



TOWN OF WILTON
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JOSEPH O'BRIEN
Zoning Board Chairmar

AMY DiLEONE
Zoning Clerk

MARK MYKINS
Zoning Officer

WILTON ZONING BOARD OF APPEALS
THURSDAY November 19, 2015

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, November 19, 2015 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, Charles Foehser, Dean Kolligian, Robert Barrett, Tony McCracken, Scott Kingsley. Also present were Justin Grassi, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

ABSENT: Gerard Zabala

Mr. Deloria arrived at 7:04 pm.

MINUTES: The minutes of the last meeting, held on September 24, 2015 were approved, as submitted, on a motion made by Mr. Barrett 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. 01-40 Olan Aldrich and Janice Orozco, 286 Loudon Road, Saratoga Springs, New York 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 either person was there. There was no one there. Chairman O'Brien asked Ms. DiLeone if she had heard anything. Ms. DiLeone yes

she had spoken with Ms. Bravo yesterday and she said she was coming. Chairman O'Brien said they would hold it and see if she came in.

APPEAL NO. 09-20 Douglas Dockendorf, 640 Wilton Gansevoort Road, Gansevoort, New York 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 asked Mr. Dockendorf if he would like this renewed. Mr. Dockendorf said yes. Chairman O'Brien asked Mr. Mykins if there had been any problems. Mr. Mykins said there were no issues or complaints. Chairman O'Brien asked if there were any questions or concerns. There were none.

Mr. Kolligian made a motion to renew Appeal No. 2009-20 for Douglas Dockendorf, 640 Wilton Gansevoort Road, Gansevoort, New York 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, in consideration of all finding of Section 129-175 (D) for a period of two years.

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

APPEAL NO. 13-41 Paul Ludwig, 346 Ruggles Road, Saratoga Springs, NY 12866. Request for renewal of a Special Permit, pursuant to Schedule B and Sections 129-176 P (1-3), for an accessory apartment; property located 346 Ruggles Road, Saratoga Springs, NY 12866, Tax Map No.129.-1-27.21, zoned R-2. Special Permit originally granted on November 21, 2013 for a period of two years, is due for review and renewal.

Chairman O'Brien asked if Mr. Ludwig was there. Mr. Mykins said they had called and said they would not be there. Mr. Mykins explained that this was actually part of the house so he said he was going to ask that the two year limitation be removed because there isn't any way we were going to tear his house down. Mr. Mykins explains that Mr. Ludwig would have to take his whole garage off and part of the house down in order to get rid it. Mr. Ramsdill asked if this was 2013 or 2015. Ms. DiLeone said it was 2013. Chairman O'Brien asked if that could be removed now. Attorney Grassi said yes you can. Attorney Grassi explained that the two year limit is a precedence set by the ZBA that they have to come in but if they chose to eliminate any duration on the Special Use Permit they can.

Mr. McCracken made a motion to approve Appeal No. 2013-41 for Paul Ludwig, 346 Ruggles Road, Saratoga Springs, NY 12866. Request for renewal of a Special

Permit, pursuant to Schedule B and Sections 129-176 P (1-3), for an accessory apartment with no expiration; property located at 346 Ruggles Road, Saratoga Springs, NY 12866, Tax Map No.129.-1-27.21, zoned R-2.

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

NEW BUSINESS:

APPEAL NO. 2015-27 Wilton Fire District, 270 Ballard Road, Gansevoort, N.Y. 12831. Request for a variance to construct a digital sign. Under Section 129-181 C. (7) a digital sign in this area would be classified as an unlawful sign; property located at 270 Ballard Road, Gansevoort, N.Y. 12831, Tax Map No. 114.-2-16.2 zoned C-3 in the Town of Wilton.

APPEAL NO. 2015-28 Wilton Fire District, 270 Ballard Road, Gansevoort, N.Y. 12831. Request for a variance to construct a digital sign. Under Section 129-181 C. (7) a digital sign in this area would be classified as an unlawful sign; property located at 4323 Route 50, Saratoga Springs, N.Y. 12866, Tax Map No. 114.-2-16.2 zoned R-2 in the Town of Wilton.

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

Decision: No Significant County Wide or Inter Community Impact.

Comment: We recognize the relief sought as being due to a public benefit nature of the use; however, we recommend a commercial usage other than notifications of a public safety nature be monitored and discouraged. Light intensity should be monitored over period of initial usage to assure the digital message being displayed is not a possible annoyance to the driving public.

Chairman O'Brien read a correspondence from John J. Liptak Sr. Chairman of the Board of Fire Commissioner Wilton Fire Department.

October 27, 2015

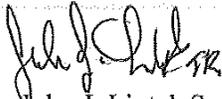
Town of Wilton Building Department
22 Traver Road
Wilton, New York 12831
Attn: Mark Mykins, Senior Building Inspector

Dear Mr. Mykins;

The Wilton Fire District is hoping to put digital signs at both our fire stations. The sign at Station 1 on Ballard Road zoned C-3 would be a replacement of an existing sign. The sign at station 2 on Route 50 zoned R-2 would be a new sign. Based on conversations with your department we understand that this type of sign is not allowed in either zone. The Board of Commissioners feels that this type of sign (digital display) would provide huge benefit to the community. Through the use of these signs, we would have a rapid means for disseminating public service information to the community such as Amber Alerts, County and State wide burn bans, special fire conditions road closures incoming severe weather warnings (such as ice storms or tornado warnings) or the opening of emergency shelters in the town.

These signs would assist us in more effectively providing our mission of public safety to the community. We are looking for guidance on how to move forward with these projects and would appreciate any assistance that the Town and you can provide to obtain the required approvals

Respectfully,



John J. Liptak Sr.
Chairman
Board of Fire Commissioners
Wilton Fire District

Chairman O'Brien noted there were two missing return receipts; Monroe Central Properties and LLC Turning Point Dairy Commerce. Chairman O'Brien asked if anyone knew anything about it. Ms. Briscoe said they were sent certified return receipt. Chairman O'Brien asked if that was a problem Mr. Mykins said no we just note the ones that are missing.

Mr. Peck explained the sign was intended for public notification like Amber Alerts, storm warnings, fire prevention week, legal notices and elections. Mr. Peck said the sign was going to be double faced, LED and 19 ml pitch so it would not be high end graphics just text nothing fancy. Mr. Peck said the signs intent would be static so you would put a message on it and it would stay that way because the traffic moves pretty fast and they didn't want the sign to be changing while traffic was going by. He further explained they didn't wasn't the sign to be a distraction but

they thought it would be a public benefit to have these signs at both locations in the event of an emergency or just general information.

Chairman O'Brien said it wouldn't be one like the Adirondack Trust company has. Mr. Peck said no it was sixteen characters, nine lines mainly text and it would be stationary text. He further stated the traffic moves too fast and they didn't want anything changing up; they want people to be able to read it real quick and get the message, short and sweet and again static. Mr. Ramsdill said he thought the sign code restricted the frequency that things can change. Mr. Peck said they would be way above that, they would be leaving it there for hours and the last thing they would want is the sign to be changing when someone was driving by. Chairman O'Brien said it would be like the Wilton Fire District has on Route 9. Mr. Mykins said that was Maple Ave Fire District. Mr. Peck said he was not sure how they handled changing their sign and the frequency but they wanted to keep theirs as static as possible. Mr. Kolligian said that theirs scrolls but it stays within the limitations. Mr. Mykins said he thought it was every thirty seconds and that was the max he had seen over there and was kind of quick. Mr. Kolligian had a question based upon Mike Valentine's response from the county it was the restriction on what would be able to be put on the sign. Mr. Kolligian thought that maybe they wouldn't want to limit it; if a charity organization came to them and said they were trying to raise some money for Thanksgiving Dinners or something and they elected to choose to put that on your sign for a day. Mr. Barrett said he thought they were referring to commercial. Mr. Mykins said they wouldn't want to advertise for Adirondack Trust. Mr. Kolligian said he wouldn't want to restrict them on being charitable and giving back to the community. Mr. Kingsley said the standard they were given according to what was in front of them was to basically override the code and applying for a sign from a public safety stand point out ways the strict adherence to the code. Mr. Kingsley said he didn't know how advertising for a charity or a benefit enhances public safety and his concern was that this is a relatively new section of the code, it's two years old not like it is an antiquated section of the code the Town Board had long hard deliberations when they put this section of the code together. He said before the Board goes and issues variances just saying we don't think what the Town Board says means anything that really the public safety is really warranted. Mr. Barrett said they weren't asking to do anything different than Maple Avenue Fire Department already does. Chairman O'Brien said that was true. Mr. Kingsley said the difference was that fire department is in a commercial zone. Mr. Mykins said no but it is not in a zone that allows that signage. Mr. Ramsdill said they had that discussion and the Board was discouraging the use of birthday announcements and things as a part of the approval that they wanted it to focus primarily for public safety use and if there were other events that were broadcast on the sign that they should be public interest but they shouldn't be the primary purpose of the sign to announce birthdays or things that weren't meeting the public interest. Mr. Ramsdill said they did have that discussion with them he didn't know if they made it a hard and fast rule but it was part of the understanding that they had when they approved the sign it was going to be primarily for public safety purpose. Mr. Kingsley said he was not on the Board at that time so the precedence was that we granted a variance to

make an allowed use so they could have the sign. Mr. Ramsdill and Chairman O'Brien said yes. Attorney Grassi said that seemed appropriate essentially if a commercial use came in here seeking the same thing they would be seeking a Use Variance because this is a public service utility or entity they have through case laws a lower standard than you would normally require for a Use Variance. Attorney Grassi said that standard is what they were saying is it a public necessity required to render a safe and adequate service and secondly are there compelling reasons economic or other wise to approve it and based on the intrusion and burden on the community for approving it that standard can be even lower. If they found that there wasn't very much burden on allowing signs here then if the applicant can prove any public necessity then you'd be better. Mr. Foehser asked if the sign was going in the current location replacing the exact location of the other sign is currently. Mr. Peck said yes 269 Ballard Road the structure will remain there and they will pull up the current sign and insert into it. Mr. Mykins said it was a new sign on Route 50, which was the next appeal. Chairman O'Brien said both of these signs are the same but for different places and can we combine the two under one. Attorney Grassi said you would want go through each one and make sure for the same reasons you would be approving both of them for the same reasons as there is no big impact for them in the locations, yes you can do that. Mr. Barrett said the second one is going to be a new sign and the one on Ballard Road is pretty far off the side of the road how close to the road is the new sign on Route 50. Mr. Peck said currently on the site plan it was 35 ft.-40 ft. off the shoulder of the road. He explained it would be set back almost in the middle of the grassy area. Mr. Ramsdill asked if they would have to come back for a variance for that then. Mr. Mykins said no.

Chairman O'Brien asked if there were any further questions or discussion. There were none. Attorney Grassi recommended because this was a hybrid, kind of technically it is a Use Variance granting, the Board should go through SEQRA as well and it was his understanding the applicant has not yet submitted a Short EAF but if it pleases the Board we can just go through part two and fill out the part one afterwards. Ms. DiLeone said they had submitted part one. Mr. Mykins said they did not have it in their packets. Ms. DiLeone said it was submitted after she made the packets and apologized. Mr. Kolligian asked if Ms. DiLeone had the form, she said she had both of them. Mr. Kolligian said so you have one and two, Mrs. DiLeone said no, she had SEQRA for Ballard Road and for Route 50. Attorney Grassi said ok, then we can do it as one if the Board would like. Chairman O'Brien said alright. Attorney Grassi said they would do it as one. Attorney Grassi said he would go through part 2.

SEQRA was read by Attorney Grassi and answered by the Board. The Board determined a negative declaration of SEQRA Short Environmental Assessment Form.

Mr. Ramsdill made a motion to approve Appeal No. 2015-27 and Appeal No. 2015-28 for the Wilton Fire District. Request for a variances to construct two digital signs. Under Section 129-181 C. (7) a digital sign in these areas would be classified

as an unlawful signs; properties located at 270 Ballard Road, Gansevoort N.Y. 12831 Tax Map No. 114.-2-16.2 zoned R-2 in the Town of Wilton and at 4323 Route 50, Saratoga Springs N.Y. 12866 Tax Map No. 141.-3-49.1 zoned C-3 in the Town of Wilton. The fire district has proven that the placement of digital signs in front of the fire houses will provide a means of offering public safety information to the residents in a simple and effective format. In doing so they are better able to accomplish their public service mission. The strict compliance with the zoning does not apply in this circumstance because the public safety and interest of the community outweighs the regulatory compliance with zoning regulations that restrict the use of digital signs in the zones where the firehouses are located. With the condition that the signs must comply with all the digital sign code as it is established in the town.

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

APPEAL NO. 2015-29 Richard Lasselle, 5 Putnam Lane, Saratoga Springs, N.Y. 12866. Request for an Area Variance for square footage to rent an existing dwelling/accessory apartment, requirement is 80,000 square foot minimum lot size, applicant has 68824.80 square feet, amount of relief requested is 11175.20 square feet. Pursuant to Section 129 Attachment 7, Schedule A; property located on 5 Putnam Lane, Saratoga Springs, N.Y. 12866, Tax Map No. 141.-1-3.11 zoned R-1 in the Town of Wilton.

Chairman O'Brien asked Mr. Lasselle about the missing return receipt. Mr. Lasselle said it was his sister, Linda Baker and he had spoken to her and she was in support of this but she was not home when the card came in; she asked if she should go pick it up from the post office and he said no, under the circumstances it would be fine. Mr. Ramsdill said she actually told him she was in favor of it also. Mr. Lasselle said they had an accessory apartment over a detached garage that had been used for their family and friends and they would like to rent it out because it was not getting used hardly at all and it was time to consider something else as far as the use of it. Mr. Lasselle explained they needed an Area Variance as well as the use permit. Chairman O'Brien said it had been there for quite a period of time. Mr. Lasselle said yes. Chairman O'Brien asked if there were any questions. Mr. Kolligian asked Mr. Mykins if the Special Permit was being granted for the renting of the unit. Mr. Mykins answered it was the accessory apartment. Mr. Kolligian said the accessory apartment was already existing. Mr. Mykins said right now it was being used as an in-law apartment. Mr. Kolligian asked if the terminology would be they were granting the Special Permit for the accessory apartment. Mr. Mykins said correct. Mr. Kolligian continued or the accessory apartment to rent. Mr. Mykins explained the first was an Area Variance and the Special Permit could not be granted without the Area Variance. Mr. Mykins explained the Special Permit was for an accessory apartment, Mr. Lasselle didn't need to come in front of the Board because he met the requirements under the code for an in-law apartment.

Mr. Ramsdill said by the way it's an awesome garage. Chairman O'Brien asked if there were any other questions from the Board or the audience. There were none.

Mr. Ramsdill made a motion to approve Appeal No. 2015-29 for Richard Lasselle, 5 Putnam Lane, Saratoga Springs, N.Y. 12866. Request for an Area Variance for square footage to rent an existing dwelling/accessory apartment, requirement is 80,000 square foot minimum lot size, applicant has 68824.80 square feet, amount of relief requested is 11175.20 square feet. Pursuant to Section 129 Attachment 7, Schedule A; property located on 5 Putnam Lane, Saratoga Springs, N.Y. 12866, Tax Map No. 141.-1-3.11 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 structure already exists in the current state that it is in. 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 structure already exists. 3. The applicant has demonstrated that the requested Area Variance is not substantial because currently the garage sits nicely where it is. 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 currently pre-existing. 5. The applicant has demonstrated that the alleged difficulty was not self-created because the structure already exists.

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

APPEAL NO. 2015-30 Richard Lasselle, 5 Putnam Lane, Saratoga Springs, N.Y. 12866. Request for a Special Permit, to rent a 900 square foot in-law quarters above a detached garage. Pursuant to Section 129 attachment 7, Schedule A; property located on 5 Putnam Lane, Saratoga Springs, N.Y. 12866, Tax Map No. 141.-1-3.11 zoned R-1 in the Town of Wilton.

Mr. Kolligian made a motion to approve Appeal No. 2015-30 for Richard Lasselle, 5 Putnam Lane, Saratoga Springs, N.Y. 12866. Request for a Special Permit, to rent a 900 square foot in-law quarters above a detached garage. Pursuant to Section 129 attachment 7, Schedule A; property located on 5 Putnam Lane, Saratoga Springs, N.Y. 12866, Tax Map No. 141.-1-3.11 zoned R-1 in the Town of Wilton, be granted in consideration of all findings in Section 129-176 P (1-3) with no two year renewal.

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

APPEAL NO. 2015-31 KLN, LLC, 12 Commerce Park Drive, Gansevoort, N.Y. 12831. Request for Area Variances to place a detached sign within the deed easement, 4.37 feet from front property line, relief requested is 25.63 feet. Pursuant to Section 129-181 B. (2) (b) Section 129-181 D. (2) (b) and Section 129-186 D. (7); property located at 12 Commerce Park Drive, Gansevoort, New York 12831, Tax Map No. 115.-2-89 zoned C-3 in the Town of Wilton.

Mr. Grammatica explained they had just completed a 14,000 sq. ft. building and have potential tenants that were looking to have their name out by the road, so they needed to get a variance for where they want to place their sign. Chairman O'Brien asked if they a tenant yet. Mr. Grammatica said they had two potential and one had just signed and one should be signing soon. Chairman O'Brien said it was like a self-contained area there. Mr. Mykins said it was Commerce Park Drive it was basically the tail end and the warehouses were in the back of the property. He further explained there was an easement to get into the property, if he placed the sign on his own property no one would see it. Mr. Mykins said it would have to be placed in the easement in order for anyone to see it, coming into Commerce Park. Mr. Ramsdill asked Mr. Mykins if that was the easement agreement. Mr. Mykins said that was the easement agreement granted by the owner of the property. Mr. Barrett said that there were a number of other signs along that property. Mr. Mykins said that they were all on their property. Mr. Kolligian and Mr. Mykins said they all have frontage. Chainman O'Brien asked if there were any other questions or concerns. There were none.

Mr. Kolligian made a motion to approve Appeal No. 2015-31 for of KLN, LLC, 12 Commerce Park Drive, Gansevoort, N.Y. 12831. Request for Area Variances to place a detached sign within the deed easement, 4.37 feet from front property line, relief requested is 25.63 feet. Pursuant to Section 129-181 B. (2) (b) Section 129-181 D. (2) (b) and Section 129-186 D. (7); property located at 12 Commerce Park Drive, Gansevoort, New York 12831, Tax Map No. 115.-2-89 zoned C-3 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 Variances because there are additional signs located within Commerce Park Drive, those other signs are placed on their property because they have the frontage. 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 applicant currently has an easement for their parcel and are looking to place the sign within that easement. 3. The applicant has demonstrated that the requested Area Variances are not substantial because it is in character with the rest of Commerce

Park. 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's something that is already existing in there as well with the other signs. 5. The applicant has demonstrated that the alleged difficulty is not self-created due to the fact that they had to gain the easement to have access to the parcel and then adding the signage within the easement.

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

APPEAL NO. 2015-32 Dolgencorp, LLC, 100 Mission Ridge, Goodlettsville, TN 37072. Request for an Area Variance for storage of merchandise above the allowed height of 35 feet, proposing to store merchandise at 40.17 feet, amount of relief requested is 5.17 feet. Pursuant to Schedule "J" Commercial District Three and Code definition occupied warehouse space; property located on Ballard Road, Gansevoort, New York 12831, Tax Map No. 115.-2-95/115.-2-38 zoned C-3 in the Town of Wilton.

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

Decision: No Significant County Wide or Inter Community Impact.

Comment: Recognizes the November 18th favorable recommendation by the town of Wilton Planning Board to the town Zoning Board of Appeals.

Chairman O'Brien read a correspondence from the Wilton Planning Board dated November 18, 2015.

Please be advised that the Wilton Planning Board reviewed the above-referenced project in connection with a variance requested by Dolgencorp, LLC for the property located at 197 Ballard Road, Tax Map Nos. 115.-2-95 and 115.-2-38, zoned C-3. The following actions were taken at its meeting held on November 18, 2015:

On a motion introduced by William Rice the Board will seek to declare itself Lead Agency for the purpose of SEQRA review of this project. The motion was seconded by Ron Slone and passed with all board members in favor.

On a motion introduced by William Rice, the Planning Board gave a positive recommendation to the Zoning Board of Appeals on the relief sought by applicant Dolgencorp, LLC, as set forth in the Zoning Officer's Notice of Determination dated November 2, 2015 attached hereto by reference, which relates to the allowed height of occupied space inside a warehouse. Ron Slone seconded the motion recommending the relief requested which passed with all board members in favor.

Chairman Dobis commented that Chief William Morgan of the Wilton Fire Department was not adverse to the positive recommendation made by the Planning Board.

Chairman O'Brien said they were missing some return receipts. Mr. Palumbo said two envelopes were returned and one green card that never made its way back to them. The returned envelopes were from Frank Kudlacik and Titan Propane LLC. The unreturned receipt was from Rita M Vincek.

Mr. Palumbo introduced himself as Frank Palumbo with C.T. Male Associates he said they had their first step last night with Planning Board and their very important step right now was to seek and hopefully receive the variance, which will allow Dollar General and that was the firm for Dolgencorp is the LLC for this particular but Dollar General is the user and the developer. Mr. Palumbo explained they were looking to construct a warehouse and when working with Mr. Mykins on the determination that the maximum height of the storage and occupancy was 35 ft. and their prototypical building which was not unusual in today's market with the advances in the lifts and everything else; that they would utilize up to 40 ft. Mr. Palumbo said the exterior of the building was not in question it will be below the height allowance but it does exceed the 35 ft. that allows them to keep the square footage of the building which would continue to be planned and worked out with the Planning Board. Mr. Palumbo said if they were not able to receive the variance it essential would not fit on the site and the property and they wanted to do the project at exit 16. Mr. Palumbo said he would answer any questions. Chairman O'Brien asked if there were any questions. Mr. Ramsdill asked Mr. Mykins if he did a fire marshal review and there were no concerns. Mr. Mykins said no and until they get building plans that wouldn't be addressed; they had asked about sprinklers and they would be well above that height and would not be effected by the height of the storage. Chairman O'Brien asked if there were and questions and if anyone in the audience had any questions. Mr. Kolligian asked Mr. Mykins if they had anything similar to this with any of the other distribution centers that were out that way. Mr. Mykins said not yet that requirement wasn't in the code before ACE was built and Ace hasn't provided them with any inside building plans.

Chairman O'Brien asked for a motion. Attorney Grassi said it was his understanding, Mr. Palumbo could correct him if he was wrong, SEQRA has not been completed on this application yet the Planning Board has asked to be accepted as lead agency. Mr. Palumbo said yes. Attorney Grassi said the motion would just be to differ the agency to the Planning Board at that time. Mr. Palumbo said defer SQRA determination but the variance would be dueled upon or subsequent to. Mr. Mykins said differed lead agency to the Planning Board. Attorney Grassi said that once SEQRA had been completed then the Zoning Board of Appeals can act. Mr. Ramsdill asked if a motion was needed. Mr. Kingsley said he would move to differ lead agency to the Planning Board. Mr. Ramsdill seconded the motion. All members were in favor.

Mr. Ramsdill began to make a motion to approve Appeal 2015-32 and Attorney Grassi said they couldn't actually act on the variance itself until SEQRA was

performed they wouldn't be approving the appeal itself, they would simply be passing the motion for the deferment to planning. Mr. Palumbo said that was not their understanding. Mr. Mykins said that when he talked to Attorney Schachner he said the variance could go through on the fact that the Planning Board was taking lead agency to do SEQRA; we have nothing for SEQRA in the town yet. Mr. Palumbo said it was a catch twenty two, the Planning Board in order to determine the actual impact under SEQRA needs to know the variance is accepted. He further explained they needed to have the variance so they can proceed with the building size and everything else but if the building never happens because SEQRA is never finalized for the variance it would never go into effect. Attorney Grassi said ok. Mr. Palumbo and Mr. Mykins both agreed. Mr. Ramsdill asked if he should condition it upon a positive SEQRA approval or is it irrelevant at this point. Attorney Grassi said that wouldn't be necessary.

Mr. Ramsdill made a motion to approve Appeal 2015-32 for Dolgencorp LLC, 100 Mission Ridge, Goodlettsville, TN 37072. Request for an Area Variance for storage of merchandise above the allowed height of 35 feet, proposing to store merchandise at 40.17 feet, amount of relief requested is 5.17 feet. Pursuant to Schedule "J" Commercial District Three and Code definition occupied warehouse space; property located on Ballard Road, Gansevoort, New York 12831, Tax Map No. 115.-2-95/115.-2-38 zoned C-3 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 only going to effect the inside storage capacity and it won't affect the exterior. 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 it's not reasonable to dramatically increase the square footage of the building to add that additional amount of storage. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it's only a twenty percent reduction and he didn't believe the code was actually looking at warehouse storage per say when it was defining the occupied 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 it's only concerning the interior of the building. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

APPEAL NO. 2015-33 AJ Sign Company, 842 Saratoga Road, Burnt Hills, New York 12027. Request for an Area Variance for a detached sign to be placed 20 feet from the property line, 30 feet is allowed, relief requested is 10 feet. Pursuant to Section 129-181 C. (6) (a) – (e) and Section 129-181 D. (2) (b); property located

at 665 Route 9, Wilton, New York 12831 Tax Map No. 140.-3-34 zoned H-1 in the Town of Wilton.

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

Decision: No Significant County Wide or Inter Community Impact.

Mr. Wheeler approached the Board and said they would like to build a monument sign for the new Park Place building that was on Route 9. Mr. Wheeler explained that with the setback of 30 ft. that was required the sign would actually be behind the building because it was so close to the road. Mr. Wheeler said they would like to move the sign 10 ft. closer which will allow some visibility for cars that are passing by. He explained the sign to the Board and said the blank areas were for future tenants; the front of the building was all retail. Mr. Wheeler said the sign was externally illuminated with gooseneck lights on top so it will be a softer light. Mr. Ramsdill asked Mr. Mykins if it was because there was no provision of the code for the Hamlet zone for signs. Mr. Mykins said correct it all falls under the same signage. Mr. Ramsdill asked if there was a way to correct it. Mr. Mykins explained they were waiting for the comprehensive plan to go through and within the next year they will go over zoning changes if need be. Chairman O'Brien asked if there questions. Mr. Kolligian asked if the Gabryshak development off of Ballard Road around the corner, did we asked them to put something up for us so we would be able to go out and see how the signage affects the intersection or they had already done that. Mr. Mykins said he asked them to do that. Mr. Kolligian asked if there was any reason here we would ask them to do that at this building, his only concern was just what the gentlemen had stated about it. Mr. Mykins said there was no intersection there so there was no sight distance requirement or impact if they were putting it at the end of the driveway you are still back by the building when you get to the end of the driveway your site distance on Route 9 you can see all the way up to the light and all the way down to Home of The Good Shephard. Mr. Ramsdill asked if it was behind the sidewalk. Mr. Mykins said yes, it's almost even with the front of the building. Mr. Barrett said it was old signage rules that bump up against Hamlet zoning. Mr. Kolligian asked if it would be on the northern end of the property. Mr. Wheeler said no. Mr. Mykins said southern. Mr. Barrett said near where the temporary sign is. Mr. Wheeler and Mr. Mykins said yes. Mr. Kolligian said he was just trying to get more of a visual of where it would be. Chairman O'Brien asked if there were any further questions. There were none.

Mr. Kolligian made a motion to approve Appeal No.2015-33 for AJ Sign Company, 842 Saratoga Road, Burnt Hills, New York 12027. Request for an Area Variance for a detached sign to be placed 20 feet from the property line, 30 feet is allowed, relief requested is 10 feet. Pursuant to Section 129-181 C. (6) (a) – (e) and Section 129-181 D. (2) (b); property located at 665 Route 9, Wilton, New York 12831 Tax Map No. 140.-3-34 zoned H-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 this variance will allow sign to be seen, the building is close to the road and in order for the sign not to be blocked by the building it must be closer by 10 feet. 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 only way to make the sign visible is to have this ten foot variance granted. 3. The applicant has demonstrated that the requested Area Variance is not substantial because there will be plenty of space between the sign and the current existing sidewalk that is there. There is a thirty foot setback, this sign will be located at 20 feet. 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 fit into the surrounding area and enhance the property and make it easier for people to find the property. 5. The applicant has demonstrated that the alleged difficulty is not self-created based upon the zoning codes in the Hamlet zone.

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

Mr. Ramsdill asked Chairman O'Brien if he could ask a question about their process. Mr. Ramsdill said over time he was sure there would be more and more Special Permit renewals coming in and they currently have a two year renewal process; as that starts building he thought they could start to see more and more and maybe after 10 years, that they have been receiving 2 years, they could kick it up to 3 or 5 years. Mr. Mykins said you can do 5 years right now. Mr. Ramsdill said most people when they hit 10 years and renewed five times without any difficulty you would have a better confidence level. Mr. Mykins said some of the renewals are usually 2 year and he agreed not doing it at all when you have an accessory apartment; some are mobile homes that are placed on the property because of a family situation and part of that process was to remove them, so they bring them in every 2 years to make sure that's still done. Mr. McCracken said like the horses. Mr. Mykins said there had been a lot of issues with horses in the past; with the manure and taking care of things and this was one way to address them if that happened. He said if you put it out 5 years or 10 years you may not have that ability but an accessory apartment you are never going to tear it down. Attorney Grassi said if you wanted have a case by case basis with the Special Use Permits that you don't feel will have an impact. Mr. Ramsdill said like home businesses that are very minor. Attorney Grassi said exactly.

Chairman O'Brien said they needed to go back to the renewal appeal he asked if they wanted to table it or act upon it. Mr. Mykins said the Board can do either on that one; if they wanted to, there was another one but he didn't know what the circumstances were, he knew the circumstances of the Ludwig one. Mr. Kingsley asked if they said they were coming in. Ms. DiLeone said yes. Mr. Mykins said they could table it and he would get more information.

Mr. Kolligian made a motion to table Appeal No.2001-40 and Mr. Ramsdill seconded it. All Board members were in favor. The motion passed.

Mr. Kingsley had a question before they tabled it; before they come back to the Board the Special Permit would expire, two years would be December 4th. Mr. Mykins said it was not an expiration it's a renewal; so technical he thought you could say it expired but it doesn't affect them, they wouldn't go out and take it away from them. He said if the Board tables it, it's being tabled at the Boards digression. Mr. Mykins further explained if the Board said they weren't going to table it and they weren't going to hear it because they're were not here, then it would be expired and gone. Mr. Kingsley said ok. Mr. Mykins said right. Attorney Grassi said yes it was under review by the Board. Mr. McCracken said it was like gap insurance.

ADJOURNMENT:

Mr. Kolligian made a motion to adjourn the meeting at 8.52 p.m. Mr. McCracken seconded the motion. All board members were in favor. The motion passed.

Dated: 1/29/2016

Amy DiLeone
Zoning Clerk