

WILTON ZONING BOARD OF APPEALS
THURSDAY, March 23, 2023

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, March 23, 2023, at Wilton Town Hall and was called to order by Vice Chairman Ramsdill at 7:02 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Vice Chairman Christopher Ramsdill, Nicholas Collins, Scott Duffy, Amanda Pelfrey, Shawn Lescault, 1st Alternate, and Christopher Iwinski, 2nd Alternate. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

ABSENT: Chairman O'Brien, Scott Kingsley, and Jay Rifenbary.

MINUTES: The minutes of the last meeting, held on February 23, 2023, were approved, as submitted, on a motion made by Mr. Lescault, seconded by Mr. Collins. 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:

Appeal No. 2023-02 David Lemen, 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.

The Public Hearing was left open from the February 23, 2023, ZBA meeting. Mr. Ramsdill read correspondence from Scott Lansing with Lansing Engineering asking to table the application due to being in the process of addressing the comments from the previous meeting. It has been placed in record.

Mr. Iwinski made a motion to table Appeal No. 2023-02 until the next meeting. Mr. Lescault seconded the motion. All Board members present were in favor. The motion passed.

Appeal No. 2023-02 has been tabled until the next meeting.

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

Wilton Zoning Board of Appeals
Regular Meeting March 23, 2023

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.

The Public Hearing was left open during the February 23, 2023 ZBA meeting. Mr. Ramsdill read correspondence from Jesse Boucher requesting to table the Appeal until the next meeting. It has been placed in record.

Mr. Lescault made a motion to table Appeal No. 2023-05 until the next meeting. Ms. Pelfrey seconded the motion. All Board member present were in favor. The motion passed.

Appeal No. 2023-05 has been tabled until the next meeting.

Brian Guardagno, 8 Buchanan Drive, said it would have been easier for some of us (residents) if this could have been posted online. Mr. Ramsdill explained that they cannot count on the person not actually being present, that they could have changed their mind and come in, and sometimes they have people come in to withdraw an application.

NEW BUSINESS:

SUP. No. 2023-07 Kyle Bell, 302 Wilton/Greenfield Road, Greenfield Center, New York, 12833. Request for a Special Use Permit for Agriculture with Animals pursuant to §129-175 D. (1)-(7) and §129-176 V., of the Zoning Ordinance; property located on Dimmick Road, Gansevoort, New York, 12831, Tax Map No. 115.-2-9.12, zoned R-2, in the Town of Wilton.

Mr. Ramsdill read correspondence from Rick Becker of Coldbrook RV Resort expressing concern about odor. It has been placed into record.

Kyle Bell, 302 Wilton/Greenfield Road, presented his project to the Board.

Mr. Ramsdill confirmed the maximum amount of 40 animals combined with two pastures and discussed manure storage with Mr. Bell who stated the manure will be removed at least once a month or more and doesn't feel that any bordering properties will be able to smell it. Mr. Ramsdill also confirmed two other farms down the road with Mr. Bell.

Mr. Collins asked about the block walls for the manure pit. Mr. Bell said four rows of six to eight mafia block with concrete floor.

Mr. Lescault asked about the manure pit, future barn, and fencing and Mr. Bell answered that the manure pit will be centered in the property closer to the road, the future barn will be used for cows and storage, and they propose high tensile electric fencing all the way around.

Mr. Ramsdill questioned if the neighbors in the RV park are on the other side of the brook, and Mr. Bell explained that he owns property on both sides of the brook and that the RV park property ends, then the land comes out and drops off with a big bank, then a stream, then two hills, where the second hill is where the animals will be kept.

Wilton Zoning Board of Appeals
Regular Meeting March 23, 2023

Mr. Ramsdill opened and closed the public hearing at 7:12 p.m. due to lack of public comment.

Mr. Ramsdill made a motion to approve Special Use Permit No. 2023-07, Kyle Bell, 302 Wilton/Greenfield Road, Greenfield Center, New York, 12833. Request for a Special Use Permit for Agriculture with Animals pursuant to §129-175 D. (1)-(7) and §129-176 V., of the Zoning Ordinance; property located on Dimmick Road, Gansevoort, New York, 12831, Tax Map No. 115.-2-9.12, zoned R-2, in the Town of Wilton, conditioned on a max of 40 animals, and subject to all requirements listed in §129-176 V, and will be due for review and extension on or before March 23, 2025.

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

Appeal No. 2023-08 Zakary King, 34 Smith Bridge Road, Saratoga Springs, New York, 12866. Request for an Area Variance pursuant to §129-157 and Schedule A, R-1 District, of the Zoning Ordinance; property located at 34 Smith Bridge Road, Saratoga Springs, New York, 12866, Tax Map No. 140.18-1-26.2, zoned R-1, in the Town of Wilton.

Zakary King, 34 Smith Bridge Road, presented his project to the Board.

Mr. Ramsdill confirmed with Mr. King that there is a National Grid easement at the rear of the property.

Mr. Lescault asked about the visibility of the garage from the road and Mr. King said it would be very minute. There was discussion on the property and bordering properties.

Mr. Collins asked about lighting. Mr. King explained it would be just security lighting.

Mr. Lescault asked if there were any buildings on the neighbors property bordering the proposed garage. Mr. King said there is a small shed.

Mr. Iwinski asked if there was anything preventing the garage being moved closer to the center of the property, and Mr. King explained there is a County Water Easement that runs through his property. Mr. Ramsdill mentioned access to the garage doors.

Mr. Lescault confirmed with Mr. King that there are similar garages in the neighborhood.

Mr. Ramsdill opened the public hearing at 7:20 p.m.

Duane Bogardus, Fire Chief of the Maple Avenue Fire Department, explained Mr. King is his captain and in his (Bogardus) absence, Mr. King takes a piece of fire apparatus home and urges him to keep it indoors because of freezing and/or ambient dependency.

Mr. Ramsdill closed the public hearing at 7:21 p.m.

Mr. Collins made a motion to approve Appeal No. 2023-08, Zakary King, 34 Smith Bridge Road, Saratoga Springs, New York, 12866. Request for an Area Variance pursuant to §129-

Wilton Zoning Board of Appeals
Regular Meeting March 23, 2023

157 and Schedule A, R-1 District, of the Zoning Ordinance; property located at 34 Smith Bridge Road, Saratoga Springs, New York, 12866, Tax Map No. 140.18-1-26.2, zoned R-1, in the Town of Wilton, be granted, for a proposed 30' x 50' detached garage for relief in the amounts of 18 ft. rear yard setback and 11 ft. southwest side yard setback; property located at 34 Smith Bridge Road, Saratoga Springs, New York, 12866, 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 of the proximity of other houses there would be no compromise to having the detached garage constructed. 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 of the positioning of his property with the current structures, and the easements in regard to the property lines. 3. The applicant has demonstrated that the requested Area Variances are not substantial because of the property layout and the size of the proposed structure to be constructed. 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 of the property layout, the size of the proposed structure in coordination with the setbacks and impact to neighbors being very minimal. 5. The applicant has demonstrated that the alleged difficulty is not self-created because the adjustment is being made after purchase of the property and trying to fit the structure on the property without impacting neighboring properties or impacting environmental or aesthetic conditions.

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

Appeal No. 2023-09 Brian Brumley, 305 Daniels Road, Saratoga Springs, New York, 12866. Request for an Area Variance pursuant to §129-170 of the Zoning Ordinance; property located at 556 Maple Avenue, Saratoga Springs, New York, 12866, Tax Map No. 153.5-2-5, zoned CR-1, in the Town of Wilton.

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

Sheila Goss-Duerr, Attorney, George Turner, Engineer, and Brian Brumley, 305 Daniels Road, were present. Ms. Goss-Duerr presented the application to the Board.

Ms. Goss-Duerr explained that Mr. Brumley purchased the property in 2009 and everything but the Mini Golf was existing, which was added in 2018. She explained that turning a liquor store (which was previously a restaurant) into a restaurant makes a more family friendly destination-oriented place. She continued to speak about the buildings and the uses and parking on the property.

Mr. Turner spoke of parking demands and banked parking spaces in the rear which uses access off the national grid easement. He also mentioned that Mr. Brumley is looking into connecting to Public Sewer which will also take four or five lots in the area off septic systems.

Wilton Zoning Board of Appeals
Regular Meeting March 23, 2023

There was discussion about the hours of the mini golf and parking between Mr. Ramsdill and Mr. Turner.

There was discussion about the apartment use between Mr. Lescault and Ms. Goss-Duerr.

There was discussion between Mr. Ramsdill and Mr. Mykins regarding the pre-existing uses on the property, the proposed change in use from liquor store to restaurant, and parking. Discussion continued with Mr. Turner.

Mr. Mykins and Ms. Goss-Duerr discussed the development of the property by Mr. Brumley. Ms. Goss-Duerr explained the only reason they are putting in more parking is because it is required. Mr. Mykins stated that it is not only required, but it was an issue in the previous year with an umber of complaints about people parking on Route 9 because there was not enough parking. Discussion continued between Mr. Mykins, Mr. Ramsdill, Ms. Goss-Duerr, and Mr. Turner regarding parking and size of buildings.

Mr. Collins asked if the approval from national grid to use the easement was verbal or written. Ms. Goss-Duerr answered that Mr. Brumley is in the process of obtaining that and it has not been written in stone. Mr. Ramsdill explained that WPB would make sure that there is access to the parking.

Mr. Ramsdill opened the public hearing at 7:51 p.m.

Cole Gailor, representing the Estate of Peter Gailor, 554 Route 9, explained this is the first time he has seen any of these plans, but has been approached by an easement for the Sewer Line to go up through their property, which is still in legal action. He also stated there is no road to the parking in the back. It is National Grid property, and they have a verbal agreement with National Grid to maintain that road and use it for their rear access, which was agreed upon when the gravel was first put in to protect the natural gas line when the poles were replaced. He also shared other concerns regarding parking on Route 9 where they have had issues where many people almost get hit by a truck coming out when they are trying to wrap up a late night, along with people parked underneath he bridge that overpass for the railroad tracks. He mentioned verbal discussions with Mr. Brumley where there is no talk of puff puff putt stopping, making him wonder how the parking situation would decrease., and is not family friendly due to more traffic, and when you get the munchies, have a slice of pizza.

Dan Warren, property owner across the street from 556 Route 9, was present in support of the project. He stated he knows the product that Mr. Brumley is putting in, it's going to be a good product. He also mentioned that he only remembers two instances where there was parking on the streets for that specific event they were having, and other than that, there have been no other parking issues. He explained the parking issue also happens down the road at the ice cream shop. He also made mention of a sewer line, and explained that the area doesn't have very accepting drainage, and a sewer line would greatly increase the usability of these properties.

Mr. Ramsdill closed the public hearing at 7:54 p.m.

Wilton Zoning Board of Appeals
Regular Meeting March 23, 2023

Ms. Goss-Duerr spoke of what they (Mr. Brumley, Mr. Turner, Ms. Goss-Duerr) would believe is family friendly, and there is ice cream there which seems to be more of a family environment.

Mr. Duffy asked if Mr. Brumley was planning on putting the sewer line in on his own. There was discussion between Ms. Goss-Duerr, Mr. Turner, Mr. Gailor, and Mr. Ramsdill regarding the approved septic system and plans for a sanitary sewer line.

There was discussion about the pre-existing and current uses on the property between Mr. Ramsdill, Mr. Mykins, Mr. Lescault, and Mr. Turner.

Mr. Ramsdill made a motion to approve Appeal No. 2023-09, Brian Brumley, 305 Daniels Road, Saratoga Springs, New York, 12866. Request for an Area Variance pursuant to §129-170 of the Zoning Ordinance; property located at 556 Maple Avenue, Saratoga Springs, New York, 12866, Tax Map No. 153.5-2-5, zoned CR-1, in the Town of Wilton, be granted, for a proposed change in use on a multi-use lot, for relief in the amounts of 45,456 sq. ft. lot size; property located at 556 Maple Avenue, Saratoga Springs, New York, 12866, 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 of the proximity of other houses there would be no compromise to having the detached garage constructed. 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 of the positioning of his property with the current structures, and the easements in regard to the property lines. 3. The applicant has demonstrated that the requested Area Variances are not substantial because of the property layout and the size of the proposed structure to be constructed. 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 of the property layout, the size of the proposed structure in coordination with the setbacks and impact to neighbors being very minimal. 5. The applicant has demonstrated that the alleged difficulty is not self-created because the adjustment is being made after purchase of the property and trying to fit the structure on the property without impacting neighboring properties or impacting environmental or aesthetic conditions.

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

Appeal No. 2023-10 Galarneau Builders, for John and Theresa Minogue, 526 Maple Avenue, Saratoga Springs, New York, 12866. Request for Area Variances pursuant to §129-157 and Schedule A, R-1 District, of the Zoning Ordinance; property located at 6 Wellington Court, Saratoga Springs, New York 12866, Tax Map No. 153.10-4-3, zoned R-1, in the Town of Wilton.

Mr. Ramsdill read correspondence from Chris and Claire Eatz, 2 Wellington Court, stating they are supportive of the variance. It has been placed in record.

Wilton Zoning Board of Appeals
Regular Meeting March 23, 2023

Lou Galarneau was present to represent Jack and Theresa Minogue.

Mr. Ramsdill asked where the driveway and garage will be. Mr. Galarneau said it will be on the right side and pointed it out on the survey.

Mr. Ramsdill opened and closed the public hearing at 8:04 p.m. due to lack of public comment.

Mr. Duffy made a motion to approve Appeal No. 2023-10, Galarneau Builders, for John and Theresa Minogue, 526 Maple Avenue, Saratoga Springs, New York, 12866. Request for Area Variances pursuant to §129-157 and Schedule A, R-1 District, of the Zoning Ordinance; property located at 6 Wellington Court, Saratoga Springs, New York 12866, Tax Map No. 153.10-4-3, zoned R-1, in the Town of Wilton, be granted, for a proposed single family home for relief in the amounts of 3 ft. front yard setback and 20 ft. rear yard setback; property located at 6 Wellington Court, Saratoga Springs, New York 12866, Tax Map No. 153.10-4-3, 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 Variances because overall relief being asked for is minimal and will fit 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 Variances because rotation of the house could allow to fit in the buildable lot area, but the current proposed egress from the garage makes sense from the road. 3. The applicant has demonstrated that the requested Area Variances are not substantial. 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 this lot was designed as a buildable lot. 5. The applicant has demonstrated that the alleged difficulty is not self-created due to the way the lot was designed years ago.

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

Appeal No. 2023-11 The Markstone Group, 124 Lee Avenue, Brooklyn, New York, 11211. Request for an Area Variance pursuant to §129-152 and Schedule H, C-1 District, of the Zoning Ordinance; property located at 4029 Route 50, Saratoga Springs, New York, 12866, Tax Map No. 154.-1-1, zoned C-1, in the Town of Wilton.

Mr. Ramsdill read correspondence from SCPB which has been placed in record.

Scott Lansing was present to represent The Markstone Group and presented the project to the Board. He explained they are requesting a variance on the occupied space of the building, not the overall height, which allows for 3 four story buildings instead of 4 three story buildings.

There was discussion about the stream on the property and ingress and egress of the parcel between Mr. Ramsdill, Mr. Lansing, and Mr. Mykins.

Wilton Zoning Board of Appeals
Regular Meeting March 23, 2023

Mr. Ramsdill discussed the fourth floor with Mr. Lansing. Mr. Ramsdill, Mr. Duffy, and Mr. Mykins spoke on traffic.

Mr. Duffy and Mr. Lescault confirmed with Mr. Lansing that aesthetically there will be no difference other than another set of windows.

Mr. Ramsdill opened the public hearing at 8:17 p.m.

Bob Reepmeyer, Ingersoll Road, stated he is not a fan of having a fourth floor which will create light pollution because they will have windows and have lights where people will have their blinds open at night-time. He drove through the Perry Road apartments, which is a three story building. He would like to see night sky lighting so it doesn't pollute the area.

Duane Bogardus, Fire Chief of Maple Avenue Fire Department, asked if the sprinkled attic space is still in consideration, because two apartment buildings were lost in the Town because of no sprinkler space, and that the Town has a 55 and older community that has sprinklers in the peak and the eaves to prevent fire from spreading. Mr. Lansing said they did work with the architect, and it will be a sprinkled building.

Mr. Collins asked if it is a steel metal frame building and Mr. Lansing said that would have to be deferred to the architects.

Richard Pollock, 17 Carlyle Terrace, shared his concerns on setting a precedent for other developers who want to build this type of housing. He shared that the R-2 District is rural residential which is up the road, and aesthetically it does not fit. He stated that he has worked in four to five story office buildings throughout his career and they are like small skyscrapers, and if you want to live in that kind of stuff, go live in Bonaccio's places in Saratoga Springs where it is an urban setting and is what you would expect to see, but if you bought a house right next door in the subdivision that has already been approved, you got your little two story house 100 ft from a four story building, which is proportionally out of whack. The last concern he shared was proposed parking of 492 parking spaces being provided. He drove through AIM parking lot to get an idea of what the parking would be size wise, and he counted approximately 162 spaces. This is proposing three times the size of that.

Bob Marchillo, 39 Knollwood Drive, explained what he sees going on in Wilton, that it is turning into Clifton Park or Colonie, going to be streetlight after street light. He shared discussion (from the February 23, 2023 ZBA meeting) held for the daycare center across from Stewarts, where it was stated that the traffic over there on Route 50 is horrendous. He sees streetlights or car accidents. He agreed with Mr. Pollock's comment on setting a precedent.

Mr. Lansing addressed some of the comments. For light pollution, he shared there will be buffers around the building, about 200 ft. or more. For precedent, he shared they have 73% green space and are not trying to maximize every square inch of this parcel, and they could take the occupied space off and add another building. For aesthetics, they are maintaining

Wilton Zoning Board of Appeals
Regular Meeting March 23, 2023

the 55 ft. height, and is similar to the Summit across the street. For parking, he shared that they pushed everything back as WPB had asked, and trying to put a majority of the parking in the back. For streetlights he shared he is confident that the traffic study for this project will not warrant a light for the access for this project, and that this will be stop sign control only, and if they require some sort of turning lane, then the applicants will do so.

Mr. Ramsdill confirmed with Mr. Lansing that the clientele will be 55 years and older and will not be assisted living.

Ms. Pelfrey asked if there was concern on the slope of the roof and the snow load. Mr. Lansing explained there is not, and the architects will have to address that.

Mr. Duffy asked about the topography on the north side and Mr. Lansing stated it goes down, kind of undulates up and down, and for point of reference, it goes from 324 down to 300, and does go down more.

There was discussion about placement of buildings, parking, and buffers between Mr. Collins, Mr. Mykins, and Mr. Lansing.

Mr. Ramsdill closed the public hearing at 8:23 p.m.

Mr. Ramsdill explained to the Board that there is an option to table this appeal until the next meeting if people would prefer to have time to think about it.

Appeal No. 2023-11 has been tabled until the next meeting scheduled to be held April 27, 2023.

Adjournment:

Mr. Collins made a motion to adjourn. Mr. Duffy seconded the motion. All board members were in favor. The meeting was adjourned at 8:30 p.m.

Dated: March 23, 2023

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Christopher Ramsdill, Vice Chairman