

**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY, July 28, 2022**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, July 28, 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 Vice Chairman Christopher Ramsdill. Also present were Mark Schachner via Zoom, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

**ABSENT:** Dean Kolligian, and Jay Rifenbary.

**MINUTES:** The minutes of the last meeting, held on June 23, 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\*

**Special Use Permit No. 2020-25** Reneé Scalo, 4483 Route 50, Gansevoort, New York 12831. Request for an extension of Special Use Permit pursuant to Schedule B, R-2 District, §129-175 C., D. 1-7, and §129-176 C. (1) (a)-(e) of the Zoning Ordinance for a Home Occupation for a Hair Salon; property located at 4483 Route 50, Gansevoort, New York, 12831, Tax Map No. 129.-1-35, zoned R-2, in the Town of Wilton, originally granted August 27, 2020, for two years, with a condition of two client maximum at a time, no signage, and no commercial lighting, is due for review and extension on or before August 27, 2022.

Mr. O'Brien read correspondence from Reneé Scalo stating that nothing has changed and that she would like her Special Use Permit extended.

Mr. Deloria made a motion to approve the extension of SUP No. 2020-25, Reneé Scalo, 4483 Route 50, Gansevoort, New York 12831. Request for an extension of Special Use Permit pursuant to Schedule B, R-2 District, §129-175 C., D. 1-7, and §129-176 C. (1) (a)-(e) of the Zoning Ordinance for a Home Occupation for a Hair Salon; property located at 4483 Route 50, Gansevoort, New York, 12831, Tax Map No. 129.-1-35, zoned R-2, in the Town of Wilton, for an additional three years, with a condition of a two client maximum at a time, no signage,

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and no commercial lighting. SUP No. 2020-25 will be due for review and extension on or before August 27, 2025. Mr. Barrett seconded the motion. All Board members present were in favor. The motion passed.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

Mr. O'Brien explained that the order of the Agenda will be changed to accommodate the Town Attorney via Zoom.

**Appeal No. 2022-12** Cellco Partnership, d/b/a Verizon Wireless, for Greenfield Fire District, 1275 John Street, Suite 100, West Henrietta, New York, 14586. Request for a Use Variance pursuant to Schedule N, Commercial-Residential District, of the Zoning Ordinance; property located at 613 Route 9, Saratoga Springs, New York, 12866, Tax Map No. 153.-1-18, zoned CR-1, in the Town of Wilton.

**Appeal No. 2022-13** Cellco Partnership, d/b/a Verizon Wireless, for Greenfield Fire District, 1275 John Street, Suite 100, West Henrietta, New York, 14586. Request for an Area Variance pursuant to §129-176 L. (7)(b), of the Zoning Ordinance; property located at 613 Route 9, Saratoga Springs, New York, 12866, Tax Map No. 153.-1-18, zoned CR-1, in the Town of Wilton.

Mr. O'Brien explained that Appeal No's. 2022-12 and 2022-13 will not be heard. Dave Brennan from Young Summer, for Cellco Partnership, explained that they are revising the location of the cell tower.

Mr. Ramsdill made a motion to designate WPB as lead agency for SEQRA review for Appeal No. 2022-12, Cellco Partnership, d/b/a Verizon Wireless, for Greenfield Fire District, 1275 John Street, Suite 100, West Henrietta, New York, 14586. Request for a Use Variance pursuant to Schedule N, CR-1 District, of the Zoning Ordinance; property located at 613 Route 9, Tax Map No. 153.-1-18, zoned CR-1, in the Town of Wilton, and Appeal No. 2022-13, Cellco Partnership, d/b/a Verizon Wireless, for Greenfield Fire District, 1275 John Street, Suite 100, West Henrietta, New York, 14586. Request for an Area Variance pursuant to §129-176 L. (7)(b), of the Zoning Ordinance; property located at 613 Route 9, Tax Map No. 153.-1-18, zoned CR-1, in the Town of Wilton. Mr. Barrett seconded the motion. All board members present were in favor. The motion passed.

**Appeal No. 2022-10** Jesse Tucker, 261 Gurn Springs Road, Gansevoort, New York, 12831. Request for Area Variances pursuant to §129-157 A., and Schedule B, R-2 District of the Zoning Ordinance; property located at 261 Gurn Springs Road, Gansevoort, New York, 12831, Tax Map No. 116.-1-11, zoned R-2, in the Town of Wilton.

Jesse Tucker, 261 Gurn Springs Road, was present and explained his project to the Board.

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Mr. Ramsdill confirmed with Mr. Mykins and Mr. Tucker that there are five lots in a row that are pre-existing non conforming.

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. 2022-10, Jesse Tucker, 261 Gurn Springs Road, Gansevoort, New York, 12831. Request for Area Variances pursuant to §129-157 A., and Schedule B, R-2 District of the Zoning Ordinance; property located at 261 Gurn Springs Road, Gansevoort, New York, 12831, Tax Map No. 116.-1-11, zoned R-2, in the Town of Wilton, be granted, for 14 ft. east side setback relief and 6 ft. west side setback relief, for a proposed 40' x 40' detached garage; property located at 261 Gurn Springs Road, Gansevoort, New York, 12831, Tax Map No. 116.-1-11, 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 this property pre-dated zoning, it is a non-conforming long narrow lot, and there is a similar structure to the immediate left. 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 setback in the area related to the 100 ft. lot would only leave 20 ft. to place a structure. 3. The applicant has demonstrated that the requested Area Variances are substantial but are similar to properties nearby. It is a pre-existing lot that does not conform to the zoning in the area. 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 is consistent with properties immediately next door, and also in the area. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

**Appeal No. 2022-11** Richard Lasselle, 703 Alcove Drive, Groveland, Florida, 34736. Request for Area Variances pursuant to §129-157, and Schedule B, R-2 District, of the Zoning Ordinance; property located at 5 Putnam Lane, Saratoga Springs, New York, 12866, Tax Map No. 141.-1-34, zoned R-2, in the Town of Wilton.

Richard Lasselle, 703 Alcove Drive, Groveland, Florida, 34736, was present and explained his project to the Board. Mr. Lasselle spoke to the Board about how the access to his property has changed with the roundabout that has been placed on Jones Road. He also spoke about the new development, Forest Grove, that has been created by Peter Belmonte by Putnam Lane. Mr. Lasselle shared that public water and sewer from the development was extended on to Putnam Lane.

Mr. Ramsdill asked Mr. Lasselle if he had already paid to have the water and sewer hooked up. Mr. Lasselle replied it was \$31,000 to bring it underneath the road, and will need to pay for each one of the hookups for water and sewer. He also explained that he would like to continue to use the existing septic system for the carriage house. Mr. Mykins stated that he didn't know if they have ever done that before, and that normally, if there is water and sewer available, the resident would have to hook in to them. Mr. Lasselle made mention of R-1

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zoning, and Mr. Mykins explained that the zoning of Mr. Lasselle's property is R-2 and that Mr. Belmonte was able to create smaller lots by creating a conservation subdivision.

Mr. Deloria asked Mr. Lasselle to elaborate on what the advantages of joining the HOA were and why he decided not to join. Mr. Lasselle explained that if they joined they would be able to use the community center of Forest Grove, pool usage, and either have lawn maintenance or no lawn maintenance. There was discussion between Mr. Mykins, Mr. Deloria, Mr. Ramsdill, and Mr. Lasselle regarding lot sizes, ingress and egress to the property, public water and sewer, and the subdivision of Mr. Lasselle's property.

Mr. Kingsley shared that this is a unique situation, and that the applicant will have to go by what the Town requires.

Mr. O'Brien opened and closed the public hearing at 7:33 p.m. due to lack of public comment.

Mr. Ramsdill made a motion to approve Appeal No. 2022-11, Richard Lasselle, 703 Alcove Drive, Groveland, Florida, 34736. Request for Area Variances pursuant to §129-157, and Schedule B, R-2 District, of the Zoning Ordinance; property located at 5 Putnam Lane, Saratoga Springs, New York, 12866, Tax Map No. 141.-1-34, zoned R-2, in the Town of Wilton, be granted, conditioned on both structures hooking into water and sewer within a year, for lot 1, 46,950 sq. ft. lot size relief, 90.03 ft. frontage relief, 25 ft. front setback relief, and 7.80 ft. east side setback relief, and for lot 2, 43,649 sq. ft. lot size relief and 21.10 ft. front setback relief, for a proposed 2 lot subdivision; property located at 5 Putnam Lane, Saratoga Springs, New York, 12866, Tax Map No. 141.-1-34, 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 several properties that are consistent in size to this particular property, it is a dead end, and a very unusual stub of the road going through the new neighborhood that is being produced. Both of the buildings on the lot currently exist and a person driving by would have no understanding that there are two separate properties being created. They will also be required to hook up to water and sewer which would be a benefit to the neighborhood. 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 lot size is what it is, there are two structures currently that would be able to stand on their own independently, and they have a very long triangular shaped piece of property that does not allow for them to be broken up to maintain the frontage more evenly. 3. The applicant has demonstrated that the requested Area Variances are substantial. 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 is consistent to other properties, both structures currently exist, the access and requirement to hook up to public utilities, and the independence of the two structures would allow them to exist with an improvement to the physical and environmental conditions. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

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**Adjournment:**

Mr. Ramsdill made a motion to adjourn. Mr. Deloria seconded the motion. All board members were in favor. The meeting was adjourned at 7:37 p.m.

**Dated: July 29, 2022**

**BOARD OF APPEALS**

**BY** \_\_\_\_\_

**Lisa Closson, Zoning Clerk**

**BY** \_\_\_\_\_

**Joseph O'Brien, Chairman**