

**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY November 21, 2013**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, November 21, 2013, 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, James Deloria, Dean Kolligan, Robert Barrett, Tony McCracken, and Dave Buchyn. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

**ABSENT:** Rocco Angerami

**MINUTES:** The minutes of the last meeting, held on October 24, 2013, were approved, as submitted, on a motion made by Mr. Kolligan seconded by Mr. McCracken. All board members were in favor.

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

**RENEWALS:**

**APPEAL NO. 01-40** Olan Aldrich and Janice Orozco, 286 Loudon Road, Saratoga Springs, New York 12866. Renewal of a Special Permit for an accessory apartment; property located at 286 Loudon Road, Tax Map No. 154.-1-23, zoned R-2. Special Permit originally granted on December 4, 2001 and renewed several time since then. Permit is due to expire on December 4, 2013.

Chairman O'Brien asked if there was anyone there to represent Olan Aldrich and Janice Orozco. No one appeared before the board. Chairman O'Brien asked if they had been contacted. Mrs. DiLeone stated they had been mailed a letter and an agenda. Chairman O'Brien asked Mr. Mykins if there had been any problems with the Special Permit. Mr. Mykins said no. Chairman O'Brien asked Mr. Mykins if he had heard from Olan Aldrich and Janice Orozco. Mr. Mykins stated he had not heard from them. Chairman O'Brien wondered if they still wanted the Special

Permit. Mr. Mykins suggested the appeal be tabled and an effort to try and contact them again would be made.

Mr. Ramsdill made a motion to table Appeal 06-15. Mr. McCracken seconded the motion. All board members were in favor.

**APPEAL NO. 09-20** Douglas Dockendorf, 640 Wilton/Gansevoort Road, Gansevoort, New York 12831. Request for a Special Permit pursuant to Schedule B and 129-176 C of the Zoning Ordinance for a home occupation as a home office for a 1-888 Chuck It business; property located at 640 Wilton Gansevoort Road, Tax Map No. 101.20-1-22, zoned R-2, in the Town of Wilton. Special Permit originally granted on December 2, 2009 and renewed once since then. Permit is due to expire on December 2, 2013.

Chairman O'Brien asked Mr. Dockendorf if he wanted to renew the Special Permit. Mr. Dockendorf said yes. Chairman O'Brien asked Mr. Mykins if there had been any problems with the Special Permit. Mr. Mykins stated there had been no complaints.

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

Mr. Barrett made a motion to approve Appeal 09-20 for a home office, Property located at 640 Wilton/Gansevoort Road, Tax Map No. 101.20-1-22, in the town of Wilton.

Chairman O'Brien asked Mr. Barrett if there would be a time limit again. Mr. Barrett said two years.

Mr. Kolligan seconded the motion. Chairman O'Brien asked if there were any other questions. There were none.

All board members were in favor. This permit is subject to review and renewal on or before November 21, 2015.

Mr. Deloria arrived at 7:05PM.

**OLD BUSINESS:**

**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.

John Renzi approached the board and introduced himself as John Renzi from Graphic Impact Signs representing Berkshire Bank. Mr. Renzi noted he had been her two meetings ago and there were concerns about signage and the paper work needed for that signage. Mr. Renzi stated he and Mr. Mykins had gotten together and have completed the paper work concerning the directional signs with the logo on them; as well as the ATM kiosk with graphics on it. Mr. Mykins has re-done the paper work to be inclusive of that signage along with new calculations for square footage. Mr. Renzi noted Mr. Mykins has put together a package that now shows the square footage, and the quantity of signage Berkshire Bank is seeking relief for. Mr. Renzi stated we started the process with one building sign that faces Weible Avenue; Mr. Renzi should the board what the building currently looks like, and explained there was no signage on that side of the building. Mr. Renzi noted the branch gets one or two calls a day asking where they are located. Mr. Renzi explained are people are getting off Route 50 further up because they don't see the bank, it's further back from the other competing banks in the area and this makes it more difficult to know where the bank is. Mr. Renzi explained Berkshire Bank thought they would be able to get away with only the two signs, when they opened November 19<sup>th</sup> last year. Mr. Renzi noted Berkshire Bank had asked him to come back in front of the board because people do not know where they are located. Mr. Renzi asked Mr. Mykins to explain the square footage. Mr. Mykins noted the additional third sign doesn't have an effect on the square footage, the square footage changed only on the detached signage because of the addition of the ATM and the directional signage. The directional signage has to be included because it has bank symbolism on the sign. If it didn't have the symbolism it wouldn't require a permit and Berkshire Bank wouldn't be in front of the board at all. Mr. Mykins then stated the detached signage will require an area variance of 60.10 sq. ft. Mr. Barrett questioned the directional signage with Berkshire Bank on the top of it. Mr. Renzi answered it was because they have corporate symbolism on them. Mr. Barrett then stated the sign would be ok if it just said ONE WAY. Mr. Renzi pointed out the symbolism on the sign. Mr. Mykins noted that if the symbolism was not on there they would not require a permit. Mr. Kolligan stated those signs are existing already, correct. Mr. Mykins asked which ones. Mr. Kolligan said directional signs. Mr. Mykins said yes they are there now. Mr. Ramsdill asked if the original variance was for one additional attached sign to bring it to a total of three signs. Mr. Mykins noted that was correct. Mr. Renzi explained there were no permits pulled for the directional signs because Berkshire Bank thought they were exempt. Mr. Renzi stated since the signage has the bank name on it Mr. Mykins made us aware they are not exempt and need to be included in the square footage calculations and quantity of signage. Mr. Renzi further explained

that when he and Mr. Mykins met two meetings ago it was determined the additional signage needed to be included in the package so the board would be able to vote on the correct amount of signage and correct square footage. Mr. McCracken noted the drive thru sign on the board had been discussed, being measure on the outside dimension. Mr. Mykins stated Berkshire Bank was changing the sign and are going with block lettering only. Mr. Renzi stated they removed the background, and he and Mr. Mykins had gone over this. Mr. Mykins stated by removing the back ground it brings them down below the square footage requirement. Mr. Deloria asked if that was where they got below it essentially. Mr. Mykins noted that was where they got below the square footage was on the attached signage, and by going with block lettering and no backer board. Mr. Renzi explained what they were by showing a picture of the original sign to the board. Mr. Renzi stated this shows the sign with backer board and explains there will be no backer board and the letters will be the same size. It's the way the bi-laws are written, we have to include the backer board, so by taking that off it got the square footage down. Mr. Ramsdill wanted to clarify that there were two variances Berkshire Bank was looking for; the first one is the 60.10 sq. ft. to bring Berkshire Bank into compliance on the attached signs for the area, and the second one is for the approval of an additional sign on the building to bring them to a total of three signs. Mr. Renzi said correct.

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

Mr. Ramsdill made a motion to move that the application of Appeal 13-37 the request for an area variance 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, for 60.10 sq. ft. for the detached signs and for the approval of one additional attached sign to the building, bringing them to a total of three signs 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: It's consistent with other banks in the commercial zone by the mall. 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 signage mistakenly included the logos adding to the square footage, and because of the way the bank is located in the parking lot. The signage on the front of the building doesn't allow passing traffic to recognize the banks location easily, and the distant location of the plaza sign, by Price Chopper, is far enough away from the business establishment so as to not easily direct people back into the parking lot of the bank's location. 3. The applicant has demonstrated that the requested area

variances are not substantial because: Similar banks that have been in the same location have had signage in that area, and it is difficult to recognize, unless you are on the interior of the parking lot. 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 is in the commercial mall zone and is similar in characteristic to other banks in that area. 5. The applicant has demonstrated that the alleged difficulty was self-created. Mr. Barrett seconded the motion. Mr. Ramsdill, Mr. Deloria, Mr. Kolligan, Mr. Barrett, Mr. McCracken, Mr. Buchyn, and Chairman O'Brien were all in favor. The motion passed.

### **NEW BUSINESS:**

**APPEAL NO. 13-41** Paul Ludwig, 346 Ruggles Road, Saratoga Springs, NY 12866. Request for a special permit, pursuant to Schedule B and Sections 129-176 P (1-3), for an accessory apartment; property located 346 Ruggles Road, Saratoga Springs, NY 12866, Tax Map No.129.-1-27.21, zoned R-2, in the Town of Wilton.

Chairman O' Brien noted that the application had been properly advertised and the applicant had submitted the proofs of notification of adjacent landowners.

Mr. Ludwig and Mr. DiCocco approached the board. Mr. Ludwig explained he was creating an apartment over the garage for his mother. Mr. Ramsdill asked if there were any pictures of the existing structure. Mr. Mykins stated that there was no existing structure, they were building it. Mr. Ludwig noted there was just a foundation. Mr. Ramsdill asked if the apartment was in excess of what the square footage is. Mr. Mykins stated it was in excess of the square footage allowed. Mr. Kolligan stated by 400 sq. ft. Mr. Mykins noted yes, it would be a lot more for a mother in-law, if it was a mother in-law it doesn't even come close because that is only 700 sq. ft. Chairman O'Brien asked what would be proposed when your mother no longer lives there. Mr. Ludwig stated he had not made any plans; probably his son would live there. Chairman O' Brien stated there are no separate utilities. Mr. Ludwig said no. Mr. Deloria asked if Mr. Ludwig's mother was going to pay rent. Mr. Ludwig said no. Mr. Kolligan asked if the garage was constructed. Mr. DiCocco stated nothing was constructed yet, the foundation has been place. Mr. Mykins noted Mr. Ludwig had a foundation only permit. Mr. Kolligan stated the foundation has met all the requirements and has been completed. Mr. Kolligan asked if there had been any correspondences from any of the neighbors. Mr. Ludwig said no. Mr. Ramsdill noted the property is pretty far back in the woods, he thought he might get stuck when he drove in. Mr. Ramsdill asked if the board was making the Special Permit motion does it need to include

anything for the 400 sq. ft.; or is it just a Special Permit that includes that in the decision to grant and you don't have to say you are going to do a variance for the 400 sq. ft. Attorney Schachner noted that it was a Special Permit for an Accessory Apartment not a mother in-law apartment.

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

Mr. Ramsdill made a motion to approve Appeal No. 13-41 for Paul Ludwig, 346 Ruggles Road, Saratoga Springs, NY 12866. Request for a special permit, pursuant to Schedule B and Sections 129-176 P (1-3), for an accessory apartment; property located 346 Ruggles Road, Saratoga Springs, NY 12866, Tax Map No.129.-1-27.21, zoned R-2, in the Town of Wilton, for a period of two years. Mr. Kolligan seconded the motion. Mr. Ramsdill, Mr. Deloria, Mr. Kolligan, Mr. Barrett, Mr. McCracken, Mr. Buchyn, and Chairman O'Brien were all in favor. The motion passed. This permit is subject to review and renewal on or before November 21, 2015.

**ADJOURNMENT:**

Mr. Kolligan made a motion to adjourn the meeting at 7:20p.m. Mr. Deloria seconded the motion. All board members were in favor. The motion passed.

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

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Amy DiLeone  
Zoning Clerk