

WILTON ZONING BOARD OF APPEALS
THURSDAY August 28, 2025

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, August 28, 2025, at Wilton Town Hall and was called to order by Chairman Kingsley.

PLEDGE OF ALLEGIANCE

PRESENT: Chairman Scott Kingsley, Vice Chairman Christopher Ramsdill, Andrew Bobbitt, Nicholas Collins, Scott Duffy, Jay Rifembary, and Scott Dussault, 1st 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: Christopher Iwinski, and Kelsey Mannix, 2nd Alternate.

MINUTES: The minutes of the last meeting, held on July 24, 2025, were approved, as submitted, on a motion made by Mr. Dussault, 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. 2014-24 Michael and Phyllis Whittam, 250 Gurn Springs Road, Gansevoort, NY 12831. Request for the extension of a Special Use Permit pursuant to §129-176 V and Schedule B of the Zoning Ordinance for a private stable; property located at 250 Gurn Springs Road, Tax Map No. 116.-1-28, zoned R-2, in the Town of Wilton. SUP No. 2014-24, originally granted on September 25, 2014, for a period of two years with a maximum of three horses, and continually extended since, is due for review and extension on or before September 25, 2025.

Michael Whittam, 250 Gurn Springs Road, was present and requested to have his Special Use Permit extended.

Mr. Rifembary made a motion to approve the extension of SUP No. 2014-24, Michael and Phyllis Whittam, 250 Gurn Springs Road, Gansevoort, NY 12831. Request for a Special Use Permit pursuant to §129-176 V and Schedule B of the Zoning Ordinance for a private stable; property located at 250 Gurn Springs Road, Tax Map No. 116.-1-28, zoned R-2, in the Town of Wilton, for an additional three years. SUP No. 2014-24, originally granted September 25,

Wilton Zoning Board of Appeals
Regular Meeting August 28, 2025

2014, will be due for review and extension on or before September 25, 2028. Mr. Dussault seconded the motion. All Board members present were in favor. The motion passed.

SUP. No. 2023-25 Kirsten Lambert, 180 Ruggles Road, Saratoga Springs, New York, 12866. Request for a Special Use Permit for Agriculture with Animals; private stables, pursuant to §129-176 V. and Schedule B, R-2 District, of the Zoning Ordinance; property located at 180 Ruggles Road, Saratoga Springs, New York, 12866, Tax Map No. 142.-1-34.2, zoned R-2, in the Town of Wilton. SUP No. 2023-25, originally granted September 28, 2023 for a period of two years with a limit of 2 horses, 2 goats, and 2 donkeys, is due for renewal and extension on or before September 28, 2025.

Mr. Kingsley read correspondence from Kirsten Lambert explaining she would like the Special Use Permit extended and that nothing has changed.

Mr. Bobbitt made a motion to approve the extension of SUP No. 2023-25, Kirsten Lambert, 180 Ruggles Road, Saratoga Springs, New York, 12866. Request for a Special Use Permit for Agriculture with Animals; private stables, pursuant to §129-176 V. and Schedule B, R-2 District, of the Zoning Ordinance; property located at 180 Ruggles Road, Saratoga Springs, New York, 12866, Tax Map No. 142.-1-34.2, zoned R-2, in the Town of Wilton, for an additional three years. SUP No. 2023-25, originally granted on September 28, 2023, will be due for review and extension on or before September 28, 2028. 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, 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 Appeal No.'s 2025-12 and 2025-13.

Appeal No. 2025-12 Cellco Partnership, d/b/a Verizon Wireless, 1275 John Street, Suite 100, West Henrietta, New York, 14586. Request for a Use Variance pursuant to Schedule B, Residential District 2, of the Zoning Ordinance; property located on Ballard Road, Gansevoort, New York 12831, Tax Map No. 128.-1-12.11, zoned R-2, in the Town of Wilton.

Appeal No. 2025-13 Cellco Partnership, d/b/a Verizon Wireless, 1275 John Street, Suite 100, West Henrietta, New York, 14586. Request for an Area Variance pursuant to §129-176 L. (7)(b), of the Zoning Ordinance; property located on Ballard Road, Gansevoort, New York 12831, Tax Map No. 128.-1-12.11, zoned R-2, in the Town of Wilton.

Appeal No.'s 2025-12 and 2025-13 were heard together. The Public Hearing was opened July 24, 2025.

Wilton Zoning Board of Appeals
Regular Meeting August 28, 2025

Mr. Kingsley read correspondence from SCPB (Saratoga County Planning Board) for Appeal No.'s 2025-12 and 2025-13 stating no significant county-wide or intercommunity impact recommending the tower be designed with a mid-break away point, and from Andrew Case and Hannah Barber, 14 Scout Road, stating their opposition to the tower. These three pieces of correspondence have been placed in record.

Dave Brennan and Julia Monohan with Young Sommer, LLC, and Rick Andres, an RF engineer, were present. Mr. Brennan presented an article to the Board from News Channel 10 regarding public safety and the need for improved wireless service in the county. This has been placed in record. He then presented the applications to the Board and showed a power point regarding coverage in the area and from the Visual Impact Study.

There was discussion about the tower location, mid-way break point, lighting, generator size, accuracy of the simulation of coverage, and room for other antennas.

Mr. Kingsley opened public comment at 7:48 p.m.

Hannah Barber and Andrew Case, 14 Scout Road, handed a copy of their survey to the Board to show the private trails on their property. Mrs. Barber stated the Balloon Fly showed that the tower would be quite close to their private trails. As they stated in their letter, they are first time homeowners. The notice of this construction, this infrastructure happening, came soon after they closed on the home, and their general worry is about the impact that this will have on the future ability to sell the house if so decided, as well as just the safety and the ability to use the property in the way that was intended to when they purchased it this year. Discussion continued about the trail.

Mr. Bobbitt asked if other adjacent landowners were present. Steven Dunkel, 18 Ballard Road, said he will see the tower and is fine with it.

Mr. Kingsley closed the public hearing at 7:54 p.m.

Mr. Schachner explained that SEQRA (State Environmental Assessment Review Act) will be reviewed by both the ZBA and WPB (Wilton Planning Board) under coordinated review.

Mr. Schachner lead the Board in Part 2 of SEQRA review, Unlisted.

Mr. Kingsley lead the Board in a vote for No. 18 of SEQRA Part 2: Consistency with Community Character, where the Board found it to be yes.

Mr. Ramsdill made a motion for Negative Declaration of SEQRA Part 2 review. Mr. Duffy seconded the motion. Mr. Dussault, Mr. Rifenburg, Mr. Duffy, Mr. Collins, Mr. Bobbitt, and Mr. Ramsdill were in Favor. Mr. Kingsley was opposed. The motion passed.

Mr. Kingsley re-opened the public hearing at 8:14 p.m. then closed the public hearing at 8:15 p.m due to lack of public comment.

Wilton Zoning Board of Appeals
Regular Meeting August 28, 2025

Mr. Ramsdill made a motion to approve Appeal No. 2025-12, Cellco Partnership, d/b/a Verizon Wireless, 1275 John Street, Suite 100, West Henrietta, New York 14586. Request for a Use Variance pursuant to Schedule B, Residential Two District, of the Zoning Ordinance; property located on Ballard Road, Gansevoort, New York 12831, Tax Map No. 128.-1-12.11, zoned R-2, in the Town of Wilton, was granted, conditioned on a break point installed on the monopole to minimize the potential for impact on the neighbors, because:

1. The Telecommunications Tower is classified as a public utility based on NY State Case Law, and the applicant has demonstrated that the proposed facility/tower is required in order to improve quality or quantity of its coverage by showing this project is needed to render safe and adequate service in cellular telephone and data coverage to fill areas of the town where no coverage occurs.

2. The applicant has demonstrated a compelling reason which makes it infeasible to pursue some alternative.

Mr. Rifenbary seconded the motion. Mr. Dussault was opposed. Mr. Rifenbary, Mr. Duffy, Mr. Collins, Mr. Bobbit, Mr. Ramsdill, and Mr. Kinglsey were in favor. The motion passed.

Mr. Ramsdill made a motion to approve Appeal No. 2025-13, Cellco Partnership, d/b/a Verizon Wireless, 1275 John Street, Suite 100, West Henrietta, New York 14586. Request for an Area Variance pursuant to §129-176 L. (7) (b) of the Zoning Ordinance; property located on Ballard Road, Gansevoort, New York 12831, Tax Map No. 128.-1-12.11, zoned R-2, in the Town of Wilton, be granted, for a proposed 154 ft. Telecommunications tower in the amount of relief of 71 ft. south side Fall Zone, and 106 ft. north side Fall Zone, was granted, conditioned on a break point being installed on the monopole to minimize the potential for impact on the neighboring land 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 are no properties located within the zone that is required to provide appropriate coverage for this project that would afford full setback allowances. This is shielded with multiple trees, and there will be a breakaway point established halfway up the height of the tower, which would greatly reduce the fall zone by 50% of the total amount. 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 nature and layout of the properties in the zone. 3. The applicant has demonstrated that the requested Area Variance is 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 the breakpoint will reduce any likelihood of any elements of the pole falling off this particular lot. 5. The applicant has demonstrated that the alleged difficulty was self created.

Mr. Duffy seconded the motion. Mr. Dussault was opposed. Mr. Rifenbary, Mr. Duffy, Mr. Collins, Mr. Bobbit, Mr. Ramsdill, and Mr. Kinglsey 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.

Wilton Zoning Board of Appeals
Regular Meeting August 28, 2025

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

Matthew Liponis with Hodgson Russ was present to represent the applicant and provided the Board with Sungrow inverter specifications. The Board asked for specifications on the inverters at a previous meeting.

Mr. Kingsley, Mr. Ramsdill, Mr. Rifenbary, and Mr. Liponis discussed possible kill switches discovered in inverters made in China. Mr. Liponis said this has been going on for a minute. Mr. Ramsdill made mention of stories from Reuters and the BBC Fox news which share that there were communication, hidden pathways, in the inverters that were coming over, and that they actually had found a couple that had been shut down remotely by China...they were worried that they were being placed there as a method of...shutting the grid down and reducing power if there was some conflict between the US and China, and that's what the intelligence experts were telling them in articles. Sungrow was actually one of the companies that was listed in the Reuters article.

Mr. Liponis explained this is part of the reason for the new security standards, ...updated every year, and that's part of what is incorporated into those standards. Mr. Ramsdill explained that this just came out about 3 months ago, so they would not be in the standards from last year. Mr. Liponis explained it is an ongoing problem that they deal with on a regular basis. Discussion continued including Mr. Duffy and Mr. Kingsley regarding the use of inverters, power outage, and size of array.

Mr. Rifenbary asked if the inverters are on hand and Mr. Liponis said they have not procured inverters as of yet and that there is a possibility they would use a different inverter. Discussion continued regarding the substantiality of the proposed solar project.

Mr. Kingsley explained that the town has put out a number of proposals for consultants for SEQRA Part 3, where one came back from the LA Group. Mr. Kinglsey then referred to §63-10 of Town Code which states:

§63-10 Zoning Board of Appeals application D. If the zoning board determines that additional and/or special review is required, it may, at its discretion, call in an independent engineering firm and/or special consultants. The costs of these services shall be borne by the owner/applicant.

Mr. Ramsdill made a motion to hire the LA Group as consultants for SEQRA Part 3. Mr. Bobbitt seconded the motion. All Board members present were in favor. The motion passed.

Mr. Ramsdill explained that the first step in completing Part 3 of SEQRA review is to use the grid presented in the New York State handbook. Mr. Ramsdill shared the grid he has been working on, Determination of Significance (placed in file). Mr. Kinglsey explained these are only the items from Part 2 of the SEQRA review that the Board considered moderate to large impact. The Board discussed the Determination of Significance. There was discussion on the following out of questions 1, 4, 7, 8, 9, 10, 15, 16, 17, 18 found on the Determination of Significance: #1- Impact on Land (determination not significant-moderate magnitude of impact), and #7-Impacts on Plants and Animals (determination significant-moderate

Wilton Zoning Board of Appeals
Regular Meeting August 28, 2025

magnitude of impact). #9-Impact on Aesthetic Resources (determination significant-moderate magnitude of impact), changed to severe magnitude of impact.

Mr. Kingsley told the Board that the Determination of Significance is a working document and to bring thoughts of contribution to the next meeting.

Mr. Kingsley opened public comment at 9:01 p.m.

Ed Kokoski, 7 Knollwood Drive, spoke of concern on #1- Impact on Land. Mr. Ramsdill explained how it is laid out in the workbook where moderate means confined to the site and large means it expands beyond the sites borders out into the community. Mr. Kokoski said that is exactly what he was thinking about because when they remove the trees, it expands beyond the site. Discussion continued.

Keith Burdick, 35 Knollwood Drive, appreciates the Board being so thorough. He raised concerns about health hazards due to the neighborhood being on well water, magnetic fields from power generation, and property value next to an industrial environment. Mr. Kingsley recognized the application has been in review for months and if there is anything to submit regarding any research regarding health and safety issues, or anything, to submit them. It will become part of the record...and is just as important as the verbal comments. Discussion continued.

Charles Wilson, 34 Knollwood Drive, said the Board is doing a great job, but need to remember one thing: the solar companies are not giving us anything...They want to make a profit. He wondered if Dorothy Nolan, the elementary school, had been notified of the hazards that can happen if there was a fire regarding evacuation plans to get the kids out of the school. Mr. Kingsley said the fire departments that will be responsible in case of emergency have been notified. Mr. Mykins added that communication between the fire department and the school board would be privy to the school board and if there were concerns after talking with the fire departments, they would contact the Board.

Mr. Kingsley closed public comment at 9:10 p.m. The public hearing remains open.

NEW BUSINESS:

NONE

Adjournment:

Mr. Ramsdill made a motion to adjourn. Mr. Rifenburg seconded the motion. All Board members present were in favor. The meeting was adjourned at 9:10 p.m.

Wilton Zoning Board of Appeals
Regular Meeting August 28, 2025

Dated: August 29, 2025

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Scott Kingsley, Chairman