

facing the other way that is technically your front yard and under the code you are not supposed to have anything in your front yard that is a structure. You actually have 2 front yards.

Chairman Travis asked if Chad had mentioned to him putting in a breezeway between the house and the garage and Mr. Bentley explained if he doesn't get the variance then he would but if he did that his homeowner's insurance would go up even more. It would be connected to the house and be another structure, which is why he wants it detached.

Mike Maciak commented for the aesthetics the house is facing that way, toward the road on the side and if the garage is different the value would go down, it will look like an after-thought. Marc Latini asked if there will be windows on both sides and Mr. Bentley stated yes, windows will face the road and windows in the back. It will have a side door and a breezeway and two matching garage doors on the front. Chairman Travis questioned the breezeway and Mr. Bentley explained that is what he is calling it, there will be 6 feet in between the existing house and where the garage is going to be. Mr. Coughlin asked if it will be open space and Mr. Bentley agreed and explained it will be grass with the side door going into the garage.

Chairman Travis reviewed the Area Variance criteria as follows:

1. Whether benefit can be achieved by other means feasible to applicant? Board: Yes and no, it is a balancing test. If he puts in a breezeway he would need a different variance and he can't put it in the other locations due to the well and septic.
2. Undesirable change in neighborhood character or to nearby properties? Board: No.
3. Whether the request is substantial? Board: Yes, nothing is allowed in the front yard. They are asking for 100% variance but keeping it back from the road 15 feet and based on the setup of the house it makes sense.
4. Whether the request will have adverse physical or environmental effects? Board: No.
5. Whether alleged difficulty is self-created? Board: Yes

Motion by Marc Latini and seconded by Mike Maciak to grant the area variance.

Roll Call Vote:	Mike Maciak	Yes
	Marc Latini	Yes
	Duane Travis	Yes

Motion carried.

QUILTY HILL ROAD/FOLEY ROAD SOLAR PROJECT:

Victor Ciaccia and Jason Zambrzycki of Norbut Solar Farms were present.

Mr. Ciaccia gave a presentation to the Board regarding their proposed project on Quilty Hill/Foley Road. They develop community distributed generation solar projects, which hook into the distribution side of the utility grid and sell to local people. It is 15 megawatt CDG site, does not include battery storage.

Mr. Ciaccia explained the reason why they are applying to the Zoning Board is because the Town Board revised the solar local law to remove R1 district from solar farms as a permitted use. The majority of the project is located in the agricultural rural residential district, where solar farms are a permitted use. The Foley Road parcel is split zoned, the bottom 1/3 of the parcel is zoned R1. There are no solar improvements proposed, no panels or electrical equipment with the exception of the utility interconnection, which is a requirement that the power generated has to hook into the existing utility infrastructure. At the time of the filing it was compliant

with the Town's zoning code and was compliant with the PSC regulations. They submitted their electrical design to reserve their space on the utility grid, which would allow them to build this system, produce energy and output it onto the utility grid. Because the R1 district was pulled out as a permitted use, they decided to apply to the ZBA for an area variance to move the lot regulations down to the street in order to allow them to construct the interconnection. They feel this is a better alternative than a rezoning, which would permanently change the designation of the parcel, where this would only permit a contemplated upgrades and development that are required to have the interconnection here. They are aware that the Board will consider impacts that the area variance would create from a noise standpoint and a visual perspective.

Mr. Coughlin asked why they think it is an area variance and not a use variance and Mr. Ciaccia explained it is an area variance because they are not applying to change the use of the parcel, they are applying under the Town's split parcel regulations, which states that the property owner can apply the zoned regulations for one zone onto the rest of the parcel if they so desire.

Mike Maciak asked if they would have a right of way to the property and Mr. Ciaccia explained they will be purchasing the property, assuming they get zoning approvals from the Town.

Mr. Coughlin explained that the Town will likely have to do the SEQR analysis for the entire complete project before deciding on any variance and Mr. Ciaccia commented they would expect that and asked if the Zoning Board intends to declare their intent to act as lead agent and Mr. Coughlin didn't have an answer for that yet, but probably would not. The Planning Board has more meaningful review of the overall application and would likely be lead agency for SEQR but don't hold him to that. Mr. Ciaccia commented that after speaking with Chad the Town wanted us to pursue the area variance first before they put in their full site plan review application and special use permit package. Mr. Coughlin will speak to the Supervisor and the Planning Board Chairman about that.

Mr. Coughlin asked how great is the variance, 25 feet is allowed in the code and Mr. Ciaccia explained the parcel is 2500 feet north to south and it is about 2/5th of that so it is about 1000 feet less 25 feet. Mr. Coughlin asked why they couldn't connect on Quilty Hill and Mr. Ciaccia explained that the utility lines doesn't run up there so they would first have to run a line extension, which would run about \$1,000,000 and if there were any changes we would lose our spot so if they have no space in the que it wouldn't be possible to build the project because they have nowhere to sell the power.

Chairman Travis asked what would be on that connection area and Mr. Ciaccia explained it would be an access road, utility poles, the electric lines and visibility screening, plantings, on the western side. Chairman Travis asked how many poles and Mr. Ciaccia stated they would have 15 poles, per PSC regulations.

Mr. Ferguson, the affected landowner, commented he came to express his feelings and how they will be affected. They have concerns regarding the project with the 15 poles 100 feet from their backyard. Mr. Coughlin explained that any formal application that is submitted would have a formal public hearing where at that time you could make your comments part of the public record.

Mr. Coughlin explained to the board members an attorney client meeting could be scheduled regarding the procedural aspects with the Town Supervisor, the Planning Board Chair and the Zoning Board Chair and we could nail down how the SEQR piece will work.

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Motion by Mike Maciak and seconded by Marc Latini to adjourn the meeting. The meeting was adjourned at 7:38 pm.

Respectfully Submitted,

Mary Kay Sullivan, Secretary
Zoning Board of Appeals