

**Town of Charlton
Zoning Board of Appeals
Business Meeting Minutes
And Public Hearing Minutes
Continuation from December 13, 2016**

January 10, 2017

Minutes of the Zoning Board of Appeals meeting held on January 10, 2017.

Chairman Albert Smith called the meeting to order at 7:38 p.m. at the Charlton Town Hall, 758 Charlton Road, Charlton, New York 12019.

Roll Call attendance was taken.

Present: Albert Smith, Chairman, Mark Chotkowski, Douglas Ranaletto, Joseph Marchesiello, Chip Ellms, Robert Van Vranken, Town Attorney and Kimberly Caron, Recording Secretary.

Public Hearing

Chairman Smith asked Attorney Van Vranken to facilitate.

Attorney Van Vranken advised that this meeting was a continuation of the Public Hearing and Business Meeting December 13, 2016. Attorney Van Vranken reviewed the status of the application. At the December 13, 2016 Public Hearing, discussions with the applicant led to the adjournment of the meeting to allow the applicant to provide the Board with additional locations for the proposed installation of the ground mounted solar panel array. The purpose of tonight's meeting is to finish the public hearing and deliberate on the information before the Board. Attorney Van Vranken identified that the two areas of concern for the Board were the proposed front line setback being only 125 feet instead of the required 200 feet and the screening plan for the array. Attorney Van Vranken asked the Kasselmann representative to identify for the Board what changes they have made to their proposal. Steve Kasselmann, CEO of Kasselmann Solar advised the Board that they have changed the location of the ground mounted solar array so that the setback is now 182 feet as indicated on the newly provided survey of the parcel. Mr. Kasselmann understands that the setback requirement is still not being met however; they have decreased their requested relief from 75 feet to 18 feet. Mr. Kasselmann explained the previously provided shading reports of the other potential areas the array could be located to show their production is lower than their new proposed area. The shading report showing their proposed location also shows the proposed screening for the array. Mr. Kasselmann explained that if the landscaping is constructed anywhere but to the north of the array, this would create shading of the array and reduce production.

Discussions

Attorney Van Vranken asked Mr. Kasselmann to explain to the Board why the array could not be located on the northeast side of the property. Mr. Kasselmann reviewed the shading report for that location indicating that there is an 84% TSRF which shows a lower production area. Mr. Kasselmann explained the reports given to the Board regarding the average sun exposure for 365 days and factoring in obstructions around the array. Mr. Marchesiello inquired if the array could be mounted any higher. Mr. Kasselmann explained that the warranty that comes with the array does not cover beyond the realm of what the manufacturer requires. It would also be costly to increase the height and may not be any more beneficial to production. Attorney Van Vranken asked what was the difference in benefits to have the location of the solar panel array in the north as the Board would like to the proposed southern location. Mr. Kasselmann explained that there would be a diminished return, approximately 600 kw hours would not be captured in that location over time. Mr. Marchesiello asked for the proposed landscaping plan. Mr. Kasselmann stated that their proposal calls for landscaping around the piers of the solar array. If landscaping were placed around the array or to the south of the array, their “shadowing” of the array would decrease production. Attorney Van Vranken inquired if they had been asked to screen the array’s before. Mr. Kasselmann answered that they had not received that request before.

Attorney Van Vranken closed the Public Hearing at 8:00 p.m.

Minutes

Attorney Van Vranken stated that the minutes would be reviewed at the next meeting in conjunction with these minutes.

Meeting

Mr. Chotkowski made a motion to approve the applicant’s request for an area variance subject to the design amended on the drawing to reflect the array location 182 feet from the property line and pursuant to a landscaping plan consistent with the plan represented before the Board tonight. Mr. Marchesiello seconded the motion.

Attorney Van Vranken called for review of the five criteria for approving an area variance.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance.

The Board agreed no.

2. Whether the benefit sought by the applicant can be achieved by some other feasible method other than the variance.

Mr. Chotkowski expressed that the benefit sought could be achieved by some other feasible method. The remaining Board members agreed no.

3. Whether the requested variance is substantial.

The Board agreed no.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The Board agreed no.

5. Whether the alleged difficult was self created, (that it was will not necessarily preclude the granting of the area variance).

The Board agreed yes.

Roll Call Vote was taken:

Mr. Chotkowski – aye

Mr. Ranaletto – aye

Mr. Smith – aye

Mr. Malis – aye

Mr. Ellms – aye

Variance Granted.

Attorney Van Vranken advised that the Resolution of the decision would be prepared and sent to the applicant.

Meeting

Attorney Van Vranken advised that the Public Hearing for the proposed Stewarts application would be held by the Town Board on January 23, 2017 at 6:30 p.m. and the ZBA members were expected to attend.

Mr. Chotkowski made the motion to close the meeting. Mr. Marchesiello seconded the motion. All were in favor.

Meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary