

**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY, March 28, 2024**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, March 28, 2024, at Wilton Town Hall and was called to order by Vice Chairman Ramsdill at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT:** Vice Chairman Christopher Ramsdill, Nicholas Collins, Scott Kingsley, Amanda Pelfrey, Christopher Iwinski, 1<sup>st</sup> Alternate, and Andrew Bobbitt, 2<sup>nd</sup> Alternate. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

**ABSENT:** Chairman O'Brien, Scott Duffy, and Jay Rifenburg.

**MINUTES:** The minutes of the last meeting, held on February 22, 2024, were approved, as submitted, on a motion made by Mr. Collins, seconded by Mr. Iwinski. 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\*

**OLD BUSINESS:**

**Appeal No. 2023-02** David Leman, for Dale Charbonneau, 184 Phila Street, Saratoga Springs, New York, 12866. Request for an Area Variance pursuant to Schedule E, RB-1 District, of the Zoning Ordinance; property located at 4205 Route 50, Saratoga Springs, New York, 12866, Tax Map No. 141.-1-8, zoned RB-1, in the Town of Wilton.

**\*Tabled pending submission of additional information.**

**\*\*Deemed withdrawn if no new information is submitted by March 25, 2024.**

There has been no new information submitted. Appeal No. 2023-02 has been deemed withdrawn.

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**NEW BUSINESS:**

**Appeal No. 2024-07** James Marco, Jr., 5 Overlook Drive, Gansevoort, New York, 12831. Request for an Area Variance pursuant to §129-157, and Schedule A, R-1 District of the Zoning Ordinance; property located at 5 Overlook Drive, Gansevoort, New York, 12831, Tax Map No. 128.13-4-7, zoned R-1, in the Town of Wilton.

James Marco, 5 Overlook Drive, presented his project to the Board. Mr. Marco explained his house was built 1.5 ft. from the setback line, so even the original stairs were intruding into the setback. There was discussion about existing decks in the neighborhood and screening.

Mr. Ramsdill opened and closed the public hearing at 7:03 p.m. due to lack of public comment.

Mr. Collins made a motion to approve Appeal No. 2024-07, James Marco, 5 Overlook Drive, Gansevoort, New York, 12831. Request for an Area Variance pursuant to §129-157, and Schedule A, R-1 District of the Zoning Ordinance; property located at 5 Overlook Drive, Gansevoort, New York, 12831, Tax Map No. 128.13-4-7, zoned R-1, in the Town of Wilton, be granted, for 11.80 ft. rear yard setback relief, for a proposed deck; property located at 5 Overlook Drive, Gansevoort, New York, 12831, Tax Map No. 128.13-4-7, 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 three adjacent homes all have decks on the rear of their structures and there is screening of trees. 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 was originally built 1.2 ft. from the setback line. 3. The applicant has demonstrated that the requested Area Variance is substantial, but the home was built so close to the setback 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 three adjacent properties all have decks. 5. The applicant has demonstrated that the alleged difficulty was self created.

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

**Appeal No. 2024-08** Erik and Meghan Schiemann, 2 Daffodil Drive, Saratoga Springs, New York, 12866. Request for an Area Variance pursuant to §129-157, and Schedule B, R-2 District of the Zoning Ordinance; property located at 2 Daffodil Drive, Saratoga Springs, New York, 12866. Tax Map No. 154.3-3-20, zoned R-2, in the Town of Wilton.

Erik Schiemann, 2 Daffodil Drive, and Ben Nathan with Design Build, presented the project to the Board. There was discussion about a previous pool variance, the existing layout of the property, and addressing drainage on the HOA land abutting the south side of the property in Saratoga Springs.

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Mr. Ramsdill opened and closed the public hearing at 7:10 p.m. due to lack of public comment.

Mr. Iwinski made a motion to approve Appeal No. 2024-08, Erik and Meghan Schiemann, 2 Daffodil Drive, Saratoga Springs, New York, 12866. Request for an Area Variance pursuant to §129-157, and Schedule B, R-2 District of the Zoning Ordinance; property located at 2 Daffodil Drive, Saratoga Springs, New York, 12866, Tax Map No. 154.3-3-20, zoned R-2, in the Town of Wilton, be granted, conditioned on the placement of the garage being surveyed, and both a swale being constructed along the property line and gutters installed to divert water away from the adjacent property to the south for 19 ft. south side yard setback relief, for a proposed detached garage; property located at 2 Daffodil Drive, Saratoga Springs, New York, 12866. Tax Map No. 154.3-3-20, zoned R-2, 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 trees can buffer the view from the street. Additionally, the space between the garage and open space will provide a buffer between neighboring homes on the south 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 the placement of the home, existing pool and site layout do not lend themselves well to alternative placement of the structure. 3. The applicant has demonstrated that the requested Area Variance is substantial because it is 99.5 percent relief requested. 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 existing conditions on the lot. 5. The applicant has demonstrated that the alleged difficulty was self-created.

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

**Appeal No. 2024-05** Quaker Springs PV I, LLC, 200 Portland Street, 5<sup>th</sup> Floor, Boston, Massachusetts, 02114. Request for an Interpretation of the Determination of the Code Enforcer; 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.

Mr. Ramsdill read correspondence from Tamara and Chuck Wilson, 34 Knollwood Drive, expressing they are against the solar farm and sharing a link about a hailstorm damaging a solar farm in Texas, another piece from Knollwood Neighbors expressing they are against the solar farm, and another piece of correspondence from Ed Kokoski, 7 Knollwood Drive, sharing an email dialogue with Ian Latimer from NYSERDA. All three have been placed in record.

Kyle Murphy with Quaker Springs and Alicia Legland representing Quaker Springs from Hodgson Russ Attorneys were present. Ms. Legland explained they are seeking an interpretation that this project (solar farm) is a public utility.

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There was discussion of the updated definition of public utility in Town Code which reads:

**PUBLIC UTILITY** A company of one or more persons or corporations or authorities operating an agency or agencies for public service, which are subject to the jurisdiction, supervision, and regulations of the New York State Public Service Commission. Not to include, for the purposes of this chapter, telecommunication towers and large-scale solar arrays which are defined separately.

\* Large-scale solar arrays Tier 3 and Tier 4, are specifically defined under Chapter 108 of The Code of the Town of Wilton, New York ("Town Code").

Ms. Legland explained that's just texturally out of the zoning code. Then there's an entire body of case law in New York State that says solar projects are public utilities. And that's why, secondarily, this is considered a public utility use. We've provided in our submission, but there's plenty of cases, and we've been involved in several that were successful. There's an emerging body of case law, at this point now, it's been a couple of years, that a solar project, renewable projects, are considered public utilities for land use and zoning purposes.

Mr. Ramsdill questioned if this information should be used in the Use Variance rather than stating them here for the Interpretation. Ms. Legland explained that if there is ambiguity in the code, it is interpreted in favor of the applicant. She stated when they started the application there was ambiguity in the code. Discussion continued on Cases that were submitted by the applicant.

Ms. Legland explained the alternative, if the Zoning Board upholds the Determination of the Zoning Enforcement Officer, they will seek that use variance and, our second point is that use variances in New York State are reviewed based under a public utility variance standard. And it's two things; is the use a public utility, and do they meet the standard? So public utilities, have been held numerous times in New York State to be considered public utilities, basically is three factors that the case law has indicated. The service that they provide is essential. Electricity is essential. Nobody's arguing it. We have state mandates that the state needs to meet renewable energy mandates, and we haven't met them yet. We have a lot of work to do. So that's one and it's also safe, clean energy. So it's absolutely essential. No one's arguing that electricity isn't essential. The second is it regulated? Is it under some measure of regulation, yes, all solar projects are regulated by the Public Service Commission, interconnection rules, all of those things. Third being are their logistical constraints and getting the product, electricity, to end users. Yes, you have to go through the grid, you have to interconnect. There's, no other way to do it, other than to go through the interconnection process, which is a beast in and of itself. There's also logistical constraints in siting. You cannot put a solar project anywhere, you cannot find a better site in the town, there's usually only one, maybe, it has to be close to interconnection facilities, it has to be big enough, it has to be flat enough, there can't be too many wetlands and be too many trees. It's a very arduous process to find the right spot for solar.

Mr. Ramsdill asked if they had looked at other sites. Ms. Legland answered that this has been a years long process to find this one. You know, they are very few and far between. You have to start at like a 10,000 foot level, where in the utility system is their capacity.

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Okay, there's capacity in this general area, where in this general area is their land available? There's only a couple of parcels in these few towns. Do those towns allow solar? Yeah, they allow solar, at the time they did. So it's pre your solar code and everything else. You know, is that property big enough? Is it flat enough, are there too many trees? And then it narrows, narrows, and narrows, and you get like one. Okay, is that landowner willing to lease it to us? Are they going to sell it? If not, then we don't have any solar projects. So it's very difficult to find the solar projects and logistical constraints of siting a project are significant.

Mr. Ramsdill said he could think of a couple of sites and wondered if there were any they could comment on.

Mr. Murphy said, just to speak a bit to the electrical infrastructure in the town, because we're connecting to a distribution feeder off of the Smith bridge substation, which is, you know, Saratoga Road. And basically, there's three distribution feeders that come off of that, but the substation itself, that has, you know, capacity for us to plug in these solar systems to, so it's with projects at any spot along any one of those three feeders, and it all flows back to the substation, and basically, the majority of the residential, and the majority of the town is between Saratoga Road and the interstate. And that's also where the majority of the distribution infrastructure is. So there's very little distribution infrastructure, you know, east of 87. And then there's the mountain and the forest to the east, which is not developable land. So we believe that the site is a good spot for a project because it's one of the very, very few parcels in town that's large enough with the geography to host the system, and also has the distribution infrastructure right there. And it's outside of the heart of the town between Saratoga Road and 87. That'll still be able to allow the project to power all the homes on Knollwood Drive and also be able to go back in between those two.

Mr. Ramsdill made mention of the comment on Smith Bridge Road and that there is a site that is relatively flat opposite Smith Bridge Road on Route 9 (Saratoga Road). He also mentioned property by the mall. Ms. Legland explained they have to find a willing landowner, they already have a lease, and only so much wiggle room after that when they put the resources into developing. Mr. Murphy spoke about the mall area close to the highway that would probably bring land values that are higher than what we're getting on this parcel just because of its specific location. And there's less uses for the parcels that we're using than the commercial properties you mentioned by the mall, for example, especially being close to the interstate as well. Not to mention just the existing commercial real estate that's already there. It's just those kind of projects, commercial zone, for shopping malls and stuff and not necessarily for solar. It'll bring the land higher, it would just be more expensive.

Mr. Kinglsey asked the applicant if they are saying the Code Enforcement Officers interpretation of the code is incorrect or that Town Code is in contradiction with state regulations. Ms. Legland explained it is not state regulation, the application was submitted before there was a change to the definition of public utility and was based on what was existing when they submitted their application. Discussion continued.

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Mr. Ramsdill asked if this (interpretation) is something the applicants want to move forward with based on the way the definition (of public utility) is now. Ms. Legland said either way...they have to get a use variance, that the next step is the same. Discussion continued. Ms. Legland asked the Board to rule on the Interpretation and go forward from there.

Mr. Ramsdill opened the public hearing at 7:44 p.m., asking for comments on whether or not Mr. Mykins' determination is correct.

Ed Kokoski, 7 Knollwood Drive, explained that for a company from Boston that is building solar facilities for profit, and if they don't build one in Wilton, they can build it elsewhere. It does not impact their business, that they do not have to build in Wilton. They are not forced to do extensive searches. That there must be other towns that don't have any solar because they can not find suitable places in the town.

Brian Guadagno, 8 Buchanan Drive, said that it seems like there is no point of public comment at this time. Mr. Ramsdill said it is always your choice if you want to make a public comment or not.

Paul Kelly, 27 Cobble Hill Drive, wanted to address a small nuance in that law regarding how you interpret a public utility to the extent that public utility definition is on the table. Case Law cited by counsel in their brief, referred to a case down by New York City, I think was Westchester County. And that handled with the utilities, but the crux of the matter in that case was a huge nuclear power plant that was necessary to power millions of people in New York City. And I think that for whatever that's worth in determining the effect, and the exceptions in the law for a public utility, and how they can be applied to the local areas, could also be considered within the definition of public utility for our town and our purposes.

Paul Coneski, 1 Knollwood Drive, shared that the IRS in 2022 ruled that Solar facilities are not public utilities. Mr. Ramsdill believes that depends on how they are billing. Discussion continued.

Mr. Ramsdill discussed case law submitted about ground mounted solar and public utility with Ms. Legland.

Mr. Ramsdill closed the public hearing at 7:49 p.m.

Mr. Kinglsey made a motion to uphold the Determination of the Zoning Enforcement Officer. This application falls under tier 3 of the solar ordinance as defined by Chapter 108 of Wilton Town Code, and not the public utility definition.

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

**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.

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Mr. Ramsdill explained that Saratoga County Planning Board (SCPB) Correspondence has not yet been received from a referral for this appeal. He then asked the applicant if there was additional information they would like to share. Ms. Legland reiterated that underneath case law, solar projects are considered a public utility, and given that the Board just determined that they do not agree with their interpretation, that does not mean that it's not considered a public utility for land use purposes and zoning approval under New York Case Law. She continued to explain that their position is that solar is a public necessity providing safe, clean, reliable, renewable electricity. It is a very low impact, low intense use.

Mr. Ramsdill spoke of a prior meeting on a prior appeal of the same applicant where the Board would require a Visual Impact Assessment in the field, make a determination on the location of the photos, and provide notification so that residents can go on site and see the impact. There was discussion regarding the assessment.

Mr. Kingsley questioned whether an Environmental Impact Statement would be required.

Mr. Ramsdill spoke of traffic and a possible off ramp for an exit 15 A coming up through the northern end of the project. Mr. Mykins stated it is in the Towns's Comprehensive Plan. Discussion continued with Ms. Legland and Mr. Murphy.

Mr. Kingsley said the property is pretty landlocked and questioned how first responders would get in there. Ms. Legland said there is a fire access road. Mr. Mykins said there is a farm access point that goes over the tracks at the end of Perry Road and is a permitted use right now from the railroad, and the applicant would have to get a permit from the railroad to do a fire access route for a project like this because it would have to be something that a 40 ton truck can go over the top of.

Mr. Ramsdill spoke of the access road running almost right along the property line, running right up along the backside of all the Knollwood properties. There's no screening... to create any kind of a visual barrier on the project. Ms. Legland spoke of an existing tree line which Mr. Ramsdill said that tree line is on the Knollwood properties and that there is no built in buffer zone at all.

Mr. Kingsley asked if the panels turn to follow the sun. Ms. Pelfrey explained they are single tracking and don't even follow the seasons. She said that is something to keep in mind, especially with how far north we are, that they would need to be adjusted every single season. Mr. Kingsley spoke concerned of glare being that close to the Northway. Ms. Legland said the panels are designed to absorb the sun, have antiglare coating, and are designed to be that way.

Ms. Pelfrey spoke of fire hazard, and what the plan is if a fire were to start, because this is in an area where anybody is going to be living in or monitoring 24/7, only maintenance back and forth. So imagine a fire starts, something happens, nobody catches it until it's too late. How are they going to get access there? How are they going to get water? How are they going to equip themselves? Ms. Legland explained that coordination is done with local fire departments to make sure whoever is responding to those emergencies that they are

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satisfied with the access. She also stated there is no battery, so the fire hazard question is very very very minimal to none. Discussion continued.

Mr. Kingsley confirmed with Mr. Murphy that the panels have a lifespan of 25 years. Mr. Mykins asked the applicant if they are subjecting themselves to Chapter 108. Ms. Legland agreed.

There was discussion on the Use Variance application and standards and the difference in public utility standards for this type of use.

Mr. Ramsdill opened the public hearing at 8:12 p.m., establishing rules where the audience will not talk directly to the applicant, but to address the Board, and that comments have to be pertaining to the question before the Board regarding a Use Variance, which the use is not an allowed use in the zone, and they are asking for the Board to consider it to be a public utility for the consideration of the Use Variance.

Tom Gell, 23 Knollwood Drive, thanked the Board for requesting the visual assessment. This would be the perfect time when all the leaves are off the trees where we can see right through to the Northway. He asked the Board to get the visuals now.

Cindy McCabe, 27 Knollwood Drive, she can see from her second floor over the billboards. And the whole field. Through her kitchen window, she sees the Northway. If she's standing in her yard, underneath the billboard, she sees the field and the trains go by... So unless they're planning on building a wall higher than the billboards that's going to obstruct the view of all of that, there is a visual impact. Wilton, as you know, has a high water table, she said her basement was flooded and had \$60,000 worth of damage several years ago. She said they have had a small tornado go back there. They don't know this. They know that the property suits their needs for their business, but they don't know about the high water impact. They don't know about the little tornadoes that go back and we have trees down. It's a hazard. They said there's a small impact of a fire. And if there is, then toxic fumes. She has her grandsons five days a week. The four year old is always trying to climb over the fence. They're going to try climbing on their (solar) fence with signs of do not enter and he can't read. The fumes and the turning, there is a noise. You're talking 38 acres. That's a lot. There's a small solar farm down by the old dump on Weibel Ave., so now they want to do one here on 38 acres, they're going to have to cut down trees.

Deb Kokoski, 7 Knollwood Drive, agreed with what her neighbors are saying and that the solar farm is going to devalue their homes which is terrible. She said they pay taxes here for 38 years, and if they have to sell, it would be 30% less, which is just not right.

Mr. Kokoski questioned if this has a definite need, that it has to be built for the benefit of powering the community. He said it is a need thing, they have to build it. He has talked to people in New York State about what the power situation is in New York State. Electrical Power is transferred long distances, it doesn't have to be generated near communities. And most of our power comes from St. Lawrence Seaway all the way down here. So power doesn't have to be generated nearby homes. So, you know, New York State has surplus power now, at this point in time, he found when he googled it and he sent information out. We have



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9000 megawatts of surplus power in New York State. We're not going to run out of power in Wilton, you know, they can deliver the power to us no question about it. The only way we'll run out is if they build Forest Grove and didn't plan on powering up all those houses, and how could they have gotten the permit? It'd be impossible for them to get a permit without enough power... So this whole thing is a dire need of five megawatts, five megawatts is inconsequential, when it comes to the demand of all our communities in New York State and what can be transferred. Totally inconsequential, it's not a necessity.

Carolyn Marchillo, 39 Knollwood Drive, agrees with what everybody is saying. She spoke of a situation in Texas a couple of weeks ago where the solar panels were hit with hail...there was also an incident in Nebraska last June 2023 where solar panels were damaged that went into the ground. What happens? We are on well water. Who will come and replace our house or loss of life or water if things happen...she is just concerned.

Keith Burdick, 35 Knollwood Drive, agrees with what his neighbors have been saying, it is a real concern, he is on the back property line and his well is probably only about 30 ft. deep, and is sure that will be addressed in the environmental impact. What he heard tonight is we are going to consider a variance from a residential neighborhood or a residential zoning to put this thing (solar) here and there is commercial available...he doesn't understand. He guesses it's just about money, its too expensive to buy the commercial property that's listed and put it in there.

Bob Marchillo, 39 Knollwood Drive, commented on the money statement. He explained what he had been told by the planning board, that when this project was presented, they came in with a stack of papers this thick and it was ready to go the next day, it was assumed that they'd be able to build right away. And there's probably a lot of money involved as far as the planning, the architectural plans, a survey, all that, because people assumed this was ready. Amy said I've never seen anything like this. You know who I'm talking about when I say Amy. So I think it's an attempt to recoup the investment more than anything. And people say that Windows, especially in January are necessary. Most people would say yes, but we don't need new windows right now we have more than enough, just like the power that Ed was talking about. It's overkill. By the time the State meets its goals by 2040 to be zero carbon emissions, this project will be halfway done. That's 15 years now. They don't want to be carbon free by 2040. And if that goes into effect, how are we going to power our electric cars? Solar is not going to do it. We had 11 or 12 days straight back in January or February when we did not see the sun. All the local news were saying what was that big yellow ball in the sky. It's called the sun. So I guess the solar panels hibernated for a week and a half to two weeks.

Mary Gell, 23 Knollwood Drive, said they sit close to the railroad tracks. That alone scares me going over a track to do any of this back and forth. Not to mention that I watch trains go by and there are oil tankers going by up to 200 sometimes. They shake our homes, they will shake those panels every day, every week, every month, every year, and just don't believe that those panels can hold up when they're shaking our homes that much. I just think it's a very scary situation to go back and forth over train tracks. John Lant said it would probably have to burn because he wouldn't be able to get back there. He said it. That scared me.

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Mr. Marchillo said he is the northern most point that was mentioned. They listened to a train go by for 15 to 20 minutes. What about the timing in a case like that if there is a fire. Either that or they are going to be coming down the hill from Jones road by my backyard. They are going to have to roll down.

Mr. Kelly asked to approach the map. He thinks all the big terms have been covered on here. The legal standard on this at this point at the lower level, acceptance of a public utility definition would be a rational basis rejection for the board, could be any rational basis. And when people are talking about the trains, I just want to point out for the record, that this is one sole spot at 25 to 30 feet on Perry road. This whole parcel is bordered by an interstate with a ditch and a fence. And the emergency vehicles couldn't get there, if it were snow covered or anything else. The northern end of the property has quite an incline and a guardrail, you can't access it that way. And then on this side, of course of the train, and the field itself is dirt. So if you have a heavy vehicle on there, fire truck or something that could get past a train that they waited for 15 minutes, it could get stuck in the mud, there could be all kinds of problems on there. And then the toxic fumes, it's not just in this neighborhood, there's an elementary school here, there's Forest Grove, which is going to have nice new 400 units. There's a commercial shopping district right here all within, you know a mile or two of winds that are blowing. So there's a lot more going into each of these elements that everybody's addressed. And the board just needs one to say this is not a good idea. Thank you.

Mr. Guadagno wanted to register that he is not in favor of it and thanked the Board for their time.

Mr. Ramsdill left the public hearing open due to additional information to be submitted and correspondence to come from a SCPB referral.

Ms. Legland wanted to clarify for the record as far as the use variance standard applicable to public utilities, it is not solely a local public necessity concern. It's a larger public necessity in general. A lot of cases that have come out since Rosenberg in the 90's, as they relate to Telecom, have created a gap test that helps to determine if there's public necessity to put this telecom tower in because there is a lack of service in this area...that has been determined not applicable to electricity. It's more of a telecom thing. So it's not so much that we have to put this project in because the neighbors don't have electricity. It's a more general public necessity concern.

Ms. Pelfrey asked why upstate New York or anywhere upstate in the area, just because with solar power, obviously, you need sun, you don't want to have snow or anything breaking the solar panels. They're much better over in places like Arizona, places that are very heavily dry, don't have concerns. Up here, it's so much better for water or wind or things like that. Spier Falls, which is very, very close to us. That dam is like 55 kilowatts. And so that's doing hydropower, it's going to be much more beneficial to the community, rather than just five. And then it sounds like there are just a lot of concerns with the area with anything around the solar panels. So if you do multiple types of energy or renewable energy, definitely look into doing more of hydro or wind, because that would be a lot more beneficial in this climate.

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Mr. Murphy explained the reason they are active in upstate New York is just in support of energy mandates and the State's goals to implement more renewable energy, specifically solar through the New York Sun Program.

Mr. Ramsdill explained the public hearing will resume at the next meeting. He asked the applicant for screening/buffering along the road that is close to the edge of the property. He discussed the off ramp outlined in the Town Comprehensive Plan, asking if the applicant would like to think about modifications they would want to make based on concerns they have heard.

Mr. Ramsdill noted that the Board has asked for a visual assessment, screening/buffering along the access road against the Knollwood properties, glare study, and to comply with Chapter 108, Solar, in Town Code for decommissioning and finance.

Mr. Collins asked the applicant if they have any examples of solar farms that are that close to a major artery...and sandwiched to a residential area with no real buffer.

Mr. Murphy said he has seen multiple solar projects directly adjacent to Interstate 90 in New York and Massachusetts, some are even on the islands that are created by off ramps and not even any trees around. They are just completely exposed to all the other roads. Mr. Kingsley asked about being adjacent to a residential neighborhood. Mr. Murphy explained Eastern Massachusetts is a very dense place...so they are absolutely there...quite common. Mr. Collins asked for some examples to get an idea of how that has coexisted with the neighbors. Discussion continued.

Mr. Guadagno asked where this stands. Mr. Ramsdill said they are going to pick up exactly where they are at a future meeting to make sure they get the additional information from SCPB, and thoroughly address the peoples concerns.

The Board has asked the applicant for the following list of additional information:

1. Visual Impact Assessment
2. Screening/buffering
3. Glare study
4. Comply with Chapter 108 in its entirety
5. Examples of similar projects near major arteries and residential neighborhoods
6. Consider impacts of ramp for Interstate 87 per Town Comprehensive Plan

**Adjournment:**

Mr. Collins made a motion to adjourn. Ms. Pelfrey seconded the motion. All board members were in favor. The meeting was adjourned at 8:37 p.m.

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**Dated: March 29, 2024**

**BOARD OF APPEALS**

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

**Lisa Closson, Zoning Clerk**

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

**Christopher Ramsdill, Vice Chairman**