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JOSEPH O'BRIEN
Zoning Board Chairman



WILTON ZONING BOARD OF APPEALS
THURSDAY October 27, 2016

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, December 8, 2016 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, James Deloria, Gerard Zabala, and Scott Kingsley. Also present were Justin Grassi, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

ABSENT: Charles Foehser and Dean Kolligian

MINUTES: The minutes of the last meeting, held on October 26, 2016 were approved, as submitted, on a motion made by Mr. Barrett seconded by Scott Kingsley. All board members were in favor.

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

RENEWALS: APPEAL NO. 06-39 Kimberly and Randall Ramsey, 332 Gurn Springs Road, Gansevoort, New York 12831. Request for the renewal for a Special Permit, pursuant to Section 129-176 C (1) a, b, c, d, e, and Section 129-176 C (2) of the Zoning Ordinance, for a home occupation for a towing business; property located at 332 Gurn Springs Road, Tax Map No. 115.-3-6, zoned R-2, in the Town of Wilton. Special Permit originally granted on September 28, 2008 for a period of two years, is due for review and renewal.

Chairman O'Brien asked the Ramsey's if they would like their permit renewed. The Ramsey's said yes. Chairman O'Brien asked Mr. Mykins if he had any

questions or concerns. Mr. Mykins said no. Chairman O'Brien asked if the Board members had any questions. There were none.

Mr. Ramsdill made a motion to renew Appeal No. 2006-39 for Kimberly and Randall Ramsey for a period of two years.

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

NEW BUSINESS:

APPEAL NO. 2016-27 McPadden Builders, LLC, 5015 Nelson Avenue Extension, Malta, NY 12020. Request for an Area Variance, pursuant to Section 129 Attachment 7 of the Zoning Ordinance, for a proposed front yard setback of 30 feet, amount of relief requested is 20 feet; property located at 87B Cobble Hill Drive, Wilton N.Y., 12831, Tax Map No. 140.12-1-57.11, zoned R-1 in the town of Wilton.

Chairman O'Brien and Mr. Deloria recused themselves from Appeal No. 2016-27. Mr. Ramsdill took over for Chairman O'Brien.

Mr. Ramsdill noted they were missing one green card from Craig Durant.

Mr. Mykins said he would like to address the Board. He said that he wanted to explain part of where this had come from, the application was being put in front of the Board because of a meeting that was held on the job site for that home. Mr. Mykins said that the neighbor had a concern about how close the proposed location of the house was going to be to his property. He explained that this was an effort that he asked the builder to make to try to amend the situation. Mr. Mykins said that there was no determination in front of the Board as to whether or not this was a building lot or not. He explained that had been determined by The Town Board, Town Attorney, himself and Ryan.

Mr. McPadden approached the Board and introduced himself as the builder and applicant for this appeal. Mr. McPadden said that his plan right now, because there was some opposition, was to withdraw the application. Mr. Ramsdill asked if there was anything the Board had to do. Attorney Grassi said no.

Chairman O'Brien and Mr. Deloria returned to the Board.

APPEAL NO. 2016-28 A.J. Signs, 842 Saratoga Road, Burnt Hills, NY 12027. Request for an Area Variance, pursuant to Section 129-181, C. (4) (C) of the Zoning Ordinance, for the placement of a detached sign. Detached sign shall be a minimum of 30.00 feet from the front property line, relief requested is 30.00 feet; property located at 1 Perry Road, Saratoga Springs, N.Y. 12866, Tax Map No. 153.-3-32.12, zoned C-1 in the town of Wilton.

Chairman O'Brien noted that they were missing a green card from Mr. Pratt.

Chairman O'Brien read a correspondence from the Saratoga County Planning Board.

RE: SCPB Referral Review #16-218-Area Variance-The Summit at Saratoga, LLC

Proposes a 25.75 sq. ft. detached sign for senior living facility at 0 feet from the property line while detached signs in C-1 District shall be a minimum of 30 feet from the property line (w/in 20' from pavement).

Perry Road, east side, north of NYS Route 50.

Received from the Town of Wilton Zoning Board of Appeals on December 2, 2016

Reviewed by the Saratoga County Planning Board on December 8, 2016.

Decision: No Significant County Wide or Inter Community Impact

Comment: In accordance with the Memorandum of Understanding (MOU) between the Town of Wilton Zoning Board of Appeals and the Saratoga County Planning Board, the above-noted Area Variance has been reviewed by staff and with necessary concurrence has been deemed to present no significant countywide impacts. While no county impacts are caused by the proposed variance, we recommend for the unforeseen protection of the town of Wilton (any issue of future liability) that the sign be placed a minimum of 1-2 feet behind the right of way/property line, not at zero feet. Field siting of the proposed signage should be reviewed and approved by the town ZEO prior to construction to verify beyond the site plan description that sight visibility for turning movements to and from the driveway will not be impacted/obstructed.

Michael Valentine, Senior Planner
Authorized Agent for Saratoga County

Mr. Wheeler approach the Board, introduced himself, and said he worked for A.J. Signs. Mr. Wheeler explained that they were looking to put up a sign at The Summit of Saratoga and they wanted to get it a reasonable distance from the road, so it could be seen. He explained that there were some trees that they planted in the

landscaping along the front and the property line and it was about 30 ft. back from the pavement edge. Mr. Wheeler said if they put the sign on the property line, it would be about 30 ft. off the road and it wouldn't have any impact on drivers pulling in and out, there would still be good visibility. Mr. Wheeler said that after listening to the Saratoga County correspondence, if they wanted them to go back a couple feet of the line, that was fine. Mr. Wheeler said they needed to be closer otherwise; the sign would be fifty to sixty feet back from the road. Mr. Barrett said he had driven past there that day, made a couple loops around the garage, and looked at different angles and when you turn into Perry Road off of route 50 you can almost see the garages. He said he was confused as to why the sign has to be so close to the road. Mr. Barrett said there was drainage for stormwater and he didn't understand what the reasoning was for getting the sign so close to the road. Mr. Wheeler said it was about 30 feet back. Mr. Mykins said that it couldn't be 30 ft. back because it was only a 60 ft. right of way. Mr. Mykins explained that it was a 15 ft. distance from edge of pavement to the property line. Mr. Wheeler said he thought it was 30 ft. Mr. Ramsdill said if the Board gave him 15 ft. off the line that would be where they thought it was going to be to begin with. Mr. Wheeler said that would be fine. Mr. Ramsdill asked how that fell in line with the telephone poles. Mr. Mykins said the telephone poles were placed just in front of the property line. Mr. Ramsdill said they could go make it 15 ft. off the property line. Mr. Barrett said there wouldn't be trouble seeing the sign and it could almost be seen from Route 50. Mr. Deloria said they didn't know that for sure, you know the telephone poles are in the public right of way somewhere but they didn't know if they're on the line or not. Mr. Mykins said that those were all new poles and he knew for a fact that National Grid was not putting them out in the right of way anymore. He said they try to get them as close to private property and as close to beginning on the line as possible. Mr. Zabala asked Mr. Wheeler who selected the location of the sign, A.J. Sign or the owner of The Summit. Mr. Wheeler said it was the owner; they had walked out there together. Mr. Barrett said he wanted to be clear that it was the second driveway and that had a better site line than the first one because there were no trees or anything. Mr. Wheeler said they would like it as close as possible without blocking anyone's vision. He stated that it wasn't a retail establishment but they wanted to identify the property. Mr. Ramsdill said if Mr. Wheeler thought they were 30 ft. off of the edge then would put the sign 15 ft. in.

Chairmen O'Brien asked if there were any other questions of concerns. Mr. Deloria asked if Mr. Wheeler would have to amend his application and ask for 15 ft. of relief. Mr. Mykins said the Board could condition his application. Attorney Grassi said the ZBA grants the least expansive variance necessary and the ZBA found that a 15 ft. variance would provide enough relief. Mr. Barrett said he wanted to be clear that they thought they were talking 30 ft. being right on the line but since discovered they were 15 ft. in. Mr. Wheeler said if they were 30 ft. off the edge of the pavement that was fine.

Chairman O'Brien asked if there were any other questions. Mr. Deloria asked if the Board was granting 15 ft. from the boundary line or the edge of pavement. Mr. Mykins said boundary line. Mr. Mykins said you can't give easements from pavement.

Mr. Ramsdill made a motion to approve Appeal No. 2016-28 for A.J. Signs, 842 Saratoga Road, Burnt Hills, NY 12027. Request for an Area Variance, pursuant to Section 129-181, C. (4) (C) of the Zoning Ordinance, for the placement of a detached sign. Detached sign shall be a minimum of 30 .00 feet from the front property line, relief requested is 30.00 feet; property located at 1 Perry Road, Saratoga Springs, N.Y. 12866, Tax Map No. 153.-3-32.12, 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 in the commercial area by the mall and there are other businesses with larger signs in that vicinity. 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 of some of the plantings that will mature eventually and their desire to make their property visible after a quick turn of onto Perry Road. They would like to have the sign as close as feasible. 3. The applicant has demonstrated that the requested Area Variance is not substantial because they do need to highlight because of the quick turn off of Perry that the property is there for people that are going to be entering. 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 consistent with all the other properties within that district. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

APPEAL NO. 2016-29 Meryl Davis 4 Parnil Drive, Wilton, NY 12831. Request for an Area Variance, pursuant to Section 129-157B and 129 Attachment 7 of the Zoning Ordinance, for a proposed new larger porch, relief requested is 8.00 feet; property located at 4 Parnil Drive, Wilton, N.Y. 12831, Tax Map No. 127.19-1-24, zoned R-1 in the town of Wilton.

Mr. and Mrs. Davis approached the Board. Chairman O'Brien asked if they wanted to make a large porch. Mrs. Davis said that they would like to extend it down to the walkway. Mr. Barrett asked if that would make it even with the garage. Mr. Mykins

said that it would be a little past. Mr. Ramsdill asked what the current setback was and saw it was written as pre-existing non-conforming and then asked if it was less than 50.00 ft. to the front. Mr. Mykins said it was slightly less. Mr. Zabala asked if the building department had any concerns. Mr. Mykins said no, that it was far enough off the pavement and it wouldn't affect any of the houses around it. Mr. Zabala asked if other homes in the neighborhood had porches. Mr. and Mrs. Davis said yes.

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

Mr. Ramsdill made a motion to approve Appeal No.2016-29 for Meryl Davis 4 Parnil Drive, Wilton, NY 12831. Request for an Area Variance, pursuant to Section 129-157B and 129 Attachment 7 of the Zoning Ordinance, for a proposed new larger porch, relief requested is 8.00 feet; property located at 4 Parnil Drive, Wilton, N.Y. 12831, Tax Map No. 127.19-1-24, zoned R-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 and a detriment to nearby properties will not be created by the granting of the Area Variance because it's consistent with other properties in the district it's a minor increase to the size and location of the home. 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 of the placement of the house any addition off of the front would require a variance. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it's only 8.00 ft.; it's a minimal amount to actually allow them to build a porch off of the front. 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 consistent with multiple other properties within their neighborhood. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

APPEAL NO. 2016-30 ACE Hardware, 55 Northern Pines Road, Gansevoort, NY 12831. Request for an Area Variance, pursuant to Section 129-181 (b) [1] of the Zoning Ordinance, for an attached sign. Applicant has 189.23 square feet, relief requested is 187.23 square feet; property located at 55 Northern Pines Road, Gansevoort, N.Y. 12831, Tax Map No. 114.-2-60.1, zoned I-1 in the town of Wilton.

Chairman O'Brien read a correspondence from the Saratoga County Planning Board.

RE: SCPB Referral Review #16-217-Area Variance-Ace Hardware

Proposes 348 s.f. of wall-mounted signage on the warehouse in addition to 187.23 s.f. of existing detached signage for a total of 537.23 square feet.
On a lot w/2 frontages in I-1 District, max. size of all signage is 350 s.f.
Northern Pines Road (CR# 34) & Ballard Road (CR#33)

Received from the Town of Wilton Planning Board on December 2, 2016

Reviewed by the Saratoga County Planning Board on December 8, 2016.

Decision: No Significant County Wide or Inter Community Impact

Comment: In accordance with the Memorandum of Understanding (MOU) between the Town of Wilton Zoning Board of Appeals and the Saratoga County Planning Board, the above-noted Area Variance has been reviewed by staff and with necessary concurrence has been deemed to present no significant countywide impacts



Michael Valentine, Senior Planner
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Tim Cassidy approached the Board. Chairman O'Brien asked if he was representing ACE. Mr. Cassidy said yes. He explained the sign had the ACE Hardware logo, it was backlit and would be on the northeast corner of the building and that it would be over 600.00 ft. from the road. He said the ACE sign itself would be backlit and the other part of the sign that says Retail Support Center would be front lit from the ground. Mr. Cassidy said that was the largest dimension of the new building it was 1.2 million square feet, it was over 15 hundred square feet on that side of the building and there was no signage on the building. He said they felt it was a good representation of the brand and also would help them with some of the safety concerns that they had recently. Mr. Cassidy explained that trucks had been passing the building. Mr. Ramsdill asked if they were going to reroute the entrance that was on the left of the State Troopers Barracks or was it going to remain the same. Mr. Cassidy said that it would remain the same. Mr. Barrett said it would make the building more visible for the trucks that are coming from the Northway; they would have a little more advanced notice than just having the sign on the road. Mr. Sabanos asked if the building was going to be used for retail. Mr. Cassidy said no. Mr. Sabanos asked if there would be an increase in traffic. Mr. Cassidy said he didn't know and said the reason the building had been made that big was to be able to store what they needed to store. He explained that they had been storing of site for four or five years and spending hundreds of thousands of dollars a year and that's what it was about. Mr. Zabala asked how

many signs they currently had; he said there was one on the lawn. Mr. Mykins said yes there were a couple there and there was a small directional sign. Mr. Ramsdill said that there was only one sign on the building. Mr. Mykins said yes they were well within the standards before this sign 189 square feet total of signage; both attached and detached. Mr. Zabala asked if the current building sign is...Mr. Cassidy said on the Northern Pines side. Mr. Zabala said yes. Mr. Deloria asked if this sign was going to be on Ballard Road. Mr. Cassidy said yes, Ballard Road. Mr. Barrett said that this one would be visible to trucks coming from the Northway. Mr. Barrett said they would be able to see the building before they would get to the actual turn off. Mr. Deloria asked if the entrance on the east side was new. Mr. Mykins said it was not a new entrance; it was just redone and added a yeti on the side, to clean off the top of the trucks. Mr. Deloria asked about proposed signage in that area. Mr. Mykins and Mr. Cassidy said not yet. Mr. Cassidy said they were working on changing the sign out at the road.

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

Mr. Ramsdill made a motion to approve Appeal No. 2016-30 for ACE Hardware, 55 Northern Pines Road, Gansevoort, NY 12831. Request for an Area Variance, pursuant to Section 129-181 (b) [1] of the Zoning Ordinance, for an attached sign. Applicant has 189.23 square feet, relief requested is 187.23 square feet; property located at 55 Northern Pines Road, Gansevoort, N.Y. 12831, Tax Map No. 114.-2-60.1, zoned I-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 would be very consistent and modest to the one point two million square foot scale of the building, to add the additional signage. 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 building is extremely large and exceeds what the code allows for most of the buildings in the area. 3. The applicant has demonstrated that the requested Area Variance is not substantial because of the scale of the building it will be a minimal amount of additional signage. 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 actually improve the visibility and enhance the safety of the truck traffic moving in and out, giving them a better ability to locate the building when they are coming up Ballard Road. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

APPEAL NO. 2016-31 Wesley Health Services, 396 Loudon Road, Saratoga Springs, NY 12866. Request for an Area Variance, pursuant to Section 12-183 (2) (b) of the Zoning Ordinance, for a detached sign. Applicant has 15.00 feet, relief requested is 15.00 feet; property located at 396 Loudon Road, Saratoga Springs, N.Y. 12866, Tax Map No. 154.-1-47.22, zoned C-1 in the town of Wilton.

Cliff Van Wagner introduced himself as the Director of the Pharmacy at the Wesley Health Care Center. He explained the reason they were dealing with a pharmacist was that he was currently enjoying his twenty third year of land use in Saratoga Springs. Mr. Van Wagner said after the meeting he and Attorney Grassi had a Saratoga Planning Board meeting. Mr. Van Wagner said he was there to request an Area Variance for 15 feet from the required 30-foot front yard setback for a detached sign, for the property at 396 Loudon. He explained that Bruce Conclin, for the Troy Annual Conference of the United Methodist Church, built the building in 1993. Mr. Van Wagner said that was the business arm of the Methodist organization at the time it encompassed all of the northeastern New York State and the entire state of Vermont. He said the building at 396 Loudon Road had always been business offices and a conference room, configured today exactly as it was built in 1993. Mr. Van Wagner said that Wesley had paid for storage in the basement of the building since 1994 for thing like paper and business records. He said they purchased the building in 2015, the Troy Annual Conference had reconfigured and they didn't need the space. Mr. Van Wagner said they changed the geography of the area that they cover. He explained that Wesley bought it to use for their business offices because they had outgrown their business offices at Wesley. Mr. Van Wagner said the use and utilization of the building has not changed at all since it opened in 1994. He said they were requesting as indicated by the packet and there was a temporary sign that was quite ugly. Mr. Van Wagner explained that the two redlines that were marked on the paper showed the position of the sign. He said if they had to adhere to the 30 ft. setback, the sign would be in the blacktop. Mr. Van Wagner explained the pictures to the Board in relation to the trees in the back and then looking south at the front exposure of the sign. Mr. Ramsdill said that the current sign didn't block the view at all, if someone was to pull out. Mr. Van Wagner showed a photo of the sign and said it would be professionally done by A.J. Signs and it would cost \$7,000.00. Mr. Kingsley asked if the property was within 500 ft. of the Saratoga Springs City line. Mr. Mykins said yes it was and they had been notified. Mr. Mykins said that was part of the clerical side of the Zoning Office. Mr. Kingsley asked if it required Saratoga County Planning Board review. Mr. Mykins said no.

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

Mr. Ramsdill made a motion to approve Appeal No. 2016-31 for Wesley Health Services, 396 Loudon Road, Saratoga Springs, NY 12866. Request for an Area Variance, pursuant to Section 12-183 (2) (b) of the Zoning Ordinance, for a detached sign. Applicant has 15.00 feet, relief requested is 15.00 feet; property located at 396 Loudon Road, Saratoga Springs, N.Y. 12866, Tax Map No. 154.-1-47.22, 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's very consistent and modest in the C-1 area, near 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 an Area Variance because if they complied with the required setback it would place the sign within their parking area. It is a moderate amount considering the current location of the blacktop. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it's fifteen feet and it's allowing it to come forward of the blacktopped area, that they use currently. 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's a minimal amount; it doesn't obstruct traffic or the views pulling in and out in any way. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

ADJOURNMENT:

Mr. Ramsdill made a motion to adjourn the meeting 7:32 p.m. Mr. Barrett seconded the motion. All Board members were in favor. The motion passed.

Amy DiLeone
Zoning Clerk