



**TOWN OF WILTON**  
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**JOSEPH O'BRIEN**  
Zoning Board Chairman

**LISA MULLER**  
Zoning Clerk



**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY July 27, 2017**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, July 27, 2017 at the Wilton Town Hall, 22 Traver Road, Wilton, New York and was called to order by Acting Chairman Kolligian at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT:** Robert Barrett, James Deloria, Gerard Zabala, Charles Foehser, Dean Kolligian and Scott Kingsley. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney and Mark Mykins, Zoning Officer.

**ABSENT:** Chairman O'Brien and Christopher Ramsdill

**MINUTES:** The minutes of the last meeting, held on June 22, 2017 were approved, as submitted, on a motion made by Mr. Kingsley seconded by Mr. Sabanos. All board members were in favor.

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

**RENEWALS:**

**APPEAL NO. 95-23** Ralph and Patricia Benincasa, 69 Edie Road, Saratoga Springs, New York 12866. Request for the renewal of a Special Permit, pursuant to Section 129-26 (B) of the Zoning Ordinance, for the boarding of horses. Permit originally granted on July 27, 1995 and has been renewed every two years; property located at 69 Edie Road, Tax Map No. 154.-1-12.121, zoned R-2, in the Town of Wilton.

Mrs. Benincasa was present and approached the Board to request a renewal of her Special Permit. Acting Chairman Kolligian asked if there were any issues regarding this Special Permit. Mr. Mykins said there have been no issues. Mr. Kolligian asked if anyone had any questions. There were none.

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Mr. Barrett made a motion to approve Appeal No. 95-23 for Ralph and Patricia Benincasa, 69 Edie Road, Saratoga Springs, New York 12866. Request a Special Permit for the boarding of horses, pursuant to Section 129-26 (B) of the Zoning Ordinance. Permit originally granted on July 27, 1995 property located at 69 Edie Road, Tax Map No. 154.-1-12.121, zoned R-2, in the Town of Wilton for a period of two years.

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

**APPEAL NO. 03-29** Wendy Zwijacz, 19 Strong Road, Gansevoort, New York 12831. Request for the renewal of a Special Permit, pursuant to Section 129-26 (G) and 129-176 (V) of the Zoning Ordinance, for the keeping of agricultural animals. Permit originally granted on July 24, 2003, amended on October 28, 2004 (Appeal No. 04-45), and has been renewed every two years; property located at 19 Strong Road, Tax Map No. 102.-1-35.2, zoned R-2, in the Town of Wilton.

Ms. Zwijacz was present and approached the Board to request a renewal of her Special Permit. Acting Chairman Kolligian asked if there were any issues regarding this Special Permit. Mr. Mykins said there have been no issues.

Mr. Kolligian asked if anyone had any questions. Mr. Zabala asked the applicant for the type and number of animals she is keeping. Ms. Zwijacz stated that she is allowed to keep 25 but currently has four horses, a goat, three cattle and 12 chickens. Mr. Kolligian asked if there were any additional questions. There were none.

Mr. Sabanos made a motion to approve Appeal No. 03-29 for Wendy Zwijacz, 19 Strong Road, Gansevoort, New York 12831. Request for the renewal of a Special Permit, pursuant to Section 129-26 (G) and 129-176 (V) of the Zoning Ordinance, for the keeping of agricultural animals. Permit originally granted on July 24, 2003, amended on October 28, 2004 (Appeal No. 04-45), property located at 19 Strong Road, Tax Map No. 102.-1-35.2, zoned R-2, in the Town of Wilton for a period of two years.

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

**NEW BUSINESS:**

**APPEAL NO. 2017-14** Christine Beattie, 87 Old Gick Road, Saratoga Springs, NY 12866. Request for an Area Variance, pursuant to §129-157B of the Zoning Ordinance; to replace an existing single wide manufactured home with a new double wide manufactured home on the property located on 87 Old Gick Road, Saratoga Springs, New York 12866, Tax Map No. 153.-3-21, zoned C-2 in the Town of Wilton.

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Mr. Kolligian read a note stating the applicant, Christine Beattie, called on July 26<sup>th</sup> to ask the Board if they would consider tabling her Appeal No. 2017-14 until the next ZBA meeting on August 24, 2017.

Mr. Kolligian stated the Board had a scheduled public hearing for the applicant on this evening, July 27, 2017. Attorney Schachner agreed. Mr. Kolligian asked if there was anyone present that would like to speak on the proposed appeal. Attorney Schachner stated that presumably the Board was going to table the appeal. Mr. Kolligian agreed. Mr. Kolligian asked if there was anyone present that would like to speak regarding this appeal. Some people indicated they would like to speak. Mr. Kolligian stated that people could speak about this appeal but he thought it would be advisable to come and speak while the applicant is present. Mr. Kolligian said since it was a public hearing people could speak about the appeal and the notes would be on record. Mr. Kolligian asked individuals who were going to speak to state their name and feel free to say whatever they'd like to say. Attorney Schachner added that people have the opportunity to speak at next month's meeting when the Board may consider the application.

Mr. Walt Cassidy indicated that he wanted to speak. Mr. Cassidy said he manages Pyramid Pines and lives directly across the street from that location. Mr. Cassidy stated he is very concerned about the appearance of the location, meaning the home, the garage, the fencing and miscellaneous items throughout the lot. He said the lot gives Pyramid Pines Park a poor image. He reiterated that he is very, very concerned about the appearance.

Mr. Barrett asked Mr. Cassidy if he would be in favor of the applicant replacing the home with a double wide home. Mr. Cassidy said that he doesn't think the replacement will make a difference with the way the lot is and with all the miscellaneous items everywhere. He stated that he doesn't think it will make a difference.

Mr. Deloria asked Mr. Mykins if there have been any code violations on that property. Mr. Mykins answered none have been recorded. Attorney Schachner said that he wanted to make sure, from his perspective, if the board is tabling the matter; he would discourage Board members from getting involved in discussing the matter this evening. He added the only reason to let the public speak is if they don't want to come next month or they would prefer to speak this evening. He said the public has the right to do so. He again stated that he would strongly discourage the Board from getting involved in subjective discussion about the application this evening, if the matter is going to be tabled as per the applicant's request. Mr. Kolligian stated that he understood.

Mr. Kingsley made a motion to table Appeal No. 2017-14 until the next meeting at the applicant's request. Mr. Kolligian asked Attorney Schachner which goes first, tabling the appeal or allowing the public to speak. Attorney Schachner said that it doesn't really matter and he thought one other person from the public wanted to speak. Mr. Kingsley said that he would hold off on tabling the appeal. Mr. Kolligian stated that they would hold off on the motion and see if anyone else from the public would like to speak.

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Mr. Kolligian asked if anyone else would like to speak on this appeal. Mr. Bill Morris, business at 210 Old Gick Road which is on the west property line of the applicant. He said he would give a two minute history on the neighborhood. He said he has been at this location since 1980. When he purchased what he called the farmhouse and the garage, the town was demanding that the bank that owned them tear them down. Mr. Morris showed the Board a picture of the day they closed on the property. He said that is the farmhouse and the garage people drive by today. He said that he is very proud at what they have done there. Mr. Morris stated that in 1980 Pyramid Pines was a dump. He said it is just amazing to see what is going on there. He has been involved with Pyramid Pines since 1980, all of the expansions and all the improvements there. He stated it is a great community, giving 340 families an affordable place to live. Mr. Morris said the Mansard Apartments (now Oakhaven Apartments) had gotten very bad but now in the past few years he has seen huge improvements there. The Summit on Perry Road is gorgeous, a beautiful addition. He stated that he is proud of what is going on in this neighborhood.

Mr. Morris stated regarding the variance (for the applicant) in the middle of all these improvement projects, there is an undersized lot in a C-2 zone where the use and the setbacks do not conform to anything that is current. He continued by saying he thinks something to be considered is the increased traffic that there is on Old Gick Road from these great projects. He questioned, "Is this something that the town really wants to continue with a residential use in this lot? Especially one that requires so many variances. So simply stated, as a direct neighbor, I don't support this request at all."

Mr. Kolligian asked if there was anyone else wanted to speak. Mr. Jay Jevons said that he purchased the Mansard Apartments (now named Oakhaven Apartments) five years ago. Mr. Jevons said that Mr. Mykins can verify that when he purchased the apartments, the septic systems were in failure, one unit was condemned, and sewage was run by Wilton and the State Health Department. He said that is where he started. He said that Mr. Mykins was also concerned about decks failing off the back of the building because they weren't pressure treated, substantial decay. Mr. Jevons said that he went in cleaned the place up and then took it a little bit further and started to do more upgrades. He said it is a family run business, his son Tom is the lead carpenter who has been there for five years and he has two other carpenters as well. He said he isn't finished yet and he is embarrassed about some of it still. He said, as Mr. Morris mentioned, that he has made visible progress. From the back decks, the 87 Old Gick Road property is visible and he has the biggest border with the applicant's property. He stated that his wife submitted an email for the last meeting about the fence being substantially off the property line. He has had the property surveyed and it was very apparent that whoever put the fence up, didn't enlist the use of a surveyor. He said this is a concern, that he wants his property to be his property. He stated the fence is also low and the applicant's Pitbull dogs have jumped the fence and disturbed some of his tenants. He stated property is extremely visible from some of his tenants back decks. He agreed with the Bill (Mr. Morris) that the Paddocks, the Summit, and Pyramid Pines are all well-kept. Bill's properties are pristine – the mulch, the lawns, everything. He said that neighborhood is a desirable neighborhood and his tenants have gone from riff-raff to respectable people that work for Global Foundries. He said he had a Saratoga County Sheriff, teachers, and medical people. He said there are no more undesirables on my property which is not Mansard anymore but Oakhaven

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Acres. He would like to make sure that whatever is done, is dignified and appropriate for the entire neighborhood and the trend of the neighborhood.

Mr. Kolligian said if there were no more folks from the public that would like to speak about the application, at the applicant's request, he will hear for a motion to table it.

Mr. Kingsley made a motion to table Appeal No. 2017-14, at the applicant's request, leaving the public hearing open for the meeting next month.

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

**APPEAL NO. 2017-16** David Huestis, 23 Glenmore Avenue, Saratoga Springs, New York 12866. Request for an Area Variance, pursuant to Section 129-157B, of the Zoning Ordinance, special assigned setbacks for the Fairways subdivision, to place a single family residential home on the property located at 3 Autumn Court, Gansevoort, New York 12831, Tax Map No. 140.12-1-52, zoned R-1 in the Town of Wilton.

Mr. Huestis stated that he has his builder present, if the Board has any technical questions. Mr. Huestis said that the home he would like to put on the lot has a side entry garage and in order to have a good amount of room for the driveway, getting out of the garage, he would like to slide the house five feet to the west which will be to the right, if you are facing the property from the roadway. Mr. Huestis said the only people that it would directly effect is the neighbor next door at number 5, who is the person he bought the land from and they said they do not have any issue with it. He said it is the garage side of the neighbor's property and the opposite side of the garage on his property. He said there might be room available for two at our house on that side. He said the purpose of the variance is to give them a proper amount of room from the side entry garage.

Mr. Kolligian asked if there were any questions from the Board members. Mr. Barrett asked if the side entry garage necessary for the style of house. Mr. Huestis said yes it is necessary because it wouldn't fit on the lot that way; the lot is about 100 feet wide. Mr. Deloria asked if there were any statements from the adjoining neighbor for the abutting owner's side. There was no correspondence. Mr. Kolligian asked if Mr. Mykins had any correspondence on this appeal. Mr. Mykins said he did not have any correspondence. Mr. Deloria asked if the adjoining neighbors were notified. They were notified.

Mr. Kolligian asked if there were any other questions from the Board. There were none.

Mr. Zabala made a motion to approve Appeal No. 2017-16 for David Huestis, 23 Glenmore Avenue, Saratoga Springs, New York 12866, request for Area Variance pursuant to Section 129-157B of the Zoning Ordinance, for a west side yard setback relief of 5.00 feet; property located at 3 Autumn Court, Gansevoort, NY 12831, Tax Map No. 140.12-1-52, 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

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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 simply a shift of the residence five feet to the right but at the same time providing five additional feet on the left side of the property. 2. The applicant has demonstrated that the benefit sought cannot be achieved by some method feasible for the applicant to pursue other than by Area Variance because it is the minimum distance required to gain the distance to safely enter and exit the garage. 3. The applicant has demonstrated that the requested Area Variance are not substantial because it is the minimum needed to fit the house on the lot with a side load garage. 4. The applicant has demonstrated that the requested Area Variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district because the home will have characteristics as keeping with the surrounding homes within the Fairways neighborhood and fills the needs of the family occupying the structure. 5. The applicant has demonstrated that the alleged difficulty is self-created.

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

**APPEAL NO. 2017-17** Sign Studio, Inc., 1 Ingalls Avenue, Troy, New York 12180. Request for an Area Variance pursuant to Section 129-181 B., (2), (b), [1] to amend a previous variance granted on January 25, 2001, for total square footage of detached Hoffman sign from 294.70 square feet to 302.6 square feet, adding 7.9 square feet of signage on the property located at 5 Lowes Drive, Saratoga Springs, New York 12866, Tax Map No. 153.-3-37.35, zoned C-1 in the Town of Wilton.

Mr. Kolligian read a letter from the Saratoga County Planning Board dated July 21, 2017. Referral for an Area Variance – Hoffman Car wash. “Amend a previously granted variance [as we have requested]. Received from the Town of Wilton Zoning Board of Appeals on July 12, 2017. Reviewed by the Saratoga County Planning Board on July 20, 2017. Decision: Approve. Signed by Michael Valentine, Senior Planner Authorized Agent for Saratoga County.”

Mr. Ron Levesque from Sign Studio, Inc. representing Hoffman Car Wash approached the Board to request a signage variance of 7.90 square feet. He said that a while back Hoffman Car Wash went through a rebranding. He said they changed their logo and as far as that rebranding, they recently are going to different sites and changing their signage to include that new branding. He stated that basically, it is a new graphic that is included with their logo. Mr. Levesque said Hoffman’s is proposing to remove the existing sign that is on the building and replace it with a sign that is very similar but the letter style might be smaller than what is there now and the logo will increase the square footage of what is there now. Mr. Levesque said they are asking for an area variance for the additional square footage which will include that logo portion.

Mr. Kolligian asked if there was any correspondence. There was no correspondence. Mr. Kolligian asked if there were any questions from the Board.

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Mr. Zabala stated that the logo itself is what makes it go over the existing square footage. He said the logo itself is not solid. He wanted to know if Mr. Mykins figured the swirl part in the square footage because Mr. Zabala thought it would be less than the amount recorded. Mr. Mykins said it was recorded but that when Hoffman put their signage up, apparently, the signage was a little larger. Mr. Mykins said it is included now.

Mr. Deloria asked for a clarification on the determination. Mr. Deloria stated that it says that the maximum square footage for the detached is 75 square feet and the total amount of signage of attached and detached is 350 square feet. He wanted to know why the applicant got a variance for originally 294.7 to 302 square feet which is less than 350. Mr. Mykins said that was an error and that it should have read 250 square feet not 350 square feet.

Mr. Zabala asked how the sign would be illuminated. Mr. Levesque said the individual letters and the logo are illuminated from the inside. During the day they will be black and at night, when they light up, they will be white.

Mr. Kingsley asked Mr. Mykins if the variance is for that particular attached sign or is it the total square footage. Mr. Mykins said that it was the total square footage of all the signs. Mr. Zabala asked if there were any other signs on the property that are being adjusted. Mr. Levesque answered only this one.

Mr. Kolligian asked if there were any other questions. There were none.

Mr. Kingsley made a motion to approve the request for Area Variance pursuant to Section 129-181 B., (2), (b), [1] to amend a previous variance granted on January 25, 2001, for total square footage of detached Hoffman sign from 294.70 square feet to 302.6 square feet, adding 7.9 square feet of signage on the property located at 5 Lowes Drive, Saratoga Springs, New York 12866, Tax Map No. 153.-3-37.35, 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 this is a commercial area and the sign is very similar to the existing sign. 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 it is replacing an existing sign and is adding the company's rebranding. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it is only 7.9 square 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 the wall area can easily accommodate the requested increase in square footage. The sign, in this location, has proven history of not distracting traffic. 5. The applicant has demonstrated that the alleged difficulty is self-created because it is a company rebranding.

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

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**APPEAL NO. 2017-18** AJ Signs, 842 Saratoga Road, Burnt Hills, New York 12027. Request for an Area Variance, pursuant to Section 129-181, B., (2), (b), [2] for three attached signs for Saratoga Hospital with total signage for the site at 234 square feet, requesting relief of 114 square feet on the property located at 665 Route 9, Wilton, New York 12831, Tax Map No. 140.-3-34, zoned H-1 in the Town of Wilton.

Mr. Kolligian stated that he was a member of the Board at the Saratoga Hospital and that he has to recuse himself from the vote and discussion of the appeal.

Mr. Kolligian read a letter from Michael Valentine, Senior Planner for the Saratoga County Planning Board, "Area Variance – Saratoga Hospital. Three attached signs, 32 sq. ft. Total overall signage (attached and detached/monument) allowed is 120 sq. ft. Total signage proposed for site is 234 square feet. Relief sought is 114 sq. ft. NYS Route 9, west side, north of Northern Pines Rd. (CR#34). Received from the Town of Wilton Zoning Board of Appeals on July 10, 2017. Reviewed by the Saratoga County Planning Board on July 20, 2017. Decision: No Significant Countywide or Intercommunity Impact."

Mr. Tom Wheeler of AJ Signs approached the Board for an area variance for signage. Mr. Wheeler stated Saratoga Hospital is leasing the retail space on the ground floor. They are doing so with three different practices. Mr. Wheeler would like to put three different signs up on the building to identify the three different practices. He states that it will be easier for people to know where the practices are located. They have designed something that fits in with the building and isn't too big or flashy; they are keeping the Saratoga Hospital brand and standards. He said directionally this is what they are going for.

Mr. Kingsley asked if the ground floor will have three distinct retail parcels or will all the common walls be knocked down to create one giant space.

Mr. Marshall, property manager for Saratoga Hospital, said there are three practices on the first floor. Mr. Barrett asked if there are separate entrances for each practice. Mr. Marshall said there are two entrances for the three practices. Mr. Marshall said if you walk into the first floor there is a small vestibule; if you go to your left there is Endocrinology, or if you go to the right you have Women's Primary Care and Midwifery and Gynecology Care. Mr. Kingsley asked if number 3 on the diagram (Midwifery and Gynecology Care) will have its own entrance. Mr. Marshall said Women's Care and Midwifery will share an entrance.

Mr. Barrett asked, from the exterior of the building, if they will share one entrance. Mr. Mykins said that from the front there is one entrance and there is one entrance at the rear; both of those entrances service the whole facility of all three practices. Mr. Barrett asked if the signage above the doors in the front will direct patients to the door they need to go in. Mr. Mykins said that either door will take them to the same place. Mr. Barrett said that his only concern is this signage is in the Hamlet District and he doesn't know about increasing the signage right off the bat. He said excessive signage is something they are trying to avoid in the Hamlet District. He stated that is why there are restrictions on it. Mr. Barrett said that was his only concern.

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Mr. Marshall asked if the Board saw the picture with all the signage on it. Mr. Marshall said, that given the size of the building, it is hard to pick out the locations of the practices the way that signage is laid out right now. He stated they are pretty large signs. Mr. Marshall said that he was concerned that their patients won't be able to recognize where they are supposed to go. Mr. Wheeler asked if this was all retail space. Mr. Marshall stated it was all retail space. Mr. Wheeler stated there is no additional signage that will go on the building.

Mr. Zabala said he had a question with the sign and the brick work at the top of the drawing it says "Park Place" is that a new addition or is that existing. Mr. Deloria said that is the sign that is already there. Mr. Barrett said we allowed that one a few months ago. Mr. Marshall said that identifies the residential space. Mr. Zabala said that he understood and that he recognized the logo done was Saratoga Hospital. Mr. Zabala asked if this sign is similar to what is at the main Saratoga Hospital or other satellite locations. Mr. Wheeler said it was similar to Exit 12, Exit 15, and the main hospital.

Mr. Kingsley asked, as a function of the code, how this appeal is different than the situation which the Board had a few months back, where an applicant came in and wanted a sign for a business that didn't have a direct entrance. Mr. Mykins answered the difference is there are walls because there are treatment rooms. He said all three of these practices are all identified in the same footprint, the same leased area. They are different practices under the same name; they are all Saratoga Hospital. Mr. Mykins said the Target Pharmacy branding could stay on the Target building because it is all the Target store and a Target Pharmacy.

Mr. Zabala said just as an observation, the speed limit he believes is 40 miles per hour on that section of the road. Mr. Mykins said it is 45 mph. Mr. Zabala said what that means is that people are usually 10 miles over the limit. He continued if someone was trying to identify or turn into this business; they have to deal with traffic moving at that speed while they are looking for and get into the facility so having good signage is a good idea. Mr. Zabala said this is a health care facility, he wouldn't want an accident to occur if people are looking and trying to identify the building and not keeping their eyes on traffic. He said senior citizens sometime go there and people who aren't feeling well; people are all trying to get into this facility. Mr. Zabala wanted to make that as an observation, as the Board is making a decision, this is a health care facility for the benefit of the community. He said, irrespective of other commercial standards, he thinks this is something that deserves a well-reasoned look, if this is going to be approved; it has a benefit that outweighs that from other commercial businesses.

Mr. Deloria asked if Saratoga Hospital will be taking all the commercial space on the bottom floor. Mr. Marshall answered yes and that you will not have 20 stores coming in asking for signs. Mr. Barrett said the only reason you are asking for relief is Saratoga Hospital is taking up the whole floor. He stated if there are three separate businesses in the front, would each business be entitled to their own sign. Mr. Mykins said that is correct, if each business had their own entrance. Mr. Barrett stated that it would be the same amount of signage, if it is three separate businesses or one with three signs. Mr.

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Deloria said if you look at the picture there are two doorways for three signs. He said Number 3 does not have a direct entrance way into it. Mr. Barrett stated actually it doesn't at the end. Mr. Deloria agreed and said the end or middle door can be used. Mr. Barrett said his point is if it was three separate businesses like a coffee shop, a barber shop, and a nail salon or restaurant, they would each be entitled to a sign and they would all have a sign above the door. He continued the only difference is that this is one entity renting all the spaces and they want a sign above each door. Mr. Barrett stated that it isn't less signage, it is signage for the same tenant. Mr. Mykins said that is correct.

Mr. Liska, the adjacent neighbor at 661 Route 9, asked if this is additional to the signs they already have up. He was confused as to where the signs are going. Mr. Wheeler said these three signs are on the building. Mr. Mykins said they will be attached to the building, facing the road. Mr. Liska said that was his only concern. Mr. Foehser said that reading the plan they are not illuminated which means there is not an exterior light hitting them. Mr. Mykins said he thought those three doctors' offices are practices that will not be opened at night. Mr. Marshall said that was correct.

Mr. Kingsley said since this is leased space, at some point in the future, if Saratoga Hospital changes location, whoever leases that out would have, by this variance, the right to put three signs up. Mr. Mykins said not necessarily. Mr. Barrett said only if they leased the whole first floor. Mr. Mykins agreed. Mr. Barrett said he wanted to mention that if three separate businesses, they would be entitled to their own signs which would probably end up bigger than the ones that are there, since each business would be allowed so many square feet. Mr. Foehser said that this is a bit cleaner than if it was broken up into five businesses down the road. Attorney Schachner said actually less signage. Mr. Barrett agreed.

Mr. Foehser asked would this variance carry on to an additional tenant; would it be an approval for the building itself. Mr. Mykins said that a new tenant would have to come in, still do a sign permit and it would have to be looked at again. Mr. Barrett said that each tenant would be allowed 120 square feet, so that is 360 square feet but they are only asking for 234 square feet. Mr. Mykins corrected that is total signage. Mr. Barrett asked what each tenant would be allowed.

Mr. Mykins said one detached sign is allowed with 60 square feet per side and a total of 120 square feet total signage. He continued no wall signage would be allowed if they max out on their detached signage.

Mr. Foehser said "if the tenant consolidates businesses there or do something else, right now we are looking at it as you are taking up the whole area there, but if you decide you are going to move the Women's Care practice out of there or combine it to another side of the wing, and it opens up the side wing, are we still going to allow the three signs there?" Mr. Mykins said the one sign wouldn't be needed anymore; if the tenant combines two practices, they wouldn't need the extra sign. Mr. Mykins added that it wouldn't make sense to advertise it, if the practice wasn't there. Mr. Foehser stated at that point, the tenant could put in another entrance.

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Mr. Kolligian asked if there were any other questions. There were none.

Mr. Zabala made a motion to approve the request for Area Variance pursuant to Section 129-181 B., (2), (b), [2] for three attached signs for Saratoga Hospital with total signage for the site at 234 square feet, requesting relief of 114 square feet on the 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 the color and the character of the signs fit in with the design of the building as well as the commercial properties in 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 signs will help make patients and public aware of the existence of the medical facility as well as the location of doctors and practices within the building. 3. The applicant has demonstrated that the requested Area Variance are not substantial because the signs need to be large enough to be seen from the road and they do not overwhelm the façade or the character of the building. 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 signs will relieve confusion as to the location of the doctors' offices and this is beneficial to the patrons and the public at large. 5. The applicant has demonstrated that the alleged difficulty is self-created.

Mr. Foehser seconded the motion. Mr. Barrett, Mr. Deloria, Mr. Foehser, Mr. Kingsley, Mr. Sabanos, and Mr. Zabala were in favor. Mr. Kolligian recused.

**APPEAL NO. 2017-19** Saratoga Sports Club, 175 Ballston Avenue, Saratoga Springs, New York 12866. Request for an Area Variance, pursuant to Schedule E RB-1 Residential Business District One, Clubs/Lodges are an allowed use under the following zoning required is 50.00 feet side yard setback, the applicant has 31.70 on the east side of the proposed structure, the amount of relief requested is 18.30 feet on the property located at 4254 Route 50, Saratoga Springs, New York 12866, Tax Map No. 141.-2-83, zoned RB-1 in the Town of Wilton.

Mr. Kolligian read a correspondence from Michael Valentine, Senior Planner for Saratoga County Planning Board, "Convert existing single family residence into a club for baseball training and batting practice. Correction of amendment to initial area variance requested and granted for side yard setback relief on eastside of proposed structure (relief of 18.30' needed to meet 50' setback requirement). NYS Route 50. Received from the Town of Wilton Zoning Board of Appeals on July 10, 2017. Reviewed by the Saratoga County Planning Board on July 20, 2017. Decision: Approve. Comment: It is well to reiterate that as noted in past correspondences related to the area variance before the town ZBA and the Planning Board's site plan review, and contrary to wording on Page 2 of the submitted July 11, 2017 "Application for an Area Variance," there is being granted or inferred no approval for "a practice baseball field."

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Mr. Ernie Gailor, representative for Saratoga Sports Club, said that after they got the initial approval, they based all their information on a survey they had. He said Saratoga Sports Club went out to get the survey updated, they found the building was not where it was said to be initially. He said what happened is, it looked like the original survey, the building was facing the street, what we found was that isn't true. He pointed at the new survey showing where the building is actually placed. He said they are looking for a side yard setback of 31.7' which is a little more into the side yard than originally proposed. Mr. Foehser asked if it was a correction over what was approved because of the updated survey. Mr. Barrett said yes it was. Mr. Kolligian asked if there were any questions from the Board.

Mr. Deloria said that the original survey that they had titled as "Around the Horn Baseball, LLC" at 4254 Route 50 and there is something different on the new survey they are showing. Mr. Deloria said when he Googled "Around the Horn Baseball" it looks to me like it is a franchise of baseball camps and clinics and that they are for profit based on what they charge. Mr. McArthur said that "Around the Horn Baseball" is the LLC of current existing and Slugger's Den is a DBA of the cages and stuff. He said this has been done for the Saratoga Sports Club. Mr. McArthur said that he purchased the property for the club to be able to have a place for all the kids. He said he has a place on Ballston Ave. that is Around the Horn Baseball and Slugger's Den is that DBA. He stated that is where he has original monies where he made the purchase. Mr. Deloria said that clarified things but on the application it says not-for-profit and it was just a little confusing.

Mr. Kolligian asked if there were any other questions for the Board. Mr. Kolligian asked Attorney Schachner if he had to inject what the original relief was. Attorney Schachner said he did not. Mr. Kolligian asked if someone would like to make a motion.

Mr. Sabanos made a motion to approve the Area Variance pursuant to Schedule E RB-1 Residential Business District One, Clubs/Lodges for a side yard setback relief of 18.30 feet on the property located at 4254 Route 50, Saratoga Springs, New York 12866, Tax Map No. 141.-2-83, zoned RB-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 building will still appear as a single family 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 Area Variance because the property is of limited dimensions and the building is already there on the property. 3. The applicant has demonstrated that the requested Area Variance are not substantial because it is the minimum required for that proposed specific use. 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 site will sustain limited additional development. 5. The applicant has demonstrated that the alleged difficulty is not self-created because the site is a limited size and only minimal modification is required for the proposed use.

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

**ADJOURNMENT:**

Mr. Kingsley made a motion to adjourn at 7:51pm. Mr. Deloria seconded the motion. All board members were in favor. The motion passed.

Dated: August 25, 2017

**BOARD OF APPEALS**

BY Lisa Muller

**Lisa Muller, Zoning Clerk**

BY Dean Kolligian Sr

**Dean Kolligian, Acting Chairman**