

WILTON ZONING BOARD OF APPEALS
THURSDAY, December 8, 2022

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, December 8, 2022, at Wilton Town Hall and was called to order by Chairman O'Brien at 7:01 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Chairman O'Brien, Vice Chairman Christopher Ramsdill, Robert Barrett, Jim Deloria, Scott Kingsley, Dean Kolligian, and Jay Rifenbary. Also present was Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

ABSENT: Jay Rifenbary.

MINUTES: The minutes of the last meeting, held on October 27, 2022, were approved, as submitted, on a motion made by Mr. Kingsley, seconded by Mr. Deloria. 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. 2021-35 Leslie Paddock and Jamie Gagne, 363 Ruggles Road, Gansevoort, New York 12831. Request for the extension of a Special Use Permit for Agriculture with animals, for chickens, pursuant to Schedule B, R-2 District and §129-175 D (1)-(7) of the Zoning Ordinance; property located at 363 Ruggles Road, Tax Map No. 129.-1-72.2, zoned R-2, in the Town of Wilton. SUP No. 2021-35, originally granted January 27, 2022, for one year conditioned on a max of 12 chickens and no roosters with a maintained fence to keep chickens on the property, is due for review and extension on or before January 27, 2023.

Mr. O'Brien read correspondence from Leslie Paddock, 363 Ruggles Road, asking to be placed on next months agenda, which has been placed in record.

Mr. Ramsdill made a motion to table, at the applicants request, SUP No. 2021-35, Leslie Paddock and Jamie Gagne, 363 Ruggles Road, Gansevoort, New York 12831. Request for the extension of a Special Use Permit for Agriculture with animals, for chickens, pursuant to Schedule B, R-2 District and §129-175 D (1)-(7) of the Zoning Ordinance; property located at 363 Ruggles Road, Tax Map No. 129.-1-72.2, zoned R-2, in the Town of Wilton, until the next meeting. Mr. Kolligian seconded the motion. All were in favor. The motion passed.

Wilton Zoning Board of Appeals
Regular Meeting December 8, 2022

OLD BUSINESS:

Appeal No. 2022-16 Michael Aquilino, 10 Jessica Trace, Gansevoort, New York, 12831. Request for an Area Variance pursuant to Schedule A, R-1 District, of the Zoning Ordinance; property located at 10 Jessica Trace, Gansevoort, New York 12831, Tax Map No. 127.20-1-4, zoned R-1, in the Town of Wilton.

Mr. O'Brien read correspondence from Michael Aquilino, 10 Jessica Trace, wishing to withdraw his application before the Board, and has been placed in record.

Appeal No. 2022-16 has been withdrawn.

NEW BUSINESS:

Appeal No. 2022-19 Kirk Moline, 1 Lakeview Drive, Gansevoort, New York, 12831. Request for Area Variances pursuant to Schedule A, R-1 District, and §129-157 A. of the Zoning Ordinance; property located at 1 Lakeview Drive, Gansevoort, New York, 12831, Tax Map No. 140.7-1-22, zoned R-1, in the Town of Wilton.

Mr. O'Brien read correspondence from the applicant, Kirk Moline, 1 Lakeview Drive, explaining that he is in Florida until the spring, thus would not be present at the ZBA meeting. Mr. O'Brien also read correspondence from Steven Scoville, 6 Lakeview Drive, recommending that the Board approve the request for an Area Variance. Both pieces of correspondence have been placed in record.

Mr. Kingsley asked if the tool shed would have been in compliance in 1995 when it was built, and Mr. Mykins replied a permit would not have been needed for 100 sq. ft. or less, and that the shed is bigger than that.

Mr. O'Brien opened the public hearing at 7:08 p.m.

Jeremy Wilson, 3 Lakeview Drive, explained that he was made to make his property what everybody wanted in the neighborhood, that he was not allowed to work on his son's truck or anything. He then explained that all he asks is if he is getting treated like this then Kirk Moline, 1 Lakeview Drive, should have building permits for everything. He, Mr. Wilson, added that the sheds are in his, Mr. Moline's, front yard, and the gazebo was overhanging on his (Mr. Wilson's) property, but Mr. Moline took it down.

Mr. Mykins explained that Mr. Moline has a permit application into the Town, and by right, can come in front of the ZBA to ask for a variance for the placement of the sheds.

Mr. Wilson said he was never told that when he was applying for his permits. He was told he had 30 days or \$1,000.00 fine per day for every violation, which is a thick stack of paperwork.

Stacey Woodcock, 3 Lakeview Drive, shared that everybody just wants to complain and complain. Mr. Wilson explained he wanted to make everybody happy and is not there to

Wilton Zoning Board of Appeals
Regular Meeting December 8, 2022

make the neighborhood a disaster, that he is there to comply and make sure everybody else is. He added that he is ready to go around the neighborhood to make everybody comply, that the Building Department don't want to go around his whole neighborhood and does not want to violate anyone else in the neighborhood, only him.

Mr. Mykins explained that was not true. Mr. Moline was served a violation letter the same way and came into the Building Department. Discussion continued between Mr. Mykins and Mr. Wilson.

Mr. Kingsley stated that he thought that the Board needs to coalesce and deal with the application. Mr. Ramsdill agreed. Discussion continued between Mr. Wilson, Ms. Woodcock, Mr. Mykins, Mr. O'Brien, Mr. Ramsdill, and Mr. Kingsley.

There was discussion between Mr. Kolligian and Mr. Mykins regarding the application. There was discussion between Mr. O'Brien, Mr. Ramsdill, Mr. Mykins, and Mr. Wilson regarding property line distance, zoning, and structure size.

Mr. Deloria asked if the sheds could be moved towards the house.

Mr. Kolligian asked how this was identified. Mr. Mykins said the complainant. Discussion continued.

Mr. O'Brien closed the public hearing at 7:18 p.m.

Mr. Ramsdill made a motion to approve Appeal No. 2022-19, Kirk Moline, 1 Lakeview Drive, Gansevoort, New York, 12831. Request for an Area Variance pursuant to Schedule A, R-1 District, and §129-157 A. of the Zoning Ordinance; property located at 1 Lakeview Drive, Gansevoort, New York, 12831, Tax Map No. 140.7-1-22, zoned R-1, in the Town of Wilton, be granted, for 6 ft. east side yard setback relief for the existing tool shed, deviating from the original application as the pavilion has been removed; property located at 1 Lakeview Drive, Gansevoort, New York, 12831, Tax Map No. 140.7-1-22, 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 Variance because the structure has been on the property since 1995, it is aesthetically pleasing, and fits in with the neighborhood.
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 this is a pre-existing structure and would be extremely difficult to move to bring into compliance other than through an area variance.
3. The applicant has demonstrated that the requested Area Variance is not substantial because it is angled towards the corner of the property and is not penetrating that far into the setback.
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 has existed since 1995, it is in good repair, and is aesthetically pleasing.
5. The applicant has demonstrated that the alleged difficulty is self-created.

Wilton Zoning Board of Appeals
Regular Meeting December 8, 2022

Mr. Deloria seconded the motion. All board members present were in favor. The motion passed.

Appeal No. 2022-20 Deborah and Patrick Norris, 716 Wilton/Gansevoort Road, Gansevoort, New York, 12831. Request for an Area Variance pursuant to Schedule E, RB-1 District, and §129-157 A. of the Zoning Ordinance; property located at 716 Wilton/Gansevoort Road, Gansevoort, New York, 12831, Tax Map No. 101.-1-85, zoned RB-1, in the Town of Wilton.

Patrick and Deborah Norris, 716 Wilton/Gansevoort Road, were present and explained the application to the board.

Mr. O'Brien opened the public hearing at 7:21 p.m.

Kristen Allen, 714 Wilton/Gansevoort Road, spoke her concern about water runoff, drainage, and water tables because the clay soil is not very good with drainage. She stated her sump pump runs several times an hour, and her septic and leachfield are along the side yard where the garage is being proposed.

Mr. Kingsley confirmed with Mr. Norris that the proposed garage will have a cement foundation and flooring.

Mr. Ramsdill confirmed with Mr. Norris that the proposed garage's roof will pitch towards Ms. Allen's property. Mr. Norris said they could put up gutters. Discussion continued. Mr. Mykins suggested constructing a swale.

Discussion conspired between Mr. and Mrs. Norris, Ms. Allen, Mr. Mykins, Mr. Ramsdill, and Mr. Deloria regarding existing conditions on both Mr. Norris' property and Ms. Allen's property. Ms. Allen voiced her concern about where the gutters will drain to. Mr. Ramsdill explained the swale will direct the water to the rear of Mr. Norris's property.

Mr. Deloria explained he would feel more comfortable approving this application if he knew what the plan was. Discussion continued between Mr. and Mrs. Norris, Mr. Ramsdill, Mr. Deloria, and Mr. Mykins regarding drainage.

Mr. O'Brien closed the public hearing at 7:31 p.m.

Mr. Ramsdill made a motion to approve Appeal No. 2022-20, Deborah and Patrick Norris, 716 Wilton/Gansevoort Road, Gansevoort, New York, 12831. Request for an Area Variance pursuant to Schedule E, RB-1 District, and §129-157 A. of the Zoning Ordinance; property located at 716 Wilton/Gansevoort Road, Gansevoort, New York, 12831, Tax Map No. 101.-1-85, zoned RB-1, in the Town of Wilton, be granted, conditioned on both a swale being constructed along the property line and gutters installed to divert water away from the neighbor's property to the rear of the applicants property to the wooded area, for 20 ft. east side yard setback relief for for a proposed 768 sq. ft. two story detached garage, property located at 716 Wilton/Gansevoort Road, Gansevoort, New York, 12831, Tax Map No. 101.-1-

Wilton Zoning Board of Appeals
Regular Meeting December 8, 2022

85, 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 garage will be fitting with the existing structure, will be an improvement from the woodshed that is currently there, and improve aesthetics. 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 left side of the property slopes down and is consistently wet, the driveway is established with the house, and the septic and the deck run along the back of the yard, leaving only the west side of the building to support the structure. 3. The applicant has demonstrated that the requested Area Variance is substantial, but because of the existing property conditions there are no alternatives. 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 will be an improvement from what is existing and will allow them to place their vehicles within the property. 5. The applicant has demonstrated that the alleged difficulty is self-created

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

Adjournment:

Mr. Kolligian made a motion to adjourn. Mr. Ramsdill seconded the motion. All board members were in favor. The meeting was adjourned at 7:33 p.m.

Dated: December 9, 2022

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Joseph O'Brien, Chairman