

WILTON ZONING BOARD OF APPEALS
THURSDAY, August 25, 2022

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, August 25, 2022, 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, Robert Barrett, Jim Deloria, Scott Kingsley, and Jay Rifembary. Also present were Brian Reichenbach, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

ABSENT: Vice Chairman Christopher Ramsdill and Dean Kolligian.

MINUTES: The minutes of the last meeting, held on July 28, 2022, were approved, as submitted, on a motion made by Mr. Barrett, seconded by Mr. Rifembary. 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. 2014-24 Michael and Phyllis Whittam, 250 Gurn Springs Road, Gansevoort, NY 12831. Request for the extension of a Special Use Permit pursuant to §129-176 V and Schedule B of the Zoning Ordinance for a private stable; property located at 250 Gurn Springs Road, Tax Map No. 116.-1-28, zoned R-2, in the Town of Wilton. SUP No. 2014-24, originally granted on September 25, 2014, for a period of two years with a maximum of three horses, and continually extended every two years, is due for review and extension on or before September 25, 2022.

Mr. O'Brien read correspondence from Michael Whittam requesting the special use permit be extended. Mr. O'Brien confirmed with Mr. Mykins that there have been no problems on site.

Mr. Deloria made a motion to approve the extension of SUP No. 2014-24, Michael and Phyllis Whittam, 250 Gurn Springs Road, Gansevoort, NY 12831. Request for the extension of a Special Use Permit pursuant to §129-176 V and Schedule B of the Zoning Ordinance for a private stable; property located at 250 Gurn Springs Road, Tax Map No. 116.-1-28, zoned R-2, in the Town of Wilton, for an additional three years, with a maximum of three horses. SUP No. 2014-24 will be due for review and extension on or before September 25, 2025. Mr.

Wilton Zoning Board of Appeals
Regular Meeting August 25, 2022

Kingsley seconded the motion. All Board members present were in favor. The motion passed.

OLD BUSINESS:

None

NEW BUSINESS:

Appeal No. 2022-14 William Nestuk, 381 Northern Pines Road, Gansevoort, New York, 12831. Request for Area Variances pursuant to §129-157 A., and Schedule A, R-1 District of the Zoning Ordinance; property located at 381 Northern Pines Road, Gansevoort, New York, 12831, Tax Map No. 140.11-1-28, zoned R-1, in the Town of Wilton.

The applicant's son, William Nestuk, 417 Northern Pines Road, lot # 21, was present to represent his father who was not able to attend the meeting. Mr. Nestuk explained the project to the Board.

Mr. O'Brien opened the public hearing at 7:04 p.m.

Mr. Deloria asked if they have looked at any other place on the property that the shed could be placed. Mr. Nestuk explained that it would need a variance anywhere it would be placed on the property.

Mr. Kingsley mentioned a tree line which would shield the shed where it would be placed.

Mr. Nestuk provided pictures to the Board of the rear and side of the property showing the lot, tree lines, and neighboring residences.

Mr. Barrett confirmed with Mr. Nestuk that the shed will not be placed on top of the leach field.

Mr. Nestuk confirmed that the neighbors have been noticed about the appeal by mail except for one neighbor behind them that the mail man would not deliver up the driveway to the resident, but that said resident has been told and has stated has no problem with it.

Mr. O'Brien closed the public hearing at 7:07 p.m.

Mr. Deloria made a motion to approve Appeal No. 2022-14, William Nestuk, 381 Northern Pines Road, Gansevoort, New York, 12831. Request for Area Variances pursuant to §129-157 A., and Schedule A, R-1 District of the Zoning Ordinance; property located at 381 Northern Pines Road, Gansevoort, New York, 12831, Tax Map No. 140.11-1-28, zoned R-1, in the Town of Wilton, be granted, for 5 ft. north side setback relief and 37 ft. rear setback relief for a proposed 12' x 24' shed/garage; property located at 381 Northern Pines Road, New York, 12831, Tax Map No. 140.11-1-28, 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 the shed will match the house, will be positioned on the lot where it will not readily be seen from the road, and there is no other feasible place to put the shed. 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 characteristics of the lot, the septic system, and the existing structures. 3. The applicant has demonstrated that

Wilton Zoning Board of Appeals
Regular Meeting August 25, 2022

the requested Area Variances are not substantial because the setbacks are consistent with other sheds in the neighborhood, which is substantiated by the photographs that were provided. 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 it keeps in characteristic with the neighborhood, will be placed in an inconspicuous location, and should fit nicely within the confines of the area. 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.

Adjournment:

Mr. Barrett made a motion to adjourn. Mr. Deloria seconded the motion. All board members were in favor. The meeting was adjourned at 7:11 p.m.

Dated: August 26, 2022

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Joseph O'Brien, Chairman