

WILTON ZONING BOARD OF APPEALS
THURSDAY, June 23, 2022

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, June 23, 2022 at Wilton Town Hall and was called to order by Chairman O'Brien at 7:01 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Chairman O'Brien, Robert Barrett, Jim Deloria, 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: Vice Chairman Christopher Ramsdill, and Jay Rifenbary.

MINUTES: The minutes of the last meeting, held on May 26, 2022, were approved, as submitted, on a motion made by Mr. Barrett, seconded by Mr. Kingsley. 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. 2022-08 Top Notch Builders, NY, LLC, 1 Oakwood Drive, South Glens Falls, New York, 12803. Request for Area Variances pursuant to §129-157 A. and Schedule J, C-3 District of the Zoning Ordinance; property located at 441 Gurn Springs Road, Gansevoort, New York, 12831, Tax Map No. 115.-2-47, zoned C-3, in the Town of Wilton.

Leroy Sweet, with Top Notch Builders, NY, LLC, sent Lisa Closson an email stating he was coming. Appeal No. 2022-08 was read after Special Use Permit (SUP) 2022-09 was heard.

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SUP No. 2022-09 Kerstin King, 491 Union Avenue, Saratoga Springs, New York, 12866. Request for a Special Use Permit for Private Stables pursuant to Schedule B, R-2 District, and §129-176 V. of the Zoning Ordinance; property located at 237 Loudon Road, Saratoga Springs, New York, 12866, Tax Map No. 154.-2-11.221, zoned R-2, in the Town of Wilton.

Mr. O'Brien read two pieces of correspondence from Bernard, Elizabeth, and Amy Baker, 239 Loudon Road, one expressing their concerns for their property by the Special Use Permit, and the other stating the horses are on the property already. Both pieces of correspondence were placed into record.

William and Susan Schork, 237 Loudon Road, were present and explained their application to the Board.

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

Mr. O'Brien confirmed with Mr. and Mrs. Schork that the horses were on the property without a permit. Mrs. Schork explained that all the requirements from §129-176 V. have been addressed. Mrs. Schork discussed with Mr. Mykins the elevation of 239 Loudon Road and 237 Loudon Road regarding the drainage of manure and urine that the Baker's were concerned about.

Mr. Schork explained that the horses are only here for about three months, from June to August, and Mr. O'Brien explained that those are the prime months here for people to be outside, referring to a concern from the Baker's regarding the odor and horse flies. Mrs. Schork explained that they are moving the horses to the back of the property where trees have been cleared towards 233 Loudon Road, moving them further from 239 Loudon Road. Mr. Schork discussed the complaints that were called in last year regarding building without a permit, horses being too close to the property line, along with the odor and flies. Mr. Kingsley discussed with Mr. Mykins the complaints, and the need for a Special Use Permit.

Mike Bryce and Corey Teleisha, 233 Loudon Road, were present and shared with the Board that it is a breath of fresh air having horses right next door, and that all the kids in the neighborhood love the horses. Mr. Bryce also mentioned that the horses are fantastic to see with all the building that is happening in Wilton. Mr. Bryce also commented that horse flies have been there for the 20 years they have lived there.

Mrs. Schork explained to the Board that they clean up the feces daily, and that they are happy to comply, and they have applied for a permit for a run-in shelter away from the Baker's property.

Mr. Deloria discussed with Mr. and Mrs. Schork the concern from the Baker's about the horses running on to their (Baker's) property after escaping from the paddock the first day the horses arrived from Florida last year, and moving of the horses towards the rear of 237 Loudon Road and into the parcel in the rear that the Schork's own as well.

Mr. O'Brien confirmed with the Schork's that the fence is about 30 ft. from the property line.

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Mr. Schork, Mr. Mykins, and Mr. Kolligian discussed the slope requirement, no more than 5%.

Mr. O'Brien asked the Schork's how often they plan on bringing the horses from Florida to here. The Schork's said they are here for three months and that they are not sure if they are going to bring them back every year.

Mr. Kolligian discussed with Mr. Mykins the communication with the Schork's since last year's complaints to address the concerns with the neighbor, and to make sure they are complying.

Mr. Schork told the Board that they own three contiguous parcels, having 17 acres all together.

The Board and Mr. Mykins discussed possible conditions to be placed on the Special Use Permit if a motion to approve was made. Mr. Kolligian confirmed that the applicants understood the conditions.

Mr. O'Brien closed the public hearing at 7:28 p.m.

Mr. Kingsley made a motion to approve Special Use Permit No. 2022-09, Kerstin King, 491 Union Avenue, Saratoga Springs, New York, 12866. Request for a Special Use Permit for Private Stables pursuant to Schedule B, R-2 District, and §129-176 V. of the Zoning Ordinance; property located at 237 Loudon Road, Saratoga Springs, New York, 12866, Tax Map No. 154.-2-11.221, zoned R-2, in the Town of Wilton, conditioned on a maximum of 6 horses, and subject to all requirements listed in §129-176 V, and will be due for review and extension on or before May 31, 2023. This Special Use Permit This Special Use Permit will be revoked if the rear parcel, Tax Map No. 154.-2-11.231, changes ownership.

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

Appeal No. 2022-08 Top Notch Builders, NY, LLC, 1 Oakwood Drive, South Glens Falls, New York, 12803. Request for Area Variances pursuant to §129-157 A. and Schedule J, C-3 District of the Zoning Ordinance; property located at 441 Gurn Springs Road, Gansevoort, New York, 12831, Tax Map No. 115.-2-47, zoned C-3, in the Town of Wilton.

Mr. O'Brien opened the public hearing at 7:30 p.m.

Leroy Sweet with Top Notch Builders, NY, LLC, was present and explained his application to the Board.

The Board discussed with Mr. Sweet the location of the leach field, and the possibility of moving the garage over to the west more to avoid needing variances.

Mr. O'Brien closed the public hearing at 7:35 p.m.

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Mr. Kolligian made a motion to approve Appeal No. 2022-08, Top Notch Builders, NY, LLC, 1 Oakwood Drive, South Glens Falls, New York, 12803. Request for Area Variances pursuant to §129-157 A. and Schedule J, C-3 District of the Zoning Ordinance; property located at 441 Gurn Springs Road, Gansevoort, New York, 12831, Tax Map No. 115.-2-47, zoned C-3, in the Town of Wilton, be granted, for 7 ft. south side setback relief and 15 ft. rear setback relief, for a proposed 24' x 26' detached garage; property located at 441 Gurn Springs Road, Gansevoort, New York, 12831, Tax Map No. 115.-2-47, zoned C-3, 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 placement of the detached garage with the current driveway conditions makes the most sense, along with the existing lot conditions. The septic tank and leach field are in the area where the garage could be placed without the requirement of the setbacks. 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 location of the septic tank and leach field are in the most reasonable location that would not require a variance. 3. The applicant has demonstrated that the requested Area Variances are not substantial because the C-3 zone has substantial setbacks and this non-conforming pre-existing lot would struggle to meet current zoning on setbacks for a garage. 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 most lots in the area do not meet current zoning, along with the current driveway, and the location of the septic tank and leach field. 5. The applicant has demonstrated that the alleged difficulty is not self-created based upon the existing infrastructure that is in place.

Mr. Kingsley 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 7:38 p.m.

Dated: June 24, 2022

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Joseph O'Brien, Chairman