

WILTON ZONING BOARD OF APPEALS
THURSDAY, November 21, 2019

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, November 21, 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, Robert Barrett, Jim Deloria, Scott Kingsley, Dean Kolligian, Gerard Zabala, and David Querrard, 1st alternate. Also present were Brian Reichenbach, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

ABSENT: No one was absent.

MINUTES: The minutes of the last meeting, held on October 24, 2019 were approved, as submitted, on a motion made by Mr. Barrett, seconded by Mr. Kingsley. All board members were in favor.

CORRESPONDENCE: A letter from a resident that is not pertaining to anything currently before the board.

OLD BUSINESS:

EXTENSIONS: * **Special Permit Extensions Are Not Subject to Public Hearing.**

APPEAL NO. 2006-01 Richard and Lucy Butler, 29 Dimmick Road, Gansevoort, New York 12831. Request for the extension of a Special 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. Special Permit was originally granted on January 26, 2006 for two years, is due for review and extension.

Mr. O'Brien asked if anyone was present. Mr. Butler stood before the board and stated he would like his Special Permit extended. Mr. Mykins stated he inspected the property and that there were four horses in the pasture. Mr. Kolligian made a motion to approve the extension of Appeal No. 2006-01, 29 Dimmick Road, Gansevoort, New York 12831.

Wilton Zoning Board of Appeals
Regular Meeting November 21, 2019

Request for the extension of a Special 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, originally granted January 26, 2006 for a period of two years, to be extended for an additional two years. Mr. Kingsley seconded the motion. All were in favor. The motion passed.

APPEAL NO. 2009-20 Douglas Dockendorf, 640 Wilton Gansevoort Road, Gansevoort, New York 12831. Request for extension of a Special 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; property located at 640 Wilton Gansevoort Road, Tax Map No. 101.20-1-22, zoned R-2, in the Town of Wilton. Special Permit originally granted on December 2, 2009 for a period of two years, is due for review and extension.

Mr. O'Brien read an email from Mr. Dockendorf asking for an extension. Mr. Mykins stated he inspected the property and there were no containers on the site. Mr. Deloria made a motion to approve the extension of Appeal No. 2009-20, Douglas Dockendorf, 640 Wilton Gansevoort Road, Gansevoort, New York 12831. Request for extension of a Special 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; property located at 640 Wilton Gansevoort Road, Tax Map No. 101.20-1-22, zoned R-2, in the Town of Wilton, originally granted on December 2, 2009 for a period of two years, to be extended for an additional 2 years. Mr. Kingsley seconded the motion. All were in favor. The motion passed.

Eric Rosenberg, 16 Craw Lane wanted to ask a legal question, the extensions are not subject to a public hearing. Mr. O'Brien stated there was no discussion during this portion of the meeting.

APPEAL NO. 2014-03 Kenneth West, 6 West Lane, Saratoga Springs, New York 12866. Request for the extension of a Special Permit for a private stable pursuant to Sections 129-175 Attachment 8, Schedule B, R-2 Residential District and Section 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. Permit was originally granted on January 23, 2014 for a period of two years, is due for review and extension.

Eric Rosenberg, 16 Craw Lane, said he sent a letter in regarding this appeal. A letter was not received for this appeal. Mr. O'Brien stated there is no discussion during this portion of the meeting and that this is not going to start again. The resident became agitated and continued to talk over the board when told this section of the meeting was not subject to public comment. Mr. Rosenberg's behavior was extremely disruptive to the point that the police were called.

The board discussed the extension of the Special Permit without the applicant present. Mr. Ramsdill made a motion to temporarily extend Appeal No. 2014-03, Kenneth West, 6 West Lane, Saratoga Springs, New York 12866. Request for the extension of a Special Permit for a private stable pursuant to Sections 129-175 Attachment 8, Schedule B, R-2

Wilton Zoning Board of Appeals
Regular Meeting November 21, 2019

Residential District and Section 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, originally granted January 23, 2014, for a period of two years, to be extended until February 24, 2020. Mr. Kolligian seconded the motion. The motion passed.

NEW BUSINESS:

APPEAL NO. 2019-22 Cecil Provost, 8 Amanda Court, Saratoga Springs, New York 12866. Request for an Area Variance, pursuant to 129 attachment 16, Schedule J, C-3, business office and outdoor sales, and §129-170 of the Zoning Ordinance, property located at 250 Ballard Road, Gansevoort, New York 12831, Tax Map No. 115.-1-1.1, zoned C-3 in the Town of Wilton.

Mr. O'Brien read correspondence from Saratoga County Planning Board (SCPB) and Wilton Planning Board (WPB) which have been placed in the file. Mr. O'Brien opened public comment at 7:14 p.m. Mr. Provost stood before the board to present his proposed project and made comments about the second driveway questioned by SCPB and in response to WPB that he is not building two office buildings, but that he is building one building in front of the existing residential home and two barns in the back, not 3. Mr. O'Brien questioned the reason for so many buildings, and Mr. Provost explained that the front building will be office buildings, and the (5) side buildings will be display homes, and that this will allow for his businesses, Saratoga Construction, Saratoga Modular Homes, and Pro Reality, to be under one roof. The board discussed the amount of proposed buildings on the plan, the pre-existing non-conforming use of the existing building, and the lot relief in connection with the amount of buildings. Mr. Mykins explained that the front proposed buildings and the existing residential home are, or are proposed to be, three separate buildings connected by walkways, and that there is a limited coverage amount due to needing 35% green space left on the property.

Eric Rosenberg, 16 Craw Lane, spoke about area variances and how they should be given sparingly. He made a comment about the applicant to look for a piece a property that would be big enough for his uses to avoid a variance. Public comment closed at 7:27 p.m.

Mr. Ramsdill Made a motion to approve Appeal No. 2019-22, Cecil Provost, 8 Amanda Court, Saratoga Springs, New York 12866. Request for an Area Variance, pursuant to 129 attachment 16, Schedule J, C-3, business office and outdoor sales, and §129-170 of the Zoning Ordinance, property located at 250 Ballard Road, Gansevoort, New York 12831, Tax Map No. 115.-1-1.1, zoned C-3 in the Town of Wilton, be granted in relief amount of 20,346 sq. ft. for lot size 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 it is in the commercial district and there are heavy Commercial uses within close proximity to 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 the lot

Wilton Zoning Board of Appeals
Regular Meeting November 21, 2019

size has restrictions that are unique to this property because the uses are compatible uses, and as a result it doubles the lot size.

3. The applicant has demonstrated that the requested Area Variance is not substantial because it is 13%, and is a minimal amount.

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 multiple other commercial properties which have heavier use and larger footprints in the immediate area.

5. The applicant has demonstrated that the alleged difficulty is self-created. This approval is conditioned to the pending Site Plan approval from WPB, and that the existing home on the property can not be used as a residence.

After taking into consideration the above five factors, the benefit does outweigh the detriment to the neighborhood and community because of the reasons stated in the above review of the five factors and that this is the minimum amount that could be granted to protect the character of the neighborhood, and health safety and welfare of the community.

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

Adjournment:

Mr. Ramsdill made a motion to adjourn. Mr. Kingsley seconded the motion. All were in favor. The meeting was adjourned at 7:29 p.m.

Dated: November 22, 2019

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Joseph O'Brien, Chairman