



TOWN OF AMENIA

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

ZONING BOARD OF APPEALS MEETING
MONDAY, June 21, 2022
6:00 P.M. - IN - PERSON

**PUBLIC HEARING -VALDESPINO – 103 Yellow City Rd – Variances for
Ground Mounted Solar**
ADJOURNED BY APPLICANT UNTIL JULY 18, 2022

REGULAR MEETING:

- 1. 4905 Route 22: Roof Mounted Solar application – AREA
Variance for location in HPO**
- 2. SBA (Cell Tower) Extension for Conditions set forth in
December resolution**

OTHER MATTERS: Minutes 5/16/2022



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ZBA MEETING MONDAY, June 21, 2022 IN-PERSON at TOWN HALL

PRESENT: John T. Metcalfe

Paula Pelosi –

Tracy Salladay

ABSENT: David Menegat

James Wright

OTHERS PRESENT: Rob Stout -Attorney for ZBA Matters

John Andrews – Town Engineer

Matt (Empire Solar) – VIA telephone

Laurina Chodan Johnson – Homeowner 4905 Rt 22

ZBA Chairman, Terry Metcalfe opened the meeting at 6:10pm with the Pledge of Allegiance. T. Salladay made a motion to continue the adjourned Public Hearing on July 18th, 2022 at 6pm after the applicant A. Valdespino asked for more time to make changes to his application. The motion was seconded by P. Pelosi and carried.

The Regular Meeting continued with the **4905 Route 22 Roof Mounted Solar Panels** application. Background of the application was given by R. Stout for the application. Application was denied by the Building Inspector (with letter from T. Basile) and sent to the ZBA for an area variance because it is in the Historical Overlay District. Per J. Andrews and R. Stout that was issued in error there is no variance that is required and the relief sighted was not proper. Therefore, the application should just go to the Planning Board for Site Plan approval. The applicant is asked to process the application to the Planning Board ASAP. The next meeting is July 13 for the Planning Board. The application also included a new roof. The applicant was instructed to separate that application from the Solar Panel application. The application for a new roof can be filed immediately for a Building Permit in the Building Department. J. Westfall will follow up for the new application for the Planning Board.

The next item on the Agenda was the **SBA Cell Tower Extension application.**

Representative for SBA, Alec Gladd from Cuddy & Feder made a presentation about the extension that they need for completing the project originally approved in December 2021. At its June 8, 2022 meeting, the Planning Board did discuss the extension of 6 months. The 4 conditions for extension were discussed.

1. Landscaping – The Planning Board decided to waive this condition at the discretion of the site visit between the SBA contractor and John Andrews. The site has enough growth from the present bushes etc. to suffice for the screening currently. They are asking for ZBA to waive as well.
2. Generator – Responsible party for putting a generator on-site is carrier; T-Mobile/Sprint and more time is needed. The Planning Board suggested that a 6 month extension be granted but a 90 day status update action is required to be on record with the right to rescind the 6 month extension if no action.
3. Line Of Sight Study – The report was provided. They do require some removal of brush along side of the NYDOT ROW for making a left turn from driveway entrance. They have started the permit process for this.
4. Bond – The Town Attorney is working with the SBA attorney to get the proper paperwork filed

R. Stout suggests that the ZBA should essentially grant the same approvals and waivers that the Planning Board did and that they draft identical approvals resolutions for both the ZBA and Planning Boards to be approved. P. Pelosi made a motion, seconded by T. Salladay and carried to have the ZBA grant the same decisions for the extension of conditions as listed above and that a resolution be prepared to be approved at the next ZBA meeting.

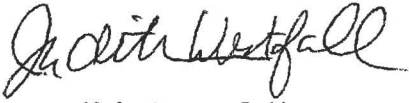
Under Other Matters: The minutes of the 5-16-22 were approved as amended (The War in Ukraine) by motion by T. Salladay and seconded by P. Pelosi.

A brief discussion among the members present followed about the Valdespino Solar Application. Terry discussed his concerns with the project:

- 1.) “Front yard” placement, 2.) Reason of substantial hardship for this array, and 3.) why can’t the placement be behind the house? (why so large?) He asks the board to still be thinking about these questions so that an accurate decision can be made.

A motion was made by T. Salladay, seconded by P. Pelosi and carried to adjourn the meeting at 6:35pm

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Judith Westfall".

Judith Westfall
ZBA Secretary