

**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY, October 22, 2020**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, October 22, 2020 via a ZOOM webinar and was called to order by Vice Chairman Ramsdill at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT:** Vice Chairman Christopher Ramsdill, Robert Barrett, Scott Kingsley, Dean Kolligian, Gerard Zabala, Jay Rifenburg, 1<sup>st</sup> Alternate, and Christian Clark, 2<sup>nd</sup> Alternate. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, Lisa Closson, Zoning Clerk, and Joshua Carlsson, ZOOM Meeting Coordinator.

**ABSENT:** Chairman O'Brien and Jim Deloria.

**MINUTES:** The minutes of the last meeting, held on September 24, 2020, were approved, as submitted, on a motion made by Mr. Rifenburg, seconded by Mr. Kingsley. 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 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. Special Permit originally granted on September 28, 2008 for a period of two years, and continuously granted every two years since, is due for review and extension on or before September 28, 2020, with an extension granted until October 31, 2020.

Mr. Ramsdill asked if there was anyone present to represent the Ramsey's. Kimberly and Randall Ramsey were present and explained that they would like to extend their Special Use Permit. Mr. Zabala asked Mr. Mykins if there were any complaints in this prior time period, or any complaints from neighbors, and Mr. Mykins said there were none, and that the parcel has been kept very clean throughout the whole time of the special permit. Mr. Ramsdill explained that the Special Use Permit has been active for twelve years, so extending it out to three years would be appropriate. Mrs. Ramsey said o.k. Discussion

Wilton Zoning Board of Appeals  
Regular Meeting October 22, 2020

about the extension time frame occurred between Mr. Zabala, Mr. Barrett, and Mr. Ramsdill.

Mr. Zabala made a motion to approve the extension of S.U.P. 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, for a period of 3 years, and will be due for review and extension on or before October 22, 2023. Mr. Barrett seconded the motion. All board members present were in favor. The motion passed.

**SUP NO. 2010-33** Mohawk Hudson River Humane Society (HOPE), 3 Oakland Avenue, Menands, NY 12204. Request for the extension of a Special 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. Special Permit originally granted on November 30, 2010 for a period of two years, is due for review and extension.

Mr. Ramsdill read correspondence from Ashley Bouck, Chief Executive Officer of Mohawk Hudson Humane Society, that stated they would like to extend their Special Use Permit. There was discussion between Mr. Zabala, Mr. Ramsdill, Mr. Mykins, Mr. Rifeny, and Mr. Kingsley about the time frame for extension. Mr. Ramsdill asked Mr. Mykins if there have been any issues with the property, and Mr. Mykins said no.

Mr. Zabala made a motion to approve the extension of S.U.P. 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, for a period of 3 years, and will be due for review and extension on or before November 30, 2023. Mr. Rifeny seconded the motion. All board members present were in favor. The motion passed.

**SUP NO. 2017-02** Jessica Schwartzman, 26 Fairmount Drive, Gansevoort, NY 12831. Request for an extension of a Special Use Permit pursuant to §129 Attachment 7 Schedule A, §129-175 D and §129-176 C. (3) and (4), for a home occupation of a consulting and advisory service; property located at 26 Fairmount Drive, Tax Map No. 128.9-1-44, zoned R-1 in the Town of Wilton. SUP No. 2017-02, originally granted on January 26, 2017 for a period of two years, and continually extended every two years, is due for review and extension on or before January 26, 2021.

Mr. Ramsdill asked if there was anyone present to represent Ms. Schwartzman. Jessica Schwartzman was present and explained that she would like to extend her Special Use Permit. Mr. Rifeny asked Ms. Schwartzman to share with the board what the consulting business consisted of due to his unfamiliarity upon the permit. Ms. Schwartzman explained she worked as a nursing quality improvement for a number of years, and after she had her daughters she decided to stop working and was approached by a number of organizations she had worked with in the past who wanted some help from

Wilton Zoning Board of Appeals  
Regular Meeting October 22, 2020

her on per-diem or contractual basis, and has since expanded to other organizations and that she provides some consulting services primarily to health care organizations when they need some project management or some QI advisory services. Mr. Kolligian asked Ms. Schwartzman if people come to the residence, and Ms. Schwartzman expressed that she works remotely and if she has to meet someone in person, she will go to the client. He then stated that he would be in the spirit of allowing her to have this Special Use Permit extended for three years as opposed to two. The board agreed.

Mr. Rifenburg made a motion to approve the extension of S.U.P. No. 2017-02, Jessica Schwartzman, 26 Fairmount Drive, Gansevoort, NY 12831. Request for an extension of a Special Use Permit pursuant to §129 Attachment 7 Schedule A, §129-175 D and §129-176 C. (3) and (4), for a home occupation of a consulting and advisory service; property located at 26 Fairmount Drive, Tax Map No. 128.9-1-44, zoned R-1 in the Town of Wilton, for a period of 3 years, and will be due for review and extension on or before January 26, 2024. Mr. Zabala seconded the motion. All board members present were in favor. The motion passed.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

Mr. Ramsdill explained that he will read Appeal No. 2020-30, 2020-31, and 2020-32 into record along with correspondence for each once as they pertain to all three prior to discussion, the opening of a public hearing, and making motions.

**Appeal No. 2020-30** Louis Faraone, 4226 Route 50, Saratoga Springs, New York 12866. Request for Area Variances pursuant to §129-174 A. Site Design (2) (4) (7) and Schedule E, RB-1 District of the Zoning Ordinance; part of property located at Jones Road, Saratoga Springs, New York 12866, Tax Map No. 141.-1-31.1, zoned RB-1, in the Town of Wilton.

Mr. Ramsdill read correspondence from SCPB and WPB into record. Justin Grassi from Jones Steves, Attorneys at Law, was present to represent Louis Faraone. Mr. Grassi shared a presentation of the proposed project which explained the timeline and inclusion of the parcels involved and what was done with the site over time. He shared that in 2008 an area variance for front pad storage on Tax Map No. 141.-2-66 was secured for the main parcel. In summary, Mr. Grassi explained that the front property line of the parcels asking for variances today are already about 15-20 ft. from the road pavement due to the Right-of-Way, and the parcel on Jones Road is up a cliff which makes it difficult to see the existing structure (Saw Mill) placed at 9.5 ft. from the property line, damaged by a tornado, to be rebuilt within one year from the damage date, and the front storage pad. Mr. Ramsdill shared that the maximum height for the storage is not to exceed 6 feet. Mr. Clark asked if the building has to stay the same size as the previous building, and Mr. Grassi confirmed. Mr. Zabala asked if the state of New York has any requirements or restrictions of placement of product so many feet or distance from the road? Mr. Grassi replied that they had miss identified their own boundaries and had some storage over the

Wilton Zoning Board of Appeals  
Regular Meeting October 22, 2020

property line within the right-of-way that has since been removed, and as far as he is aware, there are no other limitations from NYS or DOT for product storage, Mr. Mykins explained that NYS does not want anything within their right-of-way. Mr. Mykins asked Mr. Grassi what the gain is, since they are not selling from the Jones Road side of the property, of having the wood 3 feet from the property? Mr. Grassi responded that it is additional storage space, and as you are aware we already have storage within that area which is in violation. Right now, if we do not secure those variances, our intent would be to move that. Mr. Rifenburg asked if there was any safety issues with the amount of wood there, and that it is fairly close to the road. Mr. Barrett agreed with Mr. Rifenburg and also asked about the signage. Mr. Mykins said that Mr. Faraone is supposed to take down the sign across the street on the barn. Mr. Grassi mentioned that they are working on cleaning up the property. Mr. Ramsdill questioned if Peter Ratti's property was part of the storage and Mr. Grassi and Mr. Mykins answered no. Mr. Grassi shared that they have a letter of support from Mr. Ratti which was presented to the Planning Board and that the storage has been pulled back to the 50 ft. setback from that residence. Mr. Ramsdill asked about the storage of wood on the Bittersweet Ranch parcel now, and acknowledged that the wood has been moved back. Discussion about the multiple separate parcels and combining them occurred between Mr. Ramsdill, Mr. Grassi, and Mr. Schachner. The placement of Book Recycling and Clothes Drop bins was discussed by Mr. Mykins and Mr. Rifenburg. Mr. Zabala, Mr. Mykins, Mr. Grassi, Mr. Ramsdill, Mr. Rifenburg, and Mr. Schachner discussed conditions to be placed upon the variances if they are granted. Mr. Kingsley asked about the "Saw Mill" and if it was of historic value. Mr. Mykins explained it was not on the Historical list of structures, and that it was used for equipment storage for Mr. Tooker's farm.

Mr. Ramsdill opened up the public hearing on Appeal No's. 2020-30, 2020-31, and 2020-32 at 7:50 p.m. Michael J. Farr, 9 Hosford Lane, asked what property is leased and what property is owned. Mr. Grassi replied that the properties along Route 50 are owned and the property to the rear that fronts along Jones Road is currently leased with an option to purchase, which is the one that is subject to the subdivision application that is currently pending before the Planning Board. Mr. Farr then inquired if Tax Map. No. 141.-1-33 was owned or leased, Mr. Grassi stated owned, then Mr. Farr confirmed with Mr. Grassi that Mr. Faraone owns to the rear of him and that the property was surveyed. Mr. Ramsdill closed the public hearing at 7:52 p.m. The public hearing was re-opened at 7:53 p.m. to allow for another member of the public to speak. Mark Tooker, speaking on behalf of Donald Tooker, stated that he (Donald) wants the development to go through and is in support of the proposed subdivision, but their only concern is the remaining lands that belong to the Donald O. Tooker Living Trust are under agricultural easement through Saratoga Plan and explained the southern border of the proposed project has concern of anything infringing on that agricultural easement. Mr. Ramsdill questioned if that would be up to the Planning Board or Zoning Board. Mr. Grassi explained they are proposing a 30 ft. no cut, no merchandise buffer between the operations and the Tooker agricultural easement area. Mr. Ramsdill closed the public hearing at 7:57p.m. There was discussion about the separation of powers of the Planning Board and Zoning Board, and also of the variances and the Tax. Map No's. for storage and the rebuilding of the damaged structure. Mr. Mykins explained that they have one year from damage to rebuild, if not, they lose that, and have to complete the rebuild within two years. Mr. Kingsley, Mr. Ramsdill, and Mr. Schachner discussed the recommendation from SCPB. Mr. Kingsley wondered if the

Wilton Zoning Board of Appeals  
Regular Meeting October 22, 2020

conditioned to be placed can be separated from the front pad storage relief and the existing structure relief.

Mr. Zabala made a motion to approve Appeal No. 2020-30, Louis Faraone, 4226 Route 50, Saratoga Springs, New York 12866. Request for Area Variances pursuant to §129-174 A. Site Design (2) (4) (7) and Schedule E, RB-1 District of the Zoning Ordinance; part of property located at Jones Road, Saratoga Springs, New York 12866, Tax Map No. 141.-1-31.1, zoned RB-1, in the Town of Wilton, be granted to allow front pad storage of product 3 ft. from the front property line where no front storage is allowed, conditioned on a height not to exceed 6 ft. and so long as the properties are operated by the same or related commercial entities, an additional variance for front setback relief of 20.5 ft. for an existing storage building to be rebuilt and that requires a building permit; property line located adjacent to Jones Road, zoned RB-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:

**Front pad Storage**

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 storage of natural and neutral colored material is innocuous. Such storage of processed firewood is akin to an aesthetic wooden fence. There is additional substantial buffering from any residential areas and surrounding commercial enterprises are more intense uses which more greatly contrast from the natural environment. Furthermore, the storage of product would be consistent with the variances approved for 141.-2-6. The storage of products on that lot has had no undesirable change to the character of the neighborhood or 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 storage of product provides an inoffensive advertisement to passerby of the quality product being sold. The ability for prospective customers to view the carefully stacked wood permits patrons to evaluate the variety and condition of the product they would be purchasing. Locating the product at the front of the facility allows the applicant to monitor those patrons. 3. The applicant has demonstrated that the requested Area Variance is not substantial because no structures or other objectional uses are proposed in front of the façade. In addition, the main parcel, containing the front entrance and other products, already enjoys the same variances being sought. Approval of the current variances would be consistent with the approvals previously granted. 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 there is no impervious area or other structure being proposed. The materials being stored are natural and would appear in their natural state on the site regardless of the storage. The products currently exist and have existed in their current locations to some extent since 2009 with no harmful impact on physical and environmental conditions. 5. The applicant has demonstrated that the alleged difficulty was self-created, however, as this Board is aware, a finding of self-created difficulty shall not necessarily preclude granting of the area variance.

**Storage Building Front Set back variance**

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

Wilton Zoning Board of Appeals  
Regular Meeting October 22, 2020

by the granting of the Area Variance because historically it was there and will have to fit the building footprint. 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 it is going to be located in the same area. 3. The applicant has demonstrated that the requested Area Variance is substantial because the structure exists and will be restored to the historic location. 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 structure will replace current existing and will not impede further. 5. The applicant has demonstrated that the alleged difficulty is self-created.

Mr. Rifenbary seconded the motion. A Roll call showed all other board members were in favor. The motion passed.

**Appeal No. 2020-31** Louis Faraone, 4226 Route 50, Saratoga Springs, New York 12866. Request for an Area Variance pursuant to §129-174 A. Site Design (2) (4) (7) and Schedule E, RB-1 District of the Zoning Ordinance; property located at Route 50, Saratoga Springs, New York 12866, Tax Map No. 141.-1-6, zoned RB-1, in the Town of Wilton.

**\*Refer to Appeal No. 2020-30 for discussion and the public hearing.**

Mr. Kingsley made a motion to approve Appeal No. 2020-31, Louis Faraone, 4226 Route 50, Saratoga Springs, New York 12866. Request for an Area Variance pursuant to §129-174 A. Site Design (2) (4) (7) and Schedule E, RB-1 District of the Zoning Ordinance; property located at Route 50, Saratoga Springs, New York 12866, Tax Map No. 141.-1-6, zoned RB-1, in the Town of Wilton, be granted to allow front pad storage of product 3 ft. from the front property line where no front storage is allowed, conditioned on a height not to exceed 6 ft. and so long as the properties are operated by the same or commercial related entities; property located at Route 50, zoned RB-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 storage of natural and neutral colored material is innocuous. Such storage of processed firewood is akin to an aesthetic wooden fence. There is additional substantial buffering from any residential areas and surrounding commercial enterprises are more intense uses which more greatly contrast from the natural environment. Furthermore, the storage of product would be consistent with the variances approved for 141.-2-6. The storage of products on that lot has had no undesirable change to the character of the neighborhood or 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 storage of product along NYS Route 50 provides an inoffensive advertisement to passerby of the quality product being sold. The ability for prospective customers to view the carefully stacked wood permits patrons to evaluate the variety and condition of the product they would be purchasing. Locating the product at the front of the facility allows the applicant to monitor those patrons. 3. The applicant has demonstrated that the requested Area Variance is not substantial because no structures or other objectional uses are proposed in front of the façade. In addition, the main parcel, containing the front

Wilton Zoning Board of Appeals  
Regular Meeting October 22, 2020

entrance and other products, already enjoys the same variances being sought. Approval of the current variances would be consistent with the approvals previously granted. 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 there is no impervious area or other structure being proposed. The materials being stored are natural and would appear in their natural state on the site regardless of the storage. The products currently exist and have existed in their current locations to some extent since 2009 with no harmful impact on physical and environmental conditions. 5. The applicant has demonstrated that the alleged difficulty was self-created, however, as this Board is aware, a finding of self-created difficulty shall not necessarily preclude granting of the area variance.

Mr. Kolligian seconded the motion. A Roll call showed all other board members were in favor. The motion passed.

**Appeal No. 2020-32** Louis Faraone, 4226 Route 50, Saratoga Springs, New York 12866. Request for an Area Variance pursuant to §129-174 A. Site Design (2) (4) (7) and Schedule E, RB-1 District of the Zoning Ordinance; property located at Route 50, Saratoga Springs, New York 12866, Tax Map No. 141.-2-54, zoned RB-1, in the Town of Wilton.

**\*Refer to Appeal No. 2020-30 for discussion and the public hearing.**

Mr. Kingsley made a motion to approve Appeal No. 2020-32, Louis Faraone, 4226 Route 50, Saratoga Springs, New York 12866. Request for an Area Variance pursuant to §129-174 A. Site Design (2) (4) (7) and Schedule E, RB-1 District of the Zoning Ordinance; property located at Route 50, Saratoga Springs, New York 12866, Tax Map No. 141.-2-54, zoned RB-1, in the Town of Wilton, be granted to allow front pad storage of product 3 ft. from the front property line where no front storage is allowed, conditioned on a height not to exceed 6 ft. and so long as the properties are operated by the same or commercial related entities; property located at Route 50, zoned RB-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 storage of natural and neutral colored material is innocuous. Such storage of processed firewood is akin to an aesthetic wooden fence. There is additional substantial buffering from any residential areas and surrounding commercial enterprises are more intense uses which more greatly contrast from the natural environment. Furthermore, the storage of product would be consistent with the variances approved for 141.-2-6. The storage of products on that lot has had no undesirable change to the character of the neighborhood or 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 storage of product along NYS Route 50 provides an inoffensive advertisement to passerby of the quality product being sold. The ability for prospective customers to view the carefully stacked wood permits patrons to evaluate the variety and condition of the product they would be purchasing. Locating the product at the front of the facility allows the applicant to monitor those patrons. 3. The applicant has demonstrated that the requested Area Variance is not substantial because no structures or other objectional uses

Wilton Zoning Board of Appeals  
Regular Meeting October 22, 2020

are proposed in front of the façade. In addition, the main parcel, containing the front entrance and other products, already enjoys the same variances being sought. Approval of the current variances would be consistent with the approvals previously granted. 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 there is no impervious area or other structure being proposed. The materials being stored are natural and would appear in their natural state on the site regardless of the storage. The products currently exist and have existed in their current locations to some extent since 2009 with no harmful impact on physical and environmental conditions. 5. The applicant has demonstrated that the alleged difficulty was self-created, however, as this Board is aware, a finding of self-created difficulty shall not necessarily preclude granting of the area variance.

Mr. Kolligian seconded the motion. A Roll call showed all other board members were in favor. The motion passed.

**Adjournment:**

Mr. Rifenbary made a motion to adjourn. Mr. Kingsley seconded the motion. All board members were in favor. The meeting was adjourned at 8:25 p.m.

**Dated: October 23, 2020**

**BOARD OF APPEALS**

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

**Lisa Closson, Zoning Clerk**

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

**Christopher Ramsdill, Vice Chairman**