



**TOWN OF WILTON**  
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**JOSEPH O'BRIEN**  
Zoning Board Chairman

**AMY DiLEONE**  
Zoning Clerk

**MARK MYKINS**  
Zoning Officer

## **WILTON ZONING BOARD OF APPEALS**

### **THURSDAY September 24, 2015**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, September 24, 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. Also present were Justin Grassi, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

**ABSENT:** Scott Kingsley and Charles Foehser

**MINUTES:** The minutes of the last meeting, held on August 27, 2015 were approved, as submitted, on a motion made by Mr. Kolligian seconded by Mr. Deloria. All board members were in favor.

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

#### **RENEWALS:**

**APPEAL NO. 13-36** Joseph Greco, 30 Mt. McGregor Road, Gansevoort, NY 12831. Request for the renewal of a Special Permit for a private stable pursuant to Sections 129-175 D (a-e), 129-176 V (1-7), and Schedule B; property located at 30 Mt. McGregor Road, Gansevoort, NY 12831, Tax Map No. 101.-1-52, zoned R-2, in the Town of Wilton. Special Permit originally granted on 9/26/2013 for a period of two years is due for review and renewal.

Mr. Greco approached the Board. Chairman O'Brien asked Mr. Greco if he would like his permit renewed. Mr. Greco said yes. Chairman O'Brien asked Mr. Mykins if he had any questions about Mr. Greco's renewal. Mr. Mykins said no.

Mr. McCracken made a motion to renew Appeal No. 13-36 for Joseph Greco, 30 Mt. McGregor Road, Gansevoort, NY 12831. Request for the renewal of a Special Permit for a private stable pursuant to Sections 129-175 D (a-e), 129-176 V (1-7), and Schedule B; property located at 30 Mt. McGregor Road, Gansevoort, NY 12831, Tax Map No. 101.-1-52, zoned R-2, in the Town of Wilton, in consideration of all findings of Section 129-175 (D), for a period of two years.

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

**APPEAL NO. 13-38** John A. DeSimone, 360 Wilton Gansevoort Road, Gansevoort, NY 12831. Request for the renewal of a Special Permit for a private stable pursuant to Sections 129-175 d (a-e), 129-176 V (1-7), and Schedule B for private stable; property located at 360 Wilton Gansevoort Road, Gansevoort, NY 12831, Tax Map No. 102.-1-49.12, zoned R-2, in the Town of Wilton. Special Permit originally granted on 9/26/2013 for a period of two years is due for review and renewal.

Mr. DeSimone approached the Board. Chairman O'Brien asked Mr. DeSimone if he was interested in renewing his Special Permit. Mr. DeSimone said yes please. Chairman O'Brien asked Mr. Mykins if he had any questions or concerns. Mr. Mykins said none at all.

Mr. Kolligian made a motion to approve Appeal No. 13-38 for John DeSimone, 360 Wilton Gansevoort Road, Gansevoort, NY 12831. Request for the renewal of a Special Permit for a private stable pursuant to Sections 129-175 d (a-e), 129-176 V (1-7), and Schedule B for private stable; property located at 360 Wilton Gansevoort Road, Gansevoort, NY 12831, Tax Map No. 102.-1-49.12, zoned R-2, in the Town of Wilton, in consideration of all findings of Section 129-175 (D), for a period of two years.

Mr. Barrett seconded the motion all Board members were in favor. The motion passed.

**NEW BUSINESS:**

**Appeal NO. 2015- 25 A** Susan & Bernard Friday, 22 Scout Road, Gansevoort, N.Y. 12831. Request for Area Variances for square footage, pursuant to Section 129-175 D. (1) – (7) and Section 129-176 Y. (1) – (7) Boarding of Horses/Riding Stables, applicant has 344,995.2 (7.92 acres) square feet required is 400,000 square feet relief requested is 55,004.8 square feet; property located at 22 Scout Road, Gansevoort, N.Y. 12831 Tax Map No. 128.-1-14 zoned R-2 in the town of Wilton.

Chairman O'Brien read a favorable correspondence from Keith and Catharine Hall of 19 Scout Road, Gansevoort NY 12831.

Mrs. Friday explained to the Board that they had a boarding/training stable that had been in existence technically since 1972. Mrs. Friday introduced Mr. Place from BOCES. Mrs. Friday explained that BOCES came to her last spring and asked if they would

consider hosting their Horse Care Program that was no longer able to be at the facility it was currently at and she said yes. Mrs. Friday explained that when she started going through the steps to get State Education approval that meant they needed to talk with Mr. Mykins relative to what they needed to do to get everything in order for the State Education Department. She further explained she had met all of the Fire Wardens requests, they had a structural engineer in the building and had met all of his requests and put in access doors that were necessary for a SED program. Mrs. Friday said she was a retired teacher and knew the requirements that went with an SED program and they had done them over the summer. Mr. Friday said to the Board that they needed permission from them to have the number of horses that were already in existence. She further explained that they weren't adding any horses and the horses that were there were already in existence, no equines were being added. Mrs. Friday said this was being done so the BOCES group could come in and they could say to SED they were in compliance with the Town of Wilton. Mr. Mykins said they have to be in compliance with zoning in order to move forward. Mr. Zabala said for an Area Variance. Mr. Mykins said Special Permit and Area Variances. Mr. Mykins said do the Area Variances first and then the Special Permit. Chairman O'Brien said this has to be handled first. Mr. Mykins said correct. Mr. Kolligian asked if he was reading this correctly, they were asking for permission to board 65 horses. Mr. Friday said yes, they already had 65 horses on the property. Mr. Ramsdill said they were simply blessing what exists and it's going to be ok moving forward. Mr. Kolligian said for a new use. Mrs. Friday said she was not looking to put anymore horses on. Mr. Kolligian said the new use was the educational component to it, correct. Mr. Mykins said correct. Mr. Kolligian said so that had to be filed and deemed appropriate through their Board in order for Mrs. Friday to file at the stated level for the education part. Mr. Deloria asked if that meant they had been noncompliant up until this point. Mr. Mykins said they had not been doing this up until this point the State Education Department wasn't involved until this point. Mr. Mykins further explained that it had been a preexisting non-conforming use up to this point. Mr. Mykins said they have had horses there since 1972 and they have boarded them there and there were no horse boarding laws in the town until around 1995. Mr. Deloria said they had no need to come forward and ask for a permit. Mr. Mykins said correct. Attorney Grassi stated not until there was a modification of the use which they are now seeking a slight modification of that use. Mr. Deloria said that was what triggered the Area Variances. Attorney Grassi said and the Special Use Permit. Chairman O'Brien asked if there were any other questions. Mr. Zabala asked if there was a limit to the number of horses that would be allowed in the future. Mr. Mykins said that was up to the Board. Mrs. Friday said trust me 65 horses is plenty, they had 80 at one point and they all decided that was too many. Mr. Barrett asked Mrs. Friday if she would be ok with limiting the number of horses to 65. Mrs. Friday shook her head yes. Chairman O'Brien ask if anyone in the audience had concerns. There were none. Chairman O'Brien asked the Board members if they had any other questions. Mr. Deloria said Casella is handling the manure removal. Mrs. Friday said yes. Mr. Deloria asked if that was on a contract basis. Mrs. Friday explained that in the years past Billy Boyce who owns BJ's Trucking came in every year and he removed the entire pile and he now has a stock pile of theirs that's probably 7 or 8 years and said he didn't want it. Mrs. Friday explained she called Casella because she needed to get rid of the monster pile of nonsense that was there and they brought in a dumpster and half of it has been removed. Mrs. Friday said

Shaw has a dump place up in the town of Northumberland, he accepts horse manure and they had been transporting it up to his place on Route 32. Mrs. Friday explained now they had a dumpster and they were going to build a cement bunker when her son got home from Oklahoma where he was showing horses. Mrs. Friday explained that they will dump into the bunker and then load it into Casella's 30 yard huge dumpster and they will come in as soon as it is filled and they take it out. She further explained they were working to get rid of what they had now and then Casella was right on board and they were very reasonable in terms of manure; it was easy to do and took a great headache out of her life. Chairman O'Brien asked if there were any other questions. There were none.

Attorney Grassi said he spoke with Mr. Mykins and recommended it might be prudent to go through the SEQRA. Mr. Mykins asked if he wanted to do that on the Special Permit or the Area Variances. Attorney Grassi said he thought it would be best to do it for both because it was not determinable whether or not this was a Residential variance or a Commercial variance based on their use he suggested putting them both in and doing SEQRA on both. Attorney Grassi explained that Mr. Mykins and he thought it would be appropriate for them to go through the part two, have them fill out the part one at a later date and that the Short Form would be appropriate.

Chairman O'Brien said ok why we don't do that. Mrs. Friday said ok let me ask you a loaded question, they cannot be the facility for BOCES to put the kids in technically until they get all their ducks in a row, would this lengthen the process of getting that. Mr. Mykins said no, they were actually going to read through the questions and Mr. Friday would fill out the form before she left and Mr. Mykins would walk her through it. Mrs. Friday said ok fine she didn't want to put a crush on anybody but they had these poor kids that didn't have a horse facility last year and they've got one; but they were not in compliance SED and she knows state education and she just wanted to make them happy.

SEQRA was read by Attorney Grassi and answered by the Board. The Board determined a negative declaration of SEQRA Short Environmental Assessment Form.

Mr. Kolligian made a motion to approve Appeal No. 2015-25A for Susan & Bernard Friday, 22 Scout Road, Gansevoort, N.Y. 12831, pursuant to, Section 129-175 D. (1) – (7) and Section 129-176 Y. (1) – (7) Boarding of Horses/Riding Stables, applicant has 344,995.2 (7.92 acres) square feet required is 400,000 square feet relief requested is 55,004.8 square feet and per Section 129-176 Y. (3) 34 horses are allowed, relief requested is 31 horses, total of 65 and no more; property located at 22 Scout Road, Gansevoort, N.Y. 12831 Tax Map No. 128.-1-14 zoned R-2 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 the property will be currently used as it has been in existence since 1972, same number of horses at 65. This is simply a formality based on their need for approval through the State Board of Education. 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 property is existing and it preexisted the current code, it would allow for the area to continue to be used for this purpose and are also allowing the addition of the 31 horses. 3. The applicant has demonstrated that the requested Area Variances are not substantial because it's been an operational boarding facility for some years, since 1972 and there have been no issues in the past and this significance is the fact relief requested of 55,0048.8 square feet allowing the addition of the 31 horses. 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 the manure will be continually hauled off by a third party, no change in the property and this is for the consideration of the State Board of Education to allow for the BOCES program and the addition of the 31 horses. 5. The applicant has demonstrated that the alleged difficulty is not self-created it's continued to be used for a boarding facility, this has just been added to the educational aspect of things and this is for compliance in State Board Education for the additional square footage as well as the additional horses.

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

**APPEAL NO. 2015-25 B** Susan & Bernard Friday, 22 Scout Road, Gansevoort, N.Y. 12831. Request for a Special Permit for horses, pursuant to Section 129-175 D. (1) – (7) and Section 129-176 Y. (1) – (7) Boarding of horses/Riding Stables; property located at 22 Scout Road, Gansevoort, N.Y. 12831, Tax Map No. 128.-1-14 zoned R-2, in the Town of Wilton.

Mr. Kolligian made a motion to approve Appeal No. 2015-25B Susan & Bernard Friday, 22 Scout Road, Gansevoort, N.Y. 12831. Request for a Special Permit for horses, pursuant to Section 129-175 D. (1) – (7) and Section 129-176 Y. (1) – (7) Boarding of horses/Riding Stables; property located at 22 Scout Road, Gansevoort, N.Y. 12831, Tax Map No. 128.-1-14 zoned R-2, in the Town of Wilton, was granted in consideration of all findings of Section 129-175 (D), for a period of two year.

Mrs. Friday questioned the two year condition.

Mr. Kolligian explained to Mrs. Friday that typically what the Board does is renew the Special Permits in the town for a period of two years and then request the Special Permits to be re-issued. Mr. Mykins said that way if there are issues they can be addressed at that point. Mrs. Friday said fine. Mr. Barrett asked if the Board should put the limit of 65 horses. Mr. Kolligian said he mentioned that in the Area Variance. Mr. Kolligian addressed Mrs. Friday and said as you heard it wasn't very painful for the other two folks that went prior. Mrs. Friday said it was not the Board in general it was the number of things trying to make SED happy that had her head swimming the entire summer. Mr. Kolligian said further more in the future the only time you would ever have to deal with them again is if the Board said there was a problem and other than that the renewals would be simple. Chairman O'Brien said it was basically a formality. Mr. Pace

said that if SED issues a certificate of occupancy because they are required to do that for any student occupied spaces and that won't laps so the permit could be renewed and it would not affect that. Mr. Barrett said he had never seen a Special Use permit turned down yet.

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

**APPEAL NO. 2015-26** David C. Smith for John and Susan Lant, 117 Phillips Road, Valley Falls, N.Y. 12185. Request for an Area Variance for front yard setback requested relief of 32.37 ft. for a proposed 24' x 40' garage, pursuant to Schedule "B" Residential District Two and Section 129-157 Projections into required yards; property located at 45 Woodard Road, Gansevoort, N.Y. 12831 Tax Map No. 101.-1-110, zoned R-2 in the Town of Wilton.

Mr. Smith said he took the liberty of blowing up the area in question. Mr. Smith explained his client wished to construct a 24 ft. x 40 ft. garage off of the existing driveway. Mr. Smith said Mr. Lant has several classic cars that he would like to move from the current location to his property. Mr. Lant's current garage houses the daily drivers and he needs another garage to shelter them. Mr. Smith explained that the area between the house and the garage was currently occupied by a gas line that ran underground from the rear of the garage to an underground propane storage tank. He further explained there was a well about 15 ft. off the side of the garage leading into the house, he didn't want to mess with the utilities there and he also didn't want to go over on the other side because of a potential conflict with a pool or pool house keeping that area clear. Mr. Smith explained where Mr. Lant would like to place the garage and it would encroach into the setback but still would be roughly 30 ft. to the edge of the road give or take asking for a variance to violate the front yard setback. Mr. Smith said he had one inquiry from one of the neighbors that lives down state in Floral Park obviously not owner occupied; he responded to him with a photo of the area and a zoom of the map the Board members had and he got back to him via email and he didn't see a problem with it.

Chairman O'Brien asked if there were any questions. Mr. Zabala stated that there were other structures on the road such as a barn that had probably been there for some time and appears to be as close as the proposed garage. Mr. Smith said down the road about less than a quarter of a mile there was a barn that was about 15 ft. or 20 ft. of the road. He further stated it was a very rural area fairly low traveled and across the street was complete woods and it sloped up quite a bit he didn't believe anyone would want to build that close to the road. Mr. Ramsdill said there was a drainage ditch that ran along the edge of the road. Mr. Smith said there was a drainage ditch and it was fairly small one and it was close to the pavement at that location. Mr. Smith said there was a twenty four inch Maple that may have to come down, Mr. Lant wanted to try and save it but he and the contractor looked at it and unless he gets really lucky it's probably going to interfere with the root system and it would kill the tree; so the decision was to maybe take the tree down. Mr. Smith explained that there were a group of trees that provided sufficient shade to the road if anyone was concerned about that. He further explained

that Mr. Lant wanted to have the garage accessible to the driveway rather than trying to drive the cars across the lawn.

Mr. Ramsdill made a motion to approve Appeal No. 2015-26 for David C. Smith for John and Susan Lant, 117 Phillips Road, Valley Falls, N.Y. 12185. Request for an Area Variance for front yard setback requested relief of 32.37 ft. for a proposed 24' x 40' garage, pursuant to Schedule "B" Residential District Two and Section 129-157 Projections into required yards; property located at 45 Woodard Road, Gansevoort, N.Y. 12831 Tax Map No. 101.-1-110, zoned R-2 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 there are no properties in the immediate area where the garage would go and there are other similar rural buildings that are within a similar distance from the side of the road in that stretch of Woodard. 2. The applicant has demonstrated that the benefit sought cannot be achieved by some method feasible for the applicant to pursue other than by an Area Variance because the nature of the driveway and the way that the current building, the well and the underground gas container, propane container are set up it's difficult to access the rear portion of the property without some substantial work being done. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it's the minimum to be able to build the structure and it's going to be located in an area that won't really intrude much on the property. 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 it's consistent with other properties in the area that the property is located at, there is no ability to build directly across the street or near the edge of the property. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

**ADJOURNMENT:**

Mr. Barrett made a motion to adjourn the meeting at 7:28 p.m. Mr. Kolligian seconded the motion. All board members were in favor. The motion passed.

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

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Amy DiLeone  
Zoning Clerk