

**WILTON ZONING BOARD OF APPEALS
THURSDAY, June 22, 2023**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, June 22, 2023, at Wilton Town Hall and was called to order by Vice Chairman Ramsdill at 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Vice Chairman Christopher Ramsdill, Nicholas Collins, Scott Duffy, Scott Kingsley, Amanda Pelfrey, Shawn Lescault, 1st Alternate, and. Also present were Brian Reichenbach, Town of Wilton Zoning Board of Appeals Attorney, John Herlihy, Building Inspector/Code Enforcement Officer, and Lisa Closson, Zoning Clerk.

ABSENT: Chairman O'Brien, Jay Rifenburg, and Christopher Iwinski, 2nd Alternate.

MINUTES: The minutes of the last meeting, held on May 25, 2023, were approved, as submitted, on a motion made by Mr. Kingsley, seconded by Mr. Collins. 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*

OLD BUSINESS:

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.

***Tabled pending submission of additional information**

NEW BUSINESS:

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.

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Julie Thomas and her daughter, Dahlia Thomas, 71 Woodard Road, presented the updated application to the Board. Mrs. Thomas addressed the concerns from last meeting held on May 25, 2023, regarding activities that require DEC permits within wetlands and buffers. She stated when they had their property surveyed they went through Lansing Engineering and were asked if they would like their wetlands surveyed. She stated they (Julie and her husband) were taking Cornell small farms courses and wanted to make sure that anything they were planning would not impact the wetlands. She continued to explain the layout of her house on the lot and the plan of the coops, house, and barn. She explained they are well over the wetland buffers on their land. She also shared a soil map and explained their land is prime farm land with sandy loam. All of the data she had presented covered a large portion of Woodard Road, and all have been placed in record.

Mrs. Thomas shared that she proposed an amended application with only 30 chickens and Mark Mykins' determination pointed out that even if they use one acre of land, that is allowing over 800 sq. ft. per chicken, which was cited as Cornell's requirements for keeping chickens. She continued to speak of the number of chickens, mobile coops, and the barn.

Mr. Ramsdill confirmed that a berm has been installed.

There was discussion on the number of chickens between the Board and Mrs. Thomas. Mr. Ramsdill explained to Mrs. Thomas that she will have to make the decision on the number she will ask for. Mrs. Thomas confirmed with Mr. Ramsdill that the Special Use Permit *can* be modified at a later time upon request, but a definitive answer can not be given.

Mrs. Thomas stated she would like to ask for 52 birds. Mr. Lescault confirmed with Mr. Reichenbach that an applicant can deviate from their application at their request. Discussion continued upon the number of birds and what type.

Mr. Ramsdill discussed the additional fence materials proposed with Mrs. Thomas.

Mr. Ramsdill re-opened the public hearing at 7:18 p.m.

Pamela Duell, 55 Woodard Road, explained she saw the map and was just speaking with Julie, and that no one is against doing something on their land for a homestead to provide for the family, grow chickens, etc. Way back when people didn't need permits, they did it on their own. She added it was their (the applicants) prerogative to put up all kinds of posted signs, 10 ft. from each other, property under video surveillance and beware of dog signs that went up after the last meeting, which she thought was a respectful meeting with legitimate concerns. She also mentioned that there was disruptive behavior on Memorial Day, so much so that one of the neighbors wanted to call law enforcement.

Mr. Ramsdill requested to stay focused on the appeal.

Ms. Duell explained she is mentioning this because she would like to have good faith that what is being proposed here and asked for doesn't morph into something else down the road, and that she is not sure what entity oversees this. It is a very quiet road and is unfortunate that this behavior occurred, and that she is concerned because extensions are already being talked about.

Mr. Ramsdill mentioned extensions, and that the Building Department would ensure that everything is done according to approval before an extension, and if not compliant, they can

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be sited and told that they are not compliant. He continued to explain if the ZBA felt it inappropriate to extend, the right is no longer granted for the property.

Discussion continued between Mr. Ramsdill, Mr. Kingsley, and Ms. Duell regarding concerns.

Steve White, 66 Woodard Road, stated he did not sign the petition and didn't even know it existed. He continued to share he would never have signed it, and if anybody knows these people (Thomas's) they would have no concern. He explained that if you spend 5 minutes with them you would find out they are some of the nicest people you'd ever meet. He also mentioned that he lives across the road from them and he thinks it's ridiculous to think that this is some kind of commercial farming operation.

John Lant, 45 Woodard Road, said the proposal tonight was 30 chickens.

Mr. Ramsdill said 30 meat chickens. Discussion continued about the number of birds, the application and determination, and the letter. Mr. Lescault and Ms. Pelfrey discussed the number of birds. There was discussion between Mr. Lescault, Mr. Ramsdill, Mr. Collins, and Mr. Kingsley regarding the application, number of birds, and the determination.

Mr. Lant expressed concern of the applicants maybe coming back in this fall asking for cows and more birds, he does not want their quality of life ruined.

Mike Lomnicki, 55 Woodard Road, explained he appreciates homesteads, thought that 30 poultry was reasonable, and that the applicant can always come back, expand it, and ask how it is working out. He continued that last meeting they did not get approval for 50, and now they are back and almost up to 50 again. He continued to share that we should scale it back and see how this plays out before we then say an extension. He said he does not want to be unreasonable but doesn't think they should be starting at 60 birds, and doesn't care what Mr. Mykins says, rather to come live up there with the coyotes, he doesn't want them coming closer and closer to their (Mr. Lomnicki and Ms. Duell) place and then on their property. He is fully aware that people would like to have a little bit of farm, but does not think this should go beyond 30 chickens, it is pretty reasonable to get started, a bit high, but if that is the request, that is what the Board should be voting on.

Ms. Duell said she'd like to believe, and again, Julie (Mrs. Thomas-applicant) seems very nice, very knowledgeable, and a reasonable request for 30 chickens. The reason there was a petition is that the initial application was grandiose. It had a farmstand, public sale, and a lot of stuff, and this is why people got bent out of shape, it was a huge proposal, appeared to be a commercial farm. Again, she mentioned, they have had some disturbing behavior that has questioned her faith and what might potentially happen down there. It is unfortunate that it occurred, she explained, and would like to believe the applicants are nice people, they seem nice, incredibly knowledgeable, but there was very disruptive and intimidating behavior that occurred up there after the last meeting.

Mr. Kingsley said without a record of what may have happened, it's subjective, speculative at this point.

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Mr. Ramsdill shared they (the Board) are restricted into what is being reviewed, which is the chickens and turkeys.

Mr. Lomnicki said people’s behavior make you question their motives, whether it is a law enforcement issue or not. Ms. Duell added especially when several households see it and somebody considers calling law enforcement, whether they did or not, she has no idea, but she certainly did not, and she exclaimed well said to Mr. Lomnicki’s statement.

Mr. Ramsdill closed the public hearing at 7:32 p.m.

Mr. Lescault asked Mrs. Thomas if they had a large scale chicken operation in Northumberland. Mrs. Thomas said no, that they had 10 chickens at the height of it. She continued to explain that they were not planning on having 100 chickens immediately and was under the impression they needed to supply the full scope of what they wanted with their land. Discussion continued between Mr. Lescault, Mr. Ramsdill, and Mrs. Thomas regarding the allowed number of chickens and who would be running it.

Mr. Ramsdill asked Mrs. Thomas if she would like to try for 52 or stick with 30 from her letter. Mrs. Thomas answered 30. Mr. Ramsdill confirmed 6 turkeys as well. Mr. Kingsley added no more than one rooster. Discussion continued.

Mr. Collins 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, for 30 chickens with the max of 1 rooster, and 6 turkeys, and subject to all requirements listed in §129-176 V., and will be due for review and extension on or before June 22, 2024.

Mr. Kingsley seconded the motion. Mr. Ramsdill, Mr. Collins, Mr. Duffy, Mr. Kingsley, and Ms. Pelfrey were in favor. Mr. Lescault was opposed. The motion passed.

Adjournment:

Mr. Kingsley made a motion to adjourn. Mr. Duffy seconded the motion. All board members were in favor. The meeting was adjourned at 7:39 p.m.

Dated: June 23, 2023

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Christopher Ramsdill, Vice Chairman