

DRAFT

WILTON ZONING BOARD OF APPEALS THURSDAY August 27, 2026

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, August 27, 2026, at Gavin Park, 10 Lewis Drive, Saratoga Springs, NY, 12866, and was called to order by Chairman Kinglsey at 7:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Chairman Scott Kingsley, Nicholas Collins, Keith Kaplan, Connor Krueger, 1st Alternate, and Drew Caprood, 2nd Alternate. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, John Herlihy, Code Enforcement Officer, Lisa Closson, Zoning Clerk, and Joshua Carlsson, Land Use Administrator.

ABSENT: Vice Chairman Christopher Ramsdill, Scott Duffy, Christopher Iwinski, and Bradford Wiggins.

MINUTES: The minutes of the last meeting, held on July 23, 2026, were approved, as submitted, on a motion made by Mr. Collins, seconded by Mr. Krueger. Mr. Kaplan abstained from voting due to being absent for the meeting. All other Board members present were in favor. The motion passed.

(Later in the meeting it was brought to the Board and the Clerk's attention that there was an incorrect statement in the above approved minutes. There will be a new motion to approve at the September 24, 2026, ZBA meeting.)

CORRESPONDENCE: None other than what is presented before the board.

EXTENSIONS: *SPECIAL USE PERMIT EXTENSIONS ARE NOT SUBJECT TO A PUBLIC HEARING*

None

Chairman Kingsley changed the order of the Agenda for the hearings as follows.

New Business:

Appeal No. 2026-27 Trojanski Builders, 627 Maple Ave, Saratoga Springs, New York 12866. Request for an Area Variance, pursuant Schedule A, R-1 District, the Zoning Ordinance; property located at 431 Northern Pines Road, Gansevoort, New York 12831, Tax Map No. 140.14-1-28, zoned R-1 in the Town of Wilton.

SUP No. 2026-28 Trojanski Builders, 627 Maple Ave, Saratoga Springs, New York 12866. Request for a Special Use Permit for a two family dwelling, pursuant Schedule A, R-1 District, the Zoning Ordinance; property located at 431 Northern Pines Road, Gansevoort, New York 12831, Tax Map No. 140.14-1-28, zoned R-1 in the Town of Wilton.

Mr. Kingsley explained that Appeal 2026-27 and SUP2026-28 would be heard together and that there was no action taken by SCPB at the moment.

Mr. Kingsley opened the public hearing at 7:36 p.m.

Mr. Kaplan made a motion to table Appeals 2026-27 and SUP2026-28. Mr. Collins seconded the motion. All Board members present were in favor. The Motion passed.

Appeals 2026-27 and SUP2026-28 have been tabled until the next meeting to be held September 24, 2026. The public hearing was left open.

Appeal No. 2026-26 SES Branding, 6001 Nimtz Parkway, South Bend, IN 46628. Request for a Sign Variance pursuant to §129-181 C. (1), of the Zoning Ordinance; property located at 3060 Route 50, Saratoga Springs, NY 12866, Tax Map No. 153.3-90.2, zoned C-1 in the Town of Wilton.

Mr. Kingsley read correspondence from SCPB (Saratoga County Planning Board) referencing no significant intercommunity or county wide impact and has been placed in record.

Dave Mikel with SES branding was present along with Terry Maliga from Darden. Mr. Mikel explained the sign package he handed out to the Board. Mr. Mikel shared there is a previous variance approved for the former TGI Friday's building allowing 2 additional attached signs and 275 sq. ft. of signage.

Mr. Kingsley opened and closed the public hearing at 7:46 p.m. due to lack of public comment.

Mr. Kaplan made a motion to approve Appeal No. 2026-26, SES Branding, 6001 Nimtz Parkway, South Bend, IN 46628. Request for Sign Variances pursuant to §129-181 C. (1) of the Zoning Ordinance; property located at 3060 Route 50, Saratoga Springs, NY 12866, Tax Map No. 153.3-90.2, zoned C-1 in the Town of Wilton, be granted for an additional 2 attached signs for Longhorn Steakhouse, 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 Sign Variance because the benefit sought here is to be consistent with national branding as two architectural embellishments identifying the establishment as a Longhorn Steakhouse. Using two of the already- allowed signs would preclude having signs that verbally identify the business, which would reduce the ability of motorists in the area to locate the building. 2. The applicant has demonstrated that the benefit sought cannot be achieved by some method feasible for the applicant to pursue other than by Sign Variances because, as noted by the applicant, the total square footage of signage would stay within already- permitted limits. The Board finds as a result that there would be no incremental effect in adding these two signs as per the application materials. The Board further notes the commercial context of the area, and the presence of commercial branding on the building would be consistent with that context. 3. The applicant has demonstrated that the requested Sign Variance is not substantial, however, the Board finds this variance to be substantial being mitigated by the project's lack of adverse impact on neighboring properties. 4. The applicant has demonstrated that the requested Sign Variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district because an increase in the total area of signage is not being requested. 5. The applicant has demonstrated that the alleged difficulty was self-created insofar as the applicant desires to add these signs, but this is not necessarily fatal to the application.

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

OLD BUSINESS:

Appeal No. 2026-19 KNC Holdings, Inc., 21 Walker Way, Albany, NY 12205. Request for Area Variances, pursuant to Schedule N, CR-1 District, of the Zoning Ordinance, property located at 542 Route 9, Saratoga Springs, New York 12866, Tax Map No. 153.9-1-5.1, zoned CR-1 in the Town of Wilton.

The public hearing has been left open from the May 28, 2026, ZBA meeting.

Attorney Schachner hoped to give people a better idea of what is going to be considered, and perhaps more importantly, what may not be considered. First, a number of people have lodged some strenuous objections to the proposal that is a subject for this application, and requested, sometimes quite firmly, that the ZBA not even entertain the application at all. I need to make clear, however, that anyone who wishes can seek permission to do whatever they wish, so long as it is permitted by town zoning, and we cannot lawfully deny someone the opportunity to seek the permission that they need. In this particular matter, most of the issues that have led to public objection are really more issues for our planning board to consider during its special use permit review, if that happens, rather than our zoning board of appeals during its area variance review. The applicant requires area variances because it's because it's proposing to place its facility in a location that does not meet our town setback requirements or road frontage requirements. In this regard, the zoning board of appeals is supposed to review the application according to certain criteria, while focusing on the extent to which putting a facility at this location with less frontage than required and less setback

than required is or is not problematic. Some issues may lend themselves more easily to this analysis than others. Just as an example, objections based on traffic impacts may have little to do with the frontage or setback requirements, as the facility would presumably generate the same traffic regardless of its exact location. The zoning board of appeals will carefully consider all comments and evaluate them in accordance with the applicable criteria, which again do not include whether the board feels this is a good project or not. All that said, I urge all speakers to say what they wish, be respectful and polite, and not speak unless they have the floor and not interrupt one another. Thank you.

Applicant Presentation

- Applicant's counsel, Stephanie Ferradino, appeared with the applicant and engineers Caryn Mlodzianowski with Bohler Engineering and Gordon Stansberry with GTS Consulting.
- Applicant requested three area variances:
 - 40-foot setback relief from Maple Avenue/Route 9, reducing the required 100-foot setback to 60 feet.
 - 20-foot setback relief from Loughberry Lake Road, reducing the required 100-foot setback to 80 feet.
 - Approximately 21.5 feet of frontage relief on Maple Avenue/Route 9, reducing the required 200 feet to approximately 178.5 feet.
- Applicant reviewed modifications made in response to previous Board comments:
 - Added a proposed cross-access easement to the north.
 - Shifted the vacuum area farther west, away from the neighboring residence.
 - Added fencing and screening.
 - Added staggered vegetation and two mature Norway spruce trees.
 - Reoriented the building more parallel to Maple Avenue.
 - Relocated the vacuums to the side of the building.
 - Added future sidewalk/easement provisions along Loughberry Lake Road.
 - Reduced proposed hours from 24/7 to 5:00 a.m.–11:00 p.m., with further discussion anticipated during Planning Board review.
- Applicant stated that a neighborhood meeting had been held and that the school district had been contacted.

School District / Water Discussion

- Applicant reported that the school district indicated a school zone designation relates to roadway speed and does not prohibit a particular use.
- School representatives reportedly indicated that concerns regarding water availability were related primarily to maintaining existing well equipment rather than insufficient groundwater.
- Applicant stated that the school would like to connect to public water when available.
- Applicant also stated that KNC would connect to municipal water when it becomes available to the property.

Traffic Study

- Traffic engineer Gordon Stansberry presented the findings of the traffic study. The study used site-specific traffic data from the applicant's existing Union Avenue facility.
- The applicant clarified that the previously discussed figure of approximately 20 vehicles per hour represented the busiest hour of the busiest day, not typical daily traffic.
- Data from the 30 busiest days was reviewed.
- The average traffic during the 30 busiest days was approximately 170 vehicles per day.
- During the critical morning school peak hour, the existing facility generated approximately three vehicles per hour; after adjusting for the higher traffic volume on Route 9, approximately four vehicles per hour were projected for the proposed site.
- Afternoon, evening, and Saturday peak volumes were projected to be approximately 20–25 vehicles per hour.
- The traffic engineer reported:
 - Sufficient gaps in traffic for vehicles entering and exiting the site.
 - Adequate sight distance.
 - No significant accident-history concerns.
 - No capacity concerns.
 - No off-site mitigation measures recommended.
- The engineer characterized the proposed use as a minimal traffic generator.

Variance Criteria

- Applicant's counsel reviewed the statutory area-variance criteria.
- Counsel stated that:
 - The Route 9 corridor is historically commercial and is identified in the Comprehensive Plan for commercial development.
 - The setback variances would move the building farther from the neighboring residential property.
 - The frontage variance is partly attributable to the configuration of the property and the municipal taking of the corner.
 - The proposed setbacks would preserve existing vegetation and provide additional buffering.
 - The proposed frontage relief is approximately 11%.
- Applicant presented an alternative compliant building layout and stated that it would result in less buffering, removal of mature vegetation, and reduced green space.

Board Questions

- The Board asked about proposed hours of operation.
- Applicant indicated that **7:00 a.m. to 8:00 p.m.** would be acceptable.
- The Board requested additional information concerning the amount of frontage affected by the municipal taking.
- Applicant's engineer stated that if the property lines were squared up, the parcel would have approximately 199 feet of Route 9 frontage.
- The Board reviewed frontage measurements for surrounding properties.

Correspondence

- The Board received **15 written correspondences** since the previous meeting:
 - 14 opposed the application.
 - 1 supported the application.
- A motion was made and approved to waive the reading of the correspondence and place them into the public record.

Public Hearing

- The public hearing was reopened at **8:29 p.m.**
- Several members of the public spoke regarding:
 - Traffic safety.
 - Loughberry Lake Road.
 - Water and drainage.
 - The proximity of the project to the school.
 - Vehicle access and egress.
 - The reliability of traffic comparisons with the Union Avenue facility.
 - Property values.
 - Size of the proposed development relative to the one-acre parcel.
 - Potential noise and lighting impacts.
- One member of the public spoke in support of the project and stated that many of the issues raised would be more appropriately considered by the Planning Board during special-use permit and site-plan review.
- Public comments also raised concerns regarding coordination with NYSDOT and potential access arrangements for other commercial properties along the corridor.
- The public hearing was closed by a **4-1 vote**.

Board Discussion

- Board members discussed the distinction between the Zoning Board's consideration of the requested dimensional variances and the Planning Board's subsequent review of the proposed use.
- The Board discussed the three requested variances, with particular attention to the 21.5-foot frontage variance.
- Members discussed the benefit of locating the building farther from the adjacent residential property through the requested setback variances.
- The possibility of limiting access from Route 9 to a **right-turn exit only** was discussed.
- Legal counsel advised that the Board's authority concerning restrictions on a State roadway should be confirmed.
- The Board discussed the possibility of requiring connection to municipal water when it becomes available.
- The applicant agreed on the record to connect the property to municipal water when available.

Mr. Collins made a motion to approve Appeal No. 2026-19, KNC Holdings, Inc., 21 Walker Way, Albany, NY 12205. Request for Area Variances, pursuant to Schedule N, CR-1 District, of the Zoning Ordinance, property located at 542 Route 9, Saratoga Springs, New York 12866, Tax Map No. 153.9-1-5.1, zoned CR-1 in the Town of Wilton, be granted, for the following relief: 40 ft. Route 9 front yard setback, 20 ft. Loughberry Lake Rd. front yard setback, and 21.33 ft. Route 9 frontage, was granted, conditioned on:

- hours of operation from 7 a.m. to 8 p.m., 7 days a week
- installation and maintenance of a tall privacy fence that extends along the entire east side property line along with fast growing shrubbery that can reach mature heights of 40 ft. minimum, staggered, with initial height of 6 ft., adjacent to 153.9-1-5.2
- no uplighting
- right turn only onto Route 9
- hook into municipal water when available

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 the site is currently zoned CR1 and would be consistent with the existing commercial corridor along Maple Avenue. Currently, 70% of the properties on Route 9 in the CR-1 zone have less than 200 feet of frontage, and only 12 %, that's three out of 25 properties south of the railroad tracks heading toward the Maple Avenue School, don't have the 200 feet. The lot in question currently is the fourth largest amount of frontage in the area. So the granting of the frontage variance will leave this property still as the fourth largest frontage, and 90% more than all the other properties on this corridor. The granting of the setback variances are protective of the residential properties. The project could be completed without these variances, but by doing it, they're actually providing a benefit to the neighboring properties for sound and light. 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 has frontage on two roads, restricting the options available for building placement. As for the frontage variance, many of the properties along the Route 9 corridor don't conform to 200 ft. frontage. This is consistent with what is existing and not an unreasonable request. As far as the releif requested for the setbacks, those were created to provide more distance between the adjacent neighbor, reducing decibel levels and light that would be exposing them to less than normal conversation decibel level. 3. The applicant has demonstrated that the requested Area Variances are not substantial because it's consistent with many of the existing properties along Route 9. 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 the project has been designed in accordance with applicable engineering and environmental standards and will still need to secure approvals and/or inspection from multiple town, county, and state departments to ensure conformance. 5. The applicant has demonstrated that the alleged difficulty was self-created because of the 200 ft. frontage requirement. The Applicant chose to develop a piece of property that did not have required frontage, but I don't feel that should impact the favorable decision, considering there are many other properties on this corridor that don't conform to the 200 ft. frontage requirement. For the 100 ft. setback requirements along

Route 9, and Loughberry Lake Road. It is not self-created since the applicant could install the building on the property conforming to setback requirements, but is asking for the variances to create additional distance to benefit the adjacent property owner

Mr. Kaplan seconded the motion. Mr. Krueger, Mr. Kaplan, Mr. Collins, and Mr. Kingsley were in favor. Mr. Caprood abstained. The motion passed.

An Additional Motion was made by Mr. Kingsley to direct the Board Secretary to forward the minutes from the Board's previous three meetings to the Planning Board for review of the public record. Mr. Collins seconded the motion. All Board members present were in favor. The motion passed.

Mr. Kaplan made a motion to Adjourn. Mr. Collins seconded the motion. All Board members present were in favor. The meeting was adjourned at 9:32 p.m.

Dated: August 28, 2026

BOARD OF APPEALS

BY _____
Lisa Closson, Zoning Clerk

BY _____
Scott Kingsley, Chairman