

DRAFT

WILTON ZONING BOARD OF APPEALS THURSDAY, April 25, 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: Chairman O'Brien, Nicholas Collins, Scott Kingsley, Amanda Pelfrey, Jay Rifenburg, and Andrew Bobbitt, 2nd Alternate. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

ABSENT: Vice Chairman Christopher Ramsdill, Scott Duffy, and Christopher Iwinski, 1st Alternate

MINUTES: The minutes of the last meeting, held on March 28, 2024, were approved, as submitted, on a motion made by Mr. Kingsley, seconded by Mr. Rifenburg. 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. 2009-05 Charles R. Pickett, Jr., 7 Pine Ledge Terrace, Gansevoort, New York 12831. Request for an extension of a Special Use Permit, pursuant to Schedule A and §129-176 C (1), (2) and (3) of the Zoning Ordinance, for a home occupation as a gunsmith/firearms dealer; property located at 7 Pine Ledge Terrace, Tax Map No. 140.6-4-1, zoned R-1, in the Town of Wilton. SUP No. 2009-05, originally granted on May 28, 2009 for a period of two years, and continuously extended, is due for review and extension on or before May 28, 2024.

Charles R. Pickett, Jr, was present. Mr. O'Brien asked Mr. Mykins if there are any issues with the property, there was not.

Mr. Collins made a motion to approve the extension of SUP No. 2009-05, Charles R. Pickett, Jr., 7 Pine Ledge Terrace, Gansevoort, New York 12831. Request for an extension of a Special Use Permit, pursuant to Schedule A and §129-176 C (1), (2) and (3) of the Zoning Ordinance, for a home occupation as a gunsmith/firearms dealer; property located at 7 Pine Ledge Terrace, Tax Map No. 140.6-4-1, zoned R-1, in the Town of Wilton. SUP No. 2009-05 will

Wilton Zoning Board of Appeals
Regular Meeting April 25, 2024

be due for review and extension on or before May 27, 2027. Mr. Rifenbary seconded the motion. All Board members present were in favor. The motion passed.

NEW BUSINESS:

Appeal No. 2024-09 Shannon Grizaniuk, AKA Shannon Pack, 9 Sunshine 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 9 Sunshine Drive, Tax Map No. 115.18-1-21, zoned R-1, in the Town of Wilton.

Shannon and Justin Pack were present and shared their project with the Board. Mr. Bobbitt confirmed with Mrs. Pack that there is an existing shed there, and Mrs. Pack added that it will be taken down.

Mr. O'Brien opened and closed the public hearing at 7:04 p.m. due to lack of public comment.

Mr. Rifenbary made a motion to approve Appeal No. 2024-09, Shannon Grizaniuk, AKA Shannon Pack, 9 Sunshine 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 9 Sunshine Drive, Tax Map No. 115.18-1-21, zoned R-1, in the Town of Wilton, be granted, for 42 ft. south rear yard setback relief, for a proposed 12' x 24' shed; property located at 9 Sunshine Drive, Tax Map No. 115.18-1-21, 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 there exists a shed in that location. 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 they are replacing an old shed with a new one, and the existing septic and leachfield location. 3. The applicant has demonstrated that the requested Area Variance is not substantial because the location is the best fit for the shed even though there is a large percentage of variance 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 no trees need to be removed for the shed and no other alterations will be made. 5. The applicant has demonstrated that the alleged difficulty was self-created, but there is no other feasible space to put it.

Ms. Pelfrey seconded the motion. All board members present were in favor. The motion passed.

OLD BUSINESS:

Appeal No. 2024-06 Quaker Springs PV I, LLC, 200 Portland Street, 5th 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

Wilton Zoning Board of Appeals
Regular Meeting April 25, 2024

Springs, New York, 12866, Tax Map Nos.' 140.-2-6.12 and 140.-2-55, zoned R-2, in the Town of Wilton.

Mr. O'Brien recused himself from Appeal No. 2024-06, which was heard after Appeal No. 2024-09, and exited the building.

Mr Kingsley read correspondence from Ed Kokoski, 7 Knollwood Drive, and SCPB (Saratoga County Planning Board), which have been placed in record. SCPB asked for additional information to be provided. These consist of the review standards to determine impacts of the proposed use variance, and also a viewshed analysis along the I 87 corridor.

Bob Marchillo, 39 Knollwood Drive, provided the Board with pictures from multiple locations of tarps to represent what they (Knollwood residents) may see.

Kyle Murphy, with Quaker Springs, was present, and said he was here today to work out details of the Visual Impact assessment.

Mr. Kingsley shared that a Board member asked for bigger balloons. There was discussion on the size, height, and placement of the balloons and proposed plan for the visual assessment between the Board and Mr. Murphy.

Mr. Murphy said the Visual assessment will be Friday, May 10, and Saturday, May 11, 2024, from 11 a.m.-2 p.m.

Mr. Rifenburg asked who this solar farm is going to benefit, if there was any research or reports on similar farms for the discounts, any data on vibration to the panels from the railroads?

The public hearing was left open March 28, 2024.

Mr. Marchillo explained the pictures he submitted to the Board. Yesterday, he walked directly off the back of the properties that are closest to it. He put a six by eight orange tarp ... up just to see and that was at ... 50 paces, which would be about 120 feet. And you can see from the woods right now, they're just starting to bud ..., by May 10 this is all going to be filled in...So as far as on the...variance using the existing trees as a buffer, it doesn't. He suggested if you really want to do it, take a tarp like that, which is six by eight, and have two people just walk through the woods. Sure, we'll see it even by May 10. If you put something up 10 to 12 feet, you may not see it. He assumes these solar panels start at the ground, then asked the height of the panels. He explained the pictures he presented are from 31 through 39 Knollwood Drive (odd numbers) and the houses are pretty far back...and he can see the Northway, nevermind the solar panels or the equipment that's going to be there.

There was discussion on the height of the balloons between Mr. Mykins and Mr. Kingsley.

Mr. Collins discussed a picture submitted with Mr. Marchillo.

Wilton Zoning Board of Appeals
Regular Meeting April 25, 2024

Mary Gell, 23 Knollwood Drive, explained she is along that back line and wondered what data will be gathered by this (visual assessment). Mr. Mykins explained.

Cindy McCabe, 37 Knollwood Drive, said she could take a ball and throw it right where they are putting the solar panels, and she does not have a strong arm.

Mrs. Gell explained a time they had trains that had to honk their horns to cross that service road...it was quite annoying...but she imagines that if this becomes the situation...this will become monster pollution for us (Knollwood residents). She continued to speak of the previous time it happened and how they got it to stop.

Oxsana Naumkim, 4 Knollwood Drive, said she thinks the train horn stopped because of the new development. Mr. Mykins said it stopped because the town engineer contacted the railroad and asked them what the purpose was if it was a non-used road.

Carolyn Marchillo, 39 Knollwood Drive, spoke of concerns about the sound of the panels when they move, combined with all the other items...we have roads all over the place, how much more sound can we tolerate on top of the visual type of things as well. She also mentioned the last meeting and didn't think there were any plans for a buffer for the property because it was asked by the board and there was no plans to buffer our homes.

Mr. Mykins explained that when they previously came in it was asked for. Discussion continued.

Mr. Murphy addressed the buffering and will revise the setback and the screening after they have the results from the visual impact analysis...to make a more informed adjustment...in line with the results. He continued.

Olivia Gell, 23 Knollwood Drive, was curious on the accuracy of the balloon test, if it has been conducted in similar environments, or how accurate it will get to the actual visual impact. Mr. Mykins explained it would not be the same impact...it's an assessment to get an idea of what the visual effect will be.

Mr. Collins asked if the visual impact is limited to balloons because the photo with the tarp is ingenious. It gives a better layout, especially with trees blossoming. There was discussion on materials and residents taking pictures.

Tom Gell, 23 Knollwood Drive, asked if they were to do that (place tarps), maybe not use orange or red, but maybe something black and silver. We can do that? Mr. Kingsley explained that information can be submitted in writing just as it can orally.

Mr. Marchillo asked if they were just talking about visual impact? Mr. Kinglsey said they are talking about the actual visual impact assessment.

Michelle Collins, 2 Sheffield Road, questioned the access to the land, just to make sure that these folks have permission. Do they need to get written permission from the landowners in order to go onto the land? Discussion continued on the subject.

Wilton Zoning Board of Appeals
Regular Meeting April 25, 2024

Mr. Bobbitt questioned looking at some computer generated conceptual as you would any new construction. Discussion continued on a rendering of the project.

Mr. Collins asked the applicant if their organization would have any problems with supplementing the balloons with placing some eight by eight tarps behind each of these properties also, just to give another line of sight to compensate for the foliage that's going to be coming up by the time they actually do the balloon test? Maybe strategically placing them behind each of these properties...just to give a wider view of what the visual assessment actually is looking like from these property owners. Discussion continued regarding tarps, colors, and replacing the balloon clusters in the brush with tarps.

Mr. Murphy followed up on an item from last month's meeting regarding the concerns about the potential Northway exit from the town's comprehensive plan. He ran that by their attorney, and she advised them if the Northway exit were to move forward in the future, the State would take land they needed by eminent domain...which poses a risk to them (the applicant). Discussion began about eminent domain.

Mr. Kingsley reflected back to the minutes from the last meeting and wondered if there was any update regarding a glare study, and that SCPB asked for this too in their letter. Mr. Murphy explained they are working on it, along with the other information asked for.

Mr. Rifenbary wondered if there was a deadline for certain requirements. If they are looking to have that by next months meeting? Mr. Murphy said they are following the list at the bottom of last month's minutes, and yes.

Mr. Marchillo referred to number 3 on the third page of the application; "the requested use variance will not alter the essential character of the neighborhood because the existing forest complemented by the vegetative screening product proposed in the site plan will provide a buffer to preserve the existing characteristics of the adjacent neighborhood. Regardless, the application is reviewed pursuant to the public utility variance standard, which does not require the applicant demonstrate that it will not alter the essential character of the neighborhood". Mr. Kingsley explained there are two standards. One a generic use variance standard and there is a standard put forth by the courts, for use variances for public utilities. It hasn't been determined what standard is applicable in this case yet. We will have to make that decision as a board during our deliberations. Mr. Marchillo said if it is a public utility, basically screw the neighborhood. Discussion continued.

Mrs. Naumkin spoke of maintenance of these things (panels) and how they would access if something happens. Do they have to go through our properties? What would that do, with machinery and equipment, to our property values in the area and in the neighborhood? She also piggybacked from Mr. Rifenbary's question on discounts, what would guarantee that they will not raise our prices per kilowatt? Is there a study? An agreement with the grid?

Mr. Murphy said the property would be accessed across the railroad tracks on Perry Road. The biggest maintenance item that's going to happen with the system is mowing the grass underneath. It's largely hands off and can further detail the maintenance plan at the next

Wilton Zoning Board of Appeals
Regular Meeting April 25, 2024

meeting with their operational maintenance plan. With that being said, it wouldn't even be every week, maybe once a month. Mrs. Naumkin said nobody can guarantee that. Discussion continued regarding discounts, climate changes, railroad vibrations, tornados, earthquakes, and maintenance schedules.

Mrs. Gell raised concern about starting (visual assessment) at 29 to 39 Knollwood Drive. We won't see that, even though we're going to be affected. Is that correct? So if I look out between 10 a.m. and 2 p.m. on May 10th, and 11th, I won't see what you guys are. I mean, I'll see. But I want to see it directly behind our homes. And I would say that if you're going to do that, I think that the tarp should represent a true sized panel. Because that really explains it. Ms. Pelfrey explained the balloons and tarps seem like they will be around the whole perimeter.

Mrs. Marchillo asked if the visual will take into account the height of the panels. Mr. Kingsley said the balloons will measure that.

The public hearing was left open.

Adjournment:

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

Dated: April 26 , 2024

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

SUP No. 2009-05 and Appeal No. 2024-09

BY _____

Joseph O'Brien, Chairman

Appeal No. 2024-06

BY _____

Scott Kingsley, Acting Chairman