

**WILTON ZONING BOARD OF APPEALS  
THURSDAY March 27, 2014**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, March 27, 2014 at the Wilton Town Hall, 22 Traver Road, Wilton, New York and was called to order by Chairman O'Brien at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT:** Chairman O'Brien, Rocco Angerami, Dean Kolligian, Robert Barrett, Tony McCracken, Dave Buchyn, and Gerard Zabala. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

**ABSENT:** Mr. Ramsdill and Mr. Deloria

**MINUTES:** The minutes of the last meeting, held on March 27, 2014 were approved, as submitted, on a motion made by Mr. Angerami seconded by Mr. Kolligian. All board members were in favor.

**CORRESPONDENCE:** None other than those relating to current applications before the board.

**NEW BUSINESS:**

**APPEAL NO. 14-09** Macerich Company-Wilton Mall LLC, 3065 Route 50, Saratoga Springs, 12866. Request for a variance to relocate The Bon-Ton sign pursuant to Section 129-181B., (2), (a) Signs shall comply with the following provisions; Section 129-182 A., B. Legal nonconforming signs. Section 129-186 D., (7); at the above said address. Tax map No. 153.-3-86.111, zoned C-1 in the Town of Wilton.

Chairman O'Brien read a correspondence from the Saratoga County Planning Board for a favorable recommendation. The decision was; No Significant Countywide or Inter Community Impact.

Attorney Lapper approached the board and stated his name for the record. Attorney Lapper explained he characterized the application for an Area Variance as a modification because the criteria for the Area Variance for signage was granted in 1998 when the current board was not there but Chairman O'Brien was,

that was sixteen years ago. Attorney Lapper further explained as written on the application, the mall was seeking to free up the space where the Bon-Ton sign is now for another sign that has not yet been applied for. The mall is negotiating with a tenant who would occupy a space of 10,000 sq. ft. and that wouldn't require a variance but it would require satisfying the criteria of the code to have their own entrance door. Attorney Lapper stated the prospective tenant would not have two signs as shown, these were documents that were prepared when negotiating with the tenant; two signs were not allowed for a store under the Wilton code. Attorney Lapper explain in terms of the variance that was being proposed to modify the criteria for Bon Ton because it's on the side of the mall and it can't be seen from Route 50 it is important for their location in the mall to have the sign at the main front entrance which presents another way of getting into Bon Ton. Attorney Lapper further explains its part of Bon Ton's lease to have a sign and in order to free up the space on the mall the proposal was to take the identical sign and place it over the Old Navy sign. Attorney Lapper stated he hoped the board would not view this as a significant change. Attorney Lapper referred to photos he had posted on the wall showing the existing signage and the proposed signage. Attorney Lapper explained the photos showed that even from off-site it was barely visible to see the signs and it would be less so against the dark background than it would be against the white background. Attorney Lapper further explains the signage is really for when you are on the outside ring road, and for those who are not familiar with the area, it shows where Bon Ton is located. Attorney Lapper stated there really was not a big impact when you were off site because of the 900 ft. distance between the property line and the front of the mall and that it was more important when you were actually on the mall property. Attorney Lapper further stated he hoped the board would see this as a simple request to take what is there and move it over.

Chairman O'Brien asked if there were any questions. Mr. Barrett stated he had no objections to just moving the sign over. Mr. Kolligian addressed Chairman O'Brien and stated he wanted to disclose to the board, Attorney Schachner, and Mr. Mykins that John Lapper is our attorney/representative for all of our development projects.

Chairman O'Brien asked if there were any questions. There were none.

Mr. Zabala made a motion that Appeal No. 2014-09 Macerich Company-Wilton Mall LLC, 3065 Route 50, Saratoga Springs, 12866. Request for a variance to relocate The Bon-Ton sign pursuant to Section 129-181B., (2), (a) Signs shall comply with the following provisions; Section 129-182 A., B. Legal nonconforming signs. Section 129-186 D., (7); at the above said address. Tax map No. 153.-3-86.111, zoned C-1 in the Town of Wilton. The request for an area variance for signage be 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 applicant is seeking to relocate the “Bon Ton” sign from its current location on the northern façade of the mall, to the area above the mall entrance. Due to the fact that this is not an entrance to the Bon Ton store, a variance is needed. Relocating this sign will allow a new tenant to be placed in the mall, and the new tenant’s sign to be located where the “Bon Ton” sign currently is. This proposal will allow the Applicant to meet the tenant’s requirements for entering a lease with the mall. Overall, increasing the tenancy at the mall will only result in a positive change. 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 modifying an existing variance so that it can relocate a sign slightly from its current position to enable a new tenant to occupy a vacant space. 3. The applicant has demonstrated that the requested area variances are not substantial because: The proposed signage of the “Bon Ton” was previously granted a sign variance so it could be located slightly to the west of the mall entrance. The proposal is to relocate this existing sign to place it above the mall entrance and just above the existing “Old Navy” sign. Although, it will require an additional sign, a new tenant that will be moving into the mall, will be occupying the 10,000+/-square foot area that is adjacent to that entrance. As a result, placing the new tenant’s sign in that area, with a separate entrance door, will make for a compliant sign. The existing Bon Ton sign is considered a permitted sign due to the variance which was obtained in 1998. Relocating this sign above the mall entrance, would merely be modifying the variance, to move the sign slightly to the east. As a result, it should not be deemed a substantial request. 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 sign is tastefully done and relatively small and really not visible from off-site, only on the mall property. 5. The applicant has demonstrated that the alleged difficulty was not self-created because: This should not be deemed a self-created hardship, because the Bon Ton store is located on the eastside of the mall, and is not facing the Route 50 corridor. Maintaining a sign on this northern façade, will allow Bon Ton to receive the exposure it needs to attract the customers that are entering the mall from its northern side.

Mr. Kolligian seconded the motion Mr. Angerami, Mr., Kolligian, Mr. McCracken, Mr. Barrett, Mr. Buchyn, and Mr. Zabala were all in favor. The motion passed.

**ADJOURNMENT:**

Mr. Kolligian made a motion to adjourn the meeting at 7:10 p.m. Mr. Angerami seconded the motion. All board members were in favor. The motion passed.

Dated: \_\_\_\_\_

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Amy DiLeone  
Zoning Clerk