

WILTON ZONING BOARD OF APPEALS
THURSDAY, August 24, 2023

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, August 24, 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, and Shawn Lescault, 1st Alternate. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

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

MINUTES: The minutes of the last meeting, held on July 27, 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:

Appeal No. 2023-22 Daniel Mattison, 300 Gurn Springs Road, Gansevoort, New York, 12831. Request for Area Variances pursuant to §129-157 and Schedule B, R-2 District, of the Zoning Ordinance; properties located at 330 and 332 Gurn Springs Road, Tax Map No.'s 115.-3-4 & 115.-3-6, zoned R-2, in the Town of Wilton.

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Daniel Mattison, 330 Gurn Springs Road, was present and explained the application to the Board.

Mr. Ramsdill confirmed with Mr. Mattison that the lot line adjustment is being done in order to build a proposed pole barn on his property, and that Mr. Mattison owns 330 Gurn Springs Road, and Kimberly Ramsey, who was also present, owns 332 Gurn Springs Road.

Mr. Ramsdill confirmed with Mr. Mykins and Mr. Schachner that the Board is hearing the application to grant the variances needed in order for the applicant to file the lot line adjustment at the County.

Mr. Collins asked if something was already approved on these lots in 2008 and Mr. Ramsdill and Mr. Mykins explained they are both pre-existing, non-conforming lots.

Mr. Ramsdill opened and closed the public hearing at 7:03 p.m. due to lack of public comment.

Mr. Duffy made a motion to approve Appeal No. 2023-22, Daniel Mattison, 300 Gurn Springs Road, Gansevoort, New York, 12831. Request for Area Variances pursuant to §129-157 and Schedule B, R-2 District, of the Zoning Ordinance; properties located at 330 and 332 Gurn Springs Road, Tax Map No.'s 115.-3-4 (Lot 1) & 115.-3-6 (Lot 2), zoned R-2, in the Town of Wilton, be granted, for relief in the amount of 49,044.20 sq. ft. lot size, 148.74 ft. frontage, and 30 ft. west side yard setback for proposed 30' x 60' pole barn for Lot 1, and for 23,442.80 sq. ft. lot size, 80.73 ft. frontage, and 30 ft. east side yard setback for existing single family home for Lot 2; properties located at 330 and 332 Gurn Springs Road, Tax Map No.'s 115.-3-4 & 115.-3-6, 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 Variance because all the lots on the road are similar in size and will make the lots more uniform. 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. 3. The applicant has demonstrated that the requested Area Variance 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. 5. The applicant has demonstrated that the alleged difficulty is self-created because the applicant wants to build a pole barn.

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

Appeal No. 2023-23 Laurie Ciuffetelli, 563 Wilton/Gansevoort Road, Gansevoort, New York, 12831. Request for an Area Variance pursuant to Schedule B, R-2 District, of the Zoning Ordinance; property located on Wilton/Gansevoort Road, Tax Map No. 102.-1-75.2, zoned R-2, in the Town of Wilton.

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Mr. Ramsdill read correspondence from SCPB (Saratoga County Planning Board) expressing no significant County-wide or intercommunity impact, and from John Bartlett, 3 Dimmick Road, expressing concern of the right of way through the parcel involved in the appeal, which gives access to land owned by him behind the parcel.

Laurie Ciuffetelli, 563 Wilton/Gansevoort Road was present and explained that their barn was built too close to the lot line and that they own both parcels. Mrs. Ciuffetelli explained that they want to build a house for their son on the vacant property, but needed to do a lot line adjustment to bring the current barn into compliance.

The Board, Mr. Mykins, Mr. Schachner, and Mrs. Ciuffetelli discussed the deeded right-of-way.

Mr. Ramsdill opened the public hearing at 7:13 p.m.

John Bartlett, 3 Dimmick Road, expressed concern of his right-of-way through the Ciuffetelli properties, and does not want to have to re-draw his deeds to accommodate. Mr. Mykins explained that the right-of-way is on the Ciuffetelli's deed. Discussion continued between Mr. Ramsdill, Mr. Schachner, Mr. Mykins, and Mr. Bartlett.

Mr. Ramsdill closed the public hearing at 7:15 p.m.

There was discussion on the wording of the condition to be placed on the variance regarding the deeded right-of-way.

Mr. Duffy made a motion to approve Appeal No. 2023-23, Laurie Ciuffetelli, 563 Wilton/Gansevoort Road, Gansevoort, New York, 12831. Request for an Area Variance pursuant to Schedule B, R-2 District, of the Zoning Ordinance; property located on Wilton/Gansevoort Road, Tax Map No. 102.-1-75.2, zoned R-2, in the Town of Wilton, be granted, conditioned on not impeding or impairing the existing right of way in any manner what so ever and having Saratoga County's land documentation on both parcels, for 30.82 ft. frontage relief; property located on Wilton/Gansevoort Road, Tax Map No. 102.-1-75.2, zoned R-2, in the Town of Wilton, 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 applicant is only moving the lot line 30.82 ft. 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 it is more feasible to move the lot line instead of the structure. 3. The applicant has demonstrated that the requested Area Variance is not substantial because the applicant is only seeking 12% relief. 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 applicant is simply moving a lot line. 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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Discussion: Proposed dates for the combined November/December ZBA meeting:

Thursday, November 30, 2023
Thursday, December 14, 2023

Mr. Kingsley made a motion to hold the combined November/December ZBA meeting on Thursday, December 14, 2023, at 7:00 p.m. Ms. Pelfrey seconded the motion. All board members present were in favor. The motion passed.

Adjournment:

Mr. Collins made a motion to adjourn. Mr. Duffy seconded the motion. All board members were in favor. The meeting was adjourned at 7:18 p.m.

Dated: August 25, 2023

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Christopher Ramsdill, Vice Chairman