

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
December 4, 2017 @ 7:00 PM
STILLWATER TOWN HALL**

Present: Chairman Donald D'Ambro
Joseph Urbanski, Member
Richard Rourke, Member
Christine Kipling, Member
Timothy Scrom, Member

Also Present: Daryl Cutler, Attorney for the Town
Eric Rutland, Building Inspector/CEO
Sheila Silic, Secretary

Absent: Ellen Vamocka, Town Councilwoman
Paul Male, Town Engineer

Chairman D'Ambro called the meeting to order at 7:00 P.M.

Review and Approval of Minutes of Zoning Board of Appeals:

Mr. Rourke made a motion to approve the minutes from the October 10, 2017 meeting, seconded by Mr. Scrom.

ZBA2017-07, Goodway Area Variance, 2 Creek Bend

Chairman D'Ambro recognized Ms. Lindsey Halse of Kesselman Solar who is representing Ms. Laura Goodway and Mr. Richard Gerardi. Ms. Halse stated that the applicant is seeking an Area Variance to install a 15ft by 27ft ground mounted solar array in the front yard. Ms. Halse stated that the application was before the Zoning Board on October 10, 2017 and was tabled due to the lack of an updated survey map. Ms. Halse stated that they submitted updated survey maps and the Environmental Assessment Form to the Building and Planning Department. Ms. Hales stated that she believes that was all the information that was requested.

Mr. Cutler asked if the application complies in all other aspects. Mr. Rutland stated that the solar array meets all the other setbacks except the front yard setback. Mr. Cutler stated that the Area Variance is for the front yard setback only. Mr. Rutland stated that is correct. Mr. Cutler asked Ms. Halse if she received a copy of Mr. Male's comment letter dated November 27, 2017. Ms. Halse stated that she had received Mr. Male's comment letter. Mr. Cutler stated that Mr. Male had questions regarding the Environmental Assessment Form and asked if she has the responses to the questions with her this evening. Ms. Halse stated that she has the responses with her and that she submitted the copies of the Environmental Assessment Forms to the Building and Planning Department. Mr. Cutler asked Mr. Rutland if Mr. Male was satisfied with the responses regarding the comment letter. Mr. Rutland stated that Mr. Male stated that the comments were minimally and satisfactorily addressed.

Chairman D'Ambro asked Ms. Halse when the responses were submitted. Ms. Halse stated that she believes they were submitted two weeks ago.

Ms. Halse stated that the changes to the questions on the Environmental Assessment Form are as follows: Item #1 is no. Item #7 regarding the Critical Environmental Area; the proposed project is outside the Critical Environmental Area. Item #9 is not applicable. Item #12B regarding the Archeological Sensitive Area, there is no specific Archeological Site on the property. Item #13A location of a wetland or waterbody, the project is not in the area of a wetland or waterbody. Item #20 regarding Remediation of Hazardous Waste, the property is not in any of the five locations of Hazardous Waste within the Town of Stillwater.

Mr. Rourke asked about the height of the solar panels. Ms. Hales stated that the panels are 6 Ft. 2 Inches with a 20 degree tilt.

Mr. Scrom asked what would happen to the panels if there was a flood. Ms. Halse stated that the panels are water safe. Ms. Halse stated that the solar panels are equipped with a disconnect at the main service panel if a flood were to happen. Mr. Scrom asked if there would be any glare directed toward NYS Route 4 from the solar panels. Ms. Halse stated that there would not be any glare from the solar panels. Ms. Halse stated that they use monolith black panels that are glare resistant.

Chairman D'Ambro asked if anyone on the Board had any additional concerns or questions and hearing none he asked to move to discuss SEQRA.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2017 RESOLUTION NO. 11**

WHEREAS, Kasselmann Solar, LLC has submitted an application to the Zoning Board of Appeals for an Area Variance regarding property located on 2 Creek Bend, more fully identified as Tax Map Number 244.-1-4.11; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is a Type II action and requires no further action or review by the Zoning Board of Appeals;

WHEREAS, the Planning Board reviewed each of the 11 factors contained in Part 2 of the EAF and determined that the proposed action will have no, or only a small, environmental impact;

Now, therefore, be it

RESOLVED, that the Zoning Board of Appeals hereby determines that the proposed action by the applicant, Kasselmann Solar, LLC, is a Type II action and requires no further action or review by the Zoning Board of Appeals.

A motion by Member Urbanski, seconded by Member Scrom, to adopt Resolution No. 11 of 2017.

A roll call vote was taken on Resolution No. 11 of 2017 as follows:

Chair Donald D'Ambro	Yes
Member Christine Kipling	Yes
Member Richard Rourke	Yes
Member Timothy Scrom	Yes
Member Joe Urbanski	Yes
Member Dale Smith	Yes

Resolution No. 11 of 2017 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on December 4, 2017.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2017 RESOLUTION NO. 12**

WHEREAS, Kasselmann Solar, LLC has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to put solar panels on property located at 2 Creek Bend, Stillwater, more fully identified as Tax Map Number 244.-1-4.11; and

WHEREAS, the Applicant is seeking an area variance for the set-back requirement contained Stillwater Zoning Code §3.5(D); and

WHEREAS, pursuant to §14.2(D) of the Stillwater Zoning Law, the Town properly and timely published a notice for public hearing conducted on _October 10, 2017 and December 4, 2017; and

WHEREAS, the Zoning Board of Appeals has duly considered the application and the elements necessary to consider the granting of an Area Variance by taking into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant;

Now, therefore, be it

RESOLVED, that the Stillwater Zoning Board of Appeals hereby makes the following findings:

1. An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the Area Variance because this is a request to place a solar panel in the front yard. It meets all set back requirements and will have limited visual impact;
2. The benefit sought by the applicant cannot be achieved by some method, feasible to the applicant to pursue, other than an Area Variance because the location of the solar panel is dictated by the solar efficiency factors and property conditions;

3. The requested Area Variance is not substantial because this is only a variance for putting an accessory structure on the front yard instead of the side or rear yard and, in this case, the property is deemed to have two front yards;
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because it is actually good for the environment, with little physical impact; and
5. The alleged difficulty was not self-created because the law changed after the applicant purchased the property; and be it further

RESOLVED, that the application of Kasselmann Solar, LLC for an area variance to allow for solar panels on property located at 2 Creek Bend, more fully identified as Tax Map Number 244-1-4.11 is GRANTED conditioned upon the applicant satisfying the comments contained in the Engineering Review Letter by Paul Male, PE dated December 4, 2017.

A motion by Member Scrom seconded by Member Urbanski, to adopt Resolution No. 12 of 2017.

A roll call vote was taken on Resolution No. 12 of 2017 as follows:

Chair Donald D'Ambro	Yes
Member Richard Rourke	Yes
Member Timothy Scrom	Yes
Member Joe Urbanski	Yes
Member Dale Smith	Yes

Resolution No. 12 of 2017 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on December 4, 2017.

Motion to adjourn: made by Mr. Scrom, seconded by Ms.Kipling motion passes at approximately 7:38 PM.