

**MINUTES
TOWN OF GHENT
ZONING BOARD OF APPEALS
November 13, 2019**

Chairman Streeter opened the meeting at 7:03 pm. Present: Koethi Zan, Jim Andrews and Beth Lenahan. Attorney Mitch Khosrova. Applicants, Bill Stratton, Alex Curlin and Rod Morrison.

Minutes of the June meeting were approved as written on a motion by Lew Streeter, seconded by Jim Andrews. All in favor.

New Business:

94.-1-14 Andrew McDonnell requests a 47ft variance on the 75ft set-back allowed. Walt Simonsmeier explains his determination for Harlemlville Road as the road frontage for the variance and that he has spoken with Highway Superintendent Ben Perry who has no issue with the set-back on Gardina Lane. Chairman Streeter asks for clarification on the set-back, Mr. Simonsmeier states it is a 75' set-back plus 25' from the center of the road. Chairman Streeter states it would be 53' from the center of the road and if there is a rear set-back, Mr. Simonsmeier states an accessory structure only has to be 10' from the rear and it is 12'. Bill Stratton explains the maps and the existing barn. Chairman Streeter asks about the Letter of Authorization, Mr. Stratton states it is in the application.

Motion to deem the Application complete and schedule the Public Hearing for December 11th, 2019, is made by Chairman Streeter, seconded by Ms. Zan, all in favor, motion carried.

91.-1-4.100 NEXAMP requests a Use Variance for a Solar Farm in an RRA-1 District. Alex Curlin states he is a solar developer for local community solar farms which is for local community members to purchase solar. Mr. Curlin adds the use variance is only for a portion of the lot in the RRA-1 district as they plan to complete the project mostly in the C-1 Commercial Zone. Ms. Zan asks if it is all one parcel, Mr. Morrison states it is and is a total of 166 acres and it's very odd shaped. Mr. Khosrova confirms the panels extend 400' past the Commercial line into the RRA-1 zone. Chairman Streeter asks who is representing the property owner, Mr. Curlin states he is. Chairman Streeter gives a brief history of the zoning review committee and that the committee recommended to the Town Board that for properties that are located in two zones the boundaries be moved to the property lines, and the Town Board voted not to change this parcel. Chairman Streeter also explained Section 190-58 G(1) of the Ghent Town Code for lots lying across two zones and the code allows for an applicant to request a 50' extension of the commercial zone into the RRA-1 zone. Mr. Curlin states the layout would have to change and 50' would help but they really need several hundred feet to make the southern array possible.

Chairman Streeter states that for the ZBA to grant a use variance they would need to show significant hardship and meet the four criteria needed in the code. Mr. Khosrova adds it would be a tough test to pass unless they can prove for example, that the rest of the parcel is wetlands, and there are no options for a residential use. Mr. Andrews adds that a landscape buffer is also required between residential and commercial zones. Mr. Curlin states if they subdivide this into two parcels to make it two projects they would then have to meet the set-backs as well, Chairman Streeter asks if they need to make this two projects to meet the state requirements and Mr. Curlin answers yes. Mr. Morrison adds their intention was just to start the conversation tonight. Mr. Khosrova states they could do concurrent applications

with the Planning and Zoning Boards. Mr. Andrews asks if they could map the tree line when they do return to the Board. Mr. Khosrova states they should start a new application for the December 11, 2019 meeting.

Meeting adjourned at 7:45 pm.

Respectfully submitted

Erin Reis
Recording Secretary