

WILTON ZONING BOARD OF APPEALS
THURSDAY, January 28, 2021

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, January 28, 2021 via a ZOOM webinar and was called to order by Vice Chairman Ramsdill at 7:02 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Vice Chairman Christopher Ramsdill, Robert Barrett, Jim Deloria, Scott Kingsley, Gerard Zabala, and Jay Rifembary, 1st Alternate. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, Lisa Closson, Zoning Clerk, and Joshua Carlsson, ZOOM Meeting Coordinator.

ABSENT: Chairman O'Brien, Dean Kolligian, and Christian Clark, 2nd Alternate.

MINUTES: The minutes of the last meeting, held on November 19, 2020, were approved, as submitted, on a motion made by Mr. Kingsley 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. 2012-31 Laura Fogg and Shane Pratt, 256 Gurn Springs Road, Wilton, New York 12831. Request for an extension of a Special Use Permit pursuant to Section 176 V of the Zoning Ordinance for a private stable; property located at 256 Gurn Springs Road, Tax Map No. 116.-1-2.11, zoned R-2, in the Town of Wilton. SUP No. 2012-31, originally granted on July 26, 2012 for a period of two years with a maximum of two horses, amended on January 22, 2015 for a maximum of three horses, and continually extended every two years, is due for review and extension on or before February 28, 2021.

Mr. Ramsdill read correspondence from Shane Pratt expressing they would like to extend their Special Use Permit for their private stable, which has been placed into record. He then asked Mr. Mykins if there were any issues and he responded no issues and no complaints.

Mr. Deloria made a motion to approve the extension of SUP No. 2012-31, Laura Fogg and Shane Pratt, 256 Gurn Springs Road, Gansevoort, New York 12831. Request for the extension of a Special Use Permit pursuant to Section 176 V of the Zoning Ordinance for a private stable, originally granted on July 26, 2012 for a period of two years, conditioned

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upon a maximum of two horses amended January 22, 2015, for a maximum of three horses; property located at 256 Gurn Springs Road, Tax Map No. 116.-1-2.11, zoned R-2, in the Town of Wilton, for a period of 3 years, and will be due for review and extension on or before February 28, 2024. Mr. Kingsley seconded the motion. All board members present were in favor. The motion passed.

OLD BUSINESS:

None

NEW BUSINESS:

Appeal No. 2021-01 Katherine King, 654 Route 9, Suite #2, Gansevoort, New York 12831. Request for Area Variances pursuant to §129-157 and Schedule J, C-3 District of the Zoning Ordinance; property located at 11 Traver Road, Gansevoort, New York, 12831, Tax Map. No's 115.14-1-5, 115.14-1-16, 115.14-1-17, and 115.14-1-21, zoned C-3 in the Town of Wilton.

Mr. Ramsdill read correspondence from Saratoga County Planning Board (SCPB) and Town of Wilton Planning Board (WPB) which have been placed into record. Doug Heller, from The LA Group, was present to represent Katherine King, president of Ernies Grocery. Mr. Heller presented the project before the Board. He explained they were in front of WPB last week and received a positive recommendation, and if successful tonight, will be going back to WPB for both subdivision and site plan approval. He explained the site is located on both the west and east side of Traver Road, referred to as Lot 1 (east side) and Lot 2 (west side) (Tax Map No. 115.14-1-17), and that there are multiple parcels involved in the project, and that Lot 1 previously received approval back in 2000, for 7,700 sq. ft. retail and 54 parking spaces, and area variances, and the parcel on the left side was not supposed to be developed, but since it was part of the parcel, it was included in that original site plan. He further explained that what they are proposing now is similar, that an 8,500 sq. ft. multi-use building, with 51 parking spaces and primary access off Traver Road, and proposing right in/out only on Ballard Road for Lot 1. He further expressed for Lot 2, a 3,375 sq. ft. two story office building with 15 parking spaces, which is going to be subdivided out from the main parcel across the street, and will need area variances, which is why they are here tonight. Minimum lot size reduction from 40,000 sq. ft. to 19,831 sq. ft., lot frontage from 200 ft. to 112.18 ft., rear set back from 100 ft. to 87 ft., and pavement setback on north side of driveway from 15 ft. to 5 ft.

Mr. Ramsdill asked if the driveway is set for two lane traffic, Mr. Heller said it was. Mr. Ramsdill acknowledged that the focus tonight is to allow Lot 2 to become a stand-alone buildable lot. Mr. Kingsley inquired about the location of the curb cut for Stewart's Plaza and pedestrian safety for the possible proposed Laundromat. Mr. Deloria questioned if long haul truckers were to access the Laundromat, they would be walking down Ballard Road, or will this be more of a local residential facility? Mr. Barrett explained that most truck stops have showers and Laundromats for the truckers. Specifically for Lot 2, Mr. Heller explained, it would be offices, Laundromat potential for Lot 1. Mr. Ramsdill explained that there was nothing pertaining to Lot 1 before the board tonight. Mr. Zabala inquired about a traffic circle at the intersection of Ballard Road and Traver Road. Mr.

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Ramsdill re-enforced that these other issues/questions from the board will be taken into consideration by WPB, and re-enforced that Lot 2 is the lot in question.

Mr. Ramsdill opened and closed the public hearing at 7:25 p.m. due to lack of public comment. Mr. Zabala stated that Lot 2 is a significant amount of lot size and frontage that is being asked for, and Mr. Mykins explained 40,000 sq. ft. is minimum lot size for that zone. Mr. Rifembary asked about the Town and Maintenance Center that is right there, and the lot that was used to sell pies on the weekend, and if they would be tying in, infrastructure wise? Mr. Mykins explained there is a lot before the entry for the salt shed which is where most of the trucks come out, leaving about 200 ft. before Lot 2 is reached, and that they would have their own Water and Sewer. Mr. Zabala asked Mr. Heller if they have spoken to Stewart's Corporation about having a passage way through the different parking lots, and Mr. Heller stated that there is a drainage ditch between the Stewart's property and this property. There was discussion regarding the Tax Map No's. (115.14-1-5, 115.14-1-16, 115.14-1-17, and 115.14-1-21) for the project and the area variances being for one specific Tax Map No. (115.14-1-17) which will be subdivided.

Mr. Zabala made a motion to approve Appeal No. 2021-01, Katherine King, 654 Route 9, Suite #2, Gansevoort, New York 12831. Request for Area Variances pursuant to §129-157, and Schedule J, C-3 District of the Zoning Ordinance; property located at 11 Traver Road, Gansevoort, New York, 12831, Tax Map. No. 115.14-1-17 zoned C-3, in the Town of Wilton, be granted, for a proposed two story office building on Lot No. 2, a relief for 87.82 ft. frontage, 20,169 sq. ft. lot size, 13 ft. rear setback, and a 10 ft. pavement setback on the north side driveway; property located at 11 Traver Road, Gansevoort, New York, 12831, 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 proposed project is consistent with the existing commercial/institutional development within the neighborhood and along the Ballard Road Corridor. 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 property is substandard with respect to minimum required area and frontage in the existing condition. 3. The applicant has demonstrated that the requested Area Variances are substantial but this is the minimal amount of relief required to construct a viable project on Lot No. 2. 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 project is consistent with other development characteristics of the neighborhood, and its design and construction will meet all federal, state, and local requirements with respect to environmental impacts. 5. The applicant has demonstrated that the alleged difficulty was self-created.

Mr. Deloria seconded the motion. A Roll Call showed all other board members present were in favor. The motion passed.

Appeal No. 2021-02 Joseph Ernst, 5 Commerce Park Drive, Gansevoort, New York 12831. Request for an Interpretation of the Determination of the Code Enforcer; property located at Commerce Park Drive, Gansevoort, New York, 12831, Tax Map No. 115.-2-89.1, zoned C-3 in the Town of Wilton.

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Mr. Ramsdill asked who was present to represent the appeal. Joseph Ernst, 5 Commerce Park Drive, was present and explained to the board that he would like to use the parcel in question to park semi-trailers on, and that his request on the Interpretation is that the determination stated he was going to use it as a Wrecking Yard/Junk Yard, a Johnson's Auto-crushers yard, which is far from the truth. He stated his business is how he makes his livelihood, and that there are some trucks that have been there (5 Commerce Park Drive) going on two years, these vehicles are held in litigation and as soon as they are freed up they will go. He went on to explain that all he wants is to drive over some semi-trailers to the parcel in question so there is extra room on his current lot. Mr. Ramsdill asked Mr. Ernst what he would do with the trailers once they are parked on the lot and why customers are bringing them to him, and Mr. Ernst said that the customers would come to pick them up, so basically just an outside storage lot, and they are brought for repairs at his facility. Mr. Deloria asked if the vehicles would be in working condition at all times while parked there and would it be considered a truck parking lot? Mr. Ernst said yes to both, and if something came up and they needed to be moved, they would be moved, they are not disabled. Mr. Rifenbary asked what percentage of vehicles that are there today are non-operational because he had driven by and noted there were a lot of vehicles there, including truck cabins that did not look like they were purposeful. Mr. Ernst answered about half a dozen to ten vehicles currently. Mr. Rifenbary also asked the turnaround time for vehicles, is there a constant influx and outgoing vehicles? Mr. Ernst said they go in and out, some wait weeks for parts and insurance company approval. Mr. Ramsdill questioned if they are road worthy; someone could take them and go with them whenever they want, but they are willing to leave them there for several months? Can they be driven around while waiting for repair and used, and why would they leave them there for two months, and if they (trailers) are generating revenue they (truck companies) wouldn't want to leave them in working condition on a lot for two months? Mr. Ernst said yes, and not everyone will be left for two months, and as he explained that some need to wait for parts and insurance approval, and some are from trucking companies from all over the United States, which would not be able to drop in, pick it up, and drop off again. He (Mr. Ernst) further explained it is not a Jiffy Lube, it takes time and a lot of scheduling, and a lot of the companies have extra equipment across the country.

Mr. Zabala wondered if there ever was a time when vehicles are brought to the lot and not claimed. What happens then? Mr. Ernst explained he can hold a car for 90 days then dispose of them if unclaimed, but wouldn't be on that lot, other ones that have been there are from a fatal accident on Exit 18 are in litigation. He continued to say people are not going to leave \$20,000 trailers.

Mr. Ramsdill explained that even for Cole's Collision, the use for their parking lot when they were doing repairs, required that they meet the Wrecking Yard/Junk Yard Zoning Code, and that he thought one could not have a parking lot without a building in the Town of Wilton. Mr. Mykins affirmed and explained that there has to be a primary use. He also explained that in this case, this is not connected to his current property and there is no primary use on this property. Mr. Ernst said that was his biggest gripe with this, that he needs to have a structure, when he can drive down Gordon Lane and see campers...waiting for repair, and that is allowed, but he wants to try, and can't. Mr. Mykins explained that the trailers on Gordon Lane are tied to Alpin Haus, the primary use on that particular lot, one tax map parcel.

Mr. Ramsdill asked Mr. Mykins to present the reason for his initial interpretation.

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Mr. Mykins explained that when the application came into Planning, the Planning application said that the lot would be used to store trailers and etc. Mr. Ernst said exactly, it did not say wrecked vehicles. Mr. Mykins continued to explain that he informed Mr. Ernst that he would have to put some kind of building there to call it an accessory use, and that Mr. Ernst's current lot is not attached, it's a separate Tax Map, and it would be the same if Alpin Haus wanted to store their trailers on this lot, it would not be allowed because it is not a connected lot and there is no primary use. The Code reads that there has to be a primary use on the property to attach the accessory use. Mr. Ramsdill asked if it is an allowed use in the zone, primary or accessory, and Mr. Mykins replied it is not, and that the applicant would have to apply for a Use Variance.

Mr. Ernst explained he is allowed to do what he is doing on his current lot, and when he came to the Board (Planning) to have a towing business, it was an allowed use.

Mr. Ramsdill told Mr. Ernst that the issue isn't that what is on the current lot, it is that the movement to a separate lot, which would have to have standalone features to conform with zoning, and if a repair facility was built on the lot and the vehicles were moved there, it might be an allowed use. Mr. Ernst explained that it takes capital to build a facility.

Mr. Ramsdill opened and closed the public hearing at 7:55 p.m. due to lack of public comment.

Mr. Ramsdill re-opened the public hearing at 7:56 p.m. John Davidson, with D.A. Collins Construction, questioned if the lot was merged with the Ernst lot, would it then be an allowable use? Mr. Mykins explained that would be up to the Town Board to allow that lot to be merged across a town road. Mr. Ramsdill closed the public hearing at 7:57 p.m.

Mr. Kingsley asked Mr. Mykins if it was determined that the use was a private parking lot, would that still not be allowed in the C-3 zone, and Mr. Mykins replied there is no principal use in the Zoning Code in the Town of Wilton that allows for just a parking lot.

Mr. Deloria questioned if a motion was made to disagree with the determination, would it then grant approval, and Mr. Mykins replied no, but would have to base the determination on what the principal use would be. Discussion continued between Mr. Schachner and the Board about motions, classifications of use, and what is written in the Code of the Town of Wilton. Mr. Ramsdill then asked Mr. Ernst if similar vehicles would be parked on the lot as on his (Mr. Ernst) current lot, Mr. Ernst then replied just trailers. Discussion continued between Mr. Ramsdill and Mr. Ernst about the storage of vehicles/trailers. Discussion about Zoning Code and amendments to Code transpired between the Board and Mr. Schachner.

Mr. Rifenburg asked if there was a way for Mr. Ernst to understand what the lot could be used for and possibly adapt the lot where it falls under Zoning approval under the current code? Mr. Ernst explained he is not in a position to spend, but if he could put an affordable small 10' x 20' office, and that he is looking for guidance.

Mr. Kingsley made a motion to table Appeal No. 2021-02, Joseph Ernst, 5 Commerce Park Drive, Gansevoort, New York 12831. Request for an Interpretation of the Determination of the Code Enforcer; property located at Commerce Park Drive, Gansevoort, New York, 12831, Tax Map No. 115.-2-89.1, zoned C-3 in the Town of Wilton, until the next meeting to be held February 25, 2021, so that the Board can research what uses can be determined that are allowed in that zone. Mr. Zabala seconded the motion. All board members were in favor. The motion passed. Mr. Mykins asked Mr. Ernst to give him a call to discuss the matter.

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Appeal No. 2021-04 MH Imperial Homes, for Lynae Kovatch, 1429 Route 9, and Fort Edward, New York 12828. Request for Area Variances pursuant to §129-43A., B., §129-157, and 129 Schedule B, R-2 District of the Zoning Ordinance; property located at 108 Robbins Road, Gansevoort, New York 12831, Tax Map No. 129.-1-18.21, zoned R-2 in the Town of Wilton.

Mr. Ramsdill read correspondence from SCPB, and from Jason Sableski, 106 Robbins Road, which have been placed into record. Gregg Hewlett with MH Imperial Homes was present to represent Lynae Kovatch. He explained that the State had passed legislation in 2015 referred to as The Manufactured Home Anti-Discrimination Laws, specifically stating that the Town zoning that currently exists that prohibits Manufactured Home construction in certain regions of the communities needs to be amended to be in compliance with the State Code...the only covenant in that legislation is that it does state that the manufactured home has to be consistent with the architectural character of the surrounding community. He further explained that if someone was trying to put a small singlewide in an area of high end residential construction, that would be inconsistent with the surrounding architectural characters, then the Town would have the opportunity to decline it, and as it relates to this particular project, the homeowner has selected a home that is a 28' x 64' ranch structure, 7-12 roof pitch, and an 8' side wall, so from outward appearance it would look consistent with any other structures in the area and the architecture would be consistent.

Mr. Ramsdill asked Mr. Schachner if he would like to comment on the State Code, and Mr. Schachner stated that the applicant's representative has largely correctly referenced the applicable State Legislation. He also mentioned that the applicants representative had said something to the effect of there are municipalities in which they brought the legislation to the municipalities attention, and the municipalities have then amended their zoning laws, and that he is familiar with examples with exactly that having happened, not familiar with that having happened here for us in the Town of Wilton, and Mr. Mykins would know better that he believes the provisions in the Town of Wilton Zoning Law are still the provisions that we have had in our Town of Wilton Zoning Law, and this Board does not have the authority to ignore our Town of Wilton Zoning Law. Mr. Mykins agreed then stated that zoning can be brought into effect in a way that it can say that where the property where the mobile home goes has to fit all the zoning requirements and require a special permit.

Mr. Hewlett rebutted with that essentially what they have said is that if we (other municipalities) allow this we are in violation of our own zoning laws, and that if we don't allow it we are in violation of the State law, and that is a determination that the Board itself has to make.

Mr. Rifenburg stated that across the street from the property is a trailer, and the other owned on the other side aren't necessarily what he would share consistent with a brand new structure being put on the lot, and that he doesn't see any way that it would devalue the property of the person with the complaint, and that it doesn't comply with the zoning, but when he looks around that lot he does not see any deterioration by putting a brand new fabricated home on the lot.

Mr. Mykins explained to the Board that they are there to determine whether or not grant the Variances and the Special Use Permit (SUP), and that they can listen to what adjacent

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property owners have to say, but cannot use those as a basis for their (the Board) consideration.

Mr. Kingsley asked Mr. Ramsdill when they open up the public hearing, can they consolidate the two appeals (SUP2021-03 and 2021-04) into one public hearing because it is the same project? Mr. Schachner stated it was very appropriate.

Mr. Ramsdill asked if we allow for a permanent trailer placement in our current code? Mr. Mykins replied that is how the code reads, by variance of the Town Zoning Board of Appeals. Discussion transpired between the Board and Mr. Schachner about the wording of the statute itself, Variance vs. SUP, and §129-175 and §129-176 of the Zoning Ordinance.

Mr. Ramsdill and Mr. Schachner asked Mr. Hewlett if he knows that there is opposition to the project, the potential for someone challenging this successfully, would he prefer taking the risk if there was an approval it might be challenged, or would you prefer to withdraw or table? Mr. Hewlett replied that he is representing a client and does not think she is in a position to wait another 3, 4, or 5 months for the zoning law changes, and she is not here tonight, and that we have to take the application as submitted for approval or denial tonight on her behalf.

Mr. Ramsdill opened the public hearing for both SUP2021-03 and 2021-04 at 8:43 p.m. Jason Sableski, 106 Robbins Road, stated he wanted to draw attention to the SUP and Town Zoning Code, and that the code states that it is for a temporary mobile trailer by SUP, and doesn't mention anything about a permanent application, and wanted to verify if he could get copies of the receipts of the letters sent out because there is a property owner on the other side, an older couple and they probably don't know the procedure for this type of work, and wants to verify that they are aware and have received the letter. Mr. Mykins explained that every property that was listed in his (Mr. Sableski) letter has received that notification, and that the signed receipts that the applicant gets back has to be given to us (Zoning department) for the record. Mr. Sableski also wanted to draw attention to Robbins Road serving as a barrier between the Town of Wilton and the Town of Northumberland, west of the center line is Wilton, and to the east is Northumberland, which is governed by their own Zoning Code. He also inquired about the architecture of the home, wondering how he was to know it was going to mimic the adjacent land homes, without seeing any type of architectural drawings, and how can they mimic the basement located under these structures because the houses in the neighborhood all have poured foundations or block foundations? He explained that he had reviewed a copy of the site plan and questioned a driveway which was not shown on the applicants drawing, the green space-they could be paving a parking lot in there for all we know, and the site plan provides no information on whether or not the applicant intends on installing a permanent foundation. Further, he expressed concern about the number of bedrooms of the mobile home since a waste disposal system is a requirement of New York Executive Law and Town Code, inquiring if the system been designed yet, and will the intended number of bedrooms satisfy the number of laterals required. Further, has a percolation test been performed to determine if the proposed absorption beds location is even feasible, can the applicant confirm the work has been completed? He also spoke of the non-conforming lot and that the site plan does not include any proposed grades, and since this is a non-conforming lot, a grading plan is of utmost importance to site, the structure, and limits the impact to the adjacent properties. He then spoke of the site plan not having a stamp, also not showing ingress and egress.

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Mr. Ramsdill explained to Mr. Sableski that they are there to review the Variances and SUP, that this does not diminish the applicant to comply with the building codes of the Town of Wilton, and would be required to have everything reviewed, inspected, and approved by the Town Building Department as with any other project in the Town of Wilton. Mr. Mykins also explained that they have an engineered design for the septic, and there is a well with a water quality test, and is not required to meet all of State Code, it falls under the 24 CFR (Combined Federal Regulations) which is a HUD regulation which determines what the design element is for the mobile home itself. Mr. Deloria stated that the septic and well are mentioned in the determination. Mr. Sableski also commented that the value of stick built homes versus the value of mobile homes is not equivalent and it will devalue the adjacent landowners in the neighborhood. Mr. Kingsley asked Mr. Sableski if he had documentation to support the potential decrease in property values, or is it just speculative, and Mr. Sableski replied if you look at the assessments around houses located around a trailer park, they will be significantly lower than homes in a prestigious development with no mobile homes within the vicinity. Mr. Kingsley explained he (Mr. Sableski) should take a ride down Loudon Road. Mr. Ramsdill confirmed that Mr. Sableski had anecdotal concerns he is reporting, and that he thinks the Board understands the position being presented and the concerns. Mr. Sableski thanked the Board for the opportunity and would personally not want to see a mobile home next to him.

Mr. Ramsdill closed the public hearing at 9:02 p.m.

Mr. Barrett questioned the term mobile home used by Mr. Sableski, and if he was under the assumption that the home would be like something found in a trailer park, and it seems more like a doublewide permanently attached to a foundation. Mr. Mykins said that is what a manufactured home is. There are two different types, a factory manufactured home (modular) built under New York State residential code, and manufactured homes built under the HUD, the CFR 24, and permanently affixed to the foundation by frost protected piers or slabs, not typically a basement and standard foundation. Mr. Hewlett commented that there is technically nothing that falls under the code of a mobile home that has been constructed since 1979, any manufactured home built to HUD code post 1979 is called a manufactured home, and technically under the building code there is no such thing as a modular home. There are houses built to residential code and houses built to HUD code.

Mr. Zabala voiced his opinion on tabling the appeal and referring it to the Town Board for administrative changes. Mr. Ramsdill affirmed that if a decision is made tonight, it can still be referred to the Town Board for review. Discussion continued between Mr. Hewlett, Mr. Schachner, Mr. Mykins, and the Board.

Mr. Kingsley made a motion to approve Appeal No. 2021-04, MH Imperial Homes, for Lynae Kovatch, 1429 Route 9, Fort Edward, New York 12828. Request for Area Variances pursuant to §129-43 A., B., §129-157, and Schedule B, R-2 District of the Zoning Ordinance; property located at 108 Robbins Road, Gansevoort, New York, 12831, Tax Map. No. 129.-1-18.21, zoned R-2, in the Town of Wilton, be granted, for the placement of a Mobile Home, a relief for 32.53 ft. frontage and 21,800 sq. ft. lot size; property located at 108 Robbins Road, Gansevoort, New York, 12831, 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

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properties will not be created by the granting of the Area Variances because of the number of manufactured homes that are currently on that road. 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 size of the lot is a pre-existing condition and it cannot be enlarged. 3. The applicant has demonstrated that the requested Area Variances are not substantial because it is only a small fraction of what is required. 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 will be similar in appearance and size to other homes in the area and will not have any effects on natural habitats. 5. The applicant has demonstrated that the alleged difficulty was self-created.

Mr. Zabala seconded the motion. Mr. Zabala, Mr. Kingsley, Mr. Barrett, Mr. Deloria, and Mr. Ramsdill were in favor. Mr. Rifenburg was opposed. The motion passed.

Special Use Permit No. 2021-03 MH Imperial Homes, for Lynae Kovatch, 1429 Route 9, Fort Edward, New York 12828. Request for a Special Use Permit for the placement of a Mobile Home pursuant to §129-43A., B., 129 Schedule B, R-2 District of the Zoning Ordinance; property located at 108 Robbins Road, Gansevoort, New York 12831, Tax Map No. 129.-1-18.21, zoned R-2 in the Town of Wilton.

A public hearing was held for both SUP2021-03 and 2021-04 during 2021-04. Correspondence was read by Mr. Ramsdill at the beginning of 2021-04, and has been placed in record for both appeals.

Mr. Ramsdill brought up the possibility that the SUP could be conditioned to having the appropriate foundation so that in appearance it would look like a regular home to be more in character with the neighborhood. Mr. Hewlett explained that the design of the foundation is dictated by the manufacturer's tapia. Mr. Mykins explained that they are not saying that the actual supporting foundation has to be that way, but rather the skirting, instead of vinyl, it needs to be aesthetically compliant with the homes around it, has to be concrete or block. Discussion was held between Mr. Hewlett and Mr. Mykins regarding insulation of foundation or skirting.

Mr. Rifenburg questioned the formality of approval of the SUP and Area Variances. Mr. Ramsdill explained that the Area Variances have to be voted on first to bring it into proper compliance that would even allow a SUP. Mr. Rifenburg asked if he could recant his vote on Appeal 2021-04. Upon reflection, had Mr. Rifenburg understood the component a little differently, he would have voted in the affirmative. Appeal No. 2021-04 now has all board members present in favor.

Mr. Ramsdill expressed his opinion upon skirting, and Mr. Kingsley explained that it should not be left to Mr. Mykins to express what is aesthetically pleasing. There was discussion about the condition to be placed on the SUP. Mr. Mykins asked if the meter board will be attached or detached, and Mr. Hewlett replied that in HUD code it is required to be detached, and a minimum of 10 ft. from the house. Mr. Zabala questioned planting or whimsical design to shield the meter.

Mr. Deloria mentioned it could be conditioned upon the applicant supplying a sample of the skirting to the building department to further approve. Mr. Kingsley expressed his opinion that the Board was taking on too many Planning issues. Mr. Deloria asked what is going to be done moving forward now since they set a precedent in terms of the State

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Law. Mr. Ramsdill explained after the SUP is closed out, a recommendation should be given to the Town Board for review related to this topic.

Mr. Deloria made a motion to approve SUP NO. 2021-03, MH Imperial Homes, for Lynae Kovatch, 1429 Route 9, Fort Edward, New York 12828. Request for a Special Use Permit for the placement of a Manufactured (Mobile) Home, pursuant to §129-43 A., B., and §129-175 D, property located at 108 Robbins Road, Gansevoort, New York 12831, Tax Map No. 129.-1-18.21, zoned R-2 in the Town of Wilton, was granted for the permanent placement of a Manufactured (Mobile) Home. This Special Use Permit is conditioned upon the applicant presenting skirting and foundation material that is proposed for approval by Town of Wilton Building Inspector. Mr. Barrett seconded the motion. A roll call showed all board members in favor. The motion passed.

Mr. Kingsley made a motion that a recommendation is made to the Town Board to review the code on manufactured homes, including the Special Permit criteria and concerns that arose around the wording in the current Town Code, and reviewing and incorporating as they see fit the State Law that was presented this evening.

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

Adjournment:

Mr. Barrett made a motion to adjourn. Mr. Kingsley seconded the motion. All board members were in favor. The meeting was adjourned at 9:30 p.m.

Dated: January 29, 2021

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Christopher Ramsdill, Vice Chairman