

WILTON ZONING BOARD OF APPEALS
THURSDAY, May 26, 2022

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, May 26, 2022 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, Robert Barrett, Scott Kingsley, and Dean Kolligian. Also present were Brian Reichenbach, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

ABSENT: Jim Deloria, and Jay Rifenbary.

MINUTES: The minutes of the last meeting, held on April 28, 2022, were approved, as submitted, on a motion made by Mr. Kingsley, seconded by Mr. Ramsdill. 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. 2022-05 CKA Management, LLC, 611 Route 46 West, Suite 108, Hasbrouck Heights, New Jersey, 07604. Request for a Sign Variance pursuant to §129-181 C. (1) of the Zoning Ordinance; property located at 3075 Route 50, Saratoga Springs, New York 12831, Tax Map No. 153.-3-86.111, zoned C-1, in the Town of Wilton.

Mr. O'Brien read correspondence from the Saratoga County Planning Board (SCPB) which has been placed in record.

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Mike Solan, District Manager for CKA Management, LLC, 611 Route 46 West, Suite 108, Hasbrouck Heights, New Jersey, 07604, was present and explained the project to the Board. Mr. O'Brien opened the public hearing at 7:01 p.m.

There was discussion between Mr. Solan, Mr. Barrett, and Mr. Mykins regarding the original plans that were submitted and the updated plans reflecting the correct signage requested.

Mr. O'Brien closed the public hearing at 7:03 p.m.

Mr. Ramsdill made a motion to approve Appeal No. 2022-05, CKA Management, LLC, 611 Route 46 West, Suite 108, Hasbrouck Heights, New Jersey, 07604. Request for a Sign Variance pursuant to §129-181 C. (1) of the Zoning Ordinance; property located at 3075 Route 50, Saratoga Springs, New York 12831, Tax Map No. 153.-3-86.111, zoned C-1, in the Town of Wilton, be granted, for an additional 3 attached signs; property located at 3075 Route 50, Saratoga Springs, New York 12831, Tax Map No. 153.-3-86.111, 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 Variance because it will improve the visibility and traffic flow, and is consistent with other commercial properties in the district. 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 limit of one sign is not the best fit for how the building is positioned on the lot, and it will improve the traffic flow. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it is the minimum amount needed to comply with the approved site plan. 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 this is a commercial district, and it will improve visibility and safety for traffic flow. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

Appeal No. 2022-06 Walt Cassidy, 179 Northern Pines Road, Gansevoort, New York 12831. Request for an Area Variance pursuant to §129-157 A. and Schedule A, R-1 District of the Zoning Ordinance, property located at 179 Northern Pines Road, Gansevoort, New York 12831, Tax Map No. 127.12-2-2, zoned R-1, in the Town of Wilton.

Scott Perkins, Esq, with Perkins and Perkins, Attorneys at Law, 25 Walton Street, Suite 3, Saratoga Springs, New York, 12866, was present to represent the applicant.

Mr. O'Brien opened the public hearing at 7:06 p.m.

There was discussion between Mr. Kolligian and Mr. Mykins regarding the proposed ramp.

Mr. O'Brien closed the public hearing at 7:07 p.m.

Mr. Kolligian made a motion to approve Appeal No. 2022-06, Walt Cassidy, 179 Northern Pines Road, Gansevoort, New York 12831. Request for an Area Variance pursuant to §129-157 A. and Schedule A, R-1 District of the Zoning Ordinance, property located at 179 Northern Pines Road, Gansevoort, New York 12831, Tax Map No. 127.12-2-2, zoned R-1, in

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the Town of Wilton, be granted, for 8 ft. front setback relief for a proposed 10 ft. deck addition with a 24 ft. handicap ramp; property located at 179 Northern Pines Road, Gansevoort, New York 12831, Tax Map No. 127.12-2-2, 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 it is a ramp necessary for a new need for the applicant's spouse for safer ingress/egress. 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 applicant's spouse is handicapped, and a ramp is needed. 3. The applicant has demonstrated that the requested Area Variance is not substantial because the applicant is only asking for 8 ft. relief in total. 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 be constructed with proper materials and taken care of properly. 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.

Appeal No. 2022-07 Richard Lofink, 165 Traver Road, Gansevoort, New York 12831. Request for an Area Variance pursuant to §129-157 A. and Schedule A, R-1 District of the Zoning Ordinance, property located at 165 Traver Road, Gansevoort, New York 12831, Tax Map No. 127.12-1-17, zoned R-1, in the Town of Wilton.

Richard Lofink, 165 Traver Road, was present and explained his project to the Board.

Mr. O'Brien opened the public hearing at 7:09 p.m.

Mr. Ramsdill discussed possible placement elsewhere on the lot for the pool house with Mr. Lofink.

Mr. Barrett discussed the fence on the property line and the pool on the neighboring property to the south with Mr. Lofink, where Mr. Lofink stated that the neighboring pool is about 20 ft. from the property (fence) line. Mr. Barrett then asked if the neighbor to the south had any objections and inquired about the rear of the property for placement of the pool house. There was discussion among the Board about notifications sent for the Public Hearing. Mr. Lofink explained that the enclosed portion of the pool house is only about 20 ft. by 8 ft., and the rest of the square footage comes from the concrete pad.

Mr. O'Brien closed the public hearing at 7:14 p.m.

Mr. Ramsdill made a motion to approve Appeal No. 2022-07, Richard Lofink, 165 Traver Road, Gansevoort, New York 12831. Request for an Area Variance pursuant to §129-157 A. and Schedule A, R-1 District of the Zoning Ordinance, property located at 165 Traver Road, Gansevoort, New York 12831, Tax Map No. 127.12-1-17, zoned R-1, in the Town of Wilton, be granted, for 15.47 ft. south side pavement setback relief for a proposed 865.33 sq. ft. pool house; property located at 165 Traver Road, Gansevoort, New York 12831, Tax Map No. 127.12-1-17, 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

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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 being 400 sq. ft. at the roof is open, it will have less of a visual impact. It will also help create a sound barrier between the applicant’s pool and the pool on adjacent neighboring 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 Variance because the applicant has use of the backyard currently and the structure is not substantial. 3. The applicant has demonstrated that the requested Area Variance is substantial, but the pool house will fit in the neighborhood. 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 help screen the existing pools, along with the privacy fence. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

Adjournment:

Mr. Kingsley made a motion to adjourn. Mr. Kolligian seconded the motion. All board members were in favor. The meeting was adjourned at 7:17 p.m.

Dated: May 26, 2022

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Joseph O’Brien, Chairman