



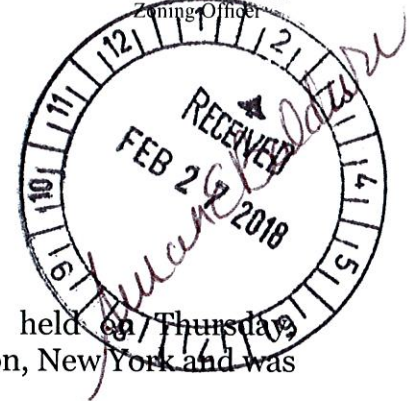
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JOSEPH O'BRIEN
Zoning Board Chairman

LISA MULLER
Zoning Clerk

MARK MYKINS
Zoning Officer

WILTON ZONING BOARD OF APPEALS
THURSDAY November 30, 2017



A meeting of the Wilton Zoning Board of Appeals was held on Thursday, November 30, 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, James Deloria, Charles Foehser, and Joseph Sabanos. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

ABSENT: Robert Barrett, Dean Kolligian, Gerard Zabala, and Scott Kingsley.

MINUTES: The minutes of the last meeting, held on October 26, 2017 were approved, as submitted, on a motion made by Mr. Deloria seconded by Mr. Sabanos. All board members were in favor.

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

RENEWALS:

APPEAL NO. 09-20 Douglas Dockendorf, 640 Wilton Gansevoort Road, Gansevoort, N.Y. 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 for a period of two years, is due for review and renewal.

Chairman O'Brien read an email from Mr. Dockendorf.

Chairman O'Brien asked the Board if they would like to carry this appeal over until next meeting or vote on this now. Mr. Deloria stated that the date granted was December 2, 2009 and if it went to January, the permit would be expired. Mr. Mykins said that it would be alright if the Board tabled. Mr. Deloria asked if the Board could vote to renew it in Mr.

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Dockendorf's absence. Chairman O'Brien answered that the Board could vote in his absence.

Mr. Sabanos made a motion to renew Appeal Number 09-20, 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, was granted for a period of two years and approving the renewal for an additional two years. Mr. Ramsdill seconded the motion. All were in favor. The motion passed.

APPEAL NO. 01-40 Olan Aldrich and Janice Orozco-Bravo, 286 Loudon Road, Saratoga Springs, N.Y. 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 for a period of two years, is due for review and renewal.

This appeal was moved to the end of the meeting.

NEW BUSINESS:

APPEAL NO. 2017-29 Ray Aley – M&W Foods, Inc., 222 Lost Cove, Colchester, Vermont 05446. Request for an Area Variance, pursuant to Section 129-181, C., (1) and Section 129-181, B., (2), (b), [1] of the Zoning Ordinance; property located on 3010 Route 50, Tax Map No. 153.-3-109, zoned C-1, in the Town of Wilton.

Chairman O'Brien asked if Mr. Aley would like to come forward and tell the Board what he would like to do. Mr. Aley said that if the Board hadn't seen it already, he has just renovated the KFC on Exit 15. He pointed to a diagram and showed the two locations that the paint scheme calls for a picture of the Colonel and some lettering. Aley said that it was in the blueprints and that it may not be in the packet. The Board searched for the diagram. Mr. Aley indicated it was the correct diagram. Mr. Aley said the paint scheme calls for this; it is a stencil and it is black and white. He showed where it will be on the outside of the building. He then showed a picture that will be on the drive-through side. He said heading East on Route 50, there would be a stenciled sign. He stated that a second similar sign will be located in-between the Taco Bell and the KFC. Mr. Aley asked Mr. Mykins if he had page 64 of the plans he submitted. Mr. Mykins said that he didn't have them present. Mr. Aley apologized to the Board and said he thought that Mrs. Muller had given the Board the entire set of plans. Mr. Aley said the last page of his blueprints had the exterior elevation which shows what the building would look like with the spray painted signage on both sides. Mr. Ramsdill asked if the one sign would be placed on the Taco Bell side. Mr. Aley pointed to his picture and showed the Board where the signage would be placed. He said the small sign would be seen if you were at the Red Robin restaurant. Mr. Aley said some signs were already approved and these two spray painted signs were in addition to prior approval. Mr. Mykins said that was correct, all other signage was already there. Mr. Aley said that what the Board sees on the documents were already there. Mr.

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Aley said these new signs are not internally illuminated; they are just part of the paint scheme.

Mr. Ramsdill said that he only counts five attached signs. Mr. Mykins said that Taco Bell added another sign. Mr. Aley said that he doesn't own the Taco Bell; he is a tenant to C. Pinkerton Hospitality Syracuse.

Chairman O'Brien asked if anyone had any other questions. Mr. Foehser asked if there would be any illumination on these signs. Mr. Aley said no. Mr. Mykins said it was only the decal. Mr. Aley said it was actually a template with spray paint.

Mr. Ramsdill made a motion to approve an Area Variance be granted pursuant to Section 129-181 B. (2) (b) [1] and Section 129-181 C. (1); property located at 3010 Route 50, Saratoga Springs, NY 12866, Tax Map No. 153.-3-109, zoned C-1 in the town of Wilton, for the relief amount of 4 attached and 1 detached sign 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 consistent with the commercial zone and other properties. This is a unique property because there are two separate businesses located on the one location. It is not significantly different than the current signage which exists on the property. 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 there are restrictions on the number of signs that are allowed on the properties of the zone, the nature of this being two businesses in one location, and the difficulty picking up the directional differences between the Taco Bell and KFC. The signage would improve the flow of traffic in the area. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it is a minimal expansion over what is currently allowed. 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 the commercial district. It is consistent with signage on the other fast food restaurants with drive-throughs in the area. It will help to improve the traffic flow and reduce difficulty for people to pick up the proper turning lanes in that area. 5. The applicant has demonstrated that the alleged difficulty is a self-created.

Mr. Foehser seconded the motion. All Board members were in favor. The motion passed.

APPEAL NO. 2017-30 Phil Viger, 353 Gurn Springs Road, Wilton, New York 12831. Request for an Area Variance, pursuant to Section 129-157 B. and Section 129 Attachment 8 Schedule B R-2 Residential District of the Zoning Ordinance; property located on 297 Wilton/Gansevoort Road, Tax Map No. 102.-1-34.22, zoned R-2, in the Town of Wilton. Mrs. Muller stated that the Saratoga County Planning Board had no decision and told her to put this appeal on the waiver.

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Chairman O'Brien asked if anyone was present to represent Mr. Viger. Donald Pidgeon, Land Surveyor, stated that he was representing Mr. Viger. He said that he prepared the map. Mr. Pidgeon said the reason they are asking for the variance is due to the topography of the parcel. He said that if the Board members looked at the map, it shows that there is a steep bank that goes down eventually into that ditch run-off swale that runs down through the back of the property. He said to fill it would interrupt that run-off that the county has across the highway. He stated that this lot was approved by the Town of Wilton back in in 2008 or 2009. Mr. Pidgeon said he doesn't know how it got approved with the limited room on the parcel. Mr. Mykins said that it was approved because it met all the zoning requirements – lot size and area. Mr. Pidgeon said they do have a good lot size, almost an acre and a half. Mr. Ramsdill said that if it wasn't for the drop-off, the center portion of the lot could be used. Mr. Mykins said that if it was all filled to the back and it was flat; it would be a great lot. Mr. Pidgeon said that if you continued to fill over that bank, the drainage would be interrupted which would not be a good thing. Mr. Pidgeon said there is pretty good drainage.

Mr. Deloria asked if there was a stream behind this property and how far from the bank. Mr. Pidgeon said, "It is a Hell-hole down in there to be honest with you. It runs down through where you see "Wooded" on the document and down about the same distance off from the top of the bank." Mr. Ramsdill asked if it followed the curve on the survey. Mr. Pidgeon said that was correct; he said it was probably 30-40 feet horizontally from the top of the bank. He stated that it is very steep. Mr. Ramsdill asked if this runs down to the Snook Kill. Mr. Mykins said eventually it runs down to the Snook Kill.

Chairman O'Brien asked if there were any other questions. Mr. Deloria stated that the neighbor's house is closer than it appears on the drawing. Mr. Deloria asked if the neighbor is aware that the leech field is going to be placed near that property. Mr. Pidgeon said the neighbor is aware because his client (the applicant) purchased the property from this neighbor. Mr. Pidgeon stated that is the reason the well was drilled on the other side of the property and the neighbor's well is way over to the opposite side.

Chairman O'Brien asked if anyone in the audience or the Board had any other questions. Mr. Pidgeon said the applicant is asking for ten feet which would be enough room to place a suitable house. Mr. Pidgeon stated 10 feet from the front, 10 feet from the one side, and the applicant already talked with the next door neighbor.

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

Mr. Sabanos made a motion to approve the requested Area Variances pursuant to Section 129-157B and Section 129 Attachment 8 Schedule B R-2 Residential District of the Zoning Ordinance, for a 4,480.4 square feet relief for the size of the yard dimensions, a 42.65 feet frontage relief, a front yard setback relief of 10.0 feet and an East side yard setback relief of 10.0 feet; property located at 297 Wilton/Gansevoort Road, Gansevoort, NY 12831, Tax Map No. 102.-1-34.22, zoned R-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

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detriment to nearby properties will not be created by the granting of the Area Variances because it will be a home that similarly represents the other homes in the area, in size and structure. 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 property itself has a steep gradient off the back side and filling that in would have a negative effect on the wetlands behind it. 3. The applicant has demonstrated that the requested Area Variances are not substantial because it is the minimal amount needed to construct the actual size of the residence without making the home too small with the area. 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 will enable the natural drainage to continue without filling in the area or affecting the storm water runoff which could possibly redirect some of that storm water. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

APPEAL NO. 2017-31 DeGraff-Bloom Builders, Inc., P.O. Box 127, Round Lake, New York 12151. Request for an Area Variance, pursuant to Section 129-157 Projections into required yards and Schedule "A", R-1 Residential District of the Zoning Ordinance; property located on 6 Ushu Court, Tax Map No. 115.17-6-4, zoned R-1, in the Town of Wilton.

Chairman O'Brien read a memo from the Town of Wilton Planning Board.

Mr. Mark Johnson, representing DeGraff-Bloom Builders, stated that they are looking for some relief due to the curvature of the cul-de-sac. He said that this house sits too far back and if they built the house in the footprint, it would be close to property behind it. He said that it is a pretty small footprint to get a residential house on it. They would like the relief to bring the house forward on the curve and make it blend into the neighborhood better. He said the relief would give more curb appeal. He stated that if it was left the way it was, the house would be too far back; it would also give the rear neighbor more room.

Mr. Ramsdill asked if this placement would bring the home substantially further forward than the other properties on that cul-de-sac. Mr. Mykins said that because of the curve, this will actually align it better to the other homes on the cul-de-sac. Mr. Ramsdill said he can now see on the map that it would bring the home into alignment with the other properties.

Chairman O'Brien asked if there were any other questions. Mr. Foehser asked if there have been any other exceptions made in this cul-de-sac. Mr. Mykins indicated there have not been any exceptions.

Mr. Sabanos said that he understood the radius of the turn-around had to meet requirements due to firetrucks. He asked whether the Board would be setting a precedence for other future cul-de-sacs in the area. Mr. Mykins said not necessarily

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because the radius of the cul-de-sac isn't being changed. He said all that is happening is the change to the setback. He said, "I don't know if you have ever gone down a street where all of a sudden the houses are all in a row and one jumps back and it looks goofy. Well, basically, that is what you are alleviating." Mr. Johnson agreed with Mr. Mykins.

Chairman O'Brien asked if someone would like to make a motion.

Mr. Sabanos made a motion to approve the request for Area Variance pursuant to Section 129-157 Projections into required yards and Schedule A, R-1 Residential District of the Zoning Ordinance, for a front yard setback relief of 20.0 feet; property located 6 Ushu Court, Gansevoort, NY 12831, Tax Map No. 115.17-6-4, 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 it will bring the house forward so that it is not looking into the back yard of the neighboring structures and will be better aligned with the other houses which will create more uniformity. 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 cul-de-sac already exists and can't be relocated and it is more reasonable for us to give the variance. 3. The applicant has demonstrated that the requested Area Variance are not substantial because it is the minimum amount needed to bring this house in line with the other structures around it. 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 home itself will be structured in size and appearance to the other homes in the area. 5. The applicant has demonstrated that the alleged difficulty is self-created.

Mr. Deloria seconded the motion. All board members were in favor.

RENEWALS:

APPEAL NO. 01-40 Olan Aldrich and Janice Orozco-Bravo, 286 Loudon Road, Saratoga Springs, N.Y. 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 for a period of two years, is due for review and renewal.

Chairman O'Brien asked if the Board would like to act on this renewal or would they like to carry it over to the January meeting. Mr. Ramsdill asked if the Zoning Department heard anything for this applicant. Mrs. Muller said that she did not hear from the applicant. Mr. Mykins said this was a hardship. Mr. Ramsdill said that he would rather table this renewal. Chairman O'Brien asked if that was agreeable. The Board members agreed. Mr. Ramsdill made a motion to table Appeal No. 01-40 until the January meeting. Mr. Deloria seconded the motion. All members were in favor. The motion passed.

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ADJOURNMENT:

Mr. Ramsdill made a motion to adjourn at 7:30pm. Mr. Deloria seconded the motion. All were in favor. The motion passed.

Dated: 2/26/18

BOARD OF APPEALS

BY Lisa Muller

Lisa Muller, Zoning Clerk

BY Joseph O'Brien / Lm

Joseph O'Brien, Chairman