



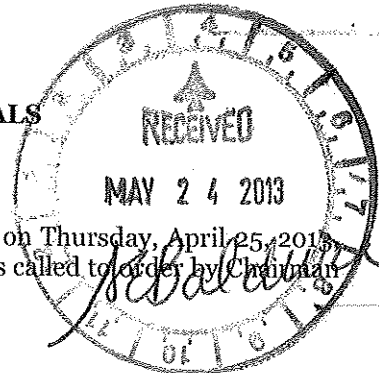
TOWN OF WILTON
22 Traver Road
Gansevoort, New York 12831-9127
(518) 587-1939 Ext. 224
FAX (518) 587-2837
www.townofwilton.com

JOSEPH O'BRIEN
Zoning Board Chairman

MICHELLE DINGMAN
Zoning Clerk

MARK MYKINS
Zoning Officer

WILTON ZONING BOARD OF APPEALS
THURSDAY, April 25, 2013



A meeting of the Wilton Zoning Board of Appeals was held on Thursday, April 25, 2013, at the Wilton Town Hall, 22 Traver Road, Wilton, New York and was called to order by Chairman Joseph O'Brien at 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Chairman O'Brien, Michael Worth, Rocco Angerami, and Robert Barrett. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

ABSENT: Dean Kolligan, Anthony McCracken and Christopher Ramsdill

MINUTES: A correction was made to page 8 of the March 28, 2013 minutes, "Mr. Schachner suggested the board make a determination"

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

OLD BUSINESS:

APPEAL NO. 01-07 Mark Harrison, 180 Meadowbrook Road, Saratoga Springs, New York 12866. Request for the renewal of a Special Permit pursuant to Section 129-176 (I) of the Zoning Ordinance, for the operation of an auto repair and inspection facility; property located at 665 Route 9, Tax Map No. 140.-3-14, originally zoned CR-1, now zoned H-1. Appeal originally granted on March 28, 2001 for a period of two years and renewed several times. No one present on behalf of Mr. Harrison. Mr. Mykins said Mr. Harrison sold the property to the Gordon Group so the chances are he does not need this appeal anymore. Mr. Mykins said the town will notify the applicant and get something in writing. Mr. Schachner said something is needed from the applicant whether he wants the town to process it or not. Mr. Worth made a motion that we do not act on this until we hear back from the Code Enforcement Officer. Mr. Angerami seconded the motion. All board members voted in favor. Motion carried.

APPEAL NO. 11-13 Charles A. Gerber, 40 Bullard Lane, Saratoga Springs, New York 12866. Request for a Special Permit pursuant to Section 129-176 V of the Zoning Ordinance for agricultural use with animals; property located on Bullard Lane, Tax Map Nos. 141.-2-6.1 and 141.-2-7, zoned R-2, in the Town of Wilton. Mr. Gerber appeared before the board. Chairman O'Brien asked the applicant if he would like to continue with the special permit. Mr. Gerber said, "We would love to continue." Mr. Mykins said there have been no problems. Mr. Worth made a motion to approve Appeal No. 11-13 for another two years for a special permit for agriculture with animals. Mr. Barrett seconded the motion. All board members voted in favor. Motion carried.

NEW BUSINESS:

APPEAL NO. 13-09 Timothy Reed, 136 Parkhurst Road, Gansevoort, New York 12831. Request for a Special Permit pursuant to section 129 Attachment 8 Schedule B R-2 Residential District and §129-176 V for Agriculture with Animals; at above said address. Tax Map No. 127.-1-34, zoned R-2, in the Town of Wilton.

Chairman O'Brien stated the applicant is requesting a special permit to have poultry on his property located in the R-2 zone Pursuant to 129 Attachment 8 Schedule B R-2 residential District this is a specially permitted use. The requirements are as follows A: (1) 200,000 square feet- lot size the applicant has - 2,564,377 square feet. (2) 400 feet of frontage - the applicant has 432 feet. If the application for poultry only, no other agricultural animals and no roosters this will not cause a change in the character of the neighborhood because a rural area with plenty of distance between neighboring properties and this property originally was used as a farm. Pursuant to §129-176 V the applicant is not proposing to have private stables and will be keeping only poultry in a coop and penned areas on the property; the removal and disposal silage will have to be addressed.

Chairman O'Brien read the following letters in support of the above said application;

Hello

We are in support of an "agriculture with animals" variance for Tim and Sam Reed on Parkhurst Road in Wilton.

We appreciate your consideration of this request on Thursday, 4/25/13.

Brian and Dawn Howk

14 Challedon Drive

Wilton, NY 12831

hp 306-4215

As residents of Saratoga County, we cannot understand how you could possibly be opposed to Sam raising chickens on his family's property. Many of our neighbors buy our eggs and chickens from Sam, feeling we are not only supporting our local economy, but supporting a young, future leader.

With all the current problems facing our country and our county, it would seem that you could support the good and go after the bad. We are very disappointed that the Wilton Town Board would waste time and resources in preventing this young entrepreneur in his very wholesome endeavor.

Sincerely, Joseph and Melissa Vacula 893-2243

Dear Wilton Town Officials,

I am in support of Sam Reed getting a zoning variance so that he can raise his birds and sell the meat and eggs. The products are excellent and such ambition in a young man should be encouraged and rewarded. I have been to the property and neither seen, heard nor smelled the animals, which makes me think

that he is keeping them in the proper location with minimal impact on adjoining properties. It seems to me that they have quite a bit of land with adequate separation from neighbors. Availability only three hours a week doesn't seem to be too much of a traffic concern. Processing off site takes the butchering issue out of the equation. Sam is a thoughtful young man and I think he should be permitted to pursue his enterprise. If doing so requires him to make some modifications to the operation, I'm sure he would understand, comply, and be wiser for the business experience. Thank you for your consideration of this matter.

John Friauf
29 Dandelion Drive
Gansevoort, NY 12831

Dear Wilton Zoning Board,

I am writing to express my strong support for the contributions that Sam Reed is making to the community through his Stone House Market. I am hopeful that the zoning board will support a young man who is exemplifying what we hope to see in our youth. He started raising chickens out of concern for food animals and people and has channeled this concern into action that is providing a great service to the community he lives in. I hope the town will in turn reinforce this positive behavior and issue him a variance to continue his market. As a member of his extended neighborhood, my observation is that the Reed's property is certainly large enough to support this activity. Please consider issuing a variance to allow him to continue.

Sincerely,
Janet Friauf
29 Dandelion Drive
Wilton, NY

To: Town of Wilton Zoning Board
Re: Reed Residence – Parkhurst Road

Dear Board Members,

We as neighbors to the Reed's respectfully request that you give them a "variance" to allow them to raise their birds on their land.

If their property was unsightly, or the chickens ran loose, and things were uncared for then that would be an issue but that is certainly not the case here. The entire reed farm is beautiful; their house, their barn, the old restored one-room schoolhouse, right to the slate-roofed with cupola chicken house.

For one week each year, we help care for these birds while they vacation, and we can honestly say that the daily care is top notch (feed, water, & cleanliness)

In the years we've lived here, Wilton has gone from open cornfields & farmland, the occasional red fox or ring-necked pheasants, to housing developments and stripmalls. It seems sad and a shame to not let an old family farm continue running. We as Wilton residents should be proud of the Reed Family and allow them to keep raising chickens, selling healthy(and delicious!) farm-fresh eggs, and making maple syrup for as long as possible.

Thank you for your consideration,

Sincerely,

The Leske Family (Christopher & Alison)

85 Parkhurst Road

Wilton, Ny 12831

518-587-3025

Town of Wilton Zoning Board,

I am writing to support a variance to allow agriculture with animals for Sam Reed on his families Parkhurst Road property. Sam Reed and his parents Tim and Suzanne are some of the finest people in our town. Unlike most 15 year olds who are playing video games, Sam has dedicated himself to the pursuit of learning a business, learning agriculture, and defining a lifelong career. I have had the pleasure of directly observing Sam's agricultural practice and he is meticulous in his treatment of animals. His birds are healthy and clean. He maintains the highest standards in the quality of his meat and egg laying birds. There is no odor and there is no disruption to the surrounding property owners. This is an opportunity for the Town of Wilton to do the right thing. Support an entrepreneurial, motivated, and dedicated young man's dream. At the Town of Wilton Zoning board meeting on Thursday, April 25, vote to allow agriculture with animals for Sam Reed on his families Parkhurst Road property.

Thank you for your consideration in this matter.

Please feel free to contact me.

518-527-2110

Sincerely,

Christopher J. Case M.S., D.O.

Associate Medical Director, Department of Emergency Medicine

Saratoga Hospital

Medical Director, Wilton Emergency Services

Associate Chief Medical Officer, Malta Medical Emergent Care

This message is for the Wilton zoning board.

Dear board members: I am writing to encourage you to grant Sam Reed a variance on his property on Parkhurst Rd to raise chicken and any other birds he wishes to raise. Sam is a young man with an ambition, something not always present in our youth. From what I know if his current activities with

the birds he has shown responsibility and has raised them in a very environmentally friendly way. Allowing him to raise his birds would be an asset to your town. I live just over the Wilton border in greenfield center. I have seen his property and I think what he is doing adds to the quality of life in our area.

Thank you for your consideration of Sam's request

Clare Giammusso
Sent from my iPhone

To the Zoning Board:

I am writing to support my neighbor, Sam Reed, in his request for a variance to raise chickens on his property. I am the adjacent landowner, and I have observed his operation over the past year or so. He does a wonderful job with the birds. They are happy and healthy.

Sincerely,

Hank Willems
116 Parkhurst Rd.

Mr. Reed appeared before the board as the property owner requesting the variance for their son Sam. Mr. Reed and his family moved to the property in 1995 and have always owned chickens.

Sam Reed said his business started because of a research paper for school and was assigned the topic "Factory Farming." Mr. Reed had researched the topic and said it bothered him how poorly the animals were treated and made a video titled "The Fight Against Factory Farms" which is posted nationally on websites. Mr. Reed said after that he decided to wanted to start a small business using humane methods and go against the factory methods. Mr. Reed is speaking at a few local schools to spread the word about "how bad those farms are". Mr. Reed said he raises the chicken's free range rotating the pasture. Mr. Reed said he feeds them GMO-free feed, organic produce from a local grocery store and leftover artisan bread from a local bakery. Mr. Reed said the whole reason for doing is to let people in America know where the food is coming from.

Mr. Worth said this would not be considered a home occupation because it is run by Mr. Reed and there is no signage. Mr. Mykins said it is not a home occupation because it is agriculture with animals and is allowed within the zone and is a specialty permitted use. Mr. Schachner said to clarify, Mr. Reed, the elder made a reference to the reason why a variance was needed. The applicant is seeing a special permit.

Mr. Worth asked how many chickens. Mr. Reed plans on having 100 Lang Hens, which stay rear round in a fenced area and rotate so there is always fresh grass. Mr. Mykins said you may have some silage and usually it gets turned into the soil.

Barbara McCarthy- Williems, 116 Parkhurst Road said that one of their fields is adjacent to the chicken coop and can attest that Sam takes great care of the chickens and feel very fortunate and get fresh free range chicken and dozen eggs every week. Ms. McCarthy-Williems wants to speak in support of Sam and feels he is such an enterprising young man and should support people that want to return to working on the land and support him.

Beth Ann Sciumeca, 37 Dandelion Drive, said as a resident of Wilton is grateful for the quiet rural character of the community, farms, country road's, open space, and beautiful homes all within any easy community distance to Albany and smaller urban areas in our region makes our township appealing. Parkhurst Road is very close to my own neighborhood and we drive and ride bikes along the scenic road regularly. The Reed home with its distinctive stone house, red barn, and school house is a highlight along this ride and a striking reminder of the areas agricultural roots. The fact that the property is used once again for farming seems absolutely fitting of the property and the character of the road in general. My family and I love coming to buy eggs from Sam's. Having the opportunity for our children to eat healthy organic food and to see where your food comes from; offering the opportunity to buy eggs and poultry direct from the person raising them. At just 15 years old, Sam has embraced these values and a commitment to their land and his community with his new business. Our town would be far better to encourage this kind of entrepreneurship and good citizenship and take these opinions under consideration and grant a special use permit.

Michael Glasberg, 175 Parkhurst Road said he and his wife are in favor of the application

Chris Leske, 85 Parkhurst Road said he is in support of the application. Mr. Leske said, when the Reeds take a weeks' vacation, he watches the chickens, and said they are so well cared for and clean.

Mr. Worth made a motion to approve Appeal No. 13-09 Tim Reed, 136 Parkhurst Road, Tax Map. No. 127.-1-34 for a Special Permit. Mr. Worth asked Mr. Schachner about going through the SEQRA process. Mr. Schachner said there is no structure large enough to warrant SEQRA review, but a large number of animals are involved in the operation. If the board wants the belt and suspenders approach, he suggests to review the environmental assessment form the applicant submitted if not, he does not feel strongly about it. Mr. Worth made a motion for SEQR Negative Declaration; the property is definitely large enough for what the applicant is doing. The neighbors don't seem to mind and obviously is not an impact on anybody at this time. Mr. Worth made a motion for a special permit for agriculture with poultry no roosters for two years. Mr. Angerami seconded the motion. All board members voted in favor. Motion carried.

Mr. John Allen, Esq. approached the board on behalf of Appeal 13-12 Altamont Park Apartments, Inc. given the bare majority of the board this evening his client, Altamont Park Apartments, Inc. would like to request that the application be tabled until the next Zoning Board meeting, May 23, 2013. Mr. Worth made a motion to table Appeal No. 13-13 at the applicant's request. Mr. Barrett seconded the motion. All board members voted in favor. Motion carried.

APPEAL NO. 13-10 Alan Oppenheim, 184 Edie Road, Saratoga Springs, New York 12866. Request for an Area Variance pursuant to §129-181 (2) (b) [1] and [2] for a business sign; at above said address. Tax Map No. 141.-2-114, zoned C-2, in the Town of Wilton. Chairman O'Brien said the applicant is proposing to place a 58.00 square foot business sign on the above mentioned property at 24.00 feet from the front property line. The applicant meets all other zoning requirements pursuant to §129-181 (2) (b) [1] and [2] with the exception of the front yard setback. The requirement is 30.00 feet; the applicant has 24.00 feet relief requested is 6.00 feet. Mr. Oppenheim appeared before the board representing ACO Property Advisors, owner occupant, a small Saratoga County real estate firm. The building has four tenant spaces and is looking to create a sign that is in character with the area and give more visibility to the tenants. The applicant is proposing to place the sign in a planted island 24 ft. off the front property line. Mr. Oppenheim said the board has a representation of the proposed sign. The site distance to the north is a vacant lot 50ft. to the north and over 300ft. to the south. The applicant does not see any detrimental effect to the neighbors. Mr. Worth asked, "Is it a total of both sides or just one side". Mr. Mykins said both sides. Mr. Worth asked will the sign be lighted. Mr. Oppenheim said it will not be lighted.

Mr. Worth made a motion to approve Appeal No. 13-10 184 Edie Road for an area variance 141.-2-14.11.4, Zoning District C-2 for relief of 6ft. for front yard setback for 58 sq. ft. sign.

1. An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting of the area variance, because the sign is very small for the size of the building and the relief of 6ft. will not be noticeable by any cars passing by surrounded by buildings.
2. The benefit sought cannot be achieved by some method feasible to pursue other than an area variance, because the sign is in the parking lot, it forces them to move the sign 6ft. forward to be able to put on a piece of property in a visible area.
3. The requested area variance is not substantial again it is only 6ft. and a small sign and only required because of the parking islands that are preexisting.
4. The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood, because the property surrounding them is a church and vacant land to the south so that the sign will not be visible by any homestead or residence in that area.
5. The alleged difficulty was self-created.

Mr. Angerami seconded the motion. All board members voted in favor. The motion passed.

APPEAL NO. 13-11 Theresa Briscoe, 455 Wilton/Greenfield Road, Greenfield Center, New York 12833. Request for an area variance pursuant to Schedule B, R-2 Residential of the Zoning Ordinance for a 2-lot subdivision; at above said address. Tax Map No. 127.-3-68, zoned R-2, in the Town of Wilton. Chairman O'Brien read the zoning determination which states the applicant is proposing to subdivide their present parcel in half in order for a family member to build a

single dwelling on the newly created parcel. Road frontage is the only issue for this subdivision as proposed and although narrow at the road front this parcel expands to 500 feet wide 59 feet from the front property line. Pursuant to Schedule B, R-2 Residential minimum requirements for a property in the R-2 with a single family dwelling are lot size 80,000 square feet - the applicant is proposing two lots. Lot #1 has 680,668.60 square feet - Lot #2 has 656,013.60 square feet. 250 feet of frontage is required. Lot #1 has 358.20 feet - Lot #2 has 116.44 feet relief requested on Lot #2 is 133.56 feet. Both lots meet all other zoning requirements for the R-2 Zone.

Theresa Briscoe appeared before the board. Ms. Briscoe said she currently owns 31 acres of land and has for over 40 years and would like to cut in half and retain 15 acres as her residence and give 15 acres to her son to build a house. Ms. Briscoe said she does not see a problem its 15 acres. Ms. Briscoe said the way the property was when she purchased it comes in slightly in one corner, which would be his lot and then juts over almost 500ft. total in width and would still have almost 116ft. for the driveway to come back in and proposes to build his house 500ft. off the road.

Mr. Worth asked did you subdivide anything before causing that jog in the property. Ms. Briscoe said no, it was like that when we purchased the property.

Mr. Worth made a motion to approve Appeal No. 13-11 for an area variance Theresa Briscoe, 455 Wilton/Greenfield Road, Greenfield Center, Tax Map No. 127.-3-68 for the following relief requested. Lot #1 exceeds all the requirements. Mr. Mykins said Lot #2 requires 116.44 ft. Mr. Worth said the requirement is 250ft. of road frontage - the applicant has 116.44ft.; relief requested if 133.56ft. for the following reasons:

1. An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting of the area variance, because the new lot exceeds all the standards other than the road frontage. To subdivide it any differently both lots would need a variance.
2. The benefit sought cannot be achieved by some method feasible to pursue other than an area variance, because the road frontage of the existing lot is not long enough to be subdivided to meet the code and both lots will be substantial in size and looking for additional property to buy does not make any sense and is not reasonable.
3. The requested area variance is not substantial. It is the only way to subdivide, the one lot meets the requirements; other than the road frontage meets the requirements.
4. The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. All the lots are residential pieces of property and adding another residence on a lot that is sufficient to be built on.
5. The alleged difficulty was self-created.

Mr. Barrett seconded the motion. All board members voted in favor. Motion carried.

APPEAL NO. 13-12 Altamont Park Apts., Inc., David Canfield, P.O. Box 5107, Clifton Park, New York 12065 for the property located at Margaret Drive, Gansevoort, New York 12831. Request for Area Variances pursuant to Schedule A, R-1 Residential of the Zoning Ordinance for a proposed 2-lot subdivision; at above said property, Tax Map No. 128.5-1-12, zoned R-1, in the Town of Wilton. Application tabled until the May 23, 2013 meeting as requested by Mr. John Allen Esq. the applicant's attorney.

APPEAL NO. 13-13 Brian Barton, 182 Ruggles Road, Saratoga Springs, New York 12866. Request for an Area Variance pursuant to Schedule of the Zoning Ordinance for a proposed 2-lot subdivision; at above said property, Tax Map No. 142.-1-34 zoned R-2, in the Town of Wilton. Mr. Barton appeared before the board. Mr. Barton said he purchased the property with ample amount of frontage in 2004 and initially thought to have less frontage, after having it surveyed, built a house. Since then, the situation has changed. Mr. Barton states it is a big house and would like to subdivide and sell the house keep the land and build another house at some time. Mr. Barton said the variance requested does not meet the frontage requirement. Mr. Barton said the portions of Ruggles Road there are several homes that have driveways that are close proximity of each other. Ideally if a house is built and need another driveway would arrange it so an easement across the existing lot, to one means of access to Ruggles Road and complete after subdivision. Mr. Worth asked if there is a requirement for a driveway width. Mr. Mykins said 17ft. for emergency vehicle access. Mr. Mykins said both properties open up as you go inside.

Mr. Worth made a motion to approve Appeal No. 13-13 Brian Barton, 182 Ruggles Road for an area variance for subdivision, Tax Map No. 142.-1-34. Relief requested for Lot #2, the requirement is 250ft. of road frontage and the applicant has 40.79ft. of frontage, the relief requested is 209.21ft. Lot #1, the requirement is 250ft. of road frontage and the applicant has 70.00ft. of road frontage and the relief requested is 180.00ft. for the following reasons:

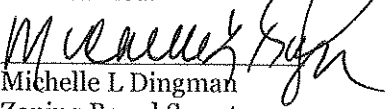
1. An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting of the area variance, because due to the shape of this lot, the total road frontage is sufficient right now and to subdivide it although it seems excessive, it's the only land available and all the other requirements for the lots meet the code.
2. The benefit sought cannot be achieved by some method feasible to pursue other than an area variance. This is the only means to subdivide and have access to both pieces of property.
3. The requested area variance is not substantial. Again, although it seems substantial the applicant only has 110ft. of frontage and no land available and no other means of subdividing the property.
4. The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. Again it is strictly a residential area and subdividing the property to put another residence will fit in with the neighborhood.
5. The alleged difficulty was self-created.

Mr. Barrett seconded the motion. All board members voted in favor. Motion carried.

ADJOURNMENT:

The meeting was adjourned at 7:41pm on a motion made by Mr. Worth and seconded by Mr. Angerami. All board members voted in favor. Motion carried.

APPROVED: 5/23/2013 .


Michelle L Dingman
Zoning Board Secretary