

WILTON ZONING BOARD OF APPEALS
THURSDAY, April 27, 2023

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, April 27, 2023, at Wilton Town Hall and was called to order by Chairman O'Brien at 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Chairman O'Brien, Vice Chairman Christopher Ramsdill, Nicholas Collins, Scott Duffy, Scott Kingsley, Amanda Pelfrey, 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: Jay Rifenbary and Shawn Lescault, 1st Alternate

MINUTES: The minutes of the last meeting, held on March 23, 2023, were approved, as submitted, on a motion made by Mr. Duffy, 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*

SUP NO. 2010-11 William Durrin, 124A Ingersoll Road, Saratoga Springs, New York 12866. Request for the extension of a Special Use Permit, pursuant to §129-176 V of the Zoning Ordinance, for a private stable; property located at 124A Ingersoll Road, Tax Map No. 154.-1-58.1, zoned R-2 in the Town of Wilton. SUP No. 2010-11, originally granted on April 22, 2010 for a period of two years, subject to all requirements listed in §129-176 (V) of the Zoning Ordinance, and continually extended every two years, then extended for three years on May 28, 2020, is due for review and extension on or before May 28, 2023.

No action was taken. This Special Use Permit will expire on May 28, 2023.

SUP NO. 2016-06 James L. Zeigler, 256 Wilton-Gansevoort Rd., Gansevoort, New York 12831. Request for the extension for a Special Use Permit, pursuant to §129 Attachment 8 and §129-176, Schedule B of the Zoning Ordinance, for the raising of 24 chickens and 2 pigs; property located at 256 Wilton-Gansevoort Road, Tax Map No. 102.-1-32.113, zoned R-2 in the Town of Wilton. SUP No. 2016-06, originally granted February 25, 2016 for a period of two years, reviewed and extended February 22, 2018 for a period of two years, and amended

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on April 26, 2018 for 100 chickens, 12 turkeys and 10 pigs, continually extended every two years, then extended for three years on May 28, 2020, is due for review and extension on or before May 28, 2023.

Mr. O'Brien read correspondence from James Zeigler requesting to extend his Special Use Permit with no changes. It has been placed in record.

Mr. Zeigler was present. Mr. O'Brien confirmed with Mr. Mykins that there are no concerns on the property.

Mr. Ramsdill made a motion to approve the extension of SUP No. 2016-06, James L. Zeigler, 256 Wilton-Gansevoort Rd., Gansevoort, New York 12831. Request for the extension for a Special Use Permit, pursuant to §129 Attachment 8 and §129-176, Schedule B of the Zoning Ordinance, for the raising of 100 chickens, 12 turkeys and 10 pigs; property located at 256 Wilton-Gansevoort Road, Tax Map No. 102.-1-32.113, zoned R-2 in the Town of Wilton, for an additional 3 years. SUP No. 2016-06 will be due for review and extension on or before May 28, 2026. Mr. Duffy seconded the motion. All Board members present were in favor. The motion passed.

SUP NO. 2017-11 Marissa Mackay, 25 Ernst Road, Gansevoort, New York 12831. Request for the extension of a Special Use Permit, pursuant to §129-176 (V) of the Zoning Ordinance for an agricultural use with animals conditioned upon 6-12 chickens and 2 alpacas or 2 pigmy goats with a maximum of 13 animals; property located at 25 Ernst Road, Tax Map Nos. 114.-2-5.2, zoned R-2 in the Town of Wilton. SUP No. 2017-11, originally granted on April 27, 2017 for a period of one year, increased to two years on April 27, 2018, and continually extended every two years, then extended for three years on May 28, 2020, is due for review and extension on or before May 28, 2023.

No action was taken. This Special Use Permit will expire on May 28, 2023.

SUP No. 2022-09 Kerstin King, for Susan and William Schork, 491 Union Avenue, Saratoga Springs, New York, 12866. Request for a Special Use Permit for Private Stables pursuant to Schedule B, R-2 District, and §129-176 V. of the Zoning Ordinance; property located at 237 Loudon Road, Saratoga Springs, New York, 12866, Tax Map No. 154.-2-11.221, zoned R-2, in the Town of Wilton. SUP No. 2022-09, originally granted on June 23, 2022, conditioned on a max of 6 horses, for a period of 11 months, subject to all requirements listed in §129-176 V., and to be revoked if rear parcel changes ownership, is due for review and extension on or before May 31, 2023.

Mr. O'Brien read correspondence from William and Susan Schork requesting to withdraw their Special Use Permit. It has been placed in record. SUP No. 2022-09 has been withdrawn.

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

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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. Mykins and Mr. Ramsdill explained the applicant is working on presenting the Board with a better plan of how they could manage the traffic flow because the current plan shows the traffic circles that do not exist.

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 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 from the February 23, 2023, ZBA meeting.

Mr. O'Brien read correspondence from Kodiak Construction explaining the plan has changed to a Carson model home reducing the area variance requests. It has been placed in record.

Jesse Boucher with Kodiak Construction presented the new plan.

Mr. Ramsdill confirmed with Mr. Boucher that it is only the two front corners of the home, the front porch and garage, that do not meet the front setback.

Brian Guadagno, 8 Buchanan Drive, agreed that the new home is a lot smaller than the previous plan, and that his position is improved. He then asked the Board how high the house will be from street level. He expressed that across the street from his house is a swamp. That's why there's all these setbacks. The house next door is raised probably 15 feet from where the actual foundation started. So the start of the actual ground level was massively elevated. He asked this question because one of the guys (Board member) asked him when the ZBA Board gave the variance for the property across the street, which is adjacent to this, and a guy up there (Board Member) said it's only 10 feet, what's the difference to you? Now he realizes it's not just a matter of 10 feet, the houses the way they are built because of the swamp, are not going to be placed directly level with the street. They're all going to be elevated, but his house is certainly artificially raised up. The one next to it is even more than his. So now it's much better. It's only about six feet. It was a 20 foot thing, he was imagining this castle and getting to look at this castle, in his opinion if it was going to be 10 feet high set up, because it's a swamp. He then asked if the Board knew how high?

Mr. Mykins asked Mr. Boucher if he had done his Seasonally High Groundwater yet. Mr. Boucher has not but understands the code requires the basement slab to be three feet above seasonally high groundwater. Mr. Mykins then addressed Mr. Guadagno's question of how high it will be, explaining that the height is not known until a seasonally high groundwater has been done, and if water is at ground level, it will be eight feet out of the ground. Mr. Guadagno said he was not too excited about that, and Mr. Mykins explained he can not prevent that due to the requirement for meeting the seasonally high groundwater separation. Mr. Guadagno explained that the water guy (Joshua Carlsson) was not present

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at the meeting, but he came out the past weekend when it rained and he (Mr. Guadagno) showed Mr. Carlsson that it was totally flooded, absolutely flooded the swamp. He then asked if the Board knew how much of the lot is buildable. Mr. Ramsdill explained the applicant can build in the triangle area depicted on the survey, and that is the buildable envelope that is allowed. Discussion continued between Mr. Ramsdill and Mr. Guadagno regarding the plan presented versus a slightly smaller home that would not require appeals, and based on code to establish the height.

Mr. Boucher commented that the proposed house is a one story house with guest bedrooms within the attic trusses. Basically, the second floor of the house is a bonus room and does not add additional height to the house. Mr. Guadagno said the house next door looks absurd because they elevated it, and Mr. Mykins shared that it has two floors and a roof, the house before the Board will have a first floor and the roof. Mr. Guadagno then mentioned the water and raising the thing ten feet high will be a castle. Mr. Collins reiterated it is a buildable lot. Mr. Mykins added that the structure could be reduced and moved back a little more and the applicant would not need a variance. Mr. Guadagno shared that he would not do that to Mr. Boucher because he has done a good job, certainly more so from the last plan. He then mentioned the last meeting where the Board expressed that they want people to have property when they were talking about the house across the street (7 Buchanan Drive). He disagrees with the Board at this meeting because the backyard (1 Campbell Drive) is a total swamp. Mr. Mykins said it is still a buildable lot, and that's how the subdivision was approved. Discussion continued between Mr. Mykins and Mr. Guadagno about the water table and neighbors at a prior meeting complaining about water. Mr. Guadagno then asked if there is a variance to allow the house to go deeper into the wetlands. Discussion continued between Mr. Mykins, Mr. Schachner, Mr. Kingsley, Mr. O'Brien, and Mr. Guadagno regarding wetlands, variances, and the application before the Board.

Paul Kelly, 27 Cobble Hill Drive, stated it may be the situation where the permit is adjusted, because the homeowners adjacent could have a whole plethora of issues, flooding the house, cracking foundations, and that this should be considered by the Board.

Mr. Kingsley reiterated that the lot is a buildable lot, and if the plans fit in the building envelope, the applicant would get the plan approved by the building department and could build tomorrow or relatively soon. He continued to share that the question before the Board is about a balancing test; is the variance a benefit to the applicant versus a detriment to the community. Mr. Kelly explained if the house was not encroaching on the area that needs a variance, the angle of the swale may not be a problem, but if encroached 12 or 13 percent, the angle increases the water flow and the swamping of the place.

Mr. O'Brien closed the public hearing at 7:24 p.m.

Mr. Ramsdill made a motion to approve 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, be granted, for a proposed single family home for relief in the amounts of 6.25 ft. Campbell Drive and 6.75 ft. Buchanan Drive for the front yard setbacks; property located at 1 Campbell

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Drive, Gansevoort, New York, 12831, Tax Map No. 114.11-1-13, 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 Variances because these are minimal variances, the lot has two fronts making the setbacks more substantial, thus requiring the small encroachment on the front two corners of the project. 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 the unusual shape of the property with the wetlands in the rear leaves a very small buildable lot. The applicant reconfigured the plans with a smaller home that's equivalent to one story, and only encroaching in the two small corners that face the front. 3. The applicant has demonstrated that the requested Area Variances are not substantial because the project is minimally encroaching on the setbacks. 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. 5. The applicant has demonstrated that the alleged difficulty is self-created.

Mr. Kingsley 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.

The public hearing closed March 23, 2023, at 8:23 p.m.

Scott Lansing, with Lansing Engineering, was present to represent The Markstone Group. Mr. Lansing explained that they had went through the project with the Board last month, and that the Board wanted some more time to consider the application. He explained that the plan proposes two access points onto the property, 73% greenspace, about 3 times the amount of required front setback at 154' to the front of the building, and keeping the required 55' building height, asking for 7 more feet occupiable space, lowering the required unoccupied space from 20' to 13'. He then presented the updated plan reflecting the Boards comments from last meeting to center the project more on the parcel and increase the buffering of the parcel on the front, sides, and rear.

There was discussion between Mr. Ramsdill, Mr. Kingsley, and Mr. Lansing regarding the existing building on the parcel. Mr. Lansing then presented renderings of the project, which have been placed in record.

Mr. Kingsley discussed the curb cut, emergency access, and distance to the Ingersoll traffic light with Mr. Lansing. The timeline of the project and number of lanes accessing the site were discussed between the Board and Mr. Lansing.

Mr. O'Brien re-opened the public hearing at 7:35 p.m.

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Jay O'Leary, 319 Ruggles Road, expressed concern on traffic. There was discussion about a proposed round-about on Route 50 between Mr. O'Leary, Mr. Mykins, and Mr. O'Brien.

Ed Kokoski, 7 Knollwood Drive, expressed concern about traffic and wondered if it was pending a traffic study. Mr. Mykins explained it is not with this Board, it is with WPB (Wilton Planning Board), and that the appeal will go to the Town Board for a Special Use Permit, and if granted, it will go back to WPB and they will look at the flow of traffic and site design concerns.

Mr. O'Brien closed the public hearing at 7:39 p.m.

Mr. Collins made a motion to approve 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, be granted, for a proposed Senior Living Community, for relief in the amount of additional 7 ft. occupied building height; 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, was granted, conditioned upon no exterior lighting exceeding an overall height of 25' AFF, and the cut limits and buffering identified on the Conceptual Site Layout Plan (C-1) dated April 12, 2023, are not exceeded, 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 proposed project meets all other zoning requirements for senior living communities in the C-1 zone and the actual buildings are not proposed to exceed the maximum allowable height of 55 feet. Therefore, an undesirable change to the character of the neighborhood or a detriment to nearby properties will not be created. 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 it is possible to achieve the same number of units if the variance is not approved. The applicant could achieve the same result with four buildings with three floors of occupiable space, but this would result in less green space, increased impervious surface areas, and a reduced buffering from adjacent properties. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it is the minimum amount needed to establish the applicant's buildings without changing the overall allowable height of the structures. 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 the variance is for occupiable height relief without exceeding the 55' maximum allowable structure height. This would alleviate the need to construct a fourth building which minimizes impervious surfaces created. 5. The applicant has demonstrated that the alleged difficulty is self-created because it is the decision of the applicant to construct buildings with 4 floors of occupiable space versus the three floors allowed by code.

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

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NEW BUSINESS:

Appeal 2023-12 Jonathan and Tracie Chieco, 6 Loriann Drive, 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 6 Loriann Drive, Saratoga Springs, New York, 12866, Tax Map No. 140.15-1-15, zoned R-1, in the Town of Wilton.

Jonathan Chieco, 6 Loriann Drive, presented his project to the Board.

Mr. Ramsdill confirmed with Mr. Chieco that the flat graded part of the lot is where the proposed shed will be placed and that the other side of the lot is built out.

Mr. O'Brien opened the public hearing at 7:43 p.m. and closed the public hearing at 7:44 p.m. due to lack of public comment.

Mr. Ramsdill made a motion to approve Appeal No. 2023-12, Jonathan and Tracie Chieco, 6 Loriann Drive, 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 6 Loriann Drive, Saratoga Springs, New York, 12866, Tax Map No. 140.15-1-15, zoned R-1, in the Town of Wilton, be granted, for a proposed 312 sq. ft. storage shed, for relief in the amount 9 ft. north side yard setback; property located at 6 Loriann Drive, Saratoga Springs, New York, 12866, Tax Map No. 140.15-1-15, 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 there are similar sheds in the area, the home is nicely landscaped, the left side of the property doesn't have any access, and it would fit nicely where it will come in off the driveway. 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 house fills a large portion of the yard, the left side is already built out with other structures, and the shed has to be placed away from the current structures due to New York State Fire Code resulting in the minimal amount to place it in the area. 3. The applicant has demonstrated that the requested Area Variance is not substantial. 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 its consistent with other properties that also have sheds in the yard. 5. The applicant has demonstrated that the alleged difficulty is self-created.

Ms. Pelfrey seconded the motion. All board members present were in favor. The motion passed.

Appeal 2023-13 Kyle LaGrave, 134 Loudon Road, Saratoga Springs, New York, 12866. Request for an Area Variance pursuant to §129-157 and Schedule B, R-2 District, of the Zoning Ordinance; property located at 134 Loudon Road, Saratoga Springs, New York, 12866, Tax map No. 155.-1-13.11, zone R-2, in the Town of Wilton.

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Kyle LaGrave, 134 Loudon Road, presented his project to the Board.

Mr. Ramsdill discussed the property with Mr. Mykins and Mr. LaGrave regarding where the structure could be placed. Mr. LaGrave said the well is not depicted correctly on the survey and that it slopes 25-30 ft. off the back of the house. Mr. Ramsdill confirmed with Mr. LaGrave that proposed garage will take place of the existing small shed.

There was discussion on the property to the right, Adirondack Live Steamers, near the proposed garage between Mr. Ramsdill and Mr. LaGrave.

Mr. O'Brien opened and closed the public hearing at 7:49 p.m. due to lack of public comment.

Mr. Ramsdill made a motion to approve Appeal No. 2023-13, Kyle LaGrave, 134 Loudon Road, Saratoga Springs, New York, 12866. Request for an Area Variance pursuant to §129-157 and Schedule B, R-2 District, of the Zoning Ordinance; property located at 134 Loudon Road, Saratoga Springs, New York, 12866, Tax map No. 155.-1-13.11, zone R-2, in the Town of Wilton, be granted, for a proposed 900 sq. ft. detached garage, for relief in the amount of 23 ft. north side yard setback; property located at 134 Loudon Road, Saratoga Springs, New York, 12866, Tax Map No. 155.-1-13.11, 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 it's in a secluded neighborhood and the property to the right is not engaged in any kind of residential use near the area where the garage would be built. 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 slopes on the property would require large amounts of fill to level off in the rear portion of the applicant's property. The driveway pre-exists and heads back into this direction along his current garage and would provide him with the more feasible access to the new garage. 3. The applicant has demonstrated that the requested Area Variance is substantial. 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 they do not have a residential use to the immediate right parcel where the variance would occur, and other homes that are in that immediate area have garages that are also similarly situated. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

Appeal 2023-14 Dan Babson, 1697 Route 32 N., Gansevoort, New York, 12831. Request for an Area Variance pursuant Schedule B, R-2 District, of the Zoning Ordinance; property located on Ruggles Road, Saratoga Springs, New York, 12866, Tax map No. 129.-1-27.12, zone R-2, in the Town of Wilton.

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Mr. O'Brien read correspondence from SCPB (Saratoga County Planning Board) and has been placed in record. Ms. Closson asked the applicant for the return receipts.

Dan Babson, 1697 Route 32 N., presented his project to the Board. There was discussion regarding the depth of the proposed lots and lot sizes between Mr. Ramsdill, Mr. Kingsley, and Mr. Babson.

Mr. Ramsdill confirmed DEC land.

Mr. O'Brien opened the public hearing at 7:56 p.m.

Mr. Kingsley questioned variances of square footage on nearby properties and Mr. Mykins answered that they are pre-existing along King Road and Ruggles Road. Ms. Pelfrey added that a lot of those lots are 5 acres, give or take, and can only subdivide so much.

John and Catherine O'Leary, 319 Ruggles Road, said they are across the street from the property, that there are lots that are more than a half an acre near them. Mr. O'Leary raised concern of two homes being built versus one. Mrs. O'Leary expressed that they bought the property because there was not a lot of neighbors and because of Wilton Wildlife Preserve. She continued to explain that they were not aware that the lot across the street was buildable, and to them it is a detriment between one home versus two homes in terms of property value, clearing the land, and the hassle it would be to build the houses. Mr. O'Leary continued to share there will be less green space across the street, less trees will increase the sunlight in the afternoon significantly, which will increase the expense on cooling their home and a change in potential lawn care.

Mr. Kingsley asked Mr. Mykins if two homes could be placed on the property without subdivision and Mr. Mykins replied a two family home, but without subdividing, it would require 80,000 sq. ft. per home.

Mr. O'Brien closed the public hearing at 8:00 p.m.

Mr. Kingsley expressed that the 5,000 sq. ft. is not unreasonable, but shared concern on raising precedence. Mr. Ramsdill stated he doesn't believe this will set a precedence and the only reason the Board exists is to give variances making sure, fundamentally, they are not changing the neighborhood. Discussion continued between Mr. Kingsley and Mr. Ramsdill regarding the unique features of the property.

Mr. Collins and Mr. Kingsley discussed variances and regulations in zones.

Ms. Pelfrey shared concern that there are not many people there, and doing two properties would make more houses, which would make more people, and it might not be appealing to the neighborhood. Mr. Ramsdill shared that along that intersection when coming down Ruggles Road, there are a lot of old pre-zoning houses and was surprised how tightly packed and small the lots were.

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Mr. Ramsdill made a motion to approve Appeal No. 2023-14, Dan Babson, 1697 Route 32 N., Gansevoort, New York, 12831. Request for an Area Variance pursuant Schedule B, R-2 District, of the Zoning Ordinance; property located on Ruggles Road, Saratoga Springs, New York, 12866, Tax map No. 129.-1-27.12, zone R-2, in the Town of Wilton, be granted, for a proposed two lot subdivision, for relief in the amount of 5,512.40 sq. ft. lot size for both proposed lots 1 and 2; property located on Ruggles Road, Saratoga Springs, New York, 12866, Tax Map No. 129.-1-27.12, 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 Variances because they are very minimal variances, there are other properties in the immediate vicinity that are smaller, there is Wilton Wildlife state lands that are always going to remain a large amount of green space and won't allow for the congested feel that this could create in a different area. 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 the applicant is short the 6% for each lot, according to what the zoning currently establishes. 3. The applicant has demonstrated that the requested Area Variances are not substantial because there are minimal amounts, there are large areas that are going to be undisturbed in the immediate vicinity, and there are other properties in the nearby area that are much smaller. 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 they would still remain good size lots that are only 6% lower than the minimum allowed and much larger than multiple homes that are within the immediate vicinity of the intersection of King Road and Ruggles Road. 5. The applicant has demonstrated that the alleged difficulty is self-created.

Mr. Iwinski seconded the motion. Mr. O'Brien, Mr. Ramsdill, Mr. Collins, Mr. Duffy, and Mr. Iwinski were in favor. Mr. Kingsley and Ms. Pelfrey were opposed. The motion passed.

Adjournment:

Mr. Ramsdill made a motion to adjourn. Mr. Duffy seconded the motion. All board members were in favor. The meeting was adjourned at 8:08 p.m.

Dated: April 28, 2023

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Joseph O'Brien, Chairman