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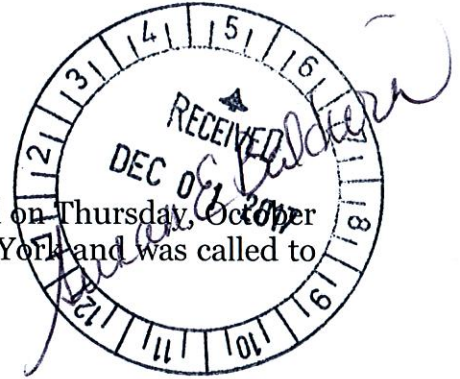
**JOSEPH O'BRIEN**  
Zoning Board Chairman

**LISA MULLER**  
Zoning Clerk

**MARK MYKINS**  
Zoning Officer

**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY October 26, 2017**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, October 26, 2017 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, Robert Barrett, Scott Kingsley, and Joseph Sabanos. Also present were Justin Grassi, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

**ABSENT:** James Deloria, Gerard Zabala, Dean Kolligian, and Charles Foeher

**MINUTES:** The minutes of the last meeting, held on September 28, 2017 were approved, as submitted, on a motion made by Mr. Barrett seconded by Mr. Ramsdill. All board members were in favor.

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

**OLD BUSINESS:**

**APPEAL NO. 13-38** John A. DeSimone, 360 Wilton Gansevoort Road, Gansevoort, New York 12831. Request for the renewal of a Special Permit 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, New York 12831, Tax Map No. 102.-1-49.12, zoned R-2, in the Town of Wilton. Special Permit originally granted on September 2, 2013, for a period of two years, is due for review and renewal.

A letter from Mrs. Muller, Zoning Board of Appeals Secretary, was read by Chairman O'Brien: "I spoke to the new homeowner, Mr. Jonathan Stilan, on October 6, 2017. Mr. Stilan said that he does not want to continue the Special Permit for Agricultural with Animals as the previous owner, Mr. John DeSimone, had been granted. The new homeowner requests that the Zoning Board of Appeals withdraws the Special Permit granted for Appeal No. 2013-38."

Chairman O'Brien asked Attorney Grassi if the Board had to make a motion on the homeowner's request. Mr. Grassi said they didn't need to make a motion.



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**RENEWALS:** No Renewals

**NEW BUSINESS:**

**APPEAL NO. 2017-26** New Life Fellowship Church, 51 Old Gick Road, Saratoga Springs, New York 12866. Request for an Area Variance, pursuant to §129-181, B, (4), (g) of the Zoning Ordinance; for signage on the property located on 51 Old Gick Road, Saratoga Springs, New York 12866, Tax Map No. 153.-3-71.112, zoned C-2 in the Town of Wilton.

Chairman O'Brien asked who was in the audience representing the church. Corey Prothero, the Associate Pastor of the church, introduced himself. Chairman O'Brien asked Mr. Prothero if he wanted to put up a new sign and increase the size of the sign. Mr. Prothero said that was correct. He said that the church had an existing sign which they want to update to give more of a visual appeal to the building from the street. He stated the new designs and the new sign are about two feet longer than the code allows. He said the code allows a six foot by four foot sign and the church is proposing an eight foot by four foot sign. Mr. Prothero said the new sign would add a lot of visual appeal from the street and the old signs were roughly the dimensions of the previous code. He added that the zoning requires a special stipulation for churches that they can only have a certain size sign but there are a lot of businesses on the street that have bigger signs. He doesn't think it would conflict with any zoning in that regard.

Mr. Ramsdill asked Mr. Mykins if the signage amount is less for a church than for a commercial property. Mr. Mykins said that was correct. Mr. Ramsdill asked if the church was substantially lowering the height of the sign. Mr. Prothero said that the posts were eight foot, three foot in the ground, so the height would be around five feet. Mr. Ramsdill asked if the sign will be in the same orientation. Mr. Prothero said that it will be perpendicular to the street and on the other side of the driveway. He said there was a picture of it in the packet. Mr. Ramsdill said that the current sign is hard to pick up if one was heading west. Mr. Prothero agreed and said the new sign will be on the other side of the entrance to the church parking lot, perpendicular to the road.

Chairman O'Brien asked if there were any other questions.

Mr. Ramsdill made a motion to approve for application on Appeal No. 2017-26 for the New Life Fellowship Church, 51 Old Gick Road, Saratoga Springs, NY 12866. Request for an Area Variance, in the amount of 8.0 square feet, pursuant to Section 129-181 B. (4) (g) of the Zoning Ordinance, for signage on the property located at 51 Old Gick Road, Saratoga Springs, NY, Tax Map No. 153.-3-71.112, zoned C-2 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 essentially replacing a very similar sized sign and the church is also in the commercial district which consistently have signs that are larger than this. It would be



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keeping with the character of the road where they are located. 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 in the commercial zone, other signs are larger and the visibility for the sign will be improved from moving it and making it larger where it is located along Old Gick Road. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it is a minor amount in the overall size of the sign and remains consistent with other signs in the zone. 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 their current sign is extremely difficult to pick up on when heading west along Old Gick Road. It is positioned in an area that could create unnecessarily quick stops and would provide increased visibility and safety on the road with the new location and size of the sign being clear. 5. The applicant has demonstrated that the alleged difficulty is self-created.

Mr. Kingsley seconded the motion. All board members were in favor. The motion passed.

**APPEAL NO. 2017-27** Josephine T. Ramsey, 101 King Road, Saratoga Springs, New York 12866. Request for a Special Permit, pursuant to §129 Attachment 8, Schedule 2, R-2 of the Zoning Ordinance; for an accessory apartment on the property located 101 King Road, Saratoga Springs, New York 12866, Tax Map No. 142.-1-13.1, zoned R-2 in the Town of Wilton.

Chairman O'Brien read a letter from the Saratoga County Planning Board regarding this appeal, "Received from the Town of Wilton Zoning Board of Appeals on October 12, 2017. Decision: No Significant County Wide or Inter Community Impact. Signed by, Michael Valentine, Senior Planner."

Chairman O'Brien asked Ms. Josephine Ramsey what she was requesting. Ms. Ramsey said that she would like to get a Special Permit. Ms. Ramsey said that she is trying to sell her property and during the sale she found out the garage with an apartment never had a C.O. [Certificate of Occupancy] issued. She said she has been paying taxes on it but it never had the C.O. Mr. Mykins said there was no C.O. or permit or Special Permit issued. He said that Ms. Ramsey is just trying to clean up the property so that she can sell. Mr. Ramsdill asked if everything is existing as is. Mr. Barrett said yes that it has been that way for 14 years without any problems.

Attorney Grassi read through and recorded the Board's answers to the SEQRA form. The result showed that there would be no negative impact on that property. Attorney Grassi stated since the Board answered no to all of part 2 that it would be appropriate to reach a negative declaration that there are no significant adverse environmental impacts, if that is what the Board wishes. Mr. Kingsley stated that he would make a motion for a negative declaration. Mr. Barrett seconded the motion. All were in favor. Chairman O'Brien asked if there were any questions or concerns. Ms. Ramsey asked if it is possible to transfer the Special Permit. Mr. Mykins stated that once this Special Permit is given, it cannot be taken away without tearing down the structure.

Chairman O'Brien asked if anyone on the Board would like to make a motion.



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Mr. Ramsdill made a motion to approve Appeal No. 2017-27 for Josephine T. Ramsey, 101 King Road, Saratoga Springs, NY 12866. Request for a Special Permit, pursuant to Section 129 Attachment 8, Schedule 2, R-2 for an accessory apartment, property located at 101 King Road, Saratoga Springs, New York 12866, Tax Map No. 142.-1-13.1, zoned R-2, in the Town of Wilton, in consideration of all findings in Section 129-175 D. (1-7) and Section 129-176 P. (1-3) because the property has existed in its current use and no modifications are going to be made. There have been no difficulties and the homeowner has been living with these conditions for an extensive period of time, in excess of at least ten years. There are no major concerns for the property and the applicant meets all the requirements for the Special Permit.

Mr. Sabanos seconded the motion. All were in favor. The motion passed.

**APPEAL NO. 2017-28** NAPA Auto Parts, 3083A Route 50, Saratoga Springs, New York 12866. Request for an Area Variance, pursuant to §129-181, B., (2), (b), [1] of the Zoning Ordinance; for signage on the property located at 3083A Route 50, Saratoga Springs, New York 12866, Tax Map No. 153.-3-43.22, zoned C-1 in the Town of Wilton.

Chairman O'Brien read a letter from the Saratoga County Planning Board, "Decision: No Significant County Wide or Inter Community Impact. Michael Valentine, Senior Planner."

Mr. Daniel Roicki from the Adirondack Sign Company stated that he was representing NAPA Auto Parts. He said they are looking to get approval for relief of 123.19 square feet of existing sign on top of Benson's Pet Center. He stated that they would be refacing the sign to read NAPA. He said they would be using the current form. Mr. Ramsdill asked Mr. Mykins since this sign exists, then the applicant is just bringing it up to be in compliance. Mr. Mykins stated this is an existing sign that has been there for a long time; the applicant is refacing it, the required permit triggered the variance. Mr. Ramsdill asked the applicant if they were making any modifications to the current size. Mr. Roicki said that everything is remaining the same. Mr. Kingsley asked if this is the location where Rex's Electronics used to be located. Mr. Mykins answered that is correct.

Chairman O'Brien asked if there were any questions. There were no other questions. Chairman O'Brien asked for a motion.

Mr. Ramsdill made a motion to approve Appeal No. 2017-28 for NAPA Auto Parts, 3083A Route 50, Saratoga Springs, NY 12866. Request for an Area Variance, pursuant to Section 129-181 B. (2) (b) [1] in the amount of relief 123.19 square feet and Section 129-181 B. (2) (b) [1] maximum square footage for the detached sign in relief amount of 104.0 square feet for the signage ordinance; property located property located at 3083A Route 50, Saratoga Springs, NY 12866, Tax Map No. 153.-3-43.22, zoned C-1 in the town of Wilton, 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 or a detriment to nearby properties will not be created by the granting of



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the Area Variance because this sign exists and there are no modifications being made to it. The sign is just being refaced and brought to meeting the current code with this variance. 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 the sign exists in its current condition and just requires the variance to be in compliance with town code. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it is replacing an existing sign with the exact same dimensions. 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 is in the commercial district and is consistent with multiple other signs. The sign has existed for an extended period of time in its current state and there are no other modifications being made other than the identification to the business using that sign. 5. The applicant has demonstrated that the alleged difficulty is not self-created.

Mr. Kingsley seconded the motion. All board members were in favor. The motion passed.

**DISCUSSION:**

November/December meeting

Chairman O'Brien announced that November 30<sup>th</sup> will have to be the date for the November/December meeting. He said otherwise it would have to be on December 14<sup>th</sup>. All members present agreed on November 30<sup>th</sup> as the date for the combined November/December meeting.

**ADJOURNMENT:**

Mr. Barrett made a motion to adjourn at 7:20pm. Mr. Sabanos seconded the motion. All were in favor. The motion passed.

Dated: 12/1/17

**BOARD OF APPEALS**

BY Lisa Muller

Lisa Muller, Zoning Clerk

BY Joseph O'Brien  
Joseph O'Brien, Chairman