

ZONING BOARD OF APPEALS  
TOWN OF CANAAN  
COLUMBIA COUNTY, NEW YORK  
May 29, 2018

Present: David Cooper, Pat Liddle, Jack Steffek, Sandy Haakonsen, Christy Ransford

Board Chair David Cooper opened the meeting at 7:00 with 4 people in the audience. There are three items on the agenda for this meeting – One file to consider, and two public hearings.

The April meeting minutes as well as the minutes for the special meeting on May 8<sup>th</sup> were approved as submitted.

7:02- Consideration of file #2018-4 which is an application submitted by Nicole Schmitt-Burdick for property located at 201 Goetz Road, East Chatham, NY. Tax ID#48.-1-23.112.

David read the application which is for a Front Yard Setback Variance, for a modest building on a rural piece of property which is zoned RAll. The building is to be a woodshed that is approximately 8'x6' on a wooden deck. There is no septic or wiring.

David read the narrative included in the file. The request for this variance is because the topography of the parcel limits the flat and high ground suitable for building. The Appellants are asking that they be able to build the woodshed 29' from the center of Goetz road.

David asked Nicole to update one of the submitted maps to help orient the Board with directions. He suggested that they mark out a pole or two to show where the property is on Goetz. Nicole said that the structure is actually started and can be seen from the road. They had begun building before they realized that they were out of compliance, but then stopped. Sandy asked that there be dimensions and setbacks added to the map and Pat agreed.

Jack asked if visibility pulling out of the driveway was affected, and the answer was not at all.

David entertained a motion to accept the file on condition that the Plot Plan gets dimensions, so moved from Sandy, and a 2<sup>nd</sup> from Christy. All in favor. David explained the notice to abutters. The public hearing is scheduled for June 26, 2018.

7:19 Public Hearing file #2018-3 for Richard Ortner of 47 Schillings Crossing Road, Tax ID# 49.-1-39.1 for a pond with a dam and spillway. David read the legal notice.

Chairman Cooper explained that this project has been approved by the Planning Board at their 4/16/18 meeting, with the conditions that planting of trees, shrubs and other plants is forbidden on the berm and the spillway must be kept clear of debris.

David did the SEQR, and asked Andy Didio of Taconic Engineering if he was aware of the overlay area for the long-eared bats? He said he was and that he had left a message with DEC to make sure they were all set and hadn't heard back. David asked that he get a letter or email from them to put in the file.

David said that the site visit was very informative and showed that at one time this area had been a pond that dried up. The Board was in agreement that the site visit was informative and left them with

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no questions other than Pat Liddle wanted to make sure of where the wetlands mentioned on the SEQR were located, and the answer was on the neighboring property.

7:28 David made a motion to close the Public Hearing, with a so moved by Pat and a 2<sup>nd</sup> from Jack. All in favor.

Pat made a motion to approve the file with the Planning Board conditions, as well as Andy Didio providing a letter or email from DEC in regards to the long-eared bats. Christy with a 2<sup>nd</sup>.

The clerk polled the Board

David: Aye

Pat: Aye

Christy: Aye

Jack: Aye

Sandy: Aye

All in favor.

7:30 David read the legal notice for the continuation of the Public Hearing for file #2018-2 which is for TJB Land Corp of 30 Flints Crossing Road, Tax ID# 70.-1-4.100 for an Area Variance for a roof mounted solar array that will exceed 110% usage.

David asked that Andrew Petersen who is representing TJB Land Corp explain what happens if you cut back on the amount of rooftop that is covered by solar panels. Andrew explained that is more cost than quantity, because this is a commercial building with commercial service, it requires commercial parts. David stated that this then is dictated by the fact that this is an established business and the accessory use on the building is a solar generating array on top and the scale is regulated by the fact that this is a commercial service. Andrew agreed and said his company doesn't install anything less than a 200kw for a business, because it doesn't make sense with the cost of all the panels. If it was residential it would be much less.

Chairman Cooper wanted to make sure that whatever the grid system is that this is tied into will not allow less because this is commercial and Andrew said yes, because this is commercial and has to be tied into a commercial grid. David said so, in other words you cannot choose to do this residentially, to which the answer was no.

David stated that the Board knew the relief Andrew was looking for but wanted to know the minimum he could live with. Andrew stated that 200kw is the smallest system they do. David asked if the 200kw would cover all of the buildings and the answer was yes. This will be the smallest commercial project for the year.

Chairman Cooper asked Andrew what the updated information was that he handed to the Board, and he said that he had just updated the proposal on the hardship criteria for the Area Variance and this document is included by reference.

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David said that the way the law is written they want the energy consumed on the property, but we already went through the fact that the energy will be consumed on the property, just not all of it. There may then be other times when nothing is consumed on the property but wouldn't that be the same on any system. The answer was yes.

David asked Andrew if he thought the way the Town Law was written is just out of touch with this type of energy generating system. Andrew stated that he thought the law was just cut and pasted from NYSERTA. He said that his company has trained other Town Boards for new laws. David wanted to know how that works then, if this is straight from NYSERTA. Andrew said because it is based on residential and if you produce over 110% you don't get NYSERTA credits. What about commercial? Do you get a credit for all of it or just, the 110%? The incentive for Monolith is on the panel. David said the energy not consumed on site effectively goes into the grid and the 110% doesn't apply? Andrew said that this system is constantly pumping back into the system and it reverses the usage on the storage units for the month. The excess goes back to the owner who happens to be Monolith Solar.

David asked if the Board had enough information, and Sandy stated that this had been very informative.

David made a motion to close the Public Hearing with so moved by Pat, and 2<sup>nd</sup> from Sandy.

7:49 Deliberation- David asked the Board if anyone had any strong negative feelings over this, and Sandy replied that since this turned into an Area Variance she did not. David said that personally, based on the information that had come in, the scale and the scope of the system is small and secondly it is being driven by the type of service, residential vs. commercial. If this were a more intense business they would be buying electricity and not be able to manufacture enough energy. Thirdly, no matter the type of system the energy goes back into the grid, particularly, with a commercial system. I think we can rationalize the scale of this easily, and as for the impact on the neighborhood these systems are directly applied to the roof and may rise up to 6 inches, and I think it is an advantage that all of the roofs are covered, because it basically makes a monolithic roof.

David asked if there was any other discussion and the Board said no. David made a motion to approve the Area Variance, with a 2<sup>nd</sup> from Christy.

The clerk Polled the Board

David: Aye

Pat: Aye

Christy: Aye

Jack: Aye

Sandy: Aye

All in favor.

David thanked Andrew Petersen for all of his cooperation and said that he found the input very helpful.

Pat made a motion to adjourn with a 2<sup>nd</sup> from Christy. All in favor.

7:54.

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For the Board,

Heather O'Grady  
Clerk