

# DRAFT

## WILTON ZONING BOARD OF APPEALS THURSDAY, JULY 25, 2024

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, July 25, 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, Scott Kingsley, Andrew Bobbitt, 1<sup>st</sup> alternate, and Scott Dussault, 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:** Christopher Iwinski and Jay Rifenbary

**MINUTES:** The minutes of the last meeting, held on June 27, 2024, were approved, as submitted, on a motion made by Mr. Collins, seconded by Mr. Duffy. 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\*

**NONE**

### **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 2024-06 was heard after New Business.**

Wilton Zoning Board of Appeals  
Regular Meeting July 25, 2024

**NEW BUSINESS:**

Appeal No.'s 2024-16 and 2024-17 were heard before Appeal No. 2024-06.

**Appeal No. 2024-16** Hoffman Homes, 15 Trieble Avenue, Suite 5, PMB 424, Ballston Spa, New York, 12020. Request for Area Variances pursuant to §129-157 and Schedule A, R-1 District of the Zoning Ordinance; property located at 104 Holly Lane, Saratoga Springs, New York, 12866, Tax Map No. 153.-3-12, zoned C-2, in the Town of Wilton.

Marky Mykins, a representative of Hoffman Homes, presented the project to the Board. There was discussion on the placement of the new home, pe-existing non-conforming lots, concrete pads already poured, and stairs from each deck. There was discussion about the gas line placed by National Grid.

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

Mr. Collins made a motion to approve Appeal No. 2024-16, Hoffman Homes, 15 Trieble Avenue, Suite 5, PMB 424, Ballston Spa, New York, 12020. Request for Area Variances pursuant to §129-157 and Schedule A, R-1 District of the Zoning Ordinance; property located at 104 Holly Lane, Saratoga Springs, New York, 12866, Tax Map No. 153.-3-12, zoned C-2, in the Town of Wilton, be granted, conditioned on no exterior lighting shining into neighboring properties, and for the decks on both sides to not exceed 4 feet in width or the length required to maintain the 10 ft. setback, for 2 proposed decks; property located at 104 Holly Lane, Tax Map No. 153.-3-12, zoned C-2, 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 Variances because several of the surrounding homes have similar decks and this will improve the appearance of the new manufactured home, plus both sides of the home have entry doors that would best be served by deck access. 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 Variances because the new home was placed on the same footprint as the old home that was removed and with side entry doors on both sides of the home, the benefit sought by the applicant cannot be achieved by a feasible alternative to the variances. 3. The applicant has demonstrated that the requested Area Variances are substantial because the applicant requested variances for 60% relief at side property setbacks, however, not enough to outweigh the other factors noted to approve the requested variance reliefs. 4. The applicant has demonstrated that the requested Area Variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district because the materials used to construct the decks will be new and require no removal of trees or shrubs. 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.

Wilton Zoning Board of Appeals  
Regular Meeting July 25, 2024

**Appeal No. 2024-17** Belmonte Builders, 1743 Route 9, Clifton Park, New York, 12065. Request for an Area Variance pursuant to §129-157, Schedule B, R-2 District of the Zoning Ordinance, and Special setbacks for “Forest Grove” Conservation Subdivision; property located at 85 Daintree Drive, Saratoga Springs, New York, 12866, Tax Map No. 141.9-1-34, zoned R-2, in the Town of Wilton.

Peter Belmonte was present and presented the application to the Board. There was discussion regarding the Building Permit issued, the proposed plot plan, a sidewalk to the bilco door, and a possibility of a fence.

Mr. O’Brien opened and closed the public hearing at 7:14 p.m. due to lack of public comment.

Mr. Ramsdill made a motion to approve Appeal No. 2024-17, Belmonte Builders, 1743 Route 9, Clifton Park, New York, 12065. Request for an Area Variance pursuant to §129-157, Schedule B, R-2 District of the Zoning Ordinance, and Special setbacks for “Forest Grove” Conservation Subdivision; property located at 85 Daintree Drive, Saratoga Springs, New York, 12866, Tax Map No. 141.9-1-34, zoned R-2, in the Town of Wilton, be granted, for 2.7 ft. south side yard setback relief, for a bilco door on a single family home; property located at 85 Daintree Drive, Tax Map No. 141.9-1-34, zoned R-2, 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 Variances because the bilco door is very low to the ground, slopes down to a very small profile at the furthest most point that would be entering into the relief requested, and won't be obtrusive or create any kind of negative consequence for the neighbor. 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 door is already in place and built. this was due to some concerns about the review process where there was some confusion that created this situation. 3. The applicant has demonstrated that the requested Area Variance is substantial because there's a very minimal setback to begin with, due to the setbacks that are established for the conservation subdivision and the use of the door will bring him entering with any kind of materials very, very close to the property. 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 it's low profile, it already exists at this point in time, and it's going to be low to the ground. 5. The applicant has demonstrated that the alleged difficulty was self-created due to not properly pointing out that it's encroaching upon the setback.

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

Mr. O’Brien recused himself from Appeal No. 2024-06, which was heard after Appeal No’s. 2024-16 and 2024-17, and exited the building.

**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

Wilton Zoning Board of Appeals  
Regular Meeting July 25, 2024

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 acknowledged two pieces of correspondence from the Knollwood residents and they have been placed in record. He then read correspondence from SCPB (Saratoga County Planning Board) expressing a significant county wide and intercommunity impact with a decision of disapprove. This has also been placed in record.

Kyle Murphy with Quaker Springs, LLC, was present and discussed the new plan submitted to show a change in the access road to provide direct access to the existing fire hydrant, and the vegetative screening.

There was discussion on height of the screening and height of the panels.

Mr. Ramsdill spoke about the 'Photovoltaics and Firefighters Operations: Best Practices in Selected Counties' that was also submitted by the applicant. He (Mr. Ramsdill) raised concern of the distance of direct spray to an energized source. Mr. Dussault explained there would have to be multiple hydrants to attain a 33 ft. distance. Mr. Ramsdill considered the fence running between the road and the panels. Mr. Mykins said that will impede firefighting. Discussion continued regarding the fence and being able to meet requirements of firefighting that is laid out in the manual submitted.

Mr. Ramsdill also spoke of the kill switch located on the plan to the furthest north, and would be extremely difficult to access the switch. Discussion continued.

Mr. Ramsdill spoke of the crossing point (on the tracks) and the train blowing the whistle. Mr. Mykins explained it could end up being a factor once it is a commercial crossing, and they (the railroad) can not go against their safety policy. Mr. Murphy said he wouldn't expect that considering this use would probably result in less crossings. Mr. Mykins suggested a letter from CP Railroad. Discussion continued.

Mr. Bobbitt, in regards to fire, said it would be a good idea to get feedback from the Greenfield Fire District as opposed to the Board trying to speculate. Mr. Murphy said they requested feedback. Discussion continued.

The public hearing was opened March 28, 2024 and remains open. Mr. Ramsdill opened public comment at 7:42 p.m.

Patrick Breen, 37 Knollwood Drive, asked to define vegetative screening.

Paul Kelly, 27 Cobble Hill Drive, raised concern of the 'Photovoltaics and Firefighters Operations: Best Practices in Selected Counties' that was submitted, stating perhaps it is an incomplete study. He then raised concern of the updated plan submitted regarding firefighting.

Ed Kokoski, 7 Knollwood Drive, wondered about the impact on property values within a mile radius of a solar farm.

Wilton Zoning Board of Appeals  
Regular Meeting July 25, 2024

Peter Belmonte from Belmonte Builders, added to Mr. Kokoski’s comment with the possibility of the train blowing (the whistle) will certainly have a significant desirability issue toward all of the residential properties, and the ability to rent the apartments at the Paddocks.

Deb Kokoski, 7 Knollwood Drive, asked if there were a fire and there was a train coming, how are they (emergency vehicles) going to get in there?

Jeane Breen, 37 Knollwood Drive, spoke of where the generator (inverter) is located is her backyard, and is very close to her house. She said she submitted a video of when the visual assessment was taking place and Mr. Ramsdill said the Board has seen the video.

Mr. Kokoski commented that the inverter is 5 megawatts which equals 6700 horsepower, which is greater than your average train locomotive, which is right next to her (Mrs. Breen’s) backyard.

Mr. Ramsdill commented on the vegetative screening question that came up. The applicant can propose the screening, but it would have to meet the standards the Board felt appropriate. The other issues of fire and train will need more information moving forward.

Mr. Kinglsey asked Council what disapproval from SCPB means. Mr. Schachner explained it's very simple. What it means is that a board decision to approve the application is only legally an approval if it's supported by a majority plus one of the board. So in this case this board has seven member board, the application would need approval by five members to constitute an approval not four.

**Adjournment:**

Mr. Collins made a motion to adjourn. Mr. Duffy seconded the motion. All Board members present were in favor. The meeting was adjourned at 7:50 p.m.

**Dated: July 26, 2024**

**BOARD OF APPEALS**

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

**Lisa Closson, Zoning Clerk**

**Appeals 2024-16 and 2024-17**

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

**Joseph O’Brien, Chairman**

**Appeal 2024-06**

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

**Christopher Ramsdill, Vice Chairman**