

**WILTON ZONING BOARD OF APPEALS  
THURSDAY AUGUST 22, 2024**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, August 22, 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, Christopher Iwinski, Scott Kingsley, Jay Rifenburg, Andrew Bobbitt, 1<sup>st</sup> alternate, and Scott Dussault, 2<sup>nd</sup> alternate. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

**ABSENT:** Scott Duffy

**MINUTES:** The minutes of the last meeting, held on July 25, 2024, were approved, as submitted, on a motion made by Mr. Rifenburg, 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. 2015-25 B** Susan & Bernard Friday, 22 Scout Road, Gansevoort, N.Y. 12831. Request for an extension of a Special Use Permit for horses, pursuant to §129-175 D. (1) – (7) and §129-176 Y. (1) – (7) Boarding of horses/Riding Stables; property located at 22 Scout Road, Gansevoort, N.Y. 12831, Tax Map No. 128.-1-14 zoned R-2, in the Town of Wilton. SUP No. 2015-25B, originally granted September 24, 2015 for a period of two years with a limit of 65 horses, continually extended every two years, then extended for three years August 26, 2021, is due for review and extension on or before September 26, 2024.

Mr. O'Brien read correspondence from Mr. Benard stating they would like there Special Use Permit extended. Mr. Mykins said there were no problems with the property.

Mr. Rifenburg made a motion to approve the extension of SUP No. 2015-25B, Susan & Bernard Friday, 22 Scout Road, Gansevoort, N.Y., for an additional three years. Request for an extension of a Special Use Permit, pursuant to §129-175 D. (1) – (7) and §129-176 Y. (1) – (7) Boarding of horses/Riding Stables; property located at 22 Scout Road, Gansevoort, N.Y.

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12831, Tax Map No. 128.-1-14 zoned R-2, in the Town of Wilton. SUP No. 2015-25B will be due for review and extension on or before September 26, 2027. Mr. Collins seconded the motion. Mr. Dussault, Mr. Bobbitt, Mr. Rifenburg, Mr. Iwinski, Mr. Collins, Mr. Ramsdill, and Mr. O'Brien 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.

**\*The public hearing has been left open from the March 28, 2024 ZBA meeting. Appeal 2024-06 was heard after New Business.**

**NEW BUSINESS:**

Appeal No.'s 2024-18 and 2024-19 were heard before Appeal No. 2024-06.

**Appeal No. 2024-18** Stephen and Donna Kloss, 27 Corinth Mountain Road, Gansevoort, NY 12831. Request for an Area Variance pursuant to Schedule B, R-2 District and Schedule C, R-3 District, of the Zoning Ordinance; properties located on Corinth Mountain Road, Gansevoort, NY 12831, Tax Map No.'s 101.-1-65.11, 101.-1-64, and 101.-1-65.2, zoned R-2/R-3 in the Town of Wilton.

Mr. O'Brien read correspondence from SCPB (Saratoga County Planning Board) stating no significant county wide or inter-community impact, and from WPB (Wilton Planning Board) giving recommendation for an Area Variance from the ZBA (Zoning Board of Appeals). Both have been placed in record.

Donna Kloss was present and explained the reason for the lot line adjustment. There was discussion about a concrete marker and the proposed new lot line, and the previous variances sought from the subdivision in 2021.

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. 2024-18, Stephen and Donna Kloss, 27 Corinth Mountain Road, Gansevoort, NY 12831. Request for an Area Variance pursuant to Schedule B, R-2 District and Schedule C, R-3 District, of the Zoning Ordinance; properties located on Corinth Mountain Road, Gansevoort, NY 12831, Tax Map No.'s 101.-1-65.11, 101.-1-64, and 101.-1-65.2, zoned R-2/R-3 in the Town of Wilton, be granted, for 86 ft. south side yard setback relief for proposed lot 2E, for an existing barn; properties located on Corinth Mountain Road, Gansevoort, NY 12831, Tax Map No.'s 101.-1-65.11, 101.-1-64, and 101.-1-65.2, zoned R-2/R-3 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

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in the character of the neighborhood and a detriment to nearby properties will not be created by the granting of the Area Variance because this is essentially cleaning up an existing condition where these lot lines were mistakenly placed through a structure that existed on the property for a long time, and this would allow it to preserve the structures that have been there with more clarity on the property lines for future consideration. 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 the structures are existing and this seems to have been an oversight in the alignment when the properties were broken from one larger piece in the initial subdivision of the properties. 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 it will be clarifying the property and allowing for the barn that exists to not cross over the two lots. 5. The applicant has demonstrated that the alleged difficulty was self-created.

Mr. Rifenbary seconded the motion. Mr. Dussault, Mr. Bobbitt, Mr. Rifenbary, Mr. Iwinski, Mr. Collins, Mr. Ramsdill, and Mr. O'Brien were in favor. The motion passed.

**Appeal No. 2024-19** HD Concrete, for David Loche, 853 Rock City Road, Ballston Spa, NY 12020. Request for Area Variances pursuant to §129-157 and Schedule B, R-2 District of the Zoning Ordinance; property located at 99 Edie Road, Saratoga Springs, NY 12866, Tax Map No. 141.-3-43, zoned R-2 in the Town of Wilton.

Present to explain the project were Aaron Lloyd and Jeremy Relyea from HD Concrete, and John Locke, property owner. Mr. Rifenbary asked about the two containers on the property. Mr. Locke said he needs a place to put furniture when the places are rented with furniture. There was discussion regarding the storage containers, the proposed garage, and the location of the well.

Mr. O'Brien opened and closed the public hearing at 7:18 p.m. due to lack of public comment.

Mr. Rifenbary asked if any neighbors had concerns. Mr. Locke said one had some questions and came over on Sunday and was happy the containers are going to go.

Mr. Rifenbary made a motion to approve Appeal No. 2024-19, HD Concrete, for David Loche, 853 Rock City Road, Ballston Spa, NY 12020. Request for Area Variances pursuant to §129-157 and Schedule B, R-2 District of the Zoning Ordinance; property located at 99 Edie Road, Saratoga Springs, NY 12866, Tax Map No. 141.-3-43, zoned R-2 in the Town of Wilton, be granted, conditioned on the two storage pods being removed from the property 30 days after the Certificate of Compliance is issued from the Building Department, and the structure is never to be used as an occupiable structure. The following relief of 20 ft. north side yard setback and 30 ft. rear yard setback for a proposed 40' x 40' 2 story garage; property located at 99 Edie Road, Saratoga Springs, NY 12866, Tax Map No. 141.-3-43, 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

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the granting of the Area Variances because it is a garage. 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. 3. The applicant has demonstrated that the requested Area Variances are not substantial because it's too close to the house. 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 because it is being constructed within the property. 5. The applicant has demonstrated that the alleged difficulty was self-created because of the need for the garage for storage.

Mr. Collins seconded the motion. Mr. Dussault, Mr. Bobbitt, Mr. Rifenburg, Mr. Iwinski, Mr. Collins, Mr. Ramsdill, and Mr. O'Brien were in favor. The motion passed.

Mr. O'Brien recused himself from Appeal No. 2024-06, which was heard after Appeal No's. 2024-18 and 2024-19, and exited the building. Mr. Kingsley arrived 5 minutes after the meeting was called to order and joined the Board after Mr. O'Brien left.

**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.

**\*The public hearing has been left open from the March 28, 2024 ZBA meeting.**

Kyle Murphy with Quaker Springs, LLC, was present and discussed a decommissioning bond, vegetative screening maintenance for the first two years, and catastrophic event of fire. He explained that these solar panels are installed on people's homes, which he feels is a testament to the safety of the technology and how unlikely it is for there to be a large scale fire on the site. He then shared that he has reached out to the Board of Commissioners of the Greenfield Fire District and Chief Barss, but they have not followed up with him. He also researched the Greenfield Fire Department's assets and found that they have five tanker trucks with capacity of 13,000 gallons that would be able to access the whole site because of the access road.

Mr. Dussault explained the northern shut off will not be able to be accessed if there is equipment already there. Discussion continued regarding another cut off switch between Mr. Mykins, Mr. Ramsdill, and Mr. Murphy.

Mr. Mykins and Mr. Murphy discussed CP Railroad, the sounding of the horn, and points of contact for the railroad.

Mr. Kingsley said every applicant that comes before us says they're going to do a project...no one plans for catastrophic events. This Board is just doing its job trying to protect the residents of this town, understands this is a long process, but it's a necessary process, and thinks the concerns of this Board are legitimate concerns, and doesn't think they should be dismissed.

Mr. Murphy suggested a couple of conditions of approval that the Board could implement to further mitigate visual impacts; panels not to exceed 10 ft. in height and types of

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screening. There was discussion about the height of screening, tree management, mowers, and the existing billboards.

Mr. Kingsley spoke of the crossing and wondered if there would have to be a new easement from the railroad. There was discussion on obtaining records of an existing easement for review.

Mr. Ramsdill opened public comment.

Bob Marchillo, 39 Knollwood Drive, wondered what would prompt Nation Grid...to install the utility pole that comes down into the northern end of the property for the hookup if this hadn't been started yet? Mr. Mykins said it may have been for Forest Grove.

Ed Kokoski, 7 Knollwood Drive, spoke of the crossing and agricultural use. He then said that the crossing will be used under different conditions, such as emergency access to a huge 40 acre industrial area. Mr. Mykins explained that is something between the applicant and the railroad. Discussion continued regarding an easement.

Mr. Kokoski said he did not see any reference to any of the concerns of the Knollwood residents. He also raised concern about fire. Mr. Ramsdill explained that these concerns have been talked about at prior meetings and will be included in the formulation the Board makes. Discussion continued.

Mr. Marchillo asked what happens when the question 'will this affect the character of the neighborhood' is a yes. Mr. Ramsdill explained that is not the same standard they will be using for this project, the questions that were read through for the approval were for an area variance, but this standard is a public utility use variance standard. Discussion continued.

Deb Kokoski, 7 Knollwood Drive, asked if the question 'does it do harm' part of this. Mr. Ramsdill explained it is different for this. Mrs. Kokoski said she does not understand and wants to know why the standards for this project are different. Mr. Mykins said he gave Mr. Kokoski copies of the standard that will be used for this and Mr. Kokoski said he never commented because they are so complicated. Discussion continued on the complexity of the standard. Mr. Kingsley explained that the Board has 62 days to render a decision once the public hearing is closed...and the Board is still in the fact finding period of the application.

Mr. Kokoski said NYS wants this project but he does not think NYS wants this project next to their neighborhood. It could burn up and bring the neighborhood down.

There was discussion about closing the public hearing.

Mr. Bobbitt questioned a Community Benefit Program.

Mr. Ramsdill closed public comment for the evening. The public hearing remains open.

**Adjournment:**

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Mr. Rifenburg made a motion to adjourn. Mr. Collins seconded the motion. All Board members present were in favor. The meeting was adjourned at 8:21 p.m.

**Dated: August 23, 2024**

**BOARD OF APPEALS**

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

**Lisa Closson, Zoning Clerk**

**Appeals 2024-18 and 2024-19**

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

**Joseph O'Brien, Chairman**

**Appeal 2024-06**

**By** \_\_\_\_\_

**Christopher Ramsdill, Vice Chairman**