



TOWN OF WILTON
22 TRAVER ROAD
WILTON, NY 12831-9127
(518) 587-1939

PLANNING BOARD
October 21, 2020

Amy Dileone
Executive Secretary

Ryan K. Riper, P.E.
Director of Planning
& Engineering

Mark Schachner
Planning Board
Counsel

PLANNING BOARD

Michael G. Dobis,
Chairman

Harold VanEarden,
Vice Chairman

William Rice

Ron Slone

David Gabay

Brett Hebner

Jeffrey Hurt

David Catalfamo &
Michael Coleman
Alternate

A meeting of the Wilton Planning Board (“the Board”) occurred on October 21, 2020 via Zoom due to public health and safety concerns related to COVID-19, in accordance with the Governor’s Executive Order 202.1.

PLEDGE OF ALLEGIANCE
CALL TO ORDER:

At 6:37 p.m., Chairman Dobis opens the Public Hearing.

I. PUBLIC HEARING:

A. Lumens Holdings 3, LLC:Wilton Solar Array #1 (Sherman Road) & Solar Array #2 (King Road) Application for Wilton Solar Array #1 (Sherman Road) & Solar Array #2 (King Road) by Lumens Holdings 3, LLC for Subdivision & Site Plan for two (2) 5.0 MW ground-mounted solar arrays submitted under the NY-Sun Incentive program. Property located at/on Sherman Road/King Road on 59± acre(s), Tax Map No(s). 128.-1-36.2 & 129.-1-129; zoned R-2.

The following Notice of Public Hearing was advertised in the Saratogian Newspaper:

PLEASE TAKE NOTE that the Planning Board for the Town of Wilton will hold a **PUBLIC HEARING** for a proposed Subdivision and Site Plan by Lumens Holdings 3 LLC, for a proposed project consisting of a 5.0 MW ground-mounted solar array submitted under NY-Sun Incentive program. Property located on Sherman Road, on 31 acres, Tax Map No. 128.-1-36.2; zoned R-2.

SAID HEARING will be held on Wednesday October 21, 2020 at 6:30PM via Zoom due to the public health and safety concerns related to COVID-19, in accordance with the Governor’s Executive Order 202.1. At that time, all persons will be given a chance to be heard. Please visit <https://townofwilton.com/> for more information and instructions on attending the meeting.

PLEASE TAKE NOTE that the Planning Board for the Town of Wilton will hold a **PUBLIC HEARING** for a proposed Subdivision and Site Plan for Wilton Solar Array Two (King Road) by Eco Vue for a proposed project of 5.0 MW ground-mounted solar array submitted under NY-Sun Incentive program. Property located on King Road/Sherman Road, on 28 acres, Tax Map No's. 128.-1-36.2 and 129.-1-29; zoned R-2

BY RESOLUTION of the Planning Board for the Town of Wilton, Saratoga County, State of NY **SAID HEARING** will be held on Wednesday, October 21, 2020 at 6:30 PM via Zoom due to the public health and safety concerns related to COVID-19, in accordance with the Governor's Executive Order 202.1. At that time, all persons will be given a chance to be heard. Please visit <https://townofwilton.com/> for more information and instructions on attending the meeting.

BY RESOLUTION of the Planning Board for the Town of Wilton, Saratoga County, State of New York.

Kent Randall, Eco Vue Consulting Services, Frank Ruffolo, Lumens Holdings 3 LLC, Nicholas Vamvas, The Chazen Companies, Peter Mcauliffe and John McDonough, Omni Navitas Holdings LLC are present to represent Wilton Solar Array #1 (Sherman Road) and Wilton Solar Array #2 (King Road).

General site statistics:

- There are two separate 5.0 MW ground-mounted solar array projects submitted under NY-Sun Incentive program.
- The project will be on two separate parcels through the subdivision process and will also include a lot line adjustment.
- Both projects needed Area Variances for frontage.
- The applicant is proposing to subdivide a 54.24 acre lot into two parcels lot one at 31.01 acres and lot two at 27.97 acres then incorporate 129.-1-29 into lot two for the creation of two 5 megawatt solar arrays.
- Area variances for the subdivision were granted by the ZBA on 7/23/2020.
- Special Use Permits were approved by the Planning Board on 9/16/2020.
- A negative declaration for SEQRA was granted by the Planning Board on 9/16/2020.
- The details of the Site Plan will include: the solar array, stormwater management, wetlands that will require buffering, and the letter from DEC dated 10/21/2020.
- The letter from DEC dated October 21, 2020 expressed concern of the Karner blue butterflies and Blanding turtles' habitats may be affected by the project. The applicant may be required to obtain an Incidental Take permit.

Public Comment:

- An email was sent by Patricia Brennan, who lives east of the entrance on King Rd. with concerns about the following:
 1. What are the logging hours? Town Code noise ordinance hours are 7:00a.m.- 9:00p.m.
 2. Will there be screening between her property and the new road? Yes, there will be screening along the road and most of the vegetation will remain.
 3. Where will the collection units (transformers) be? In the middle of the array, well away from any of the neighboring properties.
 4. Is there a traffic study? There was no traffic study. There will be no traffic after construction is completed.
 5. When will construction begin? Probably in April and it will take about 6 months.

Chairman Dobis asked if there were any other questions or comments. There are none.

Ron Slone made a motion to close the Public Hearing at 6:52 p.m. seconded by Bill Rice.

I. REGULAR MEETING:

PRESENT: Chairman Michael Dobis, Harold VanEarden, Dave Gabay, Bill Rice, Ron Slone, and Michael Coleman, Alternate; 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: Jeff Hurt, Brett Hebner, and Dave Catalfamo

MINUTES APPROVAL: Hal Van Earden moves, seconded by Dave Gabay for the approval of the meeting minutes of September 16, 2020 as written. Ayes: Chairman Dobis, Hal VanEarden, Ron Slone, Dave Gabay, and Michael Coleman Alternate

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

II. APPLICATIONS:

A. Lumens Holdings 3, LLC:Wilton Solar Array #1 (Sherman Road) & Solar Array #2 (King Road) Application for Wilton Solar Array #1 (Sherman Road) & Solar Array #2 (King Road) by Lumens Holdings 3, LLC for Subdivision & Site Plan for two (2) 5.0 MW ground-mounted solar arrays submitted under the NY-Sun Incentive program. Property located at/on Sherman Road/King Road on 59± acre(s), Tax Map No(s). 128.-1-36.2 & 129.-1-129; zoned R-2.

Kent Randall, Eco Vue Consulting Services, Frank Ruffolo, Lumens Holdings 3 LLC, Nicholas Vamvas, The Chazen Companies, Peter Mcauliffe and John McDonough, Omni Navitas Holdings LLC are present to represent Wilton Solar Array #1 (Sherman Road) and Wilton Solar Array #2 (King Road).

- They received comments OPHRP and they have no issues.
- A response letter was provided to the Town Engineer, Ryan Riper.
- Explained the letter they received from DEC.

Mr. Riper addresses the items in his review letter to the Board.

- Mr. Riper called DEC to see if DEC had any concerns on the Town granting final approval conditioned on the letter that was received on October 21, 2020. DEC said that would be appropriate.
- Decommissioning plan and survey amount need to be reviewed and approved by Town Counsel
- SWPPP document needs to be updated and reviewed.

Chairman Dobis asked if there were any other questions or comments. There are none.

Motion introduced by Bill Rice; the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby grant the Application for Wilton Solar Array #1 (Sherman Road) & Solar Array #2 (King Road) by Lumens Holdings 3, LLC for Preliminary Subdivision for two (2) 5.0 MW ground-mounted solar arrays submitted under the NY-Sun Incentive program. Property located at/on Sherman Road/King Road on 59± acre(s), Tax Map No(s). 128.-1-36.2 & 129.-1-129; zoned R-2.

The motion is seconded by Michael Coleman and duly put to vote, all in favor, on October 21, 2020.

Motion introduced by Bill Rice; the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby grant the Application for Wilton Solar Array #1 (Sherman Road) & Solar Array #2 (King Road) by Lumens Holdings 3, LLC for Preliminary Site Plan for two (2) 5.0 MW ground-mounted solar arrays submitted under the NY-Sun Incentive program. Conditioned upon the Town Engineer, Ryan Riper's review letter dated October 15, 2020 Property located at/on Sherman Road/King Road on 59± acre(s), Tax Map No(s). 128.-1-36.2 & 129.-1-129; zoned R-2.

The motion is seconded by Ron Slone and duly put to vote, all in favor, on October 21, 2020.

Motion introduced by Bill Rice; the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby grant the Application for Wilton Solar Array #1 (Sherman Road) & Solar Array #2 (King Road) by Lumens Holdings 3, LLC for Final Subdivision for two (2) 5.0 MW ground-mounted solar arrays submitted under the NY-Sun Incentive program. Property located at/on Sherman Road/King Road on 59± acre(s), Tax Map No(s). 128.-1-36.2 & 129.-1-129; zoned R-2. There are no new or different environmental impacts requiring further SEQRA review.

The motion is seconded by Hal VanEarden and duly put to vote, all in favor, on October 21, 2020.

Motion introduced by Bill Rice; the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby grant the Application for Wilton Solar Array #1 (Sherman Road) & Solar Array #2 (King Road) by Lumens Holdings 3, LLC for Final Site Plan by Lumens Holdings 3 LLC, for Wilton Solar Array #1 (Sherman Road) for a proposed project consisting of a 5.0 MW ground-mounted solar array submitted under NY-Sun Incentive program. Conditioned upon the Town Engineer, Ryan Riper's review letter dated October 15, 2020 and DEC's letter dated October 21, 2020. Property located on 59± acre(s), Tax Map No(s). 128.-1-36.2 & 129.-1-129; zoned R-2. There are no new of different environmental impacts requiring further SEQRA review.

The motion is seconded by Dave Gabay and duly put to vote, all in favor, on October 21, 2020.

B. Louis P. Faraone: Seasoned Gourmet Firewood - Exit 15N Application by Louis P. Faraone for Recommendation to ZBA for Seasoned Gourmet Firewood - Exit 15N for area variances for front pad storage on Tax Map Nos. 141.-2-54, 141.-1-6 and a portion of 141.-1-31.1 and setback relief to re-build structure on the lands of Faraone leased from Tooker, Tax Map No. 141.-1-31.1. Property located at/on 4226 Route 50 on 13.33 acre(s), Tax Map No(s). 141.-2-66, 141.-1-6, 141.-2-54, 141.-1-33 and a portion of 141.-1-31.1; zoned RB-1.

Justin Grassi of Saratoga Law is here on behalf of Louis P. Faraone for Gourmet Seasoned Firewood.

General site statistics:

- They are here for a recommendation to the ZBA for the variances sought.
- There are multiple area variances on the property from 2008.
- One of the variances allowed the storage of product within 3 ft. of the front setback line.

- Lou Faraone acquired several additional parcels and has been utilizing them for the same purpose.
- The variances do not merge with the newly acquired properties which limits the ability to store product on them.
- They are seeking variances that are consistent with the variances approved in 2008.
- The other variance being sought is to rebuild a pre-existing non-conforming pole barn structure that was destroyed by a tornado.
- Set the Public Hearing for Subdivision and Site Plan for November 18, 2020.
- Planning Board would like a clean Site Plan for the next submission.

Mr. Riper addresses the items in his review letter to the Board.

Discussion and explanation of variances between the Board and Attorney Grassi.

Chairman Dobis asked if there were any other questions or comments. There are none.

Motion introduced by Bill Rice; the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board gives a positive recommendation for Louis P. Faraone for Seasoned Gourmet Firewood - Exit 15N for area variances for front pad storage on Tax Map Nos. 141.-2-54, 141.-1-6 and a portion of 141.-1-31.1 and setback relief to re-build a structure on the lands leased from Tooker, Tax Map No. 141.-1-31.1. Property located at/on 4226 Route 50 on 13.33 acre(s), Tax Map No(s). 141.-2-66, 141.-1-6, 141.-2-54, 141.-1-33 and a portion of 141.-1-31.1; zoned RB-1.

The motion is seconded by Michael Coleman and duly put to vote, all in favor, on October 21, 2020.

C. R/H Route 50, LLC: Wilton Plaza Application by R/H Route 50, LLC for SEQRA Declaration for Wilton Plaza for installing two (2) 10-yard capacity trash bins and two (2) 8-yard capacity recycling bins and eliminating the connection road between R/H Route 50, LLC and the Wilton Mall. Property located at/on 3057 Route 50 on 4.07 acre(s), Tax Map No(s). 153.-3-117; zoned C-1.

John Nigro applicant, John Lapper applicant's attorney, Gregg Ursprung, project engineer from Bergmen Engineering, Mark Nadolny, project traffic engineer from Creighton Manning are present to represent R/H Route 50, LLC., and John Nigro.

- Discussion of placement and number of dumpsters.
- In 2009 the original site plan approval was for two (2) dumpsters not for (4) that they have currently.
- The applicant is proposing to increase the number of dumpsters and expand the location of the originally approved dumpster pad and enclosure.
- Planning Board is not in favor of location of the dumpsters.
- The connector road must be decided before the placement of the dumpsters can be decided.
- All Board members are in favor of the requirement from 2009 for the connector road to be installed.
- Discussion of the traffic study and the traffic within the Wilton Plaza.
- Chairman Dobis asked the applicant to come back in with a new plan for the dumpsters and to work with the Town Engineer to try and resolve the issues.
- Attorney Lapper agreed and said he would work with the Town Engineer to try and resolve the issues.

REMOVED at the applicants' request

D. Wilton Mall, LLC: Wilton Mall Discussion regarding the removal of the construction and maintenance of the Proposed Road Connection between R/H Route 50, LLC and the Wilton Mall, that was originally a condition of final approvals of the Hospital project, including without limitation issuance of a certificate of occupancy.

E. John Cole: Cole's Collision Application by John Cole for Amended Site Plan for Cole's Collision for eliminating the 10' D x 15'W x 8'H masonry dumpster enclosure from the original approved plans. Property located at/on 601 Maple Avenue on 8.13 acre(s), Tax Map No(s). 153.-1-15.111; zoned CR-1.

Dave Kimmer of ABD Engineering and Josh Jewett of Cole's Collision are present to represent Cole's Collision. John Cole of Cole's Collision is also present.

- Application to amend the Site Plan that was approved last year.
- They would like to eliminate the masonry dumpster enclosure that was proposed to sit on a concrete pad at the rear of the site.
- The dumpster pad, bollards, 6 ft high solid vinyl fence, and screening trees along the edge of where the dumpster is will remain.
- The removal of the enclosure would be a cost saving measure and it would make the operations of the site more convenient.
- Cole's has five locations and one of the locations has a dumpster enclosure.
- The waste management consistently knock the dumpster into the brick wall, and it has been rebuilt four or five times in five years.
- The entire site is fenced, and the dumpster will not be visible.
- The main gates in the front are opened in the morning and closed at the end of business.
- Dumpster enclosures are part of the Town standard details. The Board should be aware of setting a precedence.
- Discussion of visual impact of surrounding properties and future development.
- Board approves the elimination of the masonry dumpster enclosure based upon the fact the dumpster will be screened by the site fence at the perimeter on each of the side yards.

On a motion introduced by Ron Slone the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby grant the Application by John Cole for Amended Site Plan for Cole's Collision for eliminating the 10' D x 15'W x 8'H masonry dumpster enclosure from the original approved plans. Property located at/on 601 Maple Avenue on 8.13 acre(s), Tax Map No(s). 153.-1-15.111; zoned CR-1. There are no new of different environmental impacts requiring further SEQRA review.

The motion is seconded by Bill Rice and duly put to vote, all in favor, on October 21, 2020.

On a motion introduced by Hal VanEarden the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the meeting of the Planning Board be adjourned at 9:15p.m. The motion is seconded by Ron Slone and duly put to vote, all in favor on this day October 21, 2020.

Date Approved November 18, 2020
Amy DiLeone
Executive Secretary