



The *Zoning Board of Appeals* of the Town of Schaghticoke met at the Town Hall, 290 Northline Drive, Melrose, New York 12121 on Thursday December 7, 2023.

REGULAR MEETING

Roll call took place.

Present

Ed McDonough, Chairman
Kristin Griswold
Jason Shover

Absent

Rich Geddis
Lettie Saheim

Kristin Pratt, Deputy Town Attorney was present.
ZBA Clerk Elizabeth Hale was absent.

7:00 PM. The minutes from the November 2, 2023 meeting were reviewed by the Board. Jason Shover made a motion to approve the minutes as submitted. Kristin Griswold seconded.

Ayes: McDonough, Griswold, Shover

Nays: None

Kulzer Area Variance Application, 317 River Bend Road

Mark Danskin, L.S., consultant for applicant Dennis Kulzer appeared to present updated information to the ZBA related to the Kulzer application. Mr. Danskin presented an updated survey map which includes contours as well as the precise location of the flood plain and the floodway. The updated map indicates that while a portion of the applicant's property is located within the flood plain, the proposed residence is located outside the flood plain. The Board determined that the Kulzer application is now complete and a public hearing will be held at the January meeting.

SV St. Croix One, LLC, St. Croix Solar Extension Request, 14 Ridge Road

The applicant sent the Board a written request for an extension of the area variance approval related to the height of the proposed solar panel arrays which was initially approved on December 8, 2022. The applicant explained that due to delays associated with the substation upgrade, a building permit cannot be obtained within the one-year period after approval of the variance. Jason Shover made a motion to grant a one year

extension of the December 8, 2022 approval of an area variance of six (6) feet to permit solar panel arrays at a maximum height of eighteen (18) feet from the requirement in the Town Zoning Law as amended by Local Law No. 1 of 2017 which imposes a maximum average height for solar panel arrays at 12 feet to provide that the new expiration date is December 9, 2024. Kristin Griswold seconded.

Ayes: McDonough, Griswold, Shover

Nays: None

ABEI Energy

Chairman McDonough has received emails and telephone phone calls from representatives from ABEI Energy regarding the viability of a commercial solar facility located on Northline Drive in the Residential zoning district. Chairman McDonough has advised ABEI that an application for a use variance would be required and if a use variance were granted, the applicant would need approval of the project by the Planning Board. The Town has also advised ABEI that the Town has never received or granted a use variance to permit commercial solar in the Residential zoning district.

Former Paradise Pools Site, 489 NYS Route 40

Chairman McDonough received a telephone call from an individual considering placing an offer on property located at 489 NYS Route 40, the former Paradise Pools site. The property was ultimately sold to another individual.

John Phillips, 10 Brielle Dr.

Chairman McDonough received a call from John Phillips who owns approximately 23 acres as Mr. Phillips is looking into the viability of subdividing so that his son can build a home on a portion of the property. There is insufficient road frontage as there is approximately 60' of frontage for the full parcel. Mr. Phillips also inquired about a shared driveway. Chairman McDonough recommended that Mr. Phillips contact the Planning Board to determine subdivision viability; however, even under the standard in the Zoning Law for a flag lot, the lot may not be viable for subdivision due to the lack of frontage.

Jason Shover made a motion to adjourn the meeting at 7:45 PM. Kristin Griswold seconded.

Ayes: McDonough, Griswold, Shover

Nays: None

Respectfully submitted,

Date: January 4, 2024


Kristin Pratt, Deputy Town Attorney