TOWN OF CLARKSON ZONING BOARD OF APPEALS SPECIAL MEETING Held at the Clarkson Town Hall and via Zoom Meeting Wednesday, September 23, 2020 at 7:00 PM

Board Members

Support Staff

Conrad Ziarniak, Chairperson Jim Gillette Joseph Perry Lisa Rivera-French Joanne Scheid Richard Olson, Town Attorney Exc Kevin Moore, Code Enforcement Anna Beardslee, Building Department Clerk

Excused *

CALL TO ORDER:

Conrad Ziarniak called the Special meeting to order at 7:00 p.m. The Meeting was held at the Clarkson Town Hall and via Zoom for those who are unable to attend in person. C. Ziarniak led all those present in the Pledge of Allegiance and read aloud the agenda for the night explaining that this was a special meeting being held, where the Zoning Board of Appeals would have their own meeting first, followed by the Planning Board to hold their meeting, in regards to the Borrego Project to take care of the Public Hearings scheduled for both Boards.

PUBLIC HEARING:

Applicant: Borrego Solar Systems, Inc. Property Owner: Michael K. & Sherri L. Foley Property Address: 2668 Redman Road Tax ID: 28.03-1-21 & 28.04-1-18 Acres: 58.5 AC & 25.3 AC

Applicant requesting an area variance for the side setback for the Borrego Solar Project, which is not in accordance with Local Law No. 2-2019.

C. Ziarniak read through the Legal Notice for Borrego Solar Systems and asked the representative to give a brief summary.

Adam Fishel representing from Marathon Engineering was present at the meeting. He gave a brief summary of how the project began and why they needed to be here tonight for this meeting. He further explained, that originally they were told by the utility supplier that the two properties needed to be one parcel with two separate tax ID numbers. So a courtesy merge was done by the Town of Clarkson Assessor to do so. However, the utility supplier than realized when they came out to look at the property that the properties were combined and told them that someone had given them the wrong information, and that the properties needed to be separate the properties back out. Because the properties needed to be separated, it did not meet the side setbacks and would need a variance by the Zoning Board of Appeals, to be able to move on with the project. He explained, they are requesting two variances for Lot 1, they are asking for a 50 foot variance vs. a 75 foot variance. And on Lot 2, they are asking for 35 feet vs. 75 feet.

C. Ziarniak recapped what A. Fishel stated to the Board Members again.

R. Olsen asked A. Fishel if he were to fly a drone over the property or drove by the property would there be a noticeable difference in anything.

A. Fishel stated, that there would be no noticeable difference.

C. Ziarniak asked the Zoning Board Members if they had any questions.

L. Rivera-French questioned the measurements of the setbacks and where they were located on the map so she could see exactly where they were referring to.

A. Fishel came up to the desk to show L. Rivera-French on the map in regards to where the variances were.

C. Ziarniak asked if there were any public present that wanted to speak.

Sara Didonato from 2775 Redman Road, was present at the meeting, and asked if there was a change with the solar array, or if it would be closer to the road or to the properties? A. Fishel stated that they were not changing anything in regards to the solar array.

C. Ziarniak asked if there was anyone else from the public that would like to speak. No one responded.

C. Ziarniak made a motion to close the Public Hearing.

J. Perry seconded.

C. Ziarniak asked for any other questions from the Zoning Board Members.

C. Ziarniak asked what would happen to the variance that is put in place, if in the future the Solar Array becomes obsolete and the Solar Array is no longer there.

R. Olsen stated that if there is no longer a solar project, then there is no Solar Overlay District and the variance would go back to what it was originally.

C. Ziarniak made a motion to determine that the Borrego Solar Project is a Type 1 Action under SEQRA, and that the Town Board, as Lead Agency issued a Negative Declaration and would need no further review.

L. Rivera-French seconded. Unanimously carried.

J. Perry made a motion to approve the area variances for Lot 1 and Lot 2 with the following conditions:

- A written recommendation from the Planning Board is received.
- An updated map with accurate measurements be submitted.
- Upon decommissioning of the Solar Project the variance would be reverted back to the original use.

L. Rivera-French seconded.

Unanimously carried.

MINUTES:

L. Rivera- French made a motion to table the minutes to the next meeting held on Wednesday, October 7, 2020.

C. Ziarniak seconded.

Unanimously carried.

ADJOURNMENT:

C. Ziarniak made a motion to adjourn the meeting at 7:30 PM.J. Perry seconded.Unanimously carried.

NEXT MEETING:

The next meeting of the Zoning Board of Appeals will be Wednesday, October 7, 2020 at 7:00 PM at Clarkson Town Hall.

Respectfully submitted, Anna Beardslee, Building Department Clerk

Minutes approved on 10/7/2020