

**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY October 24, 2024**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, October 24, 2024, at Wilton Town Hall and was called to order by Chairman O'Brien at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT:** Chairman O'Brien, Vice Chairman Christopher Ramsdill, Nicholas Collins, Scott Duffy, Christopher Iwinski, Scott Kingsley, and Jay Rifenbary Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, John Herlihy, Code Enforcement Officer, and Lisa Closson, Zoning Clerk.

**ABSENT:** Andrew Bobbitt, 1<sup>st</sup> alternate, and Scott Dussault, 2<sup>nd</sup> alternate.

**MINUTES:** The minutes of the last meeting, held on September 26, 2024, were approved, as submitted, on a motion made by Mr. Rifenbary, seconded by Mr. Kingsley. All 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. 2001-40** Olan Aldrich and Janice Orozco-Bravo, 286 Loudon Road, Saratoga Springs, New York 12866. Request for an extension of a Special Use Permit for an accessory apartment, pursuant to §129-176 (P) (1), (2), and (3)(c); property located at 286 Loudon Road, Tax Map No. 154.-1-23, zoned R-2. Special Permit originally granted on December 4, 2001 for a period of two years on a temporary basis to resolve a personal hardship, continually extended is due for review and extension on or before December 4, 2024.

No one was present for SUP2001-40. This Special Use Permit has been tabled until the next meeting to be held November 21, 2024.

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**SUP NO. 2009-20** Douglas Dockendorf, 640 Wilton Gansevoort Road, Gansevoort, New York 12831. Request for an extension of a Special Use Permit pursuant to 129 Schedule B and §129-176 C of the Zoning Ordinance for a home occupation as a home office for a 1-888 Chuck It business; property located at 640 Wilton Gansevoort Road, Tax Map No. 101.20-1-22, zoned R-2, in the Town of Wilton. SUP No. 2009-20 originally granted on December 2, 2009 for a period of two years with no overnight parking of commercial vehicles and continually extended, is due for review and extension on or before December 2, 2024.

No one was present for SUP2009-20. This Special Use Permit has been tabled until the next meeting to be held November 21, 2024.

**OLD BUSINESS:**

**Appeal No. 2024-06** Quaker Springs PV I, LLC, 200 Portland Street, 5<sup>th</sup> Floor, Boston, Massachusetts, 02114. Request for a Use Variance pursuant to Schedule B, R-2 District of the Zoning Ordinance; properties located on Jones Road and Perry Road, Saratoga Springs, New York, 12866, Tax Map Nos.' 140.-2-6.12 and 140.-2-55, zoned R-2, in the Town of Wilton.

**\*The public hearing has been left open from the March 28, 2024 ZBA meeting.**

Appeal No. 2024-06 was heard after Appeal 2024-20.

**NEW BUSINESS:**

**Appeal No. 2024-20** Jeffery Baier, 5 Pineknoll Drive, Saratoga Springs, NY 12866. Request for an Area Variance pursuant to Schedule A, R-1 District of the Zoning Ordinance; property located at 5 Pineknoll Drive, Saratoga Springs, NY 12866, Tax Map No. 153.15-1-7, zoned R-1 in the Town of Wilton.

Jeffery Baier, 5 Pineknoll Drive, was present and explained his project to the Board. There was discussion about the layout of the applicants property.

Mr. O'Brien opened and closed the public hearing at 7:05 p.m. due to lack of public comment.

Mr. Ramsdill made a motion to approve Appeal No. 2024-20, Jeffery Baier, 5 Pineknoll Drive, Saratoga Springs, NY 12866. Request for an Area Variance pursuant to Schedule A, R-1 District of the Zoning Ordinance; property located at 5 Pineknoll Drive, Saratoga Springs, NY 12866, Tax Map No. 153.15-1-7, zoned R-1 in the Town of Wilton, be granted, for 16.80 ft. front yard setback relief, for a proposed breezeway and garage; property located at 5 Pineknoll Drive, Saratoga Springs, NY 12866, Tax Map No. 153.15-1-7, 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 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's an appealing looking garage, it will improve the view from

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the cul de sac, and have minimal impact related to the fact that the pre-existing, non-conforming placement of the house is actually closer to the street than the garage will be. 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 home is pre-existing, non-conforming, closer than the setback, so the garage and breezeway will be slightly further back than the home, and the applicant has a significant grade drop off to the rear of his house that would require a tremendous amount of fill to move back on the property. 3. The applicant has demonstrated that the requested Area Variance is not substantial because the existing home will be closer to the road in the cul de sac than the placement of the 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 other homes have garages, it would be consistent with the neighborhood, and the actual raising of the level of the ground will be an improvement to the environmental conditions because of the substantial run off that the applicant described as obvious when you look at the location of the current driveway and the pitch from the cul de sac. 5. The applicant has demonstrated that the alleged difficulty was self-created.

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

Mr. O'Brien recused himself from the meeting. Appeal 2024-06 was heard next.

**Appeal No. 2024-06** Quaker Springs PV I, LLC, 200 Portland Street, 5<sup>th</sup> Floor, Boston, Massachusetts, 02114. Request for a Use Variance pursuant to Schedule B, R-2 District of the Zoning Ordinance; properties located on Jones Road and Perry Road, Saratoga Springs, New York, 12866, Tax Map Nos.' 140.-2-6.12 and 140.-2-55, zoned R-2, in the Town of Wilton.

The public hearing has been left open from the March 28, 2024 ZBA meeting.

Mr. Ramsdill read correspondence from Ed Kokoski, 7 Knollwood Drive which has been placed in record.

Kyle Murphy with Quaker Springs was present. He explained they have received feedback from the fire department regarding the site plan which has been placed in record. He then commented on a concern of the remote disconnect switch from the last meeting regarding if it would de-energize all the wires in the system. He shared his research.

Mr. Murphy pointed out that the crossing has already been utilized for non agricultural purposes, mainly the billboards and the natural gas pipeline.

Mr. Rifenburg asked if the pipeline was on the property and also asked if there is any history of other solar farm properties that are along residential areas. Mr. Murphy discussed a Massachusetts project with Mr. Rifenburg.

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Mr. Kingsley asked if anything was submitted to the building department in writing from an electrical engineer regarding the project. Mr. Murphy said he did the research. Mr. Rifembary explained there should be more substantial justification and credibility with representatives.

Mr. Kingsley spoke of the ring road going around the proposed project and the Town's Comprehensive Plan to use that area for a potential Exit 15 A ramp. There was discussion on the potential exit, the project, and representatives for proper education on the project.

Mr. Ramsdill read the concerns from Maple Ave. Fire Departments correspondence to Kyle Murphy.

'Kyle, After viewing your project, the fire department has come up with the following list of concerns.

-Access to the site is limited to a passive rail road crossing.

-The fire department would like to see the road loop around the entire project allowing emergency personnel to travel 360 degrees around the site. This will also allow the fire department to set up defensive operations in between the solar field and the neighboring residential homes should there ever be a fire related incident. Having a maintained access road around the entire exterior perimeter would also act as a fire line should a brush/grass fire ever occur from the solar field area' and this was sent by Zachary King, Assistant Chief, Greenfield Fire District, Company #4.

Mr. Ramsdill opened public comment at 7:27 p.m.

Mr. Kokoski spoke of the example he had submitted regarding a fire at Spier Falls Dam from high voltage electrical equipment, and to picture it next to their neighborhood. He also submitted correspondence on how this project does not comply with the Town's solar law. He then spoke of the correspondence from the fire department. He likes the fact that they came up with protecting the neighborhood, but they would have to sign off on the project.

Bob Marchillo said that they (the applicant) will have to take down trees to put a loop around so a fire truck can get in, and right now can think of four trees from the other side that have fallen onto his property. They are like match sticks along with dry leaves, all that is needed is a spark.

Mr. Ramsdill closed public comment at 7:34 p.m. The public hearing has been left open.

Mr. Ramsdill asked if there has been any discussion about the screening proposed with the lessee of the Billboards on one of the parcels on this application. Discussion continued regarding this.

Mr. Ramsdill asked when the company is selling the energy, it is not being sold directly to any residents, the company (applicant) sells to a company that distributes it? Mr. Murphy said that is one way it could happen then spoke of ESFA (Expanded Solar for All) and SSFA (Solar Solutions for All). Discussion continued.

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Mr. Duffy said that he thinks that all understand where this power goes, it is ultimately for profit, and the reason they (the applicant) did not choose another location is because it was more expensive. He then spoke of property values and mitigation.

Mr. Iwinski mentioned discussion from the last meeting regarding the type of shut off switch it would be because a push button switch from a gas station was submitted. He knows they (the Board and citizens) are asking a lot of questions and would like get them answered.

Mr. Collins addressed Mr. Murphy regarding having someone from an engineer firm or professional status actually answering the questions to give them (the Board) some peace of mind on making an educated decision. If this was being built on a piece of property that was zoned appropriately, they (the Board) would not be going through these steps. Now this has to be evaluated.

**Adjournment:**

Mr. Rifenburg made a motion to adjourn. Mr. Iwinski seconded the motion. All Board members present were in favor. The meeting was adjourned at 7:58 p.m.

**Dated: October 25, 2024**

**BOARD OF APPEALS**

**BY** \_\_\_\_\_

**Lisa Closson, Zoning Clerk**

**SUP2001-40, SUP2009-20,**

**BY** \_\_\_\_\_

**and Appeal 2024-20**

**Joseph O'Brien, Chairman**

**Appeal 2024-06**

**By** \_\_\_\_\_

**Christopher Ramsdill, Vice Chairman**