



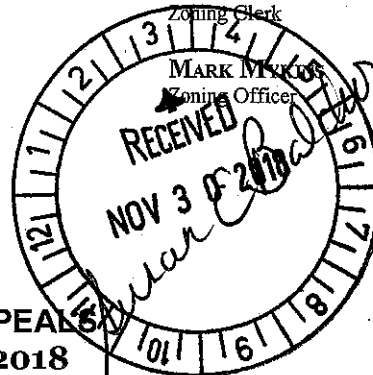
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JOSEPH O'BRIEN
Zoning Board Chairman

LISA CLOSSON
Zoning Clerk

MARK MYKINS
Zoning Officer



WILTON ZONING BOARD OF APPEALS
THURSDAY, September 27, 2018

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, September 27, 2018 at the Wilton Town Hall, 22 Traver Road, Wilton, New York and was called to order by Chairman O'Brien at 7:04 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Chairman O'Brien, Christopher Ramsdill, Gerard Zabala, and Scott Kingsley. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, and Mark Mykins, Zoning Officer.

ABSENT: Dean Kolligian, Robert Barrett, James Deloria, and Charles Foehser

MINUTES: The minutes of the last meeting, held on August 23, 2018 were approved, as submitted, on a motion made by Mr. Ramsdill; seconded by Mr. Zabala. All board members were in favor.

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

Mr. Mykins said, "Chairman O'Brien, before we start the regular meeting, I'd like to address the board, just about some verbiage that we have used in the past. The verbiage basically goes to the renewals of Special Permits. In the past, we've called them renewals. In accordance with our code, under §129-175 E, it should be read as an extension. §129-175 E reads, 'when issued, special permits maybe granted for a specified time limit but may be extended at the Zoning Board of Appeals, Town Board, or Planning Board's discretion'. In the past we've called them renewals, instead, they are really just an extension of the existing permit."

Mr. O'Brien said, "O.K., thank you very much."

Mr. Rosenberg said, "I do have correspondence that I sent in."

Mrs. Muller said, "They are relating to the applications before the board."

Mr. Rosenberg said, "Yes, ok, that doesn't get read at this point?"

Mr. Ramsdill said, "If it is pertaining to one of the applications it would be read when we reach that application."

Said correspondence was not read and has been placed in corresponding files of which they pertain.

RENEWALS:

APPEAL NO. 06-39 Kimberly and Randall Ramsey, 332 Gurn Springs Road, Gansevoort, New York 12831. Request for the renewal of a Special Permit, pursuant to §129-176 C (1) a, b, c, d, e, and §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.

Mr. O'Brien said, "We are going to change renewal to extension?"

Mr. Mykins said, "Yes, sir."

Mr. Rosenberg said, "Just to let you know, that does not solve the problem."

Mr. O'Brien said, "Pardon me?"

Mr. Rosenberg said, "It doesn't solve the problem."

Mr. O'Brien said, "We're not worried about the problem right now."

Mr. Rosenberg, "No, I understand. You're never worried about the problem."

Mr. O'Brien said, "Now, you raise your hand and you will be recognized. But you are not going to be interrupting this meeting."

Mr. Rosenberg said, "O.K."

Mr. O'Brien said, "So, do we have that straightened out?"

Mr. Rosenberg said "Yup."

Mr. O'Brien said, "O.K. You're going to be respectful to the board, and you're going to be respectful to the other people on the board."

Mr. Rosenberg said, "And Vice Versa by the way. I expect the board to be respectful to me."

Mr. O'Brien said, "I think we will."

Mr. O'Brien addressed Kimberly and Randall Ramsey, 332 Gurn Springs Road. He asked if they would like to extend their Special Permit. They said, "yes, please". Mr. O'Brien also asked Mr. Mykins if he had any questions or concerns. Mr. Mykins said "I have inspected the property and it is one of the cleanest properties on that stretch of road".

Mr. Ramsdill made a motion to approve Appeal No. 06-39 for Kimberly and Randall Ramsey, 332 Gurn Springs Road, Gansevoort New York, 12831. Request for the extension of a Special Permit, pursuant to §129-176 C (1) a, b, c, d, e, and §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, will be granted for an additional two years. Mr. Zabala seconded the motion. All were in favor. The motion passed.

Mr. O'Brien asked if there was any further discussions, a resident asked to be recognized. Please state your name and address for the record".

The Resident, "Eric Rosenberg, 16 Craw Lane. With all due respect to the applicants, you can call it an extension or a renewal, but that means in the statute is that if you issue a permit for a limited amount of time, you could choose to renew it or not. But it doesn't remove the obligation to review an administrative record. There is no administrative record here, as defined by the gentleman sitting right here, who says you are supposed to be reviewing and administrative record. There is no administrative record, therefore there is nothing for you all to consider. And I'd like that on the record. And the fact that the town Attorney doesn't seem to care if you are in compliance of the law, I as a resident do."

Mr. O'Brien said, "Mark?"

Mr. Schachner said, "I would encourage any member of the public not to speak on my behalf, and tell people what I do and don't care about. I think you're preceding perfectly in accordance, if you wish to proceed, you are proceeding in accordance with the Town of Wilton Zoning Law."

Mr. O'Brien said, "O.K., Thank you."

Mr. Kingsley said, "Mark, again for the record, you said you personally looked at the property."

Mr. Mykins said, "Yes, there was one tow truck at the time, one tow truck on the property, and lawn was freshly mowed, no other junk vehicles on the property, in accordance with the conditions given by the board."

Mr. Kingsley said, "And again, Mark, since the original issuance of this Special Permit, there have been no complaints or calls from neighbors about any nuisances on the property."

Mr. Mykins said, "No, not on record."

Mr. O'Brien asked if all were in favor. All were in favor, the motion passed.

APPEAL NO. 14-24 Michael and Phyllis Whittam, 250 Gurn Spring Rd, Gansevoort, NY 12831. Request for the extension of a Special Permit pursuant to §129-176 V and Schedule B of the Zoning Ordinance for a private stable; property located at 250 Gurn Springs Road, Tax Map No. 116.-1-28, zoned R-2, in the Town of Wilton. Special Permit originally granted on September 25, 2014 for a period of two years, is due for review and extension.

Mr. O'Brien, "Any problems appear Mark?"

Mr. Mykins, "No, actually I was out on the property the other day and Mr. Whittam doesn't even have his horses back there right now."

Mr. O'Brien asked if anyone had questions. Mr. Zabala made a motion to approve Appeal No. 2014-24 Michael and Phyllis Whittam, 250 Gurn Spring Rd, Gansevoort, NY 12831. Request for the extension of a Special Permit pursuant to §129-176 V and Schedule B of the Zoning Ordinance for a private stable; property located at 250 Gurn Springs Road, Tax Map No. 116.-1-28, zoned R-2, in the Town of Wilton. Special Permit originally granted on September 25, 2014 for a period of two years, will be extended for an additional two years. Mr. Kingsley seconded the motion. All were in favor. The motion passed.

NEW BUSINESS:

APPEAL No. 2018-13 Galarneau Builders, 526 Maple Avenue, Saratoga Springs NY 12866, request for an Area Variance pursuant to §129-157 B., (2), (a) of the Zoning Ordinance; property located on 133 Cobble Hill Drive, Gansevoort, NY 12831, Tax Map No. 140.11-3-9, zoned R-1 in the Town of Wilton.

Mr. O'Brien, "Ed, you are representing Galarneau."

Mr. Lewis, "Ed Lewis of Galarneau Builders."

Mr. O'Brien, "Ed, would you like to make a presentation?"

Mr. Lewis, "Actually, it's basically a setback variance relief of, I believe, ten feet, that they were asking for. For the pool for the setback from the back line. I believe the property by the back line is Town of Wilton property."

Mr. Zabala, "Mr. Lewis, I have a question on your proposed retaining wall. I do not see an elevation on that, is that going to..."

Mr. Lewis, "Actually, I've changed that. We reduced that wall. It's actually going to end on the side of the house from the pool. The retaining wall is going to be greatly reduced due to the cost."

Mr. Ramsdill, "You have the stone fence on the side of the property?"

Mr. Lewis, "There is stone fence on the side, yes. And that will stay there, and the fence around the pool will come up to that wall."

Mr. Zaballa, "Thank you. Mr Mykins, neighbors surrounding on either side, they have no issues?"

Mr. Mykins, "We haven't received any feedback from any of the neighbors."

Mr. Zaballa, "Thank you."

Mr. Kingsley, "All the receipts have been returned?"

Mrs. Closson, "Yes."

Mr. O'Brien, "You made a nice looking lot out of that lot." People were wondering what you were going to do."

Mr. Lewis, "They live in the city, and they just come up on the weekends. It's going to look nice."

Mr. O'Brien, "People were wondering what you were going to do."

Mr. O'Brien opened the public hearing at 7:15 p.m..

Mr. Zabala made a motion to approve Appeal No. 2018-13 Galarneau Builders, 526 Maple Avenue, Saratoga Springs NY 12866, request for an Area Variance pursuant to §129-157 B., (2), (a) of the Zoning Ordinance; property located on 133 Cobble Hill Drive, Gansevoort, NY 12831, Tax Map No. 140.11-3-9, zoned R-1 in the Town of Wilton.

Mr. Zabala, "He's requesting relief of 10' on the rear of the property, of the required relief of 20'.

Mr. Lewis, "Required setback."

Mr. Zabala, "Setback, I'm sorry, thank you. And the reason for the appeal:

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 the pool will be tastefully built and will not change the character of the neighborhood.
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 size of the property does not allow for any other options.
3. The applicant has demonstrated that the requested Area Variance is not substantial because there are other in ground pools in the neighborhood. The pool will not change the character of the neighborhood.
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 pool will be tastefully built and maintained as to not impact the neighborhood physically or environmentally, or create an adverse view.
5. The applicant has demonstrated that the alleged difficulty is self-created because they're going to install a pool on a lot that is smaller than what normally would be built there with a setback.

Mr. Ramsdill, "Can I make two amendments to that motion?"

Mr. Zabala, "Yes."

Mr. Ramsdill, "I would just like to say that it's on a cul-de-sac, so it creates an unusual shape to the property that forced the home further to the rear of the property, resulting in less space behind the home. And that there is open space behind the property, so it would not be intruding on anybody else's future building area."

Mr. Zabala, "I accept those amendments, thank you."

Mr. O'Brien, "Ok, we do have a motion, do we have a seconded motion?"

Mr. Kingsley seconded the motion with the accepted amendments.

Mr. O'Brien asked if there were any further discussion or concerns from anybody in the audience.

Mr. Zabala, Mr. Kingsley, Mr. Ramsdill, and Mr. O'Brien were in favor.

APPEAL No. 2018-14 Saxton Sign, 1320 RT 9, Castleton NY, 12033, requesting an Area Variance for Signage pursuant to §129-181 C. Design (1), §129-181 B.(2)(b)[4], and §129-187 B(1) of the Zoning Ordinance; property located on 3070 Route 50, Saratoga Springs, NY 12866, Tax Map. No. 153.-3-90.2, zoned C-1 in the Town of Wilton.

Mr. O'Brien read correspondence from the Saratoga County Planning Board that stated a decision of: No significant countywide or intercommunity impact with a comment of: While the appeal presents no direct impact to county interests, the board did consider that the business has been in operation for numerous years without the need to make such request for additional signage. Additionally, we were caused to wonder how business has successfully transpired over time with the permitted amount of signage but is now in need of four additional signs to draw or direct customers.

Mr. Terry Misner, Attorney for Saxton Sign, said, "What they would like to do is put another sign on the other side of the building where Lowes is so they can get identification from all three sides, and going down Route 50, you can get the location from both directions, as well as the front of the building. The drive-thru signs that they are putting on there, one was on the southwest side. They removed that and are moving it to the other side of the building which will be the northeast side of the building. And the drive-thru sign that they are putting on the front was previously already there, they just took it down and are putting a new one up. They basically slim lined the whole sign, its smaller than what was there previously, and they basically want more identification from every direction you are looking at."

Mr. Ramsdill, "Is this window sign counted in the four?"

Mr. Mykins, "It is, its got the corporate symbolism on it and is put in the window."

Mr. Zabala, "Is your new proposed sign of Panera Bread where they are all the same size with capital letters, they are going to be just attached letters to the brick face?"

Mr. Misner, "Yes. It is just going to be individual letters rather than a whole sign that was up there before."

Mr. Zabala, "O.K. Have you computed the square footage of that?"

Mr. Misner, "Yes. They have it on here as 38 sq. ft.."

Mr. Ramsdill, "You're below for square footage, right? It's just the number of signs?"

Mr. Zabala, "Right, I just wanted that information presented. Thank you."

Mr. Ramsdill, "There's two now?"

Mr. Mykins and Mr. Misner both said there are two now.

Mr. Ramsdill, "What are the new ones?"

Mr. Mykins, "They are adding another onto the backside, they took the one from the drive-thru side and they moved that over to the Lowes (northeast) side to catch traffic from the north."

Mr. Zabala, "Mark, do you know, there used to be a pizza shop there. Did they have a sign in that location, or on that side of the building?"

Mr. Mykins, "The pizza shop did."

Mr. Zabala, "The pizza shop did, so this signage wouldn't be anything new other than it's attached to this specific business. If there was a separate business there, there would be a separate sign there."

Mr. O'Brien, "Any questions from anyone in the audience?"

Mr. Zabala, "I do have another question for you sir. The Panera Bread lettering, I see you have illumination shining down on the walkways. Is there going to be illumination up on that lettering? Or is it going to be backlit?"

Mr. Misner, "The lettering is backlit. Internally illuminated. The illumination shines on the awnings and it lights up the awnings."

Mr. Mykins, "And that's better."

Mr. Zabala, "Yes. You are going to remove it and replace it. Thank you."

Mr. Ramsdill, "I just wanted to ask one more question about the signs here. This is a window sign. Is it interior to the glass?"

Mr. Misner, "Yes."

Mr. Ramsdill, "And it still counts because it's up against the glass, and it's within..."

Mr. Mykins, "Because it's on the facade side of the building, and it has the corporate symbolism."

Mr. O'Brien, "Any other questions?"

Mr. Ramsdill made a motion to approve Appeal No. 2018-14 for Saxton Sign, 1320 Route 9, Castleton, NY 12033, for the request for an Area Variance for Signage pursuant to §129-181 C. Design (1), §129-181 B.(2)(b)[4], and §129-187 B(1) of the Zoning Ordinance; property located on 3070 Route 50, Saratoga Springs, NY 12866, Tax Map. No. 153.-3-90.2, zoned C-1 in the Town of Wilton, in the amount of relief for four attached signs be granted because:

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 similar sign packages are currently located on multiple adjacent Businesses. It will be consistent with other properties in that commercial zone. It will also improve traffic flow in that parking lot where there are some unusual angles and improve safety.
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 corporate identification is non-existing on the Northeast Elevation which is not in compliance with brand ID specifications. It's an unusual piece of property with the way that Lowes Drive cuts back providing multiple access points and views from Route 50 and that area. They are under the square footage amount by a substantial amount and they are just looking for the additional signage to improve the visibility and traffic flow for the property.
3. The applicant has demonstrated that the requested Area Variance is not substantial because multiple adjacent businesses have similar sign packages. This is a minimal amount considering the layout of the parking lot and the intersecting streets of the property.
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 there are multiple businesses with similar sign packages. It is consistent with other commercial properties in that zone.
5. The applicant has demonstrated that the alleged difficulty is self-created because of corporate brand identification requirements.

Mr. Zabala seconded the motion. Mr. Zabala, Mr. Kinglsey, Mr. Ramsdill, and Mr. O'Brien were in favor.

Mr. O'Brien, "You have quite a project there. When do you expect to be finished?"

Mr. Misner and Mr. Mykins said, "Saturday."

Mr. Zabala, "With the sign or with the business?"

Mr. Misner, "They want to be open on Saturday."

Mr. O'Brien addressed a member of the audience and asked him to identify himself.

"Eric Rosenberg, I just want to mention you did not read my letters in connection with those two appeals. I would request, though, that they be placed in the public record in the file, and in the minutes."

Said correspondence was not read and has been placed in corresponding files of which they pertain.

Mr. Kinglsey moved to adjourn, Mr. Ramsdill seconded. All were in favor. Mr. O'Brien closed the public hearing at 7:27 p.m.

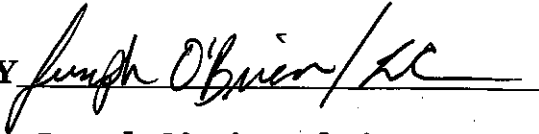
ADJOURNMENT:

Dated: November 30, 2018

BOARD OF APPEALS

BY 

Lisa Closson, Zoning Clerk

BY 

Joseph O'Brien, Chairman