

**Town of North Greenbush
Zoning Board of Appeals
2 Douglas Street, Wynantskill NY 12198**

Applicant Number	<u>24-27</u>
Date Application Received	<u>8/27/24</u>
Hearing Scheduled Date	<u>9/17/24</u>
Application Fee	<u>\$300 - (ed)</u>
Approved Date	_____ Conditions
(y/n)	_____
Denial Date	_____ Withdrawn
Date	_____

Application for a Variance, Special Permit, and/or Appeal

Zoning Board Fees as per Chapter 197 Section I

General Information

<u>Applicant:</u>		<u>Property Owner:</u>	
Name:	<u>Wynantskill Solar LLC (High Peaks Solar)</u>	Name:	<u>Worthington Flowers LLC</u>
Company:	<u>180 Main Ave</u>	Company:	<u>113 W Sand Lake Road</u>
Address:	<u>Wynantskill, NY 12198</u>	Address:	<u>Wynantskill, NY 12198</u>
	<u>518-209-6727</u>		<u>Wynantskill Solar LLC (High Peaks Solar)</u>
Phone:	<u>kbailey@highpeakssolar.com</u>	Phone:	<u>518-209-6727</u>

Applicant is: Owner ___ Builder ___ Lessee ___ Architect/Engineer ___ Agent ___ Other X
 If Other, Explain: The applicant has a purchase option for the parcel pending site plan approval

Lot Information

Street Address of Lot: 163 W Sand Lake Road Wynantskill, NY 12198

Parcel ID Number: 124.-5-9.11 Zoning District: BG
 Irregular Shape of Lot (Y or N) N Corner Lot (Y or N) N
 Existing: Lot Area 26.9 ac. Frontage 288' Depth 1,300'
 Set Backs: Front 35' Rear 40' Left 40' Right 40'
 Proposed : Lot Area 26.9 ac. Frontage 288' Depth 1,300'
 Setbacks: Front 203' Rear 84' Left 99' Right 125' As measured to proposed fence.
 Type of Water Service: N/A Type of Sanitary Disposal N/A

Describe Existing Use:

Vacant Land

Type of Request: X Area Variance Use Variance
 Special Permit Code Interpretation

Briefly describe the proposal:

The proposed action is the construction of a 3.3 MW AC ground-mounted solar farm occupying 13.1 acres of the 26.9 acre lot. The Applicant is seeking an area variance for a 8' tall agricultural style fence to meet the National Electric Code (NEC) requirements for solar farm fencing.

Abutters- Adjacent Property Owners

List the name and address for each adjacent property owners. Use additional paper if needed.

	Name:	Address:	Property Use:
Front	<u>See Attached Abutters List</u>	_____	_____
Rear	_____	_____	_____
Left	_____	_____	_____
Right	_____	_____	_____

Required Submittals

- X A plot plan showing all property lines, dimensions, adjacent streets, existing structures, setback distances, and location of proposed changes.
- X Part 1 of the State Environmental Quality Review (SEQR) Short Environmental Form
- X Appropriate fee, as determined by the Code of the Town of North Greenbush, and as Calculated by the Building Department

**NOTE: Additional submittals may be required by the Zoning Board of Appeals.
Failure to submit all required documents may result in a delay
in the processing or denial of the application.**

Have there been any other variances issued for this property? (Y or N) N

If yes, explain:

For any Area Variance Request, please complete the following:

Proposed use/construction: Large Scale Solar Energy System
(Single family home, commercial building, addition, deck, pool, accessory building, sign, fence, etc)

	REQUIRED	PROPOSED
Lot Size:	40,000 SF / 0.92 AC	26.9 AC
Width at set back:	200'	233'
Front Setback:	35'	203'
Rear Setback:	40'	84'
Left Side Setback:	40'	99'
Right Side Setback:	40'	125'
Maximum Lot Coverage:	15.00% 4.04 AC	14.98% 4.03 AC
Maximum Height:	2 Stories / 35'	15' Max. Panel Height

For Multi-family Residential / Non- Residential Area Variances, please complete the following:

	REQUIRED	PROPOSED
Number of Parking Spaces:	1.5 Per Dwelling Unit	N/A
Buffer:	N/A	N/A
Units per Acre:	N/A	N/A

Area Variance Continued

1. Explain how no undesirable change will be produced in the character of the neighborhood; nor a detriment to nearby properties created by granting the area variance.

The proposed project will incorporate a 8' tall agricultural style fence made up of 6" timber posts and a 12.5 gauge woven wire deer fence which is allowed within the zoning code for agricultural uses and consistent with the community character.

2. Explain why the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.

The Applicant is seeking an area variance for a 8' tall agricultural style fence to meet the 2017 NEC/NFPA 70 electrical code for minimum height required for community safety.

3. Describe whether the requested Area Variance is substantial.

The requested area variance is a 2' increase to the maximum allowable height of 6', a 33% increase request. Traditionally a 50% variance increase is considered the substantial/non-substantial threshold. This request is not substantial.

4. Explain how the proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood or district.

The requested area variance will effect only the height of the fence and not the allowable proposed square footage therefore there is not increased environmental or physical impact. The proposed fence is not a substantial impact to visual receptors and aligns with the common character of the community.

5. Explain whether difficulty is self-created. (Consideration is relevant, but should not necessarily preclude the granting of the Area Variance.)

The area variance is required as a result of the Town of North Greenbush Zoning Code and the 2017 NEC/NFPA 70 electrical code not aligning and is therefore not self-created.

For Use Variance Applications, please complete the following:

Describe the request use: N/A

1. Explain why the application cannot realize a reasonable return without the Use Variance, as demonstrated by the content financial evidence.

N/A

2. Explain how the alleged hardship relating to the property is unique, and does not apply to a substantial portion of the neighborhood.

N/A

3. Describe why granting the requested use variance will not alter the essential character of the neighborhood.

N/A

Explain whether the alleged hardships have been self- created.

N/A

Describe in Detail your request:

N/A

Explain why granting the request is consistent with the public health, safety, and general welfare of the community, including the public or commercial inconvenience of the applicant.

N/A

For **Home Occupation Request**, please see Town of North Greenbush Code Sections 197-3 and 197-24

For **Earthwork Permit**, Please see Town of North Greenbush Code Section 197-30

For **Telecommunication Tower Permit**, Please see Town of North Greenbush Code Section 197- 107

Appeal Criteria

Explain the nature of the requested appeal, including Town Code Section, Building Department decision, and your objections.

N/A

Certification and Authorization

I certify that the information contained in this application is true to the best of my knowledge and I authorize the Town of North Greenbush to process this application as provided by law.

Applicant:

Property owner:

Name: _____

Signature: _____

Date: _____

FEES as per Town Code Chapter 197	
Special Permits for a residential single parcel: \$50	Special Permit for non-residential parcel: \$150
Area Variance for a single residential parcel: \$100.00	Area Variance for a non- residential parcel: \$300.00
Use Variance for a single residential parcel: \$200.00	Use Variance for a non-residential parcel: \$500.00

Tax Map Parcel	Street Address	Owner	Mailing Address		
124.-5-17.1	620 Main Ave	Clemente Latham Concrete Corp	PO Box 15097	Albany	NY
124.-2-29	Baker Ave (S Of)	Clemente Latham Concrete Corp	PO Box 15097	Albany	NY
124.-2-31.132	180 Streamview Ln (E Of)	Childs, Alexandra	51 North St	Voorheesville	NY
124.-5-8.11	135-147 West Sand Lake Rd	Seasons of North Greenbush LLC	501 New Karner Rd Ste 9	Albany	NY
124.-5-9.22	173 West Sand Lake Rd	Oot, Brandon	173 West Sand Lake Rd	Wynantskill	NY
124.-5-9.211	179 West Sand Lake Rd	Anker, IV Edwin C	179 West Sand Lake Rd	Wynantskill	NY
124.-5-20.21	199 West Sand Lake Rd	Carey, Michael A	199 West Sand Lake Rd	Wynantskill	NY
124.-5-20.22	197 West Sand Lake Rd	Carey, Michael A	199 West Sand Lake Rd	Wynantskill	NY
124.-5-22.14	211 Sand Lake Rd	Gross, Nicholas L	6 Valente Dr	Wynantskill	NY
124.-5-9.12	Sand Lake Rd	Anker IV, Edwin C	179 W. Sand Lake Rd	Wynantskill	NY
124.-5-9.212	Sand Lake Rd	Oot, Brandon	173 W. Sand Lake Rd	Wynantskill	NY