

WILTON ZONING BOARD OF APPEALS
THURSDAY, October 26, 2023

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, October 26, 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, Amanda Pelfrey, Christopher Iwinski, 1st Alternate, and Andrew Bobbitt, 2nd Alternate. Also present were Brian Reichenbach, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

ABSENT: Jay Rifenburg.

MINUTES: The minutes of the last meeting, held on September 28, 2023, were approved, as submitted, on a motion made by Mr. Kingsley, seconded by Mr. Duffy. 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. 2010-33 Mohawk Hudson River Humane Society (HOPE), 3 Oakland Avenue, Menands, NY 12204. Request for the extension of a Special Use Permit pursuant to Schedule E and §129-175 of the Zoning Ordinance for a low cost spay and neuter clinic/veterinary services; property located at 4253 Route 50, Tax Map No. 141.-2-31, zoned RB-1, in the Town of Wilton. SUP No. 2010-33, originally granted on November 30, 2010 for a period of two years with the condition of no overnight boarding of animals, and continually extended, is due for review and extension on or before November 30, 2023.

Mr. O'Brien read correspondence from Ashley Jeffrey Bouck, Chief Executive Officer of Mohawk Hudson Humane Society explaining that they ceased services at 4253 Route 50 on May 31, 2021 and will not need the special permit renewed. SUP No. 2010-33 has been closed.

OLD BUSINESS:

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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. 2023-26 Laura O'Mara, 15 Newington Drive, 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 15 Newington Drive, Gansevoort, New York, 12831, Tax Map No. 140.6-2-21, zoned R-1, in the Town of Wilton.

Laura O'Mara, 15 Newington Drive, was present and explained her appeal to the Board. Mr. Ramsdill confirmed with Ms. O'Mara and Mr. Mykins that the house is 52 ft. from the road.

Mr. O'Brien opened and closed the public hearing at 7:04 p.m. due to lack of public comment.

Mr. Ramsdill made a motion to approve Appeal No. 2023-26, Laura O'Mara, 15 Newington Drive, 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 15 Newington Drive, Gansevoort, New York, 12831, Tax Map No. 140.6-2-21, zoned R-1, in the Town of Wilton, be granted, for 9 ft. front yard setback relief for a proposed 240 sq. ft. front porch; property located at 15 Newington Drive, Gansevoort, New York, 12831, Tax Map No. 140.6-2-21, 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 the current steps are in deteriorating condition, it is a newer nicer deck, it will improve the look of the house, it fits in with other neighborhood homes, and will improve the safety of front steps with rails.
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 home sits roughly close to the 50 ft. setback, and the current steps intrude on that setback. Anything built on the front to be safer to exit and enter the building would require a 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.

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

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SUP No. 2023-27 Vincent Hill for Virginia McCormick, 91 Gailor Lane, Saratoga Springs, New York, 12866. Request for a Special Use Permit pursuant to Schedule A, R-1 District, §129-175 D. 1-7 and §129-176 P. 1-3, of the Zoning ordinance, for two dwellings on one parcel; property located at 97 Loughberry Lake Road, Saratoga Springs, New York, 12866, Tax Map No. 153.-2-26, zoned R-1, in the Town of Wilton.

Vincent Hill, 91 Gailor Lane, was present and explained there are three living quarters on the lot now and want to subdivide to put two on one parcel and the other on the other parcel, and that they are looking to tear down an older mobile home and replace it with another doublewide.

Mr. Kinglsey made mention of wording from Mr. Mykins determination that states there is an apartment above the garage that is not currently in compliance. Mr. Mykins explained that the Building department has a permit application and Mr. Hill and Virginia McCormick are in the process of getting the existing apartment into compliance. Discussion continued between Mr. Mykins, Mr. Ramsdill, Mr. Kinglsey, and Mr. Hill regarding the hardship for the existing mobile home.

Mr. O'Brien opened the Public Hearing at 7:09 p.m.

Timothy Bush, 88 Loughberry Lake Road, explained his mother owned that years ago, and she let all the family live on there until they got to a place where they could go and live. That's the way my mother was. That's the way the whole family was. He continued to discuss the property history.

Louanne Green, 560 Route 9, explained she built her house in 1986. She continued to say that NIMO asked that they (Louanne and Steve Green) would give Virginia and William (97 Loughberry Lake Road) a right of way through their driveway for a one family dwelling. She continued to discuss the property history and how it exists now. She stated she is against the appeal.

Mr. Ramsdill discussed the lots and the accessory apartment with Mr. Mykins. Mr. Ramsdill confirmed with Mr. Mykins that the driveway is actual National Grid property and that they (National Grid) had given both parties an easement to use that as a driveway. Mr. Iwinski added from both sides, Route 9 and Loughberry Lake Road.

Steve Green, 560 Route 9, explained they do not use the powerline, that they have their own driveway from Route 9. Mr. Mykins explained the adjacent property is National Grid land. Mr. Green said six to eight ft. of their driveway goes on that property.

Mr. Ramsdill confirmed with Mr. Mykins that if there is concern about people on their property it would be a civil action.

Mr. Bush said there is no way to get off that property without going across National Grid property, and that the parcel is landlocked. He discussed road frontage and permits. Mr. Ramsdill explained that the Board is only looking at the accessory apartment tonight.

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Mr. Mykins and Mr. Bush discussed the property and the structures on the property. Mr. O'Brien asked Mr. Bush if he was in favor of the appeal and Mr. Bush said he was against it.

Mr. Hill shared that the original people have been there since 1978, and in 1993 the apartment was actually used.

Mr. Iwinski stated that if the Board approved the application, it would still need to go through the building permit process. Discussion continued between Mr. Iwinski, Mr. Ramsdill, and Mr. Mykins.

Mr. O'Brien closed the Public Hearing at 7:22 p.m.

Mr. Kingsley, Mr. Ramsdill, and Mr. Mykins discussed the accessory apartment and inspections.

Mr. Ramsdill and Mr. Mykins discussed the existing mobile home and the proposed new one.

Mr. Ramsdill made a motion to approve Special Use Permit No. 2023-27, Vincent Hill for Virginia McCormick, 91 Gailor Lane, Saratoga Springs, New York, 12866. Request for a Special Use Permit pursuant to Schedule A, R-1 District, §129-175 D. 1-7 and §129-176 P. 1-3, of the Zoning ordinance, for two dwellings on one parcel, subject to all requirements listed in §129-176 V., and conditioned on receiving a Certificate of Occupancy for the existing apartment from the Building Department, and the removal of the existing manufactured home before placing a new one; property located at 97 Loughberry Lake Road, Saratoga Springs, New York, 12866, Tax Map No. 153.-2-26, zoned R-1, in the Town of Wilton.

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

Adjournment:

Mr. Duffy made a motion to adjourn. Ms. Pelfrey seconded the motion. All board members were in favor. The meeting was adjourned at 7:27 p.m.

Dated: October 27, 2023

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Joseph O'Brien, Chairman