

**WILTON ZONING BOARD OF APPEALS
THURSDAY, September 22, 2022**

A meeting of the Wilton Zoning Board of Appeals was held on Thursday, September 22, 2022, at Wilton Town Hall and was called to order by Chairman O'Brien at 7:01 p.m.

PLEDGE OF ALLEGIANCE

PRESENT: Chairman O'Brien, Vice Chairman Christopher Ramsdill, Jim Deloria, Scott Kingsley, Dean Kolligian, and Jay Rifembary. Also present were Mark Schachner, Town of Wilton Zoning Board of Appeals Attorney, Mark Mykins, Zoning Officer, and Lisa Closson, Zoning Clerk.

ABSENT: Robert Barrett.

MINUTES: The minutes of the last meeting, held on August 25, 2022, were approved, as submitted, on a motion made by Mr. Rifembary, 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*

None

OLD BUSINESS:

Appeal No. 2022-12 Cellco Partnership, d/b/a Verizon Wireless, for Greenfield Fire District, 1275 John Street, Suite 100, West Henrietta, New York, 14586. Request for a Use Variance pursuant to Schedule N, Commercial-Residential District, of the Zoning Ordinance; property located at 613 Route 9, Saratoga Springs, New York, 12866, Tax Map No. 153.-1-18, zoned CR-1, in the Town of Wilton.

Appeal No. 2022-13 Cellco Partnership, d/b/a Verizon Wireless, for Greenfield Fire District, 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 at 613 Route 9, Saratoga Springs, New York, 12866, Tax Map No. 153.-1-18, zoned CR-1, in the Town of Wilton.

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Mr. O'Brien read correspondence from SCPB (Saratoga County Planning Board) and WPB (Wilton Planning Board) for both Appeal No. 2022-12 and Appeal No. 2022-13 which have been placed into record.

Mr. O'Brien opened the public hearing for both Appeal No. 2022-12 and 2022-13 at 7:01 p.m.

David Brennan, ESQ, with Young/Sommer, LLC, Rick Andras, RF Engineer for Verizon Wireless, and Hannah Heisler, Site Acquisition Specialist, were present. Mr. Brennan shared his recollection from the Planning Board meeting held July 20, 2022, that the owners of Artisanal Brewery were concerned about the placement of the proposed tower. He also shared that with the conjunction with Mark Mykins and Ryan Riper, Town Engineer, they suggested a location further to the south with a revised site plan shifting the Tower to the other side of the property where it takes the fall zone away from the Artisanal Brewery. He also explained that they will design the Tower with a break point, so if it were to collapse, it would fall at 67 ft. to keep it on the property. He then said that they are on the Agenda for a Public Hearing with the Planning Board on October 19, 2022.

Mr. Rifenburg and Mr. Brennan discussed (potential and occurred) collapse of Telecommunication Towers.

Mr. Ramsdill discussed with Mr. Schachner the standards for Area and Use Variances for Telecommunication Towers.

Mr. Kingsley, Mr. Ramsdill, and Mr. Mykins discussed the breakaway point of the Tower.

Mr. Deloria and Mr. Ramsdill discussed with Mr. Brennan the fire house potentially attaching to the Tower.

Mr. O'Brien closed the public hearing at 7:11 p.m.

Mr. Ramsdill made a motion to approve Appeal No. 2022-12, Cellco Partnership, d/b/a Verizon Wireless, for Greenfield Fire District, 1275 John Street, Suite 100, West Henrietta, New York 14586. Request for a Use Variance pursuant to Schedule N, Commercial-Residential District, of the Zoning Ordinance; property located at 613 Route 9, Saratoga Springs, New York, 12866, Tax Map No. 153.-1-18, zoned CR-1, in the Town of Wilton, was granted because: 1. The Telecommunications Tower is classified as a public utility under State 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. Deloria seconded the motion. All board members present were in favor. The motion passed.

Mr. Ramsdill made a motion to approve Appeal No. 2022-13, Cellco Partnership, d/b/a Verizon Wireless, for Greenfield Fire District, 1275 John Street, Suite 100, West Henrietta,

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New York 14586. Request for an Area Variance pursuant to Schedule N, Commercial-Residential District, of the Zoning Ordinance; property located at 613 Route 9, Saratoga Springs, New York, 12866, Tax Map No. 153.-1-18, zoned CR-1, in the Town of Wilton, be granted, for a proposed telecommunications tower in the amount of relief of 165 ft. fall zone, property located at 613 Route 9, Saratoga Springs, New York, 12866, Tax Map No. 153.-1-18, zoned CR-1, in the Town of Wilton, was granted, for the following reasons: 1. The applicant, Verizon Wireless, is classified as a Public Utility under the State of New York and the applicant has demonstrated the tower is needed to render safe and adequate service in cellular telephone and data coverage. 2. The applicant has demonstrated a compelling reason which makes it infeasible to pursue some alternative.

Mr. Deloria seconded the motion. All board members present were in favor. The motion passed.

NEW BUSINESS:

Appeal No. 2022-15 Mark Lawson, 492 Maple Avenue, Saratoga Springs, New York, 12866. Request for Area Variances pursuant to §129 Attachment 20, Schedule N, CR-1 Commercial-Residential One District of the Zoning Ordinance; property located at 500 Maple Avenue, Saratoga Springs, New York, 12866, zoned CR-1 in the Town of Wilton.

Mark Lawson, 492 Maple Avenue, was present and explained his application to the Board.

Mr. O'Brien opened the public hearing at 7:18 p.m.

Mr. Lawson explained that the rear proposed lot 2 will have no frontage and created an easement through lot 1 to access lot 2. He explained that behind the 50 ft. rear setback relief is the old railbed, Mount McGregor railroad railbed and National Grid right of way and woods on the other side.

Mr. Ramsdill and Mr. Mykins discussed the 100 ft. setback on the stream, the shape of the lot, and the easement with maintenance and use agreement.

Mr. Kingsley discussed with Mr. Mykins if the Town Code requires a barrier between the properties.

Mr. Ramsdill discussed with Mr. Mykins why a flag lot cannot be done because of the wetlands and slopes. Mr. Mykins explained there used to be a pond, and in the rear where the railbed existed, is an earthen dam which broke several years ago, and now is a trickling stream.

Mr. Rifenburg asked Mr. Lawson if he had any idea what he might do with the properties and what the advantage of dividing them were. Mr. Lawson explained he was not sure what he might do with the properties, and instead of 1 piece of property he would have 2, and instead of 1 taxable piece of property the Town would have 2.

Mr. O'Brien closed the public hearing at 7:24 p.m.

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Mr. Ramsdill made a motion to approve Appeal No. 2022-15, Mark Lawson, 492 Maple Avenue, Saratoga Springs, New York, 12866. Request for Area Variances pursuant to §129 Attachment 20, Schedule N, CR-1 Commercial-Residential One District of the Zoning Ordinance; property located at 500 Maple Avenue, Saratoga Springs, New York, 12866, zoned CR-1 in the Town of Wilton, be granted, for 50 ft. rear yard setback relief and 200 ft. frontage relief for proposed lot 2, for a proposed 2 lot subdivision, property located at 500 Maple Avenue, Saratoga Springs, New York, 12866, zoned CR-1 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 Variances because this property is large enough to have two lots due to the wetlands and the unique staggered Z-shape of the property, the rear portion is difficult to access without use of an easement, it doesn't allow for frontage, but does have enough buildable area. There is also the old railbed and Niagara Mohawk Power Corporation land to the rear which would not be infringed upon. 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 this is a uniquely shaped lot that doesn't allow for a direct intersection from Maple Avenue to the rear lot. 3. The applicant has demonstrated that the requested Area Variances are substantial. 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 the narrow piece of the property will remain along the road as is. The rear area would have minimal impact on any of the neighbors, and area that will not be developed that will have no impact. 5. The applicant has demonstrated that the alleged difficulty is self-created.

Mr. Rifenburg seconded the motion. All board members present were in favor. The motion passed.

Adjournment:

Mr. Kingsley made a motion to adjourn. Mr. Kolligian seconded the motion. All board members were in favor. The meeting was adjourned at 7:28 p.m.

Dated: September 23, 2022

BOARD OF APPEALS

BY _____

Lisa Closson, Zoning Clerk

BY _____

Joseph O'Brien, Chairman