

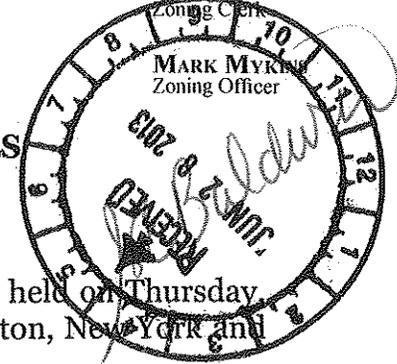
TOWN OF WILTON
22 Traver Road
Gansevoort, New York 12831-9127
(518) 587-1939 Ext. 224
FAX (518) 587-2837
www.townofwilton.com

JOSEPH O'BRIEN
Zoning Board Chairman

MICHELLE DINGMAN
Zoning Clerk

MARK MYKINS
Zoning Officer

WILTON ZONING BOARD OF APPEALS
THURSDAY, May 23, 2013



A meeting of the Wilton Zoning Board of Appeals was held on Thursday, May 23, 2013, at the Wilton Town Hall, 22 Traver Road, Wilton, New York and was called to order by Chairman Joseph O'Brien at 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Joseph O'Brien, Rocco Angerami, Christopher Ramsdill, James, Robert Barrett, and James Deloria. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

MINUTES: The minutes of the last meeting, held on April 25, 2013, were approved, as submitted, on a motion made by Mr. Kolligian, seconded by Mr. Angerami. All board members were in favor.

CORRESPONDENCE: A request from Shawn Altheiser, per a telephone conversation on May 15, 2013 - Appeal No. 09-06 the special permit is no longer necessary.

An email received from John Allen, Esq. respectfully requests his client Altamont Park Apts., Inc. for the variance application Appeal No. 2013-12 be tabled until the next Zoning Board meeting.

OLD BUSINESS:

APPEAL NO. 01-07 Mark Harrison, 180 Meadowbrook Road, Saratoga Springs, New York 12866. Request for the renewal of a Special Permit pursuant to Section 129-176 (I) of the Zoning Ordinance, for the operation of an auto repair and inspection facility; property located at 665 Route 9, Tax Map No. 140.-3-14, originally zoned CR-1, now zoned H-1. Appeal originally granted on March 28, 2001 for a period of two years and renewed several times.

Chairman O'Brien stated the applicant does not want this application renewed and asked if a letter is necessary from the applicant. Mr. Mykins said he will get something in writing from the applicant. Mr. Mykins said Mr. Harrison came into his office unofficially and told him that the special permit was no longer necessary. Chairman O'Brien asked Mr. Schachner if the application should be

carried until the next meeting. Mr. Schachner said the board could wait for the official correspondence, but said it is not a requirement.

Mr. Angerami made a motion to close Appeal No. 01-07 Mark Harrison for continued use for an auto repair service. Mr. Ramsdill seconded the motion and all board members voted in favor. Motion carried.

APPEAL NO. 09-05 Charles R. Pickett, Jr., 7 Pine Ledge Terrace, Gansevoort, New York 12831. Request for a Special Permit, pursuant to Schedule A and Section 129-176 C (1), (2) and (3) of the Zoning Ordinance, for a home occupation as a gunsmith/firearms dealer; property located at 7 Pine Ledge Terrace, Tax Map No. 140.6-4-1, zoned R-1, in the Town of Wilton.

Mr. Pickett was present requesting his special permit to be renewed. Mr. Pickett said his State and Federal licenses are current and have copies current with the town and valid for the next several years. Chairman O'Brien asked Mr. Mykins if there were any concerns. Mr. Mykins said there are no concerns.

Mr. Ramsdill made a motion to renew appeal No. 09-05 for Charles Pickett for the special permit for a home occupation as a gunsmith/firearms dealer for a period of two years. Mr. Barrett seconded the motion. All board members voted in favor. Motion carried.

APPEAL NO. 09-06 Shawn Altheiser, 37 Corinth Mountain Road, Gansevoort, New York 12831. Request for a Special Permit, pursuant to Schedule C and Section 129-176 (C) of the Zoning Ordinance, for a home occupation as a baker; property located at 37 Corinth Mountain Road, Tax Map No. 101.-1-68, zoned R-3, in the Town of Wilton.

Chairman O'Brien said the letter states the applicant, Shawn Altheiser, does not want the appeal renewed.

Mr. Angerami made a motion to close the appeal No. 09-06, Shawn Althesier, 37 Corinth Mountain Road "they do not want it renewed." Mr. Barrett seconded the motion and all board members voted in favor. Motion carried.

APPEAL NO. 13-12 Altamont Park Apts., Inc., David Canfield, P.O. Box 5107, Clifton Park, New York 12065 for the property located at Margaret Drive, Gansevoort, New York 12831. Request for Area Variances pursuant to Schedule A, R-1 Residential of the Zoning Ordinance for a proposed 2-lot subdivision; at above said property, Tax Map No. 128.5-1-12, zoned R-1, in the Town of Wilton.

Chairman O'Brien stated the applicant requested prior to carry the appeal over to the June meeting.

Mr. Ramsdill made a motion to carry over Appeal No. 13-12 to the next meeting. Mr. Mr. Angerami seconded the motion, All board members voted in favor. Motion carried.

NEW BUSINESS:

APPEAL NO. 13-14 Rodney J. Parrott, 123 Ruggles Road, Saratoga Springs, New York. Request for an Area Variance, pursuant to Schedule A, R-2 Residential District of the Zoning Ordinance for a proposed detached garage; property located at above said address. Tax Map No. 154.-2-33.4, zoned R-2 in the Town of Wilton.

Mr. Parrott appeared before the board. Mr. Parrott stated he would like to build a detached 1 1/2 car garage for storage. Mr. Parrott said there is a one bay garage located under the existing house. Mr. Parrott said the only place effective to do this is on the turnaround - 29ft. from the south property line. Mr. Parrott said he spoke to his neighbors and no one had any issues with the proposal.

Mr. Ramsdill made a motion on Appeal No. 13-14, Rodney Parrott, 123 Ruggles Road, Saratoga Springs, NY for an area variance – 29ft. for the south side setback that it be granted because the benefit to the applicant outweighs the detriment health, safety and welfare to the community for the following reasons:

An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting of the area variance, because it is consistent with other homes in the area and not an overwhelming size to the lot.

The benefit sought cannot be achieved by some method feasible due to the layout of the property and layout of trees on the property to maintain.

The requested area variance is not substantial again – The relief is only 11ft. and on a location that is fitting for the garage.

The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood, because again, it is consistent with other properties in the neighborhood.

The alleged difficulty was self-created.

Mr. Angerami seconded the motion and all board members voted in favor. Motion carried.

APPEAL NO. 13-15 Rosanna & Luigi Meccariello, 348 Ruggles Road, Gansevoort, New York. Request for an Area Variance pursuant to Schedule A, R-2 Residential District of the Zoning Ordinance for a proposed detached garage; property located at above said address. Tax Map No. 129.-1-27.22, zoned R-2 in the Town of Wilton.

Mr. & Mrs. Meccariello appeared before the board. Mr. Meccariello said the proposal is for a garage to store lawnmowers, bicycles, and household items not be for car storage.

Mr. Angerami made a motion to approve the area variance Appeal No. 13-15 for 348 Ruggles Road, Tax Map No. 129.-1-27.22 for a proposed detached garage.

An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting of the area variance, because the new garage is going to be professionally built and match the house and will not have an undesirable change.

The benefit sought cannot be achieved by some method feasible to pursue, other than an area variance.

The requested area variance is not substantial - the 20ft. side yard setback is not substantial.

The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The alleged difficulty was self-created.

Mr. Ramsdill seconded the motion all board members voted in favor. Motion carried.

APPEAL NO. 13-16 Glens Falls Hospital, 100 Park Street, Glens Falls, New York. Request for an Area Variance pursuant to Schedule J, C-3 Commercial/Light Industrial District of the Zoning Ordinance for a proposed addition to the existing structure; property located at 135 North Road, Gansevoort, New York. Tax Map No. 115.-1-50, zoned C-3 in the Town of Wilton.

Chairman O'Brien read the referral review from Saratoga County Planning Board for Area Variance and Site Plan Review—Glens Falls Hospital.

Construction of previously approved two-story addition to building #1.
Construction of a stair and elevator addition on the east side of the building.

Addition of a covered ambulance entry/exit area.
Basement stairwell with canopy cover.
North Road and Ballard Road (County Route 33)

Decision: No Significant County Wide or Inter Community Impact.

Comment: In accordance with the Memorandum of Understanding (MOU) between the Town of Wilton Planning Board and Zoning Board of Appeals the Saratoga County Planning Board (SCPB) the above-noted area variances (for rear yard setbacks associated with the stair, elevator and covered ambulance entrance and Site Plan Review referral have been reviewed and deemed to present no impacts or issues of a countywide or intermunicipal nature.

Mr. Zimmerman said the applicant has a previously approved site plan with the Planning Board. When the applicant got to the point of laying out the interior of the building for what they wanted their space to be, the flow is better to have the stair tower and the elevator located exterior to the building along with the canopy for an ambulance pickup. Mr. Zimmerman said when it was laid it out; it fell within the required 100ft. setback east side and is seeking a 15ft. relief.

Chairman O'Brien asked if there is a need for ambulance service. Mr. Zimmerman said no, but are getting ready to introduce Urgent Care - so if someone would need to get to a hospital this would provide a safe environment to pick someone up and deliver them to a hospital.

Mr. Ramsdill made a motion for Appeal No. 13-16 for Glens Falls Hospital for area variance for 135 North Road Tax Map No. 115.-1-50 for a relief of 15ft side yard setback be granted because the benefit of the relief outweighs the detriment to health, safety and welfare of the community.

An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting of the area variance, because it is a large space and no existing structures nearby and it's appropriate to the medical use of the facility.

The benefit sought cannot be achieved by some method feasible to pursue other than an area variance, because they are required to have canopy and is a good place for them to establish the drop off for the ambulance.

The requested area variance is not substantial because it is only 85ft. and the required is 100ft.

The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood, because it's inconsistent with the use of that district.

The alleged difficulty was not self-created and is a health code regulation to have the canopy.

Mr. Barrett seconded the motion all board members voted in favor. Motion carried.

Mr. Zimmerman asked for clarification from the Saratoga County Planning Board letter. The Town's Appeal No. 13-16 and the County has Appeal No 13-76. Mr. Schachner said it is 13-16.

APPEAL NO. 13-17Hoffman Development Corp, 1757 Central Avenue, Albany, New York. Request for an Area Variance pursuant to §129-52 G, C-1 Commercial District of the Zoning Ordinance for a proposed modification to existing commercial site; property located at 5 Lowe's Drive, Saratoga Springs, New York. Tax Map No. 153.-3-37.35, zoned C-1 in the Town of Wilton.

Mr. Slone appeared before the board. Mr. Slone said the request is to widen the entrance on the car wash for customer safety. Mr. Slone said the applicant proposes to pour the existing entrance with concrete and a trench drain to capture all the run-off water; proposing improvements to the site - west towards Walgreens.

Chairman O'Brien read the Referral Review for Area Variance – Amended Site Plan – Hoffman Development Corp.

Decision: No significant County Wide or Inter Community Impact.

Chairman O'Brien asked Mr. Mykins if he had any questions. Mr. Mykins said no.

Mr. Deloria asked how close will the proposed curbing be to the Walgreens building now. Mr. Slone did not know to the building, but there is 15ft of area to where the black top ends and where the other property starts, but is not sure of the distance all the way to the building. Mr. Mykins stated he believes there is a grass buffer between their property line and the drive for Wallgreens and that is a 25ft. drive from there; 45ft. or 50ft.

Mr. Ramsdill asked if there is a requirement that the applicant have a significant number of trees, which was stated in the initial approval. Mr. Mykins said the Planning Board would address and has addressed the moving of the trees.

Chairman O'Brien asked if this is located on the back side of the building. Mr. Slone said yes, next to Walgreens.

Mr. Angerami made a motion that the application for Hoffman Corporation for an area variance for the premises for 5 Lowes Drive Tax Map No. 153.3-37.35 because the benefit to the applicant outweighs the detriment to health safety and welfare of the community

An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting of the area variance, because it is an adjustment to the existing pavement to allow for better traffic circulation on the site.

The benefit sought cannot be achieved by some method feasible to pursue other than an area variance, because this is an existing entry road to the existing facility and does not appear how they could do it any other way.

The requested area variance is not substantial.

The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood, because no change in use will improve the traffic situation.

The alleged difficulty was not self-created and is fixing something which was not foreseen on original design. Mr. Deloria seconded the motion and all present voted in favor. Motion carried.

APPEAL NO. 13-18 John Kazmierczak, 35 Cherry Tree Lane, Gansevoort, New York 12831 for an Area Variance pursuant to Subdivision Approval for Westbrook Subdivision, R-1 of the Zoning Ordinance for a proposed addition of deck; property located at above said address. Tax Map No. 114.15-2-20, zoned R-1 in the Town of Wilton.

Mr. Kazmierczak appeared before the board. Mr. Kazmierczak said he would like to put a small deck off the back of the house located in a cul-de-sac on Cherry Tree Lane. Mr. Kazmierczak said at the beginning the lot is very oddly shaped in the circle and had to twist his house to fit in the lot and are 1.5ft. from the building line in the back and wants to go out ten feet with a small deck which encroaches into the 35ft. required setback. Mr. Kazmierczak said he is requesting a 10ft. variance.

Mr. Angerami asked Mr. Kazmierczak if there are any complaints from neighbors. Mr. Kazmierczak replied no - the rear property is owned by the Home Owners Association (HOA).

Mr. Ramsdill made a motion on Appeal No. 13-18 John Kazmierczak, 35 Cherry Tree Lane Tax map No. 114.15-2-20 for relief of 10ft. in the rear yard setback be granted because the benefit to the applicant outweighs the detriment to health safety and welfare of the community.

An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the area variance, because of the orientation on the property of the house it's a small deck, and does not have a lot of options because of the way it is angled on their property

The benefit sought cannot be achieved by some method feasible to pursue other than an area variance, because the deck could really not be located easily anywhere on the property.

The requested area variance is not substantial because its only 25ft. and the property in the rear is forever wild.

The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood, because the deck is small and other properties have decks.

The alleged difficulty was self-created because the applicant wants to add a deck.

Mr. Barrett seconded the motion and all board members voted in favor. Motion carried.

APPEALS NO. 13-19 Shawn Emery, PO Box 1165 Saratoga Springs, NY 12866 for a Special Permit pursuant to §129-159, R-1, Schedule A, R-1 Residential District and §129-176 P (1), (2) and (3) of the Zoning Ordinance a proposed accessory apartment; property located at 22 Sheffield Road, Gansevoort, New York. Tax Map No. 127.20-4-18, in the Town of Wilton.

Mr. Emery appeared before the board.

Chairman O'Brien read the letter of authorization directed to Mr. Mykins which states my wife Michelle and I have contracted with Shawn Emery of EB Builders to build an in-law addition to our property at 22 Sheffield Road in the Town of Wilton, NY. As a result, we give permission to Mr. Emery to represent us and

Speak on our behalf on any matter regarding the approval of this project. Should you have any questions, I can be reached at (518) 812-8909. Thank you.

Regards,

Paul Laniewski

Mr. Emery said the applicant is proposing to build a 32' x 32' one story single occupant addition. Chairman O'Brien asked who this is for. Mr. Emery said the mother in-law. Chairman O'Brien asked what happens when the mother in-law is not there. Mr. Emery would suspect it would be utilized as living space as they have five children. Mr. Emery said it has a separate entrance, front door and also accessible through the house- tied to the house. Mr. Mykins said it was initially proposed as an in-law apartment. Mr. Mykins said the applicant is in front of the board because they do not meet the criteria for an in-law apartment so it would be an accessory apartment; it does not have separate utilities - accessory apartment to the dwelling.

Mr. Ramsdill asked because of the size.

Mr. Mykins said yes because of the size and the way the code reads - for it to be an in-law apartment, it has to meet all that the criteria. Mr. Mykins said it has an identifiable entrance in the front and has more square footage than what is allowed as an in-law apartment.

Mr. Angerami asked what is off the back. Mr. Emery said a screened porch.

Mr. Barrett said his only reservation is what is to prevent this from becoming a rental unit other than shared utilities which are common in rental units.

Mr. Emery said information he has been privy to from the homeowner is that the mother-in-law apartment and would be utilized only by her. Mr. Emery said any guarantee of the future could not speak on their behalf; it is a large family the mother in-law is well and is foreseeing the future and having to live with them to be taken care of.

Mr. Mykins said this is not an in-law apartment it is an accessory apartment and can be rented out in the future and applicants are here for the special permit to rent it out. Mr. Schachner said the applicants are here for the special permit not with current intention to rent it out, but by virtue of this not be an in-law apartment but being an accessory apartment would not be prohibited from renting it out. Chairman O'Brien asked if it could be restricted. Mr. Schachner said a rental is a form of ownership or form of use whether it is being rented to somebody or mother- in-law is living in it does not change the intensity of the

use. Mr. Schachner said the things that change the intensity of the use are the size and area requirements which this does not meet for an in-law apartment.

Mr. Ramsdill asked what if a special permit is issued with a two year stipulation and a structure is built. Mr. Mykins said you cannot make the applicant tear it down. Mr. Schachner said the board can revisit the special permit in two years with the possible conditions. Chairman O'Brien asked Mr. Schachner if a stipulation could be put on for a mother-in-law only. Mr. Schachner replied correct, this does not meet that requirement and is above and beyond that requirement. Mr. Schachner said enforcing such restrictions is rather difficult.

Mr. Angerami asked why the applicant does not apply for a mother-in-law apartment.

Mr. Mykins said the only way to do this as a mother-in-law apartment under the code is to meet all criteria. The town code said if you do not meet the criteria, it is an accessory apartment.

Mr. Barrett asked why can't the applicant meet the criteria and have a mother-in-law apartment.

Mr. Mykins said the applicant wants a separate entrance because the mother-in-law is still able to get around and able to come in and out.

Mr. Ramsdill asked Mr. Emery if there is an entrance for the house.

Mr. Angerami asked for clarification of the entrance.

Mr. Mykins said there is a small porch and an entrance.

Mr. Emery said the door exists on the front entrance and the rear of the house is the screened porch.

Mr. Mykins asked Mr. Emery if he had an elevation of the front of the house. Mr. Emery said no. Mr. Emery approached the board to explain the submitted drawing of the location of the entrance from the house.

Mr. Angerami asked Mr. Mykins if this was a front door entrance.

Mr. Mykins said it is readily discernible as a separate entrance.

Mr. Mykins said the minimum width of NYS code is 36 inches.

Mr. Angerami said when scaling the drawing with his pencil, it does not look like 3ft., but he said, it might. Mr. Angerami said the drawing should show it.

Mr. Deloria asked if the applicant has revisited the plans to scale the drawings to reduce to 800 square feet to meet the requirement. Mr. Emery said yes, and due to the homeowners request for the size and the space to be usable and considering the fact that that she is taking in the consideration the possibility of a possible wheelchair and having that much space.

Mr. Ramsdill asked if the adjacent land could be built on. Mr. Mykins said it is a double lot and there are jurisdictional wetlands.

Mr. Barrett said other than the fact that the applicants do not want to scale it down and meet all the in-law apartment requirements they just want a bigger place. Mr. Emery said yes.

Mr. Angerami said based on the drawing, if the board were to grant this special permit, the applicant would have to submit a full set of drawings for approval. Mr. Mykins said yes, the applicant has to have a permit in order to build and submit a full set of drawings. Mr. Angerami asked could the board stipulate that it would have to have a door. Mr. Schachner said the board can make that a conditional approval. Mr. Angerami said he does not see a door. Mr. Mykins said there is a door to the right when you go up onto the porch.

Mr. Mykins said the board is not approving this as a Mother-In-Law Apartment so it does not have to have it Mr. Mykins said you (the board) is approving it as an Accessory Apartment.

Chairman O'Brien said it is only for one woman why does it have to be this size. Mr. Emery said it has a living room, kitchen, bathroom, bedroom and a walk-in closet.

Mr. Barrett said his house had an in-law apartment for his father-in-law who lived there until he died and it is not that big. Mr. Barrett said he was handi-capped.

Mr. Emery said he is going upon the wishes of the mother-in-law who walked through the existing house and to achieve to make her feel like as if she is not giving up anything and continuing the way she lives now.

Mr. Mykins said this does meet all the criteria for an accessory apartment. Mr. Mykins said the applicants are not asking for a variance. Mr. Schachner said except for square footage. Mr. Schachner said an accessory apartment shall be a minimum of 500 square feet and a maximum of 800 square feet.

Mr. Angerami asked if there are any other in-law apartments or accessory apartments in that neighborhood.

Mr. Ramsdill asked Mr. Mykins is 800 square feet the maximum for an in-law apartment and accessory apartment Mr. Mykins replied yes.

Mr. Angerami asked if the notices that were sent out indicate mother-in apartment or accessory apartment. Mr. Mykins said he believes accessory apartment. Mr. Barrett said the determination states in-law apartment.

Mr. Deloria said one is rentable and one is not; an in-law apartment cannot be rented. Mr. Mykins said it is not rentable and no separate services are ever allowed.

Mr. Angerami asked if anyone complained that it was an accessory apartment. Mr. Schachner said, "Here is your public hearing." Mr. Angerami said he did not know if it was listed as an in-law apartment.

Mr. Emery said the notice was an accessory apartment.

Mr. Ramsdill asked what are the distinguishing characteristics here in the 40% is it either or – or less than both. Mr. Mykins said it has to be less than 800 square feet and this is not and 40%. Mr. Schachner said this meets the percentage, but not the square footage.

Chairman O'Brien said the board can act on this or make it go back to an in-law apartment. Mr. Mykins said you cannot make it go back to an in-law apartment because it does not meet the criteria and throws you into an accessory apartment. Mr. Mykins said the Town Law states that if the applicant meets the criteria the applicant would not even have to come before the board to construct an in-law apartment. Mr. Mykins said if you don't meet all that criteria, it is now considered an accessory apartment and a special permit is required for an accessory apartment. Mr. Mykins said the size and the fact it has a distinguishable entryway from the road.

Mr. Ramsdill asked Mr. Mykins if an applicant meets all the criteria for a special permit the board should be granting the special permit. Mr. Schachner said in §129-175 Special Permit Review - there are criteria to consider in terms of public health interest welfare, appropriated located in terms of transportation facilities, water supply, and fire police protection and alike. The board is allowed to evaluate in accordance to those criteria. Mr. Schachner said if the board feels the applicant does not meet the criteria; undo traffic congestion, impact on neighborhood character, property values are reasonably safeguarded.

Mr. Ramsdill made a motion to approve Appeal No. 13-19 for Shawn Emery for the property Tax Map. No. 127.20-4-18 for a special permit for relief from §129-176 to allow the second dwelling to be constructed as planned and §129-176 P to allow the apartment to be 980.5 square feet or 36% of the existing family home with the restriction that there has to be an interior passway between the two structures.

Mr. Angerami said if the board does not put a time limit, could the door be blocked off in the future. Mr. Schachner said the board does have a right to ask and could make it part of the motion that a door be located at that location. Mr. Schachner said this raises enforcement issues, but if somebody were to make a complaint, he (Mr. Mykins) would have a right to seek access and if that door were blocked would be a violation of this approval if it's approved.

Mr. Angerami seconded the motion and all present voted in favor. Motion carried.

APPEAL NO. 13-20 Greenfield Fire District, PO Box 103, Greenfield, NY 12833. Request for a public service, use variance, for a sign, pursuant to §129-186 of the Zoning Ordinance for a proposed digital sign for the firehouse, CR-1 of the Commercial One Zoning District; property located at 613 Route 9, Saratoga Springs, NY. Tax Map No. 153.-1-15.2, in the Town of Wilton.

Chairman O'Brien asked Mr. Schachner to explain the difference between the public use variance and the area variance. Mr. Schachner said it's not so much between the use variance and the area variance, but what needs explaining is a fire district is generally considered to be a public or quasi-public use. Mr. Schachner said as a result this is not something that violates an area requirement it is arguably a use requirement, but a public necessity use like a fire company, fire department or fire district and by law is entitled to what is a deferential standard of reviews. Mr. Schachner said this is more like the area variance big picture criteria which is the benefit to the applicant versus detriment to the community. Mr. Schachner said in this case you could look at it as a benefit to community versus detriment to the community because it is a public safety use.

Chairman O'Brien read the Referral Review for Public Service Use for Greenfield Fire District/Maple Ave Volunteer Firehouse.

Replace existing pedestal sign with digital sign for public safety/service announcements. Maple Avenue (NYS Rt. 9)

Decision: Approve

Comment: The Saratoga County Planning Board recognizes that the proposed use (digital signage) is a principally permitted use in the C-1 District only, primarily as a means of advertising business locations and products within the retail corridor of Exit 15/NYS Rt. 50. Approval of stand-alone digital signage in the Rt. 9 CR-1 corridor, with its potential for visual distraction of the driving public, would be difficult to consider absent the appeal as a public service use variance. We suggest that the town zoning board of appeals consider any recent input or commentary from the town board's recent review and approval of digital signage along Rt. 50. Our primary concern in approval of the proposed variance is for safety of the driving public and recommends that only true public safety/service announcements be displayed and that the frequency of changes in the display of multiple messages be such that there are no distractions created.

Captain Gary Bullard of Maple Ave Volunteer Fire Department appeared before the board. Captain Bullard said they are trying to replace the existing sign that is lit and said putting letters to a digital sign can announce stuff on a more frequent basis. Captain Bullard said they could announce potential storm issues, road closures, safety issues or change of smoke detector. Captain Bullard said this can be done a much quicker basis. Captain Bullard said now we have to rely on someone going to fire house and changing the letters to the sign where this can be programed from his office. Captain Bullard said the size of the sign is not going to change, but the area of the sign has been reduced. Captain Bullard said cement pillars are being added to the proposed sign. Chairman O'Brien asked Captain Bullard "You are in agreement with the public safety service announcements only." Captain Bullard said, "That is kind of a gray area." We obviously advertise for carwashes and fundraisers – that is how the fire department is funding the sign.

Mr. Angerami asked if there is way the board could police the signage.

Mr. Mykins said the code has content restrictions and frequency restrictions so the board could refer to the Digital Signage code C-1. Mr. Schachner said the board could use this as a condition.

Mr. Schachner said it is difficult to regulate content, but does feel that the existing digital sign regulation for C-1 does have some conditions/requirements.

Mr. Mykins said its frequency which is two minutes. Captain Bullard said it's almost defeating our purpose. A two minutes time span is an exorbitant amount of time to get a lot of information out there considering the town has a sign for road closures which is only out for three seconds.

Mr. Ramsdill said a concern for a too frequent time frame - it would become a distraction.

Mr. Mykins said the Saratoga County Referral said if you have a bunch of different announcements; it almost becomes a flashing sign people become distracted trying to read the sign as they go by. Mr. Schachner said the actual language from the SCPB is "The frequency of changes in the display of multiple messages by such that there are no distractions created."

Mr. Schachner suggested trying to decipher between emergency situations and non-emergency situations.

Mr. Mykins said if it is an Amber Alert will come up and stay up.

Mr. Ramsdill asked what the character/space proposed for the sign. Captain Bullard said a 3' x 6' area and programs that area into what they want for space - it just depends on lettering.

Mr. Mykins said it's the same message every 17 seconds in a 45mph zone. Mr. Mykins said somebody passing at 45mph how much of that are they going to be able to read. Mr. Mykins said 100ft. away you are starting to read the sign at 45mph you are by it in 45 seconds. Mr. Mykins said we do not want this flash fold and that is what the Saratoga County Planning Board is saying.

Mr. Mykins said at the Town Board meeting Captain Bullard requested 17 seconds. Captain Bullard said no, 15 seconds and that is coming from the sign company.

Mr. DeLoria said the code states it shall not exceed a speed of two complete revolutions for every twenty seconds.

Mr. Ramsdill feels the code has developed with a little controversy and feels people have tried to think through carefully and would like to start there and if the town becomes more comfortable with digital signs and wanted to move from there that would be something we would consider with more thought. Mr. Ramsdill is not comfortable estimating if 15, 20, or 30 seconds is appropriate from the position he is sitting in now and that was an issue that was looked at pretty carefully when it was being developed.

Mr. Mykins said Ryan Riper, P.E., Town Engineer went and looked at lot of signage with sign engineers. Mr. Mykins said the engineers that design the signs came up with this design.

Captain Bullard understands that larger business like WalMart and Lowe's want to change stuff fast and get stuff moving and understands the distraction. Captain Bullard said what they are proposing will be for a public service for a fundraiser, Wilton Town Day, blizzard or an Amber Alert.

Mr. Mykins said the new code C-1 "The message display shall not change at a frequency of less than 30 seconds."

Mr. Schachner said the concern is flashing more frequently than 30 seconds in a matter that could be deemed more distracting.

Mr. Angerami asked does it have to meet the C-1 criteria.

Mr. Mykins said it has to meet the same criteria for signs in the C-1 zone.

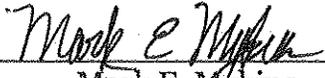
Mr. Deloria has a concern with a young and inexperienced driver when driving by being as a distraction.

Mr. Ramsdill made a motion to approve the Public Safety Use Appeal No. 13-20 for the construction of the digital sign for Greenfield Fire District Tax Map No. 153.1-15.2 because the benefit to the community is better achieved with the use of the digital sign by the firehouse and to condition and be in conjunction with the restrictions on digital signs in the C-1 code. Mr. Angerami seconded the motion and all preset voted in favor. Motion carried.

ADJOURNMENT:

The meeting was adjourned at 8:05pm on a motion made by Mr. Angerami and seconded by Mr. Barrett. All board members voted in favor.

APPROVED: June 28, 2013


Mark E. Mykins
Zoning Officer