

WILTON ZONING BOARD OF APPEALS
THURSDAY, February 23, 2023

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, February 23, 2023, at Wilton Town Hall and was called to order by Vice Chairman Ramsdill at 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Vice Chairman Christopher Ramsdill, Scott Kingsley, Dean Kolligian, and Jay Rifenburg. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, John Herlihy, Building Inspector/Code Enforcer, and Lisa Closson, Zoning Clerk.

ABSENT: Chairman O'Brien

MINUTES: The minutes of the last meeting, held on January 26, 2023, were approved, as submitted, on a motion made by Mr. Kingsley, seconded by Mr. Rifenburg. 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*

OLD BUSINESS:

None

NEW BUSINESS:

Appeal No. 2023-02 David Leman, for Dale Charbonneau, 184 Phila Street, Saratoga Springs, New York, 12866. Request for an Area Variance pursuant to Schedule E, RB-1 District, of the Zoning Ordinance; property located at 4205 Route 50, Saratoga Springs, New York, 12866, Tax Map No. 141.-1-8, zoned RB-1, in the Town of Wilton.

Mr. Ramsdill read correspondence from SCPB (Saratoga County Planning Board) and WPB (Wilton Planning Board) which have been placed in record.

Scott Lansing, from Lansing Engineering, and David Leman, applicant, were present.

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Mr. Ramsdill asked Mr. Lansing and Mr. Leman if they wanted to present without a traffic study because it may be important for the Board to see. Mr. Lansing explained they are aware a traffic study is required, and that they are working with the Town. He further explained they understand fully they are not going to get site plan approval until that is done, and are in front of this Board for square footage relief.

Mr. Lansing presenting the project to the Board. Mr. Ramsdill asked if the round-a-bouts were given by the Town or if they were created conceptually. Mr. Lansing answered both. Mr. Kingsley asked what agency at the Town gave that conceptual of the round-a-bouts and Mr. Lansing said Ryan Riper. Discussion continued regarding the round-a-bouts between the Board and Mr. Lansing.

Mr. Kingsley wondered what part of the plan would have to be sacrificed to meet the square footage for the zoning requirement. Mr. Lansing explained the plan would change, they could divide the lot into 4 lots and put 10,000 sq. ft. buildings on each, but they calculated roughly 47,000 sq. ft. (of buildings) could be permitted if subdivided, but they would rather have one building as opposed to four separate ones.

Mr. Ramsdill commented on the egress of the parcel. Mr. Lansing explained they are looking into placing another egress further north on Route 50. Mr. Ramsdill asked about water and sewer and timelines. Mr. Lansing explained they will have to develop by tying in to the water/sewer connection, there is no septic on the plan.

Mr. Ramsdill wondered how someone would make a left hand turn out of this property and made comment that it is the number one traffic accident location in Wilton for people to make a left hand turn off of Jones Road onto Route 50. Mr. Lansing explained WPB has the same concerns. Mr. Leman added that they are not trying to develop something and increase the traffic problem, if they can not resolve the issues, it will have to wait until the rotary is in place. Discussion between the Board, Mr. Lansing, and Mr. Leman continued regarding traffic.

Mr. Lansing explained they would like to table the application and wondered if the Board could give feedback on the variance proposed. Mr. Kingsley explained it fits in with the RB-1 corridor, but the traffic is concerning. Mr. Ramsdill agreed and added ingress and egress are concerns. Mr. Lansing explained that NYSDOT is stingy with curb cuts. Mr. Kingsley added gridlock may occur in your own parking lot. Mr. Rifenburg clarified it is not fair to give the possibility of optimism in regard to the success of the zoning approval.

Mr. Ramsdill opened the public hearing at 7:28 pm.

Ed Kokoski, 7 Knollwood Drive, raised concern of getting into the traffic circle and added that who ever is in the circle owns the circle. And when that traffic comes up Route 50 and makes that left coming up from exit 15, they're just coming constantly through there.

At the applicants request, Appeal 2023-02 has been tabled until further notice. The public hearing has been left opened until the appeal will be heard again.

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Appeal No. 2023-03 Kevin Kleis, 8 Bradford Drive, Saratoga Springs, New York, 12866. Request for an Area Variance pursuant to Schedule A, R-1 District, and §129-157 of the Zoning Ordinance; property located at 8 Bradford Drive, Saratoga Springs, New York, 12866, Tax Map No. 153.7-2-7, zoned R-1, in the Town of Wilton.

Kevin Kleis presented his project to the Board

Mr. Ramsdill confirmed that it is just a corner of the addition that needs the variance. Discussion continued regarding the plans.

Mr. Kolligian compared what the side yard would be in the neighborhood because he has two fronts.

Mr. Rifenbary confirmed with Mr. Kleis that approval was granted for a garage on the other side of the property previously.

Mr. Ramsdill opened and closed the public hearing at 7:32 p.m. due to lack of public comment.

Mr. Kolligian made a motion to approve Appeal No. 2023-03, Kevin Kleis, 8 Bradford Drive, Saratoga Springs, New York, 12866. Request for an Area Variance pursuant to Schedule A, R-1 District, and §129-157 of the Zoning Ordinance; property located at 8 Bradford Drive, Saratoga Springs, New York, 12866, Tax Map No. 153.7-2-7, zoned R-1, in the Town of Wilton, be granted, for a proposed 1057.73 sq. ft. addition for relief in the amount of 7.30 ft. west front yard setback; property located at 8 Bradford Drive, Saratoga Springs, New York, 12866, Tax Map No. 153.7-2-7, 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 area requested does not infringe on any neighboring property and it is a unique corner lot with two road frontages. 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 area planned for the addition is the only feasible location for the addition, and due to the road frontage on the adjacent side of the parcel. 3. The applicant has demonstrated that the requested Area Variance is not substantial because they are only requesting 7.30 ft., 14%, relief. 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 in like kind with the current property of the owner as well as other homes in the neighborhood as well. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

Appeal No. 2023-04 Jesse Boucher, 740 Route 9, Gansevoort, New York, 12831. Request for an Area Variance pursuant to Schedule B, R-2 District, and §129-157 of the Zoning

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Ordinance; property located at 7 Buchanan Drive, Gansevoort, New York, 12831, Tax Map No. 114.11-1-11, zoned R-2, in the Town of Wilton.

Jesse Boucher presented his appeal to the Board.

Mr. Kolligian confirmed it was only the front corner of the garage that needs the variance.

Mr. Ramsdill confirmed the limited buildable area with the cul-de-sac.

Mr. Ramsdill opened the public hearing at 7:36 p.m.

Keith Andrew, 33 Apple Tree Lane, explained they have been there for over 20 years, and never had water issues until the new houses got built on Buchanan Drive. He shared that he went to the builder and explained the water is not draining on his property, and the builder told him it was the Town's problem, then he went to the Town, and was told it is the builder's problem. He raised concerns on drainage issues.

Attorney William Ryan, from Tabner, Ryan, and Kenry, LLP, was present to represent Brian Guardagno who resides at 8 Buchanan Drive. He confirmed what Mr. Andrew had said, and added that there are many culverts running through the lots that are diverting the water, but the legitimate concern of Dr. Guardagno, is there is going to be flooding and water issues. He also spoke of Tabletop Plans for the design of the house, and on the website for Kodiak Construction, it is fit for a two car garage, and if the plan was read correctly, it calls for a three car garage. He added that now in the subdivision there are 59 buildable lots and 25 lots are still open. He asked that the Board take that into deliberation when rendering a decision. He then spoke from an engineer's perspective of the culvert running under the land and the lot having to be built up which will change the grade and alter the flow of the water. He then spoke of the placement of the home towards the front of the lot, where all other homes are set back, which will alter the essential character of the neighborhood.

Mr. Ramsdill explained to the audience that a home can be built on that lot now, and there is no restriction. The reason they (the applicant) are here tonight is for a portion of the garage which will extend slightly over the buildable area, where if the garage was scaled back, something could be built bigger and longer. He then stated that the issues with drainage would go to Planning Board or to the Town for what is in Code.

Mr. Rifenburg wondered if drainage concerns would have to go in front of the Planning Board again? Mr. Ramsdill said that Building Department would have Code, then Mr. Herlihy explained that if the subdivision plan has drainage built in to the subdivision at the time the subdivision was constructed, that would be the Planning Department. Discussion continued between the Board, Mr. Herlihy, and Mr. Schachner regarding drainage and building.

Brian Guardagno, 8 Buchanan Drive, stated the variance is for the garage, and asked if they need a three car garage.

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Mr. Kingsley said it is a variance on the setback lines, and he is not going to tell the residents what they can and shouldn't have on their property. He then added that they are voting on 10.67 ft. relief that is before the Board.

Mr. Ramsdill clarified that the process they (the Board) are going through is balancing the applicants interests with the 5 standards of an Area Variance.

Mr. Guardagno expressed this is something he does not want to stare at.

Mr. Kolligian asked Mr. Guardagno what he didn't want to stare at, because the house can be built, it's just the 10.67 ft. relief requested. Mr. Guardagno explained it could be scaled down to a two car garage, which would be further from the road. Discussion continued regarding the front of the lot, the cul-de-sac, and the garage which needs relief.

Mr. Guardagno asked if the garage is facing the 10 Buchanan Drive side, Mr. Ramsdill explained the left hand corner of the garage is much less relief, where the front corner has the portion of the lot that is curved.

Mr. Rifenbary confirmed with Mr. Boucher that 39 ft. 4 in. is where the extended area of the garage will be.

Mr. Boucher explained that the preference is to have a side load garage. He added they could turn the garage and have a front load garage without needing a variance, but in trying to keep with the character of the neighborhood, a side load garage would be best.

Mr. Kolligian asked if there is a reason why they did not request the relief on the rear to push the house back further. Mr. Boucher explained they have more room to work with on the front of the property, and did not want to push the house back to the rear property line.

Mr. Guardagno stated he thinks Mr. Boucher is limited because there is a giant culvert in the back, being a conduit for the overflow for the retention ponds for the development where the water is. The culvert comes from Buchanan and T's going behind the lot. Mr. Ramsdill explained it is a factor, but a more narrow home could be built without approval from the Board.

Michael Roorda, 10 Buchanan Drive, said that it does look like an attractive building that is going to be built, and explained what he was going to speak of has already been stated regarding pushing the house back. He then thanked the Board for the opportunity.

Mr. Ramsdill closed the public hearing at 7:53 p.m.

Mr. Rifenbary confirmed with the rest of the Board that the decision to be made is solely on the garage relief, not for drainage issues.

Mr. Rifenbary made a motion to approve Appeal No. 2023-04, Jesse Boucher, 740 Route 9, Gansevoort, New York, 12831. Request for an Area Variance pursuant to Schedule B, R-2 District, and §129-157 of the Zoning Ordinance; property located at 7 Buchanan Drive, Gansevoort, New York, 12831, Tax Map No. 114.11-1-11, zoned R-2, in the Town of Wilton, be granted, for a proposed single family home for relief in the amount of 10.67 ft. front yard setback; property located at 7 Buchanan Drive, Gansevoort, New York, 12831, Tax Map No.

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114.11-1-11, 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 the construction of a single family residence is consistent with the neighborhood. No houses will be to the left or right within 150' to 300', and will be a nice addition to 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 the unique shape of the lot with the cul-de-sac and forever wild restrictions limit the building envelope significantly. 3. The applicant has demonstrated that the requested Area Variance is not substantial because the requested 10.67' relief is for the garage area only, not the full residence, representing a small portion of the structure. 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 single family residences are low impact and the 16' right of way adds to the physical distance between the road and the front of the house. 5. The applicant has demonstrated that the alleged difficulty is self-created because this is a new construction project, however, the family has designed the house to minimize the impact.

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

Appeal No. 2023-05 Jesse Boucher, 740 Route 9, Gansevoort, New York, 12831. Request for Area Variances pursuant to Schedule B, R-2 District, and §129-157 of the Zoning Ordinance; property located at 1 Campbell Drive, Gansevoort, New York, 12831, Tax Map No. 114.11-1-13, zoned R-2, in the Town of Wilton.

Mr. Ramsdill read correspondence from Jesse Boucher explaining that the home owner would like to table the appeal until the March 23, 2023 ZBA meeting.

Mr. Ramsdill opened the public hearing at 7:56 p.m.

At the applicants request, Appeal 2023-05 has been tabled until the March 23, 2023. The public hearing has been left opened until the appeal will be heard again.

Appeal No. 2023-06 JAG I, LLC, 8 Blue Lupine Lane, Gansevoort, New York, 12831. Request for Area Variances pursuant to Schedule E, RB-1 District, and §129-174 of the Zoning Ordinance; property located at 4248 Route 50, Saratoga Springs, New York, 12866, Tax Map No. 141.-2-47.2, zoned RB-1, in the Town of Wilton.

Mr. Ramsdill read correspondence from SCPB, WPB, John Biss, 4250 Route 50, in favor of the project, and Curtis Zwijacz, 4246 Route 50, expressing concerns regarding fencing, lighting, and people wandering onto his property from the storage facility. They have been placed in record.

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Dave Kimmer from ABD Engineers and Tim Barber from JAG I, LLC, were present. Mr. Kimmer presented the project to the Board, explaining a Use Variance was granted in 1989 previously for self-storage on the parcel (was R-2 zone), and is now the RB-1 zone.

Mr. Barber explained for the residents on the south side, as of now there are doors on the south side and the north side of the existing storage structure, and are proposing to eliminate the doors on the south side and only have doors and lighting on the inside of the site.

Discussion was held regarding the signed return receipts.

Mr. Ramsdill discussed the SCPB correspondence with Mr. Barber and Mr. Kimmer regarding the amount of buildings in the lot area.

Mr. Ramsdill discussed the buffers on the left side of the lot with Mr. Kimmer and Mr. Barber.

Mr. Kingsley asked how tall the existing building is and Mr. Barber said 12 ft. to the eave, with symmetrical gable another 9 ft. Discussion continued regarding height of the buildings, traffic, and buffers between Mr. Ramsdill, Mr. Kingsley, Mr. Barber and Mr. Kimmer.

Mr. Ramsdill opened and closed the public hearing at 8:14 p.m. due to lack of public comment.

Mr. Rifenbary made mention of the amount of storage buildings in the area.

Mr. Kolligian asked about the fencing on the property. Mr. Ramsdill explained that is a Planning issue, but does feel the project is unique in the area. Discussion continued regarding the fencing between Mr. Ramsdill, Mr. Barber, and Mr. Kimmer.

Mr. Kingsley made a motion to approve Appeal No. 2023-06, JAG I, LLC, 8 Blue Lupine Lane, Gansevoort, New York, 12831. Request for Area Variances pursuant to Schedule E, RB-1 District, and §129-174 of the Zoning Ordinance; property located at 4248 Route 50, Saratoga Springs, New York, 12866, Tax Map No. 141.-2-47.2, zoned RB-1, in the Town of Wilton, be granted, for a proposed Self Storage facility for relief in the amounts of 35 ft. rear yard building setback and 43 ft. rear yard landscape buffer; property located at 4248 Route 50, Saratoga Springs, New York, 12866, Tax Map No. 141.-2-47.2, 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 Variances because this property abuts a railroad property along the rear which is heavily wooded and has a width of approximately 230 ft. to the next adjoining R-2 district and property line. The front and side setbacks and buffers meet the zoning regulations and therefore will not have any impacts on 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 Variances because a building can be built of the same size or larger with max allowable roof height of 35 ft. However, self-storage facilities have

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the least impact and in order to make the project viable, the square footage as proposed is needed. 3. The applicant has demonstrated that the requested Area Variances are not substantial because the adjacent properties will not be negatively impacted due to the proposed landscape buffers, decorative black picket type fencing and the low-profile building heights. 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 existing trees and vegetation will remain along the property lines and the proposed use does not require water or sewer demands. 5. The applicant has demonstrated that the alleged difficulty is self-created

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

Adjournment:

Mr. Kolligian made a motion to adjourn. Mr. Kingsley seconded the motion. All board members were in favor. The meeting was adjourned at 8:21 p.m.

Dated: February 24, 2023

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Christopher Ramsdill, Vice Chairman