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Zoning Officer



WILTON ZONING BOARD OF APPEALS
THURSDAY, February 22, 2018

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, February 22, 2018 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: Christopher Ramsdill, Dean Kolligian, James Deloria, Gerard Zabala, Scott Kingsley, and Joseph Sabanos. Also present were Justin Grassi, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

ABSENT: Joseph O'Brien, Robert Barrett, and Charles Foehser.

MINUTES: The minutes of the last meeting, held on November 30, 2017 were approved, as submitted, on a motion made by Mr. Deloria seconded by Mr. Kingsley. All board members were in favor.

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

RENEWALS:

APPEAL NO. 01-40 Olan Aldrich and Janice Orozco-Bravo, 286 Loudon Road, Saratoga Springs, New York 12866. Request for the renewal of a Special Permit pursuant to Sections 129-176 (P) (1), (2) & (3)(c) of the Zoning Ordinance for an accessory apartment; property located at 286 Loudon Road, Tax Map No. 154.-1-23, zoned R-2, in the Town of Wilton. Special Permit originally granted on December 4, 2001 for a period of two years, is due for review and renewal.

Ms. Orozco-Bravo approached the Board and stated that she would like to renew her Special Permit. Mr. Ramsdill, Vice Chairman asked Mr. Mykins if there have been any issues with this property. Mr. Mykins said there were no issues and asked if the hardship still stood for this Special Permit. Ms. Orozco-Bravo said the hardship still stood. Mr. Mykins asked who was living in the home. Ms. Orozco-Bravo said that her father was living there with his wife. Mr. Ramsdill asked if there were any other questions from the Board and if someone wanted to make a motion.

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Mr. Sabanos made a motion to approve Appeal No. 01-40 for the renewal of a Special Permit for Olan Aldrich and Janice Orozco-Bravo located at 286 Loudon Road, Saratoga Springs, New York 12866. Request for the renewal of a Special Permit pursuant to Sections 129-176 (P) (1), (2) & (3)(c) of the Zoning Ordinance for an accessory apartment; property located at 286 Loudon Road, Tax Map No. 154.-1-23, zoned R-2, in the Town of Wilton for an additional period of two years. The motion was seconded by Mr. Deloria. All were in favor. The motion passed.

APPEAL NO. 06-01 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 with a maximum of 8 horses; property located at 29 Dimmick Road, Tax Map No. 102.-1-39.2, zoned R-2 in the Town of Wilton. Permit was originally granted on January 26, 2006 for two years, is due for review and renewal.

Mr. Richard Butler approached the Board and stated he would like to renew his Special Permit. Mr. Ramsdill asked Mr. Mykins if there have been any issues with this Special Permit. Mr. Mykins stated there were no issues. Mr. Ramsdill asked if there were any questions from Board members.

Mr. Deloria asked the owner how many horses he is boarding now. Mr. Butler said he has two horses. Mr. Kolligian asked Mr. Mykins if the maximum number of horses to board on this parcel has always been eight. Mr. Mykins said that was correct. Mr. Kolligian asked Mr. Butler if he has ever had up to eight horses on this parcel. Mr. Butler said he did have eight at one time. Mr. Butler said the maximum is eight outside horses but he could have as many as wanted himself although he has never had more than eight. He said he was grandfathered and that was what he was told when he made the original application. Mr. Mykins said the variance states a maximum of eight horses on the property. Mr. Butler said he doesn't exceed that amount. Mr. Kolligian clarified the Board would have to maintain the original variance which was a maximum of eight horses. Mr. Butler said that was fine because they are a lot of work anyway. Mr. Ramsdill asked if anyone wanted to make a motion.

Mr. Kolligian made a motion to approve Appeal No. 06-01 for Richard and Lucy Butler, 29 Dimmick Road, Gansevoort, New York 12831, for 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 for a maximum of 8 horses total. This is in consideration of all findings of Section 129-175 (D), for a period of two years; property located on 29 Dimmick Road, Tax Map No. 102.-1-39.2, zoned R-2, in the Town of Wilton. This permit was originally granted on January 26, 2006. Mr. Kingsley seconded the motion. All were in favor. The motion passed.

APPEAL NO. 2016-06 James L. Zeigler, 256 Wilton-Gansevoort Rd., Gansevoort, New York 12831. Request for the renewal Special Permit pursuant to Section 129 Attachment 8 and Section 129-176, Schedule B, to raise 24 chickens and 2 pigs; property located on 256 Wilton- Gansevoort Road, Tax Map No. 102.-1-32.113, zoned R-2 in the

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Town of Wilton. Permit was originally granted on February 25, 2016 for a period of two years, is due for review and renewal.

Mr. Zeigler asked if there was any way that he can increase the number of animals for this Special Permit. Mr. Mykins said this would be an amendment to his Special Permit and it is up to the Board. Mr. Mykins said the owner has plenty of property.

Mr. Zabala asked the owner what number of animals he would like to have on his property. Mr. Zeigler said he would like to have five pigs. He said he has hens that sit and his numbers of chickens can go past 24 pretty quickly, especially if some hatch out. He said he doesn't have an exact number for chickens although he doesn't want to run a chicken farm.

Mr. Kingsley said he wasn't opposed to increasing these numbers but it went out in the public notice that this is what the Board was considering. Mr. Mykins said it didn't go out on public notice. Mr. Kingsley said the agenda went out publically. Mr. Mykins said the agenda is posted. Mr. Kolligian stated that an amendment can be made at any point in time. Mr. Kingsley said his preference, if the Board is going to make the Special Permit more liberal which he is not opposed to, that the Board tables it for a month. Mr. Deloria asked Mr. Kingsley what is his reasoning for the waiting a month. Mr. Kingsley said it would give the neighbors and adjoining property owners a chance to weigh in. Mr. Zeigler said they are close to their neighbors – they get eggs from him. He stated the neighbors have no issues and at least one neighbor loves to hear the chickens because the neighbors grew up with chickens.

Mr. Ramsdill clarified it is a procedural thing and that the Board has to make sure they aren't setting a precedent without declaring public notice appropriately. Mr. Ramsdill asked Attorney Grassi for his thoughts on proceeding with this change. Attorney Grassi said it wouldn't be inappropriate for the Board to extend the condition for two years. He said the Special Permit is renewable to any number of years as the Board desires. Mr. Ramsdill asked what can be done if there is a modification to the numbers that are present. Attorney Grassi asked if it was to increase the number of chickens. Mr. Ramsdill said yes, for the number of chickens and pigs. Mr. Deloria said they can renew it with conditions and they are changing the conditions the Board is renewing it with.

Attorney Grassi recommended the safest route would be to publish that there would be an increase; he said, "The neighbor could say that 24 chickens is okay but 36 is not." Attorney Grassi said this would be the safest route if the number, the limitation of which the Special Use Permit was granted. Mr. Kolligan said this wouldn't be published again and there is no neighbor notification because this is not a new application. He added that it is the agenda that is posted online for public view. Attorney Grassi said that is correct. Mr. Kolligian said that he would be okay with providing an amendment to this application this evening but if the Board is so inclined to request the applicant put a number to this permit, then Mr. Zeigler could come back next month. Mr. Zeigler said this is educating his daughter on how local government works. Mr. Sabanos asked if there has been a precedence set for what has been done, what the status quo is because he would like to maintain consistency. He said there will be times when an applicant wants to increase something in the future and he wants to do it the same way every time. Mr. Mykins said it is hard to say every single time because everyone that comes in front of the Board is a

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separate application and a separate set of circumstances. Mr. Mykins said, in the past, the Board has amended for agricultural at the same meeting of the permit's renewal.

Mr. Zabala asked if there is an upper limit to the number of farm animals on this property. He asked what governs the limit. Mr. Mykins said it is the amount of acreage. Mr. Zabala asked what the ballpark figure would be for the number of pigs or chickens. Mr. Mykins said it would probably be eight pigs and 50 chickens. Mr. Zeigler said that he is on 6.5 acres. Mr. Deloria said that Mr. Zeigler would have to come back with a number of animals that he would like to have amended on his Special Permit.

Mr. Kolligian said, in his personal opinion, the Board might be able to amend the permit tonight, if the applicant is willing to offer a number of animals he would like to have amended on his permit. Mr. Kolligian said Mr. Zeigler said he'd like to have 5 pigs. Mr. Kolligian asked if Mr. Zeigler could put a number to the amount of chickens he'd like to have so the Board could digest that number and be comfortable with it. Mr. Zeigler said with chickens, if he said 100 that would max out. He said they butcher the chickens as they go and one point he may be at 50 and the next week he might be at 20. Mr. Mykins said it is different than laying hens as they are laying constantly and the applicant wouldn't be getting rid of any but not in this case. Mr. Zabala asked Mr. Zeigler if he has a fluctuating inventory and if his average on a monthly basis might be under that 50. Mr. Zeigler said that is correct. Mr. Zeigler said he would prefer his number to be higher even though he doesn't foresee a problem. He wouldn't want someone to come in and say he has too many.

Mr. Mykins asked if they were penned or cooped. Mr. Mykins asked if they are running all over the neighborhood. Mr. Zeigler said he has a fenced in area and he has a coop. He said when he came for his original Special Use Permit, he knew about one of the other situations which was occurring in the Town. Mr. Zeigler said he put up fencing so the chickens can't get into the road. He said he tries to take very good care of them. Mr. Zeigler said that when they hatch out then he ends up with a bunch and then he processes some of them. Mr. Kingsley asked if this happens weekly. Mr. Zeigler said no that it varies. He said that he will get a hen that sneaks off and 21 days later he will see little ones walking around.

Mr. Kolligian said whether they are doing the amendment either this evening or next month, the Board has to get comfortable with the number of animals. He said that Mr. Zeigler requested five pigs. Mr. Kolligian asked Mr. Mykins what the acreage was on the property for the chickens. Mr. Mykins said this situation with chickens is the problem we are having right now; we are dealing with that at the Zoning Committee. He said that chickens are a much smaller animal than a horse or a cow or a pig and they don't require as much room. He said that our code right now doesn't give this information. Mr. Kolligian said he understood.

Mr. Ramsdill said if there is a substantial deviation from the original Special Use Permit, he thinks the applicant should come back next month. Mr. Mykins said if Mr. Zeigler comes back next month, he would have more information for the Board. Mr. Ramsdill said the Board could probably renew the original permit tonight and Mr. Zeigler could come back at any point in time for something that is substantially different. Mr. Zeigler asked if he needs to request a new permit. Mr. Mykins said it wasn't necessary; the Board

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can amend the special permit. Mr. Mykins said he and the applicant can provide more information for the Board to make their decision.

Attorney Grassi said he would advise that the Board not to renew tonight because the applicant would be required to provide a new application at that point and time. Mr. Mykins said that the special permit has to be renewed tonight because otherwise it would be past 60 days. Attorney Grassi said he understood because of the expiration of the permit.

Mr. Ramsdill said the Board could just approve the current renewal and then Mr. Zeigler could come back to amend the permit. Mr. Mykins said the Board could put it on the agenda as an amendment to the permit. Mr. Ramsdill asked if the amendment would be "New Business" on the agenda. Mr. Mykins said yes that we would treat it as "New Business." Mr. Zeigler stated when he originally applied, he sent out certified mail to all his neighbors. Mr. Mykins said Mr. Zeigler would not have to do all of this again. Mr. Zeigler said he wants to get as much information as he can, so he doesn't have to go through and amend again.

Mr. Zeigler asked if his daughter wanted to get rabbits would they be considered agricultural. Mr. Mykins asked the applicant if he would be keeping the rabbits in the house. Mr. Zeigler said no. Mr. Mykins asked Mr. Zeigler if his daughter was growing the rabbits for food. Mr. Zeigler said no. Mr. Zeigler said his intention is to have both of his children go into 4-H so they are involved in something; he said this will eat up more of his time and his children will have an idea of what is going on. He said he thinks this is a very good way to teach them responsibility. Mr. Mykins said if Mr. Zeigler was going to start a rabbit farm then he would have to go through the whole process again. Mr. Mykins said, if the applicant was just going to have a few rabbits as pets to take care, then another permit wouldn't be required.

Mr. Zeigler said he is good with whatever the Board decides and he would come back next month if the Board decided on this. Mr. Ramsdill said if the Board doesn't act tonight this is not extended. Mr. Mykins said the Board could renew what the applicant currently has on the permit and it can be amended next month. Mr. Mykins asked Mr. Zeigler to come see him if he gets a chance in the next couple of weeks. Mr. Zeigler agreed.

Mr. Kingsley made a motion to approve Appeal No. 2016-06 for James L. Zeigler, 256 Wilton-Gansevoort Rd., Gansevoort, New York 12831, for a Special Permit to raise 24 chickens and 2 pigs was granted; in consideration of all findings of Section 129-175 (D), for a period of two years. This permit is due for review and renewal on or before February 25, 2020. Mr. Deloria seconded the motion. All were in favor. The motion passed.

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

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Mr. Kingsley made a motion to table Appeal No. 2014-03 until next month's meeting. Mr. Deloria seconded the motion. All were in favor. The motion passed.

APPEAL NO. 2016-01 Justin Bergin, 110 Ruggles Road, Saratoga Springs New York 12866. Request for the renewal of 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 and conditioned upon no sales on the property; property located at 110 Ruggles Road, Tax Map No. 154.-2-41, zoned R-2 in the Town of Wilton. Permit was originally granted on January 28, 2016 for a period of two years, is due for review and renewal.

The applicant requested to have Appeal No. 2016-01 terminated for his Special Permit. The applicant sent request by email.

APPEAL NO. 2016-04 Jeffrey Klein, 122 Edie Road, Saratoga Springs, New York 12866. Request for the renewal of 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, Tax Map No. 141.-2-22, zoned R-2 in the Town of Wilton. Permit was originally granted on January 28, 2016 for a period of two years, is due for review and renewal.

The applicant requested to have Appeal No. 2016-04 terminated for his Special Permit. The applicant sent request by email.

NEW BUSINESS:

ADJOURNMENT:

Mr. Kingsley made a motion to adjourn at 7:23pm. Mr. Kolligian seconded the motion. All were in favor. The motion passed.

Dated: March 22, 2018

BOARD OF APPEALS

BY Lisa Muller

Lisa Muller, Zoning Clerk

BY Chris Ramsdill/Sm

Chris Ramsdill, Vice Chairman