



**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 March 24, 2016**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, March 24, 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

**MINUTES:** The minutes of the last meeting, held on February 25, 2016 were approved, as submitted, on a motion made by Mr. Ramsdill seconded by Mr. Zabala. All board members were in favor.

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

**RENEWALS:**

**APPEAL NO. 06-15** Jeffrey Klein, 122 Edie Road, Saratoga Springs, New York, 12866. Request for the extension of a Special Permit, for the keeping of chickens with conditions; property located at 122 Edie Road, Tax Map No. 141.-2-22, zoned R-2, in the town of Wilton. Special Permit originally granted on March 23, 2006 for a period of two years, is due for review and renewal.

Chairman O'Brien asked Mr. Klein if he would like to renew his permit he said yes. Mr. Klein said 14 hens, no roosters, life goes on. Mr. Klein asked if there was any way of making the period longer so he didn't have to keep coming back in. Mr. Mykins said it was up to the Board. He explained that all of his neighbors had hens and horses and things, he was not the only one in the neighborhood. Mr. Mykins said they were doing the same thing. Chairman O'Brien said it had been customary to do it like that. Mr. Klein said ok and that he didn't mind he thought it was a waste of the Boards time. Mr. Mykins said ok. Chairman O'Brien said they were going to be there anyway. Mr. Deloria questioned the conditions that were mentioned. Chairman O'Brien said no roosters. Mr. Klein said no roosters and know more than 25 birds. Chairman O'Brien asked if there were any questions. There were none.

Mr. Ramsdill made a motion to renew Appeal No. 2006-15 for Jeffrey Klein, 122 Edie Road, Saratoga Springs, New York, 12866, for the extension of the Special Permit for the keeping of chickens with the prior conditions intact. for a period of two years.

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

**NEW BUSINESS:**

**APPEAL NO. 2016-03** Kathryn Taylor Anilowski, 27 Tom Sawyer Drive, Gansevoort N.Y. 12831. Request for Area Variances 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.

Chairman O'Brien asked Ms. Anilowski if she wanted to put up a carport. Mrs. Anilowski said yes. Chairman O'Brien asked Ms. DiLeone if there were any letters of objection. Ms. DiLeone said no. Chairman O'Brien asked the Board if they had any questions. Mr. Ramsdill said this was presented two meetings ago. Ms. Anilowski said yes. Mr. Ramsdill asked Ms. Anilowski if she was aware of any of the feedback from the committee. Ms. Anilowski stated that she was aware of some and that was why she was here. Ms. Anilowski said she understood that the major

concern was the well. Several Board members said that was one. Ms. Anilowski asked the Board to share their concerns about the well. Mr. Barrett said she would be parking her car very close to the wellhead. Ms. Anilowski said that was where she was now. Mr. Barrett said their other concern was considering the placement of the door, the back door and the front door were in the middle of her home, why couldn't she put it on the other side where she had 94 ft. instead of trying to shoehorn it in on the side that you want. Ms. Anilowski explained that the other side was the southern side and it had no driveway and it has no driveway over the pipe. She further explained that the bigger reason was that had plans and was going to take down all the trees on that side and she was going to put up a playground because her grand kids were going to be living with her. Ms. Anilowski said she didn't come in through the rear door that was her laundry room; her front door had her shoe rack. She said the north is the undesirable side, no sun and it's where the existing driveway is now. Chairman O'Brien stated it was a gravel driveway. Ms. Anilowski said it was a gravel driveway. She continued to explain that she thought it was both and as she unearthed things she didn't realize she had a concrete sidewalk on the other side. Ms. Anilowski said she had no objections from her neighbors and she thought it would be easier and less expensive. She explained that she was doing a lot of work to the house and it would be less expensive. Chairman O'Brien said the only expense would be putting in another gravel driveway. Ms. Anilowski said a gravel driveway and whatever had to go over the pipe. She said she was told it would be more expensive to put it on that side. Chairman O'Brien asked what pipe. Mr. Ramsdill said the drainage culvert pipe. Ms. Anilowski said yes. She said that no one had objections and her neighbors were actually very thrilled about the idea because she was just using that side for storage. Ms. Anilowski said she was a little OCD and this would make it very neat and organized, she did not want to store stuff on the south side where people coming up from Traver Road could see everything. Ms. Anilowski said she wanted it nice, neat, and simple. Mr. Zabala asked about Doreen DeLuca's lot and how close the structure was to the property line. Ms. Anilowski said it was not close and she wasn't good with measuring. She asked Mr. Mykins if could speak to that. Mr. Mykins said he couldn't. Ms. Anilowski said it was far away, they had a whole side yard between her property and their house. Mr. Ramsdill said that they must have a similar layout of where their home is compared to where hers was. Mr. Mykins said he thought theirs was more centered on the lot. Ms. Anilowski said she would agree with Mr. Mykins that theirs was more centered on the lot because they also had a big side yard on the other side. Ms. Anilowski said it was not close to the house at all and they were the ones she was concerned about. She had spoken to them prior to submitting anything because she wanted to make sure they would be ok with it and they were thrilled. Chairman O'Brien said the Board was concerned about giving variances if there was another alternative that was feasible. Chairman O'Brien said this was where the Board's concern was and if she put it on the other side there wouldn't have to be any variances at all. Ms. Anilowski said right and asked about her neighbors not having concerns and what was the Board's concern

about giving a variance. Chairman O'Brien said that was it right there. Mr. Zabala said in the towns zoning code or building code regulations that prohibit building too close to the property line, she was asking the Board to undo those for that particular situation. He further explained there had to be special reasons, and there didn't seem to be any. Mr. Zabala said there was an alternative too, place it on the other side and it didn't really matter if your neighbors were right there and agreed with her on that, which was just one consideration. Mr. Barrett said they sympathized with her wanting to put a play area in for her grandchildren, he had grandkids also, but he didn't think they could really take that into account in their decision. Mr. Barrett said they were only talking about 14 ft. out of 94 ft. that gave her 80 ft. Ms. Anilowski said she would just keep storing stuff on the north side of her house which she thought was unfortunate because it didn't look as nice. She said if that was the variance, she would just keep storing stuff on the north side of her house without a carport. Mr. Barrett said it was difficult for them to issue a variance when there was an alternative, like the chairman said and it was a viable alternative. Ms. Anilowski said it would be more expensive for her and it was not her preference and she was feeling very controlled. Mr. Kingsley said one of the tests they were required in law to look at when there was an application is; the benefit sought can not be achieved by some method feasible to pursue other than the Area Variance. He explained that was one of the tests they have to apply when they make a judgement and in this case there was a clear alternative to get a carport there and he understood that wasn't what she wanted to do but she was asking them to override the laws of the Town of Wilton which is what a variance was. Mr. Kingsley said it was taking part of the zoning code and say this doesn't apply in this case because. Ms. Anilowski asked about buying a plastic garage that has a zipper. Mr. Mykins said if you leave it up more than 120 days it was no longer a temporary structure, it would become a permanent structure and would have to be removed or have a building permit. Ms. Anilowski asked if she could take it down in the summer and put it up in the winter months. She asked if there were any zoning laws against that. Mr. Mykins said as long as she didn't leave it up more than 120 days and if she keeps putting it up or took it down for a month and put it back up it will be charged as a permanent structure. Chairman O'Brien said four months. Mr. Barrett said 120 days. Chairman O'Brien said 120 days is four months. Ms. Anilowski said December thru March. Mr. Barrett asked if she could put a shed in the backyard for storage. Ms. Anilowski said the back end of the carport behind the well was going to be storage. She explained that she used to own a medical clinic and was overwhelmed with medical equipment in her house and it was going to be for storage as well, it would be west of the well. Mr. Ramsdill said they needed unique features of her property that would make it difficult for her to put it anywhere else or some type of a burden. He continued by saying and with her property with the amount of room she had on the other side, and if they were to say that was the case, then pretty much any property that ever came in there they would have to say that there are no unique features that would be required and therefore there would be no zoning in the Town of Wilton. If people just said they

wanted to do this it's contrary to the zoning laws, they need to have some unique feature of the property that they could say it would be too great of a burden for you to comply with zoning because of whatever features. Mr. Ramsdill further explained that the way her property was laid out it didn't seem to be consistent with most of the people on the Board were looking for to make that variance. Ms. Anilowski said she didn't see that happening but she understood his point. She said she didn't think things were going to go totally out of control. Mr. Mykins said that Ms. Anilowski was not understanding that it was not totally out of control but once the Board sets a precedence they are bound by law to follow that precedence. so if they granted this variance to Ms. Anilowski and the next person wants the exact same thing and has the exact same circumstances the Board can't turn around because there was no uniqueness. They can't turn around and say you can't do this. He further explains that the Board has to grant that variance and they have to continually grant that variance. Ms. Anilowski said so there has never been a variance granted where there was other things available. Chairman O'Brien said Ms. Anilowski didn't have any hardship involved. Ms. Anilowski said well again she didn't know how much it would cost and what she would have to do to put something across the culvert and how much that would cost. She stated she was newly divorced, her mother just died, and her niece just committed suicide. Ms. Anilowski said she was not working fulltime right now and that was why she was in this house. She said she used to live on Taylor road in a 3500 sq. ft. house with a two and a half garage and 5 acres at 32 Taylor Road. Ms. Anilowski said that personally it absolutely was a hardship it turns into a much bigger project, she just wanted a carport put up and it turned into a much bigger project. She said she was going to have to pay people to come and do things over the culvert, pay to have gravel come and it was a hardship to her financially and emotionally. Ms. Anilowski said she just wanted a place to organize her stuff on the north side of her house that was all. She continued by saying you guys needed to vote and they were the boss.

Chairman O'Brien asked if there was any further discussion. There was none.

Mr. Ramsdill made a motion to deny Appeal No. 2016-03 for Katheryn Taylor Anilowski 27 Tom Sawyer Drive, Gansevoort NY, 12831. Request for Area Variances 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. Barrett seconded the motion.

Chairman O'Brien asked if there was any further discussion.

Mrs. Anilowski asked what if she didn't need variances. Chairman O'Brien and Mr. Ramsdill both said she could do what she wanted.

Attorney Grassi said it would be beneficial to explain the reason behind the denial.

Mr. Ramsdill continued. The request for Area Variances was not granted because the benefit to the applicant does not outweigh the detriment to the health, safety and welfare of the community, for the following reasons; 1. The applicant has not 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 she has the ability to place the structure on the other side of the home and it would reduce the setbacks substantially on that side of the home. 2. The applicant has not demonstrated that the benefit sought cannot be achieved by some method feasible for the applicant to pursue other than by Area Variances because they have a substantial area on the other side of the home that the carport could be located on. 3. The applicant has not demonstrated that the requested Area Variances are not substantial because it reduces greatly the side yard setback and she has ninety-four feet on the other side of the property. 4. The applicant has not 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 substantially encroaches on one side of the home when there is a large area on the other side, and it would be positioned over the wellhead. 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. All board members were in favor of the motion to deny.

**ADJOURNMENT:**

Mr. Barrett made a motion to adjourn the meeting at 7:20 p.m. Mr. Foehser 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