

TOWN OF NORTH EAST
ZONING BOARD OF APPEALS
MINUTES OF APRIL 21, 2022

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals, ("ZBA"), took place April 21, 2022 at 7:30PM in the Town of North East Town Hall, 19N Maple Ave., Millerton, NY. ZBA members present were Chairman Julie Schroeder, Edith Greenwood, and Patti Lynch-VandeBogart. Karen Pitcher and Jon Arnason were absent. Judy Carlson, Secretary to the Zoning Board, was also present Hannah Ferguson and Grayson Ball from Sun Common were in attendance.

Sun Common - Mark Jackson - Owner

Special Permit - Solar Array

Tax Parcel: # 6969-00-750218

At 7:30 PM Carlson read the public hearing notice on the application of Mark Jackson for a special permit in order to erect a ground mounted solar array into the record.

Chair Schroeder asked for a motion to open the public hearing. Greenwood so moved; Lynch-Vandebogart seconded; all voted in favor and the motion passed.

Ferguson of Sun Common, representing Mark Jackson, made a presentation of the application to the Board. The solar array is 80 ft. from the house and 150 ft. from the property line. The solar array is facing south and will offset power costs for the owners. Ferguson stated that the solar array was 11ft. feet tall off the ground at its highest point and 42 ft. long. The Board studied the drawings and plans of the project. Chair Schroeder went over the requirements of a special permit for a solar array as stated in the code under section **180-72.1**

Solar energy systems:

- A soil map of the parcel on which the solar energy system is to be located, prepared by the Dutchess County Soil and Water Conservation District, showing any federal or state wetlands, streams, or other bodies of water, prime agricultural land, slope and 100-year and 150-year floodplains.
 - Blue prints signed by a professional engineer were presented showing the layout was shown.
 - Equipment specification sheets were shown.
 - There would be no clearing of trees as a result of this project.
 - Any other information or documentation which the Zoning Board deems necessary for adequate review of the application would be taken into consideration.

Chair Schroeder added that the Board would consider the visual impact. Chair Schroeder stated that she felt that the soil map of the parcel could be waived.

The Board went over **180-26** in the Code, **the general standards in authorizing any special permit use**. Chair Schroeder read from the Code.

- A. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use and the location of the site with respect to existing and future streets and roads providing access shall be in harmony with the orderly development of the district in which the proposed use would be located. The Board agreed that there would be very minimal impact.
- The Board stated that most of the points were irrelevant to the granting of the special use permit in the case of a ground-mounted solar array.

Chair Schroeder asked for a motion to close the hearing; Lynch-Vandebogart so moved; Greenwood seconded; all voted in favor and the motion passed.

Lynch - Vandebogart made a motion to open the meeting; Greenwood seconded; all voted in favor and the motion passed.

The Board reviewed Part I of the short form EAF Greenwood made a motion that this is a type II action and exempt from further review. Lynch - Vandebogart seconded; all voted in favor and the motion passed. Chair Schroeder referred to **section 617.5 Type II actions number (9)** under SEQR which states why this is a type 2 action - construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.

The application and all supporting documentation had been forwarded to the Planning Board on April 18, 2022 for review at their next meeting. They will be sending back their findings after the eleventh of May.

Greenwood made a motion to waive the soil map requirement and the requirement to make an appearance in front of the Planning Board for site plan review; Lynch - Vandebogart seconded; all voted in favor and the motion passed.

Lynch - Vandebogart made a motion to accept the special permit request for tax parcel 6969-00-750218 in order to erect a ground-mounted solar array and to waive the soil map and the site plan requirements to appear before the Planning Board with no conditions; Greenwood seconded; all voted in favor and the motion passed. The approval is contingent on a positive response from the Planning Board.

Minutes: Greenwood made a motion to accept the minutes of March 17th with two minor corrections; Lynch-Vandebogart seconded; all voted in favor and the motion passed.

8:30 PM Greenwood made a motion to adjourn the meeting; Lynch - VandeBogart seconded; all voted in favor and the motion passed.

Respectfully submitted,



Judith A. Carlson

Zoning Board Secretary

Town of North East Approved: May 19, 2022

RECEIVED

MAY 23 2022

TOWN OF NORTH EAST
TOWN CLERK