

TOWN OF ELLICOTTVILLE
ZONING BOARD OF APPEALS
Thursday, May 5, 2022 at 6:00 p.m.at the Town Center

PRESENT: Cindy Dayton, Chairperson
Gail Scheeler, Member
Harry Weissman, Member
Darin Wiechman, Member

ALSO PRESENT: Greg Keyser- Town Planner, Kathleen McGoldrick-Applicant, Rodney Tolley, Lyndsey Mavissakalian-SolarLiberty, Ryan Calesina-SolarLiberty

Ms. Cindy Dayton, Chairperson, called the meeting to order at 6:00 p.m. and presented TZBA-2022-16, 8331 West Valley Road, Kathleen McGoldrick, Applicant. This is an application for an area variance for the installation of a solar energy system. The property encompasses approximately 1.90 acres of land and is in the Agricultural-Residential and Conservation Districts. She noted that this application is being reviewed under the Solar Energy Systems law adopted by the Town in March 2022.

Ms. Dayton advised that this is the first solar energy project in the Town.

Ms. Dayton welcomed Mr. Greg Kyser, the new Town Planner to the meeting.

Mr. Greg Keyser, Town Planner presented his staff report on this application. The proposed solar energy system involves the installation of a 9.72 kw ground mounted solar energy system and is intended to generate electricity from solar panels primarily for onsite consumption. The solar energy system will encompass approximately 405 square feet and will be in the front yard area of the lot. The proposed system is an accessory use on the same lot as the principal use and will be situated on a portion of the lot which is in the Agricultural-Residential District. A portion of the property is in the Conservation District and pursuant to Section 1.7(B) of the Zoning Code, the regulations for the Conservation District shall apply. The proposed system appears to meet the definition of a Tier 2 Solar Energy System and applicable standards in Section 12.17(D) also apply. The zoning requires a 100 foot setback on the front and side yards. The maximum height for an array is 10 feet. The applicants are proposing 3 options each generating a different amount of electricity.

Mr. RodneyTolley, representing the applicant presented the plans for the project. The land behind the house slopes up and is wooded. The side yards and house roof are in shaded areas. The front yard is the most open area with sunlight. The proposed site of the array is on the northeast side of the yard. He presented photographs of the yard. Option 1 is the original requested placement with the most productivity and requires a variance for the front and side yard setbacks. Option 2 satisfies the 100 foot setback, and Option 3 satisfies both the 100 foot and 30 foot setbacks. The neighbor is at least 250 feet away with scrub land and trees between our properties. I have contacted him about the project and he is not opposed. We are doing this project for environmental reasons only with no financial gain.

Mr. Ryan Calesina of SolarLiberty presented information about the solar system to be installed, which is not industrial in nature. There will be 3 poles with an array of panels on each pole making it more aesthetically pleasing.

Ms. McGoldrick noted that the array will be visible from the road.

Mr. Wiechman asked why is one option better than the others?

Mr. Calesina said the best option generates the most energy. He outlined the power production for each option. Option 1 offsets their annual use for the house and charging an electric vehicle.

Ms. Dayton asked, will it generate energy on cloudy days?

Mr. Calesina said yes. The best time to generate energy is in March because the weather is cooler and the equipment does not get too hot.

Ms. Scheeler asked how is the energy stored and released?

Mr. Calesina said it is not stored. Energy not used runs along the power line.

Mr. Weisman asked what is the cost of the installation?

Mr. Tolley said gross cost is about \$33,000.00, but tax credits, rebates and reduced electric costs will reduce it to about \$20,000.00

Ms. Dayton asked what is the actual height of the array?

Ms. Mavissakalian said the array will be about 3 feet above ground with the panels at a 30 degree angle which is typical. The angle of the panels will change the height but it will not exceed 10 feet.

Mr. Calesina said you can change the pitch of the panels to get the best sunlight.

Ms. Dayton asked what are the dimensions of the panels?

Mr. Calesina said they are approximately 42 inches by 60 inches (3.5 by 5 feet). There will be 9 panels on each pole for a total of 27 panels. The poles are set in cement 6 to 7 feet into the ground.

Ms. Dayton asked can you provide calculations on the payback on the system? I understand it can take 6 to 8 years to recoup the cost.

Mr. Keyser said it would be helpful to have that information and the kilowatts generated.

Mr. Calesina said he will provide that information for the next meeting.

Ms. Dayton noted that should the area variances be granted subsequent approvals will be required. The solar energy system is under 25 MW and must be reviewed and approved in accordance with Section 12.17 of the zoning code and will require a building permit, zoning permit, special use permit, and site plan approval by the Town. It will also require a NYS Unified Solar Energy Permit.

Mr. Keyser advised that the ZBA has to act on the variance request before the proposal can be sent to the Planning Board.

Ms. Dayton asked if the Board members feel there is enough information for a meaningful public review and can set a public hearing for the June meeting?

Moved by Mr. Wiechman to set a public hearing for TZBA-2022-16, 8331 West Valley Road, area variance request for front and side yard setbacks for June 2, 2022 at 6:00 p.m. Seconded by Mr. Weissman. Ayes all. Carried.

Mr. Keyser stated that renovations to the Town Center are starting May 6, 2022 so the June meeting may be in the Village Hall.

Moved by Ms. Scheeler to adjourn. Seconded by Mr. Wiechman. Ayes all. Carried.

The meeting was adjourned at 7:00 p.m.