

WILTON ZONING BOARD OF APPEALS
THURSDAY November 21, 2024

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, November 21, 2024, at Wilton Town Hall and was called to order by Vice Chairman Ramsdill.

PLEDGE OF ALLEGIANCE

PRESENT: Vice Chairman Christopher Ramsdill, Nicholas Collins, Scott Duffy, Christopher Iwinski, Scott Kingsley, Jay Rifembary, and Scott Dussault, 2nd Alternate. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Code Enforcement Officer, and Lisa Closson, Zoning Clerk.

ABSENT: Chairman O'Brien and Andrew Bobbitt, 1st alternate.

MINUTES: The minutes of the last meeting, held on October 24, 2024, were approved, as submitted, on a motion made by Mr. Kingsley, seconded by Mr. Collins. 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.

Mr. Mykins stated he received a call from the new owner wanting to continue the Special Permit, but Mr. Mykins said there is no longer a hardship. Mr. Ramsdill explained they would have to come in for a Special Use Permit because SUP NO. 2001-401 will expire before the next meeting in January. No action was taken.

SUP NO. 2006-01 Richard and Lucy Butler, 29 Dimmick Road, Gansevoort, New York 12831. Request for the extension of a Special Use Permit pursuant to §129-176 V and Y of the Zoning Ordinance for the keeping of agricultural animals and the boarding of horses with a maximum of 8 horses; property located at 29 Dimmick Road, Tax Map No. 102.-1-

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39.2, zoned R-2 in the Town of Wilton. SUP No. 2006-01, originally granted on January 26, 2006, for two years and continually extended is due for review and extension on or before January 26, 2025.

Richard Butler, 29 Dimmick Road, was present and said he would like the Special Use Permit to be extended.

Mr. Rifenbary made a motion to approve the extension of SUP No. 2006-01, Richard and Lucy Butler, 29 Dimmick Road, Gansevoort, New York 12831. Request for the extension of a Special Use Permit pursuant to §129-176 V and Y of the Zoning Ordinance for the keeping of agricultural animals and the boarding of horses with a maximum of 8 horses; property located at 29 Dimmick Road, Tax Map No. 102.-1-39.2, zoned R-2 in the Town of Wilton, for a period of 3 years, and will be due for review and extension on or before January 26, 2028. Mr. Duffy seconded the motion. All board members present were in favor. The motion passed.

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.

Mr. Ramsdill read correspondence from Douglas Dockendorf, 640 Wilton/Gansevoort Road, expressing he would like his special use permit extended. It has been placed in record.

Mr. Iwinski made a motion to approve the extension of 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 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 conditioned on no overnight parking of commercial vehicles; property located at 640 Wilton Gansevoort Road, Tax Map No. 101.20-1-22, zoned R-2, in the Town of Wilton, for a period of 3 years, and will be due for review and extension on or before December 2, 2027. Mr. Collins 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 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.**

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Appeal No. 2024-06 was heard after New Business.

NEW BUSINESS:

Appeal No. 2024-22 Trojanski Builders, 627 Route 9, Saratoga Springs, NY 12866. Request for an Area Variance pursuant to Schedule B, R-2 District of the Zoning Ordinance; property located at 6 Northbrook Drive, Gansevoort, NY 12831, Tax Map No. 141.14-1-8, zoned R-2 in the Town of Wilton.

Dave Trojanski from Trojanski Builders explained this is a new development with custom homes and they are trying to maintain a side load garage with all the homes in there, where this house is wider than usual. He gave the Board a map showing the left side of the lot and the lot abutting it. It has been placed in record. Discussion continued about the left side of the home.

Mr. Ramsdill opened and closed the public hearing at 7:08 p.m. due to lack of public comment.

Mr. Iwinski made a motion to approve Appeal No. 2024-22, Trojanski Builders, 627 Route 9, Saratoga Springs, NY 12866. Request for an Area Variance pursuant to Schedule B, R-2 District of the Zoning Ordinance; property located at 6 Northbrook Drive, Gansevoort, NY 12831, Tax Map No. 141.14-1-8, zoned R-2 in the Town of Wilton, be granted, for 10. ft. northwest side yard setback relief, for a proposed single family home; property located at 6 Northbrook Drive, Gansevoort, NY 12831, Tax Map No. 141.14-1-8 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 Variance because there already exists a large buffer and is an existing lot that is still yet to be built. 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. 3. The applicant has demonstrated that the requested Area Variance is not substantial. 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. 5. The applicant has demonstrated that the alleged difficulty was self-created.

Mr. Duffy 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, 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 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.**

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Mr. Ramsdill made mention of the correspondence from Knollwood Drive residents and confirmed that all Board members have received and read through it, and new submissions from Quaker Springs; Option to Lease, which was submitted with original submission, an engineered letter for solar ground mount systems at Quaker springs from Richard Ivans, PE., and a Statewide Solar for All packet. These have all been placed in record.

Kyle Murphy with Quaker Springs and Lucas Faria, East Team Director of Galehead, were present.

Mr. Murphy explained the engineered letter was for fire purposes. He submitted a Memorandum of Understanding to the Board between the Quaker Springs project and the Landowner, who is also an owner of the Billboards, and has been placed in record. He explained that they re-submitted the option to lease for the question from last meeting regarding the Billboard owners.

There was discussion on Exhibit A (map) from the Option to Lease.

Mr. Rifenbary asked Mr. Faria to define his job description and if there were any other areas that were looked at within a 15-mile radius of this proposed project. Mr. Faria explained his job title, then explained they took a look at other areas, but really, one of the main reasons they selected this location was due to the interconnection capacity. And what that means is, in our jobs, we're always trying to find what's the best place to plug our project into the infrastructure of the utility grid, because there's already a load on those lines, only so much additional capacity or generating capacity can feed into the line. So, they ran through the studies with the utility, which usually lasts at least six months. They're quite lengthy, and that's when we started on with this project. They finished up the studies, and that was the point where they would start more on-site analysis and start this permitting process as well. Mr. Ramsdill recalled another representative at a prior meeting saying they weren't going to pay a million dollars for a piece of commercial property. Mr. Murphy said that it was him. Discussion continued about other properties and economics of the project.

Mr. Ramsdill opened public comment at 7:28 p.m.

Ed Kokoski, 7 Knollwood Drive, spoke of the Castleton fire which was in the correspondence of the Knollwood residents. He said many comments have been made that the panels do not burn, but from the letter submitted, the observers of the Castleton Fire did observe panels burning onsite.

Deb Kokoski, 7 Knollwood Drive, said they are here month after month and does not hear any of the questions asked being resolved.

1. Is there an easement?
2. Can firetrucks turn around?
3. Why is there never a representative from the fire department?

Mr. Ramsdill closed public comment at 7:33 p.m. The public hearing remains open.

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Mr. Faria addressed the proof of concept of the project and that the equipment for this project is really the same as a residential application, just more panels. So in terms of safety, people are putting these on their homes, and the transformers are the exact same piece of equipment as the green boxes next to the commercial outlet.

Mr. Ramsdill wondered if the Billboards will be taken down if the Billboard leases are terminated? Discussion continued about the Billboards, screening, and billboard maintenance.

Mr. Duffy said last meeting and tonight, a lot of the things were said...about economics, and now in front of the zoning board looking for a variance to put a commercial facility in. But when we're talking economics, none of it has addressed the residents in that area for the next 20 years. Discussion continued.

Mr. Rifenbary would like to see documentation to educate him in regard to the need (of this project). Mr. Murphy and Mr. Faria spoke of S-SFA (Statewide Solar for All) and a community solar project. Mr. Ramsdill expressed the concern of the proximity to the neighborhood (Knollwood Drive) and that the benefits talked about are not necessarily going to be directly beneficial to that community exclusively. Mr. Kingsley added that the State passed a Siting Law which specifically says projects of this size (5MW) will be sited at the local level...because the State realizes that the community has concerns. Discussion continued.

Mr. Faria spoke about how they (Galehead) chose a site, investments, resources, and infrastructure. Mr. Kingsley said he is not taking fault with what Mr. Faria said, but there is nothing here in writing showing the financial analysis, nothing backing up the information.

There was discussion regarding an Option to Lease and a Lease by Mr. Schachner.

There was discussion about reaching out to the railroad and obtaining something in writing from the railroad.

Mr. Dussault spoke of contacts for the Greenfield Fire District. Mr. Mykins asked if they (the applicant) have sent the plans showing the fire department's concerns back to them? Discussion continued regarding contact with the fire department.

Mr. Kingsley wished everyone a great Thanksgiving and Happy Holidays.

The Board has asked for:

1. Obtain written confirmation from the fire department that they are satisfied with the proposed access and safety measures for the solar farm project.
2. Provide the board with documentation or evidence to support the applicant's claims about the economic feasibility and engineering aspects of the solar farm project, including bringing an engineer to the next meeting.

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- 3. Clarify the status of the lease agreement for the solar farm project and provide the board with the actual lease document, not just the option to lease.

Adjournment:

Mr. Dussault made a motion to adjourn. Mr. Kingsley seconded the motion. All Board members present were in favor. The meeting was adjourned at 8:13 p.m.

Dated: November 22, 2024

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Christopher Ramsdill, Vice Chairman