

WILTON ZONING BOARD OF APPEALS
THURSDAY, September 28, 2023

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, September 28, 2023, 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, Nicholas Collins, Scott Duffy, Scott Kingsley, Jay Rifenburg, Christopher Iwinski, 1st Alternate, and, Andrew Bobbitt, 2nd Alternate. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

ABSENT: Amanda Pelfrey

MINUTES: The minutes of the last meeting, held on August 24, 2023, were approved, as submitted, on a motion made by Mr. Kingsley, seconded by Mr. Rifenburg. 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. 2006-39 Kimberly and Randall Ramsey, 332 Gurn Springs Road, Gansevoort, New York 12831. Request for the extension of a Special Use Permit, pursuant to §129-176 C (1) a, b, c, d, e, and §129-176 C (2) of the Zoning Ordinance, for a home occupation for a towing business; property located at 332 Gurn Springs Road, Tax Map No. 115.-3-6, zoned R-2, in the Town of Wilton. SUP No. 2006-39, originally granted on September 28, 2008 for a period of two years with the condition of a limit of four (4) vehicles, related to the towing business, on the property, and no towed/junk vehicles on the property, and continually extended, is due for review and extension on or before October 22, 2023.

Kimberly Ramsey, 332 Gurn Springs Road, was present and stated she would like her special permit extended. Mr. O'Brien confirmed with Mr. Mykins that there were no problems on the property. Mr. Ramsdill shared the special use permit can be extended for a period of three years.

Mr. Rifenburg made a motion to approve the extension of SUP No. 2006-39, Kimberly and Randall Ramsey, 332 Gurn Springs Road, Gansevoort, New York 12831. Request for the

Wilton Zoning Board of Appeals
Regular Meeting September 28, 2023

extension of a Special Use Permit, pursuant to §129-176 C (1) a, b, c, d, e, and §129-176 C (2) of the Zoning Ordinance, for a home occupation for a towing business; property located at 332 Gurn Springs Road, Tax Map No. 115.-3-6, zoned R-2, in the Town of Wilton, for an additional 3 years. SUP No. 2006-39 will be due for review and extension on or before October 22, 2026. Mr. Collins seconded the motion. All Board members present were in favor. The motion passed.

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. 2023-24 Kirsten Lambert, 180 Ruggles Road, Saratoga Springs, New York, 12866. Request for an Area Variance pursuant to Schedule B, R-2 District, of the Zoning Ordinance; property located at 180 Ruggles Road, Saratoga Springs, New York, 12866, Tax Map No. 142.-1-34.2, zoned R-2, in the Town of Wilton.

Kirsten and Jeffrey Lambert, 180 Ruggles Road, were present and presented their project to the Board.

Mr. Ramsdill discussed the grade of the property with Mr. Lambert. There was discussion about the Board members driving up to the property for a visual look between the Lambert's, Mr. Collins, and Mr. Rifenbary.

Mr. O'Brien opened and closed the public hearing at 7:06 p.m. due to lack of public comment.

Mr. Collins made a motion to approve Appeal No. 2023-24, Kirsten Lambert, 180 Ruggles Road, Saratoga Springs, New York, 12866. Request for an Area Variance pursuant to Schedule B, R-2 District, of the Zoning Ordinance; property located at 180 Ruggles Road, Saratoga Springs, New York, 12866, Tax Map No. 142.-1-34.2, zoned R-2, in the Town of Wilton, be granted, for 330 ft. frontage relief for a proposed Agriculture with Animals; Private Stables use; property located at 180 Ruggles Road, Tax Map No. 142.-1-34.2, 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 the 70' frontage width is limited to the entrance from Ruggles Road, and the property is heavily treed on both sides and the rear. Beyond that point the property meets or exceeds all applicable setback criteria therefore the variance will not produce an undesirable change in character of the neighborhood, nor will it create

Wilton Zoning Board of Appeals
Regular Meeting September 28, 2023

a detriment to 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 Area Variance because the proposed placement of the run-in shed, fenced paddock areas and manure pit is in the optimal location and does not encroach on any part of the property that would compromise established setbacks, therefore the benefit sought by the applicant cannot be achieved by a feasible alternative. 3. The applicant has demonstrated that the requested Area Variance is substantial, however the overall size of the property is 83.94 acres, in concert with the location of the home, pool, proposed run-in shed and paddock being in the largest area of the property that is over 1,750' away from the 70' road front. 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 of the mere size of the property, how heavily treed the perimeter of the property is and the location of the proposed run-in shed and paddocks would have no adverse impact on the physical or environmental conditions in the neighborhood. 5. The applicant has demonstrated that the alleged difficulty is self-created, but the applicant did purchase an 83.94 acre property with only 70 feet of frontage that does not meet the 400' frontage requirement.

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

SUP. No. 2023-25 Kirsten Lambert, 180 Ruggles Road, Saratoga Springs, New York, 12866. Request for a Special Use Permit for Agriculture with Animals; private stables, pursuant to §129-176 V. and Schedule B, R-2 District, of the Zoning Ordinance; property located at 180 Ruggles Road, Saratoga Springs, New York, 12866, Tax Map No. 142.-1-34.2, zoned R-2, in the Town of Wilton.

Mr. and Mrs. Lambert were present to explain what they wanted to do. Mr. Ramsdill explained with the application they would be limited to 2 horses, 2 donkeys, and 2 goats.

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 Special Use Permit No. 2023-25, Kirsten Lambert, 180 Ruggles Road, Saratoga Springs, New York, 12866. Request for a Special Use Permit for Agriculture with Animals; private stables, pursuant to §129-176 V. and Schedule B, R-2 District, of the Zoning Ordinance; property located at 180 Ruggles Road, Saratoga Springs, New York, 12866, Tax Map No. 142.-1-34.2, zoned R-2, in the Town of Wilton, for 2 horses, 2 donkeys, and 2 goats, and subject to all requirements listed in §129-176 V., and will be due for review and extension on or before September 28, 2025.

Mr. Rifenburg seconded the motion. All Board members present were in favor. The motion passed.

Adjournment:

Wilton Zoning Board of Appeals
Regular Meeting September 28, 2023

Mr. Kingsley made a motion to adjourn. Mr. Collins seconded the motion. All board members were in favor. The meeting was adjourned at 7:13 p.m.

Dated: September 29, 2023

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Joseph O'Brien, Chairman