

WILTON ZONING BOARD OF APPEALS
THURSDAY, April 26, 2018

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, April 26, 2018 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, James Deloria, and Scott Kingsley. Also present was Mark Mykins, Zoning Officer.

ABSENT: Gerard Zabala and Charles Foehser

MINUTES: The minutes of the last meeting, held on March 22, 2018 were approved, as submitted, on a motion made by Mr. Kingsley seconded by Mr. Kolligian. All board members were in favor.

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

RENEWALS:

APPEAL NO. 10-11 William Durrin, 124A Ingersol Road, Saratoga Springs, New York 12866. Request for the renewal of a Special Permit, pursuant to Section 129-176 V of the Zoning Ordinance, for a private stable; property located on 124 A Ingersol Road, Tax Map No. 154.-1-58.1, zoned R-2 in the Town of Wilton. Permit originally granted on April 22, 2010 for a period of two years, is due for review and renewal.

Alese Durrin, daughter and representative for William Durrin, approached the Board to request a renewal of Special Permit for a private stable. Chairman O'Brien asked Mr. Mykins if there have been any problems or concerns regarding this property and Special Permit. Mr. Mykins said there have not been any issues with the horses.

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Chairman O'Brien asked if anyone had any questions about this permit. There were no further questions.

Mr. Kolligian made a motion to approve Appeal No. 10-11 for William Durrin located at 124A Ingersol Road, Saratoga Springs, New York 12866. Request for the renewal of a Special Permit, pursuant to Section 129-176V of the Zoning Ordinance, for a private stable which is located at the aforementioned address, Tax Map No. 154.-1-58.1, zoned R-2 in the Town of Wilton. This permit was originally granted on April 22, 2010 and renewed for another period of two years. Mr. Barrett seconded the motion. All were in favor. The motion passed.

Amendment to APPEAL NO. 2016-06 James L. Zeigler, 256 Wilton-Gansevoort Rd., Gansevoort, New York 12831. Amendment for the Special Permit pursuant to Section 129 Attachment 8 and Section 129-176, Schedule B, to raise chickens, turkeys, and pigs; property located on 256 Wilton-Gansevoort Road, Tax Map No. 102.-1-32.113, zoned R-2 in the Town of Wilton.

Mr. Zeigler approached the Board and said that he currently has a Special Permit which he would like to amend to increase the number of animals that he has on his property. He said that he originally asked for low number of animals and he'd like to increase this.

Chairman O'Brien stated that the Board received three letters from neighbors that were all for Mr. Zeigler increasing the number of animals that he has on his property. Mr. Zeigler said that was correct; the letters are from the neighbors that are around his property and they are all in favor of what he wants to do. Mr. Mykins stated that he wants to inform the Board that Mr. Zeigler is in the Agricultural District. Mr. Mykins said if the request for more animals is reasonable then the Board can't restrict Mr. Zeigler because he is in Ag-District 1.

Mr. Ramsdill asked whether the Board needs to know the numbers of animals for this amendment. Mr. Mykins said that they do need to know the numbers and the square footage because it has to fit a property. Mr. Mykins said, "For instance, if you have a half acre lot in the Ag-District, and we have a couple of those, you're not going to put forty beef cattle on there and a hundred turkeys. That wouldn't be reasonable for the applicant to ask for that and it wouldn't be unreasonable for the Board to deny something like that."

Chairman O'Brien referred to a paper Mr. Zeigler submitted and asked Mr. Zeigler if he wanted the number of animals listed on the paper. Mr. Zeigler said that was just information for the Board to view. Mr. Zeigler said that he would like to have 100 chickens, 12 turkeys, and 10 pigs. He said that he had submitted a map to show the square footage and what is required per animal.

Mr. Deloria asked what was granted for the original Special Permit. Mr. Zeigler said that he was granted twenty-four chickens and two pigs to start to see how things would go. He said that it has been going well and he would like to increase the number of animals. He also stated that he would like to include turkeys. Mr. Kolligian asked Mr. Mykins if he saw

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a copy of Mr. Zeigler's estimates on the square footage requirements for the animals. Mr. Mykins said that he did see the estimates. Mr. Kolligian asked if anything seemed unreasonable. Mr. Mykins said no and that these estimates were identical to what is posted on the farming sites.

Mr. Deloria said that the question before the Board is "do we want to condition the permit to the numbers indicated on Mr. Zeigler's sheet." Mr. Mykins said that the Board would make a decision about allowing Mr. Zeigler to amend to the numbers he specified and those numbers would go into the Notice of Decision.

Mr. Ramsdill made a motion to amend Appeal No. 2016-06 for James L. Zeigler of 256 Wilton-Gansevoort Rd., Gansevoort, New York 12831. Amendment for the Special Permit pursuant to Section 129 Attachment 8 and Section 129-176, Schedule B, to raise chickens, turkeys, and pigs, in the amount of 100 chickens, 12 turkeys, and 10 pigs, that this be granted because in consideration of all findings Section 129-175 D, he has 24,000 square feet of property which exceeds the required amount for this number of animals. He is in the Ag-District and this is reasonable for his property and this is granted for a period of two years. Mr. Kolligian seconded the motion. All were in favor. The motion passed.

APPEAL NO. 2017-11 Marissa Mackay, 25 Ernst Road, Gansevoort, New York 12831. Request for the renewal of a Special Permit, pursuant to Section 129-176 (V) of the Zoning Ordinance for an agricultural use with animals conditioned upon 6-12 chickens and 2 alpacas or 2 pigmy goats with a maximum of 13 animals; property located on 25 Ernst Road, Tax Map No. 114.-2-5.2, zoned R-2 in the Town of Wilton. Permit originally granted on April 27, 2017 for a period of one year, is due for review and renewal.

Chairman O'Brien stated there was a request for this appeal to be tabled. Mr. Kolligian made a motion to table Appeal No. 2017-11 at the request of the applicant, Marissa Mackay, 25 Ernst Road, Gansevoort, New York 12831, to the next Zoning Board meeting. Mr. Barrett seconded the motion. All were in favor. The motion passed.

NEW BUSINESS:

APPEAL NO. 2018-03 AJ Signs for Nigro Companies, 842 Saratoga Road, Burnt Hills, New York 12027. Request for an Area Variance pursuant to Section 129-181 B., (2), (b), [4] of the Zoning Ordinance; property located on 3057 Route 50, Saratoga Springs, New York 12866, Tax Map No. 153.-3-117, zoned C-1, in the Town of Wilton.

Mr. Kingsley recused himself from this appeal. Chairman O'Brien read into record a letter from the Saratoga County Planning Board.

Mr. Tom Wheeler with AJ Sign Company stated he was representing Nigro Companies and that they want to take the existing sign and add a three foot panel to it. He explained the sign will have Capital Bank on it; it will be right below Market 32 [on the signage.] Mr. Wheeler said the reason for this request is that the bank is set down at the end of the plaza; it doesn't have its own direct entrance off of Route 50, the entrance is for the whole

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plaza. He stated that if the bank could place a freestanding monument sign at the side of the road, which they aren't allowed to do, it wouldn't really help because it is not near the entrance. He said if the bank can be on the existing sign at the entrance, people will know to come in there and make their way to the bank. He said it would be a directional aid to this bank which is new to the area. He stated that it would definitely help customers get to the bank branch.

Mr. Deloria said that he went out and took a look at this sign. He asked if the sign was on the Tax Map No. 153.-3-117. Mr. Mykins said that was correct and they are all on one parcel. Mr. Deloria said this sign is on their parcel which is a separate parcel from Market 32. Mr. Deloria discussed the two different parcels: the plaza and Market 32. He stated that people are turning into the plaza entrance to go to Market 32. He said that this was not the intended use for the entrance. Mr. Mykins asked Mr. Deloria if he was talking about a planning concern or the sign. Mr. Deloria said that Market 32 has their own sign further down Route 50, which is a freestanding sign. Mr. Deloria stated that if Capital Bank is in the plaza, that is one thing, but...

Mr. Mykins explained that as an agreement with the Planning Board, Market 32 was put on the sign as a tradeoff for allowing the cross-over through the two lots. Mr. Kolligian asked if that was at the request of the Planning Board. Mr. Mykins said that was correct that Market 32 allowed the flow, if they were allowed to have their logo on the sign. Mr. Kolligian said that the impact on the sign currently to this applicant is based upon a previous agreement between Market 32 and the owner of the parcel. Mr. Deloria said this makes his thought process irrelevant. Mr. Kolligian said it was a good question.

Mr. Ramsdill asked what the current square footage is on the sign and if it is over 150 square feet. Mr. Mykins said it is over 150 square feet. There was discussion on the size of the sign. Mr. Wheeler said they will be adding a total of 48 square feet. Mr. Mykins said 114 feet is the relief from the code.

Chairman O'Brien asked if there were any other questions or concerns. There were no further questions.

Mr. Ramsdill made a motion to approve the request for an Area Variance pursuant to Section 129-181 B., (2), (b), [4] of the Zoning Ordinance, for relief of 114 square feet for detached signage; property located 3057 Route 50, Saratoga Springs, NY 12866, Tax Map No. 153.-3-117, 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 Variance because it is a minor modification to the existing sign. It will improve awareness of the traffic flow at that busy intersection to bring people into where the bank is properly.

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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 the sign as it exists is required for that property. In its current location, it is serving twelve separate uses of the property and so it needs a larger visibility for people to see the addition of the bank.
3. The applicant has demonstrated that the requested Area Variance is not substantial because it is only a 48 square foot increase over the prior variance that was existing for the sign.
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 essentially it will look very similar and will hardly be noticeable to people driving by.
5. The applicant has demonstrated that the alleged difficulty is self-created.

Mr. Kolligian seconded the motion.

Mr. Deloria wanted clarification on what other signage and the size of the signage that could be added once this structure is complete. Mr. Mykins said it would be up to the landlord to determine what changes could be made to the signs.

Mr. Kolligian asked if Mr. Wheeler was going to put an extension on the existing structure or put up a whole new structure. Mr. Wheeler said they need to build a new structure to make it structurally sound. There was discussion on who pays for the new structure and any changes to the signage. Mr. Mykins stated that we do not get involved in this or any other lease agreements.

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

APPEAL NO. 2018-04 Melissa Lindner, 5 Lenca Court, Gansevoort, New York 12831. Request for an Area Variance pursuant to Section 129-157 B., (2), (a) of the Zoning Ordinance; property located on 5 Lenca Court, Gansevoort, New York 12831, Tax Map No. 127.8-1-30, zoned R-1, in the Town of Wilton.

Mr. Joe Lindner approached the Board to ask for a variance for his swimming pool. Chairman O'Brien asked what size the swimming pool will be. Mr. Lindner said that his pool guy was supposed to be here but he had an issue. He said he wasn't sure. Mr. Kolligian looked at the map and stated that it would be 17' x 27' x 33'. Mr. Mykins said it was an amoeba-shaped pool.

Mr. Ramsdill asked if it was undeveloped wetlands behind the applicant's property. Mr. Mykins said that was deeded open space. Mr. Ramsdill said nothing can go in that area

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then. Mr. Ramsdill asked if there are any other pools in Mr. Lindner's neighborhood. Mr. Lindner stated there is one. Mr. Deloria asked what the red line on the map represented. Mr. Lindner said that was his existing fence.

Chairman O'Brien asked if there were any other questions. There were no further questions.

Mr. Kolligian made a motion to approve the application of Melissa Lindner for the request of an Area Variance pursuant to Section 129-157 B, (2), (a) of the Zoning Ordinance, for a rear property line setback of 10 feet; property located 5 Lenca Court, Gansevoort, NY 12831, Tax Map No. 127.8-1-30, zoned R-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 Variance because there is one other pool located in the neighborhood. This pool will be fenced in and properly landscaped. The immediate adjacent parcel of land to the rear has been deeded as open space.
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 the existing paver patio and elevation change on the property would not be conducive to moving the pool any closer.
3. The applicant has demonstrated that the requested Area Variance is not substantial because it is only a distance of 10 feet from the pool to the edge of the property line and the property line extended is deeded as open space.
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 the pool will be fenced and properly landscaped.
5. The applicant has demonstrated that the alleged difficulty is self-created.

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

ADJOURNMENT:

Mr. Kolligian made a motion to adjourn the meeting at 7:24 pm. Mr. Barrett seconded the motion. All were in favor. The motion passed.

Dated: May 24, 2018

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BOARD OF APPEALS

BY _____

Lisa Muller, Zoning Clerk

BY _____

Joseph O'Brien, Chairman