

**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY, October 28, 2021**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, October 28, 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 September 23, 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. 2001-40** Olan Aldrich and Janice Orozco-Bravo, 286 Loudon Road, Saratoga Springs, New York 12866. Request for an extension of a Special Use Permit for an accessory apartment; property located at 286 Loudon Road, Tax Map No. 154.-1-23, zoned R-2 in the Town of Wilton. Special Use Permit originally granted on December 4, 2001 for a period of two years, and continually extended every two years, is due for review and extension on or before December 4, 2021.

There was no one present to represent SUP No. 2001-40. The Board will revisit the extension at the end of the meeting.

**SUP NO. 2006-01** Richard and Lucy Butler, 29 Dimmick Road, Gansevoort, New York 12831. Request for the extension of a Special Use Permit pursuant to §129-176 V and Y of the Zoning Ordinance for the keeping of agricultural animals and the boarding of horses with a maximum of 8 horses; property located at 29 Dimmick Road, Tax Map No. 102.-1-39.2, zoned R-2 in the Town of Wilton. SUP No. 2006-01, originally granted on January 26, 2006 for two years, and continually extended every two years, is due for review and extension on or before January 26, 2022.

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Mr. O'Brien read correspondence from Richard and Lucille Butler, 29 Dimmick Road, stating they would like their Special Use Permit extended. Mr. Mykins said he was out at the property and there are no issues.

Mr. Ramsdill made a motion to approve the extension of SUP No. 2006-01, Richard and Lucy Butler, 29 Dimmick Road, Gansevoort, New York 12831. Request for the extension of a Special Use Permit pursuant to §129-176 V and Y of the Zoning Ordinance for the keeping of agricultural animals and the boarding of horses with a maximum of 8 horses; property located at 29 Dimmick Road, Tax Map No. 102.-1-39.2, 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 January 26, 2025. Mr. Deloria seconded the motion. All board members present were in favor. The motion passed.

**SUP NO. 2009-20** Douglas Dockendorf, 640 Wilton Gansevoort Road, Gansevoort, New York 12831. Request for an extension of a Special Use Permit pursuant to Schedule B and §129-176 C of the Zoning Ordinance for a home occupation as a home office for a 1-888 Chuck It business conditioned on no overnight parking of commercial vehicles; property located at 640 Wilton Gansevoort Road, Tax Map No. 101.20-1-22, zoned R-2, in the Town of Wilton. SUP No. 2009-20 originally granted on December 2, 2009 for a period of two years, and continually extended every two years, is due for review and extension on or before December 2, 2021.

Mr. O'Brien read correspondence from Douglas Dockendorf, 640 Wilton Gansevoort Road, requesting the Special Use Permit be extended. Mr. Mykins stated there are no issues with the property.

Mr. Deloria made a motion to approve the extension of SUP No. 2009-20, Douglas Dockendorf, 640 Wilton Gansevoort Road, Gansevoort, New York 12831. Request for an extension of a Special Use Permit pursuant to Schedule B and §129-176 C of the Zoning Ordinance for a home occupation as a home office for a 1-888 Chuck It business conditioned on no overnight parking of commercial vehicles; property located at 640 Wilton Gansevoort Road, Tax Map No. 101.20-1-22, 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 December 2, 2024. Mr. Ramsdill seconded the motion. All board members present were in favor. The motion passed.

**SUP NO. 2014-03** Kenneth West, 4 West Lane, Saratoga Springs, New York 12866. Request for the extension of a Special Use Permit for a private stable pursuant to §129-175 Attachment 8, Schedule B, R-2 Residential District and §129-176 V (1-7), Agricultural with animals and private stable; property located at 6 West Lane, Tax Map No. 128.-1-29.1, zoned R-2, in the Town of Wilton. SUP No. 2014-03 was originally granted on January 23, 2014 for a period of two years, and continually extended every two years, is due for review and extension on or before January 23, 2022.

Mr. O'Brien read correspondence from Laurie West, 4 West Lane, stating to withdraw the Special Use Permit as the property has been sold to her daughter.

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SUP. No. 2014-03 has been withdrawn.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**Appeal No. 2021-31** R/H Route 50, LLC, 20 Corporate Woods Boulevard, Albany, New York 12211. Request for an Area Variance pursuant to §129-174 C. (2) of the Zoning Ordinance; property located at 3057 Route 50, Tax Map No. 153.-3-117, zoned C-1, in the Town of Wilton.

Mr. O'Brien read correspondence from Wilton Planning Board (WPB) and Saratoga County Planning Board (SCPB) which have been placed into record.

Gregg Ursprung, from Bergmann and Associates, was present to represent Appeal No. 2021-31, and presented the project to the Board.

Mr. Zabala asked if there will be fencing. Mr. Ursprung said there will be along with landscaping.

Mr. Ramsdill asked about drainage and Mr. Ursprung made mention of a culvert to maintain drainage.

Mr. Rifenburg asked about a timeline. Mr. Ursprung said weather permitting, maybe this year.

There was discussion between Mr. Ursprung, Mr. Mykins, and Mr. Zabala regarding trash haulers and turn around space.

Mr. O'Brien opened and closed the public hearing at 7:13 p.m. due to lack of public comment.

Mr. Ramsdill made a motion to approve Appeal No. 2021-31, R/H Route 50, LLC, 20 Corporate Woods Boulevard, Albany, New York 12211. Request for an Area Variance pursuant to §129-174 C. (2) of the Zoning Ordinance; property located at 3057 Route 50, Tax Map No. 153.-3-117, zoned C-1, in the Town of Wilton, be granted, for the proposed increase in size of the dumpsters and an enclosure to be placed at the rear of the property in the amount of relief of 11.50 ft. rear pavement setback, property located at 3057 Route 50, Tax Map No. 153.-3-117, zoned C-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 they will be moving the dumpsters to the rear of the property where they will be less visible and screened, the property behind is a commercial property as well, and the swale will have the proper drainage installed to keep the runoff appropriately moving off site. 2. The applicant has demonstrated that the benefit sought cannot be achieved by some method feasible for the applicant to pursue, other than by an Area Variance because the

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property is extremely dense with features that are in place which would not allow for the placement of the dumpsters elsewhere on the property. 3. The applicant has demonstrated that the requested Area Variance is substantial, but due to the commercial nature and the intersecting parcels, it is consistent with other properties in the area. 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 dumpsters will be moved to a less visible location providing appropriate screening, improving the fire lane, offering a better pick up location for the dumpsters, and improve traffic flow into the mall. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

**Appeal No. 2021-32** Peter McKee, for Michael and Mary McLaughlin, 36 Gladwish Road, Delmar, New York 12054. Request for Area Variances pursuant to §129-157 and Schedule B, R-2 District, of the Zoning Ordinance; property located at 142 Edie Road, Saratoga Springs, New York 12866, Tax Map No. 141.15-1-7, zoned R-2, in the Town of Wilton.

Peter McKee, 36 Gladwish Road, Delmar, presented the project to the Board. Mr. McKee expressed to the Board that Mr. McLaughlin needs handicap accessibility due to being through two bouts of cancer and now ALS.

Mr. Ramsdill confirmed with Mr. McKee that the home was pre-existing non-conforming. There was discussion between Mr. Mykins, Mr. Ramsdill and Mr. McKee regarding the north side of the existing structure and property line.

Mr. O'Brien opened and closed the public hearing at 7:19 p.m. due to lack of public comment.

Mr. Zabala made a motion to approve Appeal No. 2021-32, Peter McKee, for Michael and Mary McLaughlin, 36 Gladwish Road, Delmar, New York 12054. Request for Area Variances pursuant to §129-157 and Schedule B, R-2 District, of the Zoning Ordinance; property located at 142 Edie Road, Saratoga Springs, New York 12866, Tax Map No. 141.15-1-7, zoned R-2, in the Town of Wilton, be granted, for the proposed 8' addition onto the front of the home, in the amount of relief of 23 ft. front yard setback and a 26 ft. north side yard setback; property located at 142 Edie Road, Saratoga Springs, New York 12866, Tax Map No. 141.15-1-7, 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 addition will blend in with the home and not be different from what the current structure is. 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 it is essentially the only place the addition can be placed without changing the design of the entire home. 3. The applicant has demonstrated that the requested Area Variances are substantial even though it is the least amount of space necessary to provide handicap accessibility for a disabled veteran. 4. The applicant has demonstrated that the requested Area Variances will

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not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district because there currently exists a porch on the front of the structure which will be dismantled, and extended beyond the original footprint of the porch will be the addition which will blend with the home. There are no environmental conflicts. 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. 2021-33** John S. Witt, Witt Construction, 563 North Broadway, Saratoga Springs, New York 12866. Request for Area Variances pursuant to Schedule C, R-3 District, of the Zoning Ordinance; property located at the end of Woodard Road, Tax Map No. 101.-1-102.1, zoned R-3, in the Town of Wilton.

Mr. O'Brien read correspondence from Wilton Planning Board (WPB) and Saratoga County Planning Board (SCPB) which has been placed into record. There was no one present at the time to represent the appeal.

Mr. O'Brien opened the public hearing at 7:25 p.m.

James Dumoulin, P.O. Box 212, Corinth, was intending to find out about the appeal, and was wondering where John Witt will have access to the proposed lots.

The public hearing was left open to allow for Appeal No. 2021-33 to be heard when there was someone present to represent the appeal.

The Board revisited **SUP No. 2001-40**, Olan Aldrich and Janice Orozco-Bravo, 286 Loudon Road, Saratoga Springs, New York 12866. Request for an extension of a Special Use Permit for an accessory apartment; property located at 286 Loudon Road, Tax Map No. 154.-1-23, zoned R-2 in the Town of Wilton. Special Use Permit originally granted on December 4, 2001 for a period of two years, and continually extended every two years, is due for review and extension on or before December 4, 2021.

Mr. Olan Aldrich, 286 Loudon Road, was present and wished to have the Special Use Permit extended.

Mr. Mykins stated there have been no problems on the property.

Mr. Ramsdill confirmed with Mr. Aldrich that Mr. Coonradt was still in the apartment.

Mr. Kingsley made mention of the original Notice of Decision which states when Mr. Coonradt no longer needs the apartment, the permit will be closed, so was wondering if it could be extended upon residency of Mr. Coonradt in the apartment. There was discussion between Mr. Mykins, Mr. Schachner, and Mr. Ramsdill regarding such an extension.

Mr. Ramsdill made a motion to approve the extension of SUP No. 2001-40, Olan Aldrich and Janice Orozco-Bravo, 286 Loudon Road, Saratoga Springs, New York 12866. Request for an extension of a Special Use Permit for an accessory apartment, pursuant to §129-176 (P) (1), (2) and (3); property located at 286 Loudon Road, Tax Map No. 154.-1-23, 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 December 4, 2024. Mr. Rifenbary seconded the motion. All board members present were in favor. The motion passed.

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John Witt arrived to the meeting at 7:30 p.m. The Board revisited **Appeal No. 2021-33**, John S. Witt, Witt Construction, 563 North Broadway, Saratoga Springs, New York 12866. Request for Area Variances pursuant to Schedule C, R-3 District, of the Zoning Ordinance; property located at the end of Woodard Road, Tax Map No. 101.-1-102.1, zoned R-3, in the Town of Wilton.

The public hearing was opened at 7:25 p.m. earlier in the meeting. Mr. Witt presented his proposed subject to the Board.

There was discussion between the Board and Mr. Witt regarding the frontage amount for Lot 1.

Mr. Kingsley questioned emergency vehicle access to Lot 1. Mr. Ramsdill confirmed that the easement on the map will connect to the Palmertown Ridge trail system and that Lot 1 is intended to go to the Open Space Institute.

Mr. Rifenbary confirmed with Mr. Witt that there will be development on Lot 2 in the future.

There was discussion between Mr. Rifenbary, Mr. Dumoulin, and Mr. Witt regarding the location of a hunting camp in the area.

Mr. Dumoulin was concerned about access off of Clothier Road.

Mr. O'Brien closed the public hearing at 7:41.

Mr. Ramsdill made a motion to approve Appeal No. 2021-33, John S. Witt, Witt Construction, 563 North Broadway, Saratoga Springs, New York 12866. Request for Area Variances pursuant to Schedule C, R-3 District, of the Zoning Ordinance; property located at the end of Woodard Road, Tax Map No. 101.-1-102.1, zoned R-3, in the Town of Wilton, was granted, for a proposed 3 lot subdivision in the amount of relief of 400 ft. frontage on proposed Lot #1, 348.38 ft. frontage on proposed Lot #2, and 140.77 ft. frontage on proposed Lot #3, property located at the end of Woodard Road, Tax Map No. 101.-1-102.1, 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 the application of the variances will allow the forward movement of the purchase of lands by the Open Space Institute for the development of and connection to the future Palmertown Ridge Trail System. 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 all three properties converge at the end of Woodard Road. There is simply not enough frontage. They are creating very large lots, one of which will eventually be turned over to Open Space, and will not require any development consideration for the future for that lot. 3. The applicant has demonstrated that the requested Area Variances are substantial but are necessary to accomplish the subdivision as proposed. 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 they are being granted for the subdivision of the property and not for any approvals to develop the property currently in any way. The large lot will become Open Space and will improve the Palmertown Ridge Trail System and the recreational use of the community. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

**Adjournment:**

Mr. Rifenbary made a motion to adjourn. Mr. Zabala seconded the motion. All board members were in favor. The meeting was adjourned at 7:45 p.m.

**Dated: October 29, 2021**

**BOARD OF APPEALS**

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

**Lisa Closson, Zoning Clerk**

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

**Joseph O'Brien, Chairman**