



TOWN OF WILTON
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PLANNING BOARD

William Rice,
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Harold VanEarden,
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Michael G. Dobis
Ron Slone
David Gabay
Brett Hebner
Jeffrey Hurt
David Catalfamo &
Michael Coleman
Alternates

Amy DiLeone
Executive Secretary
Ryan K. Riper, P.E.
Director of Planning &
Engineering
Mark Schachner
Planning Board Counsel

PLANNING BOARD

July 21, 2021

A meeting of the Wilton Planning Board ("the Board") occurred on July 21, 2021, at the Wilton Town Hall, 22 Traver Road, Wilton, New York.

PLEDGE OF ALLEGIANCE

I. CALL TO ORDER

II. REGULAR MEETING:

PRESENT: Chairman William Rice, Michael Dobis, Ron Slone, David Gabay, Brett Hebner; Ryan K. Riper, P.E., Director of Planning and Engineering, Mark Schachner, Planning Board Counsel, Josh Carlsson, Land Use Administrator, and Amy DiLeone, Executive Secretary

ABSENT: Jeffrey Hurt, Hal Van Earden, Michael Coleman and Dave Catalfamo, Alternates

Chairman Rice: I would like to call the meeting to order. Well, it's been a long time, but we are back live, after a year and a half.

MINUTES APPROVAL: Mr. Slone made a motion seconded by Mr. Gabay for the approval of the meeting minutes of June 16, 2021, as written. Ayes: Chairman Rice, Mr. Dobis, Mr. Hebner

CORRESPONDENCE: None other than that relating to current applications before the Board.

III. APPLICATIONS:

A. Target - Solar Roof: EnterSolar, LLC: Pre-Application by EnterSolar, LLC to set a Public Hearing for Target - Solar Roof for Special Use Permit and Amended Site Plan for the installation of a solar photovoltaic system on the rooftop of Target's distribution center. Property located at/on 129 North Rd on 131.26 acre(s), Tax Map No(s). 115.-1-44; zoned I-1.

Michael Bandler and James Holloway, the project manager, are here representing EnterSolar for Target.

Mr. Blander: We're pleased to have the opportunity to have this Pre-Application meeting to request approval of a Special Use Permit and an Amended Site Plan. We are proposing a five-megawatt AC Roof Mounted solar photovoltaic system installed at the Target Corp. Distribution Center, located at 129 North Road in the Town of Wilton. The property is 131 acres in size and zoned I-1. We believe that the site is an excellent candidate for a solar project and provides significant environmental benefits such as sustainability and carbon reduction, increase overall resiliency, and facilities for New York's broader renewable energy goals. EnterSolar is a leading provider of distributed solar and storage solutions for the commercial market. EnterSolar was founded in 2006, is based in New York City, with regional offices and personnel across the country. Their solar mission is to facilitate the rapid transition from fossil fuels to renewable energy by making it easy and economical for US corporations who adopt solar and storage solutions. This year EnterSolar was acquired by EDF Renewable North America, which broadens our in-house capabilities to deliver energy storage and electric vehicle charging technologies. Deployment of solar in the midst of a technological grid in many ways, it upgrades to electricity distribution infrastructure, reduces line losses, reduces stresses during peak periods, and reduces in grid congestion.

Chairman Rice asks why they are not going to put the panels on the entire roof.

Mr. Holloway: The size of the project. When it lines up with the utility and the laws in your state, sometimes we cannot go that big without making two services. I believe that is what is going on here. The power from this system will go first into the building then into the grid.

Mr. Riper, Town Engineer addresses his comments to the Board.

Mr. Riper: There are not a lot of site improvements with this project, it is mostly on the roof. They have some utilities that are going to be mounted to the ground adjacent to the building. One thing that I did not see looking through the application is part of our requirements, during the review of the solar is the height above the roof. We have a maximum height do you know what that height is?

Mr. Holloway: Typically, with a rooftop system, depending on which system we use, we will not get any higher than 12-18 inches off the roof or it will become a kite on top of the roof.

Mr. Gabay Has a concern of fire mitigation.

Mr. Holloway: Each township has it listed in their fire codes. We have diagrams for exactly how firemen should proceed in case there is a fire in the actual system. It is based upon your codes.

The emergency services will also be notified, and the fire department will visit the site before a Certificate of Compliance is issued.

The Public Hearing for a Special Use Permit is set for Wednesday September 15, 2021, at 6:30pm.

B. Verizon Wireless "McGregor Golf" Telecommunications Facility: Cellco Partnership d/b/a Verizon Wireless: Application by Cellco Partnership d/b/a Verizon Wireless for Recommendation to ZBA for Verizon Wireless "McGregor Golf" Telecommunications Facility for use and area variances for a proposed telecommunications facility to include a 120' tall (124' w/ lighting rod) monopole and related telecommunication equipment within a fence compound. Property located at/on 240 Northern Pines Rd on 22.8 acre(s), Tax Map No(s). 127.-2-38.112; zoned R-1.

Dave Brennan, Law Firm of Young/Sommer, Sara Colman, Airosmith Development, and Rick Andras a Verizon Wireless Radio Frequency or RF Engineer are present for Verizon Wireless.

General Site Statistics:

Mr. Brennan:

- Good evening ladies and gentlemen. My name is Dave Brennan with the Law Firm of Young/Sommer out of Albany and with me tonight is Sara Colman with Airosmith Site Development out of the City of Saratoga, and Rick Andras a Verizon Wireless Radio frequency or RF Engineer. We are here for a proposed 120-foot telecommunications power to be located on 240 Northern Pines Road, owned by Wilton Water and Sewer Authority.
- The only structure on the property is a maintenance garage.
- What we are attempting to do by placing a tower in this location is while there is some existing Verizon Wireless coverage in this area of the community, it originates from sites either outside of the community or on the periphery.
- We are serving this area from the outside at a distance. Those sites which have worked in some capacity over time, are not sustaining the amount of growth in population in this area, and they are not providing reliable service. That existing service will continue to deteriorate over time.
- For tonight's purposes we acknowledge that we have applied to the Zoning Board for a Use Variance, Special Use Permit, and for Area Variances.
- There is a backup generator proposed to keep this site on air. if the power goes out for an extended period, due to the proximity of the wetlands, it is proposed to be fueled by a stand-alone propane tank.
- We do have a noise analysis letter in the application materials showing that at the property line I think it was 42 decibels. And at the nearest house, it is 36 decibels, which is quieter than I am speaking right now.
- A profile view of the tower, it is 120 feet tall to the top of the steel that puts the antennas at a 116-foot center line height. At the top, there is a little stub of a of a lightning rod. If you really want to see what it looks like go down the Northway and just south of exit 14 there is an apple orchard and there is a monopole there.
- We are identifying other sites in Town that need improvement of cell service coverage.

Chairman Rice asks Mr. Brennan for a timeline. Mr. Brennan says the build period is probably for March or April of 2022 and possibly another application for a Route 9 location in December of 2021.

- Attorney Schachner explains the SEQRA process for seeking Lead Agency with no action being taken by the ZBA until Lead Agency has been determined.
- Mr. Dobis makes a motion to seek Lead Agency, seconded by Mr. Slone. All were in favor.
- The options of the balloon fly are explained and discussed.
- Mr. Dobis inquired about the fall zone of the tower. Mr. Brennan explains the process and that there are videos available on YouTube.
- The tower will be built with the capability of hosting three more carriers.

On a motion introduced by Mr. Slone, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby grant a favorable recommendation to the Zoning Board of Appeals for the Application by Celco Partnership d/b/a Verizon Wireless for Verizon Wireless "McGregor Golf" Telecommunications Facility for use and area variances for a proposed telecommunications facility to include a 120' tall (124' w/ lighting rod) monopole and related telecommunication equipment within a fence compound. Property located at/on 240 Northern Pines Rd on 22.8 acre(s), Tax Map No(s). 127.-2-38.112; zoned R-1.

The motion is seconded by Mr. Gabay and duly put to vote, on July 21, 2021.

AYES: Chairman William Rice, Michael G. Dobis, Ron Slone, Dave Gabay

NOES: Brett Hebner

Mr. Hebner: I have a ton of questions. I will save them the SEQRA discussion in the interest of moving the agenda along. I do not believe you meet either the test in the Rosenberg relief, and I have serious concerns about the health of my neighbors and the proximity to their homes. I am opposed to this.

Attorney Schachner: I just want to point out for the Board's information that I think Brett mentioned, three concerns, two that are within your purview to discuss at the time of SEQRA review. But the health effects one is a Federal Statute called the Telecommunications Act, the Federal Statute will conclude any ability this board will have during SEQRA review, to count negative health impacts against the application and assuming the applicant meets the industry standard and very few do not, but that is preempted by the fact that particular concern you mentioned is preempted by the Federal Statute.

D. Edie Rd/Scout Rd Conservation Subdivision: B&D Properties, LLC: Pre-Application by B&D Properties, LLC for Edie Rd/Scout Rd Conservation Subdivision for conservation subdivision creating 18 single family lots. Property located at/on Edie Rd/Scout Rd on 44.07 acre(s), Tax Map No(s). 128.-1-2; zoned R-2.

Dave Ingalls of Ingalls & Associates, LLP is here as owner and applicant for Edie/Scout Road Conservation Subdivision for B&D Properties, LLC.

General Site Statistics:

Mr. Ingalls:

- I am Dave Ingalls of Ingalls and Associates. We put together the engineering plans on behalf of the applicant B&D properties, which I am also a member of the B&D Properties, LLC the applicant. We had a pre application meeting at the Town. We met some staff Chairman Rice was present at the meeting. We just went through some of the higher points of the project before we made the official application.
- This will be a Conservation Subdivision.
- The project is located on Edie Road, both proposed entrances are on Edie Road, Scout Road comes out to Edie Road, Petty's Sawmill is on the corner and Interstate 87 is in the rear.
- The parcel is approximately 44 acres, and in the R-2 residential zoning district.
- We are showing the 100-foot Northway Corridor District Buffer to the rear.

- We did a wetland delineation on the property. The main wetlands are about 2.4 acres the others are approximately .85 acres totaling about 3.5 acres. This would reduce our buildable area to about 40 acres.
- There will be 18 Lots on well and septic
- We have conducted 11 test pits with the Department of Health. The groundwater was anywhere from greater than 8 ft. to 4 ft. at the lower elevations. We have not downloaded all the information yet, but it looks like groundwater is pretty much constant across the site.
- We met with Kevin Kenyon from the D.O.H. and he said, according to his regulations, everything would support the on-site septic.
- Test wells will have to be done.
- Potential connection to Scout Road is about 1,000ft. that is not feasible at this point.
- We met with the Highway Superintendent on site, and he said he would prefer if they could make the connection to Scout Road. We agreed to further evaluate it.

Test pits were questioned by Mr. Dobis because of the high-water table. Mr. Ingalls said they were taking this into consideration.

Mr. Dobis raised concerns about the gun club being across the street and potential buyers being made aware. Mr. Ingalls suggested several ways the situation could be addressed.

Mr. Slone does not believe the Planning Board should be involved with asking applicants to put clauses in purchase contracts to notify buyers.

There will be no action on this application tonight.

E. Forest Grove Conservation Subdivision: Forest Grove, LLC: Application by Forest Grove, LLC for Final 90-Day Extension for Forest Grove Conservation Subdivision for an Amended Subdivision Plan with a total of 321-lots. Property located at/on Jones Road (to the north) and near Putnam Lane on 565 acre(s), Tax Map No(s). 141.-1-25, 28, 29; 128.-1-69, 71.22, 87; 141.-2-2, 3, 4.2; 140.16-3-1 thru 6; and 140.12-3-1 thru 11 & 99; zoned R-2.

Joe Dannible of EDP and Peter Belmonte of Forest Grove, LLC are present for Forest Grove Conservation Subdivision.

Mr. Dannible gave an update on the status of the Forest Grove Subdivision Phase 1A.

The Kirkpatrick's (Fish's) and Mr. Belmonte agreed to meet in September or October to discuss landscape/buffering (screening) for the Kirkpatrick's (Fish's) property.

The Board agreed to grant the final 90-day extension for Forest Grove Conservation Subdivision.

On a motion introduced by Mr. Gabay, the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wilton Planning Board has approved the Application by Forest Grove, LLC for Final 90-Day Extension for Forest Grove Conservation Subdivision for Amended Subdivision Plan with a total of 321-lots. Property located at/on Jones Road (to the north) and near Putnam Lane on 565 acre(s), Tax Map No(s). 141.-1-25, 28, 29; 128.-1-69, 71.22, 87; 141.-2-2, 3, 4.2; 140.16-3-1 thru 6; and 140.12-3-1 thru 11 & 99; zoned R-2. There are no new or different environmental impacts requiring further SEQRA review.

The motion is seconded by Mr. Dobis and duly put to vote, all in favor, on July 21, 2021.

F. Discussion Item:

Discussion regarding the proposed Transfer of Development Rights (TDR) from a parcel of land on Ruggles Road to the Forest Grove Conservation Subdivision

Transfer of Development Rights (TDR) is a zoning technique used to permanently protect land with conservation value (such as farmland, community open space, or other natural or cultural resources) by redirecting development that would otherwise occur on this land (the sending area, Ruggles Road) to an area planned to accommodate growth and development (the receiving area, Forest Grove Conservation Subdivision).

Mr. Belmonte would like to do a Transfer of Development Rights with an 80-acre parcel of land located on Ruggles Road and transfer the density that is allowed on that parcel (30-lots) into the Forest Grove Conservation Subdivision:

- This 80-acre parcel located on Ruggles Road is *surrounded* by Town owned land, totaling 160± acres, and New York state owned land, totaling 250± acres. This is a 410± acres tract of *existing* preserved open space.
- By taking the density that is allowed on Ruggles Road (30-lots) and transferring it into the Forest Grove Subdivision, the 80-acres on Ruggles Road would remain preserved open space.
- This Transfer of Development Rights would create a 500± acre tract of land that would be preserved open space. Forest Grove Subdivision a 321-lot cluster subdivision, would transfer the density of the 30-lots from Ruggles Road into the Forest Grove Subdivision.

The Town of Wilton does not have the legislation for Transfer of Development Rights in place. Therefore, the legislative language would have to be created and then adopted by the Town Board.

NOW, THEREFORE, BE IT RESOLVED on a motion by Mr. Gabay that the meeting of the Planning Board be adjourned at 8:28p.m. The motion is seconded by Mr. Hebner and duly put to vote, all in favor on this day July 21, 2021.

Date Approved September 15, 2021.

Amy DiLeone
Executive Secretary