

**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY, August 26, 2021**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, August 26, 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, Gerard Zabala, and Jay Rifenburg, 1<sup>st</sup> Alternate. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

**ABSENT:** Dean Kolligian

**MINUTES:** The minutes of the last meeting, held on July 22, 2021, were approved, as submitted, on a motion made by Mr. Kingsley, seconded by Mr. Deloria. 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. 2013-35** Michael G. Dobis and Lesley Waters, 21 Bullard Lane, Saratoga Springs, NY 12866. Request for an extension of a Special Use Permit pursuant to Schedule B and Sections 129-175 D (a-e) and 129-176 C (1-4), for a home occupation for aromatherapy and therapeutic massage; property located at 21 Bullard Lane, Saratoga Springs, NY 12866, Tax Map No. 128.-1-64, zoned R-2, in the Town of Wilton. SUP No. 2013-35, originally granted on September 26, 2013 for a period of two years, and continually extended every two years, is due for review and extension on or before September 26, 2021.

Mr. O'Brien read correspondence from Lesley Waters stating that she will not be extending the Special Use Permit. SUP No. 2013-35 has been withdrawn.

**SUP NO. 2013-36** Joseph Greco, 30 Mt. McGregor Road, Gansevoort, NY 12831. Request for an extension of a Special Use Permit for a private stable pursuant to Sections 129-175 D (a-e), 129-176 V (1-7), and Schedule B; property located at 30 Mt. McGregor Road, Gansevoort, NY 12831, Tax Map No. 101.-1-52, zoned R-2, in the Town of Wilton. SUP No.

Wilton Zoning Board of Appeals  
Regular Meeting August 26, 2021

2013-36, originally granted on September 26, 2013 for a period of two years, and continually extended every two years, is due for review and extension on or before September 26, 2021.

Mr. O'Brien read correspondence from Joe Greco stating that he and his wife no longer wish to extend the Special Use Permit. SUP No. 2013-36 has been withdrawn.

**SUP NO. 2015-25 B** Susan & Bernard Friday, 22 Scout Road, Gansevoort, N.Y. 12831. Request for an extension of a Special Use Permit for horses, pursuant to Section 129-175 D. (1) – (7) and Section 129-176 Y. (1) – (7) Boarding of horses/Riding Stables; property located at 22 Scout Road, Gansevoort, N.Y. 12831, Tax Map No. 128.-1-14 zoned R-2, in the Town of Wilton. SUP No. 2015-25B, originally granted September 24, 2015 for a period of two years, and continually extended every two years, is due for review and extension on or before September 26, 2021.

Susan Friday, 22 Scout Road, was present and expressed that she would like to extend their Special Use Permit. There was discussion between Mr. Deloria, Mr. Ramsdill, Mr. Mykins, Mrs. Friday, and Mr. Schachner regarding the number of horses, which is up to 65. Mr. Rifenburg, Mr. Barrett, and Mr. Ramsdill explained that the Board has increased the length of extensions for special permits in good standing.

Mr. Rifenburg made a motion to approve the extension of SUP No. 2015-25B, Susan & Bernard Friday, 22 Scout Road, Gansevoort, N.Y. 12831. Request for an extension of a Special Use Permit for horses, pursuant to Section 129-175 D. (1) – (7) and Section 129-176 Y. (1) – (7) Boarding of horses/Riding Stables; property located at 22 Scout Road, Gansevoort, N.Y. 12831, Tax Map No. 128.-1-14 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 September 26, 2024. Mr. Deloria 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.

The Public Hearing opened at 8:49 p.m. May 27, 2021.

Mr. O'Brien acknowledged two pieces of correspondence that have been reviewed by the Board from Cody Miller, 31 Mt. McGregor Road, and have been placed into record.

Tom Center, with Hutchins Engineering, and Fred and Nikki Bollman, 30 Corinth Mountain Road, were present. Mr. Center presented the project to the Board and explained that they conducted tests for Storm Water as asked during the May 27, 2021 ZBA meeting.

Wilton Zoning Board of Appeals  
Regular Meeting August 26, 2021

Mr. Rifenbary questioned the rationale based on the Zoning Law. Mrs. Bollman explained they have the 5.0 acres, their children are grown, they love their neighbors and where they live, and they have had a business in this area for 26 years.

Mr. Ramsdill spoke about the lot size and lessening the amount of relief. Discussion continued between Mr. Ramsdill and Mr. Deloria.

Cody Miller, 31 Mt. McGregor Road, thanked the Board for reviewing his correspondence, and that he still stands by his letters.

Mr. Ramsdill confirmed with Mr. and Mrs. Bollman that the 75 ft. no cut buffer would be a deed restriction. Discussion about the no cut buffer continued between Mr. Deloria, Mr. Ramsdill, and Mr. Mykins.

There was discussion between Mr. Rifenbary, Mr. Deloria, and Mr. Schachner regarding the variances.

Mr. Zabala and Mr. Center discussed the installation of a trench.

Mr. Kingsley, Mr. Ramsdill, Mr. Mykins, Mr. and Mrs. Bollman, and Mr. Center discussed the variances needed and the existing lot sizes in the neighborhood.

Lee Townsend, 35 Mt. McGregor Road, expressed that with the subdivisions going on, it is a change in the intended zoning, and that she has had water problems since the lot behind her has been developed.

There was discussion between Mr. Rifenbary, Mr. Deloria, and Mr. Center regarding storm water and development over time.

Mr. Zabala asked Mr. Mykins if there were restrictions on landowners to clear land. Mr. Mykins explained that on clearing, so long as a stump is not removed, disturbance is not caused, and if clearing 5 acres or more, a permit from the Town is needed. Mr. Ramsdill added that clearing could be done on the property without subdividing.

Mr. Ramsdill asked if Lot 2 could be made bigger to make a less substantial variance. Discussion continued between Mr. Ramsdill, Mr. Deloria, Mr. Mykins, Mr. Zabala, and Mr. Center.

Mr. Rifenbary confirmed with Mr. Miller that the concern was (sub surface) water and saturation of the soil.

Lee Townsend asked how many properties uphill of Mt. McGregor Road have maintained the original quantity of land necessary for R-3. Mr. Mykins recollected recent subdivisions in the area. Discussion continued about variances and lot size between Mr. Mykins, Mr. Ramsdill, and Mr. Schachner.

Mr. Zabala asked the applicants to express if moving the property marker is acceptable.

Mr. O'Brien closed the public hearing at 7:40 p.m.

Mr. Bollman said they would be willing to, but questioned if it would be more beneficial to Mr. Miller if there was a 100 ft. no cut zone. Mr. Mykins explained he thought the Board was more concerned about the amount of relief on that parcel. Discussion continued between Mr. Ramsdill, Mr. Mykins, Mr. Schachner, and Mr. and Mrs. Bollman regarding the parcel and lot sizes in the immediate area.

Wilton Zoning Board of Appeals  
Regular Meeting August 26, 2021

There was discussion between Mr. Miller, Mrs. Bollman, and Mr. Center regarding the no cut buffer and the cleared portion of Mr. Miller's property. Mr. Miller explained he has not cut any trees on his property that weren't already cut.

There was more discussion on the lot size between Mr. Ramsdill, Mr. Mykins, Mr. Schachner, Mrs. Bollman, and Mr. Center.

Mr. Ramsdill made a motion to approve 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, was granted, after discussion and consent of the owner to deviate from the original relief requested, for a proposed two lot subdivision in the amount of relief for proposed Lot 2B not to exceed 26,000 sq. ft., 199.70 ft. frontage, and 25 ft. both side setbacks, and conditioned on a 75 ft. deeded no cut buffer, property located at 30 Corinth Mountain Road, Tax Map No. 101.-1-61.2, zoned R-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 there are substantially smaller lot sizes on average in the surrounding area, the applicants have worked to try to maximize the size of the lot to minimize the amount of variance required, the area on the front of the road would be minimal compared to the amount of land that would flare out in the rear of the property, and storm water and drainage plans have been implemented for preventing any runoff on neighbors. 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 applicants have been cooperative working to try and move the lot line. 3. The applicant has demonstrated that the requested Area Variances are not substantial because the applicants have worked to minimize the variances to under 25%. 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 multiple lots are smaller in size in the immediate adjoining area, and the applicants have worked to address the concerns that would be created by the clearing of the lot through the storm water runoff plan. 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.

**NEW BUSINESS:**

**Appeal No. 2021-27** David and Cathleen Gabay, 93 Parkhurst Road, Gansevoort, New York 12831. Request for Area Variances pursuant to §129-157 and Schedule B, Residential Two District of the Zoning Ordinance; property located at 92 Parkhurst Road, Gansevoort, New York 12831, Tax Map No. 114.-1-51.1, zoned R-2 in the Town of Wilton.

David and Cathleen Gabay, 93 Parkhurst Road, were present. Mr. Gabay presented their proposed project to the Board.

Wilton Zoning Board of Appeals  
Regular Meeting August 26, 2021

Mr. Rifembary discussed maintenance of Lot 1 and the existing barns on Lot 2 with Mr. Gabay.

Mr. O'Brien opened the public hearing at 7:53 p.m.

Joanne Klepetar, 101 Parkhurst Road, explained she received a letter from Mr. Gabay about the variance needed for the field to be compliant, and wondered if it meant compliant as a building lot. Mr. Mykins explained just to be compliant as a lot.

Mr. O'Brien closed the public hearing at 7:57 p.m.

Mr. Ramsdill made a motion to approve Appeal No. 2021-27, David and Cathleen Gabay, 93 Parkhurst Road, Gansevoort, New York 12831. Request for Area Variances pursuant to §129-157 and Schedule B, Residential Two District of the Zoning Ordinance; property located at 92 Parkhurst Road, Gansevoort, New York 12831, Tax Map No. 114.-1-51.1, zoned R-2 in the Town of Wilton, be granted for a proposed two lot subdivision, Lot 1 for 45.36 ft. frontage relief, and Lot 2 38.50 ft. north side relief for existing Barn #1, and 15.50 north side relief for existing Barn #2, property located at 92 Parkhurst Road, Tax Map No. 114.-1-51.1, 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 the barns are pre-existing, non-conforming structures that have existed for over 100 years, and lot 1, despite not having the road frontage, well exceeds what the minimum amounts allotted. 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 lot 1 has to receive a frontage variance in order to allow the particular home and the barns to remain intact. 3. The applicant has demonstrated that the requested Area Variances are not substantial because it's the minimum amount that allows road frontage for an extremely large lot. 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 of the pre-existing non-conforming structures on lot 2, and lot 1 will remain an open large lot. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

**Appeal No. 2021-28** Sheri Sandoval, 6 Andover Avenue, Gansevoort, New York 12831. Request for an Area Variance pursuant to §129-157 and Schedule A, R-1 District of the Zoning Ordinance; property located at 6 Andover Avenue, Gansevoort, New York 12831, Tax Map No. 140.10-1-13, zoned R-1 in the Town of Wilton.

Sheri Sandoval, 6 Andover Avenue, was present and presented her project to the Board. She explained that the current stoop she has does not allow her to open her storm door all the way due to the railing.

There was discussion between Mr. Rifembary, Mr. Ramsdill, Mr. Deloria, Mr. Mykins, and Mrs. Sandoval regarding the property and proposed deck.

Mr. O'Brien opened and closed the public hearing at 8:02 due to lack of public comment.

Wilton Zoning Board of Appeals  
Regular Meeting August 26, 2021

Mr. Zabala made a motion to approve Appeal No. 2021-28, Sheri Sandoval, 6 Andover Avenue, Gansevoort, New York 12831. Request for an Area Variance pursuant to §129-157 and Schedule A, R-1 District of the Zoning Ordinance; property located at 6 Andover Avenue, Gansevoort, New York 12831, Tax Map No. 140.10-1-13, zoned R-1 in the Town of Wilton, was granted in the amount of relief of 12 ft. front setback for a proposed 16' x 10' deck, property located at 6 Andover Avenue, Tax Map No. 140.10-1-13, 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 there are other homes in the area with similar porches, and the construction of a porch will allow the residents to have safe ingress to their residence. 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 the house is located in its current position as well as the roadway, and the only way to achieve the construction of the porch is to grant the variance. 3. The applicant has demonstrated that the requested Area Variance is not substantial because there are other homes in the neighborhood that have similar front porches. 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 will be an improvement to the house as well as improve the safety of the residents. 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.

**Discussion**

The Board discussed meeting dates for the November/December combined ZBA meeting. The date was set for December 9, 2021, with a deadline date of November 23, 2021, by noon.

**Adjournment:**

Mr. Kingsley made a motion to adjourn. Mr. Deloria seconded the motion. All board members were in favor. The meeting was adjourned at 8:08 p.m.

**Dated: August 27, 2021**

**BOARD OF APPEALS**

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

**Lisa Closson, Zoning Clerk**

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

**Joseph O'Brien, Chairman**