

**WILTON ZONING BOARD OF APPEALS
THURSDAY, July 25, 2019**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, July 25, 2019 at the Wilton Town Hall, 22 Traver Road, Wilton, New York and was called to order by Chairman O'Brien at 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Chairman O'Brien, Christopher Ramsdill, Jim Deloria, Dean Kolligian, Robert Barrett, Scott Kingsley, Gerard Zabala. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, and John Herlihy, Building Inspector.

ABSENT: David Querrard.

MINUTES: The minutes of the last meeting, held on June 27, 2019 were approved, as submitted, on a motion made by Mr. Kinglsey, seconded by Mr. Ramsdill. All board members were in favor.

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

OLD BUSINESS:

EXTENSIONS:

APPEAL NO. 1993-18 Diane Esposito, 61 Davidson Drive, Saratoga Springs, New York 12866. Request for the extension for a Special Permit, pursuant to §129-175 (D) of the Zoning Ordinance for the temporary placement of a mobile home, to resolve a personal hardship; property located at 61 Davidson Drive, Tax Map No. 140.14-1-34, zoned R-1 in the Town of Wilton. Special Permit originally granted August 23, 1993, for a period of two years, is due for review and extension on or before August 24, 2019.

Mr. O'Brien read correspondence from John Esposito stating that he would not be able to make the meeting and would like to extend his Special Permit due to a hardship still being present.

This was an extension of a special permit, therefore was not subject to a public hearing. Resident Eric Rosenberg, 16 Craw Lane, made comments about the extension before the board. The Board discussed the Special Permit and the hardships that have been present since 1993.

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Mr. Kolligian made a motion to approve the extension of Appeal No. 1993-18, Diane Esposito, 61 Davidson Drive, Saratoga Springs, New York 12866, for an additional two years, pursuant to §129-175 (D) of the Zoning Ordinance for the temporary placement of a mobile home, to resolve a personal hardship; property located at 61 Davidson Drive, Tax Map No. 140.14-1-34, zoned R-1 in the Town of Wilton. Mr. Kingsley seconded the motion. All were in favor. The motion passed.

APPEAL NO. 1995-23 Ralph and Patricia Benincasa, 69 Edie Road, Saratoga Springs, New York 12866. Request for the extension of a Special Permit, pursuant to § 129-26 (B) of the Zoning Ordinance, for the boarding of horses. Permit originally granted on July 27, 1995 and has been extended every two years; property located at 69 Edie Road, Tax Map No. 154.-1-12.121, zoned R-2, in the Town of Wilton, is due for review and extension on or before July 27, 2019.

Ralph and Patricia Benincasa were present and addressed to the board that they would like their Special Permit extended for an additional two years. The Board asked about the number of horses to be boarded at this property. Mrs. Benincasa explained there would not be more than 10.

Mr. Deloria made a motion to approve the extension of Appeal No. 1995-23, Ralph and Patricia Benincasa, 69 Edie Road, Saratoga Springs, New York 12866, for an additional two years, pursuant to § 129-26 (B) of the Zoning Ordinance, for the boarding of 6 horses with a maximum of 14 horses; property located at 69 Edie Road, Tax Map No. 154.-1-12.121, zoned R-2, in the Town of Wilton. Mr. Barrett seconded the motion. Mr. Deloria amended his motion to extend the Special Permit for a maximum of 14 horses. Mr. Barrett seconded the amended motion. All were in favor. The motion passed.

APPEAL NO. 2003-29 Wendy Zwijacz, 19 Strong Road, Gansevoort, New York 12831. Request for the extension of a Special Permit, pursuant to § 129-26 (G) and 129-176 (V) of the Zoning Ordinance, for the keeping of agricultural animals; property located at 19 Strong Road, Tax Map No. 102.-1-35.2, zoned R-2, in the Town of Wilton. Special Permit originally granted on July 24, 2003, for a period of two years, and amended on October 28, 2004 (Appeal No. 2004-45) is due for review and extension on or before July 27, 2019.

Wendy Zwijacz was present and expressed that she would like the permit extended. The board revisited the amendment of 2004-45, which allowed up to 25 animals, to clarify the number of animals that will be permitted.

Mr. Kolligian made a motion to approve the extension of Appeal No. 2003-29 and amendment Appeal No. 2004-45, Wendy Zwijacz, 19 Strong Road, Gansevoort, New York 12831, pursuant to § 129-26 (G) and 129-176 (V) of the Zoning Ordinance, for the keeping of a maximum of 25 agricultural animals; property located at 19 Strong Road, Tax Map No. 102.-1-35.2, zoned R-2, in the Town of Wilton. Mr. Kinglsey seconded the motion. All were in favor. The motion passed.

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APPEAL NO. 2013-34 Kimberly VanHeste, 27 Suffolk Lane., Gansevoort, NY 12831. Request for the extension of a Special Permit, pursuant to Section 129-175 D. (1) – (5) and 129-176 C. (1), (2) and (3) of the Zoning Ordinance, for a Home Occupation; property located at 27 Suffolk Lane., Gansevoort, NY 12831, Tax Map No. 115.13-3-16, in the Town of Wilton. Special Permit originally granted on August 22, 2013 for a period of two years, is due for review and extension due on or before August 24, 2019.

Mr. O'Brien read correspondence from Kimberly VanHeste explaining she no longer needed the Special Permit for KimmieV's Homemade Jelly. The appeal has been withdrawn by the applicant.

NEW BUSINESS:

APPEAL NO. 2019-12 Ghislain Gagne and Cathy Morin, 28 Taylor Road, Gansevoort, NY 12831. Request for a Special Permit pursuant to §129 Attachment 8, and §129-175 D. 1-7 of the Zoning Ordinance for Detached Accessory Apartment, property located at 28 Taylor Road, Gansevoort, NY 12831, Tax Map No. 129.-1-72.1, Zoned R-2 in the Town of Wilton.

No one was present to speak on the behalf of Appeal 2019-12, it was carried over to the next months' meeting to be held on Thursday, August 22, 2019.

APPEAL NO. 2019-14 Exit 16, LLC, 100 Madison Drive, Suite 4, Ballston Spa, New York 12020. Request for an Area Variance, pursuant to Schedule J, C-3, self-service storage facilities, and §129-152 of the Zoning Ordinance, property located at 163 Ballard Road, Gansevoort, New York 12831, Tax Map No. 115.-2-38, zoned C-3 in the Town of Wilton.

Mr. O'Brien read correspondence from the Wilton Volunteer Fire Department explaining their approval of the height variance. Mr. O'Brien also read correspondence from the Saratoga County Planning Board.

Joe Dannible with EDP (Environmental Design Partnership), Wayne Samascott, and Tom Samascott were present. Mr. Dannible presented the projects which would need a height variance. The board discussed the height, the unoccupied space, the occupied space, and HVAC design with Mr. Dannible.

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

Eric Rosenberg, 16 Craw Lane, questioned why the height variance was being brought to the ZBA at such a late stage in the process. Joseph Dannible and the Board discussed the plans brought to Planning.

Public comment closed at 7:31 p.m.

Mr. Ramsdill made a motion to approve Appeal No. 2019-14, Exit 16, LLC, 100 Madison Drive, Suite 4, Ballston Spa, New York 12020. Request for an Area Variance, pursuant to Schedule J, C-3, self-service storage facilities, and §129-152 of the Zoning Ordinance, property located at 163 Ballard Road, Gansevoort, New York 12831, Tax Map No. 115.-2-38, zoned C-3 in the Town of Wilton be granted in the amount of 6.92 ft. height because the benefit to the applicant outweighs the detriment to the health, safety and welfare of the community, for the following reasons:

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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 exterior of the building and the functional interior remains the same as intended.
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 would be substantial cost in modifying and retrofitting the plans.
3. The applicant has demonstrated that the requested Area Variance is not substantial because the variance is a 17% increase and allows for the space above the locker storage to be including in the building height.
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 requires no change to the exterior of the building and the useable space on the interior does not change.
5. The applicant has demonstrated that the alleged difficulty is self-created.
Mr. Deloria seconded the motion. All were in favor. The motion passed.

APPEAL NO. 2019-15 Todd and Leonie Smith, 1637 County Route 28, Granville, New York 12832. Request for an Area Variance, pursuant to Schedule O, CR-2, Business office and small retail shop, and §129-174 of the Zoning Ordinance, property located at 697 Route 9, Gansevoort, New York 12831, Tax Map No. 140.-3-6, zoned CR-2 in the Town of Wilton.

Mr. O'Brien read correspondence from the Wilton Planning Board and the Saratoga County Planning Board. Mr. O'Brien asked the board if they have read correspondence from Eric Rosenberg. All Board members present read it before the meeting.

Todd Smith, owner of the property, and Tom Hutchins, the engineer, stood before the board and explained the proposed project of Mandy's Spring which will be business office and small retail, which will be in need of a variance on parking due to the terrain of the parcel. Mr. Smith explained that he has a shop in Granville that houses most of the inventory and that the inventory in the proposed shop will not be heavy inventory, instead the proposed shop is to be a store front for their shop in Granville. He also explained that he does not anticipate 30 shoppers to come at once, and as seen from his other business in Granville, that there will be Ebbs and Flows of customers. The Board questioned the amount of employees anticipated for hire to aid in understanding what parking would be necessary. The Board showed interest in increasing the size of the parking lot and layout for the access and turn around for emergency vehicles and box trucks on the site plan.

Mr. O'Brien opened public comment at 8:03 p.m.

Eric Rosenberg, 16 Craw Lane, talked about parking and layout of the proposed building.

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Appeal No. 2019-15 will be heard again next month on August 22, 2019, and public comment was left open.

Adjournment:

Mr. Kinsley made a motion to adjourn. Mr. Ramsdill seconded the motion. All were in favor. The meeting was adjourned at 8:10 p.m.

Dated: July 29, 2019

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Joseph O'Brien, Chairman