

SPECIAL USE VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on May 18, 2017

Applicant: Distributed Sun/SUN 8 PDC LLC/Jeanette L. Daum

Variance No: #021417-Z-SUP

Address: 601 13th St. NW, Suite 450 S., Washington DC 20005

Zoning District: AG

Telephone: (202) 536-5766

Published Notice on May 12, 2017 DM

Property Location: 4450 Town Line Road, Rushville NY 14544

County Hearing Date May 25, 2017

Applicable Section of Town Zoning Code: Sec. 3402, Sched I, #8 (502.2.1)

County Recommendation approval

PB Site Plan Approval Date: 6/07/17

NATURE OF REQUEST

Per Schedule #402, Schedule I, #8 this land use is allowed in our current zoning law; however, it requires a Special Use Permit prior to permitting. Therefore; this variance request, not denied by the Code Enforcement Office, but must be reviewed by the Planning Board for Site Plan Review and by the Zoning Board of Appeals which has the authority to grant a Special Use Permit pending Planning Board Site Plan Approval.

502.1. GENERAL REQUIREMENTS

502.1.1 That the proposed land use or activity is to be located, constructed and operated so that the public health, safety and welfare will be protected

Yes X No Reasons: The proposed land use will be located, constructed and operated as a long term benefit to the public health, safety and welfare due to its business plan sponsored by NYSERDA, its' self-contained infrastructure with a security fence for protection as well as its' financial investment that will benefit the community by electricity cost reduction through interconnection with NYSEG.

502.1.2 That existence of the proposed land use or activity will not cause substantial injury to the value of other property in the surrounding neighborhood.

Yes No X Reasons: It is an investment and an improvement to the land and its' financial benefits will be available to other properties in the surrounding neighborhood. This proposed project will have minimal impact to the environment and surrounding neighborhood but immense value to the financial benefits it will offer to low income families in the community.

502.1.3 That adequate landscaping and screening is provided.

Yes X No ___ Reasons: The proposed project has planned provisions for adequate landscaping and vegetative screening to buffer it from view from neighboring parcels. The solar arrays themselves blend into the environment without glare.

502.1.4 That adequate off-street parking and loading are provided and that ingress and egress are so designed as to cause minimum interference with traffic on abutting roads.

Yes X No ___ Reasons: Off-street parking and loading will not occur onsite except during active installation of the components for the solar arrays. There is plenty of road shoulder for construction vehicle parking during construction. The location of the project is very rural with little traffic to speak of and after construction of the project it will return to being rarely traveled except by local country residential traffic.

502.1.5 That the proposed land use or activity will not result in excessive erosion and will not increase surface-water runoff onto abutting properties.

Yes ___ No X Reasons: The parcel's slope and lay of the land will remain unchanged. Erosion management will be mitigated through well planned engineering. Surface water discharge will not runoff onto abutting properties as after installation is complete, the project will be seeded with a slow growing vegetative cover so any water runoff from the solar panels themselves will enter the ground and be absorbed.

502.1.6 That existing roads and utilities serving the proposed project are determined to be adequate.

Yes X No ___ Reasons: Onsite gravel maintenance roads serving the project have been designed with appropriate turnouts. The project will interconnect with the NYSEG grid to provide financial benefit to the local community.

502.2. SPECIFIC REQUIREMENTS (when applicable)

DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above factors, in a motion made by Ms. Elizabeth Grant and seconded by Mr. Win Harper, finds that

The benefit to the Applicant DOES outweigh the detriment to the character, health, safety, and welfare of the neighborhood and therefore the variance request is **granted**.

NOTE: SEC. 908.0 of the Town of Middlesex, NY Zoning Law states:

Any person or persons jointly or severally aggrieved by any decision of the Zoning Board of Appeals, or any officer, department, board or bureau of the Town, may apply to the Supreme Court by proceeding under Article 78 of the Civil Practices Law and Rules. Such action must be instituted within thirty (30) days after the filing of a decision in the Office of the Town Clerk.

CONDITIONS:

The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community:

Determination is pending Yates County Planning Board Review on 5/25/17 and the Planning Board Final Site Plan Review on 6/07/17. Approval was determined on both YCPB referral and the Town of Middlesex Planning Board Application.

Arthur Radin
Chairperson, Zoning Board of Appeals

May 18, 2017
Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Arthur Radin</u>	<u>x</u>	_____
Member	<u>Elizabeth Grant</u>	<u>x</u>	_____
Member	<u>Ted Carman</u>	<u>x</u>	_____
Member	<u>Richard DeMallie (absent)</u>	_____	_____
Member	<u>Rebecca Parshall (absent)</u>	_____	_____