

WILTON ZONING BOARD OF APPEALS
THURSDAY, May 25, 2023

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, May 25, 2023, at Wilton Town Hall and was called to order by Chairman O'Brien at 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Chairman O'Brien, Vice Chairman Christopher Ramsdill, Nicholas Collins, Scott Kingsley, Amanda Pelfrey, Jay Rifenburg, and Shawn Lescault, 1st Alternate. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

ABSENT: Scott Duffy, and Christopher Iwinski, 2nd Alternate

MINUTES: The minutes of the last meeting, held on April 27, 2023, were approved, as submitted, on a motion made by Mr. Kingsley, seconded by Mr. Rifenburg. 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. 1990-18 Vicki Bachmann, 4 Newington Avenue, Gansevoort, New York 12831. Request for the extension of a Special Use Permit, pursuant to §129-21 (A) of the Zoning Ordinance, for a home occupation as a law office; property located on 4 Newington Avenue, Tax Map No. 140.6-2-9, zoned R-1, in the Town of Wilton. SUP No. 1990-18, originally granted on June 28, 1990 for a period of six months, increased to a year on January 24, 1991, decreased to every six months until July 24, 1994, increased to a year until June 22, 1995, increased to two years until June 26, 2003, increased to three years until June 22, 2006, decreased to every two years continuously, then increased to three years May 28, 2020, is due for review and extension on or before June 28, 2023.

Vicki Bachmann, 4 Newington Avenue, was present and stated she is beginning to think of retirement, so a two year extension is being asked for.

Mr. Ramsdill made a motion to approve the extension of SUP No. 1990-18, Vicki Bachmann, 4 Newington Avenue, Gansevoort, New York 12831. Request for the extension of a Special

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Use Permit, pursuant to §129-21 (A) of the Zoning Ordinance, for a home occupation as a law office; property located on 4 Newington Avenue, Tax Map No. 140.6-2-9, zoned R-1, in the Town of Wilton, for an additional two years. SUP No. 1990-18 will be due for review and extension on or before June 28, 2025. Mr. Rifembary seconded the motion. All Board members present were in favor. The motion passed.

SUP NO. 2010-11 William Durrin, 124A Ingersoll Road, Saratoga Springs, New York 12866. Request for the extension of a Special Use Permit, pursuant to §129-176 V of the Zoning Ordinance, for a private stable; property located at 124A Ingersoll Road, Tax Map No. 154.-1-58.1, zoned R-2 in the Town of Wilton. SUP No. 2010-11, originally granted on April 22, 2010, for a period of two years, subject to all requirements listed in §129-176 (V) of the Zoning Ordinance, and continually extended every two years, then extended for three years on May 28, 2020, is due for review and extension on or before May 28, 2023.

No action was taken. This Special Use Permit will expire on May 28, 2023.

SUP NO. 2012-27 Jody Cracco, 7 Greenwood Road, Lake George, New York 12845. Request for the extension of a Special Use Permit pursuant to Schedule N and §129-176 T, 1,2,3,4 and 5 of the Zoning Ordinance for a Day Use Dog Kennel; property located at 474 Route 9, Tax Map No. 153.13-1-4.2, zoned CR-1, in the Town of Wilton. SUP No. 2012-27, originally granted on June 28, 2012 for a period of two years, in accordance with all requirements in §129-175 D, continually extended every two years, then extended for three years May 28, 2020, is due for review and extension on or before June 28, 2023.

Jody Cracco, 7 Greenwood Road, Lake George, was present and asked for an extension.

Mr. Rifembary made a motion to approve the extension of SUP No. 2012-27, Jody Cracco, 7 Greenwood Road, Lake George, New York 12845. Request for the extension of a Special Use Permit pursuant to Schedule N and §129-176 T, 1,2,3,4 and 5 of the Zoning Ordinance for a Day Use Dog Kennel; property located at 474 Route 9, Tax Map No. 153.13-1-4.2, zoned CR-1, in the Town of Wilton, for an additional three years. SUP No. 2012-27 will be due for review and extension on or before June 28, 2026. Mr. Kingsley seconded the motion. All Board members present were in favor. The motion passed.

SUP NO. 2017-11 Marissa Mackay, 25 Ernst Road, Gansevoort, New York 12831. Request for the extension of a Special Use Permit, pursuant to §129-176 (V) of the Zoning Ordinance for an agricultural use with animals conditioned upon 6-12 chickens and 2 alpacas or 2 pigmy goats with a maximum of 13 animals; property located at 25 Ernst Road, Tax Map Nos. 114.-2-5.2, zoned R-2 in the Town of Wilton. SUP No. 2017-11, originally granted on April 27, 2017 for a period of one year, increased to two years on April 27, 2018, and continually extended every two years, then extended for three years on May 28, 2020, is due for review and extension on or before May 28, 2023.

No action was taken. This Special Use Permit will expire on May 28, 2023.

OLD BUSINESS:

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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.

The Public Hearing was left open from the February 23, 2023 ZBA meeting. No one was present to represent the appeal. Appeal No. 2023-02 has been tabled until the next meeting.

NEW BUSINESS:

Appeal No. 2023-15 Jennifer Bonner, 64 Loughberry Lake Road, 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 64 Loughberry Lake Road, Saratoga Springs, New York, 12866, Tax Map No. 153.10-1-39, zoned R-1, in the Town of Wilton.

Jennifer Bonner, 64 Loughberry Lake Road, was present and presented her project to the Board.

Mr. Ramsdill confirmed with Mrs. Bonner that the home sits quite a bit off the road compared to neighboring properties.

Mr. O'Brien opened and closed the public hearing at 7:07 p.m. due to lack of public comment.

Mr. Ramasdill made a motion to approve Appeal No. 2023-15, Jennifer Bonner, 64 Loughberry Lake Road, 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 64 Loughberry Lake Road, Saratoga Springs, New York, 12866, Tax Map No. 153.10-1-39, zoned R-1, in the Town of Wilton, be granted, for a proposed 10' x 16' porch addition for relief in the amount of 10 ft. front yard setback; property located at 64 Loughberry Lake Road, Saratoga Springs, New York, 12866, Tax Map No. 153.10-1-39, 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 this property sits substantially above the grade of the road, is wooded along the perimeter and the edge of the property making it difficult to see the home from the road, and several houses further north on the road have porches that are similarly setback from the road. 2. The applicant has demonstrated that the benefit sought cannot be achieved by some method feasible for the applicant to pursue other than by an Area Variance because the home is set at the current setback which would create a need for a variance for any porch addition. 3. The applicant has demonstrated that the requested Area Variance is not substantial because of the location of the home and the way it is setback with the power lines and the height off the road. 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 home is particularly less obtrusive where it sits substantially up off the road with a steep incline at

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the front of the property with the trees and it is consistent with other properties just to the north. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

Appeal No. 2023-16 Henrietta Moore, 121 Cobble Hill Drive, 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 121 Cobble Hill Drive, Gansevoort, New York, 12831, Tax Map No. 140.11-3-5, zoned R-1, in the Town of Wilton.

Henrietta Moore, 121 Cobble Hill Drive, presented her project to the Board. Mr. Ramsdill confirmed a concrete patio and retaining walls behind the house with Mrs. Moore.

Mr. Rifenbary confirmed that the neighbors were aware of the project. He then asked if the eight feet was substantial compared to other pools. Mrs. Moore explained that the houses next to her have pools and are close to each other. Mr. Ramsdill explained that this is a very unusually shaped lot, and since they are low to the ground, are not visually impactful.

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

Mr. Collins made a motion to approve Appeal No. 2023-16, Henrietta Moore, 121 Cobble Hill Drive, 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 121 Cobble Hill Drive, Gansevoort, New York, 12831, Tax Map No. 140.11-3-5, zoned R-1, in the Town of Wilton, be granted, for a proposed in-ground swimming pool for relief in the amounts of 12 ft. both side yard setbacks; property located at 121 Cobble Hill Drive, Gansevoort, New York, 12831, Tax Map No. 140.11-3-5, 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 both neighbors have fences and pools, and nine out of twenty-four homes in the area have inground pools. 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 backyard is wedge shaped and narrows down to a dimension that does not provide enough space to fit the pool within the required setbacks. 3. The applicant has demonstrated that the requested Area Variances are substantial. 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 of the soil compositions in the area being primarily sandy loam, and many homes in the neighborhood already have in-ground pools. 5. The applicant has demonstrated that the alleged difficulty is self-created because the applicant desires to install a pool.

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

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Appeal No. 2023-17 Jason and Andrea Blair, 9 Waverly Place, 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 9 Waverly Place, Gansevoort, New York, 12831, Tax Map No. 127.12-4-32, zoned R-1, in the Town of Wilton.

Jason and Andrea Blair, 9 Waverly Place, presented their project to the Board. Mr. O'Brien opened and closed the public hearing at 7:16 p.m. due to lack of public comment.

Mr. Ramsdill confirmed with Mr. and Mrs. Blair that they have limited space other than the area presented on their lot.

There was discussion between Mr. Mykins and Mr. Ramsdill regarding setbacks.

Mr. Rifenburg made a motion to approve Appeal No. 2023-17, Jason and Andrea Blair, 9 Waverly Place, 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 9 Waverly Place, Gansevoort, New York, 12831, Tax Map No. 127.12-4-32, zoned R-1, in the Town of Wilton, be granted, for a proposed 384 sq. ft. pool house for relief in the amount of 7.25 ft. south side yard setback; property located at 9 Waverly Place, Gansevoort, New York, 12831, Tax Map No. 127.12-4-32, 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 structure will conform to other additional structures property owners have and will resemble the same character, and the other properties do not have the limited space of the corner lot. 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 there is not enough space given the allowed setbacks designated. 3. The applicant has demonstrated that the requested Area Variance is not substantial because relief requested is less than half. 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 will match the neighborhood. 5. The applicant has demonstrated that the alleged difficulty is self-created, but the pool is already there and the pool house will complete the project.

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

Appeal No. 2023-18 Lindsey Belmonte of Belmonte Builders, 1743 Route 9, Clifton Park, New York, 12065. Request for a Sign Variance pursuant to §129-180 A.-C. and §129-187 B. (17), of the Zoning Ordinance; property located on corner of Branch Boulevard and Jones Road, Saratoga Springs, New York, 12866, Tax Map No. 141.13-1-21, zoned R-2, in the Town of Wilton.

Lindsey Belmonte presented the project to the board and presented a slide show displaying the proposed sign.

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There was discussion between Mr. Rifembary, Mr. Mykins, and Mr. Ramsdill regarding lighting and size.

Mr. O'Brien opened and closed the public hearing at 7:22 p.m. due to lack of public comment.

Mr. Ramsdill made a motion to approve Appeal No. 2023-18, Lindsey Belmonte of Belmonte Builders, 1743 Route 9, Clifton Park, New York, 12065. Request for a Sign Variance pursuant to §129-180 A.-C. and §129-187 B. (17), of the Zoning Ordinance; property located on corner of Branch Boulevard and Jones Road, Saratoga Springs, New York, 12866, Tax Map No. 141.13-1-21, zoned R-2, in the Town of Wilton, be granted, for a proposed 140 sq. ft. neighborhood sign for relief in the amount of 116 sq. ft.; property located on corner of Branch Boulevard and Jones Road, Saratoga Springs, New York, 12866, Tax Map No. 141.13-1-21, 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 sign will allow people better navigation through the round-a-bout, it is aesthetically pleasing, and with the existing landscaping it will not look unusually large. 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 with the scale and location, it will improve safety and traffic flow through the round-a-bout. 3. The applicant has demonstrated that the requested Area Variance is substantial, but the sign is suited to the site. 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 will improve traffic flow and the ability to navigate the round-a-bout. 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.

SUP. No. 2023-19 Julian and Julie Thomas, 71 Woodard Road, Gansevoort, New York, 12831. Request for a Special Use Permit for Agriculture with Animals pursuant to §129-175 D. (1)-(7) and §129-176 V., of the Zoning Ordinance; property located at 71 Woodard Road, Gansevoort, New York, 12831, Tax Map No. 114.-1-8, zoned R-2, in the Town of Wilton.

Mr. O'Brien read correspondence from Woodard Road petitioners which has been placed in record.

Julian and Julie Thomas, 71 Woodard Road, presented their project to the Board. Mrs. Thomas explained that this will not be a large scale farming operation, that it is to feed their family, a farmstand was on the plans in case they have extra tomatoes or squash, 100 meat birds will be raised in rotational fields in mobile coops. She also added that the property has been surveyed to show all wetlands.

There was discussion regarding a possible sugar shack, the camper on the plan, the farm stand, and the existing barn between Mr. O'Brien, Mr. Ramsdill, Mr. Kingsley, Mr. Mykins, and Mr. and Mrs. Thomas.

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Mrs. Thomas stated that they fixed the existing red barn on the front of the property by the road, and they are not using it because they still have to clean it out.

Mr. Collins shared that this will be similar to the blueberry stand on Daniels Road. There was mention of Vincek Farms.

Mr. Ramsdill expressed concern about the number of chickens for home use. Mrs. Thomas explained it will be a chicken a week for her house and a chicken a week for her daughter's family, that's 50 a year for both, and there are 52 weeks in a year. She then explained the layout for the 20' x 10' barn for the egg laying chickens.

Mr. Kingsley asked about manure collection. Mr. Mykins, Mr. Ramsdill, and Mrs. Thomas discussed manure storage and the number of chickens.

Mr. O'Brien made mention of turkeys from the plan. Mrs. Thomas said they do not have turkeys yet, the number of chickens and turkeys can be cut down, and they are not running a business, more like a homestead.

Mr. Kingsley asked what number of chickens and turkeys they would need to be able to do what they want to do.

Mrs. Thomas replied with 10 layers, a rooster, and 25 to 50 chickens. Discussion continued between Mr. Ramsdill, Mr. Mykins, Mr. Collins, Mr. Kingsley, and Mrs. Thomas.

Mr. O'Brien questioned the rooster and neighbor concerns. Mrs. Thomas explained the rooster will not be in visual distance, and that there are three roosters in the neighborhood where they are now each on 1 acre of land, and nobody cares about the roosters.

Mr. Ramsdill confirmed that the rooster would be in the barn with Mrs. Thomas, and she also stated that the rooster would have a run.

There was discussion about what could be sold and permits between Mr. Ramsdill, Mr. Kingsley, and Mr. Schachner.

Mr. Rifenburg asked how far away the closest home is from the chickens. Mr. Mykins said he thinks 76 Woodard Road is the closest, at least a quarter mile.

Mr. Ramsdill drove into the property and confirmed a long driveway.

Mr. Collins shared that going with 50 chickens, the property is large enough, and they can keep the six turkeys, and no reason to reduce the number. Mr. Kingsley shared the property is big enough to handle it.

Mr. O'Brien opened the public hearing at 7:46 p.m.

Mark Lomnicki, 55 Woodard Road, and his wife Pamela Duell, said they have lived on Woodard for 40 years, and would have much rather met the Thomas's rather than a registered letter. He explained they have signatures of other members of Woodard Road, and that they have concerns because of a certain way of life up there. He continued to share that they have small gardens and a few chickens here and there, but that a large manure runoff as well as water off the mountain is pretty bad, washes out the road, into our property, the neighbors property, and eventually the Snook Hill. He spoke of tax assessments and how his were higher than 30 acres.

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Ms. Duell explained they bought an extra 13 acres to their 17 acres, which borders the applicant's property, and that taxes were higher on 13 acres compared to 32 acres, supposedly because the bulk of their (applicants) land was wetland. Mr. Lomnicki added that it is unusable and flowing into other areas, into theirs and other neighbors. Also, they are struck by the fact that going to farmers market is more than just homesteading. Ms. Duell added it was stated in the variance along with the farmstand, so from their perspective, because they never met the Thomas's, they weren't sure what the application was, and now talking of 100 chickens. She continued that they had never talked with the applicants, and the only correspondence was a certified letter describing this would seem like a pretty large scale operation.

Mr. Lomnicki was concerned with the dead end and a farmstand, would it be opportunities to crime, who is going to be working there? It's a pretty quiet neighborhood, and if you have been to Woodard Road ever, you know it is a delicate spot. He continued that their initial response was that they don't want it to happen because of their wells, the potential smell, and the traffic.

Ms. Duell added that the end of Woodard Road is some of the most pristine forest, 800 acres, with an abundance of wildlife, which they love, a lot are predatory, large packs of coyotes, there are wild boar, bobcats, some claim they've seen mountain lions, and there are bears that come through our properties, far south as Nichols Road, and have destroyed things. This is going to be a feeding fest and draw it closer to our homes. She added that the insects explode at the end of Woodard Road, and this will add to that. Insects carry diseases, West Nile, tick born diseases. They have lost chickens and cats over the years due to these predators. She continued they have lived up there for 30, 40, 50 yrs, and are a tight knit group, they help each other out in the wintertime, share produce from their gardens, sit around bonfires together, have dinner together on occasion, and that she is disappointed that the first correspondence was a certified letter. She added that she didn't know them (the applicants), don't know their expertise, so this scares them, and as they are talking, are kind of rolling it back and making her nervous.

Mrs. Thomas apologized that they have not met. Ms. Duell said their property borders her property. Mrs. Thomas said they (Ms. Duell and Mr. Lomnicki) have not reached out to them (Thomas') either.

Carol Smith, 30 Woodard Road, shared they are very aware of traffic because a lot of people have dogs, and have had dogs hit by cars going to fast. She is concerned that the rooster and chickens could escape out into the road, and what happens when someone hits one of them, or gets hurt trying to avoid them, is that our fault or are you people going to take some liability and ensure that these creatures do not get off the property. Her other concern is if the permit is given, does it allow for any animals they want there?

Mr. Kingsley and Mr. Ramsdill said they can permit specifically what animals and the number.

Ms. Smith spoke of the rooster and how when in an area where everybody is used to listening to roosters, nobody cares, but here we don't have roosters that are listened to all day long, and they are not just a one time a day creature, they have all kinds of things to say all day long. She is used to the quiet, doesn't want to be bothered constantly by having to hear roosters, just like anybody blaring loud music. Like Mr. Lomnicki said, it's a quiet road, they

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are aware of each other and what is going on, keep an eye on each other and their homes. They don't want a bunch of strangers coming up there.

Toni Sturm, 41 Parkhurst Road, shared the back end of her property abuts the Thomas's, and primarily concerned about potential contamination of manure into the stream that comes off of Prats Pond. She questioned the distances from the grazing field where all the manure is left and decomposing to the stream edge. She finished with reducing the number of grazing chickens to 50 is a very reasonable response on the part of the Board and alleviates a lot of her concerns of potential manure contamination. Also would like to have the spring pointed out by Woodard Road, because that is feeding source ultimately to the Snook Hill.

Robert Fucinato, 76 Woodard Road, questioned DEC, and if they have any kind of idea about manure runoff, some kind of data that supports or could verify how bad it might be versus everyone trying to guess what it is.

Mr. Mykins explained that the DEC is why there is a 100 ft. buffer and if beyond that, the chance of impacting the wetland is minimum.

Mr. Fucinato shared that the farm stand raised a flag because of traffic, but that has been clarified. He continued it is a good point about the animals, there was a bear in the backyard, and he has a big lab, is always concerned about the wildlife in general, but will this create some kind of a feeding frenzy for foxes, coyotes, etc...?

Richard Clements, 56 Woodard Road, said it is nice to have the Thomas's in the neighborhood. He is concerned about the size of chicken production, and that reducing the size might alleviate all of the problems. Having raised bed gardens for a person who can only do raised bed gardens makes total sense. But the number of chickens was a concern both for water and noise pollution. The concern about the animals they've mentioned, in addition to weasels, fisher cats, martens, it's a zoo up there, so the smaller the number of chickens the better.

John Lant, 45 Woodard Road, said he's lived up there a long time and is quite a hunter, and hunts the whole mountain up there. There are tons of coyote dens, tons of fishers. They're going to cause a lot of problems, not just to the applicants but to the residents up there, who have kids, dogs, they are predators. He added he didn't care how safe the building is. They will get into it. This will cause a big headache for the residents. It is always preached to him the quality of life, don't ruin our quality of life.

Ms. Duell said they are dealing with predators now, something is trying to get into their chicken coop, they have 7 magnificent chickens that produce one egg a day, and they have dug down and put fencing down below the ground, whatever it is has been digging down below the fence, and every year they lose a cat or some chickens. She has been out in her yard and seen the hawks come down and grab a chicken and fly away.

Mr. O'Brien shared with more animals, there will probably be more predators.

Ms. Duell said to not rule out the deer that will eat every bit of vegetable, but also carry ticks, and they are basically all positive with lyme at this point.

Mrs. Thomas pointed out the stream, Ms. Sturm's property, Prats Pond, and rotational fields. Mr. Mykins and Mr. Ramsdill discussed distances. Mrs. Thomas addressed that the

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ACOE (Army Core of Engineers) wetland is a different setback, DEC is 100 ft., ACOE is not so big and is not sure why.

Ms. Strum said what is being called a barn is actually a little structure. Mr. Lomnicki said it was the hunters lounge and Ms. Duell thanked the Thomas's for fixing it up, it was an eyesore.

Mr. Ramsdill suggested discussing the proposed eight-foot-high black PVC coated steel wire fence with warning flags, and if it will be surrounding the entire acreage where the chickens will be kept. Mrs. Thomas said the one acre is to protect the crops and the chickens will be in their own tractors, which will be fenced, and the eight-foot-high PVC will keep out the deer out of the crops and the chickens.

Mr. Lescault explained part of the neighbors concerns is what was prepared for an application which really doesn't match what is being presented. Part of the application says chickens and turkeys will be raised for both private and public consumption, which raises the ire of this is something you are going to start business on this property.

Mrs. Thomas explained the business part is if they manage to grow excess. They are not sure how much fertility they are going to have, not knowing the process for this, kind of a future plan.

Mr. Ramsdill asked if they would be amendable to a condition to not have public sales on the property.

Mr. Kingsley confirmed with Mr. Mykins that farmers can sell on their property what they produce is in Town Code.

Mr. Collins relayed that we do live in a free land, that is their property, and are not restricted from allowing whoever you want, your friends, to come over, visit, and you have extra vegetables. If there is huge crop you and are having friends over, unload this stuff to them. Its not like putting an ad in the paper or the farmers market, and saying come to 71 Woodard, load up, and pay us for extra vegetables.

Mr. Rifenbary asked about the proposed timeframe, by the time they move in and build, what is future end date? It would be nice to see that things are settled, there are too many unknowns right now. He said he wasn't sure how many farm animals they have in every house up there, but 100 chickens is like an open invitation to Kentucky Fried Chicken. There needs to be a little more specificity.

Mrs. Thomas said they are currently living there, but still moving things from their other residence. They have taken the land that was already cleared for the home and have managed to get a lot of rocks out of it, and planted potatoes. They have also set up some pre made raised garden beds where the salads and herbs can go. She also stated she would ideally like to move their four chickens onto the land as soon as possible.

Mr. Thomas said that's the reason for the hurry to get the permit, and that the letters were sent out before they moved in.

Ms. Duell said it's concerning because they haven't even lived up there yet.

Mr. Kingsley addressed traffic. The Town has established a trail head up there at the end of Woodard Road that's going to generate more traffic on a hot summer day with the kids all hiking than this famstand. Mr. Lomnicki confirmed with Mr. Mykins it was on the Witt

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property. Mr. Kingsley continued to explain that he believes the animals are the issue not the farming, and that a Special Use Permit says in consideration of all findings in §129-175 V. He asked if Mr. Schachner could go over what is in §129-175 V, in which he did.

Mr. O'Brien closed the public hearing at 8:16 p.m.

Mr. Lescault asked what has been approved up there, someone said they have about 7 chickens. He asked if the ZBA has approved more than 7 chickens in that neighborhood? Mr. Mykins said they have done agriculture with animals in that area. They are talking about chickens though, the standard for grazing area for a chicken is about 4.0 sq. ft. per chicken. This is an acre of land, 43,000 sq. ft.

Mr. Rifenburg is inclined to understand they have the right to bring what they have now, then in weeks to come, comply with suggestions, and go from there.

Mr. Ramsdill feels the initial ask was very substantial, and what they are amendable to, substantially changed that. Mr. Collins and Mr. Kingsley agreed. Mr. Kingsley wondered where in the Town of Wilton this kind of project would not generate people in opposition, that we wax poetic about the loss of family farms, and here we have a project for the family farm, which is not discounting the concerns, because the concerns are real.

Mr. O'Brien asked how the number of chickens is controlled. Mrs. Thomas said they collect the eggs daily so they don't have time to incubate. Mr. O'Brien said we can't have the building inspector going up there counting chickens every so often.

Mr. Lomnicki asked that there be a condition on no roosters. There are a lot of hatcheries and Tractor Supply has chickens. There is no need for a rooster roosting and not hear the geese, owls.

Mrs. Thomas said they already have a pet rooster named Doodles. Ms. Duell wondered what type of chickens and where would they come from going forward. Discussion continued.

Mr. Rifenburg asked to move forward. In summary, he said there is a lot of information here, it would be easier to propose a new application to the Board with some of the considerations, and that it is a little confusing right now. Mr. Ramsdill said he can do it, and Mr. Kingsley said he is prepared to vote tonight.

Mr. Ramsdill made a motion to approve Special Use Permit No. 2023-19, Julian and Julie Thomas, 71 Woodard Road, Gansevoort, New York, 12831. Request for a Special Use Permit for Agriculture with Animals pursuant to §129-175 D. (1)-(7) and §129-176 V., of the Zoning Ordinance; property located at 71 Woodard Road, Gansevoort, New York, 12831, Tax Map No. 114.-1-8, zoned R-2, in the Town of Wilton, conditioned on a max of 60 animals set forth in the application; no more than 1 rooster, and no more than 50 meat chickens outside of the shed at any given time, no commercial sales on the property, proper impermeable manure storage for the barn chickens, and the fencing is properly installed and inspected for having the lower number of animals on the property, and subject to all requirements listed in §129-176 V, and will be due for review and extension on or before May 25, 2024.

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Mr. Kingsley seconded the motion. Mr. Kingsley, Mr. Collins, and Mr. Ramsdill were in favor. Mr. Lescault, Mr. Rifembary, Ms. Pelfrey, and Mr. O'Brien were opposed. The motion did not pass. No action was taken.

SUP No. 2023-19 will be heard with new information at the next ZBA meeting scheduled to be held June 22, 2023.

Adjournment:

Mr. Kingsley made a motion to adjourn. Mr. Lescault seconded the motion. All board members were in favor. The meeting was adjourned at 8:27 p.m.

Dated: May 26, 2023

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Joseph O'Brien, Chairman