

WILTON ZONING BOARD OF APPEALS
THURSDAY July 24, 2014

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, July 24, 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, Christopher Ramsdill, Dean Kolligian, Robert Barrett, and Gerard Zabala. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

ABSENT: James Deloria, Tony McCracken, Rocco Angerami and David Buchyn

MINUTES: The minutes of the last meeting, held on June 26, 2014 were approved, as submitted, on a motion made by Mr. Barrett seconded by Mr. Zabala. All board members were in favor.

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

RENEWALS:

APPEAL NO. 90-18 Vicki Bachmann, 4 Newington Avenue, Gansevoort, New York 12831. Request for an extension of a Special Permit, for a home occupation of a temporary law office; property located at 4 Newington Avenue, Tax Map No. 140.6-2-9, zoned R-1, in the Town of Wilton. Special Permit originally granted on June 28, 1990 for a period of two years, is due for review and renewal.

Ms. Bachmann approached the Board and apologized for missing the meeting last month. Chairman O'Brien asked if Ms. Bachmann would to renew the Special Permit she said yes. Mr. Kolligian asked Mr. Mykins if there were any issues. He said there were none.

Mr. Kolligian made a motion to approve Appeal 90-18, Vicki Bachmann, 4 Newington Avenue, Gansevoort, New York 12831. Request for an extension of a Special Permit, for a home occupation of a temporary law office; property located

at 4 Newington Avenue, Tax Map No. 140.6-2-9, zoned R-1, in the Town of Wilton. Special Permit originally granted on June 28, 1990 for a period of two years, in consideration of all findings of Section 129-175 ((D), for a period of two additional years.

Mr. Barrett seconded the motion. Mr. Ramsdill, Mr. Kolligian, Mr. Barrett, Mr. Zabala and Chairman O' Brien were all in favor. The motion passed.

APPEAL NO. 99-16 Richard and Kay Zwirn, 9 Taylor Road, Gansevoort, New York 12831. Request for the renewal of a Special Permit, pursuant to Schedule B of the Zoning Ordinance for a private stable; property located on Route 50 and Duncan Road, Tax Map Nos. 129.00-1-70.11 and 129.00-1-70.12, zoned R-2. Special Permit originally granted on July 22, 1999 for a period of two years, is due for review and renewal.

Mr. Zwirn approached the Board and stated he would like to renew his Special Permit. Chairman O'Brien asked Mr. Mykins if there had been any issues. He said there had been none. Mr. Zwirn stated that he had an article from Saratoga Living that featured his farm and would like to share it with the Board.

Mr. Kolligian made a motion to approve Appeal 99-66, Richard and Kay Zwirn, 9 Taylor Road, Gansevoort, New York 12831. Request for the renewal of a Special Permit, pursuant to Schedule B of the Zoning Ordinance for a private stable; property located on Route 50 and Duncan Road, Tax Map Nos. 129.00-1-70.11 and 129.00-1-70.12, zoned R-2. Special Permit originally granted on July 22, 1999 for a period of two years, in consideration of all findings of Section 129-175 (D), for a period of two additional years.

Mr. Zabala seconded the motion. Mr. Ramsdill, Mr. Kolligian, Mr. Barrett, Mr. Zabala and Chairman O' Brien were all in favor. The motion passed.

NEW BUSINESS:

APPEAL NO. 14-18 Signworks Neon Corporation, 27 Carey Road, Queensbury, NY 12804. Request for Area Variances pursuant to Section 129-181, (2), (a) and (b) of the Zoning Ordinance for signage on behalf of Price Chopper Supermarket; property located at 3045 Route 50, Saratoga Springs, NY 12866, Tax Map No. 153.-3-48.2 zoned C-1, in the Town of Wilton.

Mr. Early approached the Board showing them print outs of the first signage proposal and the revised signage proposal. Mr. Early said that the Building Inspector had asked for the revised plan because there was a substantial change

the application. Mr. Early explained that most of signage on the side area of the building, where the recycling area will be located, had been removed with the exception of the smaller logo sign. He further explained they needed to keep that sign in order to identify the building on that side. Mr. Early then explained that across the front of the building they had removed most of the departmental signage with the exception of the Pharmacy sign, Welcome sign, and the main logo on the front façade of the building. Mr. Early stated they had gone from around seventeen signs to just seven signs and that included Pharmacy Drive-Thru signs but not the two directional signs. Mr. Early stated that they were down to 302.4 sq. ft. a substantially smaller amount of square footage and number of signs. He further explained the reduction in square footage and number of signs had been based on the feedback they had received from the Board.

Chairman O'Brien asked if there were any questions. Mr. Barrett said the proposed signage was more in line with what the Board was looking for. Mr. Early clarified that Price Chopper had been a neighbor in the community for over thirty years and did not want to offend the town and that they were trying to establish a different appearance to the store. Mr. Barrett questioned the five graphics to the left of the corporate logo asking if they were fixed pictures and if they would change every sixty seconds. Mr. Early explained that they were fixed pictures, the only time they would change would be when they start to wear out, and they have life span of seven to ten years. Mr. Zabala asked Mr. Early if the panels illustrated on the handout were indicative of what will be placed on the façade of the building. Mr. Early stated he believed that to be so, they were specifically chosen by the marketing company to represent certain aspects of the supermarket that they felt were the best new image for the company.

Chairman O'Brien asked if anyone in the audience had any questions or concerns. There were none. He asked if any of the Board members had any questions or concerns. There were none.

Mr. Ramsdill made a motion to approve Appeal No. 2018 for Signworks Neon Corporation, the request for Area Variances pursuant to Section 129-181, (2), (a), and (b) of the Zoning Ordinance for relief of 152.4 sq. ft. for attached signage and 102.4 sq. ft. for total attached and detached signage, on behalf of Price Chopper Supermarket; property located at 3045 Route 50, Saratoga Springs, NY 12866, Tax Map No. 153.-3-48.2 zoned C-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: It is more consistent with the other properties in the area and fits the commercial area at the exit fifteen malls. 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 building is a very large building and they needed to develop the signage to direct people to the different areas due to the expanded layout and the recycling center on the side of the building. 3. The applicant has demonstrated that the requested Area Variances are not substantial because: They scaled the project back and allowed for a less significant amount of signage to assist in identifying new areas of the building. 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's consistent with the commercial development in the exit fifteen corridors. 5. The applicant has demonstrated that the alleged difficulty is self-created.

Mr. Kolligian seconded the motion. Attorney Schachner had a question pertaining to the motion. He said all he heard mentioned in the motion was for the relief of the 102.4 sq. ft. for total signage, but he believed the application would have also require relief for the 152.4 sq. ft. of total attached signage. If that were true, Mr. Ramsdill might want to amend the motion to include that amount of relief as well. Chairman O' Brien asked Mr. Ramsdill if that was agreeable to adding that into the motion. Mr. Ramsdill said yes. Chairman O' Brien asked if that was also agreeable to the seconder, Mr. Kolligian he said yes.

Mr. Ramsdill, Mr. Kolligian, Mr. Barrett, Mr. Zabala and Chairman O' Brien were all in favor. The motion passed.

APPEAL NO. 14-20 Rucinski Hall Architecture, 627 Maple Avenue, Saratoga Springs, NY 12866. Request for a Special Permit pursuant to Section 129-176 P. 1-3 Two-family dwellings and accessory apartments and Section 129-175 D. 1-7 , Schedule "B" attachment 8 of the Zoning Ordinance; property located at 129 Edie Road, Gansevoort, NY 12831, Tax Map No. 141.-3-30.111 zoned R-2, in the Town of Wilton.

Mr. Hall of Rucinski Hall Architecture approached the board and stated he was representing Ms. Hopper. Mr. Hall stated the property was located on 129 Edie Road, it was a 7.49-acre parcel and it was actually too large to fit the whole property on the plans. He explained the red line showed the boundary of the property and the blue line was the setbacks. Mr. Hall uses the plans to show where the proposed residence would be built. He explains the two boxes on the plans were the proposed septic locations and they were going to try to utilize the existing driveway curb cut. He explained they were trying to take advantage of the solar aspects of the property so they were keeping it up near the road where it is fairly wide open and heavily treed. Mr. Hall stated Ms. Hopper was looking to make this home a passive solar home that would be a one-story two-family

residence ranch style. He further explained the house would be all at grade, all-accessible and Ms. Hopper would be living in one-half of the house and renting out the other half. Mr. Kolligian asked Mr. Mykins if this was just a Special Permit request based on the zoning of the area. Mr. Mykins said it was based on a Special Permit for a two family dwelling and they meet all the other requirements. Attorney Schachner said no variance was needed. Mr. Zabala asked Mr. Mykins a question about the proposed well location being outside the building line. Mr. Mykins said that was all right because it was not structural; the building line was for structure only. He further explained that the well had to be 100 ft. from the septic. Mr. Hall stated they placed the well in that location because they wanted to keep it close to the neighboring wells so it did not affect any of the septic's. Chairman O'Brien questioned the number of apartments. Mr. Hall clarified that there would be two apartments and Ms. Hopper would be living in one of them. Mr. Hall explained the layout of the two apartments and said that they were a mirror image. He further explained the apartments were exactly the same as the cottages located at Prestwick Chase in Greenfield. Chairman O'Brien addressed the neighbors in the audience they identified themselves as Adam and Allison Cowan of 133 Edie Road. Mr. and Mrs. Cowan said that they were there because they were curious. Mr. Cowan asked what the setback was from the property line. Mr. Hall said the setback was 40 ft. and they were going to be 41 ft. Mr. Hall explained to the Cowan's where the house was going to be located on the property and which trees would have to come down. Mr. Cowan stated one of the reasons they liked the neighborhood was that there were no visible neighbors and they would like to keep some green screen between the two houses. Mrs. Cowan stated that all of the area that is wooded was a swamp six months out of the year. Mr. Cowan asked what kind of foundation would be used. Mr. Hall said it would be a slab. Mr. Hall stated that Ms. Hopper had gotten in touch with DEC and they found no known occurrences of rare or state-listed animals on the property and no regulated Freshwater Wetlands or classified streams on the property. Mr. Ramsdill asked Mr. Mykins if there would be a renewal period of two years on the Special Permit. Mr. Mykins said no, because you couldn't tell them to tear the dwelling down. Mr. Mykins explained it was a Special Permitted use and so was Agriculture with animals and that had to be renewed every two years in case there were issues they would have the opportunity to revoke the Special Permit. Attorney Schachner made the clarification that the two-year period is not required with the other uses, it was a way for the Board to have a checking mechanism and for this type of use; you would not need a checking mechanism. Mr. Hall said their surveyor could not find the wellhead. Mrs. Cowan volunteered to show Mr. Hall where the wellhead and septic was located on the drawing.

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

Mr. Kolligian made a motion to approve Appeal No. 14-20 Rucinski Hall Architecture, 627 Maple Avenue, Saratoga Springs, NY 12866. Request for a Special Permit for a two-family dwelling pursuant to Sections 129-176 P. (1-3) and Section 129-175 D. (1-7), Schedule B, Attachment 8, of the Zoning Ordinance; property located at 129 Edie Road, Gansevoort, NY 12831, Tax Map No. 141.-3-30.111, zoned R-2 in the Town of Wilton, in consideration of all findings in Section 129-175 D. (1-7).

Mr. Ramsdill seconded the motion. Mr. Ramsdill, Mr. Kolligian, Mr. Barrett, Mr. Zabala and Chairman O' Brien were all in favor. The motion passed.

ADJOURNMENT:

Mr. Kolligian made a motion to adjourn the meeting at 7:22 p.m. Mr. Ramsdill seconded the motion. All board members were in favor. The motion passed.

Dated: _____

Amy DiLeone
Zoning Clerk