

**WILTON ZONING BOARD OF APPEALS**  
**THURSDAY, May 23, 2024**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, May 23, 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, and Scott Kingsley. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

**ABSENT:** Jay Rifenburg, Christopher Iwinski, 1<sup>st</sup> alternate, and Andrew Bobbitt, 2<sup>nd</sup> Alternate.

**MINUTES:** The minutes of the last meeting, held on April 25, 2024, were approved, as submitted, on a motion made by Mr. Kingsley, 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\*

**SUP NO. 2013-28** Justin Bergin, 110 Ruggles Road, Saratoga Springs, NY 12866. Request for an extension of a Special Use Permit pursuant to 129 Attachment 8 Schedule B and §129-176 (V) of the Zoning Ordinance, for agriculture use with animals; property located at 110 Ruggles Road, Saratoga Springs, New York, 12866 Tax Map No. 154.-2-41, zoned R-2 in the Town of Wilton. SUP No. 2013-28, originally granted on June 27, 2013 for a period of two years with a limit of 12 chickens, and continually extended since, is due for review and extension on or before June 27, 2024.

Mr. O'Brien read correspondence from Just Bergin, 110 Ruggles Road, expressing he would like to have his Special Use Permit extended and nothing has changed.

Mr. Collins made a motion to approve the extension of SUP No. 2013-28, Justin Bergin, 110 Ruggles Road, Saratoga Springs, NY 12866, for a period of 3 yrs. Request for an extension of a Special Use Permit pursuant to 129 Attachment 8 Schedule B and §129-176 (V) of the Zoning Ordinance, for agriculture use with animals; property located at 110 Ruggles Road,

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Saratoga Springs, New York, 12866 Tax Map No. 154.-2-41, zoned R-2 in the Town of Wilton. SUP No. 2013-28 will be due for review and extension on or before June 27, 2027. Mr. Ramsdill seconded the motion. All Board members present were in favor. The motion passed.

**SUP NO. 2019-11** Elizabeth Simonetti, 89 Edie Road, Saratoga Springs, NY 12866. Request for the extension of a Special Use Permit pursuant to §129-176 v of the Zoning Ordinance, for the keeping of chickens; property located at 89 Edie Road, Saratoga Springs, NY 12866, Tax Map No. 154.-2-3, zoned R-2 in the Town of Wilton. SUP No. 2019-11, originally granted June 27, 2019 for a period of two years with a maximum of 12 chickens and no roosters, and continually extended since, is due for review and extension on or before June 27, 2024.

No one was present for SUP No. 2019-11. Mr. O'Brien asked Mr. Mykins if there have been any issues with the property.

Mr. Collins made a motion to approve the extension of SUP No. 2019-11, Elizabeth Simonetti, 89 Edie Road, Saratoga Springs, NY 12866, for a period of three years. Request for the extension of a Special Use Permit pursuant to §129-176 v of the Zoning Ordinance, for the keeping of chickens; property located at 89 Edie Road, Saratoga Springs, NY 12866, Tax Map No. 154.-2-3, zoned R-2 in the Town of Wilton. SUP No. 2019-11 will be due for review and extension on or before June 27, 2027. Mr. Duffy seconded the motion. All Board members present were in favor. The motion passed.

**SUP. No. 2023-19** Julian and Julie Thomas, 71 Woodard Road, Gansevoort, New York, 12831. Request for a Special Use Permit for Agriculture with Animals pursuant to §129-175 D. (1)-(7) and §129-176 V., of the Zoning Ordinance; property located at 71 Woodard Road, Gansevoort, New York, 12831, Tax Map No. 114.-1-8, zoned R-2, in the Town of Wilton. SUP no. 2023-19, originally granted June 22, 2023 for a period of 1 year limited to 30 chickens with the max of 1 rooster, and 6 turkeys, and subject to all requirements listed in §129-176 V., is due for review and extension on or before June 22, 2024.

Mr. O'Brien read correspondence from Julian and Julie Thomas, 71 Woodard Road, stating they would like to extend their Special Use Permit and that nothing has changed.

Mr. Collins made a motion to approve the extension of SUP No. 2023-19, 71 Woodard Road, Gansevoort, New York, 12831, for a period of two years. Request for a Special Use Permit for Agriculture with Animals pursuant to §129-175 D. (1)-(7) and §129-176 V., of the Zoning Ordinance; property located at 71 Woodard Road, Gansevoort, New York, 12831, Tax Map No. 114.-1-8, zoned R-2, in the Town of Wilton. SUP No. 2023-19 will be due for review and extension on or before June 22, 2026. Mr. Kingsley seconded the motion. All Board members present were in favor. The motion passed.

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**NEW BUSINESS:**

**Appeal No. 2024-10** Shawn Moran, 345 Pettis Road, Gansevoort, New York, 12831. Request for an Area Variance pursuant to §129-157 and Schedule B, R-2 District of the Zoning Ordinance; property located at 345 Pettis Road, Tax Map No. 115.-3-38, zoned R-2, in the Town of Wilton.

Shawn Moran, 345 Pettis Road, was present and explained his project to the Board. There was discussion about the placement of the proposed front deck.

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

Mr. Duffy made a motion to approve Appeal No. 2024-10, Shawn Moran, 345 Pettis Road, Gansevoort, New York, 12831. Request for an Area Variance pursuant to §129-157 and Schedule B, R-2 District of the Zoning Ordinance; property located at 345 Pettis Road, Tax Map No. 115.-3-38, zoned R-2, in the Town of Wilton, be granted, for 10 ft. front yard setback relief, for a proposed 12' x 20' deck; property located at 345 Pettis Road, Tax Map No. 115.-3-38, 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. 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. Collins seconded the motion. All board members present were in favor. The motion passed.

**Appeal No. 2024-11** Matthew Allen, 10 Dimmick Road, Gansevoort, New York, 12831. Request for an Area Variance pursuant to §129-157 and Schedule B, R-2 District of the Zoning Ordinance; property located at 10 Dimmick Road, Tax Map No. 102.-1-48.2, zoned R-2, in the Town of Wilton.

Matthew Allen, 10 Dimmick Road, was present and presented pictures to the Board of where the pole barn will be placed on his property and have been placed in record. There was discussion on the applicants property and the surrounding properties.

Mr. O'Brien opened and closed the public hearing at 7:12 p.m. due to lack of public comment.

Mr. Ramsdill made a motion to approve Appeal No. 2024-11, Matthew Allen, 10 Dimmick Road, Gansevoort, New York, 12831. Request for an Area Variance pursuant to §129-157

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and Schedule B, R-2 District of the Zoning Ordinance; property located at 10 Dimmick Road, Tax Map No. 102.-1-48.2, zoned R-2, in the Town of Wilton, be granted, for 11 ft. north side yard setback relief, for a proposed 30' x 50' detached pole barn; property located at 10 Dimmick Road, Tax Map No. 102.-1-48.2, 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's quite a bit of area on that side of the house, and it's the only place that the garage could be positioned due to the steep bank in the wooded area on the left side of the property. 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 of the steep drop off and the trees that exist on the left side of the property, and it is the only place the applicant could build the garage would be in that area to the right of the house. 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 because there are other homes with garages and the spacing of the properties would still feel open. 5. The applicant has demonstrated that the alleged difficulty was self-created.

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, 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.

Mr. O'Brien recused himself from Appeal No. 2024-06, which was heard after Appeal No. 2024-11, and exited the building.

Mr. Ramsdill acknowledged the correspondence that was submitted from Ed Kokoski, 7 Knollwood Drive, Bob Marchillo, 39 Knollwood Drive, Paul Coneski, 1 Knollwood Drive, Jeane Breen, 37 Knollwood Drive, and pictures of the visual assessment from multiple residents on Knollwood Drive, and confirmed with the Board that all Board members present had a chance to read through them, and have been placed in record.

Kyle Murphy with Quaker Springs, LLC, was present and discussed the visual impact analysis.

Mr. Ramsdill asked Mr. Murphy after the visual assessment was conducted if they (the applicant) are still comfortable using the screening that exists on other people's property along the right side of the arrays. Mr. Murphy said they could add on to the screening and also said that they could potentially re-route the access road and have it run parallel to the

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Northway to get it away from the residents, making the natural buffer bigger and also add new screening as well.

The public hearing was opened March 28, 2024 and remains open.

Bob Marchillo, 39 Knollwood Drive, spoke of property values and proximity of solar panels, and the visual impact study conducted by the applicant along with pictures he (Mr. Marchillo) has taken prior when the leaves were not sprouted.

Mary Gell, 23 Knollwood Drive, expressed that the ballons and the tarps were too sparse and did not give any true idea of what it is going to be like. She thought they would be lined up one along the other. She spoke of the visual impact pictures and guessed they were simulated because she didn't believe that was her back yard, and doesn't understand why this is the best place for it. She then mentioned Canadian Pacific taking down trees along the railroad tracks for a major energy line.

Ed Kokoski, 7 Knollwood Drive, explained the photographs that he was looking at from the visual impact are not at all what he experienced, and there are a tremendous amount of trees that are in the footprint of the solar panel. It is impossible for the visual test to turn into judgement when all the trees are removed. He spoke about submitted documents (from the applicant) such as the visual impact, concern of fire...because the main power conversion components are right in back of Bob Marchillo's house, and documents for solar projects in other major arteries, which are not at all representative what they are going to see.

Deb Kokoski, 7 Knollwood Drive, explained she thought this project came and went and was voted down when the solar law change was implemented.

Town Council explained the Use Variance. Discussion continued between the residents and the Board

Mr. Kokoski asked if it is possible to be fulfilled at a different location?

Angus Wyckoff, 10 Knollwood Drive, said he heard a rumor that state is reimbursing legal fees incurred by solar companies.

Jeane Breen, 37 Knollwood Drive, spoke of house devaluation and proximity to the solar power plant. She believes the gentlemen (from the solar company) were surprised themselves at how close to their (Knollwood Drive residents) homes they were. She also mentioned articles on the problem of where to put obsolete solar panels. Discussion continued regarding the need for a decommissioning plan.

Cristine Phaneaf, 30 Knollwood Drive, wondered about the visual impact from the Northway. Mr. Mykins explained solar panels are made to absorb light.

Carolyn Marchillo, 39 Knollwood Drive, had concerns about the visual impact pictures not including the homes that are closer to where the panels would be, and property values.

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Mr. Ramsdill said the public hearing will be left open. There was discussion about the number of Board members present and not receiving final determination from SCPB (Saratoga County Planning Board).

Mr. Murphy asked if the ZBA has obligation to respond to SCPB? He then responded to concerns of fire pointing out that there is a fire hydrant on the property and by potentially rerouting the access road will ensure access with fire departments to drive up to the existing hydrant so they can respond in the unlikely event that would happen. He said the fire department has received the plan for feedback and they (the applicant) are awaiting feedback. Discussion continued regarding fire, panels, and transfer stations.

Mrs. Kokoski asked if the fire department has been involved with this. Mr. Mykins explained they are waiting on feedback.

Mr. Ramsdill asked about alternate properties. Mr. Murphy explained the C-1 zones are 10 to 12 acres at one million dollars and they will not be paying one million dollars for 12 acres. There was discussion on the lease agreement on the current parcels proposed.

Mr. Duffy asked what the cost of the infrastructure would be. Mr. Murphy said five to ten million dollars. Discussion continued on the cost with Mr. Kokoski, Mr. Marchillo, the Board, and Mr. Murphy.

Oxsana Naumkin, 4 Knollwood Drive, wondered if anybody has given consideration to the weather pattern changes. There are more hurricanes and even earthquakes. She continued.

Mr. Ramsdill explained the Board would like to see as follows:

- Updated plan with access road change
- Information on Emergency Service Plan in case of fire.

Mrs. Breen questioned the access road over the railroad track.

**Adjournment:**

Mr. Collins made a motion to adjourn. Mr. Kingsley seconded the motion. All board members were in favor. The meeting was adjourned at 7:57 p.m.

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**Dated: June 3, 2024**

**BOARD OF APPEALS**

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

**Lisa Closson, Zoning Clerk**

**SUP No. 2013-28, SUP No.2019-11, SUP No. 2023-19, Appeal No. 2024-10, and Appeal No. 2024-11**

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

**Joseph O'Brien, Chairman**

**Appeal No. 2024-06**

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

**Christopher Ramsdill, Vice Chairman**