

The ***Zoning Board of Appeals*** of the Town of Schaghticoke met at the Town Hall, 290 Northline Drive, Melrose NY 12121 on Thursday, October 5, 2023

REGULAR MEETING

Roll call took place.

Present:

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

Absent:

None

Kristin Pratt, Deputy Town Attorney, and Elizabeth Hale, Clerk, were present.

7: 00 P.M. The minutes from the September 7, 2023 meeting were reviewed by the Board. Lettie Saheim made a motion to approve the minutes as submitted. Kristin Griswold seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

Dennis Kulzer, 317 River Bend Road (Tax Map #70.11-2-15). Mr. Kulzer was not present. Chairman McDonough presented the information relating to the application of Dennis Kulzer who resides at 97 Bracken Road and who owns a 5,776± square foot lot at 317 River Bend Road, Pleasantdale. Mr. Kulzer would like to construct a residence at 317 River Bend Road which is contiguous to the Hudson River. To meet the Zoning Code requirements, an application for the following area variances has been submitted: a 1.9' variance is requested on the westerly side of the proposed residence, 4.7' on the easterly side, a front yard variance of 10' and a 52' rear yard variance from the property line adjacent to the Hudson River . Ed McDonough made a motion to schedule a public hearing to entertain the application of Dennis Kulzer for the above area variances at 7:05 p.m. on November 2, 2023. Rich Geddis seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

ASD Schaghticoke Solar II and ASD Schaghticoke Solar III.

Jason Dell, P.E., Lansing Engineering, and Paul Kruger, Director of Development, Active Solar, appeared to present the proposals for both ASD Schaghticoke Solar II (landfill site) in a HC district at 863 Old Schaghticoke Road and ASD Schaghticoke Solar III (highway garage site) to be located in a HC district at 895 Old Schaghticoke Road .

Mr. Dell stated that use variances were being requested for both Projects; a use variance is required since the district is Highway Commercial where solar facilities are not permitted. In addition, an application for area variances was submitted for ASD Schaghticoke Solar III at the highway garage site.

Firstly, Mr. Dell stated that he and Sean McClenahan, Director of Operations with ActiveSolar, parent company of the Applicant, met with Fire Chief George Conover (Hemstreet Park Fire District) onsite and drove around both sites in their entirety, covering both the wood-lines and power lines. Mr. Conover requested additional gates to provide greater access in case of fire. Fencing and setbacks have been altered for ASD Schaghticoke Solar II since the September Board meeting to meet the setbacks required by the Zoning Code: only an appeal for a use variance need be entertained by the ZBA for the Project. Additionally, the Applicant's surveyor confirmed that there were no private easements running through the ASD Schaghticoke Solar II site. Therefore, a public hearing is scheduled to be held at this October meeting to hear the appeal of ASD Schaghticoke Solar II, the landfill site. A revised public hearing notice for ASD Schaghticoke Solar II was published and provided to neighboring properties which provided notice that the Application had been amended and, therefore, solely a use variance is being sought. The Board also sent a hearing notice for ASD Schaghticoke Solar II to New York State Electric and Gas as suggested by Mr. Valade during the September Board meeting.

The Board opened the public hearing for ASD Schaghticoke Solar III at the September meeting which was scheduled to continue during this meeting. The ASD Schaghticoke Solar III Application was not amended and, therefore, the hearing notice and notifications did not need to be updated.

PUBLIC HEARINGS: ASD Schaghticoke Solar II and ASD Schaghticoke Solar III

It was noted that those individuals that commented at the September meeting, Brian Valade and Fire Chief George Conover, were not present. While the Board formally opened the public hearing for ASD Schaghticoke Solar II and continued the ASD Schaghticoke Solar III separately, the following comments were offered on both projects:

Brittany and Chris St. Gelais, residents located directly across from the landfill site (ASD II), were present. They stated that they will be directly impacted by the visibility of the solar panels and requested sufficient screening, and suggested the planting of additional trees, to protect their view.

It was noted that there are DEC limitations regulating the landfill site, including tree plantings, due to the presence of landfill caps. The Applicant agreed to a private meeting with the St. Gelais family and confirmed that additional plantings would be included that will be permitted at the landfill site by DEC. Application also requires approval of project details, including landscaping by the Town Planning Board.

Jackie Stellone, a Schaghticoke resident, was present. Ms. Stellone stated that she was tired of solar farms, that there was too much government involvement with regard to funding the facilities. In addition, she expressed concerns about the dismantling of the solar facilities and stated that there was no real plan for the solar facility waste and that most of the discarded materials are sent to landfills and are not recycled, thus “putting the cart before the horse”. Ms. Stellone noted that she had driven all around southern New York state and did not see any solar farms, contrary to Schaghticoke. She added that she would prefer to see open space, rather than solar facilities.

Lettie Saheim said that she sympathized with Ms. Stellone’s position with regard to solar farms.

William Root, 144 Linden St., wanted to know how the Town would benefit from the solar facilities. In addition, he asked what the Town intended to do with the additional financial revenue. Mr. Root asked how many acres would be involved in the construction of the solar farms. Mr. Dell replied that ASD Solar II would occupy a 14 acre parcel and ASD Solar III would be located on 4 acres.

It was stated that the Town would benefit monetarily from the lease of the properties and the subscribers to the community solar facility would realize a reduction (perhaps 10%) in cost on their National Grid electrical bill. The local community would be prioritized as subscribers. For further information with regard to financial issues, Mr. Root was advised to seek answers from the Town Board.

Kristin Pratt, Deputy Town Attorney, advised that DEC would review the ASD Schaghticoke Solar II project, which is the site of the former landfill, in its entirety - including the racking system, panels and construction process, and will make known its approval.

Jay Shover stated that the ZBA does not review all projects, that there are three Boards within the Town government - the Town Board, Planning Board and Zoning Board of Appeals. In addition, he noted that some of the decisions are very difficult to make.

Jackie Stellone maintained that the citizens are the property owners in this case and that, maybe, Ms. St. Gelais does not want the project to be approved.

Ed McDonough stated that a response was received from Rensselaer County Economic Planning and Development, leaving the final decision to local consideration.

In addition, Ed McDonough stated that a response was received from Rensselaer County Economic Planning and Development, finding that both ASD projects do not involve county-wide impacts, leaving the final decisions to local consideration.

Chairman McDonough made a motion to close the public hearing and open the regular meeting at 7: 33 p.m. Kristin Griswold seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

REGULAR MEETING

Chairman McDonough asked the Board if there were any questions or concerns with regard to the application and appeal of ASD Solar II and III requesting area and use variances to allow the construction of solar facilities at 863 and 895 Old Schaghticoke Road.

Mr. McDonough advised both Jason Dell and Paul Kruger to work with the public and to consider screening the facility in such manner to satisfy the neighboring residents. Mr. Kruger stated that he would be willing to meet with Brittany and Chris St. Gelais to discuss screening the proposed solar project.

The Board reviewed the ASD Schaghticoke Solar II and ASD Schaghticoke Solar III Projects under the public utility variance standard:

1. Public Necessity to Render Safe and Adequate Electric Service

The Board agreed that the Applicant demonstrated that there is a public necessity for electricity to render safe and adequate service. Additionally, the projects will further New York's climate goals. In addition, Mr. McDonough noted that the solar facilities may represent a savings on the subscribers' National Grid bills.

2. Compelling Reasons, Economic or Otherwise, to Use the Proposed Site Versus Alternative Sites

The Board recognized that the sites selected are in proximity to the necessary utility interconnections. Additionally, the ASD II project is the site of a former landfill and it is New York State policy to encourage use of former landfills for solar development.

3. Generation of Electricity will be Regulated by the Public Service Commission and Electricity Generated will go into the Electric Grid.

The electricity produced by both Projects will be regulated by the Public Service Commission and will go into the regulated electric grid.

4. Intrusion on the Community is Minimal

The Applicant demonstrated that the intrusion on the community by both Projects is minimal and that the granting of the variances will not result in an undesirable change in the character of the neighborhood. The Projects are located on properties owned by the Town and will redevelop land at both adjacent sites that is currently underutilized. Additionally, the visual impacts are expected to be less substantial than those associated with many of the other uses permitted in the HC zoning district. The Applicant has committed to visual mitigation through screening for both Projects, subject to review and approval by the Planning Board. Additionally, the Applicant has agreed to meet with the family located across the street from the ASD II site to incorporate additional landscaping as permitted by DEC.

Ed Mc Donough made a motion to grant the Application of ASD Schaghticoke Solar II. Lettie Saheim seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

Ed Mc Donough made a motion to grant the Application of ASD Schaghticoke Solar III. Lettie Saheim seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

Root (Tax Map #20.18-1-14 & 15). William Root, the applicant, appeared. Mr. Root is proposing to request a lot line adjustment from the PB in order to construct a residence facing South Pearl St. and located in a HD in Hemstreet Park. Mr. Root owns two parcels of property, located back to back with access from both South Pearl and South Linden Streets. He currently has a residence on South Linden Street at 144 South Linden and would like to construct a dwelling on the adjacent parcel which faces South Pearl St. The total acreage of the project is 0.52± acres. In order to build the proposed 30' X 40' dwelling with a 22' X 25' garage, and to meet the Zoning Code, Mr. Root is requesting a 20' setback from the garage and a depth of 79' from the road in order to submit an application to the PB for a lot line adjustment and to create the South Pearl St. dwelling.

Ed McDonough made a motion to hold a public hearing to entertain the application submitted by William Root on November 2, 2023 at 7 p.m. Jay Shover seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

Ed McDonough made a motion to adjourn at 7:50 p.m. Rich Geddis seconded.

Ayes: McDonough, Geddis, Griswold, Saheim, Shover

Nays: None

Abbreviations

DEC – Department of Environmental Conservation

PB – Planning Board

HC -Highway Commercial District
HD – Hamlet District

ZBA – Zoning Board of Appeals

Respectfully submitted,

date:

Elizabeth Hale, Clerk