TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
TEL: 845-373-8860, x118 FAX: 845-373-9147

ZONING BOARD OF APPEALS APPLICATION

Dear Applicant:
Attached is an application to the Zoning Board of Appeals (ZBA). Please submit all applicable information on the checklist along with 3 copies of all information and required fees to the Zoning Board of Appeals Office at least three (3) weeks prior to the ZBA meeting. Meetings are scheduled for the 3rd Monday of every month at the Amenia Town Hall, 4988 Route 22, at 7:00 P.M. (unless specified otherwise).

The applicant is responsible for any costs incurred for public hearing notices and review of the application by Town consultants, if needed. An Escrow fee is required and will be set by the ZBA Board.

If the matter before the Zoning Board of Appeals was cancelled on the part of the applicant, there will be no refund of the application fee.

Applicants before the Board, must have all of the information necessary for submittal, as they will be required to pay a new application fee if the matter cannot be heard when it is scheduled. If it is determined that the application is complete, the applicant will be notified when the public hearing will take place: the Millerton News and all contiguous neighbors will also be notified by the ZBA Secretary. Incomplete applications will not be put on the Agenda.

If an applicant decides to postpone or cancel his/her appearance, please telephone the Zoning Board Secretary, x124 or Zoning Enforcement Officer, x118 AT LEAST 48 HOURS IN ADVANCE, because there are clerical functions, which much occur (i.e. notifying property owners, notice in the paper, etc.)

Please supply a cover letter and describe the project in your own words including any hardships involved.

The applicant is responsible for adhering to Chapter 121, Sections 121-58 and 121-59 of the Town of Amenia Zoning Law available online at www.ameniany.gov (Quick Link, Town Code) or from the Town Clerk for a fee.

By signing this letter, the applicant gives permission to all ZBA members to do a site walk on the property prior to the public hearing.

I have read the above and fully understand my responsibilities.

Andres J. Valdespino
Name (please print)

Signature

April 4, 2022
Date

ZONING BOARD OF APPEALS APPLICATION

Appeal/Variance Checklist

_____ copies (supplied by the applicant) of the following items are required to apply to the Zoning Board of Appeals for a variance, an interpretation of the Town of Amenia Zoning Law or a reversal of a decision by the Code Enforcement Officer. An application may not be filed until the Code Enforcement Officer has made a decision on a building or zoning permit application, except where an area variance is requested in connection with a special permit or site plan approval from the Planning Board. **Incomplete applications will not be put on the agenda.**

CHECKLIST

✓ Complete Appeals/Variance Application with pdf
_____ Disclosure of Interest Form
✓ Cover letter (describing the project in detail including any hardships involved)
N/A Agricultural Data Statement (for Use Variances only) if the property is in an agricultural district and contains a farm operation, or if the property is within 500 feet of a farm operation in an agricultural district.

N/A Building Permit Application with copies of all drawings and maps submitted to the Building Department showing the proposed building(s) and site alterations with dotted lines and showing the existing building(s) and other improvements with solid lines.

N/A Building Inspector's Denial (Decision of the Code Enforcement Officer)

✓ Site Plan of the property showing (within ¼ mile radius) adjacent or nearby villages or towns, county or state parks or other recreation areas, county or state roads or highways, county owned or managed streams or drainage channel and state-owned lands with public buildings, all other building locations and setbacks from other buildings and property lines noted with measurements.

_____ Copies of all applications, attached information, and decisions if the matter is being heard by another Board

FEES:

✓ Application
✓ Variance
_____ Interpretation
_____ Reversal of Decision by Code Enforcement Officer
_____ Total (checks made payable to Town of Amenia)
✓ Escrow - $2500 (separate check made payable to Town of Amenia)

ZONING BOARD OF APPEALS APPLICATION

This application must be typewritten or legibly printed.

Project Name: Installation of Ground Mounted Solar Energy System

Type of Application (check all that apply):

X Area Variance 121-59.D
___ Use Variance 121-59.C
___ Reversal or Modification of Decision of CEO 121-59.B
___ Interpretation of Zoning Text or Map 121-59.A
___ Other (Please explain)

Property Address:
Block ___ **Lot(s)** ___ **Zone**
District: RR
132000-7267-00-100601-0000

Primary Contact Person:
Andres J. Valdespino
Address: 103 Yellow Cty Road, Amenia, NY
Telephone:
Email:
Date Title Acquired: May 19, 2019

Name of Property Owner:
Andres J. Valdespino
Michelena Hallie
Address: 103 Yellow City Road, Amenia, NY
Telephone:
Email:

Name of Applicant (If different)

Address:
Telephone:
Email:
Relationship to owner:

Current Use(s) Residential
Proposed Use(s) and/or Structures:
Residential, ground mounted solar energy system

Brief Description of Proposed Use/Activity
(attach additional sheets, if necessary)
Ground mounted solar energy system
See letter attached

Provisions of the Zoning Law relating to this Application, and variance(s) from zoning, if any
121-52.1(H)(1)
121-52.1(H)(7)

Is there an existing Special Permit, Variance, And/or Site Plan approval for your property?
Yes, granted on:
(No)

Does the property contain a farm operation located within an agricultural district or is the property boundary within 500 feet of a farm operation Located in an agricultural district?
(Yes) Lots 785630, 003765, 960585 *
No:
Not Applicable:

* 785630 is an operating dairy farm. The other two are vacant farmland.

ZONING BOARD OF APPEALS APPLICATION

1. DESCRIPTION OF PREMISES

irregular shaped lot

Size of Lot Width _____ ft. Depth _____ ft Area 219,978 sq. ft. 5.05 acres

Coverage (portion of lot occupied by all structures)

Max. allowable _____ sq. ft. _____ per cent
Existing _____ sq. ft. _____ per cent
Proposed _____ sq. ft. _____ per cent

Principal or Main Building

Height: Max. allowable _____ sq. ft. _____ per cent
Existing _____ sq. ft. _____ per cent
Proposed _____ sq. ft. _____ per cent

Floor area - not required for single and two-family structures:
Maximum permitted _____ sq. ft. Existing _____ sq. ft. Proposed _____ sq. ft.

Front Yard Depth -
Minimum required _____ ft. Existing _____ ft. Proposed _____ ft.

Side Yard
Minimum required _____ ft. Existing _____ ft. Proposed _____ ft.

Smaller Side Yard
Minimum required _____ ft. Existing _____ ft. Proposed _____ ft.

Larger Side Yard
Minimum required _____ ft. Existing _____ ft. Proposed _____ ft.

Rear Yard Depth
Minimum required _____ ft. Existing _____ ft. Proposed _____ ft.

Accessory Structure (CANOPY) Ground Mounted Solar Energy System

Location: **Front Yard** X **Side Yard** _____ **Rear Yard** _____

Height: **Existing** _____ **stories** _____ **ft.**
Proposed 0 **stories** 9.5 **ft.**

Distance from:

Front Lot Line:	**Existing** _____ **ft.**	**Proposed** 148 **ft.**	
Side Lot Line:	**Existing** _____ **ft.**	**Proposed** 100 **ft.**	and 112 ft to south and 100
Rear Lot Line:	**Existing** _____ **ft.**	**Proposed** +500 **ft.**	100 and 77 to north
Main Building:	**Existing** _____ **ft.**	**Proposed** _____ **ft.**	
Other Accessory Structures:	**Existing** _____ **ft.**	**Proposed** _____ **ft.**	

2. **ATTACHED, MULTIPLE AND JOINT OCCUPANCY BUILDINGS ONLY**

Useable Open Space:

Required:	**Width** _____ **ft.**	**Depth** _____ **ft.**	**Area** _____ **ft.**
Existing:	**Width** _____ **ft.**	**Depth** _____ **ft.**	**Area** _____ **ft.**
Proposed:	**Width** _____ **ft.**	**Depth** _____ **ft.**	**Area** _____ **ft.**

Number of habitable rooms in each dwelling unit (list each unit separately)

_____

_____

_____

_____

1. **SPECIFIC RELIEF REQUESTED** (Complete where applicable, attach additional sheets if necessary)

A. Interpretation of the Zoning Law is requested because:

N/A

B. REVERSAL OR MODIFICATION of a decision of the Code Enforcement Officer is requested because:

N/A

C. A USE VARIANCE is requested for these reasons (all blanks must be filled in) N/A

1. The applicant cannot realize a reasonable return from the property for any use allowed by the Zoning Law because:
The property was acquired in the year _____ for $ _____. The applicant has invested $_____ in the property since that time, and the largest return than can be expected from using the property as a _____ (most valuable use allowed by the Zoning Law) is $_____ per year. The value of the property under the current Zoning Law, as determined by competent financial evidence submitted herewith, is $ _____. The expected return and/or property value from other uses allowed by the Zoning Law ranges from $ _____ to $ _____.
(Please attach a list of all permitted and special permit uses and their probable return and value).

2. The hardship relating to this property is unique, and does not apply to a substantial portion of the district or neighborhood because:

3. The variance will not alter the essential character of the neighborhood because:

4. The hardship is not self-created because:

ZONING BOARD OF APPEALS APPLICATION

D. **AN AREA VARIANCE is requested for these reasons:**

1. **If the variance is granted, the applicant will have the following benefit:**

   Electricity provided to the house will be solar renewable energy.

2. **There will not be an undesirable change of the neighborhood or a detriment to nearby properties because:**

   Project will not cause noise or add traffic. See letter attached

3. **The applicant cannot attain the benefit of having the variance by any other method because:**

   The set-back variance is not significant and meets code on three of four sides. The side yards and back yards are not suitable for this project. See letter attached

4. **The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:**

   The project will not cause noise or add traffic. See letter attached

PREVIOUS APPEAL

A previous appeal_____has_____has not been made with respect to this decision of the Building Inspector or with respect to this property.

Such an appeal(s) was (were) in the form of:

- **A requested interpretation_____ Appeal No._____, dated_____**
- **A request for variance_____ Appeal No._____, dated_____**

TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
(845) 373-8118, Ext. 122-124 Fax (845) 373-9147

ESCROW FOR PROFESSIONAL SERVICES

Date: April 4, 2022

Applicant: Andres J. Valdespino and Michelena Hallie

Project Name: Ground Mounted Solar Energy System

Location: 103 Yellow City Road

Description of Project: Installation of a ground mounted solar energy system

Amount Requested: $ 2,500.00 **Minimum Balance:** $ 500.00

The Town of Amenia Board is currently reviewing your application for a ground mounted solar energy system. This Board is requesting that you place in escrow sufficient funds to be used to defray reasonable costs incurred by the Town for professional services and inspections required throughout the entire review process, as authorized by the Town Code of the Town of Amenia.

Based on estimated review costs, you are requested to deposit $2500.00 in the escrow account. Should the balance of this account fall below $500.00, you will be notified and requested to replenish the account to the requested amount.

The escrow account does not provide for the other development, application and filing fees set forth in the Town of Amenia Town Code and Schedule of Fees. The applicant must make timely, direct payment of those other fees as a prerequisite to continued review of the application.

All parties agree to the terms and conditions stated herein.

Town of Amenia Board Applicant

8

ANDRES VALDESPINO
MICHELENA HALLIE
103 Yellow City Rd.
Amenia, NY 12501

April , 2022

BY HAND DELIVERY

Hon. Terry Metcalf, Chairman
And Members of the Town of Amenia Zoning Board of Appeals
4988 Route 22
Amenia, NY 12501

Re: 103 Yellow City Road, Amenia, NY (Tax Map No. 100601)
Application for Area Variances for Installation of Ground Mounted Solar Energy Systems (GMSE)

Dear Chairman Metcalf and Members of the Board:

We are the owners of our home located at 103 Yellow City Road in the Town of Amenia. Our proposed project is a ground mounted solar energy system. We submitted a Site Plan Application to the Town Planning Board and were advised that we needed to obtain two variances from existing Zoning requirements in connection with the Planning Board's site plan approval review. Specifically, we ask for variances from Code Section 121-52-1(H)(1) which requires a minimum of 100 feet from any property line and from Code Section 121-21-1(H)(7) which requires that Ground Mounted Solar Energy Systems be installed in the side or rear yard.

Submitted in support of this application are:

1. Zoning Board of Appeals Application Form;
2. Site Plan prepared by Hudson Valley Wind and Solar LLC (the Contractor);
3. Map shing site of installation and properties within ¼ mile.

Also being submitted is a digital (pdf) copy of these materials, a check in the amount of $250 for the application fee and a check for $2,500 for the escrow fee.

Background

Our initial preference was to install the solar panels on the roof of our house. After reviewing the roof and the sun conditions there, our contractor advised us that the roof would not get enough sunlight as it is surrounded by trees on the east, south, and west sides. The field on the other side of the house is the only place where the GMSES can be installed.

Through the installation of a Ground Mounted Solar Energy System, we will achieve the stated objective of creating a renewable energy system that is specifically encouraged by Town Code Section 121-52.1(A). The installation will, as is also contemplated by the Code, have minimal or no impact on neighboring properties, will protect the environment since there is no need to remove tree cover, and will have no impact on public health, safety, or welfare.

As your Board is aware, when deciding an application for an area variance a zoning board must weigh the benefit to the applicant if the variance is granted against the detriment to the health, safety, and welfare of the community flowing from the grant of the variance. Town Code Section 121-59(D)(2). To aid in performing the requisite balance, a zoning board is also to consider the following subsidiary factors:

> (a) 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 area variance;
> (b) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
> (c) whether the requested area variance is substantial;
> (d) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
> (e) whether the alleged difficulty was self-created, which shall be relevant to the decision of the Board but which shall not necessarily preclude the granting of the area variance.

Town Code 121-59(D)(2). As discussed below, we believe our request meets each of these factors.

The Site Setback Variance:

Code Section 121-52-1(H)(1) requires installation of a GMSES at a minimum of 100 feet from any property line. As shown on the submitted Site Plan, the planned installation is 100 feet or more from the property line, with the exception of the northeast corner of the northern array, which is 77 feet from the property line. To achieve 100 feet distance on that corner will require the removal of a young apple tree. Applying the above five balancing considerations, the variance should be granted:

a. The project will not change the character of the neighborhood as the project will not create noise or increase traffic;
b. The project cannot be achieved through an alternative method, as the roof does not get adequate sunlight.

c. The variance of 23 feet is not substantial. Immediately past the property line at the end of the 23 feet is another large open field;
d. The project will not have a negative effect on the physical or environmental conditions in the neighborhood;
e. The difficulty is not self-created.

The Side Yard Variance:

Code Section 121-21-1(H)(7) requires that Ground Mounted Solar Energy Systems be installed in the side or rear yard. At the Planning Board meeting on March 23, 2022, we were advised that the Town Code Inspector had determined that the area in which we plan to install the GMSES is considered a front yard and not a side yard, We request a variance allowing the installation on what is considered the front yard for two reasons.

First, both areas that would be considered side yards would require felling a significant number of trees. In any event, neither side yard would be able to meet the set-back requirements without significant variances. Additionally, neither the north nor side yards would receive sufficient sunlight even if trees were removed to make room for the system. The north side yard would effectively be blocked by a mature oak and white pines to the south The south side yard would still have sunlight blocked by the trees on a slope on the adjoining property.

Second, we cannot install the system in what would be our back yard as it slopes upward to a peak of approximately 150 feet with no flat area for installation. Additionally, even if space could be identified to do the installation, it would require removing approximately 800 square feet of existing trees. As some of the trees on the south side of the slope are also located beyond our property lines, it is probable that, even after removing 800 square feet of trees, the system would not receive sufficient sunlight.

. Applying the above five balancing considerations, the variance should be granted:

a. The project will not change the character of the neighborhood as the project will not create noise or increase traffic;
b. The project cannot be achieved through an alternative method, as the back yard is sloped, the side yards would not receive sufficient sunlight and both would require removal of a substantial quantity of trees.
c. The variance is not substantial as the area in question is already surrounded on three sides by trees.
d. The project will not have a negative effect on the physical or environmental conditions in the neighborhood;
e. The difficulty is not self-created.

For the reasons set forth in this letter, it is respectfully requested that the Board grant our requested variances.

Respectfully submitted.

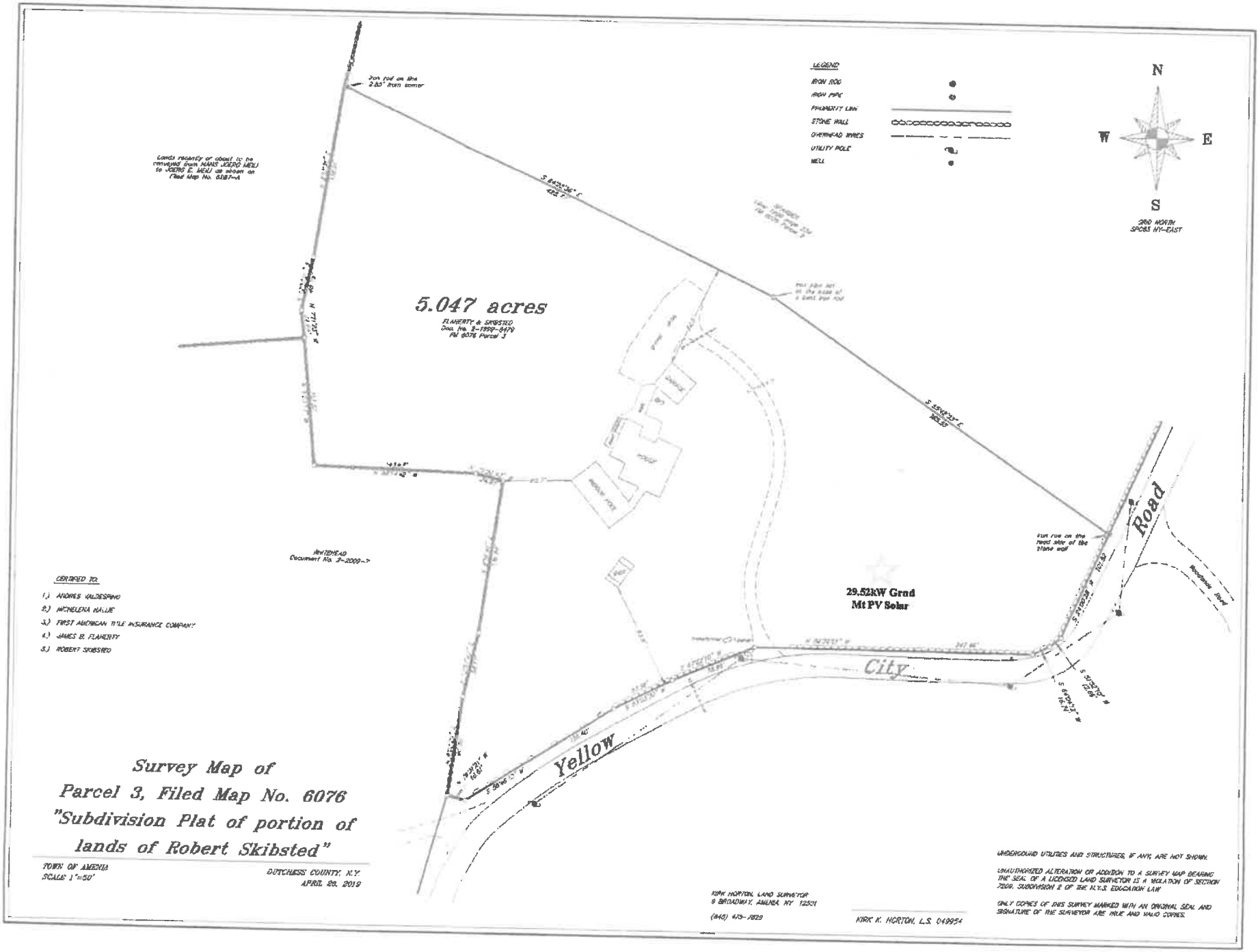
Notes to Quarter Mile Site Map:

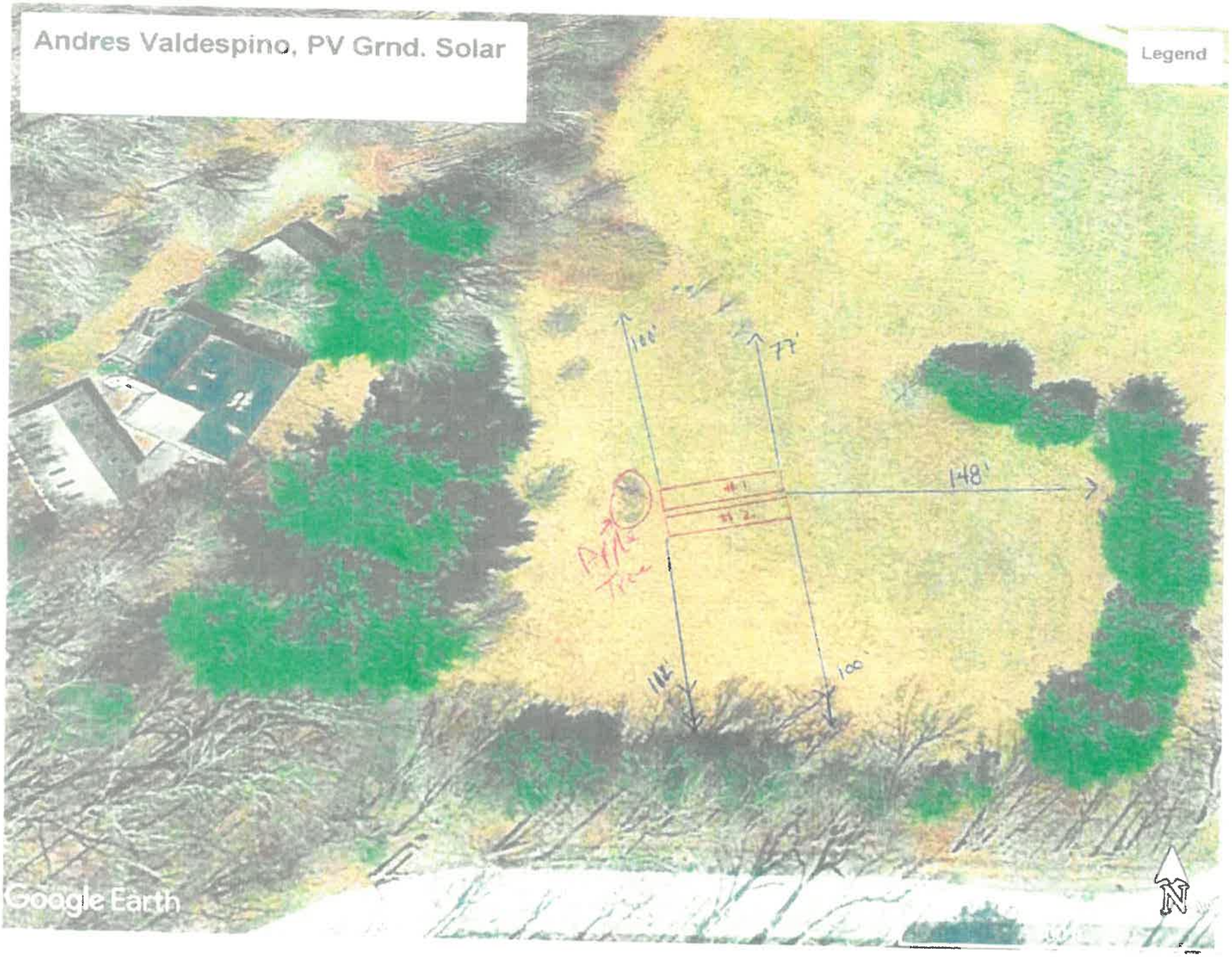
Within the quarter-mile radius there are:

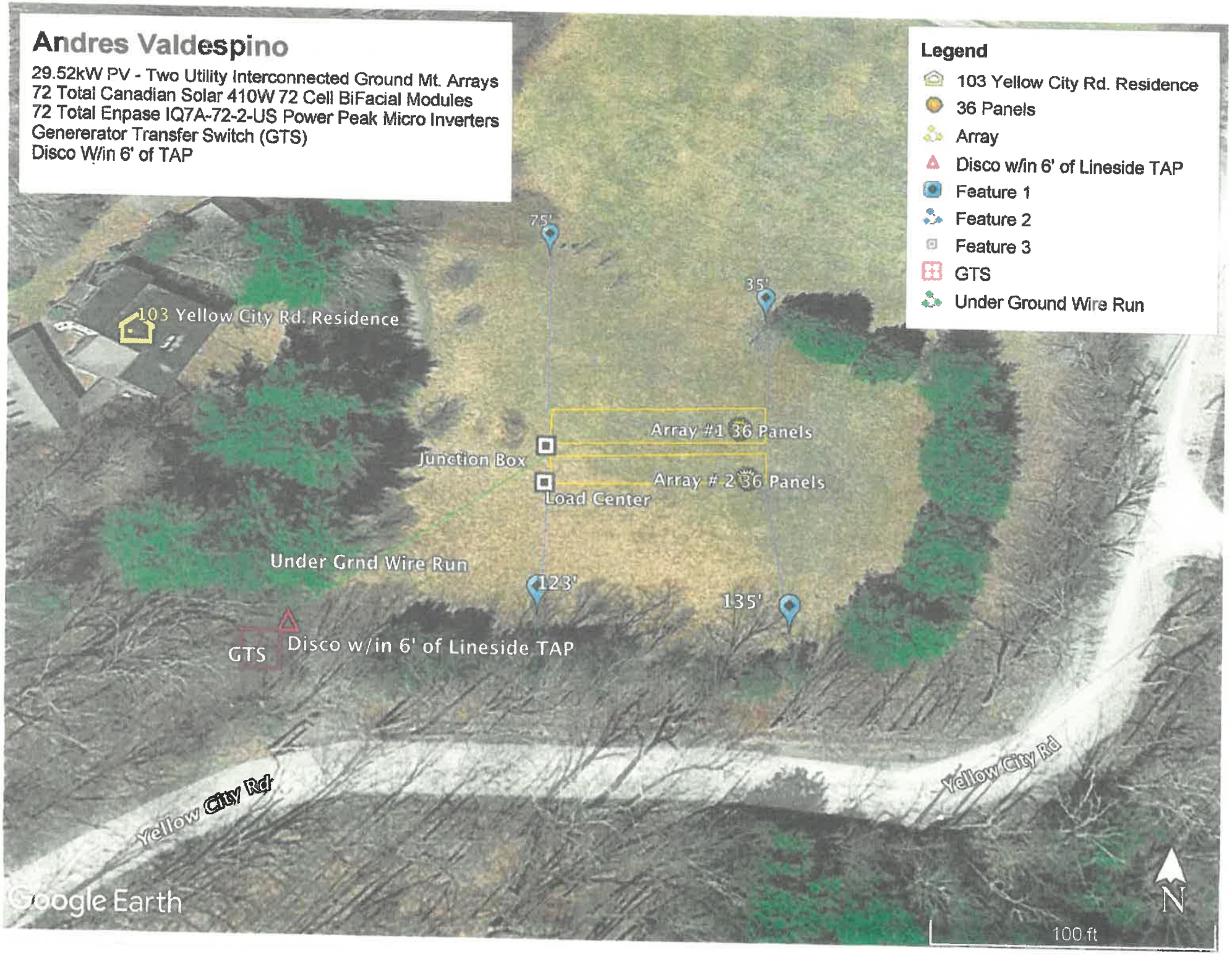
1. No state parks or other recreation areas
2. No County or State Road
3. No State-owned lands with public buildings
4. The northern end of the Webatuck Creek.

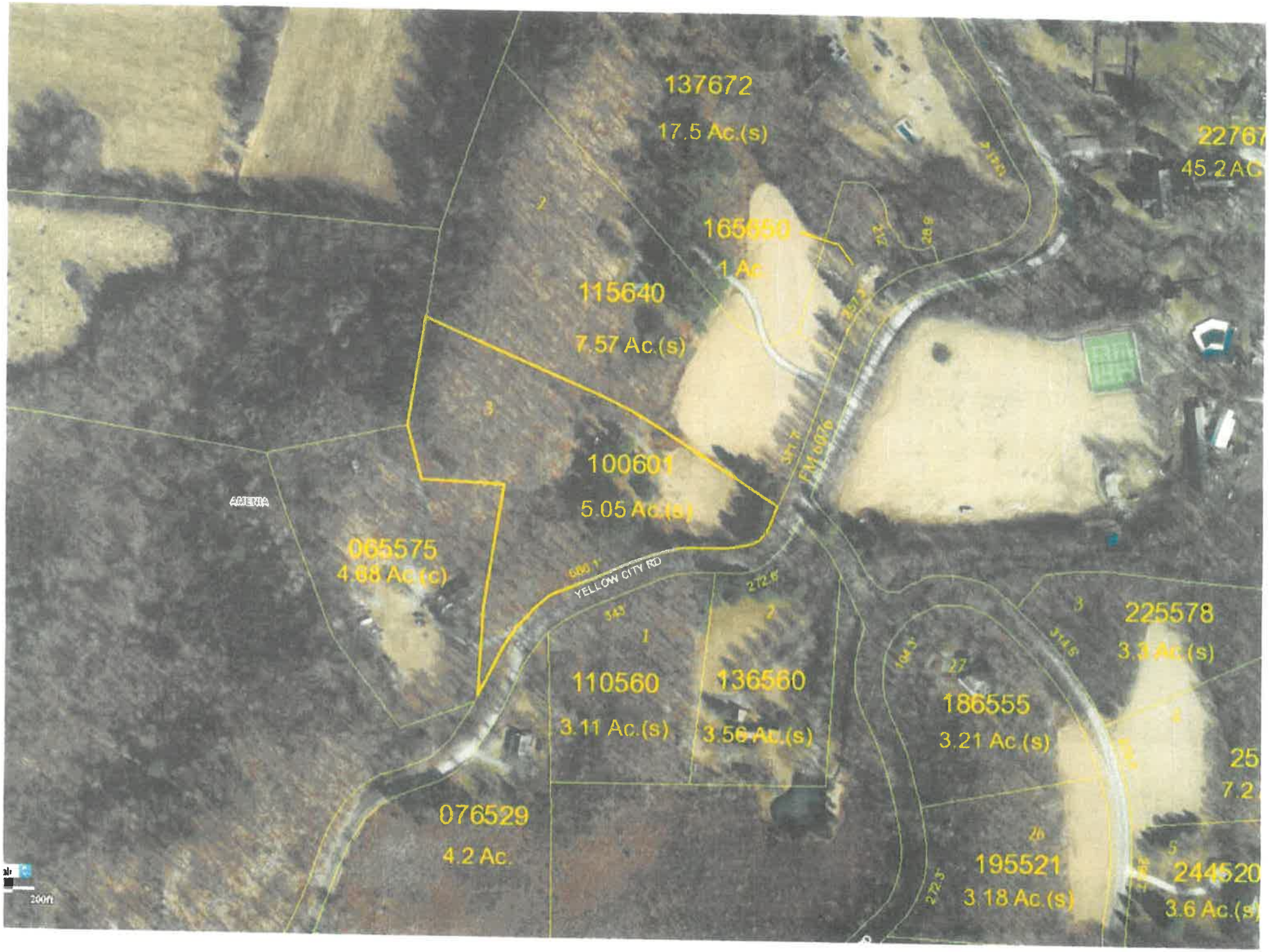
There are 18 tax parcels in the quarter mile radius (clockwise from 103 Yellow City Road:

Lot	Address	Distance (appx) from project To house on Lot
1. 11540	111 Yellow City Road	750 feet
2. 137672	133 Yellow City Road	1,000 feet
3. 165650	117 Yellow City Road	560 feet
4. 784630	3562 Route 343 Dairy Farm	over a quarter mile
5. 003768	Route 343 Vacant farmland	N/A
6. 227675	12-26 Troutbeck Lane – Inn/Lodge	1,100 feet
7. 225578	Green Road -Vacant Land	N/A
8. 186555	27 Woodlands Road	750 feet
9. 251551	Green Road – vacant land	NA
10. 244520	5 Green Road	over a quarter mile
11. 195521	Green Road – Vacant Land	N/A
12. 200485	25 Green Road	over a quarter mile
13. 163490	Woodlands Road – Vacant Land	N/A
14. 145462	23 Woodlands Road	over a quarter mile
15. 005193	Yellow City Road Rear - Vacant Land	N/A
16. 076529	94 Yellow City Road	800 feet
17. 960585	77 Yellow City Road – Vacant farmland	N/A
18. 065575	95 Yellow City Road	600 feet


LEGEND
IRON ROD
IRON PIPE
PROPERTY LINE
STONE WALL
OVERHEAD WIRES
UTILITY POLE
WELL
N
W
E
S
GRID NORTH
SPC83 NY-EAST
Iron rod on line 2.85' from corner
Lands recently or about to be conveyed from HANS JOERG MEILI to JOERG E. MEILI as shown on Filed Map No. 6087-A
5.047 acres
FLAHERTY & SKIBSTED
Doc. No. 2-1999-8479
FM 6076 Parcel 3
WHITEHEAD
Document No. 2-2009-7
29.52kW Grnd
Mt PV Solar
Iron rod on the road side of the stone wall
Road
City
Yellow
CERTIFIED TO:
1.) ANDRES VALDESPINO
2.) MICHELENA HALLIE
3.) FIRST AMERICAN TITLE INSURANCE COMPANY
4.) JAMES B. FLAHERTY
5.) ROBERT SKIBSTED
Survey Map of
Parcel 3, Filed Map No. 6076
"Subdivision Plat of portion of
lands of Robert Skibsted"
TOWN OF AMENIA
SCALE 1"=50'
DUTCHESS COUNTY, N.Y.
APRIL 26, 2019
KIRK HORTON, LAND SURVEYOR
9 BROADWAY, AMENIA, NY 12501
(845) 473-7829
KIRK K. HORTON, L.S. 049954
UNDERGROUND UTILITIES AND STRUCTURES, IF ANY, ARE NOT SHOWN.
UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING THE SEAL OF A LICENSED LAND SURVEYOR IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE N.Y.S. EDUCATION LAW
ONLY COPIES OF THIS SURVEY MARKED WITH AN ORIGINAL SEAL AND SIGNATURE OF THE SURVEYOR ARE TRUE AND VALID COPIES.


Andres Valdespino, PV Grnd. Solar
Legend
100'
77'
148'
#1
#2
Pine Tree
112'
100'
Google Earth
N


Andres Valdespino
29.52kW PV - Two Utility Interconnected Ground Mt. Arrays
72 Total Canadian Solar 410W 72 Cell BiFacial Modules
72 Total Enpase IQ7A-72-2-US Power Peak Micro Inverters
Genererator Transfer Switch (GTS)
Disco W/in 6' of TAP
Legend
103 Yellow City Rd. Residence
36 Panels
Array
Disco w/in 6' of Lineside TAP
Feature 1
Feature 2
Feature 3
GTS
Under Ground Wire Run
75'
35'
103 Yellow City Rd. Residence
Array #1 36 Panels
Junction Box
Array # 2 36 Panels
Load Center
Under Grnd Wire Run
123'
135'
GTS
Disco w/in 6' of Lineside TAP
Yellow City Rd
Yellow City Rd
Google Earth
N
100 ft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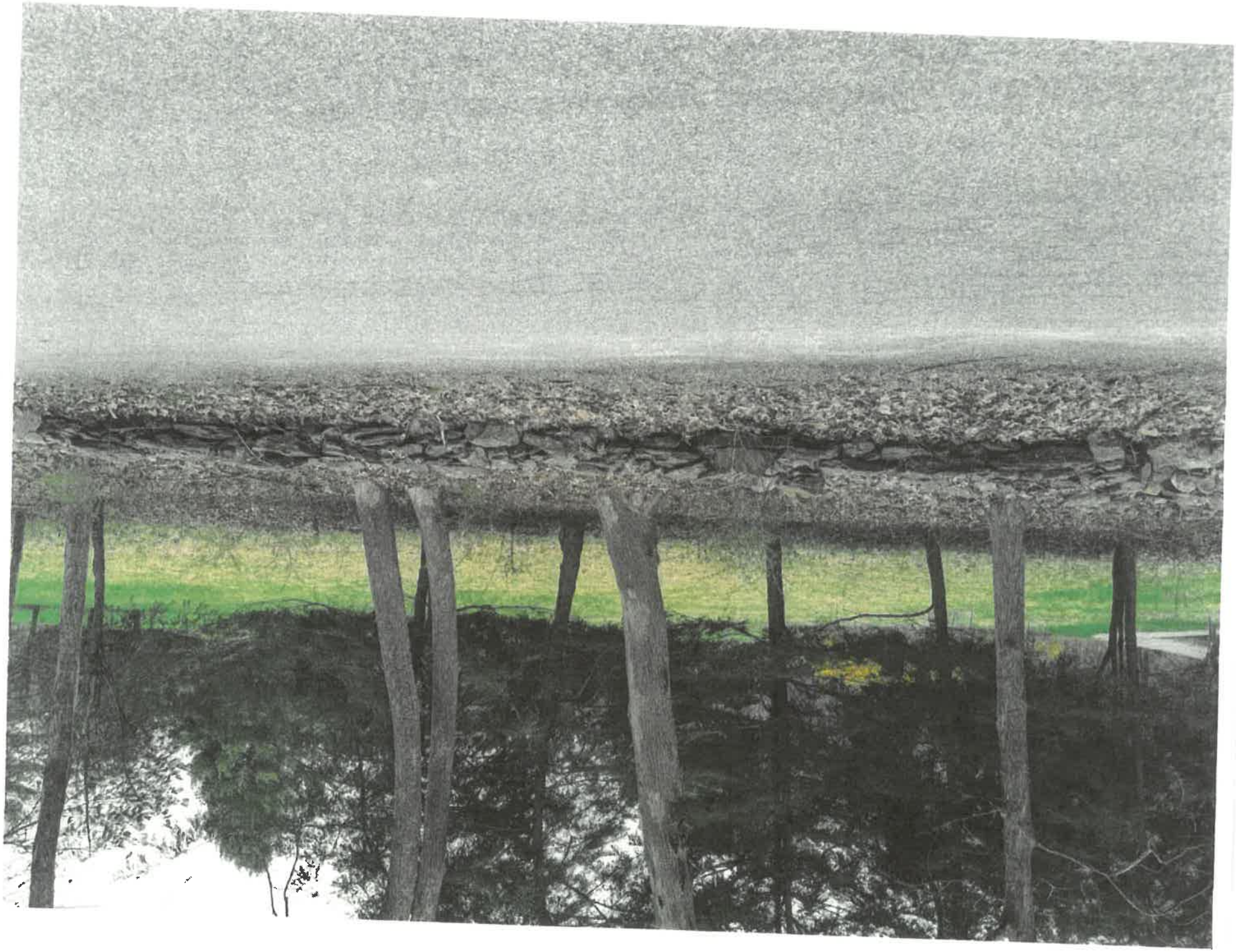
22767
45.2 AC
165650
1 Ac
115640
7.57 Ac.(s)
100601
5.05 Ac.(s)
FM 0076
065575
4.68 Ac.(c)
YELLOW CITY RD
225578
3.3 Ac.(s)
110560
3.11 Ac.(s)
136560
3.56 Ac.(s)
186555
3.21 Ac.(s)
076529
4.2 Ac.
195521
3.18 Ac.(s)
244520
3.6 Ac.(s)
200ft

SITE MAP - QUARTER MILE RADIUS
See NOTES on next page



house - across street from array

Judith Westfall

From: jandrews@rsaengrs.com
Sent: Tuesday, March 22, 2022 12:25 PM
To: Robert Boyles; 'Everett, David'; 'VanCott, Paul'
Cc: Judith Westfall
Subject: Valdespino - GMSES - Town of Amenia - Comments.

Gentlemen

Mike Segelken in his capacity as Code Enforcement Officer (CEO), has made the official determination that the proposed array is located in the Front Yard. Based on this determination a variance is required. Additionally, ground arrays are required to have a 100' setback. The current location is only 77' at one corner. A variance would also be required or as noted in the material provided, an existing tree is relocated or removed the array could be adjusted to meet the necessary setback.

The level of site plan information is still lacking. The matter of requesting waivers remains an option. There are still some minor internal inconsistencies that need to be resolved. We did not conduct a detailed review. The Planning Board needs to make a determination as to how to proceed with this application. It requires a variance . The Planning Board needs to determine in the event the project sponsor is able to obtain a variance is this an acceptable location or under what circumstances (additional screening, other measures) would render it an acceptable location to the Planning Board.

Please bear in mind this is directly across from Troutbeck. The visibility of this item is a significant concern that needs to be addressed.

We trust this is adequate for your purposes. If you require anything else, please advise.

John

John V. Andrews, Jr., P.E.
ROHDE, SOYKA & ANDREWS
Consulting Engineers, P.C.
40 Garden Street
Poughkeepsie, NY 12601
845-452-7515
Fax 845-452-8335

ROHDE, SOYKA & ANDREWS
Consulting Engineers, P.C.

40 Garden Street
Poughkeepsie, NY 12601
Phone: (845) 452-7515 Fax: (845) 452-8335
E-Mail Address: *info@rsaengrs.com*

Wilfred A. Rohde, P.E • Michael W. Soyka, P.E.(Retired) • John V. Andrews, Jr., P.E.

MEMORANDUM

TO: Town of Amenia Planning Board
FROM: John V. Andrews, Jr., P.E.

PROJECT: **Valdespino**
SUBJECT: Review Comments

JOB NO.: **22-352-109**
DATE: March 4, 2022

Pursuant to your request, we have reviewed the following revised documents submitted in support of the above-described project:

1. Town of Amenia -Land Use Application-Andres Valdespino PV Solar.
2. Town of Amenia-Agricultural Data Statement-Andres Valdespino.
3. Short Environmental Assessment Form-Andres Valdespino, PV Solar dated March 2, 2022.
4. Ironridge-Spec Sheets- Andres Valdespino, PV Solar.
5. Canadian Solar -Spec Sheets.
6. Enphase Microinverters- Spec Sheets.
7. Google Earth Photo-Andres Valdespino Residence.
8. Survey Map of Parcel 3, prepared by Kirk Horton, Land Surveyor dated April 26, 2019 scale 1"=50'.
9. Drawing 1-Andres Valdespino prepared by CED Greentech.

The project site is in the Rural Residential (RR) Zoning District, and the Upland Aquifer (UA) with portions of the higher elevations of the property being in the Scenic Protection Overlay District. The site is not in an Agricultural District. The site contains an existing single-family dwelling unit, in-door pool, and detached garage. The site consists of 5.05 acres.

The project as we understand it involves the installation of a ground mounted solar energy system (GMSES) on the property. This type of installation is regulated by Zoning Chapter 121 § 121-52.1. Solar energy systems.

The proposed installation meets the definition of a ground mounted solar energy system (GMSES) in the Code section. A GMSES is a use permitted by right subject to site plan review by the Planning Board in the RR Zoning District. GMSES are permitted as an accessory structures to Legally Permitted structures. This use is subject to requirements contained within the Code Section.

The project is considered a minor project. It falls well within the thresholds established for a minor project. We recommend that the Planning Board treat this as a minor project.

The following comments are offered for your consideration:

1. The project appears to be a Type II action under SEQRA as under the applicable Code Section it involves the construction, expansion, or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density. We recommend that the Planning Board determine this to be a Type II action, not subject to further environmental review.

2. §121-52.1.H.(1) requires in any district which has a minimum lot size of 5 acres, which the RR Zoning District does, the minimum setback from any property line is 100. It is not clear that the submittal meets that requirement.

3. §121-52.1H.(7) requires that all GMSES in residential areas be installed in the side or rear yard. In this application it appears that the installation is proposed for the front yard area and is therefore not permitted

4. Even though the action meets the requirements for a Type II action, the Short Environmental Assessment Form (SEAF)submitted in support of the proposed project appears to include a number of minor inconsistencies. The SEAF should be corrected for the record.

    - The SEAF which accompanied this submittal is not on the most current form.
    - Various sections are at variance with the information available through the Environmental Mapper available at the NYSDEC website. Additional information should be provided.

5. The Agricultural Data Statement should be revisited. There are at least three (3) parcels within 500' of the involved parcels that are within Agricultural District 21. Available Tax records suggest that the parcels may be portions of active farms.

6. The applicable Code Section requires that an application for site plan approval include all items set forth in Section 121-65(B). The documentation submitted with the application is insufficient to allow a proper evaluation of the proposal. Since this is a minor submittal, there is latitude on the part of the Planning Board to require less information than the Code calls for, provided the information allows for a detailed review of the proposal. The Planning Board should discuss with the Project Sponsor its requirements in that regard. Any waivers from the requirements shall be requested in writing by the Applicant from the Planning Board with such documentation as necessary to justify the waiver.

We trust the comments herein are satisfactory for your purposes. The comments contained herein shall not be considered all inclusive. As additional information is provided further comment may be possible.

3.4.2022

John V. Andrews, Jr., P.E.

cc: David Everett, Esq.

TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
(845) 373-8118, Ext. 122-124 Fax (845) 789-1132

ZBA MEETING
MONDAY, April 18, 2022
IN-PERSON at TOWN HALL

PRESENT: John T. Metcalfe
Paula Pelosi
James Walsh - Alternate
James Wright
Tracy Salladay
ABSENT: David Menegat
OTHERS PRESENT: Rob Stout -Attorney for ZBA- Matters VIA PHONE
Andres Valdespino – Applicant
Doug – Hudson Valley Wind & Solar LLC

ZBA Chairman, Terry Metcalfe opened the meeting at 7:10pm with the Pledge of Allegiance after an informal discussion among Board members as to some of the specifics of the proposal. The Applicant was then asked to give a brief presentation about the project and then the board members could ask questions if there were any. The proposal was briefly handled in the Planning Board for a Ground Mounted Solar System at the location of 103 Yellow City Road owned by Mr. Valdespino. It is in the RR Zoning district and it is for 72 panels along Yellow City Road on the west side. A determination was made to the Planning Board from Code Enforcement Officer, Michael Segelken, that the proposed array is for the "front yard". The Zoning Law says that a Ground Mounted Solar System cannot be placed in the front yard. He has determined it is in the front yard because it is between the house and the road. The Zoning law also regulates setbacks from side yards to 100'. They are short on the northwest yard by 23'. The measurement being 77'. That is the reason for the applicant seeking variances. After looking over the photos and the application, there were still questions that could not be answered. J. Westfall offered to make a phone call to ZBA Attorney Rob Stout for consultation. His conversation with the board determined that at this stage, they could only listen to the applicant. No decisions could be made at the time of the meeting. Their duty

was to get the knowledge they could of the application and a Public Hearing would have to be scheduled. A motion was made by J.Wright, seconded by P. Pelosi and carried to schedule a Public Hearing for the Valdespino proposed Ground Mounted Solar Energy System to be held on May16, 2022. A motion was made by J.Wright, seconded by P. Pelosi and carried to **change the meeting times of all ZBA meetings from this date forward to begin at 6 pm. The Public Hearing will begin at 6pm.**

In Other Matters, the Minutes from the ZBA meeting on February 14, 2022 were approved with motion by J.Wright and seconded by P.Pelosi.

Also discussed was the **Highway Display Sign** issue on Route 22 south. The matter is now in the hands of the Building Department. The sign has now been determined to be on the property of Daniel Carello. A Letter of Violation will have to be written to Mr. Carello. If no action is taken, the Building Department will have the sign taken down.

And also discussed was that the litigation for **The Kent Hollow Mine** and the Town Board is in negotiations to resolve the matter. This is all that Chairman Metcalfe could reveal at the meeting.

A motion was made by J.Wright, seconded by P.Pelosi and carried to adjourn the meeting at 7:55pm.

Respectfully submitted

Judith Westfall
ZBA Secretary