

TOWN OF NORTHEAST ZONING BOARD OF APPEALS MINUTES December 3, 2025

A Special meeting of the Town of North East Zoning Board of Appeals (“ZBA”) took place December 3, 2025, at 7:00 pm in the North East Millerton Library Annex, 28 Century Blvd., Millerton, NY. ZBA members present were Chairman Edith Greenwood, Julie Schroeder, Karen Pitcher, Jeffrey Stark, Patti Lynch- VandeBogart and Judith Carlson, secretary to the Board. Also present were Ibrahim Ramadan of Evolution Energy, David Berger, Sarah Rigano, Joshua Mackey Esq., Gael Doar, Larry Walsh, Andrew Stayman, Rob Cooper, and Henry Smedley.

Tracey Altman and David A. Berger
Special Permit for a ground mounted solar array
1566 Route 83 in the A5A Zoning District
Tax Parcel # 7070-00-136686

7:00 pm – Chair Greenwood welcomed the audience and asked Carlson to read the public hearing notice into the record.

Chair Greenwood asked for a motion to open the public hearing. Stark made the motion, seconded by Schroeder and passed unanimously.

Chair Greenwood noted that there were inaccuracies in the submitted application and she went through the various forms, confirmed the correct answers, made the entries and had the Ibrahim Ramadan initial the corrections. She also noted that a new site plan and an enlarged detail map had been submitted this evening and asked that they be dated and entered in to the official file.

Ibrahim Ramadan of Evolution Energy stated the application was a straightforward ground mounted solar system of 36 panels providing 15.84 KW for residential use. The connection to the residence is underground. Greenwood asked why this installation will have a 20% tilt and was told it was because the site is on a hill and the angle was chosen to prevent wind damage. The maximum height of the panels is 7 ft 3 inches and they will have antiglare coating.

Stark asked what has changed in the plan submitted this evening and was told that the original submission was an early architectural concept of a house that had changed with the building of the actual dwelling and garage. Greenwood noted that the placement of the array had also been changed and it now was 52 ft from the property line which meets the required setback.

David Berger added that the solar array siting had been approved by Dutchess Land Conservancy in part because it could not be seen from the road. The 28-acre parcel is covered by a conservation easement with a 6-acre building envelope as shown in the application submissions.

Joshua Mackey, representing Sarah Rigano, an abutting property owner, expressed on behalf of his client her deep opposition to this application as she is concerned about the environmental, historic and aesthetic impacts of this project on the historic Shekomeko valley, a crown jewel of viewsheds in this county.

Mackey told the ZBA that he was going to submit information on the McDonald Van Alstyne burying ground adjacent to the Altman Berger property. He referenced history books of the area that noted the importance of the McDonald family. Mackey entered into the record the Building-Structure Inventory Form developed by NYS Office of Parks, Recreation & Historic Preservation, Division for Historic Preservation and filled out by the Dutchess County Historical Society in the summer of 1988 which describes the site as "cemetery, inactive" in deteriorated condition with 18 stones: 1777-1848. Mackey felt the significance of this cemetery needed to be researched and addressed in section 12 of the Part 1 EAF SEQR form. He felt the applicant needed to substantiate the reason for marking the answer as NO.

Stark asked why a county document, which appears not to have gone to the next stage of receiving a historic designation, would need to be pursued. Mackey felt it would be an abuse of our discretion if the ZBA does not investigate the historic value of this adjacent property.

Mackey also asked that the ZBA require a viewshed analysis. Schroeder stated that a viewshed analysis is not mandatory.

Mackey also asked if there was a soil map. Stark asked Mackey if he knew of any issues with the soil on the site and if he knew of any environmental impacts related to this solar array.

Berger stated that the town code supports the use of clean energy solutions. He felt an application should only be denied if there are compelling reasons to do so. In this case, he did not think the current application poses a threat to the environmental, historic and aesthetic impacts. The abandoned burial ground is far away from the array. The only people who will see this array are he and his wife and their guests. It is over 700 feet and fully screened from the road.

The ZBA reviewed the solar energy systems requirements in section 180-72.1 and determined the following additional facts.

- The array is exclusively for onsite consumption
- The location is well screened and will not be seen from the road

Schroeder asked if there was a building envelope on the land under conservancy to the north of the array and was informed that there was no envelope adjacent to this parcel.

The ZBA reviewed the standards for a special permit in section 180-26 and found no issues in the standards.

There were ensuing discussions of the possibility and the effect of putting the panels on the roof. One neighbor thought that would make is less reflective while another thought it would be far more objectionable.

While the soil map requirement has typically been waived, Berger offered to provide one.

Chair Greenwood asked for a motion to recess the public hearing and go into regular session. Motion made by Pitcher, seconded by Lynch-VandeBogart and passed unanimously.

The ZBA began the SEQR review. The submitted form was corrected to show 36 panels; in Section 5 Agriculture was added, and Section 14 was amended to include Agricultural/grasslands.

Section 12 regarding the NY State Historic Preservation Office (SHPO) was discussed. Schroeder asked what bearing this application has on the burying ground? Berger replied he thought it had none given the distance, the fact it is uphill, and the solar array can't be seen.

Mackey felt the ZBA should not disregard the importance of the potential archaeological impact. Mackey said he would reach out to SHPO and inform the Board.

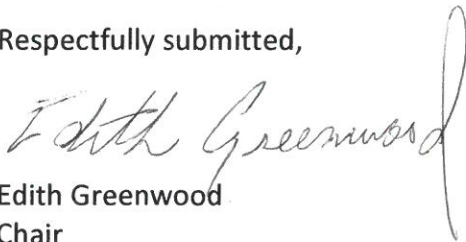
Stark reminded the ZBA that no action shall be taken by the ZBA without comment having been received from the Planning Board.

Greenwood stated that the Planning Board is scheduled to meet before December 11th and she expected to have their comments before the continuation of this hearing.

Schroeder made a motion to recess the public hearing until December 11, 2025, to be held at the North East Millerton Library Annex at 7:30 PM. The motion was seconded by Lynch-VandeBogart and approved unanimously.

The meeting ended at 8:16 PM.

Respectfully submitted,



Edith Greenwood
Chair

Town of North East (Approved)

1/15/2026

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JAN 29 2026
TOWN OF NORTH EAST
TOWN CLERK