

**TOWN OF WILTON**  
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**JOSEPH O'BRIEN**  
Zoning Board Chairman

**AMY DiLEONE**  
Zoning Clerk

**MARK MYKINS**  
Zoning Officer



**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY August 25, 2016**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday August 25, 2016 at the Wilton Town Hall, 22 Traver Road, Wilton, New York and was called to order by Vice Chairman Ramsdill at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT:** Christopher Ramsdill, Robert Barrett, Dean Kolligian, Gerard Zabala, and Scott Kingsley. Also present were Justin Grassi, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

**ABSENT:** Chairman O'Brien, James Deloria and Charles Foehser

**MINUTES:** The minutes of the last meeting, held on July 28, 2016 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 said that she was partially retired, but she was still practicing. Ms. Bachmann requested that the permit be renewed for another two years. Mr. Mykins said there were no problems or issues.

Mr. Kolligian made a motion to approve Appeal No.1990-18 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, in consideration of all findings of Section 129-175 (D), for a period of two years; property located at 4 Newington Avenue, Tax Map No. 140.6-2-9, zoned R-1, in the Town of Wilton.

Mr. Barrett seconded the motion. Mr. Zabala, Mr. Sabanos, Mr. Kingsley, Mr. Barrett, Mr. Kolligian and Mr. Ramsdill were all in favor. The motion passed.

**APPEAL NO. 08-27** Stanley and Maria Brackett, 138 Ernst Road, Gansevoort, New York 12831. Request for the renewal of a Special Permit, pursuant to Schedule A and Section 129-176 C (1), (2), (3) and (4) of the Zoning Ordinance, for a home occupation for a small engine repair shop; property located at 138 Ernst Road, Tax Map No. 127.-2-15.2, zoned R-1, in the Town of Wilton. Special Permit originally granted on August 28, 2008 for two years.

Mr. Brackett requested to have his permit extended for another two years. Mr. Mykins said there weren't any issues or complaints. Mr. Ramsdill asked if there were any questions. There were none.

Mr. Zabala made a motion to approve Appeal No. 2008-27 for Stanley and Maria Brackett, 138 Ernst Road, Gansevoort, New York 12831. Request for the renewal of a Special Permit, pursuant to Schedule A and Section 129-176 C (1), (2), (3) and (4) of the Zoning Ordinance, for a home occupation for a small engine repair shop; property located at 138 Ernst Road, Tax Map No. 127.-2-15.2, zoned R-1, in the Town of Wilton. Special Permit originally granted on August 28, 2008 for two years was renewed for a period of two years.

**APPEAL NO. 2014-21** Joseph and Colleen Paterson, 210 Gurn Springs Road, Gansevoort, NY 12831. Request for the renewal of a Special Permit for a private stable pursuant to Sections 129 Attachment 8, Schedule B of the Zoning Ordinance, and Section 129-176 V (1-7), Agricultural with animals and private stable; property located at 210 Gurn Springs Road, Gansevoort, NY 12831, Tax Map No. 102.-1-35.111 zoned R-2, in the Town of Wilton. Special Permit originally granted on August 28, 2014 for a period of two years, is due for review and renewal.

Mr. Patterson said he would like to renew his permit. Mr. Mykins said there were no issues or complaints.

Mr. Kolligian made a motion to approve Appeal No. 2014-21 for Joseph and Colleen Paterson, 210 Gurn Springs Road, Gansevoort, NY 12831. Request for the renewal of a Special Permit for a private stable pursuant to Sections 129 Attachment 8, Schedule B of the Zoning Ordinance, and Section 129-176 V (1-7), Agricultural with animals and private stable; property located at 210 Gurn Springs Road, Gansevoort, NY 12831, Tax Map No. 102.-1-35.111 zoned R-2, in the Town of Wilton. Special Permit originally granted on August 28, 2014 for a period of two years was renewed for a period of two years.

Mr. Barrett seconded the motion. Mr. Zabala, Mr. Sabanos, Mr. Kingsley, Mr. Barrett, Mr. Kolligian and Mr. Ramsdill were all in favor. The motion passed.

**NEW BUSINESS:**

**APPEAL NO. 2016-18** John Kearney, 43 Worth Rd., Gansevoort, N.Y. 12831. Request for an Area Variance, pursuant to Section 129-157 B and 129 Attachment 7, for a proposed garage, side yard setback, relief requested is 19.50 feet; property located at 43 Worth Rd., Gansevoort, N.Y. 12831, Tax Map No.127.18-1-53, zoned R-1 in The Town of Wilton.

Mr. Kearney approached the Board and explained where he would like to place the garage by using photographs of his yard. He explained that he would like to place the garage on the left hand side of the property so that he would have a straight shot into the garage. Mr. Ramsdill asked for questions or comments. Mr. Zabala asked if everything was ok with the neighbors and the Building Department. Mr. Mykins said so far, they had not started building yet.

Mr. Zabala made a motion to approve Appeal No. 2016-18 for John Kearney, 43 Worth Rd., Gansevoort, N.Y. 12831. Request for an Area Variance, pursuant to Section 129-157 B and 129 Attachment 7, for a proposed garage, side yard setback relief requested is 19.50 feet; property located at 43 Worth Rd., Gansevoort, N.Y. 12831, Tax Map No.127.18-1-53, 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 the garage will be set back from the road, only visible from the front. Arborvitae trees that outline the property are taller than the proposed garage shielding it from the neighbor's view. 2. The applicant has demonstrated that the benefit sought cannot be achieved by some method feasible for the applicant to pursue other than by an Area Variance because building the garage cannot be accomplished with setbacks as it would not be conducive if moved over 19.5 feet. It would then be a side load garage, it would alter the sunlight, and the use of the house as it now exists. 3. The applicant has demonstrated that the

requested Area Variance is not substantial because the proposed building area is now black topped. 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 it will be built to match the existing home structure. 5. The applicant has demonstrated that the alleged difficulty is self-created because it was being placed in an area that relief is requested for.

Mr. Kingsley seconded the motion. Mr. Zabala, Mr. Sabanos, Mr. Kingsley, Mr. Barrett, Mr. Kolligian and Mr. Ramsdill were all in favor. The motion passed.

**APPEAL NO. 2016-19** Carrols Restaurant Group, Inc., 968 James Street, Syracuse, N.Y. 13203. Request for an Area Variance Pursuant to Section 129-181 C. (1) (2) and Section 129-181 B. (2) (b) [1] for attached and detached signage; Property located at 3004 Route 50, Saratoga Springs, N.Y. 12866, Tax Map No. 153.-3-87, zoned C-1 in the town of Wilton,

Mr. Ramsdill read a correspondence from the Saratoga County planning Board.

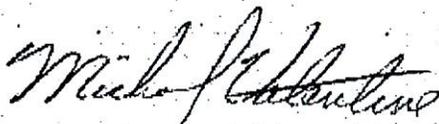
**SCPB Referral Review#16-156-Area Variances-Burger King**

Request for one additional sign (Home of the Whopper, bldg side ) to complement four existing (but never approved) signs (2 allowed), sign height (22' vs. 20'), detached signage square footage of 209 v. 150 sq. ft.  
NYS Route 50 & NYS Rt. 87

Received from the Town of Wilton Zoning Board of Appeals on August 4, 2016.

Reviewed by the Saratoga County Planning Board on August 18, 2016.

**Decision:** No Significant County Wide or Inter Community Impact



Michael Valentine, Senior Planner  
Authorized Agent for Saratoga County

Mr. Mykins explained that what they were asking for was one additional sign Home of The Whopper above the main entrance door. He said the build was the first building on Route 50 and that was why a lot of their signage was not in compliance,

there was no sign code then. Mr. Mykins said the Board should keep that in mind when they approve or disapprove take that into consideration.

Mr. Lenowicz introduced himself as the construction manager for Carrols Restaurant Group. Mr. Lenowicz said they would like to put up the *Home of The Whopper* sign; it was part of the corporate standard sign package. He said that side of the building looks bad, bare and empty without any signage on it and it would be an enhancement to the building. Mr. Lenowicz said it was just an enhancement, it wasn't drawing people off the road because they were already in the lot, or in the adjacent gas station when they would see the sign. He said it would not affect the traffic flow in any way. Mr. Zabala said his understanding was the application was going to bring the current signage into conformance with the zoning laws that weren't currently in place, when the building was built. Mr. Lenowicz said he wasn't sure, Mr. Mykins said yes. Mr. Zabala said he saw two new signs; a button sign and *Home Of The Whopper* sign and wanted to know if that was something that was mislabeled. Mr. Mykins said no, the button sign was there. Mr. Lenowicz said the button sign was not there. Mr. Mykins said he didn't have that one in his determination; it wasn't a sign on their application. Mr. Zabala said it appeared in their aggregated total. Mr. Lenowicz said that in the aerial it showed a *Taste Is King* sign that was not on the building. Mr. Zabala asked if it was a temporary banner. Mr. Lenowicz said no, it was just another enhancement that Burger King Corporate wanted put on the building. He said the enhancement was denied when they applied for a building permit to remodel the building two years ago. Mr. Zabala asked if the current signage was going to remain the same. Mr. Lenowicz said yes. Mr. Ramsdill asked if the button sign was included in the package. Mr. Mykins said he had the existing button sign, not the second button sign. He said it was not included in the permit application. Mr. Zabala said it was included in the information the Board had. Mr. Mykins said that didn't match the permit application they submitted. Mr. Ramsdill asked if that required them to resubmit. Mr. Mykins said the Board could take it if they wanted to. Attorney Grassi said as long as the materials were submitted and the public had the opportunity to view them if they wanted to, there wasn't necessarily a change to the application itself. Mr. Zabala said the square footage was 19.63. Mr. Ramsdill asked if that was going to be added to the relief request. Mr. Mykins said yes add another 19.63 square feet. Mr. Ramsdill clarified that it would be six proposed and relief of four. Mr. Mykins said correct. Mr. Ramsdill said the attached would be 78.97 square feet instead of 59.34 square feet. Mr. Ramsdill said the *Taste Is King* was not included in the submission. Mr. Mykins said he didn't get the chart that the Board had when he had done his determination, all he had was their sign application, with the signs he looked at. Mr. Mykins said that was what he based his determination on and there was additional information there, and more signage in the packet. Mr. Ramsdill asked if the *Taste Is King* sign was part of what Mr. Mykins looked at, Mr. Mykins said no. Mr. Ramsdill said the Board was not approving that sign. Mr. Mykins said the Board didn't have to approve that sign. Mr. Ramsdill asked Mr.

Lenowicz if the sign was part of the submission, he said no. Mr. Lenowicz said just the new *Home Of The Whopper* sign and the new five-foot button sign, both over the main entrance.

Mr. Kolligian made a motion to approve Appeal No. 2016-19 Carrols Restaurant Group, Inc., 968 James Street, Syracuse, N.Y. 13203. Request for an Area Variance Pursuant to Section 129-181 C. (1) (2) and Section 129-181 B. (2) (b) [1] for attached and detached signage; Property located at 3004 Route 50, Saratoga Springs, N.Y. 12866, Tax Map No. 153.-3-87, zoned C-1 in the town of Wilton. The requested Area Variance is for a total of 78.97 square feet for four additional signs and two additional feet for the height of the detached signs 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 this is the standard Burger King Sign package, consistent with the company's brand standards. 2. The applicant has demonstrated that the benefit sought cannot be achieved by some method feasible for the applicant to pursue other than by an Area Variance because Burger King would like to pursue the standard signage whenever possible to be consistent with brand standards. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it is the standard Burger King Sign package. 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 it will not create any eyesore, but rather create the intended design of the building, which is visually appealing. 5. The applicant has demonstrated that the alleged difficulty is not self-created due to the number of signs, height, and square footage of the free standing sign allowed are under what the Burger King standard sign package due to the fact that this was an existing building originally granted signage before back before The Town of Wilton had specific sign standards.

Mr. Kingsley seconded the motion. Mr. Zabala, Mr. Sabanos, Mr. Kingsley, Mr. Barrett, Mr. Kolligian and Mr. Ramsdill were all in favor. The motion passed.

**ADJOURNMENT:**

Mr. Kingsley made a motion to adjourn the meeting at 7:23 p.m. Mr. Zabala seconded the motion. All board members were in favor. The motion passed.

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

BOARD OF APPEALS

BY Amy DiLeone

Amy DiLeone, Zoning Clerk

BY Joseph O'Brien Ad

Joseph O'Brien, Chairman