WILTON ZONING BOARD OF APPEALS
THURSDAY April 24, 2025

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, April 24, 2025, 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 Rifenbary, Andrew Bobbitt, 1st Alternate, 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: None

MINUTES: The minutes of the last meeting, held on March 27, 2025, were approved with some suggested revisions on pages 3 and 4, on a motion to approve 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***

None

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.**

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

NEW BUSINESS:

Appeal No. 2025-07 Kodiak Construction, 740 Route 9, Gansevoort, NY 12831. Request for an Area Variance pursuant to §129-157, §129-156, and special setbacks for the subdivision, of the Zoning Ordinance; property located at 2 Indigo Way, Gansevoort, NY 12831, Tax Map No. 127.14-4-7, zoned R-1 in the Town of Wilton.

Jesse Boucher with Kodiak Construction presented the application to the Board. He explained the need of a two-car garage at 2 Indigo Way and the necessary foundation wall extension.

There was discussion about the long narrow lot and the neighborhood's two car garage standard.

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

Mr. Bobbitt made a motion to approve Appeal No. 2025-07, Kodiak Construction, 740 Route 9, Gansevoort, NY 12831. Request for an Area Variance pursuant to §129-157, §129-156, and special setbacks for the subdivision, of the Zoning Ordinance; property located at 2 Indigo Way, Gansevoort, NY 12831, Tax Map No. 127.14-4-7, zoned R-1 in the Town of Wilton, be granted, for relief of 5.5 ft. Cerulean Blvd. front side setback for a proposed attached garage for new construction of a single family home, 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 it predominantly conforms to the existing homes in the neighborhood. 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 by granting the relief. 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, although self created, is a result of having two front yard setbacks on the corner lot.

Mr. Rifenbary seconded the motion. Mr. Ramsdill, Mr. Collins, Mr. Duffy, Mr. Iwinski, Mr. Kingsley, Mr. Rifenbary, and Mr. Bobbitt were in favor. The motion passed.

Appeal No. 2025-08 Peter McKee for Mary McLaughlin and Charlene Parker, 36 Gladwish Road, Delmar, NY 12054. Request for Area Variances pursuant to §129-157 and Schedule B, R-2 District, of the Zoning Ordinance; property located at 142 Edie Road and 144 Edie Road, Saratoga Springs, NY 12866, Tax Map No.'s 141.15-1-7 and 141.15-1-6, zoned R-2 in the Town of Wilton.

Peter McKee was present to represent Mary McLaughlin and Charlene Parker. He explained the need to move the lot line to square up the property and eliminate encroachment.

There was discussion about the pre-exisitng non-conforming lots and the need to clean up the lots by granting the area variances, allowing them (the property owners) to move forward with the project.

Mr. Ramsdill opened and closed the public hearing at 7:10 p.m. due to lack of public comment.

Mr. Iwinski made a motion to approve Appeal No. 2025-08, Peter McKee for Mary McLaughlin and Charlene Parker, 36 Gladwish Road, Delmar, NY 12054. Request for Area Variances pursuant to §129-157 and Schedule B, R-2 District, of the Zoning Ordinance; property located at 142 Edie Road and 144 Edie Road, Saratoga Springs, NY 12866, Tax Map No.'s 141.15-1-7 and 141.15-1-6, zoned R-2 in the Town of Wilton, be granted, for relief of:

Lot 1	Lot 2
78,500 sq. ft. lot size	78,932 sq. ft. lot size
10.30 ft. south side yard setback	32.20 south side yard setback
41 ft. north side yard setback	37.60 north side yard setback
10.80 front yard setback	15.20 front yard setback
138.52 ft. frontage	148.76 ft. frontage

for a proposed lot line adjustment between 144 and 142 Edie Road, 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 houses have been there for 50 years. 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 lots are pre-existing non-conforming in size, and it will allow for sale transfers (eliminating the encroachment). 3. The applicant has demonstrated that the requested Area Variances are substantial, but it has been the assumed property line for so many years. 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. 5. The applicant has demonstrated that the alleged difficulty was not self-created because the house was originally built across the property line.

Mr. Kingsley seconded the motion. Mr. Ramsdill, Mr. Collins, Mr. Duffy, Mr. Iwinski, Mr. Kingsley, Mr. Rifenbary, and Mr. Bobbitt were in favor. The motion passed.

Appeal No. 2025-09 Ricki Couse, 236 Gurn Springs Road, Gansevoort, NY 12831. Request for an Area Variance pursuant to §129-157 and Schedule B, R-2 District, of the Zoning Ordinance; property located at 236 Gurn Springs Road, Gansevoort, NY 12831, Tax Map No. 116.-1-4, zoned R-2 in the Town of Wilton.

Ricki Couse was present and explained the need to extend his driveway to the proposed garage placement to accommodate for a 45 ft. motorhome.
There was discussion regarding the proposed driveway extension and the existing garage and septic system.

Mr. Ramsdill opened and closed the public hearing at 7:17 p.m. due to lack of public comment.

Mr. Rifenbary made a motion to approve Appeal No. 2025-09, Ricki Couse, 236 Gurn Springs Road, Gansevoort, NY 12831. Request for an Area Variance pursuant to §129-157 and Schedule B, R-2 District, of the Zoning Ordinance; property located at 236 Gurn Springs Road, Gansevoort, NY 12831, Tax Map No. 116.-1-4, zoned R-2 in the Town of Wilton, be granted, for relief of 22 ft. south side yard setback for a proposed 50' x 30' carport, 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 it will enable to drive a 40 ft. motor home straight in the doors. 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 there is a small garage in the area next to the new garage/motor home storage. 3. The applicant has demonstrated that the requested Area Variance is not substantial because it is in their back yard and on the same 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 there is nothing but woods between the properties and there exists a driveway. 5. The applicant has demonstrated that the alleged difficulty was self created. It is the only easy access to store the motor home.

Mr. Collins seconded the motion. Mr. Ramsdill, Mr. Collins, Mr. Duffy, Mr. Iwinski, Mr. Kingsley, Mr. Rifenbary, and Mr. Bobbitt 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.**

Mr. Ramdsdill read "Endagered and Threatened Species Evaluation" correspondence to Jutta Middel with Renua Energy from Beth Magee with DEC (Department of Environmental Conservation) dated February 1, 2023, explaining no permit is required at this time pursuant to regulations of the New York Endangered Species Act, and has been placed in record.

Mr. Ramsdill made mention of a proposed narrative guide for the Environmental Assessment Form (EAF) Part III submitted by the applicant, and Mr. Kingsley moved that

the document be placed in record. Mr. Ramsdill shared that it is the responsibility of the Board to create the EAF Part III, and will include information from all materials they (the Board) receive.
Mr. Ramsdill opened public comment at 7:23 p.m.

Ed Kokoski, 7 Knollwood Drive, raised concern about the DEC determination of no habitat impact and requested a copy of the letter. He then submitted a copy of an EAF Part II with his comments and has been placed in record. He then read comments he had listed and submitted that to the Board to be placed in record. These comments included:

1. Former Chairmain's potential conflict of interest and the selling of his land to Quaker Springs.
2. Comments on what was heard at the last meeting in March regarding the Solar helping out the Town which was taken as financial assistance.
3. Owners of both the properties do not live in Wilton.
4. No hardship to the Landowners by a disapproval.
5. Finds it strange that the Zoning Board can grant a variance against a solar law.
6. 40 acre change from R-2 (Residential 2) to Industrial because it is an industrial piece of equipment.

Angus Wykoff, 10 Knollwood drive shared the following comments with respect to last meeting in March:

1. Lower property taxes would be small for each landowner and would fail in comparison to the reduction in fair market value of properties.
2. 7 ft. chain link fence proposed would be easy for a child to get over.

Michael Marvin, 14 Knollwood Drive, is an Electrical Engineer, and has worked on a lot of high power systems similar to the one being proposed, and feels it is an atrocity. He spoke of the following concerns:

1. Functionality, maintenance, and decommissioning of the project.
2. Environmental impact studies of endangered species.
3. Knollwood Drive would no longer be a rural loop with the construction and highway noise almost doubling.
4. From a public safety standpoint, properties are within 100 ft. of the solar field, which is close to the electrical field that a system that size can produce.
5. The vibrations from the highway and the railroad will loosen terminals and connections within the electrical system, causing short circuits, causing fires.

Mike Bryce, 233 Louden Road, spoke of concern about fire and evacuation of Dorothy Nolan Elementary School with respects to manpower, and that we will have to have other fire departments from other areas come in.

Bob Marchillo, 39 Knollwood Drive, stated this will impact the whole character of Knollwood Drive. He spoke of the solar on King Road and how it looks like there is a junk yard behind the houses on the right.

Mr. Marvin explained that there are other alternatives to this.

Mr. Ramsdill closed public comment at 7:48 p.m. The public hearing remains open.

Mr. Rifenbary shared that the Board consists of volunteers and spoke of the Boards objectivity to the application and process. Mr. Ramsdill clarified that there are legal provisions for ways that projects can engage which is established through the law. Mr. Kingsley thought that at the last meeting, in regards to financial provisions, was an offer to go into as payment in lieu of taxes agreement.

Mr. Ramsdill shared , in regards to the former Chairman, they (the Board) are all volunteer members of the community, and if on the Board for 38 years, there is potential that something could come up before the Board in that time.

Mr. Murphy explained they submitted a proposed draft pilot agreement but is not certain since there is no town tax collected, if that would prevent a pilot agreement. He also mentioned in town solar code there is a public benefit fee that the town typically collects.

Discussion continued between Mr. Kingsley and Mr. Schachner regarding financial agreements and the legality.

Mr. Kingsley moved to congratulate Joseph O'Brien, the former chairman, on his years of service. The Board wishes him a long healthy retirement. Mr. Rifenbary seconded. All Board members were in favor.

Adjournment:

Mr. Duffy made a motion to adjourn. Collins seconded the motion. All Board members present were in favor. The meeting was adjourned at 7:56 p.m.

Dated: April 25, 2025 **BOARD OF APPEALS**

BY_____

Lisa Closson, Zoning Clerk

BY_____

Christopher Ramsdill, Vice Chairman