

**WILTON ZONING BOARD OF APPEALS
THURSDAY, June 24, 2021**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, June 24, 2021 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, Jim Deloria, Scott Kingsley, Dean Kolligian, and Gerard Zabala. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

ABSENT: Jay Rifenburg, 1st Alternate

MINUTES: The minutes of the last meeting, held on May 27, 2021, were approved, with amendments to change Vice Chairman Chris Ramsdill to Acting Chairman Dean Kolligian, and change the date from April 22, 2021 to May 27, 2021, on a motion made by Mr. Kingsley, seconded by Mr. Barrett. 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. 1995-23 Ralph and Patricia Benincasa, 69 Edie Road, Saratoga Springs, New York 12866. Request for an extension of a Special Use Permit, pursuant to §129-26 (B) of the Zoning Ordinance, for the boarding of horses; property located at 69 Edie Road, Tax Map No. 154.-1-12.121, zoned R-2, in the Town of Wilton. SUP No. 1995-23, originally granted on July 27, 1995 for a period of two years, and continually extended every two years, is due for review and extension on or before July 27, 2021.

Mr. O'Brien asked if Mr. and Mrs. Benincasa were present and if they wanted the permit extended. Ralph and Patricia Benincasa, 69 Edie Road, were present and explained they would like their Special Use Permit extended. Mr. Mykins explained there were no issues or complaints on the property.

Mr. Barrett made a motion to approve the extension of SUP No. 1995-23, Ralph and Patricia Benincasa, 69 Edie Road, Saratoga Springs, New York 12866. Request for an extension of a Special Use Permit, pursuant to §129-26 (B) of the Zoning Ordinance, for the boarding of

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horses, with a max of 10 horses; property located at 69 Edie Road, Tax Map No. 154.-1-12.121, zoned R-2, in the Town of Wilton; property located at 69 Edie Road, Saratoga Springs, New York, 12866 Tax Map No. 154.-1-12.121, 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 July 27, 2024. Mr. Deloria seconded the motion. All board members present were in favor. The motion passed.

SUP NO. 2004-45 (Amendment for **SUP NO. 2003-29**)_ Susan Miller for Wendy Zwijacz, 19 Strong Road, Gansevoort, New York 12831. Request for an extension of a Special Use Permit, pursuant to §129-26 (G) and §129-176 (V) of the Zoning Ordinance, for the keeping of agricultural animals; property located at 19 Strong Road, Tax Map No. 102.-1-35.2, zoned R-2, in the Town of Wilton. SUP No. 2003-29, originally granted on July 24, 2003, amended on October 28, 2004 (SUP No. 2004-45), for a period of two years, and continually extended every two years, is due for review and extension on or before July 27, 2021.

Mr. O'Brien asked if Wendy Zwijacz was present and if she would like the Special Use Permit extended. Ms. Zwijacz was present and explained she would like her Special Use Permit extended. Mr. Deloria asked why the Special Use Permit was amended, and Mr. Mykins explained they added pigs. There was discussion about the amendment between Mr. Ramsdill, Mr. Kolligian, Mr. Mykins, and Mr. Schachner. It was concluded that SUP No. 2004-45 should be the focus.

Mr. Ramsdill made a motion to approve the extension of amendment SUP No. 2004-45, Wendy Zwijacz, 19 Strong Road, Gansevoort, New York 12831, pursuant to § 129-26 (G) and 129-176 (V) of the Zoning Ordinance, for the keeping of a maximum of 25 agricultural animals; property located at 19 Strong Road, Tax Map No. 102.-1-35.2, zoned R-2, in the Town of Wilton, for an additional 3 years, and will be due for review and extension on or before July 27, 2024. Mr. Kingsley seconded the motion. All board members present were in favor. The motion passed.

OLD BUSINESS:

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. Mykins explained that he spoke to Mr. Bollman and that he is waiting on the engineer to come out to his property next week.

Mr. Ramsdill 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

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closest to the date that discussed documents are presented for review. Mr. Kolligian seconded the motion. All board members present were in favor. The motion passed.

NEW BUSINESS:

Appeal No. 2021-20 Rachael and Christopher Pawlick, for Dave Pawlick, 27 Isabella Court, East Greenbush, New York 12061. Request for an Area Variance pursuant to §129-157 A. and Schedule A, R-1 District of the Zoning Ordinance; property located at 66 Hearthstone Drive, Gansevoort, New York 12831, Tax Map No. 140.8-3-3, zoned R-1 in the Town of Wilton.

Chris Pawlick, 27 Isabella Court, East Greenbush, New York 12061, was present and explained the project to the board. Mr. Ramsdill confirmed with Mr. Pawlick that the garage can not be placed on the left side of the property because of how tight the area is. Mr. Ramsdill asked if this would be for cars, and Mr. Pawlick explained that it will be for cars and storage. Mr. Zabala confirmed with Mr. Pawlick that the residents at 64 Hearthstone Drive have no concerns.

Mr. O'Brien opened and closed the public hearing at 7:11 p.m. due to lack of public comment.

Mr. Ramsdill made a motion to approve Appeal No. 2021-20, Rachael and Chris Pawlick, for Dave Pawlick, 27 Isabella Court, East Greenbush, New York 12061. Request for an Area Variance pursuant to §129-157 A, and Schedule A, R-1 District of the Zoning Ordinance; property located at 66 Hearthstone Drive, Gansevoort, New York 12831, Tax Map No. 140.8-3-3, zoned R-1, in the Town of Wilton, be granted for a proposed 12' x 24' storage structure in the amount of relief of 3.83 ft. east side setback, property located at 66 Hearthstone Drive, Tax Map No. 140.8-3-3, 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 will be consistent with the other properties that have sheds or garages on the nearby properties. 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 property is very tight on the left side, the driveway is in place, it is a minimal amount to maintain the 10ft. buffer from the house, and it wouldn't be proper to place in the backyard with the layout of the narrow pie shaped lot. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it is only 3.83 ft. relief requested. 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 would be consistent with other structures in the neighborhood. 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.

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Appeal No. 2021-21 Clark Mosher, for Michelle Mackell, 751 Route 9, Gansevoort, New York 12831. Request for Area Variances pursuant to §129-157 and schedule E, RB-1 District of the Zoning Ordinance; property located at 751 Route 9, Gansevoort, New York 12831, Tax Map No. 127.-3-58, zoned RB-1 in the Town of Wilton.

Clark Mosher and Michelle Mackell, 751 Route 9, were present and explained their project to the board.

Mr. Zabala asked Mr. Mykins if there were restrictions on Route 9 because it is a State road, and Mr. Mykins explained not on the property. Mr. Ramsdill asked if there was a shed between the cabins and the garage, and Mr. Mosher and Ms. Mackell said no. Discussion continued about the left side of the property and building in that area between Mr. Barrett, Mr. Ramsdill, Mr. O'Brien, Mr. Mykins, Mr. Mosher, and Ms. Mackell. Mr. Mosher explained there is a water line in that area, and he would not build something that can not be driven over.

Mr. Ramsdill explained that this is a pretty substantial amount of relief, and on a 55 mph road.

Mr. Mosher explained that the traffic has tripled on that road over the last 15 years, and that they are looking to sound proof, but a fence is not allowed in the front.

There was discussion about the location of the shed, the setbacks in the zone, and public safety between Mr. Ramsdill, Mr. Mykins, Mr. Kingsley, and Mr. Mosher.

Mr. O'Brien opened the public hearing at 7:21 p.m.

Mr. Deloria asked what the use of the shed would be, and Mr. Mosher replied that he has some heavy tools he wants to keep in it.

Mr. Zabala asked about visibility exiting the driveway if the shed were to be built. Mr. Mykins replied that the highway is 15-20 ft. across the property line.

Mr. O'Brien closed the public hearing at 7:23 p.m.

Mr. Kolligian reiterated the question of the placement of the shed elsewhere on the property and Mr. Mosher and Ms. Mackell said no. Discussion continued with addition of fire rating being necessary if the shed were to be closer than 10 ft. to the house between the Board, Mr. Mykins, Mr. Mosher, and Ms. Mackell.

Mr. Ramsdill made a motion to disapprove Appeal No. 2021-21, Clark Mosher for Michelle Mackell, 751 Route 9, Gansevoort, New York 12831. Request for Area Variances pursuant to §129-157, and Schedule E, RB-1 District of the Zoning Ordinance; property located at 751 Route 9, Gansevoort, New York 12831, Tax Map No. 127.-3-58, zoned RB-1, in the Town of Wilton, not be granted for a proposed 160 sq. ft. shed in the amount of relief of 26.50 ft. front setback and 15 ft. north side setback, property located at 751 Route 9, Tax Map No. 127.-3-58, zoned RB-1, in the Town of Wilton, was not 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 be produced in the character of the neighborhood and a detriment to nearby properties will be created by the granting of the Area Variances because the variance is substantial, it is at the front of the property, and being very close to a 55 mph road would endanger the shed and/or people. 2. The applicant has demonstrated that the benefit sought cannot easily be achieved by some method feasible for the applicant to pursue other than by Area Variances because of the unusual nature of the property and there are limits on where it could be built.

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There is a substantial expense, but it is possible to build elsewhere because it has been done with several other structures on the property. 3. The applicant has demonstrated that the requested Area Variances are substantial. 4. The applicant has demonstrated that the requested Area Variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood district. 5. The applicant has demonstrated that the alleged difficulty is self-created.

Mr. Zabala seconded the motion. Mr. Zabala, Mr. Kingsley, Mr. Kolligian, Mr. Deloria, Mr. Ramsdill, and Mr. O'Brien were in favor. Mr. Barrett was opposed. The motion passed.

Adjournment:

Mr. Kingsley made a motion to adjourn. Mr. Ramsdill seconded the motion. All board members were in favor. The meeting was adjourned at 7:31 p.m.

Dated: June 25, 2021

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Joseph O'Brien, Chairman