

John Gardner
676 Lerch Road Solar Array
Tax Map #25-1-04
June 30, 2015
6:30 pm
Approved as corrected, 7/13/2015

The meeting was called to order at 6:30 pm by Chairman Barto, roll call attendance was taken:

Pete Keefer	Present
Ford Knight	Present
Julie Thompson	Present
Mike Cleere	Present
Steve Barto	Present

Julie Thompson motioned with a second by Mike Cleere to accept the minutes from the November 20, 2014 as written. So carried.

Mike Cleere motioned with a second by Julie Thompson to open the public hearing on the Use Variance at 6:31 pm. So moved.

Ryan Wallace, QwikSolar, explained the solar array to use for Mr. Gardner's workshop, there, and also a feed his residence on Jay Street (Town of Geneva). He wants to find a way to make the project work.

Chairman Barto inquired about the intent with the building "down the road," and asked if he was planning on turning the barn into living quarters. Mr. Gardner explained that he wants to finish the garage and have a house there beside it. He said there is plenty of room for a house. He said part of the pole barn is a parking bay and other part is a shop for power tools. Chairman Barto noted that a lean-to was being build on the west side which is to park his tractor. Again Mr. Gardner was asked about the pole barn. One part is for his vehicle, mower and tractor and the other part is for a shop and various saws for remodeling work he is doing. Chairman Barto again mentioned a house and advised that in the zoning laws, Mr. Gardner's property isn't big enough to build a house and would have to get a variance. Mr. Gardner understood.

Chairman Barto asked about the panels. Ryan Wallace explained that sunlight is converted to DC power and then to AC power using inverters which is fed into the grid. It is a free-standing system, 8 ½' – 9' height with a mono-post design, 10 posts. The panels make no noise. The system can be disassembled in a couple days. No concrete. It is 2 panels tall, 52 panels, 12 kw system for the average residence with a 25 year life/warranty. For maintenance, rain does the work. They are manufactured in China and rarely get replaced.

Ryan Wallace mentioned a self-created burden that can be argued 2 ways acknowledging other things can be done such as put it on the building, fill in pond, but he is trying to find something that is a reasonable cost for Mr. Gardner.

Ford Knight asked if there was a reflection, in which Ryan Wallace compared it to reflectivity of dry white sand.

There was mention about solar energy being in the Town of Geneva Code. Mr. Wallace mentioned that the Geneva law is designed to regulate solar farms to control big developers, stating that every other town that they operate in allows solar electric systems for personal use. He agreed that there needs to be rules and regulations.

With no one else wanting to speak, Mike Cleere motioned with a second by Julie Thompson to close the public hearing at 6:47 pm. So moved.

Julie Thompson motioned with a second from Mike Cleere to discuss and consider the application.

Julie Thompson read a letter from Ruth Nielsen (abutter), see attachment #1.

Chairman Barto had concerns because it is not on the books, and noted that the Town is in the process of updating codes and understands that solar energy will be added in. He has consulted with the Town Attorney. See attachment #2 referring to Zoning Codes 500B, 500C, and 500D. Chairman Barto suggested they wait until solar energy is added.

Julie Thompson added that 94' is pretty big. She inquired if that is a necessary size for residential. Ryan Wallace answered that it depends on the technology. You can get the same amount of power if you are willing to pay for panels in half the space. Many towns do as an accessory use-where there is a square footage cap. It could go on the roof, but it would cost more money. The panels are more expensive.

Criteria for a Use Variance

Reasonable return

Chairman Barto read "the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence." Mike Cleere added, as part of the Otto Rules, "Whether the use allowed by the zoning laws is yielding a reasonable return, the applicant must prove that he or she cannot realize a reasonable return from each of the uses permitted in the zoning district. The mere fact that the property may suffer a reduction in the value of the property because of the zoning regulations or the fact that another permitted use may allow the sale of the property for a better price or permit a larger profit does not justify the granting of a variance on grounds of unnecessary hardship." No papers were shown for hardship.

Unique Circumstances

Is the property's plight due to unique circumstances and not to general neighborhood conditions? Chairman Barto said yes, as all members agreed. It does not fit in an agricultural zone.

Essential Character of the Neighborhood

Will the essential character of the neighborhood be altered if the variance is granted? All Zoning Board of Appeals members agreed it will alter the character of the neighborhood.

Self-Created Hardship

All Zoning Board of Appeals members agreed that this request is a self-created hardship.

Prior to the Roll Call vote Supervisor Lorenzetti spoke to mention again the option to put the solar panels on the barn. Ryan Wallace added that they have 6 months to use the State grant.

Chairman Barto announced that a yes vote is to grant the Use Variance and a no will be to turn down.

Roll Call Vote:

Pete Keefer	No
Ford Knight	No
Julie Thompson	No
Mike Cleere	No
Steve Barto	No

Reasons for Denial:

Not allowed in Zoning-reference was made to letter received from Midey, Mirras, and Ricci, LLP for Zoning Codes 500B, 500C and 500D. See attachment #2.

Did not pass the Criteria for a Use Variance.

Ryan Wallace said the Town of Geneva instructed them on the steps they had to go through. Unfortunately this will cost Mr. Gardner more money. He mentioned putting it in the Town of Geneva. Mr. Wallace did not object to the decision. The law was followed.

Chairman Barto noted that because the Use Variance was denied, the Area Variance was a moot point and not considered.

Meeting set for Guglielmino application for Monday, July 13, 2015 at 6:30 pm.
Mike Cleere motioned with a second from Ford Knight to adjourn at 7:40 pm.
Vote 5/0

Respectfully Submitted,

Susan Hensel
ZBA Clerk