



TOWN OF WILTON
22 TRAVER ROAD
WILTON, NY 12831-9127
(518) 587-1939 Ext. 201

PLANNING BOARD

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Brett Hebner
Christopher Price
Thomas Murphy
Alternate:
Chad A. Jerome

Amy DiLeone
Executive Secretary

Ryan K. Riper, P.E.
Director of Planning &
Engineering

Joshua Carlsson
Land Use Administrator

Mark Schachner
Planning Board Counsel

PLANNING BOARD

December 21, 2022

A meeting of the Wilton Planning Board (“the Board”) occurred on December 21, 2022, at 6:30 P.M., at Wilton Town Hall, 22 Traver Road, Wilton NY 12831.

PLEDGE OF ALLEGIANCE

I. CALL TO ORDER:

Chairman Rice opens the regular meeting at 6:30P.M.

II. REGULAR MEETING:

Chairman Rice opens the regular meeting.

PRESENT: Chairman William Rice, Hal VanEarden, Dave Gabay, Chris Price, Tom Murphy, and Chad Jerome, Alternate; Ryan K. Riper, P.E., Director of Planning and Engineering, Mark Schachner, Planning Board Counsel, Josh Carlsson, Land Use Administrator, and Amy DiLeone, Executive Secretary

ABSENT: Brett Hebner

MINUTES APPROVAL: Mr. VanEarden made a motion, seconded by Mr. Catalfamo for the approval of the meeting minutes of November 16, 2022, as written.

Ayes: Chairman Rice, Hal VanEarden, Dave Gabay, Dave Catalfamo, Chris Price, Tom Murphy, and Chad Jerome, Alternate

CORRESPONDENCE: None other than those relating to current applications before the Board.

III. APPLICATIONS:

A. Wilton Road Solar: Wilton Road Solar, LLC: Application for Wilton Road Solar by Wilton Road Solar, LLC for development of an approximately 4.1 MW solar project. Property located at/on 448 Wilton-Gansevoort Rd on 65.58 acre(s), Tax Map No(s). 102.-1-18.3; zoned R-2.

Mike Chandler of Seaboard Solar and Caryn Mlodzianowski of Bohler Engineering are here to represent Wilton/Gansevoort Solar.

- The site is 66 acres.
- We are going to construct a 4.1-megawatt solar project on the property,
- The panel's themselves total about 14 acres, while the footprint of the array is about 30 acres, so there is quite a bit of green space kind of mixed with the arrays.
- The project would include an eight-foot-high chain link fence around the property for security.
- A single entrance off the road with a gravel access drive, which would snake through the arrays and provide access for maintenance and repairs as needed.
- One important feature that Seaboard likes to do as part of restoration of the project is a pollinator seed mix. This provides a nice habitat on the property.
- Once operational the traffic is almost nonexistent. Maybe once a month someone comes out to the site to do repairs or check the equipment, but all the equipment is monitored remotely.

Ryan Riper, Town Engineer addresses his letter dated December 12, 2022, to the Board.

- Landscape buffer for the existing home that is on the Wilton/Gansevoort Road. They did provide extra landscaping between solar panels and the home.
- They will be filing for a curb cut permit on the Wilton Gansevoort Road through Saratoga County DPW.
- At this time, they meet all the requirements and will be supplying an updated decommissioning plan, letter of credit or escrow.
- Explain to the Board what your thoughts are on the timing of construction and getting the panels installed.

Mr. Chandler: Construction tends to take anywhere from three to six months. We are going into winter now, so that is a variable. I think likely we will probably break ground sometime in the first quarter of 2023. It would be energized by 2024.

On a motion introduced by Mr. Gabay the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to approve the Application for Final Site Plan for Wilton Road Solar by Wilton Road Solar, LLC for development of an approximately 4.1 MW solar project. Conditioned upon

compliance with the Town Engineer, Ryan Riper's review letter dated December 12, 2022. Property located at/on 448 Wilton-Gansevoort Rd on 65.58 acre(s), Tax Map No(s). 102.-1-18.3; zoned R-2.

The motion is seconded by Mr. VanEarden and duly put to vote, all in favor, on December 21, 2022.

B. Wilton Sportsplex: Paul Rogan Pre-Application for Wilton Sportsplex by Paul Rogan for a 42,900 sq.ft. indoor recreational facility. Property located at/on 5 Blue Lupine Ln on 3.95 acre(s), Tax Map No(s). 128.-1-94; zoned C-2.

Doug Heller from the LA Group and Paul Rogan are here to represent the Wilton Sportsplex.

Mr. Heller:

- The location is Blue Lupine Lane next to the Peterson Geotech building which was in front of this Board a couple months ago.
- The proposed is a 43,000 square foot indoor recreation building. For the uses of that building, there is a minimum width of 30 feet. In order to fit the building on the property, and also maintain a 15-foot side setback for the pavement, we are looking for relief on the 30-foot side yard setback to bring that to 28 ft.
- It is going to be an indoor soccer facility.
- We are proposing 112 parking spaces at the Town of Wilton their indoor recreation requires five spaces for every 1000 square feet. The required parking would be 215, which for this use, it is a little excessive. Also, just so the Board understands other municipalities, I do not want to compare Wilton to Saratoga, but Saratoga Springs, for an indoor recreation, they require two spaces for every 1000 square feet. So that required would be only about 90 or so. But that is another relief that we would be looking for.
- It would be on-site septic and on-site well, also maintaining that 28-foot-wide easement along the front for stormwater.
- We would be looking to have a drop off area to allow people to pull up and drop off their kids.

Mr. Rogan:

- The indoor use would be turf space only no concession or health club.
- It would be 1/2 the size of an outdoor soccer field.
- We need a certain width to make it work.
- There would be 2 indoor fields that people can rent.
- The operating hours would be 4:30PM-10:30-11PM.
- This is a non-for-profit organization.

Mr. Riper addressed his comments to the Board:

- The need for a well-lit area.
- Importance of the drop off and pick-up area.
- Parking is a waiver by the Planning Board.

The Board was in favor of this project, there is a need and demand for indoor turf space. The parking lot will have to be well lit and a have a safe drop off and pickup area with some screening/fencing separating it from the neighboring use.

On a motion introduced by Mr. VanEarden the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move for a positive recommendation to the Zoning Board of Appeals for the Application for Wilton Sportsplex by Paul Rogan for area variance(s) for a 42,900 sq.ft. indoor recreational facility. Property located at/on 5 Blue Lupine Ln on 3.95 acre(s), Tax Map No(s). 128.-1-94; zoned C-2

The motion is seconded by Mr. Catalfamo and duly put to vote, on December 21, 2022.

C. 293 Louden Road Residential Subdivision: Louden Road Properties, LLC
Pre-Application for 293 Louden Road Residential Subdivision by Louden Road Properties, LLC for a fifteen (15) lot residential, conservation subdivision. Property located at/on 293 Louden Rd on 31.87 acre(s), Tax Map No(s). 154.-1-10.1; zoned R-2.

Scott Lansing of Lansing Engineering is here to represent 293 Louden Road Residential Subdivision.

Mr. Lansing:

- The parcel is 31.87 acres it is zoned R-2. The underlying density is 80,000 square feet per lot size.
- There is Town open space in the back portion of the parcel which we are proposing to annex.
- We do have vacant property surrounding parcel and there's also single family residential including Sonoma Grove, which is kind of off to the southwest of the parcel.
- We are proposing a residential conservation subdivision for the zoning regulations, or we are not asking for any variances or waivers as far as requirements of the parcel.
- The existing home and barn and the front portion of the parcel is proposed to be retained/maintained on a lot.
- We took the overall parcel area, subtracted out the constrained lands. And when you divide that by the underlying density of 80,000 square feet, we come up with 14 lots that are permitted on the project.
- The applicants are requesting the 10% density increase. We do have an open space area that we are proposing for dedication and annexation to other Town lands in the area. We understand that is something we have to go to the Town Board for

presented and petition to them and see if they will provide their intent to accept that open space. So that is a step in the process. We do need to do but we are showing that extra lot on the project as we have on the plan.

- As far as required open space, requires 35% of the unconstrained lands or 10.61 acres. We are proposing 12.01 acres, so we do meet and exceed that requirement. As I mentioned, we will be petitioning to the Town Board for that. As far as the 15 lots we do meet the minimum lot size of 40,000 square feet and the 125 minimum frontage.
- The roadway is proposed to come in off a Loudon Road come in terminate with a cul-de-sac, and there is an area for potential future extension off to adjacent lands when and if that that should happen.
- As far as the roadway, we are approximately 1500 linear feet of roadway that is proposed to be constructed to town standards for ultimate dedication to the town.
- Water and sewer, water would be Wilton Water Sewer Authority. Water is located along Loudon Road would be extended into the project. Sanitary sewer is a ways down Loudon Road that would be with Wilton Water and Sewer Authority and the Saratoga County Sewer District.
- We have had discussions with the Sewer District, and we do feel that there's more than adequate capacity in that line for us to connect these 15 homes to that line.
- On stormwater we do show conceptually a stormwater management area the back of the parcel, we feel we can do everything agreed to that and we anticipate that will be an infiltration basin.
- Then there will be a full Stormwater Pollution Prevention Plan associated with the project.
- We're just looking for feedback from the board on the plan. And we can incorporate that feedback into preliminary drawings as we move forward. Thank you very much.

Mr. Riper, Town Engineer addresses his comments to the Board.

Connectivity of trails to subdivisions discussed.

D. 4205 Route 50 Retail & Daycare: Lemman Realty Pre-Application for 4205 Route 50 Retail & Daycare by Lemman Realty for a 14,200 sq.ft. retail building and a 7,000 sq.ft. daycare building. Property located at/on 4205 Route 50 on 4.31 acre(s), Tax Map No(s). 141.-1-8; zoned RB-1.

Scott Lansing of Lansing Engineering is here to represent 4205 Route 50 Retail & Daycare by Lemman Realty.

Mr. Lansing:

- Same as the last application we are looking for feedback from the Board this evening on the conceptual layout for this project.
- We are also looking for a recommendation to ZBA relative to the building size for the retail building.

- The site is located at 4205 State Route 50.
- It is approximately 4.31 acre. The property is in the vicinity, of Ingersoll Road and Jones Road.
- We have provided an overlay of the potential future roundabouts that are being contemplated.
- On the existing site there is an existing residence and a garage.
- Surrounding uses include commercial, which includes the Stewarts Shop across the street, vacant land, residential single-family residences, as well as the Ingersoll Road Subdivision.
- We are proposing demolition of the existing structures, and removal of existing structures.
- We are proposing two new buildings. The first one would be 14,200 square foot retail plaza and the second building would be a 7,000 square foot daycare located in the northern portion of the site.
- With the daycare there would be a playground associated with it.
- As far as the access and parking we are proposing the access directly across from Jones Road and that would be a branch off of the future roundabout and would come in for the parking within the project which we are proposing 112 spaces according to our calculations, approximately 98 spaces are required.
- As far as sidewalks we are showing sidewalks connecting to the parking, to the structures as well as sidewalk going out towards the roundabout for potential future pedestrian connections.
- We are showing a gathering area in the back portion of the parcel next to the retail area. The thought there was perhaps it would be some kind of, maybe, an ice cream shop or some kind of a restaurant type use where people may want to go out and enjoy the food out in an outdoor area.
- The signage on the parcel is something that we would develop and propose at a later date with the architecture.
- As far as the referral we are looking for, the code does outline a maximum building size of 10,000 square feet, we are showing the building at 14,200 square feet and we are at 4200 square feet over that 10,000 square foot threshold, we do feel as appropriate, the building in, our opinion, is not excessively large. We could divide that building up, but we felt it was better as one continuous overall building as opposed to splitting the building and putting it into two separate buildings. We thought it was more efficient for the site it would have a better look along the front of the building, and it fits in nice with the general configuration in the parking of the other structure.
- That is essentially it. Again, we are here tonight for questions and comments from the Board, feedback, so we can incorporate them into the plan.

Board Comments:

- Entrance and exit before the proposed roundabout is constructed.
- Concerns of the aesthetics. Move the buildings closer to the road and have the parking in the back.
- Challenge of getting in and out of the site.

- Parking discussed.
- Major concern was traffic, safety, and egress.
- Consensus that it is going to be a difficult lot to work with.

Mr. Riper, Town Engineer addressed his comments to the Board.

- Access parking in the front.
- With retail, you are going to need loading areas.
- Dumpster location
- Will require a 28-foot utility easement.
- Fire access needs to be looked at.
- Daycare, the child drop-off is chaos in the morning. That is something you need to take a close look at.
- Slope stabilization needs to be reviewed.
- The access in and out is going to be a critical piece of this project.
- A traffic consultant will be needed to analyze site distances and traffic configurations, because right now, as you are traveling northbound on Route 50, past Jones Road, there is a dedicated left turn lane into Stewart's there. If they do move an access point to the north, they would have to look at maybe changing the dedicated left turn lane into what is called a TWLTL (two way left turn lane).
- The design of the roundabout has not been finalized.
- They could separate the buildings and an Area Variance would not be needed.

On a motion introduced by Mr. Catalfamo the Board adopts the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wilton Planning Board gives a Favorable recommendation to the Zoning Board of Appeals for the Application for 4205 Route 50 Retail & Daycare by Leman Realty for area variance(s) a 14,200 sq.ft. retail building and a 7,000 sq.ft. daycare building. Property located at/on 4205 Route 50 on 4.31 acre(s), Tax Map No(s). 141.-1-8; RB-1.

The motion is seconded by Mr. Murphy and duly put to vote, on December 21, 2022.

E. Route 50 Wilton Solar: Lodestar Energy Pre-Application for Route 50 Wilton Solar by Lodestar Energy for a 5 MW ground mount, fixed tilt, community solar PV facility. Property located at/on NYS Route 50 on 39.58 acre(s), Tax Map No(s). 128.-1-28, 31 & 33; zoned R-2.

Dan Watson with Lodestar Energy and Nick Vamvas with LaBella Institutes are here to represent Route 50 Wilton Solar.

Mr. Watson:

- This is about a 40-acre parcel that we are looking to develop. It is located off of Route 50.
- My company has been working on this property for almost a year now. It is a bit of a tricky property. Its frontage on Route 50 is limited, and then it is bisected by a pretty complex wetland system.
- So, we have been working with the neighbors and you will see that our access actually runs through two abutting properties. We have been working with them for the last few months and have secured easements through them.
- We have been talking to the residential abutters. We actually just got those easements done in the last month or so.
- We want to use the existing crossing, rather than build a new bridge or something over that wetland crossing.
- We talked to the DEC, we had a site visit with them probably about two months ago, they liked that concept plan. Obviously, it is a lot less wetland impacts than what we initially proposed. So, we will follow that access road back.
- This is a fixed tilt, ground mounted system. It is a forest site right now, like I said, there is a DEC system back here, we are maintaining 100-foot buffer to that wetland system.
- We are not proposing any real grading of the site.
- We abut State DEC land and that is pretty much our main abutter. There is a commercial use on Route 50, and then the two residential properties.
- We have been talking to the neighbors for a while, so they know what we are doing. They have agreed to let us go through their property. Then we have some more residential butters, a few 100 feet to the south that are pretty far back, and then farmland.

Mr. Vamvas:

- The site is presently wooded. So, we are going to be taking down some trees.
- Just one thing I did want to clarify on the wetlands, the DEC wetland does extend into our 300-foot-wide access. So, there is going to be some buffering associated there as well, just completely unavoidable. Like Dan said, we cannot get onto the site without crossing the wetland.
- It is a fairly simple project; pervious gravel driveway, perimeter fence, equipment pads, and utility trenching, that will be underground for the entire run up until the last stretch before we get back out to Route 50.
- Because Route 50 is a state highway, we will be seeking a DOT permit.
- We will be consulting with the agencies on impacts to any endangered and threatened species.

Mr. Riper: I would like to let this applicant and our next applicant, Quaker Springs Solar, and the Board know that the Town Board is considering a moratorium on solar to take care of some of the existing code language that they want to address. So just let it be known to the applicants and to the Board and for the record.

Chairman Rice: How will that affect these applicants?

Attorney Schachner: Well, the Town Board intends to discuss, at least discuss, the imposition of a moratorium on solar facilities development at the Town Board meeting on January 5, 2023. The Town Board would not be able to adopt any moratorium at that meeting. Because if it wishes to adopt the moratorium, we first have to schedule a Public Hearing. It might if it chooses to do so schedule a Public Hearing for the February meeting, which will be on February 2, 2023. So, in theory, if the Town Board wants to proceed in this direction, and we cannot say whether it does or does not, only we've been told that they're considering it, the Town Board could adopt a moratorium on solar facility development as soon as February 2, 2023. If it were to do that, the answer to your question Bill is, the worst-case scenario is the moratorium could, could restrict or prohibit development of any solar facility during the term of the moratorium, while the Town Board considers modifying some of the language in our regulations about solar facilities. So, it could put a halt to any part of this even if they have already commenced construction. If that is what the Town Board wants to do, it doesn't mean it will do that.

Chairman Rice: Just a rule of thumb is anything that has not been approved?

Attorney Schachner: That is not the rule of thumb that is up to the Town Board. Now it is up to the Town Board. They could even, if it is approved the moratorium, could apply if construction has not begun. Once substantial construction has begun, the ship has sailed.

Chairman Rice: They could waive any commercial project currently in the pipeline.

Attorney Schachner: They can absolutely, they do not have to waive. That would be up to the Town Board.

The applicants were not aware of the possible moratorium.

Attorney Schachner: We cannot really say that is where the Town stands. We do not know where the Town stands. We are just telling applicants, we want to make sure you are aware so that you cannot say Oh, my God, I had no idea. I want to make sure you understand that. There has been an informal discussion of the possibility of the Town Board adopting a moratorium, we expect that there will be discussion of this at the Public Town Board meeting on whatever date.

Mr. Riper, Town Engineer addresses his comments to the Board.

Mr. Riper:

- You have already acquired access through the backyards with easements.
- Need to contact DEC Dam Safety Division.
- Access through West Lane. The landowner did not want to allow access through her farm.
- You have wetland buffer impacts.

- 95% of the design work is done already and its only pre-application. What is the funding stream? Are you getting funding upfront with grants and incentives?

Mr. Watson: There is no upfront funding, we are real estate developers and that is our risk. There is funding available once we go to construction.

Mr. Riper: Are you then selling off to a solar developer?

Mr. Watson: No, we are solar developers and real estate developers.

Mr. VanEarden made a motion to seek Lead Agency, Mr. Catalfamo seconded the motion.

F. Quaker Springs Solar: Quaker Springs PV I, LLC Pre-Application for Quaker Springs Solar by Quaker Springs PV I, LLC for a 5 MW solar facility. Property located at/on Jones Rd on 39.3 acre(s), Tax Map No(s). 140.-2- 6.12 & 55; zoned R-2.

Jutta Middel and John Spinella of Renua Energy Inc. are here tonight to represent Galehead Development, LLC.

Project Description:

The applicant is proposing to construct a 5 MWac solar energy system on 39.3 acres over two parcels, bounded by Perry Road, I-87 and Jones Road in the Town of Wilton, NY. The proposed solar array is a single axis tracker racking system with bifacial modules. The proposed system will tie into National Grid Smith Bridge 52 feeder with the point of interconnect with the project being at Jones Road.

A 20ft wide gravel access road will provide access to the array area from Perry Rd. Over an existing railroad crossing controlled by Canadian Pacific Railroad. We are currently working with the railroad to generate a Commercial Private Crossing Agreement for the project.

The proposed project will include post-driven solar racking, an inverter/transformer equipment pad, new overhead utility poles, new underground electrical conduit, and a seven-foot fence around the perimeter of the solar array. All existing field areas will be maintained within the fenced area of the array. Pollinator-friendly native seed mix will be incorporated into the existing vegetation as well as any disturbed areas per the Site Seeding and Stabilization Plan. The routine management of the proposed solar array will entail periodic mowing within the solar array area (3-4 times throughout the year) to maintain a relatively low vegetative field ground cover, like existing conditions, and prevent successional regrowth.

The proposed solar system will generate electricity, which will ultimately be purchased by local home and business owners via New York State's incentivized community solar program. The project will provide Wilton residents and businesses who subscribe through the program a discount on their electricity bills.

Construction of the solar array will take approximately four months and will comply with all building and electrical codes. The solar panels will be covered by a 25-year production warranty and at the end of its life, the solar array system can be decommissioned, and the site restored back to the current existing condition.

Ms. Middel:

- We have made a significant submission already.
- Our access road is going to be from Perry Road.
- It will be a 5-megawatt system.
- This project will be on two parcels of land.
- On 39.3 acres, combined acreage of the 2 parcels.
- There is a fence line that is slightly within that 100-foot buffer.
- We are going to need to do a Northway corridor waiver.
- We have been in contact with the railroad an easement will be needed.
- Three large billboards on the property.
- Talked to the adjacent neighbors.
- One property is being bought and the other is being leased.
- The owner agreements are in place.
- The backyards in Knollwood back up to the project.
- Minimal glare impact to drivers on the Northway very minimal reflectivity.
- Area Variance will be needed for the height of the solar panels.

The Zoning Officer, Mark Mykins determination was discussed.

Mr. Riper: The Zoning Officer has recommended; the access road be placed 15 feet from the property line. As you mentioned, also, the fencing is within the 100-foot buffer area of the Northway corridor, and that is a Planning Board waiver of any disturbance done within the buffer.

Buffering of the Knollwood subdivision is discussed.

Mr. Riper: The trees on the O'Brien parcel will be cut from the rear property line to the Northway buffer.

Ms. Middel asked what the concerns of the Town Board were as far as the possibility of a moratorium.

Mr. Riper: The Board has become aware that these solar project to come before us in a short period of time. The concern is loss of the habitat, forest lands, and this one is taking some farmland. But it is a discussion of the loss habitat and the loss of tree canopy, just significant interest in the town all the sudden. So, they do not want every vacant parcel that is out there to become a solar array. They want a good balance; they are taking a look at that particular public benefit and mitigation fee as well.

Discussion on the limited amount of availability in the stations and the lines through National Grid.

Ms. Middel: You can actually go on National Grid, and you can look and see, how many megawatts are already on there, and what the capacity is for different locations.

Ms. Middel asks the Board to seek lead agency and County Referral.

Mr. VanEarden made a motion to seek Lead Agency, Mr. Catalfamo seconded the motion.

Discussion of process and procedure for moving forward.

Planning Board had a discussion on solar and training opportunities for the Board.

NOW, THEREFORE, BE IT RESOLVED On a motion made by Mr. Gabay that the meeting of the Planning Board be adjourned at 8:43P.M.

The motion is seconded by Mr. Jerome and duly put to vote, all in favor on this day December 21, 2022.

Date Approved January 18, 2023.

Amy DiLeone,
Executive Secretary