

2577 US Route 11

P.O. Box 193

LaFayette, NY 13084



Zoning Board of Appeals Meeting

Date: November 26, 2019

Time: 7:00 pm

Location: LaFayette Town Offices

Meeting called by: **LaFayette Zoning Board of Appeals**

Chair: Christine Keenan

Secretary: Sue Marzo

Attendees: **Zoning board members: Christine Keenan, Chair, Karl Field, Anita Miner, Board Members**

Jeff Brown, Town Counsel, Sue Marzo, Secretary, Ralph Lamson, Codes Officer, Jackie Roorda, Town Clerk, Oliva Meikle and Janet Ward of Nextra Energy Resources, Chris Rudy & Mark Dottolo of Alternative Power Solutions of NY, Ross Stefano, Applicant, Sue Lamanna, applicant, Joseph Mendelsohn, Omni Navitas Holdings LLC, Rosemary and Herb Brodt, applicants, Jeff Palin, C&S Engineers.

Minutes

- Christine Keenan opened the meeting with the Pledge of Allegiance followed by introductions by all at 7:00 pm.
- Christine Keenan asked the Board members present if they are in acceptance of the September 24th meeting minutes. Motion was made by Mike Stiner and second by Anita Miner, all other Board members present were in approval of the minutes as written.

Application of Susan LaManna for a variance to have a lot without the 60 foot of road frontage requirement in order to use an existing driveway to access a parcel being subdivided at a property located at 6301 Reidy Hill Road, LaFayette, north side, approximately ½ mile east of LaFayette Road in an Ag/Res Zone. (Tax Map No. 07.-01.11.1).

Discussion:

The applicant, Susan Lamanna approached the Board with an application to subdivide a 3-acre lot. They have an existing driveway that will require an easement to allow the sale of the lot they are looking to subdivide. They are looking for a variance on a lot with no road frontage. 45' of relief is what they are requesting. The parcel is land locked. Mike Stiner asked about the location of the leach field. The applicants showed on the map that the driveway goes across the leach field. This should be considered a simple subdivision per Ralph Lamson. Christine Keenan asked if the Board had any questions for the applicants . Anita Minerd stated that it makes good use of the land per our comprehensive plan. Attorney Brown read off the 5 criteria for a variance.

- 1. Whether the benefit sought by the applicant can be achieved by some other means?**
- 2. Whether undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties?**
- 3. Whether the requested area variance is substantial?**
- 4. Whether the proposed variance will have an adverse impact on the neighborhood?**
- 5. Whether the alleged difficulty was self-created?**

On January 28, 2020 a public hearing will be held. SEQR will also be done at this meeting. Motion was made by Mike Stiner for a Public Hearing, second by Anita Minerd. All Board members present were in favor. It was also noted that this application will have to be submitted to the County for approval.

Agenda item: "Case # 8-2019-ZBA" SKETCH HEARING

Application by Omni Navitas Holdings LLC for a Specific use permit and Controlled Site Approval for a solar farm. The proposed project is situated at the rear of an existing agricultural field at 3356 Sentinel Heights Road, LaFayette, NY 13084, east side 1 mile south of Bull Hill Road located in an Ag/Residential District. It includes the construction of a gravel access road, battery storage areas, transformer area, fence, overhead and underground electric lines, utility poles, and the solar panel array. Upon completion, the proposed project will generate approximately 5 MW of renewable power to the existing electrical grid via an interconnection point on Sentinel Heights Road. (Tax Map No. 025.-03-02.2)

Discussion:

Joseph Mendelsohn updated plans submitted to the Town with marked up comments made by Mark Chambers of C&S Engineers. A storm water plan was also submitted. Added to the plan is an installed conduit location on the east side of the array along the access road to Sentinel Heights. The grade of the plan for the access road and array location was removed. They will stump the trees that they are going to clear in the array itself and buffer zone around it. The access on Sentinel Heights north of the access road has an existing easement to Sentinel Heights. They have added a staging location in front of the array location and will lay down equipment for building out the array. That is marked with the pink lines in the map itself delineated by Civil Engineers. The supplemental EAF as well as percent of slope was submitted to Jeff Palin and Mark Chambers of C&S Engineers. They have submitted to the FAA per the Board's request. That is in process. They will forward the results upon receipt. Conversations were held with Kinder Moran regarding the pipeline easement. They have deemed it as having no impact. They have asked for a stamped document from the Town.

C. Keenan asked Board members present for any questions.

Jeff Palin of C&S Engineers stated that Mark Chambers reviewed all the comments and the next step is to hold a public hearing. Jeff Mendelsohn said there have been no conversations about PILOT yet. He advises it will start before the public hearing. Jeff Brown stated that it will be important to have a tentative agreement before this Board acts. Attorney Brown also asked if the applicant intends to reach out to the School District and County to discuss PILOTS. Ralph Lamson stated that the driveway cut will need County approval. Mr. Mendelsohn stated there have been conversations on an existing curb cut with the DPW to get ok for commercial as opposed to residential access.

C. Keenan reiterated the need for a narrative explaining how the application will comply with the Town's solar siting law. Attorney Brown suggested using Cypress Creek application as a guide. Mr. Mendelsohn will provide by mid-December.

Anita Minerd asked how the trucks will be going to Sentinel Heights. She has concern about truck traffic for local residents. C. Keenan noted it is temporary traffic. Attorney Brown stated that the intent is for the ZBA to serve as lead agency. Another agency could request to be lead agency. Mr. Mendelsohn asked if there is any concern with asking for a public hearing not knowing who will be lead agency? Attorney Brown stated that a conflict could arise, but it is not likely.

Christine Keenan asks for a resolution to declare intent to be lead agency. Mike Stiner motions, second by Anita Minerd. All Board members present were in favor. Motion is carried.

**RESOLUTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT RELATIVE TO
DECLARING THE INTENT TO BE LEAD AGENCY**

WHEREAS, pursuant to Article 8 of the New York State Environmental Conservation Law, as amended, and the regulations of the New York State Department of Environmental Conservation promulgate thereunder (collectively “SEQR”), the Zoning Board of Appeals of the Town of LaFayette, Onondaga County, New York (the “Board”), has reviewed the SEQR Full Environmental Assessment Form (EAF) Part 1, prepared by Omni Navitas Holdings LLC (“Applicant”); and

WHEREAS, the Board is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQR) to be taken by the Board (the “Action”); and

WHEREAS, the Action contemplated is the construction of a solar farm to be located at 3356 Sentinel Heights Road within the Town; and

WHEREAS, pursuant to SEQR, the Board determines that said Action is classified as a Type 1 Action and is subject to review and approval by other involved agencies; and

WHEREAS, the Board determines that it is the most appropriate agency to ensure the coordination of this Action and will provide written notifications to involved agencies, for the purpose of conducting a coordinated review and making the determination of significance thereon under SEQR.

NOW, THEREFORE,

BE IT RESOLVED by the Board as follows:

1. The Board hereby declares its intent to be designated as the Lead Agency for this Action; and

2. The Town Engineer is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in wiring on or before
December 27, 2019.
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Mike Stiner motioned to set a Public Hearing, second by Anita Miner, all Board members present were in favor. Meeting will be held January 28, 2020. Attorney Brown advised SEQR must be done prior to Public Hearing.

Agenda item:	"Case # 10-2019-ZBA"	PRESENTATION
Nextera Energy Resources Community Solar Facility needs to do a brief presentation to qualify for NYSERTA Incentive regarding Specific Permit & Site Approval application for construction & operation of a 5 megawatt alternative current solar & energy storage facility at Apulia Road, approximately .36 miles north of Apulia Rd & Dodge Rd. intersection (Robert Amidon, Jr. property). (Tax Map No. 009.-02-19.1).		

Discussion:

Olivia Miekle and Janet Ward represent an independent subsidiary of Nextera Energy. They are here to present about the proposed solar array and storage project. They have a required form that needs approval certifying that they presented the program to the Board. They are requesting a 5 mg community solar project storage facility. The property associated with the plan is just off Weller Rd. 14.7 acres on a 185-acre parcel.

The parcel is currently zoned AG/R. The project design is 3.5 kw line with National Grid. They have started to go through the process with NY DEC and Army Corp of Engineers on existing wetlands. Concrete pads will be placed on land to house transformers and inverters and other equipment. They plan to surround the array with a 7' fence. Within that fence the solar array will have grass underneath that will be shade tolerant. They have not determined a supplier yet for the battery storage, so dimensions are not confirmed. On page 9 of the document provided is an idea of what the facility will look like. Storm water plan will be unchanged and will be fully compliant. A few of the project benefits are any customer of National Grid can apply to save money on their utility bill and the project helps the state renewable energy goals (the plan is to be 70% renewable by 2030).

NYSERTA acknowledges receipt of the information and its presentation to the Board. It is a confirmation not an approval. Mike Stiner stated that Weller Rd. is not very big. It is basically a driveway. He is concerned with large vehicles accessing the site without widening that road.

The presenters stated that their civil engineer has done a site visit. The initial review is that the road could be improved if needed. Mike Stiner believes it is a Town road. The representatives advised that they will follow up with the civil engineer. They also advised that at future meetings the project leader of the site will be present and will have more information on this concern. Robert Amidon is the owner and it is leased for 25 years. The site is attractive because of large electric distribution lines that are near and easy to connect to. The interconnection distribution system is favorable in LaFayette.

Jeff Brown requested the applicant provide a narrative on how the project complies with our solar siting law. Applicant said application is in and there should be a narrative in that application. Mark Chambers has taken a look, they are close but not ready yet for a sketch hearing. Ralph Lamson said if everything gets done, we can get them on the agenda for the January meeting, January 28, 2020.

Christine Keenan will sign the NYSERTA to satisfy their request.

Agenda item:	"Case # 11-2019-ZBA"	SKETCH HEARING
	Application for a Specific Permit by Alternate Power Solution of NY for a proposed installation of a 19.5 W Solar Ground Mounted Array at the home of Ross Stefano at 6849 Jamesville Grove Rd. Jamesville, NY (off Jamesville Pompey Rd. in between Jamesville Terrace & Taylor Road). (Tax Map No. #-001.-01-07.1)	

Discussion:

6849 is the address and has been corrected from the agenda that incorrectly stated 5849. The applicant is proposing a personal solar installation not a solar farm on Mr. Stefano's property. All electricity generated will go directly to his residence. There will be an array that will have 24 panels. Another array will have 28 panels. There will be minimal ground disturbance. No soil or materials will leave the site. The project will take 4-5 days at the most to install during evening hours. For equipment there will be a pickup truck with an auger. No huge machinery. There will be a roughly 150' electrical trench going right into the house. There are no wetlands. There is no noise. There will be a screen of vegetation for neighbors who may not want to see the array. Christine Keenan asked how big is the parcel? They stated it was 4.8 acres. 25' from property line is the location of the arrays. Mike Stiner asked why the arrays are 350' away from the house. They advised that they wanted it at this location to avoid the leach field. They will also need to work around shading from the woods.

Jeff Brown asked for SEQR EAF. The applicant will double check and make sure that the Board gets everything they need. Micro inverters mean no humming. The plants will grow 11'. 7-8' trees will be planted initially. Before the applicant committed, he conferred with his neighbor.

He was fine with it. It is higher than his property line and does not block his view of the reservoir. Christine Keenan asked for the area of the solar array. They advised it was 18x40.

Christine Keenan asked if it was in a flood plain district. They replied that it was not. Jeff Brown asked the ZBA if it wanted the town engineer to look at this application. The answer was yes. Ralph Lamson stated that if the property was close enough to a County Road, he will send out the paperwork to the County.

Motion was made by Mike Stiner to set a public hearing, second by Anita Miner. All Board members present were in favor. Motion is carried.

Jeff Brown advised the applicant to submit the SEQR EAF. Mr. Stefano asked why a Public Hearing was necessary. C. Keenan advised that the Town Code requires public hearings for specific permits.

Agenda item:	"Case # 12-2019-ZBA"	SKETCH HEARING
Application for a 13'9" side-yard variance for Herbert Brodt on southeast corner of shop due to the slope for driveway at property located at 2701 Webb Rd. approximately ¼ miles north of Route 20, in an Ag/Res zoned property. (Tax Map No. 020.-08.06.1)		

Discussion:

Herb Brodt is building a new garage/shop. The neighbor is interested in buying his existing shop. He needs a variance so he can subdivide to allow for that sale. Mr. Brodt showed various photographs of the property and driveway in question to the Board. He is looking for relief of 13'9" to 25'. The criteria was read to the applicants by Attorney Brown as follows:

- 1. Whether the benefit sought by the applicant can be achieved by some other means?**
- 2. Whether undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties?**
- 3. Whether the requested area variance is substantial?**
- 4. Whether the proposed variance will have an adverse impact on the neighborhood?**
- 5. Whether the alleged difficulty was self-created?**

This criterion will be used to analyze this request.

Christine Keenan asked the Board if they had any other questions. Mike Stiner motioned to set a public hearing at the January 28, 2020 meeting of the ZBA, second by Anita Miner. All Board members present were in favor.

Motion to adjourn was made by Mike Stiner, second by Anita Minerd, all Board members present were in favor.

The meeting adjourned at 8:03 pm.

Respectfully Submitted,

Sue Marzo
Zoning Board Secretary



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