

**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY May 28, 2015**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, May 28, 2015 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, James Deloria, Dean Kolligian, Robert Barrett, Tony McCracken, Gerard Zabala and Scott Kingsley. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Attorney Justin Grassi, and Mark Mykins, Zoning Officer.

**ABSENT:** Charles Foehser

**MINUTES:** The minutes of the last meeting, held on April 23, 2015 were approved, as submitted, on a motion made by Mr. Kolligian seconded by Mr. McCracken. All board members were in favor.

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

**RENEWALS:**

**APPEAL NO. 09-05** Charles R. Pickett, Jr., 7 Pine Ledge Terrace, Gansevoort, New York 12831. Request for the renewal of a Special Permit, pursuant to Schedule A and Section 129-176 C (1), (2) and (3) of the Zoning Ordinance, for a home occupation as a gunsmith/firearms dealer. Permit originally granted on May 28, 2009 for a period of two years and has been renewed every two years; property located at 7 Pine Ledge Terrace, Tax Map No. 140.6-4-1, zoned R-1, in the Town of Wilton.

Mr. Pickett approached the Board, he requested that his Special Permit be renewed. Mr. Pickett explained he had not had any complaints from any of the neighbors or anyone else about his business. He further explained he hadn't had any negative comments from, New York State or the Federal regulations people.

Chairman O'Brien asked Mr. Mykins if there had been any problems. Mr. Mykins said not at all.

Mr. Ramsdill made a motion to renew Appeal No. 2009-05 for Charles R. Pickett, Jr., 7 Pine Ledge Terrace, Gansevoort, New York 12831 for a period of two years.

Mr. Kolligian seconded the motion. All Board members were in favor. The motion passed.

**NEW BUSINESS:**

**APPEAL NO. 15-15** Steve Harness, 53 Gailor Road, Gansevoort, New York 12831. Request for Area Variances pursuant to Schedule A, R-1 District Section 129-157 projections into required yards, for rear and side yard setbacks; property located at 53 Gailor Road, Gansevoort, New York 12831, Tax Map No. 128.5-1-44, zoned R-1 in the town of Wilton.

Mr. Ramsdill recused himself.

Jason Betts approached the Board and stated he was representing Mr. Harness because he was away at a graduation. Mr. Betts said Mr. Harness proposed a map last month and there were some concerns, so on the proposed map he moved the shed to the other side of the yard. Mr. Betts stated that there were at least four or five other homes in the area that had similar sheds, with similar distances from the property line. He explained the distances as being 8 ft. and 5 ft. from the property line.

Mr. Kolligian asked if Mr. Harness sent out certified letters and if there were any concerns. Ms. DiLeone said yes and there were no concerns. Mr. Kolligian asked Mr. Betts if he was aware that the Board requested he move the shed to the opposite of the yard and that's what was shown on the map. Mr. Betts said yes and they moved it to the other side and made it fit.

Attorney Schachner addressed Chairman O'Brien saying one of the reasons there were alternates was to be able seat the alternate in Mr. Ramsdills absence. Chairman O'Brien asked Mr. Kingsley to come up.

Mr. Kolligian said just for the record we did receive all the green cards back and there were no complaints or concerns from the neighbors. Chairman O'Brien said he believed so.

Chairman O'Brien asked a member of the audience, Mr. Robinson if he had any questions. Mr. Robinson said it was good with him. Chairman O'Brien asked Mr. Robinson if that satisfied him. Mr. Robinson said yes.

Chairman O'Brien asked if there were any comments or concerns. There were none.

Mr. Kolligian made a positive motion to approve Appeal No. 2015-15 for Steve Harness, 53 Gailor Road, Gansevoort, New York 12831. Request for Area Variances pursuant to Schedule A, R-1 District Section 129-157 projections into required yards, for rear setback relief of 45 ft. and side yard setback relief of 12 ft.; property located at 53 Gailor Road, Gansevoort, New York 12831, Tax Map No. 128.5-1-44, zoned R-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 Variances because other properties have similar sheds on their property and the board requested the applicant, at a prior meeting, to consider relocation of the shed to the opposite side of the yard and he has done so at our request. 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 the yard is small, which means the shed would be near the back door and up against the house, again referring back to the previous meeting he had it in a different location we requested he move it to the opposite side of the yard. 3. The applicant has demonstrated that the requested Area Variances are not substantial because the yard space has an odd shape and is limited, it would also allow room for the kids to play in the back yard. 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's not going to alter anything, it's a physical structure and it's built into the characteristic of the rest of the neighborhood. 5. The applicant has demonstrated that the alleged difficulty is self-created but last month it was requested for him to take into consideration moving the shed to the opposite side and he has done so.

Mr. McCracken seconded the motion. Mr. Zabala, Mr. Kingsley, Mr. Barrett, Mr. McCracken, Mr. Kolligian, Mr. Deloria and Chairman O'Brien were all in favor. The motion passed.

**APPEAL NO. 2015-16** The Nigro Group, 20 Corporate Woods Blvd., Albany, New York 12211. Request for Area Variances pursuant to Section 129-176 H. (1)-(6) Senior Living Community, Section 129-175D. (1)-(7) Special Permit review and Schedule H, C-1 Commercial District. Request for west side yard setback to paving for Lot #1, west side yard setback to the building on Lot #1 and rear yard setback for sewer control station on Lot #1; property located on Perry Road, Saratoga Springs, New York 12866, Tax Map No. 153.-3-32.12, zoned C-1 in the town of Wilton.

Chairman O'Brien read a referral from the **Saratoga County Planning Board**.

**Decision:** No significant County Wide or Inter Community Impact.

**Comment:** This referral response is being provided separate from the previous area variance addressed in our January 21, 2015 response letter for SCPB Referral #14-234.

Chairman O'Brien noted there was one green card missing and it was from Brian Mahar. He asked Mr. Tucker if he knew anything about it. Mr. Tucker said he did not. Mr. Tucker said it was sent because they had the white receipt. Chairman O'Brien said he knew him and he thought if it was a great concern he would be here. Chairman O'Brien asked if there were any letters. Ms. DiLeone said there were none.

Mr. Tucker introduced himself to the Board and said he was from VHB and they were the site engineers on the project. Mr. Tucker said they were in front of the Board last January and obtained a setback variance from the zone line and it was a requirement to be 100 ft. from the zone line to the building and they were 79 ft. He further explained after that, they went back to the Planning Board to obtain subdivision approval, had obtained a Special Use permit from the Town Board and were also given site plan approval from the Planning Board. Mr. Tucker said there were now two lots on the site, lot 2 was for the future assisted living building and lot 1 was where the senior apartment building would go and that was going to be the first part of the construction. Mr. Tucker explained the setbacks they were looking for since the lot line had been created. He said they needed a side yard setback to the proposed building for the new lot line, a setback variance for paving, because of the proposed access road and also the site was going to be served by a pump station, that would be owned by Saratoga County Sewer District. Mr. Tucker said the compound that it was located in, straddled

both lots along with the pump station. He further explained there was a 14 ft. by 14ft. building that would house all the equipment and controls for the pump station. Mr. Tucker said it was within 13 ft. of the lot line in the back. Mr. Tucker said the purpose of putting the pump station there was to really split the difference between the buildings, get it in a spot that works well and it could be pumped into the Saratoga system.

Chairman O'Brien asked if there were questions. Mr. Deloria asked if the pump station was going to be owned by the county sewer system. Mr. Tucker said it was and there would be an easement, but the county would own it. Mr. Deloria asked if they were going to grant them an easement. Mr. Tucker said yes there would be an easement granted to them and there would also be a cross easements as needed between the two users, because it straddled the line. Mr. Tucker said when his client closes, both lots would be under common ownership. Mr. Ramsdill asked Mr. Tucker to point out where the pavement setback was. Mr. Tucker used the site plan to explain where the pavement setback was. Mr. Tucker said the access road comes in and basically runs right along the new property line and they have tried to maintain a fifty foot slot to the back lot for plantings and trees to screen this. He further explained this came up during the Town Board process. Mr. Ramsdill asked who owned the fifty foot slot. Mr. Tucker said the fifty foot slot was part of lot 2, it was basically created to get frontage for the lot. Mr. Tucker said if for some reason that someone other than his client develops the back piece, there would be cross easements in place. Mr. Zabala asked if there were any other easements on the property other than the county sewer, utilities or anything like that. Mr. Tucker said there was a joint easement between the Wilton Water and Sewer Authority and the water system on the site. Mr. Zabala asked if they had been determined yet. Mr. Tucker said it was in the process.

Chairman O'Brien asked if there were any other questions or concerns. There were none. Chairman O'Brien asked if anyone in the audience had any questions or concerns. There were none.

Mr. Ramsdill made a positive motion to approve appeal No. 2015-16 for Nigro Group 20 Corporate Woods Blvd., Albany, New York 12211. Request for Area Variances pursuant to Section 129-176 H. (1)-(6) Senior Living Community, Section 129-175D. (1)- (7) Special Permit review and Schedule H, C-1 Commercial District. Request for west side yard setback to paving for Lot #1 requested relief of 15 ft., west side yard setback to the building on Lot #1 requested relief of 21 ft. and rear yard setback requested relief of 36.40 ft. for sewer control station on Lot #1; property located on Perry Road, Saratoga Springs, New York 12866, Tax Map No. 153-3-32.12 zoned C-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 Variances because it's a commercial zone and they have established substantial buffer screening along where the variances would be required. 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 nature of the lot being very long and narrow, location of the building and the subdivision lot lines require the variance to occur in an unusual way on the property layout. 3. The applicant has demonstrated that the requested Area Variances are not substantial because it's the minimum they could get to fit in the buildings that they require for the property 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's a commercial district and it's consistent with other properties in the immediate area. 5. The applicant has demonstrated that the alleged difficulty is self-created.

Mr. Kolligian seconded the motion. Mr. Zabala, Mr. Ramsdill, Mr. Barrett, Mr. McCracken, Mr. Kolligian, Mr. Deloria and Chairman O'Brien were all in favor. The motion passed.

**ADJOURNMENT:**

Mr. Kolligian made a motion to adjourn the meeting at 7:18 p.m. Mr. McCracken seconded the motion. All Board members were in favor. The motion passed.

Dated: \_\_\_\_\_

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Amy DiLeone  
Zoning Clerk