

The ***Zoning Board of Appeals*** of the Town of Schaghticoke met at the Town Hall, 290 Northline Drive, Melrose NY 12121 on Thursday, June 1, 2023

PUBLIC HEARINGS

There were none.

REGULAR MEETING

Chairman Ed McDonough opened the meeting at 7:00 p.m. with roll call.

Present:

Ed McDonough, Chairman
Rich Geddis
Kristin Griswold
Lettie Saheim
Jason Shover

Absent:

None

Kristin Pratt, Deputy Town Attorney, was absent.

The Board reviewed the minutes of the May 4, 2023 meeting. Lettie Saheim made a motion to accept the minutes as submitted. Jason Shover seconded.
Ayes: McDonough, Geddis, Griswold, Saheim, Shover
Nays: None

David C. Dean Area Variance (Tax Map #42-1-9.11). David Dean, applicant, appeared to propose an accessory apartment to be located on 2.7± acres in an RA district at 72 Madigan Road. The original plan for a detached apartment was discussed at the May 4, 2023 PB meeting. Chairman Alessandrini advised Mr. Dean that the Planning Board has taken the position that the intent of the Zoning Code is for detached accessory apartments to be located within the main existing structures rather than as detached structures. Mr. Dean presented the revised plan to the ZBA, which shows the accessory apartment connected to a breezeway to be built and behind the existing garage, necessitating side yard area variances of 10.71± feet for the existing garage and accessory apartment in order to meet the Zoning Law. The application, application fee of \$150. and short form EAF were submitted. In addition, a letter of support for the proposal was submitted to the Board

from the neighbor, Keith Harrington who would be most impacted by the proposal.

Ed McDonough made a motion to hold a public hearing for Application #2-23 of David Dean for a rear yard area variance on July 6, 2023 at 7:05 pm.

Kristin Griswold seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

ASD Schaghticoke Solar I (Tax Map #22-5-9.2 and 22-5-12.21). Paul Kruger, Director of Development for Active Solar Development and Jason Dell, P.E., Lansing Engineering PC, appeared to present a proposal for the development of a 5.98 megawatt solar facility with 10,982 fixed (twenty-five degree tilted) solar panels to be located on a 29.8± acre parcel in an RA district along the Stillwater Bridge Road. The property, currently a combination of wooded and open land, is owned by the Town of Schaghticoke. Mr. Kruger pointed out that Active Solar has been in business for 15 years, that their principal business is located in upstate New York and that Active Solar will oversee the project from the planning stage through the construction of the solar facility. He added that Active Solar is a growing company with 60 construction employees and 10 office personnel. Frank McCleneghan is President of Active Solar Development.

Mr. Kruger stated that the Town would benefit; subscriptions will be offered to the community through National Grid. A 10% savings may be realized by National Grid customers on utility bills. There are few neighbors, e.g. the Fairgrounds and the Rod and Gun Club, surrounding the proposed solar facility. There will be 16' between the fence and the panels along the side where the Rensselaer County Fairgrounds are located.

Lettie Saheim expressed concern with regard to the impact of the facility on, or "disturbance to" the neighbors.

A 25 year lease is proposed with an option for three 5 year extensions.

Active Solar is seeking a side yard variance of 30 feet and a rear yard setback of 40 feet, resulting in no measurable side and rear setbacks along the National Grid-Town property line, in order to achieve use of the entirety of the parcel on the side and rear.

The project narrative, long form EAF, a map and the application fee of \$300. were submitted.

Ed McDonough made a motion to schedule a public hearing for ASD

Schaghticoke Solar I, Application #3-3 at the next meeting on July 7, 2023 at 7:30 p.m.

ASD Schaghticoke Solar II (Tax Map #21-2-5 and 21-2-4.2). Paul Kruger, Director of Development for Active Solar and Jason Dell, P.E. Lansing Engineering PC, appeared to present a proposal for the development of a 5.85 megawatt solar facility with 10,732 fixed solar panels to be located on a 20.9± acre parcel in an HC district along Old Schaghticoke Road. The property is owned by the Town of Schaghticoke and is the site of the old landfill. The solar facility is proposed to be sited west of the National Grid transmission lines and substation.

As solar facilities are not permitted within HC districts, the applicant is seeking a use variance to meet the requirements of the Zoning Code. In addition, the applicant is requesting 2 area variances, a 40' rear yard setback and a 30' side yard setback in order to meet the Zoning Code. Mr. McDonough stated that he, Frank Alessandrini (PB Chairman), Tim Salisbury (Town Supervisor), and two of the Town Attorneys met to consider rezoning the 20.9± acre parcel from Highway Commercial District to Residential/Agricultural District. It was determined that re-zoning the parcel, in this case, would be equivalent to "spot zoning" and that "spot zoning" should be avoided.

Commencement of the construction may begin the second quarter of 2024. Both Solar I and II are planned to be constructed simultaneously over a six month period.

The project narrative, long form EAF, a map and the application fee of \$300. were submitted.

Ed McDonough made a motion to schedule a public hearing for Application # , ASD Schaghticoke Solar II, for a use variance and area variances for rear and side yard setbacks. Rich Geddis seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

Ed McDonough made a motion to adjourn the meeting at 7:55 pm. Lettie Saheim seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

Abbreviations

HC - Highway Commercial District

NYS - New York State

PB - Planning Board

RA - Residential/Agricultural

ZBA - Zoning Board of Appeals

Respectfully submitted,

date:

Elizabeth Hale, Clerk