

WILTON ZONING BOARD OF APPEALS
THURSDAY, May 27, 2021

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, May 27, 2021 via a ZOOM webinar and was called to order by Acting Chairman Dean Kolligian at 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Acting Chairman Dean Kolligian, Robert Barrett, Jim Deloria, Scott Kingsley, Gerard Zabala, and Jay Rifenburg, 1st 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.

ABSENT: Chairman O'Brien, and Vice Chairman Christopher Ramsdill.

MINUTES: The minutes of the last meeting, held on April 22, 2021, were approved, as submitted, on a motion made by Mr. Kingsley, 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*

SUP NO. 2013-28 Justin Bergin, 110 Ruggles Road, Saratoga Springs, New York 12866. Request for an extension of a Special Use Permit pursuant to § 129 Attachment 8 Schedule B and § 129-176 (V) of the Zoning Ordinance, for agriculture use with animals; property located at 110 Ruggles Road, Saratoga Springs, New York, 12866 Tax Map No. 154.-2-41, zoned R-2 in the Town of Wilton. SUP No. 2013-28, originally granted on June 27, 2013 for a period of two years, and continually extended every two years, is due for review and extension on or before June 27, 2021.

Mr. Kolligian read correspondence from Justin Bergin, 110 Ruggles Road, stating he would like his Special Use Permit extended and that nothing has changed. Mr. Zabala asked Mr. Mykins if there have been any complaints and what type of agricultural use, and Mr. Mykins responded no and limit of 12 chickens.

Mr. Rifenburg made a motion to approve the extension of SUP No. 2013-28, Justin Bergin, 110 Ruggles Road, Saratoga Springs, New York 12866. Request for an extension of a Special

Wilton Zoning Board of Appeals
Regular Meeting May 27, 2021

Use Permit, pursuant to § 129 Attachment 8 Schedule B and § 129-176 (V) of the Zoning Ordinance, for agriculture use with animals; property located at 110 Ruggles Road, Saratoga Springs, New York, 12866 Tax Map No. 154.-2-41, zoned R-2 in the Town of Wilton, for a period of 3 years, and will be due for review and extension on or before June 27, 2024. Mr. Barrett seconded the motion. All board members present were in favor. The motion passed.

SUP NO. 2019-11 Elizabeth Simonetti, 89 Edie 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 the keeping of chickens; property located at 89 Edie Road, Saratoga Springs, NY 12866, Tax Map No. 154.-2-3, zoned R-2 in the Town of Wilton. SUP No. 2019-11, originally granted June 27, 2019 for a period of two years, is due for review and extension on before June 27, 2021.

Mr. Kolligian read correspondence from Elizabeth Simonetti, 89 Edie Road, expressing she would like to extend the Special Use Permit. Mr. Deloria asked Mr. Mykins if there have been any problems with the property, and Mr. Mykins said none.

Mr. Deloria made a motion to approve the extension of SUP No. 2019-11, Elizabeth Simonetti, 89 Edie Road, Saratoga Springs, New York 12866. Request for an extension of a Special Use Permit, pursuant to § 129-176 (V) of the Zoning Ordinance, for the keeping of chickens; property located at 89 Edie Road, Saratoga Springs, NY 12866, Tax Map No. 154.-2-3, zoned R-2 in the Town of Wilton, for a period of 3 years, and will be due for review and extension on or before June 27, 2024. Mr. Kingsley seconded the motion. All board members present were in favor. The motion passed.

OLD BUSINESS:

None

NEW BUSINESS:

Appeal No. 2021-12 Andresa Cinguegrano, 6 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 6 Margaret Drive, Gansevoort, New York 12831, Tax Map No. 128.5-1-12.2, zoned R-1 in the Town of Wilton.

Mr. Kolligian asked if Mrs. Cinguegrano was present. Andresa Cinguegrano, 6 Margaret Drive, was present and explained her project to the board. Mr. Rifenburg explained that he visited the property and that the lot is narrow and that there have been no objections with the neighbors. There was discussion about notifications, the property, and being self-created between Mr. Rifenburg, Mr. Kolligian, Mr. Mykins and Mr. Schachner. Mr. Kolligian opened and closed the public hearing at 7:16 p.m. due to lack of public comment.

Mr. Zabala made a motion to approve Appeal No. 2021-12, 6 Margaret Drive, Gansevoort, New York 12831. Request for an Area Variance pursuant to §129-157 C. (2), (a) of the Zoning

Wilton Zoning Board of Appeals
Regular Meeting May 27, 2021

Ordinance; property located at 6 Margaret Drive, Gansevoort, New York 12831, Tax Map No. 128.5-1-12.2, zoned R-1, in the Town of Wilton, was granted for the proposed placement of an in-ground pool, in the amount of relief of 10 ft. northeast side setback, property located at 6 Margaret Drive, Gansevoort, New York 12831, Tax Map No. 128.5-1-12.2, zoned R-1 in the Town of Wilton, was granted, for the proposed placement of an in-ground pool, in the amount of relief of 10 ft. northeast side setback 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 is particular to the property and would be out of sight of the roadway, and there are other pools within the general area of residences. 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 of the property layout and how the rear yard narrows sharply, it would make the installation of the swimming pool too close to other structures, such as the home and the deck. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it only represents about 16% of the property line on one side while remaining areas would still meet the required standards. 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 property has adequate storm water management and the swimming pool will have proper drainage. It will not impact the environment. In addition, the pool would not affect public safety. 5. The applicant has demonstrated that the alleged difficulty is self-created because the property layout did not allow for the pool to meet all the zoning requirements. The applicant is forced to ask for a variance.

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

Appeal No. 2021-13 John Kenefick, 1 Pepper Place, 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 1 Pepper Place, Gansevoort, New York 12831, Tax Map No. 140.6-3-9, zoned R-1 in the Town of Wilton.

Mr. Kolligian acknowledged John Kenefick, 1 Pepper Place, and asked Mr. Kenefick to explain his project to the board. Mr. Rifenburg explained that he was out on the property, and the renovations and addition to the existing deck will be an improvement to the house as well as the yard.

Mr. Kolligian confirmed notifications were sent with the clerk and then opened and closed the public hearing at 7:22 p.m. due to lack of public comment.

Mr. Rifenburg made a motion to approve Appeal No. 2021-13, 1 Pepper Place, 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 1 Pepper Place, Gansevoort, New York 12831, Tax Map No. 140.6-3-9, zoned R-1, in the Town of Wilton, was granted for a proposed deck addition, in the amount of relief of 3.56 ft. east side setback, property located at 1 Pepper Place, Gansevoort, New York 12831, Tax Map No. 140.6-3-9, zoned R-1 in the Town

Wilton Zoning Board of Appeals
Regular Meeting May 27, 2021

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 deck already exists in this location. 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 deck already exists in the location and the placement of the deck to the house can not be changed in any other feasible method. 3. The applicant has demonstrated that the requested Area Variance is not substantial because the requested side yard setback is only 3.56 ft. 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 a deck already exists in the location; the proposed deck is no different than other decks in the area; the proposed deck will be an improvement over the existing deck, both aesthetically and structurally; the proposed deck will increase the value of the property and will not hurt the property values of nearby homes. 5. The applicant has demonstrated that the alleged difficulty is not self-created because the existing deck was in place when the previous owner lived in the home and had already encroached into the side yard setback. The proposed addition to the deck will maintain the same distance to the neighboring property line, which is within the side yard setback.

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

Appeal No. 2021-14 Michael and Bonnie Grolley, 2 Easton Court, Gansevoort, New York 12831. Request for Area Variances pursuant to §129-157 A. Schedule A, R-1 District, and special setbacks for conservation Subdivision, of the Zoning Ordinance; property located at 2 Easton Court, Gansevoort, New York 12831, Tax Map No.127.12-4-19, zoned R-1 in the Town of Wilton.

Mr. Kolligian asked if Michael and Bonnie Grolley, 2 Easton Court, were present and if they would explain what they would like to do to the board.

Mr. Rifenbary asked Mr. Grolley to share with the board the property behind where the shed is to be placed is Town of Wilton property.

Mr. Zabala complimented Mr. and Mrs. Grolley on presenting a structure that complements their house style and perhaps will fit in quite well with the neighborhood. Mr. Rifenbary explained it will be Amish built.

Mr. Kolligian clarified with Mr. Mykins that only the special setbacks for the Conservation Subdivision need to be taken into consideration for the variance. He (Mr. Kolligian) then confirmed with the clerk that all notifications have been sent.

Mr. Kolligian opened and closed the public hearing at 7:30 p.m. due to lack of public comment.

Mr. Rifenbary made a motion to approve Appeal No. 2021-14, 2 Easton Court, Gansevoort, New York 12831. Request for Area Variances pursuant to §129-157 A. and Schedule A, R-1 District of the Zoning Ordinance; property located at 2 Easton Court, Gansevoort, New York 12831, Tax Map No. 127.12-4-19, zoned R-1, in the Town of Wilton, was granted for a proposed storage shed, in the amount of relief of 15 ft. northwest side setback and 8 ft. front

Wilton Zoning Board of Appeals
Regular Meeting May 27, 2021

setback (Cardiff Circle front), property located at 2 Easton Court, Gansevoort, New York 12831, Tax Map No. 127.12-4-19, 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 shed will be constructed with the same materials as the newly built 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 Variances because it is visually appropriate to the neighborhood. 3. The applicant has demonstrated that the requested Area Variances are not substantial because it is the best location. 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 professionally built and erected on the property. 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. 2021-15 Richard Mohrmann, 377 Northern Pines Road, 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 377 Northern Pines Road, Gansevoort, New York 12831, Tax Map No. 140.11-1-9, zoned R-1 in the Town of Wilton.

Mr. Kolligian acknowledged Richard Mohrmann, 377 Northern Pines Road, was present and he explained to the board what he would like to do.

Mr. Mohrmann explained that he has an existing shed on the property and would like to place a new similarly sized shed farther along the property line to gain more yard.

Mr. Rifenburg agreed that moving the shed would be feasible.

Mr. Zabala confirmed with Mr. Mohrmann that the adjacent property owner, where the shed is going to be placed, had no objections.

Mr. Kolligian confirmed with the clerk that notifications were sent out, then opened and closed the public hearing at 7:37 p.m. due to lack of public comment.

Mr. Zabala made a motion to approve Appeal No. 2021-15, 377 Northern Pines Road, 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 377 Northern Pines Road, Gansevoort, New York 12831, Tax Map No. 140.11-1-9, zoned R-1 in the Town of Wilton, was granted, conditioned on the existing shed being removed once the new shed is placed, for a proposed storage shed, in the amount of relief of 20 ft. east side setback, property located at 377 Northern Pines Road, Gansevoort, New York 12831, Tax Map No. 140.11-1-9, 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 existing structure that currently resides in their backyard, which is a 40 year old unsightly homemade structure, will be replaced with a new shed that will improve the appearance of the property, and is similar to the existing

Wilton Zoning Board of Appeals
Regular Meeting May 27, 2021

shed in size. 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 placement of the proposed shed is intended to allow it to be reasonable to improve the use of the rear yard of property, and there are other buried structures underground that appear to be a septic system. 3. The applicant has demonstrated that the requested Area Variance is not substantial because the setback relief requested, only on one side of their corner lot, is somewhat substantial, but the shed will be acceptable to the neighboring properties and will be within the fence line, along with existing shrubbery to shield from views from the street. 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 variance requested will allow the new shed to be placed on the property with no interferences with the neighbors. The borderline properties are separated by a fence line. 5. The applicant has demonstrated that the alleged difficulty is self-created because they are asking that the new structure be located elsewhere on the property.

There was discussion about the existing shed and conditions occurred between Mr. Rifenburg, Mr. Schachner, Mr. Kolligian, Mr. Zabala, and Mr. Deloria.

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

Appeal No. 2021-16 Jeff Thornquist, 1 Ushu Court, 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 1 Ushu Court, Gansevoort, New York 12831, Tax Map No. 115.17-6-10, zoned R-1 in the Town of Wilton.

Mr. Kolligian thanked Jeff Thornquist, 1 Ushu Court, for being present. Mr. Thornquist explained to the board what he would like to do and that he was not aware that his lot was a corner lot.

Mr. Rifenburg spoke about the birch trees present on the property along with the other trees and bushes along Traver Road.

Mr. Kolligian questioned sight distance, and Mr. Mykins explained the property is elevated which would not affect sight distance on the road.

There was discussion about moving the shed further onto the property and of the remaining trees on the lot between Mr. Deloria, Mr. Rifenburg, Mr. Kingsley, Mr. Kolligian, Mr. Zabala, and Mr. Thornquist.

Mr. Deloria asked about screening for the shed if approved. Mr. Thornquist stated he had submitted more pictures of the lot showing the growth on the trees on the Traver Road front side of his property, which were displayed on the screen.

Mr. Kolligian confirmed with the clerk that receipts of the adjacent landowner's notifications have been received.

Mr. Kolligian opened and closed the public hearing at 7:53 p.m. due to lack of public comment.

Mr. Deloria made a motion to approve Appeal No. 2021-16, 1 Ushu Court, 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 1 Ushu Court, Gansevoort, New York 12831, Tax Map No. 115.17-6-10, zoned R-1 in the Town of Wilton, was granted for a

Wilton Zoning Board of Appeals
Regular Meeting May 27, 2021

proposed storage shed, in the amount of relief of 25 ft. front setback (Traver Road), property located at 1 Ushu Court, Gansevoort, New York 12831, Tax Map No. 115.17-6-10, 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 proposed location is less noticeable to neighbors and it will be essentially blocked by the house and the bushes on Traver 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 there is a significant change in grade, and by locating the shed in this particular area, it allows to conserve and preserve existing trees that are there. 3. The applicant has demonstrated that the requested Area Variance is not substantial because the proposed location is close enough to the house and the impact of the view is not 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 grade is already in place as are the location of trees, and there won't be moving or cutting of trees in the proposed location, and seems to make the most common sense for the benefit of the neighborhood. 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. 2021-17 Frederick and Nikki Bollman, 30 Corinth Mountain Road, Gansevoort, New York 12831. Request for Area Variances pursuant to §129-157 and schedule C, Residential Three District of the Zoning Ordinance; property located at 30 Corinth Mountain Road, Gansevoort, New York 12831, Tax Map No. 101.-1-61.2, zoned R-3 in the Town of Wilton.

Mr. Kolligian read 3 pieces of correspondence, 2 from Lee Townsend, 35 Mt. McGregor Road, and 1 from Cody Miller, 31 Mt. McGregor Road, all expressing concern about the proposed subdivision, which have been placed into record. He then asked Mr. Schachner and Mr. Mykins if anything that was read was inaccurate or incorrect. Mr. Mykins explained that the mention of animals was not understood and that there is not a Special Use Permit for horses or anything there. Mr. Deloria agreed. Mr. Mykins also stated he didn't know that creating permeable surface without trees is going to create a water table issue, it may create a storm water runoff issue, but it wouldn't necessarily cause a water table issue because storm water runs downhill, and nothing prevents him from, even without the granting of this variance, clearing the trees, he has a right to do that.

There was discussion about Planning steps, Storm Water Management, and having the Town Engineer look over the application between Mr. Mykins, Mr. Schachner, and Mr. Kolligian.

Mr. Kolligian acknowledged Frederick and Nikki Bollman, 30 Corinth Mountain Road, and they explained their project to the Board.

Mr. Rifenburg explained he had went to both property sites from the correspondence and having the Town Engineer involved is critical.

Mr. Kingsley expressed concern about the proposed size of Lot 2B.

Wilton Zoning Board of Appeals
Regular Meeting May 27, 2021

Mr. Deloria mentioned that the letters of correspondence are opinions about storm water runoff.

Mr. Barrett shared his concern for the runoff and his thoughts on having the Town Engineer investigate further.

Mr. Schachner shared concern that the Board should not be volunteering the Town Director of Planning and Engineering to do the engineering for the applicant, and in that regard, the Board may want to require the applicant to actually prepare a storm water management report by a qualified professional.

Mr. Rifenburg shared that there are environmental issues and it will impact all the lowering properties.

Mr. Deloria posed a question as to if the applicants submitted a proposed subdivision without a proposed new home, and then explained that the Board is losing focus about the impact of what the applicant is going to build versus subdividing in this zoning district. Discussion of this content continued between Mr. Deloria, Mr. Rifenburg, Mr. Kingsley, and Mr. Barrett.

Mr. Kolligian and Mr. Schachner discussed the applicant's opportunity to retract the application and provide a new application, or augment the application with engineering information about storm water management.

Mr. Kolligian asked Mr. and Mrs. Bollman if they would be willing to consider augmenting their application with respect to storm water management and the square footage of the lot. Mr. Bollman questioned why the comments made about runoff were not brought about for Mr. Burns's subdivision. Mrs. Bollman brought to the Board's attention that Ms. Townsend had made these comments before and former Town Engineer, Keith Manz, did a thorough investigation and found her claims false. There was discussion held between Mr. Kolligian, Mr. Rifenburg, Mrs. Bollman, Mr. Schachner, and Mr. Mykins regarding each application that comes to the Board, adjacent property owners that are notified, neighbor's objections, prospective new engineering documents, and the prior investigation.

Mr. and Mrs. Bollman agreed to augment their application by submitting discussed documentation to the Board for review.

Mr. Kolligian and Mr. Schachner discussed whether to open the public hearing or not.

Mr. Rifenburg, Mr. Kolligian, Mr. Mykins and Mr. Schachner discussed the depth of the public hearing and the closing of the public hearing.

Mr. Kingsley shared that any person in attendance that wishes to speak should have the right to address the Board.

Mr. Kolligian opened the public hearing at 8:49 p.m.

Cody Miller, 31 Mt. McGregor Road, added comment regarding the Burns property that he (Mr. Miller) is not an adjoining property owner with Mr. Burns, and was not aware of it until he had received the Bollman's Letter and reviewed the meeting minutes of the previous months.

Lee Townsend, 35 Mt. McGregor Road, stated there were no concerns with the Burns subdivision because they were never notified, and the only owner's downslope of the Burns are State owners to her knowledge, it might be Joel Mar, which is part of the original subdivision done in 1996 when the Bollman's bought their property.

Mr. Kolligian thanked Mr. Miller and Ms. Townsend for waiting for their opportunity to speak, and let them know that the letters of communication have been read into the minutes, as well as their comments.

Wilton Zoning Board of Appeals
Regular Meeting May 27, 2021

Mr. Kolligian stated that the Board is going to keep the public hearing open for this applicant, as they have agreed to augment the existing application, and the request to have the ability to hire a physical engineer that will provide the Board with a professional report based upon the applications requests. When the application is re-submitted to this Board, we will have the opportunity to go back into the public hearing, then at that point in time listen to any other communication that may be had by the public.

Mr. Deloria, Mr. Rifenburg, Mr. Kolligian, and Mr. Mykins discussed what should be included in the storm water report to be submitted, and concluded that it should be an impact report.

Mr. Kingsley restated his concern for proposed Lot 2B.

Mr. Kolligian summarized the concerns to be potential impacts of storm water, size of Lot 2B, and impact outside of storm water with tree removal and possible planting.

There was discussion about changing the size of Lot 2B and the cost of all that was asked to be presented between the Bollman's, Mr. Kingsley, Mr. Mykins, Mr. Rifenburg, and Mr. Kolligian.

Mr. Rifenburg made a motion to table Appeal No. 2021-17, Frederick and Nikki Bollman, 30 Corinth Mountain Road, Gansevoort, New York 12831. Request for Area Variances pursuant to §129-157 and Schedule C, Residential Three District of the Zoning Ordinance; property located at 30 Corinth Mountain Road, Gansevoort, New York 12831, Tax Map No. 101.-1-61.2, zoned R-3 in the Town of Wilton, and will be placed on the agenda for the meeting closest to the date that discussed documents are presented for review. Mr. Zabala seconded the motion. All board members were in favor. The motion passed.

Appeal No. 2021-18 Engineering America Co., for Stephen and Catherine Wink, 76 Washington Street, Saratoga Springs, New York 12866. Request for Area Variances pursuant to §129-157 and Schedule B, R-2 District, of the Zoning Ordinance; property located at 90 Parkhurst Road, Gansevoort, New York 12831, Tax Map No. 114.-1-46, zoned R-2 in the Town of Wilton.

Mr. Kolligian asked if there was someone present from Engineering America, and Tonya Yasenchak, 76 Washington Street, Saratoga Springs, was present to represent Steven and Catherine Wink.

Mr. Kolligian confirmed with the clerk that the notifications have been sent and submitted. Ms. Yasenchak explained to the Board what Mr. and Mrs. Catherine Wink would like to do. Mr. Rifenburg explained that he observed the lot and shared that it is more than appropriate for what is being proposed.

Mr. Zabala asked if there is a purpose or use of the small pond shown. Ms. Yasenchak explained that on the southern side of the property there is a ditch the property drains to in the back, and this was a depression that the previous home owner had dug out and it became a pond.

Mr. Rifenburg said he would like to hear from Mr. Wink.

Steven Wink, 60 Parkhurst Road, stated he and his wife bought the land from one of their neighbors, Dave Gabay, and that they would like to build a retirement place for themselves. Mr. Kolligian opened and closed the public hearing at 9:14 p.m. due to lack of public comment.

Wilton Zoning Board of Appeals
Regular Meeting May 27, 2021

Mr. Rifenbary made a motion to approve Appeal No. 2021-18, Engineering America Co., for Stephen and Catherine Wink, 76 Washington Street, Saratoga Springs, New York 12866. Request for Area Variances pursuant to §129-157 and Schedule B, R-2 District, of the Zoning Ordinance; property located at 90 Parkhurst Road, Gansevoort, New York 12831, Tax Map No. 114.-1-46, zoned R-2 in the Town of Wilton, was granted for a proposed residential construction in the amount of relief of 48,052 sq. ft. lot size, 83.38 ft. frontage, and 13 ft. north side setback, property located at 90 Parkhurst Road, Tax Map No. 114.-1-46, 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 Variances because there are no homes currently located along the north side of the property where the variances are being requested. The adjacent house is towards the rear of the lot and not the area of the requested variances. 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 Variances because there is no other land available for purchase. The Owners' architect developed plans to meet their needs; modifying plans does not achieve the benefit sought. 3. The applicant has demonstrated that the requested Area Variances are not substantial because the lot is pre-existing non-conforming, minimizing the allowable building envelope. 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 proposed house is located a considerable distance from any adjacent houses. The lot is also down slope from the adjacent lots so development of this site should not cause any drainage issues. 5. The applicant has demonstrated that the alleged difficulty is not self-created because the lot is pre-existing non-conforming with a small building envelope.

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

Appeal No. 2021-19 Kenneth Dodge, 8 Thunder Run, 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 8 Thunder Run, Gansevoort, New York 12831, Tax Map No.127.11-1-44, zoned R-1 in the Town of Wilton.

Mr. Kolligian asked if Kenneth Dodge was present. Mr. Dodge, 8 Thunder Run, was present and explained to the Board what he was looking to do.

Mr. Rifenbary shared that any improvement on the existing shed would enhance that area of the property.

Mr. Zabala confirmed with the clerk that notifications have been received with no comments.

Mr. Kolligian opened and closed the public hearing at 9:22 p.m. due to lack of public comment.

Mr. Zabala made a motion to approve Appeal No. 2021-19, Kenneth Dodge, 8 Thunder Run, 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 8 Thunder Run, Gansevoort, New York 12831, Tax Map No.127.11-1-44, zoned R-1 in the Town of Wilton, was

Wilton Zoning Board of Appeals
Regular Meeting May 27, 2021

granted for a proposed storage shed in the amount of relief of 9 ft. west side setback, property located at 8 thunder Run, Tax Map No. 127.11-1-44, 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 new shed will be an improved appearance from the current shed. 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 current location of the existing shed is placed on a concrete slab and the applicant wishes to utilize the slab. There is also a pool and septic drainage areas along with underground utilities in other areas of the yard that preclude it from being placed elsewhere. 3. The applicant has demonstrated that the requested Area Variance is not substantial because they are only asking for 9 ft. of relief of side property line where 15 ft. is required, and it would closely match the existing sheds distance from the property line. 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 there are other homes nearby that also have sheds and there are no concerns from the neighboring property owners. 5. The applicant has demonstrated that the alleged difficulty is self-created because they're asking for the variance to place the shed by the property line.

Mr. Deloria 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 9:26 p.m.

Dated: May 28, 2021

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Dean Kolligian, Acting Chairman