

**Town of Charlton  
Zoning Board of Appeals  
Business Meeting Minutes  
and Public Hearing Minutes**

**February 11, 2020**

Minutes of the Zoning Board of Appeals meeting held on February 11, 2020.

Acting Chairman Jim Leupold called the meeting to order at 7:00 p.m. at the Charlton Town Hall, 758 Charlton Road, Charlton, New York 12019.

Roll Call attendance was taken.

Present: Jim Leupold, Acting Chairman, Rick Potts, Jim Glavin, Jim Craig, Esq., Town Attorney and Kim Caron, Recording Secretary.

Acting Chairman Leupold led the Pledge of Allegiance.

**Public Hearing (7:05 p.m.)**

**Kasselman Solar/Crosby**

Acting Chairman Leupold opened the Public Hearing at 7:05 p.m.

Lindsey Halse and Scott Stevens of Kasselman Solar appeared before the Board. Mr. Stevens provide the Board with updated applications and supporting documentation. The new documents were submitted due to a reduction in size of the proposed system as a result of when some of the Board members visited the site. The proposed location for the proposed array is the same area but moved in 26 feet. The area variance request has decreased to 70 feet as the new setback is 130 feet. The supporting documents pertaining to the alternate sites for the proposed array have also been revised. Ms. Halse apologized for the late submittal but the information did not come in until this morning.

Board member Potts inquired as to the new size and number of modules for the new proposed array.

Ms. Halse stated that they are proposed 30 modules 6 high and 5 across. There is a wattage change from 21.6 kw to 12.2 kw. The revised documentation for the production from the alternate sites will be available tomorrow and will be emailed to the Board

Mr. Stevens stated that the EAF has been revised along with the plot/site plan.

Acting Chairman Leopold inquired about the height of the array.

Ms. Halse stated that the height is 10 feet for 6 panels. They are at the lowest they can go. Since the array is no longer as wide as originally proposed, they can bring the front edge of the array down lower to the ground.

Acting Chairman Leopold inquired if the size of the proposed array had been cut in half.

Ms. Halse stated that they are going from 24 kw hours to 14 kw hours max production.

Acting Chairman Leopold inquired if that would be enough.

Ms. Halse stated that they would also be installing a battery so that any extra production would be stored to offset the winter consumption. Ms. Halse reviewed the NYSERTA requirements.

Board member Potts inquired as to the proposed screening for the array.

Mr. Stevens stated that he has spoken to the homeowner and they will provide a quantity count for the proposed screening.

Board member Potts inquired if there would be screening from the back side of the system.

Ms. Halse stated that she emailed a photo of the screening from the rear which contains heavy foliage. Ms. Halse stated that they do not need a variance from side yard setback. Ms. Halse stated that any screening would be a courtesy not a requirement.

Board member Potts stated that when walking the proposed location area it was noted that in the winter months the neighbor will see the array.

Ms. Halse stated that she understands that but they meet the requirement for the side yard setback. Ms. Halse provided a picture of the area in the spring where there is heavy foliage. Ms. Halse stated that the homeowner and the neighbor could discuss any issues between themselves.

Board Attorney Craig stated that the Board could consider that as part of the approval.

Ms. Halse stated that if the array met the 200 foot front setback requirement they would not be before the ZBA for the side yard because they meet that requirement. Ms. Halse stated that they actually exceed the side yard setback requirement.

Board Attorney Craig stated that they are still looking for a variance and the question becomes if the Board concedes the variance for the front yard setback would the applicant consider putting a buffer on the neighbor's side of the array.

Ms. Halse stated that she would ask the homeowner.

Mrs. Caron read the public hearing notice that was published in the Daily Gazette on February 1, 2020. Mrs. Caron stated that notices to the adjoining neighbors were mailed on January 31, 2020.

Acting Chairman Leupold opened the Public Hearing for public comment.

Robert Anschultz, 4092 Jockey Street asked to see the plot plan as he lives directly across the street. Mr. Anschultz also asked what the constraint was, 130 feet versus 200 feet.

Ms. Halse stated that the town requirement is 200 feet from the front yard setback and they are proposing to place the array 130 feet from the front yard setback.

Ms. Halse stated that the screening plan consists of placing arborvitaes in front of the array closer to the road.

Mr. Anschultz inquired if there was available grassland for the array or if they would be removing trees.

Ms. Halse stated that they are using land not shaded by the tall trees and are not planning on removing trees.

Mr. Anschultz stated that due to the weather he hadn't gone to his mailbox in a few days and only saw the public hearing card today.

Sue McBurnie, 4091 Jockey Street stated that she is familiar with the property and showed where her property was located. Mrs. McBurnie stated that there was a question about road glare. Mrs. McBurnie stated that she doubted there would be any road glare because the property is above the road surface and there is a slope down. Mrs. McBurnie stated that she did not see a potential for glare and there is a solid tree line between the neighbors. Mrs. McBurnie stated that she thinks the proposed location is a good place to put it.

Acting Chairman Leupold inquired if the panels were a black matte finish.

Ms. Halse stated yes and that there would be no glare from the road because there is a slight downgrade in the elevation there.

Board member Glavin made the motion to close the Public Hearing. Board member Potts seconded the motion. All were in favor.

Public Hearing closed at 7:30 p.m.

### **Business Meeting**

#### **Kasselman Solar/Crosby Deliberations**

Board member Potts made the motion to declare the Zoning Board of Appeals as lead agency status for the purposes of SEQRA. Board member Glavin seconded the motion. All were in favor.

Board member Glavin made the motion to determine the action as a Type II action relative to SEQRA. Board member Potts seconded the motion. All were in favor.

The Board decided to wait for the additional requested information from the applicant before a vote is done.

Board member Potts made the motion to postpone the vote to the March 10, 2020 meeting to allow for the receipt and review of additional requested documentation from the applicant. Board member Glavin seconded the motion. All were in favor.

### **Minutes**

Acting Chairman Leupold stated that the meeting minutes from the January 14, 2020 meeting need to be approved. Board Member Jim Glavin made a motion to approve the meeting minutes dated January 14, 2020, seconded by Board Member Rick Potts. All were in favor.

January 14, 2020 Meeting Minutes approved.

### **New Business**

Acting Chairman Leupold stated that no new applications have been submitted.

Board member Potts made the motion to close the meeting. Board member Glavin seconded the motion. All were in favor.

Meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary