

**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY, January 26, 2023**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, January 26, 2023, at Wilton Town Hall and was called to order by Chairman O'Brien at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Moment of silence for former board member Robert Barrett

**PRESENT:** Vice Chairman Christopher Ramsdill, Jim Deloria, Scott Kingsley, and Jay Rifenburg. 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 and Dean Kolligian.

**MINUTES:** The minutes of the last meeting, held on December 8, 2022, were approved, as submitted, on a motion made by Mr. Rifenburg, seconded by Mr. Kingsley. 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. 2021-35** Leslie Paddock and Jamie Gagne, 363 Ruggles Road, Gansevoort, New York 12831. Request for the extension of a Special Use Permit for Agriculture with animals, for chickens, pursuant to Schedule B, R-2 District and §129-175 D (1)-(7) of the Zoning Ordinance; property located at 363 Ruggles Road, Tax Map No. 129.-1-72.2, zoned R-2, in the Town of Wilton. SUP No. 2021-35, originally granted January 27, 2022, for one year conditioned on a max of 12 chickens and no roosters with a maintained fence to keep chickens on the property, is due for review and extension on or before January 27, 2023.

Jamie Gagne, 363 Ruggles Road, was present and expresses he would like to keep his Special Use Permit. Mr. Ramsdill asked if there were any issues. Mr. Mykins explained that the chickens are not kept cooped. There was discussion between Mr. Gagne and the Board regarding a fenced in area. Mr. Mykins confirmed with Mr. Gagne that the chickens are cooped at night. Mr. Gagne shared that the chickens wander around the property during the day. Mr. Ramsdill reminded Mr. Gagne that they should not be wandering around because of the condition of the fence.

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Mr. Kingsley made a motion to approve the extension of SUP No. 2021-35, Leslie Paddock and Jamie Gagne, 363 Ruggles Road, Gansevoort, New York 12831. Request for an extension of Special Use Permit, for agriculture with animals, for chickens, pursuant to Schedule B, R-2 District and §129-175 D (1)-(7) of the Zoning Ordinance; property located at 363 Ruggles Road, Tax Map No. 129.-1-72.2, zoned R-2, in the Town of Wilton, for one year, conditioned upon a max of 12 chickens and no roosters with a maintained fence to keep chickens on the property. SUP No. 2021-35 will be due for review and extension on or before January 26, 2024. Mr. Deloria seconded the motion. All Board members present were in favor. The motion passed.

**OLD BUSINESS:**

**NEW BUSINESS:**

**Appeal No. 2023-01** Quaker Springs PV I, LLC, 200 Portland Street, 5<sup>th</sup> Floor, Boston, Massachusetts, 02114. Request for Area Variances pursuant to §108-6 and 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.

Mr. Ramsdill read correspondence regarding the application from SCPB (Saratoga County Planning Board) expressing no significant County-wide or Intercommunity Impact, WPB (Wilton Planning Board) with a favorable recommendation to ZBA (Zoning Board of Appeals), and a letter from Knollwood Drive residents expressing concern. All have been placed in record.

David Byrne and Jutta Middel were present from Renua Energy. Ms. Middel explained the application to the Board.

Mr. Ramsdill questioned the height of the panels according to a plan submitted.

Mr. Byrne clarified that the intent is to ask for what would be feasible at the time the project is permitted, avoiding a situation of asking for 14 ft. and not having the product available.

Mr. Byrne continued to speak about the panels.

Mr. Deloria expressed this is based on supply and conditions later, tasking the Board to grant a variance on a hypothetical.

Mr. Ramsdill asked if the panels were 20 ft., would that be consistent across the topography?

Mr. Byrne explained a fluctuation of maybe 3 ft. in the variation of the heights.

Discussion continued regarding topography, height, and product availability.

Mr. Ramsdill asked how long one array could be. Mr. Byrne said 300 ft. is the average.

Mr. Ramsdill asked how often the panels would be tilted to the highest. Mr. Byrne said twice a day.

Mr. Kingsley asked what decibel level the panel rotation would produce. Ms. Middel answered about 50 decibels, equivalent to the rustling of leaves if someone were to be standing near them.

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Mr. Rifenbary asked where the electricity would go once it is up and running. Ms. Middel explained it would go to a sub-station then get distributed from there.

Mr. Rifenbary asked how it would reduce electricity bills. Ms. Middel said 10%. Mr. Byrne explained it is a community solar (centralized) array which gets pushed out to the grid, and then will have local homeowners off-taking (subscribing) to the system.

Mr. Rifenbary spoke about clearing lands and impacts on neighborhoods. He then continued discussion with Mr. Byrne regarding financials. Mr. Byrne discussed the two properties in questions and how they, along with local homeowners, would benefit.

Mr. Deloria asked if there was anything stated in the lease about decommission. Mr. Mykins explained that information is in the Solar Law, Chapter 108 of Town Code.

Mr. Deloria asked about a concern raised in a letter of correspondence regarding radiation produced and asked if Renua Energy has studies that refute the statement. Ms. Middel explained they have a number of studies put together in a binder, which was handed to the Board for review.

Mr. Byrne explained the contents of the binder with the Board. He stated the CDC has done numerous studies on solar EMF and categorized it as non-ionizing radiation, which is the type of radiation that people experience in their own homes based on output from their appliances. He also went over magnetic fields and setbacks from the fence lines of the array. The binder has been placed in record.

Mr. Ramsdill asked about the access road and if there was a plan to augment a buffer. Mr. Byrne explained that the location of the access road helped to push the array west, away from Knollwood Drive residents. He also explained that there are two billboards which will help to shield the arrays. He continued to speak of lighting on the site.

Mr. Ramsdill explained there are mature trees behind residents abutting the site with not a lot of low growth. He then asked if they were planning on planting evergreens to screen.

Ms. Middel explained that there will be about 15 ft. setback to the gravel road, and that they walked the area and found low growth.

Mr. Ramsdill explained he has been on that property and does not believe there would be enough to block the view of the panels.

Mr. Byrne explained the topography drops off to the west which serves us well.

Mr. Ramsdill asked if they are planning on putting plantings in.

Mr. Byrne said they haven't had any requests to do so. Mr. Ramsdill explained they may be getting requests. Mr. Byrne stated they would look into it on a case-by-case basis; hold up a simulated panel at max height. Mr. Deloria then spoke of a need for a Special Use Permit from WPB which would address the plantings. Mr. Ramsdill explained that it is part of the height variance, which is the visual. Discussion continued.

Mr. Deloria would like to see a comprehensive plan that shows how the screening will be in place. Mr. Kingsley would be hesitant to use the pre-existing non-conforming billboards as screening.

Mr. Byrne requested that the Board come out to the site and look with them, as well as property owners, and they will use a hot pink panel to exaggerate the impact. If it is visible, they will address it.

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Mr. Rifenburg referred to Section III of the Area Variance application where question 1 states... An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the area variance, and question 2 states... The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district. Mr. Rifenburg feels there is no concrete understanding of the impact.

There was discussion between the Board, Mr. Mykins, Mr. Schachner, Mr. Byrnes, and Ms. Middel regarding visual assessments, site inspections, and photo simulations.

Mr. Byrnes let the attendees and Board know his business cards were available if anyone had questions regarding the visual impact.

Mr. Ramsdill opened the public hearing at 7:57 p.m.

Mr. Byrne asked the Board if screening would require a variance.

Ed Kokoski, 7 Knollwood Drive, wondered about impact of noise from the Northway.

Mr. Mykins spoke of a 100 ft. no cut buffer adjacent to the Northway.

Discussion continued between Ms. Middel, the Board, and Mr. Kokoski.

Mr. Kokoski asked if they (Knollwood residents) would have time to review the plans to come up with comments. Mr. Mykins explained that the applicant is being asked to come back before the Board with a new plan, and would still need to go to WPB for Site Plan and Special Use Permit.

Mr. Kokoski presented a document of what the area looks like now and a document with an inlay of the solar array. It has been placed in record.

Cindy McCabe, 27 Knollwood Drive, spoke of the billboards and how her property is lower than the land the billboards are on. She spoke of the Paddocks and her basement flooding, small tornados, and was wondering why that area was chosen.

Bill McCabe, 27 Knollwood Drive, expressed concern about emissions and how the height of the panel would affect the emissions. He also spoke of the 10% savings on electric bills and property value of Knollwood Drive residents.

Deb Kokoski, 7 Knollwood Drive, raised concern of well water if the panels leak.

Mary Gell, 23 Knollwood Drive, raised concern of site line from her second floor and also stated that the trees that are currently there do provide a buffer to the Northway noise.

Richard Phaneuf, 30 Knollwood Drive, wondered if the Board had viewed documents about current regulations of states where they are looking into mile setbacks from residential areas. He then shared information of a Solar Farm fire in California in 2020. He expressed concern of the panels leaching into the ground 200 ft. away from their water source, or into the air if something were to happen with a fire. He also shared that counties in New York State are starting to put a slow down on Solar Farms coming into residential areas because they do not really know the impact yet. He would be happy to share the articles with the Board.

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Mr. Kingsley and Mr. Ramsdill explained documents are part of public record and public hearing and to submit them to the Building Department where they are distributed to the Board.

Bob Marchillo, 39 Knollwood Drive, told the Board that the panels will not be behind his house, but it looks like the equipment will. He wondered if that is where all the transfer of energy would be, and what would be there for protection as far as electromagnetic frequencies and radiation.

Steven Sequin, 25 Knollwood Drive, agreed with what Mrs. Gell spoke of regarding the second floor site view, and was wondering if they are going to have a glowing field in the back of their property.

There was discussion about the billboards between Mr. Sequin, Mr. Kokoski, and the Board.

Mr. Ramsdill explained the public hearing is going to be left open and pause with no more comments from the audience tonight, and will be open at a future meeting, as well as WPB meetings.

There was discussion regarding the next WPB meeting and ZBA meeting between Mr. McCabe, Mr. Mykins, Mr. Schachner, and the Board.

Mr. Deloria asked the residents if they could forward information discussed in the correspondence from Knollwood Drive residents.

Mr. Ramsdill asked Mr. Byrne if there was light pollution from the panels. Mr. Byrne explained they are willing to communicate with the concerned residents. Mr. Byrne said the panels are designed with antireflective glass to absorb as much photons as possible. He further explained that they have done a glare study demonstrating there is not a major impact from a glare standpoint. Mr. Deloria wondered if studies will need to be submitted to NYS DOT due to the proximity of the Northway.

Mr. Byrne shared that when the developer was researching lands for this type of development, the location was chosen due to the proximity and capacity of a substation.

Mr. Kokoski asked if the information could be sent to residents.

Mr. Byrne and Ms. Middel believe studies have been submitted to WPB.

Susan Wykoff, 10 Knollwood Drive, expressed concern of impact on property values. She stated she is an x-ray tech and does not believe what is being said about radiation because background radiation does cause cancer. She stated she is against it, and if she has to hire a lawyer, she will.

Mr. Kingsley explained the public policy of the town is that they are allowed in certain zones. The Special Permit process is there to go through impacts like this, and that Wilton is not alone. This is the direction the State of New York is going in, and further explained that it is policy directed from Albany. Discussion continued regarding concerns raised.

Mr. Ramsdill said they are going to table this application until a future meeting, pause the public hearing until it can be reviewed again in the future.

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Mr. Deloria asked the applicant if they were confident in what the Board was asking to review. Discussion continued about visual assessment information and documentation between Mr. Mykins, Mr. Byrnes, Ms. Middel, Mr. Deloria, and Mr. Ramsdill.

**Adjournment:**

Mr. Deloria made a motion to adjourn. Mr. Rifembary seconded the motion. All board members were in favor. The meeting was adjourned at 8:26 p.m.

**Dated: January 27, 2023**

**BOARD OF APPEALS**

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

**Lisa Closson, Zoning Clerk**

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

**Christopher Ramsdill, Vice Chairman**