



**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

**AMY DiLEONE**  
Zoning Clerk

**MARK MYKINS**  
Zoning Officer

## **WILTON ZONING BOARD OF APPEALS THURSDAY January 28, 2016**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, January 28, 2016 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, James Deloria, Gerard Zabala, Charles Foehser and Scott Kingsley. Also present were Justin Grassi, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

**ABSENT:** Dean Kolligian and Tony McCracken

**MINUTES:** The minutes of the last meeting, held on November 19, 2015 were approved, as submitted, on a motion made by Mr. Kingsley seconded by Mr. Barrett. All board members were in favor.

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

### **OLD BUSINESS:**

**APPEAL NO. 01-40** Olan Aldrich and Janice Orozco, 286 Loudon Road, Saratoga Springs, N.Y. 12866. Renewal of a Special Permit for an accessory apartment; property located at 286 Loudon Road, Tax Map No. 154.-1-23, zoned R-2. Special Permit originally granted on December 4, 2001 for a period of two years, is due for review and renewal.

Christopher Orozco said he was there to represent his mother Janice Orozco and he wished to renew the permit for his grandfather to continue living in the accessory apartment. Chairman O'Brien asked Mr. Mykins if there had been any problems. Mr. Mykins said no not at this time. Chairman O'Brien asked if there were any questions. There were none.

Mr. Zabala made a motion to approve Appeal No. 01-40 for Olan Aldrich and Janice Orozco, 286 Loudon Road, Saratoga Springs, N.Y. 12866. Renewal of a Special Permit for an accessory apartment; property located at 286 Loudon Road, Tax Map No. 154.-1-23, zoned R-2. Special Permit originally granted on December 4, 2001 for a period of two years, for renewal for another two years.

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

**RENEWALS:**

**APPEAL NO. 2006-01** Richard and Lucy Butler, 29 Dimmick Road, Gansevoort, New York 12831. Request for the renewal of a Special Permit pursuant to Sections 129-176 V and Y of the Zoning Ordinance for the keeping of agricultural animals and the boarding of horses; property located at 29 Dimmick Road, Tax Map No. 102.-1-39.2, zoned R-2. Permit was originally granted on January 26, 2006 for two years and is due for review and renewal.

Mr. Butler said he would like to renew his Special Permit. Chairman O'Brien asked if there had been any changes. Mr. Butler said no changes. Chairman O'Brien asked Mr. Mykins if there had been any problems. Mr. Mykins said there had been no problems. Chairman O'Brien asked if there were any questions. There were none.

Mr. Barrett made a positive motion to approve Appeal No. 2006-01 for Richard and Lucy Butler, 29 Dimmick Road, Gansevoort, New York 12831. Request for the renewal of a Special Permit pursuant to Sections 129-176 V and Y of the Zoning Ordinance for the keeping of agricultural animals and the boarding of horses; property located at 29 Dimmick Road, Tax Map No. 102.-1-39.2, zoned R-2, in consideration of all findings of Section 129-175 (D), for a period of two years.

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

**APPEAL NO. 2014-03** Kenneth West, 6 West Lane, Saratoga Springs, NY 12866. Request for renewal 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, Saratoga Springs, N.Y. 12866, Tax Map No. 128.-1-29.1, zoned R-2. Permit was originally granted on January 23, 2014 for a period of two years is due for review and renewal.

Mrs. West introduced herself as Lori West, Kenneth West's wife. Chairman O'Brien asked Mr. Mykins if there were any questions. Mr. Mykins said no everything was good. Chairman O'Brien asked if there were any other questions. There were none.

Mr. Ramsdill made a motion to renew Appeal No. 2014-03 for Kenneth West, 6 West Lane, Saratoga Springs, NY 12866. Request for renewal 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, for an additional two years.

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

**NEW BUSINESS:**

**APPEAL NO. 2016-01** Justin Bergin, 110 Ruggles Road, Saratoga Springs N.Y. 12866. Request for a Special Permit pursuant to Sections 129-175 D. (1)-(7) and 129-176 C. (1) and (2), for a home occupation of a start-up microbrewery; property located at 110 Ruggles Road, Saratoga Springs, N.Y. 12866, Tax Map No. 154.-2-41, zoned R-2 in the Town of Wilton.

Chairman O'Brien stated they were missing a green card from Lucy Ramos. Mr. Bergin said that was correct and they didn't know why it was not returned. Chairman O'Brien noted that she was in Brooklynn. Mr. Bergin said she was an adjacent land with an empty lot.

Chairman O'Brien asked Mr. Bergin to explain briefly, what he would like to do to the members. Mr. Bergin said he currently brews at home with anywhere between

two and four friends and they brew twenty to thirty gallon batches. Mr. Bergin said federally you were limited to brewing up to two hundred gallons a year, so they brew up to that. Mr. Bergin said one of his friends has a desire and so does he to brew more than that. He explained that New York State has made it easier to get the licensing and the cost has come down making the licensing more obtainable and relatively easy to permit. He states they went through the viability of basically getting the licensing so they can brew more and sell a small amount to friends; technically, it was illegal to sell it in any capacity. Mr. Bergin explained that this would make it a legal standing as he communicated to Mr. Mykins the local ordinance allows one employee so this would be a decrease in relative traffic because he would only be allowed to have one person there when he was actually brewing. He said that in terms of waste and relative amount of traffic on the property he was not looking to have tastings or anything like that. Mr. Ramsdill said you are going to drink it all yourself so there won't be any waste. Mr. Bergin said that's the problem. Mr. Bergin said sizing they were looking at between 200 and 1000 gallons a year, which isn't really that, much. Mr. Bergin explained that one of the neighbors talked to him about water consumption and in terms of that, it was less water than adding a person to the residence, it was just his wife and himself and it was a rather small-scale endeavor.

Chairman O'Brien asked if he had a license to do this through the state. Mr. Bergin said no. He was requesting this permit then he would form a company and then he would request two licenses, a state license and a federal license. Mr. Bergin said he couldn't apply for those licenses before he gets this one. Mr. Mykins said the first step was to meet the local zoning. Mr. Bergin said correct and when he gets to the state licensing and they will ask if he meets local zoning. Mr. Bergin explained it took him about 6 months to iron all the permits out and this was the first step, the next step was to establish a company/LLC and then apply for the state and federal licenses in conjunction the State Liquor Authority and the Federal Tax and Trade Bureau.

Mr. Zabala said you have to brew the grain, you have to heat it up was he doing that on a conventional stove or a special burner or something like that. Mr. Bergin said he had a solid fuel boiler in his barn/garage and it pre-heats all the water, when he mashes the grains the water comes right off the boiler that's allowed on his property he has a permit for it. He further explains that once you get the sugar from the grain you have to boil it for about an hour and that was done in a pot outside, he explained he had a small propane burner and that ran off the propane that was on the property. Mr. Bergin said one neighbor asked how much steam was generated and he said they boil down about 10% of the volume over the course of an hour or so and with a 30-gallon batch, you boil off about 3 gallons, it dissipates within two or three feet of the pot. Mr. Bergin said to think of it as a large lobster pot. Mr. Zabala asked how close was the nearest occupied residential home to the brewing equipment. Mr. Bergin said Lucy Ramos doesn't occupy the land to the

north and then it goes over a hill and down the hill and he was guessing 500 ft. to 1000ft. to the neighbors on the north. Mr. Mykins said it was close to about 2000 ft. Mr. Ramsdill said Mr. Bergin sat very far back from the road. Mr. Bergin said he was about 400 ft. back. Mr. Zabala said the reason he was asking was if there were vapor of aromas within the vapors that some people might not find pleasant, he didn't think it to be too close to the residence. Mr. Barrett said the most unpleasant part is that it smells like somebodies baking bread. Mr. Zabala said again some people may have an aversion to that, it sounds like it would be pretty isolated. Mr. Bergin said he thought the closest neighbor was to the south, he was maybe five hundred to six hundred feet, and that was currently a rental and he had spoken to him.

Mr. Deloria asked if they could condition the approval contingent on Mr. Bergin getting all of his other permitting, federal permitting and state permitting. Mr. Barrett said he needed their approval in order to get the permits. Mr. Barrett said he needs our approval first to get the permits. Mr. Kingsley said he couldn't even apply for the license. Mr. Deloria said he understood that and you could conditionally approve it and grant it to him. Mr. Mykins said he was already brewing and was looking to brew on a larger scale that is why he needed the permits. Attorney Grassi said essentially the condition that you would have to put in place would prohibit him from brewing above a certain level until he receives the government approvals. Mr. Mykins said that was already by law he couldn't do that anyway. Mr. Deloria said he understood he needed this to get that. Mr. Mykins said right and putting that condition on it was kind of a moot thing because he can't do that anyway because he doesn't have the approval. Mr. Barrett said he was limited to the amount of beer he was allowed to brew anyway. Mr. Mykins said he can't brew five thousand gallons if we give him the approval. Mr. Deloria said he looked at as they were issuing a Special Permit but on the other hand if doesn't get his other permitting federal, state or whatever he needs. Mr. Mykins said and then he goes against the law then he will have to deal with a whole separate thing. Mr. Barrett said they were the least of his worries. Mr. Kingsley said they had this with gun dealers they come in looking for a Special Permit and they have to apply for that before they can get their federal approval. Mr. Barrett said you could set a condition on it that retail is not allowed. Mr. Mykins said he could not sell it from the property. Mr. Barrett said he was not going to do that anyway. Mr. Bergin said it was going to cost him about \$20,000.00 between permits and getting the right equipment to do the next size. Mr. Bergin said a two-year permit was fine, it was going to take him a year to get the licensing and it gives a year in review if any of his neighbors have questions. Mr. Bergin said he had talked with some of the neighbors; he had no desire to be a bad neighbor that gives them a year experience. Mr. Bergin said if it takes longer to get the permits he would be back there in that time frame and the risk is put upon him and that was what they did with their chickens that came up for renewal. Mr. Kingsley asked if they still had the chickens.

Mr. Bergin said yes we do. Mr. Kingsley if the chickens were housed in a separate facility other than where you are going to be brewing. Mr. Bergin said yes.

Chairman O'Brien asked if there were any questions. There were none. Attorney Grassi recommended that being a home occupation, unlisted action that they go through part 2 of the Short Environmental Assessment Form.

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

Mr. Ramsdill asked if the retail sales was that restricted anyway or was that something that needed to be incorporated into the motion. Mr. Mykins said it could be incorporated into the motion. Mr. Ramsdill asked if you could ever sell directly out of the property if he has permission to brew or would that be a separate permit. Mr. Ramsdill said he was just wondering if it was necessary. Mr. Barrett said he would be doing wholesale, the application stated he was going to try to sell to a couple bars. Mr. Bergin said it depended upon the level of the license that you get. He said it was possible to get a permit, have on premise sales and what he put in the application was, it stipulates no increase in traffic so he was not seeking that. Mr. Barrett said no on premise sales. Mr. Bergin explained by that he meant that no one was going to come and try to buy from it there and he explained to Mr. Mykins was once or twice a month they would put three or four kegs in the back of the truck drive it off the property, deliver it and that it would be part of the normal traffic from the house. Mr. Bergin said if that was intent on restricting on premise sales he thought, it would be fine to include it in the motion.

Chairman O'Brien asked if there were any other questions. There were none.

Mr. Ramsdill made a motion to approve Appeal No. 2016-01 for Justin Bergin, 110 Ruggles Road, Saratoga Springs N.Y. 12866. Request for a Special Permit pursuant to Sections 129-175 D. (1)-(7) and 129-176 C. (1) and (2), for a home occupation of a start-up microbrewery; property located at 110 Ruggles Road, Saratoga Springs, N.Y. 12866, Tax Map No. 154.-2-41, zoned R-2 in the Town of Wilton. In consideration of all findings in Section 129-176 D for a period of two years conditioned upon no sales at the location on the property.

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

**APPEAL NO. 2016-02** Thomas and Deborah Case, 237 Loudon Road, Saratoga Springs, N.Y. 12866. Request for an Area Variance pursuant to Section 129 Attachment 8, Schedule B, for a proposed two lot subdivision, Area Variance for

frontage needed on proposed new lot (lot B); property located on 237 Louden Road, Saratoga Springs, N.Y 12866, Tax Map No. 154.-2-11.211, zoned R-2 in the Town of Wilton.

Chairman O'Brien noted that there were some green cards missing Thorsen, Borden and Conley. Mrs. Case said the people across the street were the Bordons and they probably didn't go to the post office. Chairman O'Brien asked Mrs. Case how many there were all together. Mrs. Case said there were eighteen. Mr. Case explained the reason they sent so many of those was because they own 24 acres around the piece of property they were giving to their kids and their property borders all of those. Mr. Case said there were only two people that actually touch the property, one was Brower's and the other one was them. Mr. Ramsdill said they had to do the entire back perimeter. Mr. Case said they had already done ground water certification, survey and drilled the well. Mr. Case stated that he builds houses for a living. Chairman O'Brien asked who owned the house in the front Brower. Mr. & Mrs. Case said they were across the street. Mrs. Case said it was on the south side of Louden and the house itself would end up being number 242. Mr. Ramsdill asked if the house was in the trust of Emily Brower. Mrs. Case explained that they owned the one-acre piece on the same side and that was her aunt. Mrs. Case said she was the fourth generation that owned the land and her daughter and her kids would be the sixth. Mrs. Case said that because it was narrow, they pushed it back. Mr. Case said they pushed it back about 250 ft. off the road. Mr. Barrett said they needed this or the rest of the property was going to be landlocked. Mr. Case said yes, the 24 acres would be landlocked. Mrs. Case said the odd numbers she was trying to keep, not in her lifetime but maybe in theirs to be able to have a sixty-foot right of way if anybody wanted to do that for future generations if it was needed. She further explained that because of the angle 63.60 ft. from the road what was left was 47.79 ft. on the other side of the A frame and that leaves 202 ft. from 21 ft. that's 250 ft. there would not have to be a variance for that. Mr. Case said they had just given land to the Town of Wilton, they donated some land. Mrs. Case said they inherited too much. Mr. Zabala asked about the garage and the shed on sub lot A. Mr. Mykins said it was a separate parcel. Mr. Case said that they owned that. Mr. Zabala asked about the septic being there and was it for the garage. The Cases said it was actually an apartment. Mr. Case said the property had been there for fifty years. Mr. Deloria asked if the parent parcel was the 24-acre parcel. Mr. Barrett said the one that they were looking at was B. Mr. Case said they made sure they gave them the property to help them get back there. Mrs. Case said she tried to get the one-acre piece from her aunt. Mr. Kingsley asked how many feet is the proposed driveway. Mr. Case said that 250 ft. Mr. Kingsley said from the one-acre lot. Mrs. Case said no, the frontage is 75.89 ft. Mr. Kingsley said so the driveway to the property line on the one-acre lot is how many feet. The Cases asked how many feet back. Mr. Kingsley said from the proposed driveway to the property line. Mr. Mykins said it was only proposed there was no driveway there. Mr. Barrett said it was vacant land. Mr. Case explained what they had done was back where the

house was going they had conformed to all the codes. Mr. Ramsdill said they couldn't put anything in unless it conformed to zoning. Mr. Mykins said correct and in order to put the driveway in you need a driveway permit. Mrs. Case said it was one big open field and Mr. Case said it was cleared and it's a big wide-open lot.

Chairman O'Brien asked if there were any other questions. There were none.

Mr. Ramsdill made a motion to approve Appeal No. 2016-02 for Thomas and Deborah Case, 237 Loudon Road, Saratoga Springs, N.Y. 12866. Request for an Area Variance pursuant to Section 129 Attachment 8, Schedule B, for a proposed two lot subdivision, Area Variance for frontage needed on proposed new lot (lot B) in the amount of relief requested 174.11 ft.; property located on 237 Loudon Road, Saratoga Springs, N.Y 12866, Tax Map No. 154.-2-11.211, zoned R-2 in the Town of Wilton, be 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 of the unusual bottle neck layout of the property with the large area in the rear, makes this is the most efficient way to use the space without infringing upon the road frontage for the rest of 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 an Area Variance because of the way the property is laid out, it has a large amount of land in the rear with a limited amount of frontage. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it's a minimal amount, to leave the remaining property more likely to conform in the future. 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 and will be set back from the road and will fit in nicely where it is. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

**APPEAL NO. 2016-03** Kathryn Taylor Anilowski, 27 Tom Sawyer Drive, Gansevoort N.Y. 12831. Request for an Area Variance pursuant to Schedule "A", Sections 129-157 and 129-109, for a proposed carport on the north side of the home; property located at 27 Tom Sawyer Drive, Gansevoort N.Y. 12831, Tax Map No. 114.20-1-21, zoned R-1 in the Town of Wilton.

Mr. Hoyt said he was there to represent Kathryn Taylor Anilowski. Chairman O'Brien noted they were missing a green card from Mr. Allan Eddy. Mr. Hoyt said

he lived across the street, kitty corner and just hasn't responded. Mr. Hoyt said he would like to build a carport on the north side of the house. Mr. Hoyt said any carports or garages have to be a certain number of feet from the property line and the home itself is closer to that and rather than have the carport behind the house they would like to have the carport on the proposed area or she would. Mr. Ramsdill asked why they couldn't put it on the left side. Chairman O'Brien said he was wondering the same thing. Mr. Hoyt said that was the side of the house she wanted to have the volleyball net etc. the play side of the house. Mr. Barrett said she could put it on that side of the house if she needed to. Mr. Hoyt said there was no driveway over there. Mr. Ramsdill said the wellhead was there and they were very close to the neighbors' property on the right side of the house. Mr. Barrett said he drove past there that afternoon and the wellhead was very close to the side of the house he asked Mr. Hoyt if they were well inside the 14 ft. that they were asking. Mr. Hoyt said if it still had to be pulled; it would still be able to be pulled. Mr. Barrett said he was more concerned about someone running it over with a car if you were trying to park it on a dark night wrecking the well. Mr. Barrett said logistically it seems like a silly place to put a carport in his opinion they would be better off putting it in the backyard or on the other side of the yard where they had some space. Mr. Barrett said they didn't have a paved driveway. Mr. Hoyt said no it's gravel. Chairman O'Brien said Mr. Hoyt said the main reason was she wanted to put a volleyball net on that side. Mr. Hoyt said yes for the grandchildren's play area. Mr. Barrett asked if she had a large backyard. Chairman O'Brien said it looked like it was large enough to put a volleyball net anywhere. Mr. Hoyt said the backyard was very close to the ravine and there was probably a 75 ft. drop back there. Mr. Mykins said that didn't start for at least 50 ft. or 60 ft. behind the house, she had two sheds back there that were 35 ft. back. Mr. Hoyt said they had been removed. Mr. Kingsley asked if there were a door on that side, you would still have to walk around to the front door. Mr. Hoyt said correct. Mr. Mykins asked if they knew the location of the septic system. Mr. Hoyt said that he believed it was the opposite side of the house in the back yard. Chairman O'Brien said it looked like it was just off the wood deck in the back. Mr. Mykins said he wasn't sure. Mr. Hoyt said yes right there by the back steps. Mr. Ramsdill said there were a few trees there and asked if they had to be removed. Mr. Hoyt said no. Mr. Ramsdill saw the structure on the side of the house and asked if that was something, he had already started. Mr. Hoyt said that was something he had already started not knowing that there would be a zoning thing for a carport, he figured a garage yes but he had no clue that there would be a zoning restriction on a carport. Mr. Hoyt explained that the one he started building was just going to have a canvas top. Mr. Zabala said Doreen Delucia's lot was right next to them and asked if there was a structure anywhere near, that lot line. Mr. Hoyt said no it was 40 ft. or 50 ft. off the property line. Mr. Barrett said they were on the other side of the trees that runs straight back and there was another house maybe 25 ft. from there. Mr. Zabala said he thought there was a structure there. Mr. Hoyt said there use to be a shed back there on Ms. Analowski's property but it was removed. Mr. Deloria asked what the plan was as

far as the well was concerned, protection of the well casing. Mr. Hoyt said if there was something they needed to do as far as protecting the well casing they would be willing to look at that. Mr. Barrett suggested putting the carport on the other side. Mr. Hoyt said that was exactly what he suggested but that was the biggest area as far as picnicking, horseshoes and volleyball. Mr. Barrett said he didn't think that was something the Board would take into consideration that they needed to put up a volleyball net. Mr. Kingsley said they would still have 94 ft. to the next property line, the carport is 14 ft. they would still have 80 ft. Mr. Barrett said for a volleyball court. Mr. Ramsdill said he thought they were sensitive to letting people use their property the way they would like to but this was a pretty substantial relief that crowds you on the one side, when you have a significant amount of room on the other side and easy access. Mr. Ramsdill said there was no door on that side and he thought it would be hard for some of the people on the Board himself included to justify the position on the right side infringing on the property line. Mr. Hoyt said and on the other side of the house, there wasn't even so much as a window. Mr. Hoyt said he was just representing Ms. Anilowski and he made the same suggestions that the Board was. Mr. Foehser asked about a landing on the other side of the house and if it was a door to a bedroom or something in the back there. Mr. Hoyt said no it was an entrance with the furnace, washer and dryer kind of like a mudroom and the electrical panel. Mr. Foehser asked if there was entry to the house from there. Mr. Hoyt said yes into the kitchen. Mr. Zabala asked what was going to be under the proposed carport. Mr. Hoyt said probably concrete or gravel. Mr. Zabala asked about a car radiator leaking and contaminates the well that would be a concern. Mr. Barrett said he was there this afternoon and it would be a fairly tight fit for a car to fit between the wellhead and the house and it sticks up far off of the ground. Mr. Deloria said if you every had anyone plow back to the carport and they didn't know where the wellhead was they could take it right off. Mr. Barrett said you could take it off at night pulling in. Mr. Barret said that there was a significant amount of space on the other side of the house, if there was a service door on that side maybe but there isn't. Chairman O'Brien said if they took it and moved it back; they wouldn't need the front variance either. Mr. Ramsdill said on the other side. Chairman O'Brian said you wouldn't need either variance. Mr. Deloria asked how many cars. Mr. Hoyt said one. Mr. Ramsdill said to get a copy of the minutes from the meeting and say I told you so. Mr. Hoyt said no way he was not touching that. Chairman O'Brien asked Mr. Hoyt if he saw where they were coming from. Mr. Hoyt said he was not that unreasonable. Chairman O'Brien said that if it was going back on the other side and they moved it back 20 ft. they would not need any variances. Mr. Barrett said you could take the frame and just carry it around the other side of the house. Mr. Mykins said no they couldn't do that. Chairman O'Brien said if they wanted it to stick out in front of the house, they would still want the 20 ft. variance in the front. Mr. Hoyt said if it were to go to the other side there would be no need for it and reason for it on the other side was the well casing. Mr. Barrett said he thought it would be a good compromise to put it on the other side because they wouldn't be any further from the door, still would

have plenty of room 60 ft. for a volleyball court. Mr. Deloria said he didn't understand when he was talking about the septic system, it was not marked on the drawing, it was all well and great to move it to the other side but you need to figure out where the septic system is. Mr. Hoyt said it was behind the house beyond the deck. Mr. Barrett said that what was being talked about was the gravel driveway; the gravel would have to be moved from one side to the other. Mr. Barrett said gravel driveways were cheaper than wellheads. Chairman O'Brien asked if Mr. Hoyt saw where they stood. Mr. Hoyt said this is going to be denied. Chairman O'Brien said he couldn't say definitely one way or the other. Mr. Grassi said it may be up to the applicant at this point if he has a couple choices here if he wanted to withdraw he could or if he wanted to have the Board put it on hold pending seeing if it fits on the other side and then withdraw at that point if it did or you could ask the Board to make a decision right now in which case you could be denied and if you needed another front yard variance you would have to reapply.

Chairman O'Brien asked if they would like to adjourn this. Mr. Hoyt said yes they might want to confer. Mr. Mykins said adjourn to the next month. Chairman O'Brien said adjourned until next month. Mr. Hoyt said that worked.

Mr. Ramsdill made a motion to adjourn until next month. Mr. Deloria seconded the motion. All Board members were in favor.

**APPEAL NO. 2016-04** Jeffery Klein, 122 Edie Road, Saratoga Springs, N.Y. 12866. Request for a Special Permit pursuant to Sections 129-175 D. (1) –(7) and 129-176 C. (a) – (e)., for a home occupation of making gluten free baked goods, candies and basil pesto to be sold at farmers markets. Property located at 122 Edie Road, Saratoga Springs, N.Y. 12866, Tax Map No. 141.-2-22, zoned R-2 in the Town of Wilton.

Mr. Klein approached the Board and explained he would like to sell baked goods, candy and pesto at farmers markets and he would like to do everything on the up and up. Mr. Klein said he could probably just bake stuff at home and never say a word but he preferred to do it properly and he wanted to get a Department of Agriculture home kitchen permit that says he could do those things in his home. Chairman O'Brien asked if there would be any retail out of his home. Mr. Klein said no retail just farmers markets. Mr. Kingsley asked if like the previous applicant the condition of the Special Permit required before he got the Agriculture and markets. Mr. Klein said he could get the Agriculture and markets but he just liked doing things on the up and up if he was going to have a home based business. Mr. Ramsdill said there was no alcohol involved so you're clear. Mr. Klein said there was no alcohol, he was not doing two thousand gallons of beer, and he said he had hens but they didn't live in the house. Mr. Zabala asked if Mr. Klein would be accepting deliveries. He said no, he was talking really small he would go down to Albany Restaurant Supply and pick stuff up. Mr. Klein said he was thinking of retiring soon and liked to have

hobbies. Attorney Grassi said similar to the last home occupation this would be an unlisted action and they should go through SEQRA whenever the Board was ready.

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

Chairman O'Brien asked if there were any questions. There were none.

Mr. Deloria made a motion to approve Appeal No. 2016-04 for Jeffery Klien, 122 Edie Road, Saratoga Springs, N.Y. 12866. Request for a Special Permit pursuant to Sections 129-175 D. (1) –(7) and 129-176 C. (a) – (e)., for a home occupation of making gluten free baked goods, candies and basil pesto to be sold at farmers markets. Property located at 122 Edie Road, Saratoga Springs, N.Y. 12866, Tax Map No. 141.-2-22, zoned R-2 in the Town of Wilton.

Mr. Ramsdill seconded the motion. Chairman O'Brien asked if there was any further discussion. Mr. Kingsley said it might be hyper technical but part of the motion was baking gluten free baked goods. Mr. Klein said there was a big market for that. Mr. Kingsley said he didn't want to limit him to that if technically if you were going to bake non-gluten free baked goods the Board might want to strike gluten free from permit and just allow him to do baked goods. Mr. Klein said if that could be done here and now that would be fine with him, he didn't even think of that. He further explained his primary thing was non-gluten because it was a huge growing market. Mr. Kingsley said he understood because he was in the super market business he understood it was a huge and growing market.

Mr. Deloria formally amended the approval and motion to state it was for the occupation of making baked goods, candies and basil pesto to be sold at farmers markets.

Mr. Ramsdill said seconded the motion as amended. Mr. Zabala, Mr. Kingsley, Mr. Barrett, Mr. Foehser, Mr. Deloria, Mr. Ramsdill and Chairman O'Brien were all in favor. The motion passed.

**ADJOURNMENT:**

Mr. Zabala made a motion to adjourn the meeting at 7:48 p.m. Mr. Barrett seconded the motion. All board members were in favor. The motion passed.

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

BOARD OF APPEALS

BY \_\_\_\_\_

Amy DiLeone, Zoning Clerk

BY \_\_\_\_\_

Joseph O'Brien, Chairman