay Rifenbary. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

ABSENT: Robert Barrett and Dean Kolligian.

MINUTES: The minutes of the last meeting, held on January 27, 2022, were approved, as submitted, on a motion made by Mr. Rifenbary, seconded by Mr. Deloria. 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*

None

OLD BUSINESS:

None

NEW BUSINESS:

Appeal No. 2022-01 Timothy Fontaine, 62 Hearthstone Drive, Gansevoort, New York, 12831. Request for Area Variances pursuant to Schedule A, R-1 District, and §129-157 of the Zoning Ordinance; property located at 62 Hearthstone Drive, Gansevoort, New York 12831, Tax Map No. 140.8-3-5, zoned R-1, in the Town of Wilton.

Chairman O'Brien read correspondence from Michael and Michelle Murphy, 60 Hearthstone Drive, expressing no concerns, and has been placed into record.

Tim Fontaine, 62 Hearthstone Drive, explained his application to the Board.

Wilton Zoning Board of Appeals
Regular Meeting April 28, 2022

Mr. Rifenbary confirmed that an easement was granted from the golf course for the rear of Mr. Fontaine's property.

Mr. Ramsdill discussed the possible shifting of the proposed pavilion with Mr. Fontaine.

Mr. O'Brien opened and closed the public hearing at 7:12 p.m. due to lack of public comment.

Mr. Ramsdill made a motion to approve Appeal No. 2022-01, Timothy Fontaine, 62 Hearthstone Drive, Gansevoort, New York, 12831. Request for Area Variances pursuant to Schedule A, R-1 District, and §129-157 of the Zoning Ordinance; property located at 62 Hearthstone Drive, Gansevoort, New York 12831, Tax Map No. 140.8-3-5, zoned R-1, in the Town of Wilton, be granted, for 2 ft. east side setback relief for the existing pool, and for the proposed pavilion a 44 ft. rear setback relief and 12.50 ft. northeast side setback relief; property located at 62 Hearthstone Drive, Tax Map No. 140.8-3-5, 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 there are similar pool houses/pavilions in the area. The golf course is behind the property, and the pavilion will be nestled in the rear placed by the existing unusually shaped pool. 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 pool exists, and it would not be feasible for the applicant to move the pool. Since the pool exists, it would be difficult to place the pavilion elsewhere. 3. The applicant has demonstrated that the requested Area Variances are substantial, but because the property in the rear is wooded and enclosed, it would not be as intrusive. 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 pavilion will be at the rear of the property backing up against the golf course, there is an existing fence on the northeast side, and the pavilion has a large open portion. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

Appeal No. 2022-02 Kevin McCarty, 7 Canfield Court, Gansevoort, New York, 12831. Request for an Area Variance pursuant to §129-157, and Schedule B, R-2 District, of the Zoning Ordinance; property located at 7 Canfield Court, Gansevoort, New York 12831, Tax Map No. 129.-1-87, zoned R-2, in the Town of Wilton.

Kevin McCarty, 7 Canfield Court, presented his project to the Board.

Mr. O'Brien opened and closed the public hearing at 7:17 p.m. due to lack of public comment. There was discussion on where the house is set on the lot in retrospect to the front building line, and the possibility of a step(s) for the proposed porch between Mr. Ramsdill, Mr. Mykins, and Mr. McCarty.

Mr. Rifenbary inquired about an addition that Mr. McCarty stated was about 20 years ago.

Mr. Rifenbary made a motion to approve Appeal No. 2022-02, Kevin McCarty, 7 Canfield Court, Gansevoort, New York, 12831. Request for an Area Variance pursuant to §129-157,

Wilton Zoning Board of Appeals
Regular Meeting April 28, 2022

and Schedule B, R-2 District, of the Zoning Ordinance; property located at 7 Canfield Court, Gansevoort, New York 12831, Tax Map No. 129.-1-87, zoned R-2, in the Town of Wilton, be granted, for 6.25 ft. front setback relief for a proposed 320 sq. ft. porch; property located at 7 Canfield Court, Gansevoort, New York 12831, Tax Map No. 129.-1-87, 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 Variance because the materials used will match the home and be very similar to other porches in the neighborhood, and it will add a nice addition to the view of the home. 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 house cannot be moved backwards or forward. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it is the least amount the applicant asked for to build a porch. 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 it does not encroach on any wetland or environmental areas. 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.

Appeal No. 2022-03 SDI Matto DL Saratoga Springs Inc., 2600 Douglas Road #901, Coral Gables, Florida, 33134. Request for Area Variances pursuant to §129-52 G. of the Zoning Ordinance; property located at 15 Old Gick Road, Saratoga Springs, New York 12866, Tax Map No. 153.-3-55.2, zoned C-1, in the Town of Wilton.

Chairman O'Brien read correspondence from Saratoga County Planning Board (SCPB), and Wilton Planning Board (WPB). Both have been placed into record.

Sophia Marruso, with Plan and Site Consulting, LLC, was present to represent SDI Matto DL Saratoga Springs Inc., and explained the project to the Board.

Mr. O'Brien opened the public hearing at 7:24 p.m.

Mr. Ramsdill discussed with Ms. Marruso the access and maintenance use agreement, which she stated was being drafted, that was requested by SCPB and suggested in Mr. Mykins' Determination.

Mr. Deloria, Mr. Kingsley, Mr. Ramsdill, Mr. Rifenburg, and Mr. Mykins discussed the uses (current restaurant and hotel), along with proposed parking and shared use agreement relevant to town code regarding parking with Ms. Marruso.

Mr. O'Brien closed the public hearing at 7:33 p.m.

Mr. Kingsley made a motion to approve Appeal No. 2022-03, SDI Matto DL Saratoga Springs Inc., 2600 Douglas Road #901, Coral Gables, Florida, 33134. Request for Area Variances pursuant to §129-52 G. of the Zoning Ordinance; property located at 15 Old Gick Road, Saratoga Springs, New York 12866, Tax Map No. 153.-3-55.2, zoned C-1, in the Town of Wilton, be granted, conditioned on the approval from Wilton Planning Board (WPB) for both the proposed subdivision, and approval of a shared parking and shared access and

Wilton Zoning Board of Appeals
Regular Meeting April 28, 2022

maintenance agreement, for 15 ft. north side pavement setback relief for proposed Lot 1, and for 15 ft. south side pavement setback relief for proposed Lot 2; property located at 15 Old Gick Road, Saratoga Springs, New York 12866, Tax Map No. 153.-3-55.2, zoned C-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 there is no construction, expansion, or disturbance affiliated with the proposed subdivision action. The area variances being sought pertain to pre-existing pavement conditions established at the time of site plan approval (May 2001) and construction. There are no adverse impacts anticipated with the granting of the variances and potential subdivision approval. 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 site possesses pre-existing conditions established at the time of site plan development, and there are no proposed site alterations being sought. Removal of pavement to establish the minimum 15' pavement setback from side property lines will compromise the existing site circulation, access, parking, and affiliated utility layouts. As such, relief from the zoning code requirement is being sought through the area variance application. 3. The applicant has demonstrated that the requested Area Variances are not substantial because no physical conditions will be altered as a result of the potential granting of the requested variances. The functionality and the uses of the site will remain unchanged with this subdivision action. 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 as indicated above, there is no construction, expansion, or disturbance affiliated with the proposed subdivision action. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

Appeal No. 2022-04 Seth Coye, 10 Greylock Drive, Gansevoort, New York, 12831. Request for Area Variances pursuant to Schedule A, R-1 District, and §129-157 of the Zoning Ordinance; property located at 10 Greylock Drive, Gansevoort, New York 12831, Tax Map No. 127.20-6-3, zoned R-1, in the Town of Wilton.

Seth Coye, 10 Greylock Drive, presented his project to the Board.

Mr. O'Brien opened the public hearing at 7:37 p.m.

Mr. Rifenburg asked about a tree on the lot as well as neighbors being notified.

Mr. Ramsdill discussed the drainage on the lot with Mr. Coye.

Mr. O'Brien closed the public hearing at 7:41 p.m.

Mr. Ramsdill made a motion to approve Appeal No. 2022-04, Seth Coye, 10 Greylock Drive, Gansevoort, New York, 12831. Request for Area Variances pursuant to Schedule A, R-1 District, and §129-157 of the Zoning Ordinance; property located at 10 Greylock Drive, Gansevoort, New York 12831, Tax Map No. 127.20-6-3, zoned R-1, in the Town of Wilton, be granted, for 14 ft. northwest side pavement setback relief and 40 ft. rear setback relief, for proposed 240 sq. ft. shed; property located at 10 Greylock Drive, Gansevoort, New York

Wilton Zoning Board of Appeals
Regular Meeting April 28, 2022

12831, Tax Map No. 127.20-6-3, 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 there are multiple sheds in the area, it will assist in screening out obtrusive uses from the property behind the applicant and enable the retention of mature trees. 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 would be difficult to do substantial work of the sprinkler system and removal of mature trees. The applicant is installing a privacy fence to help to shield the proposed shed. 3. The applicant has demonstrated that the requested Area Variances are substantial because the applicant will be placing the shed on the rear northwest side, but because of the features on the site and the relationship to the neighboring properties, it will not be obtrusive. 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 allow the applicant to maintain the mature trees, avoid excavation of the yard and avoid moving the sprinkler system. The proposed shed will be placed in the rear of the property where it is slightly wooded and would improve the screening from the neighbor's rear property. 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. Ramsdill made a motion to adjourn. Mr. Rifenbary seconded the motion. All board members were in favor. The meeting was adjourned at 7:44 p.m.

Dated: April 28, 2022

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Joseph O'Brien, Chairman