

**TOWN OF NORTH EAST ZONING BOARD OF APPEALS
MINUTES
October 17, 2019**

A regular meeting of the Town of North East Zoning Board of Appeals ("ZBA") took place on Thursday, October 17, 2019 in the North East Town Hall located at 19 North Maple Avenue, Millerton, New York at 7:30 PM. Board members present were Chairman Julie Schroeder, Vice Chairman Edie Greenwood, John Arnason and Deb Phillips, Secretary to the Zoning Board. Also in attendance were Stefanie Kusmann of Empire Solar Solutions, Hilarie Thomas, Carl Pucci, Barbara Salovich, Travis Sherman of Albany Solar Solutions, Tom Moore and Ed Covert.

7:30 PM

Continuation of public hearing on the application of Carl Pucci, owner of tax parcel 7272-00-684879, for a variance of NYS Town Law, Section 280-a regarding frontage on a street or highway. The parcel is located at 115 Grassy Pond Drive in the A5A Zoning District of Town of North East.

8:00 PM

Continuation of public hearing on the application of Thomas Moore, owner of tax parcel #7273-00-170932, for a special permit for a ground-mounted solar array. The parcel is located at 127 White House Crossing Road in the LC Zoning District of the Town of North East.

8:30 PM

Public hearing on the application of Edward Covert, owner of tax parcel #7169-00-452627, for a special permit for a ground-mounted solar array. The parcel is located at 156-158 Cooper Road in the A5A Zoning District of the Town of North East.

Continuation of public hearing on the application of Carl Pucci, owner of tax parcel 7272-00-684879, for a variance of NYS Town Law, Section 280-a regarding frontage on a street or highway. The parcel is located at 115 Grassy Pond Drive in the A5A Zoning District of the Town of North East.

Chair Schroeder opened the continuation of the Pucci public hearing that was recessed on September 19, 2019.

Attorney Hilarie Thomas presented the Board with a letter she had prepared, dated October 17, 2019 wherein it is stated that Pucci has agreed to provide engineered drawings showing the size of the culverts and road width plus details of the drainage for Grassy Pond Drive. One of Jurkowski's concerns was the water run-off from the driveway construction onto the road. Pucci said he would engineer the bottom of the driveway to show that the run-off goes into the creek. Jurkowski also wanted the run-off capacity of every culvert on the road. Pucci and Jurkowski agreed that the issue is the additional run-off to the culverts. Pucci's engineer will calculate any run-off that comes from the driveway and any additional run-off that is caused by site improvement work. Pucci said his engineer will study the sections of the road that are being modified and ascertain how that work will affect drainage and erosion control. Five turnouts will be engineered and the size of the existing culverts will be assessed. Pucci asked if the Board would consider that the scope of the work be limited to the area between the neighbor's driveway and his driveway and not from the gate.

Chair Schroeder said this sounds acceptable and she will confirm that Jurkowski is amenable to this.

Attorney Thomas said she is waiting for Warren Replansky's approval on the road maintenance agreement.

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Arnason made a motion to recess the public hearing until November 21, 2019 at 7:30 PM. Motion seconded by Greenwood; all were in favor and motion passed.

Continuation of public hearing on the application of Thomas Moore, owner of tax parcel #7273-00-170932, for a special permit for a ground-mounted solar array. The parcel is located at 127 White House Crossing Road in the LC Zoning District of the Town of North East.

Chair Schroeder opened the Thomas Moore public hearing that began on September 19, 2019.

Travis Sherman of Albany Solar Solutions presented the Board with updated site maps, engineered drawings and specifications of the array and a map of landscaping. He said the maximum height of the solar array is 10-12 feet.

Chair Schroeder said the property is in the I.C district.

Arnason asked to see the floodplain map.

The Board agreed to waive the soil map requirement.

Arnason read the requirements for a free-standing solar array and for a special permit and determined the applicant has met the requirements.

A review of the floodplain showed that the area is not in a floodplain.

Arnason made a motion to close the public hearing. Motion was seconded by Greenwood; all were in favor and motion passed.

Chair Schroeder opened the regular meeting.

The Board reviewed Parts 1 and 2 of the short EAF and confirmed that the special permit would not have any significant adverse environmental impact.

Arnason made a motion to approve the special permit for a ground-mounted solar array, contingent on the Planning Board's review and waiving of site plan approval or the lapsing of 30 days. Motion was seconded by Greenwood; all were in favor and motion passed.

Arnason made a motion to continue the public hearing, if need be, on November 21, 2019 at 8:00 PM. Motion seconded by Greenwood; all were in favor and motion passed.

Greenwood made a motion to recess the meeting. Motion seconded by Arnason; all were in favor and motion passed.

Public hearing on the application of Edward Covert, owner of tax parcel #7169-00-452627, for a special permit for a ground-mounted solar array. The parcel is located at 156-158 Cooper Road in the A5A Zoning District of the Town of North East.

Chair Schroeder opened the public hearing at 8:20 PM. Secretary Phillips read the public notice of the application.

Stefanie Kusmann of Empire Solar Solutions presented the Board with the solar plan. She said there will be two separate meters that will minimize trenching, the maximum height will be 12 feet and the solar array will not be visible from the road or nearby properties because the parcel is heavily wooded.

Arnason read the solar array requirements.

Chair Schroeder said the application complies with the special use permit criteria.

The Board reviewed Part 1 and 2 of the EAF.

Greenwood made a motion to declare the Zoning Board the lead agency in an uncoordinated review. Motion was seconded by Arnason; all were in favor and motion passed.

Arnason made a motion that the Board has determined, based on the information and supporting documentation contained in Part 2 that the proposed action will not result in any significant adverse environmental impact. Motion was seconded by Greenwood; all were in favor and motion passed.

Arnason made a motion to leave the public hearing open until November 21, 2019 at 8:15 pm. Motion was seconded by Greenwood; all were in favor and motion passed.

Arnason made a motion to approve the special permit contingent on the Planning Board waiving site plan approval after review. Motion was seconded by Greenwood; all were in favor and motion passed.

Minutes

Greenwood made a motion to accept the September 19, 2019 minutes with a few corrections. Motion seconded by Arnason; all were in favor and motion passed.

Close of Meeting

Greenwood made a motion to adjourn the meeting at 9:40 PM. Motion seconded by Arnason; all were in favor and motion passed.

Respectfully Submitted,

Deb Phillips
Zoning Board Secretary