

WILTON ZONING BOARD OF APPEALS
THURSDAY September 26, 2013

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, September 26, 2013, at the Wilton Town Hall, 22 Traver Road, Wilton, New York and was called to order by Vice Chairman Christopher Ramsdill at 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Christopher Ramsdill, James Deloria, Rocco Angerami, Dean Kolligian, Tony McCracken, Robert Barrett, and Dave Buchyn. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

ABSENT: Chairman O'Brien

MINUTES: The minutes of the last meeting, held on August 22, 2013, were approved, as submitted, on a motion made by Mr. Barrett seconded by Mr. Angerami. All board members were in favor.

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

OLD BUSINESS:

APPEAL NO. 13-26 Rucinski Hall Architecture, 627 Maple Ave, Saratoga Springs, NY 12866. Request for an area variance pursuant to Schedule A, R-1 Residential District to convert a single family dwelling into a two-family dwelling for a proposed two-family dwelling and garage; at above said address. Tax Map No. 127.12-1-14, zoned R-1 in the Town of Wilton.

Mark Mykins stated he received an email from Rucinski Hall saying they were going to withdraw their request for an area variance.

APPEAL NO. 13-27 Rucinski Hall Architecture, 627 Maple Ave, Saratoga Springs, NY 12866. Request for a special permit to §129-176 P , R-1 Residential District to convert a single family dwelling into a two-family dwelling and garage; at above said address. Tax Map No. 127.12-1-14, zoned R-1 in the Town of Wilton.

The Appeal has been withdrawn at the applicant's request.

APPEAL NO. 13-32 Saratoga Health and Wellness, 30 Gick Rd., Saratoga Springs, NY 12866. Request for area variances pursuant Schedule N, CR-1 Commercial/Residential One District and 129-174 C. for the construction of a fitness center; property located at 538 Route 9, Saratoga Springs, NY 12866, Tax Map No. 153.9-1-8, in the Town of Wilton.

Mr. Barrett addressed Vice Chairman Ramsdill stating he was going to recuse himself from this Appeal because he was a member of Saratoga Health and Wellness.

Mr. Dannible of Environmental Design Partnership appeared before the board. Mr. Dannible stated he was here on behalf of Saratoga Health and Wellness and their application for a 15,000 sq. ft. mixed use commercial facility. Mr. Dannible said he was there with Michael Lapolla and Nicholas Galuadi who are the owners of that facility.

Mr. Dannible stated they were here last month at the ZBA meeting and it appeared that the variances that were requested were not seen to be substantial but that there were some questions about buffers and traffic. Mr. Dannible stated he had requested additional information on the buffers and traffic and he was going to present that information as part of the application.

Mr. Dannible referenced the map as being an overall aerial of the surrounding area: north being up, reference point Maple Avenue Middle School, Loughberry Lake Road, green spot in the middle of the map is the property located on US Route 9. Mr. Dannible stated this is a globe of the property substantially the same site plan that was presented at the last meeting. At the last meeting there was a request to have a landscape buffer installed along the rear property line. There have been 10 evergreen trees installed that will be planted, species to be determined. It will be proposed the species that will be installed will have branches all the way to the ground. This will provide a visual screen to the adjacent properties beyond the 50 ft. wide utility right of way that encloses behind the property.

Mr. Dannible stated they are looking to construct a 15,000 sq. ft. mixed use facility of which Saratoga Health and Wellness will occupy the majority of the building for their health minded fitness center that they currently operate on Old Gick Road. The owners would like to stay in the town of Wilton and have found a nice piece of property and would like to bring their facility closer to the commercial area of town. The facility would have about seventy five parking spaces to support the use of the facility and this meets code. There will be infiltration basins for storm water management and all the necessary details that

would go along with it. Everything will be in compliance with New York State DEC Permits as required. The facility will be connecting to a Saratoga County Sewer District sewer system within the right of way of Loughberry Lake Road. There will be a proposed well on site for the water source. The buffer being proposed along the rear of the property for the lots and driveway in question, looking to screen from the driveway is roughly 30-40 ft. beyond the right of way for the National Grid easement. There is 41% green space on the site; storm water management will be the on-site filtration system.

Mr. Dannible stated the variances we are looking for tonight as discussed at the last meeting are identical to what was previously proposed. Along the north side of the property 30 ft. side yard setback to a 17 ft. side yard setback. On the south side of the property 50 ft. landscape buffer on from the edge of the property of the parking lot to a 19 ft. landscape buffer along the edge of the property. The first two variances are predicated on the need for the third variance. The lot is very narrow. On Route 9 the frontage of 170 ft. doesn't meet zoning code in its current condition; it's a pre-existing non-conforming use. These variances are predicated on the need for the third variance a 200 ft., 170 ft., requiring a 30 ft. area variance for frontage on US Route 9.

Mr. Dannible stated at the last meeting they were asked about traffic and what was going on the area. The proposed facility is adjacent to the Maple Avenue Middle School entrance. Everyone is aware that there is a very short period of time in the morning and evening when traffic is fairly dense in that area. Mr. Dannible spoke with Chad Corbett who works at the NYS DOT and he did not see any issue with the project that is being proposed. The project will generate very minimal trips during the peak hour in the morning; about twelve trips were generated to the site during that peak hour or it may even be a peak period of twenty minutes. Mr. Dannible was referred to the main office in Albany and spoke to Mr. Kevin Novak, the Traffic Safety Coordinator for DOT. Mr. Novak explained to Mr. Dannible that an application must be submitted before submitting anything formal. Mr. Dannible stated an application will be filled when they know they have a real project. Mr. Dannible spoke with Mr. Novak over the phone. Mr. Novak's comments were; from the DOT'S perspective a full traffic study comes when a site is near to the one hundred car trip generation total for a site. Mr. Dannible said this is a quote from Mr. Novak "He anticipates there will be no impact or no mitigation will be required due to the short duration of potential conflicts that exists at this intersection." Mr. Dannible stated Mr. Novak felt pretty strongly about this, he is very familiar with intersection and its long history. Mr. Novak said when an application is submitted it is very likely that is what was going to be said and there would be no revisions to the site plan as far as location of the curb cut on Route 9 will be required. Mr. Dannible stated that covered the main two topics that were left over from the previous meeting, the traffic and the buffer. Mr. Dannible asked if there were any questions concerning the application. Mr.

Angerami asked if he heard correctly that there is only a twenty minute time frame when traffic will be affected. Mr. Dannible said his general understanding was twenty minutes to a half an hour time period, when all the parents are dropping their children off at school. Mr. Deloria said that is way under stated. Mr. Dannible stated he does not live here he is going by what the traffic engineers that have studied this are saying. Mr. Angerami asked if they looked into acquiring access onto Loughbery Lake Road. Mr. Dannible said there have been some conversations with the land owner to the north; he has potentially offered some easements for sanitary sewer. He is very uncomfortable with granting full access across his property because of insurance concerns. The answer is generally no, we have not been able to obtain a full access on Loughberry Lake Road.

Vice Chairman Ramsdill asked if there were any other questions from the board or the public. Mrs. Rapant of 536 Maple Avenue stated she agreed with Mr. Deloria's statement concerning the traffic time duration being understated. Mr. Dannible stated the planning board is going to request a traffic analysis be completed as a part of the site plan review. Those peak hours twenty minutes, a half hour, or forty five minutes whatever they end up being will be looked at in great depth as part of the site plan review process. Mr. Angerami suggested waiting for the traffic analysis to be done. Mr. Mykins said that was not possible because it is a conceptual plan and has not gone to the planning board. They can't go in front of the planning board until they know whether or not the lot is buildable. Vice Chairman Ramsdill asked Mr. Dannible to re-sate how many parking spaces were in the lot. Mr. Dannible said there was a total of seventy five plus or minus. Mr. McCracken stated; for everyone that wasn't here last month, the big concern was the traffic congestion and the neighbors concern of the buffer zone. Saratoga Health and Wellness was required to come back this month with an up-dated version of the drawing stating and showing the new buffer zone and to further investigate traffic issues. They have met those requirements, unless there are other comments by the public or the surrounding neighbors. They have met what the board is looking for, and then it will go to the Planning Board.

Mr. McCracken made a motion that Appeal No.13-32, Saratoga Health and Wellness, for Area Variances for the construction of a fitness center, property located at 538 Rout 9, Saratoga Springs, NY 12866, 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 position of the proposed building both the setback from Route US 9 and the side yard setback to the common

property line are identical to the recently constructed dentist's office to the north. The proposed plan will remove the existing non-conforming residence which encroaches into the front the front yard setback 28 ft. utility and landscape area parallel to US Route 9 the granting of the variances will allow the property to develop in a manor more consistent with the street scape and vision with the CR-1 zone. 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 variance because: Mr. Dannible mentioned there doesn't seem to be a possibility for an easement of Loughberry Lake Road. 3. The applicant has demonstrated that the requested area variance is not substantial because: The Side yard setback to the northern property appears to be the same dimension as the area variance granted on the parcel to the north. The proposed plan has a minimum 30 ft. landscape buffer along the front half to two thirds of the common property line with the residential property this was done to maintain the widest buffer possible adjacent to the existing house and shed structure. 4. The applicant has demonstrated that the requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district because: US Route 9 is primarily commercial and this will allow uses different in the CR-1 zoning district a substantial landscape buffer will rely along the southern property line as well as on the eastern property line against the neighbors. 5. The applicant has demonstrated that the alleged difficulty was no self-created because: 1.) 30 ft. to 13 ft. = 17 ft. side yard building setback area variance from the northern property boundary. 2.) 50 ft. to 19 ft. = 31 ft. variance from the planted landscape buffer to abutting residential properties alongside property boundaries from the front of the building to the rear property line. 3.) 200 ft. to 170 ft. = 30 ft. variance for minimum frontage adjacent to US Route 9.

Mr. Deloria seconded the motion. Vice Chairman Ramsdill, Mr. Deloria, Mr. McCracken were in favor, Mr. Kolligan and Mr. Barrett recused, Mr. Buchyn abstained, Mr. Angerami was opposed. The motion did not carry.

Attorney Schachner stated if there isn't another motion made, there is no decision, and it will be re- entertained next month. When a public hearing closes you have 62 days in which to render a decision.

Vice Chairman Ramsdill asked if anyone was interested in making another motion. No one made a motion.

Attorney Schachner stated the motion was tabled by default. The board has 62 days to make a decision; the board has not made a decision at this time.

Mr. Dannible asked if there was anything that could be done for the board members who abstained and were uncomfortable making a decision that would

help them make a decision at the following meeting. Mr. Kolligian stated he owns property on US Route 9 that is up for sale and recused himself from voting. Mr. Barrett also recused himself due the fact he is an active member of Saratoga Health and Wellness. Mr. Dannible stated we need four out of the five board members that are left. Attorney Schachner stated that was correct, in order for it to be a decision of this board. Mr. Buchyn stated by next month he might be able to vote one way or the other. Vice Chairman Ramsdill stated we will have to have you come back next month. Mr. Dannible and Mr. Lapolla both asked if there were any questions that they could answer. Mr. Lapolla said not having been through this process before is it in regard to the variances sought. Mr. Buchyn replied stating that he was relatively new to this board and most of the variances he has seen were of a much smaller scale. Mr. Deloria voiced his concern regarding the traffic issue on US Route 9. For the people who live in Wilton and have to travel Route 9 to go to work in the morning, the duration is longer than twenty minutes, and it happens twice a day. Mr. Deloria would like more information from the DOT to help make a decision one way or the other. Mr. Dannible asked the board what significance the traffic plays bearing any of the variances being sought; he was having a problem understanding these issues from a planning stand point. Attorney Schachner stated in fairness to the board it has a bearing on some of the criteria they're considering in the variances. Mr. Dannible asked the board if they were looking for something in writing from the state. Mr. Deloria referred to one of the criteria as being, will it have an adverse effect or impact on the physical or environmental conditions in the neighborhood district. Mr. Dannible stated his understanding was the variances, not the project. Mr. Deloria stated ultimately the variances were for the project. Mr. Dannible stated yes the variances having an effect; he was not sure about the traffic. Vice Chairman Ramsdill stated at this point the board will have to see you next month.

NEW BUSINESS:

APPEAL NO. 13-35 Michael G. Dobis and Lesley Waters, 21 Bullard Lane, Saratoga Springs, NY 12866. Request for a Special Permit pursuant to Schedule B and Sections 129-175 D (a-e) and 129-176 C (1-4), for a home occupation for aromatherapy and therapeutic massage; property located 21 Bullard Lane, Saratoga Springs, NY 12866, Tax Map No. 128.-1-64, zoned R-2, in the Town of Wilton.

Vice Chairman Ramsdill stated we have a letter from the Saratoga County Planning Board dated September 20, 2013.

“RE: SCPB Referral Review#13-139-Special Use Permit-Dobis

Home occupation for aromatherapy and therapeutic massage.

Bullard Lane (County Forestland) off Edie Road

Received from the Town of Wilton Zoning Board of Appeals on September 10, 2013.

Reviewed by the Saratoga County Planning Board on September 19, 2013.

Decision: No Significant County Wide or Inter Community Impact."

Michael Valentine, Senior Planner

Authorized agent for Saratoga County

Mr. Dobis approached the board with some hand-outs that included pictures and three letters from neighbors. Bullard Lane is off Eddie Road and it is a dead end road. There are seven families that live on Bullard Road. Mr. Dobis explained Leslie Waters was his fiancée and they would like to renovate the garage to have a home occupation. Leslie's occupation is therapeutic massage and aroma therapy. In her current location there are some issues with other clients in the building when she is doing her aroma therapy. It has created a hardship on the landlord because people are complaining about the aroma of the oils. They have looked at other commercial locations, only to find the potential for this to happen again. Mr. Dobis has a seven acre lot surround by a three acre lot that he also owns which is surrounded by one hundred acres of County Forest. The area is zoned R-2 Mr. Dobis discussed the situation with Mr. Mykins. Mr. Dobis has parking for four vehicles in his driveway and space for an additional four vehicles that leads to an out building. There would be an average of 10-12 clients per week, 2 or 3 vehicles per day. Mr. Dobis did not think that would have a negative impact on the neighborhood. Property across the street is vacant farm land owned by Chuck Gerber. About twenty feet across the road there is a 10 ft. drop-off that is all wet lands nothing will ever be built there. To the left is the home of Wendy Zwijacz, to the right there are just trees, and there was another person notified Karen Brummett. In the packet Mr. Dobis gave to the board members there were letters from the neighbors and an additional letter from Urszula Janicki. Ms. Janicki is the first person on the road all the traffic would have to pass her house. Mr. Dobis spoke with Mr. Gerber and he had no issues.

Vice Chairman Ramsdill asked for questions from the board and public comment. There were none.

Mr. Angerami made a motion to approve Appeal No. 13-35 Michael G. Dobis and Lesley Waters, 21 Bullard Lane, Saratoga Springs, NY 12866. Request for a Special Permit pursuant to Schedule B and Sections 129-175 D (a-e) and 129-176 C (1-4), for a home occupation for aromatherapy and therapeutic massage; property located 21 Bullard Lane, Saratoga Springs, NY 12866, Tax Map No. 128.-1-64, zoned R-2, in the Town of Wilton.

Mr. Barrett seconded the motion. Mr. Buchyn, Mr. Barrett, Mr. McCracken, Mr. Kolligan, Mr. Angerami, Mr. Deloria, and Vice Chairman Ramsdill were all in favor. The motion passed 7-0. This permit is subject to review and renewal on or before September 22, 2015.

APPEAL NO. 13-36 Joseph Greco, 30 Mt. McGregor Road, Gansevoort, NY 12831. Request for Special Permit for a private stable pursuant to Sections 129-175 D (a-e), 129-176 V (1-7), and Schedule B; property located at 30 Mt. McGregor Road, Gansevoort, NY 12831, Tax Map No. 101.-1-52, zoned R-2, in the Town of Wilton.

Vice Chairman Ramsdill stated we have a letter from the Saratoga County Planning Board dated September 20, 2013.

“RE: SCPB Referral Review # 13-142-Special Use Permit-Greco

Private stable restricted to two horses.

Mt. McGregor Road (County Route 101), south side, west of NYS Route 9

Received from the Town of Wilton Zoning Board of Appeals on September 10, 2013

Reviewed by the Saratoga County Planning Board on September 19, 2013.

Decision: No Significant County Wide or Inter Community Impact

Comment: We recognize the prior owner had a special permit for stabling one horse, that the two-year renewal of the permit is not in hand and the new owner wishes to both renew that permit and add one horse to the expired SUP.”

Michael Valentine, Senior Planner
Authorized Agent for Saratoga County

Mr. Greco approached the board and stated he was the owner of 30 Mt. McGregor Road. Mr. and Mrs. Greco purchased the property about one year ago. They purchased the property under the impression that there was a permit in place for two horses. The property is 5.42 acres with a beautiful horse barn in the back. The barn is stalled for two horses and they were under the impression they could move forward and purchase horses. Mr. Greco stated that was not the case and he had to go through this process, which is fine. He has 5.42 acres and is requesting a permit for two horses. The property meets the minimum lot size and frontage and was previously permitted for one horse with 13,000 sq. ft. of pasture. Mr. Greco stated they were requesting two horses, the plan that was submitted shows 26,000 sq. ft. double the previously approved pasture of 13,000 sq. ft. for one horse. The pasture will be fenced, located more than 60 ft. from the well, and 40 ft. plus from any property lines.

Vice Chairman Ramsdill asked if the property currently had a permit for one horse. Mr. Mykins stated for one horse, but he is changing that special permit so it's a new permit.

Vice Chairman Ramsdill asked if there were any questions. Mr. Mykins stated a neighbor did come in and ask about the manure removal. Vice Chairman Ramsdill asked what their concerns were. Mr. Mykins said there was a neighboring property up there that we had some major problems with. They had Ag with animals and there were issues with the manure being removed. A couple wells got contaminated. Mr. McCracken asked if it was this property. Mr. Mykins stated it was not, the property was up the street and up the hill. Mr. Greco stated the neighbor was at their house and didn't have a problem with the horses. Mr. Mykins stated the neighbor had no problem with the horses as long the manure issue was addressed. Mr. Greco stated that his property is meticulous, and they intend on keeping it that way. The manure is going to be tilled or removed. They do not want manure in their backyard. Mr. Greco assured the board that the manure would be taken care of. Mr. Angerami asked if tilled meant turned into the ground. Mr. Greco said he has quite a bit of property and may till some in as fertilizer, or it will be removed. He will not have piles of manure on his property. Mr. Angerami asked at what point tilling manure into the land becomes a problem. Mr. Greco said that it doesn't. Mr. Buchyn asked if the prior owners had horses. Mr. Greco stated the owner before the prior owner had two horses and they were permitted for one. Mr. Buchyn stated horses have been there before. Mr. Greco stated the barn has water source and power; it has a storage facility

for hay it's a really nice set up for two horses. Mr. McCracken stated that he looked at the property and on the east and north side there is nothing around the property. Mr. Angerami also looked at the property and agreed it was a nice property. Mr. Angerami had a question regarding the zoning chart. Mr. Mykins stated the property was previously approved with 13,000 sq. ft. he is doubling that amount to make it 26,000 sq. ft. The zoning chart was in correct and caused the confusion. Mr. Mykins stated the table is something the zoning clerks make up for the zoning board and it's supposed to simplify your job. Mr. Greco re-stated he planned on doubling the square footage to have two horses instead of one. It was previously approved with 13,000 sq. ft. so he is doubling it for two horses. Mr. Amgerami stated he understood what Mr. Greco was saying and has no problems with it the property is very nice.

Vice Chairman Ramsdill asked if there were any questions from the board or public comment. There were none.

Mr. Deloria made a motion to approve Appeal 13-36 Joseph Greco, 30 Mt. McGregor Road, Gansevoort, NY 12831. Request for Special Permit for a private stable pursuant to Sections 129-175 D (a-e), 129-176 V (1-7), and Schedule B; property located at 30 Mt. McGregor Road, Gansevoort, NY 12831, Tax Map No. 101.-1-52, zoned R-2, in the Town of Wilton.

Mr. Angerami seconded the motion Mr. Buchyn, Mr. Barrett, Mr. McCracken, Mr. Kolligan, Mr. Angerami, Mr. Deloria, and Vice Chairman Ransdill were all in favor. The motion passed 7-0. This permit is subject to review and renewal on or before September 22, 2015.

Mr. Greco asked the board about possible extension of the two year renewal of a special permit. Vice Chairman Ramsdill stated it has been a standard practice of the board. Mr. Mykins explained it has been a standard forever and the reason we say forever is you are here now, and you're the second one through, and if they put it on forever and there's a change in the property the next person doesn't do what you say you're going to do we are held. Attorney Schachner stated it has been the practice of this board to go two years at a time, It is not required by law. Essentially for the reasons Mr. Mykins just stated. Mr. Greco asked how much the permit would cost every two years. Mr. Mykins said it would not cost anything beyond this point.

APPEAL NO. 13-37 Berkshire Bank, 99 North Street, Pittsfield, MA 01201. Request for an Area Variance for signage, pursuant to Sections 129-181 B (1-3), 129-181 C (1) 129-182 B 1 or 2 and Schedule H; property located at 3035 Route 50, Saratoga Springs, NY 12866, Tax Map No. 153.-3-48.1, zoned C-1, in the Town of Wilton.

Vice Chairman Ramsdill stated we have a letter from the Wilton Planning Board dated September 10, 2013.

To: Mark Mykins

RE: Berkshire Bank
3025 Route 50
Attached signage variance

“Planning Board Chairman Mike Dobis and I concur that the variance application for a third attached sign on the building does not come before the Town Planning Board for a non-binding referral. There are no apparent site, traffic or safety issues with this variance application. The applicant, regardless of ZBA decision, will not need to come back before the Town Planning Board for approval.”

Vice Chairman Ramsdill stated we have a letter from the Saratoga County Planning Board dated September 20, 2013.

“RE: SCPB Referral Review # 13-141- Area Variance-Berkshire Bank
Add a third attached sign to building.
NYS Route 50 & Weibel Avenue

Received from Town of Wilton Zoning Board of Appeals on September 10, 2013.

Reviewed by Saratoga County Planning Board on September 19, 2013

Decision: No Significant County Wide or Inter Community Impact

Comment. While the addition of one or more attached sign beyond the two that now exist and are permitted presents no county-based impact, there does exist the practical question of whether there is a critical need or necessity for such building coverage (particularly as business has not been hampered by the absence of a third sign since the building conversion)."

Michael Valentine, Senior Planner
Authorized Agent for Saratoga County

John Renzi of Graphic Impact Signs approached the board. He explained they applied for the sign change when Berkshire Bank had taken over the property from First Niagara Bank who had taken over from HSBC. There was a thirty day window of being able to survey, permit, build the signs, and install them. The transitions happened on a weekend First Niagara Bank closed and Berkshire Bank opened. Berkshire Bank applied for three signs and was denied the third sign. Berkshire Bank did want to see how the two signs were going to work. Mr. Renzi used photographs to explain the visibility of the signage of Berkshire Bank. He explained Berkshire Bank's location is the farthest away from the intersection of Route 50 and Weible Avenue. Key Bank has three building signs and a free standing sign. Adirondack Trust has three building signs and two freestanding signs. Berkshire Bank has a greater hardship because it's located the farthest from Route 50 and Weible Avenue intersection. Mr. Renzi explained Berkshire Bank is proposing a 40 sq. ft. sign at the end of the canopy. Mr. Renzi also stated there had been some discrepancy over the square footage of existing signage and Berkshire Bank is not disputing that. Berkshire Bank is asking for a 40 sq. ft. sign and with that 40 sq. ft. Berkshire Bank is within the 150 sq. ft. allowance. The calculation comes out to be 153 sq. ft. and is maxed out at 150 sq. ft.; the area variance is actually for a quantity of signs. The mass, the amount of signage is not any more than what is allowed. Mr. Renzi stated they could go with two signs that are bigger. The original need for three signs was for visibility. There have been changes over time from when this was Marine Midland Bank to HSBC throughout that time more trees have grown, more trees have been planted visibility is more difficult. The need for a third sign is based on traffic flow visibility; it's a hardship especially on the side of the building that faces Weibel Road Route 50 intersection has no visibility no signage that is visible from that direction. The free standing sign that exists is not part of the calculation of 150 sq. ft. it's much less than what is allowed because it is part of the tenant sign. The square footage does not exceed what allowed on the site it's just an area variance based on quantity. Berkshire Bank is asking for relief for quantity of signage.

Mr. Mykins stated you mentioned the three signs on your building and you mentioned the other sign. I was out there today and when you put in for your permit it was for directional signage and in that directional signage you put your logo on all the directional signage which was not submitted in that way. Mr. Renzi stated the package was submitted with a logo. Mr. Mykins explained it was not submitted with the logo, directional signage is ok as long as it doesn't have a logo on it. The logo is considered, and there is an additional thank you sign that was not in the submitted packet. Mr. Renzi stated he didn't know about the thank you sign but the other signs I have the letter that was sent to you that shows the 6 sq. ft. of directional signs and says what they were. Mr. Mykins stated directional signage is OK and not needed for permit but once you put the logo on it, it becomes a permitted sign. Mr. Mykins stated you might need to get a permit for those signs. Mr. Renzi stated that would be fine I have no problem doing that. Mr. McCracken asked to see the picture of what Berkshire Bank is proposing. Mr. Renzi showed Mr. McCracken the proposed sign to be placed on the end of the canopy, it's forty square feet. Mr. Renzi stated the HSBC locations and Marine Midland Bank locations all had five signs, four signs over a period of time and that were previous zoning laws. Historically there has been a lot more square footage on the building. Mr. Deloria asked for picture of previous HBSC signage. Mr. Mykins told Mr. Dilorio it was in the packet.

Vice Chairman Ramsdill asked if the board had any questions. Mr. Kolligian asked Mr. Mykins if the covering on the traffic side of the ATM is part of the signage. Mr. Mykins stated it is supposed to be counted as part of the signage; anything with logo on it is considered signage. Adirondack Bank and Key Bank were brought up before they have both been in for variances that include the ATM's, and they're on privately owned single properties, they are not part of a plaza property. Mr. Deloria asked if there was any reference to Berkshire Bank on the big sign. Mr. Renzi stated there are two big freestanding signs the one at the corner closest to the bank has no sign. The other sign is farther down the road. The sign that is way over here is this baby one. The big large sign on the corner does not have Berkshire Bank on it, and that one is the closest to the bank. Mr. Renzi stated if Berkshire Bank was on that sign there would be no need for a sign on that side of the building. Mr. Mykins stated that it is a plaza and that is what has to be looked at. Mr. Deloria stated that Berkshire Bank is on the plaza property. Mr. Mykins said that was correct. Mr. Renzi restated that this bank is in the plaza property. Mr. Deloria asked if the sign should be considered part of the signage. Mr. Kolligian explain what Mr. Deloria was trying to say that is an additional sign that you're not counting, it's part of the plaza property. Mr. Renzi stated the way the zoning reads is building signs not plaza signs. Mr. Mykins answered it also reads that if you are in a plaza you get your facade which is your frontage sign only. The reason the other previous banks didn't have that is because those previous banks were prior to zoning they didn't even have permits for their signs. Mr. Renzi asked for which signs. Mr. Mykins answered

HSBC had no permit. Mr. Renzi stated he had the HSBC pictures of signage. Mr. Mykins stated there was no permit for those signs it pre-existed the current zoning laws, which Berkshire Bank is in here for. Mr. Ramsdill stated the primary issue you have is the building is configured with the front facing away from the road. There is no sign on the area that faces the high volume of traffic. Mr. Renzi stated if it was possible to have signage on a free standing sign on the corner, it would not necessary for a sign on the building.

Vice Chairman Ramsdill asked if there were any questions or public comment. Charles Wait of The Adirondack Trust Company introduced himself and stated his only comment was if Berkshire Bank has signs that are not permitted for they have a competitive concern about that. Vice Chairman Ramsdill wanted to clarify if that issue was going to be handled separately or would it be involved in this variance. Mr. Mykins stated the directional signs will have to be applied for. Mr. Deloria asked about the example of Adirondack Trusts ATM machine it has their name and logo on two sides are those considered two separate signs. Mr. Mykins stated that it was all one physical sign. Berkshire Banks sign is the same way, it is a continuous graphic. Mr. Renzi stated the Federal Government requires the bank name be located at the ATM, for anyone making a transaction has to know what bank it is. Mr. Kolligian asked about the proposed photo graph from the computer imaging is the graphic on the ATM already or is that part of this application as well. Mr. Renzi stated the graphic is on the ATM. Mr. Deloria stated that the graphic is a sign. Mr. Mykins said that was correct. Mr. Kolligian addressed Mr. Mykins about the square footage issue for the overall signage of the building. Mr. Mykins stated Berkshire Bank would have to address that. Mr. Kolligian expressed his concern in regard to granting an approval for something that is non-compliant with other variances that should have been filed prior to this variance. Mr. Renzi stated the directional sign is not part of the building square footage and the ATM is not part of the building square footage. Mr. Kolligian stated he understood that and he response to Mr. Renzi is simple it has already been established that there are non-compliance issues with other signs that are there and he would be hard pressed to grant the approval of this variance. Mr. Renzi stated it's not that they are non-compliant because it is a permit issue. Mr. Mykins explained if a permit is not issued that is non-compliant. Once a permit is issued for the ATM signage it will be over your square footage. The ATM is a continuous sign just like Adirondack's and everyone else's because it wraps around. The ATM is a continuous graphic so the whole graphic counts. Mr. Mykins stated he was sure that would be over the square footage allowed. Mr. Renzi asked if the whole kiosk was green with just Berkshire Bank on it, which is required to be on there, only the square footage of the Berkshire Bank letters are to be calculated. Mr. Mykins answered yes if all you have on there is Berkshire Bank. Mr. Renzi stated he didn't see a problem with it being all green with just Berkshire Bank on it, which is a standard permit we can secure. Mr. Mykins stated they would need to secure the permit. Mr. Kolligian explained to Mr. Renzi

he had to be the decision maker it could be suggested to table it until you obtain the proper approvals or you can move forward with the potential of having this variance rejected. Mr. Renzi asked if it could be approved with a condition of the other variances being issued first. Mr. Mykins answered it has not been done. Attorney Schachner stated the square footage could be an issue, when everything is brought into compliance what the total square forage is. If the total square footage is over that would mean an additional variance would be needed. Mr. Kolligian stated Mr. Renzi had been given enough information to decide what needed to be done, he should go back to the drawing board and figure out what has to be done, if it is to shrink one sign, or to apply for variances. Then come back in and show the board what you have done. Mr. Renzi asked Mr. Mykins for one clarification on the definition of size and dimensions, it states that when individually mounted letters are used to make a sign, the sign shall be measured by... Mr. Mykins said read the rest of it, and this is what I did with your dimensions, I can tell you exactly how I did that. You have a sign board; you did a fascia board for the sign and then you attached your letters to the fascia board and it says the board is the measurement the whole sign background and all. Mr. Renzi answered if we take the background and paint it the same color as the building... Mr. Mykins said then it will reduce your signage. Mr. Renzi stated he takes that off he will have plenty of space for signage. Mr. Mykins explained that doesn't change anything until it's done or applied for. Mr. Renzi stated that was understood he was taking the information to be able to say permit the directional sign, permit the lettering on the ATM kiosk, there is this much left over. I can either a.) Come back in front of the board and ask for the third sign which would be the same size. b.) Not come back in front of the board and actually put up... Mr. Mykins said or even come back in front of the board and ask for a third sign and some extra square footage, it's not like the board isn't willing to do that, it's been done in the past. Mr. Renzi stated in all fairness he just wasn't the square footage that they are in title to. Vice Chairman Ramsdill asked Mr. Renzi if Berkshire Bank was going to table this. Mr. Renzi said yes.

Vice Chairman Ramsdill stated it would be tabled at the applicants request for a future meeting.

APPEAL NO. 13-38 John A. DeSimone, 360 Wilton Gansevoort Road, Gansevoort, NY 12831. Request for Special Permit for a private stable pursuant to Sections 129-175 d (a-e), 129-176 V (1-7), and Schedule B for private stable; property located at 360 Wilton Gansevoort Road, Gansevoort, NY 12831, Tax Map No. 102.-1-49.12, zoned R-2, in the Town of Wilton.

Vice Chairman Ramsdill stated we have a letter from the Saratoga County Planning Board dated September 20, 2013.

“RE: SCPB Referral # 13-140-Special Use Permit-DeSimone

Private stable for one to three horses.

North side of Wilton/Gansevoort Road (County Route 32), east of Dimmick Road

Received from the Town of Wilton Zoning Board of Appeals on September 10, 2013.

Reviewed by the Saratoga County Planning Board on September 19, 2013.

Decision: No significant County Wide or Inter Community Impact”

Michael Valentine, Senior Planner

Authorized Agent for Saratoga County

Mr. DeSimone approached the board he stated he and his daughter have a passion for horses. Mr. DeSimone explained he had spoken with Mr. Mykins and would be following all the guidelines he had shown him. Mr. DeSimone stated the fence is going to be 30 ft. off the main road which is Wilton Gansevoort Road. Mr. DeSimone located his property markers, had property surveyed, and ran a string line to accurately show the property line. Mr. DeSimone stated he actually went 31 ft. instead of 30 ft. Mr. DeSimone spoke with his neighbor Joyce Coons of 372 Wilton/Gansevoort Road he explained to her that the fence was going to be 60 ft. off her property line instead of 30 ft. Ms. Coons had no concerns with the fence. Mr. DeSimone explained he wanted Ms. Coons to have an extra 30 ft. of buffer; he would like to have 30 ft. off the main road, and would be 80 ft. off the other property line. The manure would be removed once a month; it would not be tilled into the soil. The square footage of the paddock is going to be a little over 40,000 sq. ft. which meets the requirement of 40,000 sq. ft. for one to three horses. Mr. DeSimone would like to purchase two horses. He plans to apply for a permit to build a 12 ft. X 36 ft. shed. Mr. DeSimone asked if there were any questions or concerns. Mr. Deloria asked if the property line is next to a ditch Mr. DeSimone said “yes” Mr. Deloria asked if the ditch ever fills up water. Mr. DeSimone explained he maintains the area and the most water he has ever seen in the area is about 2 inches. Mr. Deloria asked about the proposed fence line, Mr. Desimone said it would be 30 ft. beyond the string. Mr. DeSimone stated the road had been regarded and paved by the county.

Vice Chairman Ramsdill asked if there were any questions or public comments. There were none.

Mr. Kolligian made a motion to approve Appeal 13-38 John A. DeSimone, 360 Wilton Gansevoort Road, Gansevoort, NY 12831. Request for Special Permit for a private stable pursuant to Sections 129-175 d (a-e), 129-176 V (1-7), and Schedule B for private stable; property located at 360 Wilton Gansevoort Road, Gansevoort, NY 12831, Tax Map No. 102.-1-49.12, zoned R-2, in the Town of Wilton.

Mr. Angerami seconded the motion Mr. Buchyn, Mr. Barrett, Mr. McCracken, Mr. Kolligan, Mr. Angerami, Mr. Deloria, and Vice Chairman Ramsdill were all in favor. The motion passed 7-0. This permit is subject to review and renewal on or before September 22, 2015.

ADJOURNMENT:

Mr. Deloria made a motion to adjourn the meeting at 8:20 p.m. Mr. McCracken seconded the motion. All board members were in favor. The motion passed.

Dated: _____

Amy DiLeone
Zoning Clerk