



TOWN OF AMENIA

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**ZONING BOARD OF APPEALS MEETING
MONDAY, JULY 15, 2024
6:00 P.M. - IN – PERSON
FIRST FLOOR MEETING ROOM**

REGULAR MEETING

- 1. BROUGHTON – 388 OLD ROUTE 22 WASSAIC, NY
GROUND MOUNTED SOLAR SYSTEM**

OTHER MATTERS: MINUTES FROM 4-24-24 MEETING

RECEIVED
SEP 18 2024
Amenia Town Clerk



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ZBA MEETING
WEDNESDAY, July 15, 2024
IN-PERSON at Town Hall
TV Broadcast and Livestream
6:00pm

PRESENT: John T. Metcalfe
Tracy Salladay
David Menegat
Paula Pelosi
James Wright
Alternate: Craig Meili
Alternate: George Bistransin

Consultant: Melissa Cherubino from Whiteman Osterman & Hanna (filling in for Rob Stout)

OTHERS PRESENT: Doug Broughton – Applicant – 390 Old Route 22 Wassaic NY 12592

The meeting was opened at 6:00 pm by Chairman Terry Metcalfe with the Pledge of Allegiance. Mr. Metcalfe announces the Agenda Item. **Doug Broughton - Application for Ground Mounted Solar System at 390 Old Route 22 Wassaic.** Mr. Broughton briefly described the project to the Board. Because the roofs on his current dwellings do not face the right ways for roof mounted solar systems, they chose ground mounted. There was not enough space on the existing properties for the ground mounted system to be installed, so a Lot Line Adjustment was approved by the Planning Board to accommodate this. This application is for his property which is in the SR Zoning District and Town of Amenia Zoning strictly prohibits ground mounted solar systems in ALL residential districts. His application involves asking for a variance for the size requirements and the setbacks. The application, as submitted, is incomplete. Attorney, Melissa Cherubino from Whiteman, Osterman

& Hanna stated that the Use/Area Variance would not be able to be granted because of the property being located in the SR district. The Zoning Law for Town of Amenia Ground Mounted Systems state that for a 550 SF Dwelling, that less than half of the SF is the calculation for the solar panels square footage. A calculation of up to 275 SF may be acceptable. The Application suggests a GMSES of 400SF plus (not acceptable). Again, the ZBA attorney states that A licensed Engineer will need to design and submit documentation for the project (Empire Solar). This will include locations, lot coverage, property boundaries etc. This drawing would also include a “key” that shows the Town’s zoning requirements and how this proposal would meet those requirements. There is an issue that that proposed panels will not fit into the proposed area on the property. Applicant says that he is not opposed to doing a smaller array. Applicant, Mr. Broughton, will contact Courtney from Empire Solar Solutions to complete his application and to submit the correct documentation per this discussion. Mr. Broughton would like to have this approved before the winter.

For the area variance (Setback issue), Mr. Broughton suggests 10 feet and 30 feet variances for north/south and east /west sides from the house(these are for accessory structures) He was not referring to the Code specifically for Ground Mounted Solar Systems. There is a specific Zoning Code (the setbacks from all property lines are 100 feet) and a hard copy of this code was handed to Mr. Broughton. He says he will keep his area of panels in the application at less than 50% of the house size for the allotted area instead of the number of panels proposed. Alternate member, George Bistransin asked about the provision in the Solar Code about solar panels not being allowed in the front yard...and which is the “Front yard” in this proposal? Applicant says it would be where the driveway comes in to the property. He explains that the “side yard” is not a good place for the solar array because of a large number of trees in it. The proposed area is a clearing. And, Broughton says a smaller array will fit in the area proposed. There is an adjacent property to the east with power lines that needs to be documented. All of these need to be documented in the application and on the drawings from the applicant’s engineer. The original drawing showing 44 panels needs to be revised to a smaller array and resubmitted. Mr. Broughton suggests a 36 panel array. Paula Pelosi suggests that the members drive in to do a site visit to the property individually. Mr. Broughton agrees and encouraged the Board to visit. Jim Wright suggests that the Board waits until the revised application with the completed

documentation is submitted until a full review gets done on the project. Chairman Metcalfe agreed with Mr. Wright's statement so that an intelligent review can be done before moving forward with any variances requested. Chairman Metcalfe asked the applicant what the purpose for the installation of a Solar Panel is for. Applicant answered, "for when the power goes out". Craig Meili says that where he lives, on the NY/CT boarder on Randall Rd, that NYSEG gets the power back on quickly, and he is at the end of the line. The Board concluded discussion by notifying the applicant that the next meeting of the ZBA will be on August 19th and that all revised submission documents would be needed at least two weeks prior to that meeting. Mr. Broughton will be in touch with further documentation after contacting Empire Solar.

Other Matters included the Minutes from the April 24, 2024 ZBA Meeting. Motion was made by Jim Wright, seconded by George Bistransin and carried to approve the minutes from the 4-24-24 meeting.

Motion was made to adjourn the meeting at 6:35 pm by George Bistransin, seconded by Jim Wright and carried unanimously.

The next meeting is scheduled for Monday, August 19, 2024 at Town Hall.

Respectfully submitted



Judith Westfall
ZBA Secretary