

**WILTON ZONING BOARD OF APPEALS
THURSDAY, September 24, 2020**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, September 24, 2020 via a ZOOM webinar and was called to order by Vice Chairman Ramsdill at 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Vice Chairman Christopher Ramsdill, Jim Deloria, Scott Kingsley, Gerard Zabala, Jay Rifembary, 1st Alternate, and Christian Clark, 2nd Alternate. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, Lisa Closson, Zoning Clerk, and Joshua Carlsson, ZOOM Meeting Coordinator.

ABSENT: Chairman O'Brien, Robert Barrett, and Dean Kolligian.

MINUTES: The minutes of the last meeting, held on August 27, 2020, were amended to strike the statement "Mr. Barrett explained", and to include "Mr. Barrett made a motion", as submitted, on a motion made by Mr. Kingsley, seconded by Mr. Rifembary. Mr. Ramsdill recused himself from the vote. All other board members present were in favor. The motion passed.

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

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

SUP NO. 2006-39 Kimberly and Randall Ramsey, 332 Gurn Springs Road, Gansevoort, New York 12831. Request for the extension of a Special Use 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 Use Permit originally granted on September 28, 2008 for a period of two years, and continuously granted every two years since, is due for review and extension on or before September 28, 2020.

Mr. Ramsdill asked if anyone was present to represent Mr. and Mrs. Ramsey. There was no one present at this time. Mr. Ramsdill tabled this Special Use Permit until the end of the meeting to give the applicants a chance to sign on to the Zoom call.

OLD BUSINESS:

None

Wilton Zoning Board of Appeals
Regular Meeting September 24, 2020

NEW BUSINESS:

Appeal NO. 2020-26 BRR Architecture, for Walmart, 8131 Metcalf Avenue, Overland Park, Kansas 66204. Request for Sign Variances, pursuant to §129-181 B. (2) (a) and (b), and §129-181 C. (1), of the Zoning Ordinance; property located at 16 Old Gick Road, Saratoga Springs, New York 12866, Tax Map No. 153.-3-110, zoned C-1, in the Town of Wilton.

Mr. Kingsley recused himself from Appeal No. 2020-26. Mr. Ramsdill read correspondence from SCPB, then asked who was a present to represent this appeal. Michelle Yoder with BRR Architecture was there to represent Walmart for their signage variance. Ms. Yoder explained that they are proposing to add signage to the existing on-line grocery pick-up canopy. She explained that the canopy serves as a parking spot for all on-line grocery pick-up patron orders, and the signs that they are proposing are for informational and way finding purposes.

Mr. Ramsdill asked if the clearance signs are included in the three proposed signs. Mr. Mykins responded that the clearance signs are informational only, and no logo.

Mr. Ramsdill asked if anyone on the board had any questions. Mr. Rifenburg asked about the purpose of adding the signs and if there were any present issues with the parking?

Mr. Ramsdill asked if the proposed sign location is in the back rear of the building on the right where it isn't easily visible from the main entrance. Ms. Yoder confirmed. Mr. Deloria asked for clarification on Zoning Ordinance which allows for two signs, and they have 18 existing now, are there 16 that are grandfathered now? Mr. Mykins confirmed, and explained that they are cleaning up the whole site. Mr. Zabala explained that he sees the proposed signs as a safety issue. Mr. Mykins explained that the clearance signs are not an issue and is not included in the variance. Clearance and directional signage without logo is never figured into the signage calculation, but the grocery pick up signs are. Discussion continued between Mr. Mykins and Mr. Ramsdill.

Mr. Ramsdill opened and closed the public hearing at 7:12 p.m. due to lack of public comment.

Mr. Zabala made a motion to approve Appeal No. 2020-26, BRR Architecture, for Walmart, 8131 Metcalf Avenue, Overland Park, Kansas 66204. Request for Area Variances for signage, pursuant to §129-181 B. 2. (a), (b), and C (1), of the Zoning Ordinance; property located at 16 Old Gick Road, Saratoga Springs, New York 12866, Tax Map No. 153.-3-110, zoned C-1 in the Town of Wilton, be granted in the amount of relief of 19 attached signs as well as relief of 349.68 sq. ft. of attached signage; property located at 16 Old Gick Road, zoned C-1 in the Town of Wilton, 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 proposed lettering to be installed on the canopy will be used for directional and height clearance information 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 total square footage of signage is already the maximum allowed amount of 350 sq.ft. 3. The applicant has demonstrated that the requested Area Variances are substantial because it is almost 100% over what is initially allowed. 4. The applicant has demonstrated that the

Wilton Zoning Board of Appeals
Regular Meeting September 24, 2020

requested Area Variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district because it only consist of adhering white lettering to the parking canopy, no construction will be allowed in the addition of these signs, and the addition of the signs will increase the smooth flow of traffic from the parking area into the zones where pick up of the products is allowed. 5. The applicant has demonstrated that the alleged difficulty is self-created. Mr. Deloria seconded the motion. A Roll call showed all board members were in favor. The Motion passed.

Appeal NO. 2020-27 Jeff Erwin, 16 Old Deer Camp Road, Saratoga Springs, New York 12866. Request for an Area Variance, pursuant to §129-157 and Schedule A, R-1 District, of the Zoning Ordinance; property located at 16 Old Deer Camp Road, Saratoga Springs, New York 12866, Tax Map No. 153.7-1-15, zoned R-1, in the Town of Wilton.

Mr. Ramsdill addressed Mr. Erwin and asked him to explain what he is proposing to do. Mr. Erwin explained that the appeal is for a setback that is not enough at the present time for a 17 year old building that is already existing. Mr. Ramsdill asked Mr. Erwin about the two sheds that were put up, and asked if he wasn't aware that they required permits? Mr. Erwin confirmed. Discussion continued between Mr. Ramsdill, Mr. Erwin, and Mr. Mykins. Mr. Rifembary asked how it was made aware that there was an issue? Mr. Mykins stated that the building department received a complaint from another neighbor who was required to get a permit to put up a shed, and to resolve the issue, they asked Mr. Erwin to map everything out and show the building of the sheds and apply for the permit, and found out that he was five feet off the line. Discussion continued between Mr. Ramsdill, Mr. Zabala, Mr. Rifembary, Mr. Mykins, and Mr. Erwin regarding the size and placement of shed number one.

Mr. Ramsdill opened the public hearing at 7:21 p.m. and closed it at 7:22 p.m. due to lack of public comment.

Mr. Deloria made a motion to approve Appeal No. 2020-27, Jeffery Erwin, 16 Old Deer Camp Road, Saratoga Springs, New York 12866. Request for an Area Variance pursuant to §129-157 and Schedule A, R-1 District, of the Zoning Ordinance; property located at 16 Old Deer Camp Road, Saratoga Springs, New York 12866, Tax Map No. 153.7-1-15, zoned R-1 in the Town of Wilton, be granted in the amount of north side setback relief of 20 ft. for shed number 1; property located at 16 Old Deer Camp Road, zoned R-1 in the Town of Wilton, 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 matches the house, it is the same color, siding and material. 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 shed is already in place, and has been there since 2003. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it is already in place and it benefits the land owner and does not have an undesirable impact on the community. 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 of the quality of construction and it adapts to the existing property. 5. The applicant has demonstrated that the alleged difficulty is self-created.

Wilton Zoning Board of Appeals
Regular Meeting September 24, 2020

Mr. Rifenbary seconded the motion. A Roll call showed all board members were in favor. The Motion passed.

Appeal NO. 2020-28 Saratoga Motorcycle Center, 4284 Route 50, Saratoga Springs, New York 12866. Request for an Area Variance for Signage, pursuant to §129-181 (2), (b), [3], of the Zoning Ordinance; property located at 4284 Route 50, Saratoga Springs, New York 12866, Tax Map No. 141.-2-12.2, zoned RB-1, in the Town of Wilton.

Mr. Ramsdill recused himself from Appeal No. 2020-28. Mr. Kingsley read correspondence from SCPB, and asked who was present to represent the Saratoga Motorcycle center. Roger Goldsmith was present to represent himself. He explained that he would like to place a sign 15 ft. from the property line, and was surprised that he had to go through this because it was approved on the site plan almost a year ago, and that he has to appear before this board for a variance on something that he thought was already approved. He explained he could not achieve the 30 ft. setback because it would put the sign right in his driveway. The 15 ft. setback is complimentary to the curve, much further back than his two neighbors signs, one which is 3 ft. from the property line, and the other about ten feet back from their property line. Mr. Zabala asked about illumination of the sign at night, and Mr. Goldsmith explained it would be ground illumination.

Mr. Kingsley opened the public hearing at 7:28 p.m. and closed it at 7:29 p.m. due to lack of public comment. Discussion occurred between Mr. Rifenbary, Mr. Mykins, and Mr. Schachner about Town and County Planning Boards.

Mr. Zabala made a motion to approve Appeal No. 2020-28, RG Lakeside, LLC, 10 Poe Road, Saratoga Springs, New York 12866. Request for Area Variance for signage, pursuant to §129-181 (2), (b), [3], of the Zoning Ordinance; property located at 4284 Route 50, Saratoga Springs, New York 12866, Tax Map No. 141.-2-12.2, zoned RB-1 in the Town of Wilton, be granted in the amount of relief of 15 ft. front setback for a detached sign; property located at 4284 Route 50, zoned RB-1 in the Town of Wilton, 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 neighboring signs are within 10 feet or less of their property line. 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 of the size of the lot, where the building is located in regards to the property line, and there is limited area between the property line and driveway. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it still allows plenty of property space between the sign and the property line. 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 sign is on a commercial property located between two other commercial properties. Also, there are other commercial properties in the area. 5. The applicant has demonstrated that the alleged difficulty is self-created because they are requesting this variance to comply with the Town Zoning Code. Mr. Rifenbary seconded the motion. A Roll call showed all other board members were in favor. The Motion passed.

Wilton Zoning Board of Appeals
Regular Meeting September 24, 2020

Appeal NO. 2020-29 Vision Planning Consultants, for Peter Arena, PO Box 442, Newtonville, New York 12128. Request for an Area Variance pursuant to §129-157 B. of the Zoning Ordinance; property located at 15 Cherry Tree Lane, Gansevoort, New York 12831, Tax Map No. 114.19-1-21, zoned R-1, in the Town of Wilton.

Mr. Ramsdill asked if Mr. Arena or a representative was present. Ted DeLucia, with Vision Planning Consultants, was present to represent. Mr. DeLucia explained they were there due to the fact of the installation of an in ground 18' x 36' pool that had been installed slightly in violation on the left side yard setback. He further explained that the Arena's were issued a permit on May 28, 2020, and installation began some months after that, and that they believe it came to knowledge that there was a red tag, and the inspector must have gotten a complaint regarding the pump system that was being installed. He continued to explain that was what the violation was in the side yard setback, but there was concern upon the excavation of the pool, and had an updated survey done which also resulted in the pool being slightly in violation. He also stated there was a stockade fence on the property that looked like it was on the property line. Mr. Rifembary asked if this was an oversight, was there discussion when this was being dug and happening and making sure the setback was appropriate? Mr. DeLucia explained it was subcontracted out, and it was a rotation of the pool that changed slightly. Mr. Ramsdill stated that by the drawing submitted, the stockade fence was not running on the property line. Discussion continued between Mr. DeLucia, Mr. Ramsdill, Mr. Rifembary, Mr. Deloria, and Mr. Mykins regarding the fence, the permit, and the knowledge of the pool pump placement. Mr. Zabala asked Mr. Mykins if cards have been sent out and if there were any negative responses, and Mr. Mykins explained that every applicant has to mail out certified return receipt letters to each property owner surrounding them. The clerk answered the negative responses question with no.

Mr. Ramsdill opened and closed the public hearing at 7:43 p.m. due to lack of public comment.

Mr. Kingsley made a motion to approve Appeal No. 2020-29, Vision Planning Consultants, for Peter Arena, PO Box 442, Newtonville, New York, 12128. Request for an Area Variance pursuant to §129-157 B., of the Zoning Ordinance; property located at 15 Cherry Tree Lane, Gansevoort, New York 12831, Tax Map No. 114.19-1-21, zoned R-1 in the Town of Wilton, be granted in the amount of north side setback relief of 5.30 ft.; property located at 15 Cherry Tree Lane, zoned R-1 in the Town of Wilton, 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 pool is already in place, it can't be seen by the neighboring properties, and the minimal setback. 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 pool is already in the ground. It was a subcontractor error, and to fix it would require the pool to be dug up at considerable expense to the applicant. 3. The applicant has demonstrated that the requested Area Variance is not substantial because only the north side corner of the pool is 5.30 ft. into the setback. 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 a

Wilton Zoning Board of Appeals
Regular Meeting September 24, 2020

minimal reduction of the setback and the pool is already in place. 5. The applicant has demonstrated that the alleged difficulty was not self-created because this was subcontractor error and not the fault of the applicant. Mr. Rifenburg seconded the motion. A Roll call showed all board members were in favor. The Motion passed.

SUP NO. 2006-39 Kimberly and Randall Ramsey, 332 Gurn Springs Road, Gansevoort, New York 12831. Request for the extension of a Special Use 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 Use Permit originally granted on September 28, 2008 for a period of two years, and continuously granted every two years since, is due for review and extension on or before September 28, 2020.

SUP No. 2006-39 was tabled to the end of the meeting. Mr. Ramsdill asked if anyone was present to represent the Ramsey's. No one was present at that time. Discussion between the Board, Mr. Schachner, and Mr. Mykins about extending the Special Use Permit and if there were any concerns transpired.

Mr. Kingsley made a motion to extend SUP NO. 2006-39, Kimberly and Randall Ramsey, 332 Gurn Springs Road, Gansevoort, New York 12831, until October 31, 2020. Mr. Zabala seconded the motion. All Board members were in favor. The Motion passed.

DISCUSSION:

November/December Combined ZBA Meeting Dates:

-Deadline Date of Tuesday, November 3, 2020, at noon, and set meeting date for Thursday, November 19, 2020.

-Deadline Date of Tuesday, November 24, 2020, at noon, and set meeting date for Thursday, December 10, 2020.

The Board discussed the November/December combined meeting dates. Mr. Kingsley made a motion to accept the Deadline Date of Tuesday, November 3, 2020, at noon, and set meeting date for Thursday, November 19, 2020. Mr. Deloria seconded the motion. The Motion passed.

Upon completion of the Agenda, there was discussion on subcontractor error.

Adjournment:

Mr. Kingsley made a motion to adjourn. Mr. Rifenburg seconded the motion. All board members were in favor. The meeting was adjourned at 9:12 p.m.

Wilton Zoning Board of Appeals
Regular Meeting September 24, 2020

Dated: September 25, 2020

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Christopher Ramsdill, Vice Chairman