



TOWN OF WILTON  
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Zoning Board Chairman

LISA CLOSSON  
Zoning Clerk

MARK MYKINS  
Zoning Officer

**WILTON ZONING BOARD OF APPEALS  
THURSDAY, May 23, 2019**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, May 23, 2019 at the Wilton Town Hall, 22 Traver Road, Wilton, New York and was called to order by Joseph O'Brien at 7:02 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT:** Chairman O'Brien, Chris Ramsdill, Jim Deloria, Robert Barrett, Gerard Zabala, and David Querrard. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, and Marcus Hart, Building Inspector.

**ABSENT:** Dean Kolligian and Scott Kingsley.

**MINUTES:** The minutes of the last meeting, held on April 25, 2019 were approved, as submitted, on a motion made by Mr. Deloria, seconded by Mr. Barret. All board members were in favor.

**CORRESPONDENCE:** None other than those relating to current applications before the board.

**EXTENSIONS:**

**APPEAL NO. 2009-05** Charles R. Pickett, Jr., 7 Pine Ledge Terrace, Gansevoort, New York 12831. Request for the extension of a Special Permit, pursuant to Schedule A and §129-176 C (1), (2) and (3) of the Zoning Ordinance, for a home occupation as a gunsmith/firearms dealer; property located at 7 Pine Ledge Terrace, Tax Map No. 140.6-4-1, zoned R-1, in the Town of Wilton. Special Permit originally granted May 28, 2009 for a period of two years, is due for review and extension.

Wilton Zoning Board of Appeals  
Regular Meeting April 25, 2019

Charles R. Pickett, Jr., 7 Pine Ledge Terrace, addressed to the board that he was present and requested to extend his Special Permit. He stated there have been no complaints and that his licenses are up to date.

Mr. Zabala made a motion to approve the extension of Appeal No. 2009-05 Charles R. Pickett, Jr., 7 Pine Ledge Terrace, for an additional 2 years, pursuant to Schedule A and §129-176 C (1), (2) and (3) of the Zoning Ordinance, for a home occupation as a gunsmith/firearms dealer; property located at 7 Pine Ledge Terrace, Tax Map No. 140.6-4-1, zoned R-1, in the Town of Wilton. Mr. Deloria seconded the motion. All were in favor. The motion passed.

**APPEAL NO. 2011-13** Charles A. Gerber, 40 Bullard Lane, Saratoga Springs, New York 12866. Request for the extension of a Special Permit pursuant to §129-176(V) of the Zoning Ordinance for agricultural use with animals; property located on 40 Bullard Lane, Tax Map No. 141.-2-6.1 and No. 141.-2-7, zoned R-2, in the Town of Wilton. Special Permit originally granted on April 25, 2011 for a period of two years, is due for review and extension.

Mr. O'Brien and Mr. Ramsdill explained that the appeal has past the date for extension and that a new application will need to be filed. Elaine and Chuck Gerber, 40 Bullard Lane, addressed to the Board that they are part of the Agricultural District now. They stated they have been in contact with the Department of Agriculture and have been advised not to seek a Special Use permit. As per Chuck Gerber, the Department of Agriculture is going to reach out to the Town regarding a Special Use Permit and unreasonable restrictions upon his agricultural practices.

**APPEAL NO. 2013-09** Timothy Reed, 136 Parkhurst Road, Gansevoort, New York 12831. Request for the extension of a Special Permit pursuant to §129 Attachment 8 Schedule B and §129-176 (V) of the Zoning Ordinance, for agricultural use with animals; property located at 136 Parkhurst Road, Gansevoort, NY 12831, Tax Map No. 127.-1-34, zoned R-2 in the Town of Wilton. Special permit originally granted on April 25, 2013 for a period of two years, is due for review and extension.

Mr. O'Brien explained that the appeal has past the date for extension and that a new application will need to be filed. Timothy Reed, 136 Parkhurst Road, explained that he had called and asked for the Special Permit to be tabled last month and was told it would be on the Agenda for the next month's meeting. The Board explained that the expiration date of the Appeal was reached and that communication about the expiration should have been clearer. The Board suggested that Mr. Reed file a new application.

**NEW BUSINESS:**

**APPEAL NO. 2019-07** John Cole (Cole's Collision), 1517 Central Avenue, Albany New York, 12205. Request for Area Variances pursuant to §129-174C. (1) and (2) of the

Wilton Zoning Board of Appeals  
Regular Meeting April 25, 2019

Zoning Ordinance, property located at Maple Avenue, Saratoga Springs, New York 12866, Tax Map No. 153.-1-15.111, zoned CR-1 in the Town of Wilton.

Representing John Cole was Joe Bianchine with A.B.D. Engineering. Mr. Bianchine presented the new plan as suggested by the ZBA, WPB, and SCPB last month. He explained that the need for a parking variance is no longer, and that the pavement setback relief has been reduced to 5 ft.

Mr. O'Brien opened public comment at 7:20 p.m.

Joanne Klepetar, Parkhurst Road, spoke about the amount of landscaping.

Eric Rosenberg, 16 Craw Lane, spoke about the use of the property.

Mr. O'Brien closed public comment at 7:23 p.m.

Mr. Ramsdill made a motion to approve Appeal No. 2019-07 John Cole (Cole's Collision), 1517 Central Avenue, Albany New York, 12205. Request for Area Variances pursuant to §129-174C. (1) and (2) of the Zoning Ordinance, property located at Maple Avenue, Saratoga Springs, New York 12866, Tax Map No. 153.-1-15.111, zoned CR-1 in the Town of Wilton be granted in the amount of pavement setback relief of 5ft. on both sides, with the conditions that there must be continuous landscaping along the fencing, 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 it is consistent with other properties in the area, it will have the screening and fencing along the entire back. The southern side setback is not required until the rear of the building.
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 of the large amount of parking that is required for the proposed project.
3. The applicant has demonstrated that the requested Area Variances are not substantial because the applicant provided a more minimal reduction along the sides while still maintaining the traffic lanes and the turning radii for the tow trucks and the fire vehicles.
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 it is consistent with other projects in the area and is in close proximity to the other site that is being used for the same use.
5. The applicant has demonstrated that the alleged difficulty is self-created.

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

**APPEAL NO. 2019-09** Faith Thorne, 17 Kings Mills Road, Gansevoort, New York 12831. Request for an Area Variance pursuant §129 attachment 7, Schedule A and §129-157 of the Zoning Ordinance; property located at 17 Kings Mills Road, Tax Map No. 115.17-3-24, zoned R-1 in the Town of Wilton.

Faith Thorne, 17 Kings Mills Road, and her contractor Lee Rivers, addressed the board. Ms. Thorne explained that she would like to build a garage and would need a variance to do so. The Board and Mr. Rivers discussed the size and placement of the garage.

Mr. O'Brien opened public comment at 7:29 p.m.

Nancy Dwyer, 12 New Kent Drive, spoke of placement of the garage.

Wilton Zoning Board of Appeals  
Regular Meeting April 25, 2019

Eric Rosenberg, 16 Craw Lane, spoke about the balancing test the Board considers.

Joanne Klepetar, Parkhurst Road, asked about property inspections.

The Board discussed the size and shape of the property and the placement of the garage.

Mr. O'Brien closed public comment at 7:45 p.m.

Mr. Zabala made a motion to approve Appeal No. 2019-09 Faith Thorne, 17 Kings Mills Road, Gansevoort, New York 12831. Request for an Area Variance pursuant §129 attachment 7, Schedule A and §129-157 of the Zoning Ordinance; property located at 17 Kings Mills Road, Tax Map No. 115.17-3-24, zoned R-1 in the Town of Wilton be granted in the amount of relief of 9 ft. on the Highgate Road front 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 garage will be similar to different types of garages in the neighborhood, be similar in the color scheme of the property, and the garage front shall follow the front property line of the 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 they are asking for the least amount of relief in order to fit the garage on the lot.

3. The applicant has demonstrated that the requested Area Variance is not substantial because a triangular front corner piece of the garage exceeds the building line due to fire coding keeping the garage 10 ft. from the house.

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 contours of the lot will not change.

5. The applicant has demonstrated that the alleged difficulty is self-created because they wish to construct a large structure garage on the side of the house.

Mr. Ramsdill suggested to amend the motion to reflect that the lot is trapezoidal in shape and to consider the drop in grade on the left side of the property, and amount of flat yard in the rear of the property. Mr. Zabala accepted the amendment to the motion.

Mr. Barrett seconded the motion. Mr. O'Brien, Mr. Ramsdill, Mr. Barrett, Mr. Zabala, and Mr. Querrard where in favor. Mr. Deloria opposed. The motion passed.

**APPEAL NO. 2019-10** Andrew Kinne, 27 Moonglow Road, Gansevoort, New York 12831. Request for an Area Variance pursuant §129-157 of the Zoning Ordinance; property located at 27 Moonglow Road, Tax Map No. 128.5-3-2, zoned R-1 in the Town of Wilton.

Andrew Kinne, 27 Moonglow Road, explained to the board that he would like a 3.33 ft. rear setback relief for placement of a pool.

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

Eric Rosenberg, 16 Craw Lane, questioned the location of the pool.

Mr. O'Brien closed public comment at 7:55 p.m.

Mr. Ramsdill made a motion to approve Appeal No. 2019-10 Andrew Kinne, 27 Moonglow Road, Gansevoort, New York 12831. Request for an Area Variance pursuant §129-157 of the Zoning Ordinance; property located at 27 Moonglow Road, Tax Map No. 128.5-3-2,

Wilton Zoning Board of Appeals  
Regular Meeting April 25, 2019

zoned R-1 in the Town of Wilton be granted in the amount of 3.33 ft. rear yard setback relief for placement of a pool 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 pool will be consistent with other pools in the area and will be a minimal amount of relief on the rear portion of the property.
  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 there is an unusual spur of wet lands that comes diagonally across the rear of his property eliminating the ability to place the pool closer to the house.
  3. The applicant has demonstrated that the requested Area Variance is not substantial because it is a minimal amount of relief requested and with location of wetlands, it would be difficult to re-configure further from the rear property line.
  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 constant with other properties.
  5. The applicant has demonstrated that the alleged difficulty is self-created.
- Mr. Querrard seconded the motion. All were in favor. The motion passed.

**ADJOURNMENT:**

Mr. Ramsdill made a motion to adjourn. Mr. Deloria seconded the motion. All were in favor. The meeting was adjourned at 7:56 p.m.

**Dated: May 23, 2019**

**BOARD OF APPEALS**

BY Lisa Closson

**Lisa Closson, Zoning Clerk**

BY Joseph O'Brien / JO

**Joseph O'Brien, Chairman**