

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
April 26, 2018**

MEMBERS PRESENT

Joseph Malcarne, Chairman

John Calogero
Charles Canham

Arthur Weiland

Arlene Campbell, Secretary

MEMBERS ABSENT

Norma Dolan
Chris Juliano
Macy Sherow III

ALSO PRESENT

Eliot Werner, Liaison Officer

Chairman Malcarne called the meeting to order at 7:38 pm.

Chairman Malcarne asked the secretary if the application on the agenda was properly advertised and adjoining neighbors were notified. Ms. Campbell responded positively.

Chairman Malcarne noted that the meeting was being recorded for record keeping purposes.

VARIANCE APPLICATIONS:

Cocina Area Variance – property owned by Amy Cocina and Steven Rogovic located at 25 Slate Quarry Road, Tax Grid No. 6369-00-842781.

The applicants request an area variance to Sec. 250-49.1 Energy Facilities, Subheading C (1) to allow a roof mounted solar system of 21.909 kW when the code limits 20 kW power peak.

The Cocinas and Nate Suthmeyer from Hudson Solar appeared for this application.

Mr. Suthmeyer explained that they need a variance over the 20kw limit to install the roof mounted solar energy system. The kilowatts overage is only equivalent to 6 panels. He commented that this is the first time they seen a limit of 20 kW. NYS guidelines generally define residential solar roof mounts as 25 kW or less.

Mr. Suthmeyer stated that the proposed system will be located on a rear roof. There will be no disturbance and impact to the neighboring properties. He explained why the proposed action cannot be achieved by other method other than the variance. The additional solar panels are required to offset the property owner's electrical usage. He

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noted that this will have no adverse effect whatsoever since the solar is located on the roof.

Chairman Malcarne asked for questions and comments from the board.

Mr. Canham read the Planning Board's recommendation dated April 3, 2018 which is positive. There were no letters or comments received from the neighboring property owners.

Mr. Canham expressed his comment per his site visit. This is a fairly secluded property that consists of 12.26 acres in an AR5 Zoning District. Mr. Canham stated that this property is not visible from the road. He opined that the roof mounted SES is much better than the ground mounted SES and may benefit the environment.

Mr. Weiland asked about the section of the roof that is going to be covered. Mr. Suthmeyer responded, "70 to 80%". Mr. Weiland asked if they are proposing any clearing of trees on the property. The applicant replied, "No."

Mr. Canham indicated that the property drops down behind the house.

Mr. Weiland asked if there will be any glare. Mr. Suthmeyer responded that solar system is made to be antiglare.

Mr. Calogero expressed his comment. He indicated the intention of the zoning regulation about the kilowatts' limit. It is to discourage the property owners from installing huge kilowatts that they really are not using. Mr. Calogero doesn't think that the variance request is significant. They are allowed 110% of the usage.

Mr. Canham expressed positive comments about the roof pitch of the house. He stated that he loves to see more green energy in the town. Solar system and electric cars are becoming more popular. He indicated no concern about the above application.

Mr. Calogero asked about the current electrical usage. Mr. Cocina indicated the electric usage in the house. He noted that the proposed solar system will also be used for future such as electric cars, etc.

Chairman Malcarne asked if all these panels can fit on the roof. Mr. Suthmeyer responded, "Yes" ..

Mr. Canham asked if the State will subsidized the cost. Mr. Suthemeyer responded that only if it is a full system.

The board agreed to open the public hearing. Chairman Malcarne motioned to open the public hearing, seconded by Mr. Canham, all Aye, Motion carried, 4-0.

Hearing no comments from the public, the board closed the public hearing.

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Chairman Malcarne motioned to close the public hearing, seconded by Mr. Weiland, all Aye, Motion carried, 4-0.

Mr. Calogero commented that this proposal doesn't impact any of the neighboring properties. This is a win-win situation.

After all the reviews were made, the board passed a resolution, to wit:

Mr. Charles Canham moved that the Town of Clinton Zoning Board of Appeals grant an area variance requested by **Amy Cocina and Steven Rogovic** to Section 250-49.1 to allow installation of a roof-mounted solar energy system with a peak power rating of 21.909 kW, which is above the allowed limit of 20 kW, on property at 25 Slate Quarry Road, in an AR-5 Zoning District, **tax grid # 6369-00-842781-0000**.

Factors:

1. The applicants wish to install a roof-mounted solar energy system (SES) with a peak power rating of 21.909 kW, which is 9.5% above the allowed peak power rating of 20 kW for a residential installation.
2. The requested variance is not substantial, and the applicants state that the additional solar panels are required to meet their expected electrical usage. Therefore there is no other means to achieve the benefit sought by the applicants.
3. The lot is 12.26 acres in size, and surrounded by woods. The roof-mounted solar panels will be facing away from the road, and well shielded from surrounding homes.
4. Granting the requested area variance will not cause an undesirable change in the neighborhood, or be a detriment to nearby properties, and will not change the character of the neighborhood.
5. The requested area variance will not have an adverse effect on the physical and environmental conditions of the neighborhood or district. To the contrary, installation of a solar energy system may benefit the environment.
6. The parcel is within the Ridgeline Protection Overlay Area, but regulations for that district exclude single-family residences.
7. The alleged difficulty is self-created, but that does not preclude granting the request.
8. An area variance is a Type II action under SEQRA and requires no further action.

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Conditions:

1. That all fees have been paid.

Seconded by Mr. Weiland.

Discussion. None.

All Aye, Motion carried 4-0.

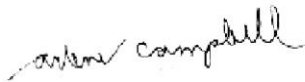
OTHER MATTERS:

Mr. Calogero gave an update about the latest on the zoning revision. The committee is hoping to wrap this up soon.

ADJOURNMENT:

Chairman Malcarne motioned to adjourn the meeting at 8:20 pm, seconded by Mr. Canham, All Aye Motion carried, 4-0.

Respectfully Submitted By:



Arlene A. Campbell
Zoning Board of Appeals Secretary

Cc: Carol Mackin, Town Clerk