

Town of LeRay

Zoning Board of Appeals - Minutes

September 14, 2022

Call to Order

On September 14, 2022, the LeRay Zoning Board of Appeals held their meeting in the Town of LeRay Conference Room. The meeting was called to order by Chairperson Oatman at 6:30 PM.

Open Regular Meeting

Board members in attendance: Jan Oatman - Chairperson, Jacalyn Tunstall - Member, Christian Favret - Member, David Mushtare - Member, John Hallett - Member, Lee Shimel – Zoning Enforcement Officer, and Morgan Melancon – Planning and Zoning Clerk. Additionally, Troy Chisamore and Julia Braunmueller were in attendance.

Approval of Minutes

The minutes from the regular meeting on April 6, 2022 were reviewed by the Board members. Chairperson Oatman stated that she had one edit for the minutes and a motion to approve the amended minutes was made by Member Mushtare and seconded by Member Favret.

The vote went as follows:					
Member Tunstall:	Yes	Member Favret:	Yes	Chairperson Oatman:	Yes
Member Mushtare:	Yes	Member Hallett:	Yes		
The motion passed.					

Correspondence and Communication

Chairperson Oatman asked if there was anyone who was not on the agenda that wished to address the Board. There was none. Chairperson Oatman asked Ms. Melancon if there was any correspondence to which Ms. Melancon replied there was none.

Review of an Area Variance Application for Jenkins Road Solar, LLC – proposal is to install a solar facility on 25 acres of a 49-acre property. NexAmp is requesting Area Variances for the rear and western side setbacks, located on County Route 16, tax parcel #54.19-2-22.13.

Chairperson Oatman asked the Board to review the Area Variance Application for Jenkins Road Solar, LLC. Ms. Braunmueller was in attendance as the representative and gave a brief presentation. Ms. Braunmueller reviewed the Variance Site Plan with the Board and discussed the setback envelope that was displayed. Ms. Braunmueller stated that the access road and the plantings fell within the setback on the eastern side and explained that if the project was downsized, it would become financially infeasible to build the project.

Chairperson Oatman asked if it would be feasible to move the panels that fell within the required setback on the side-yard to the rear-yard so the Area Variance was for the rear-yard only. Chairperson Oatman explained that an existing NexAmp solar project abuts the rear of this proposed project and therefore would not impact any adjacent landowners and that the Board would prefer that the setbacks were met on all other sides of the project so as not to impact any additional parcels. Ms. Braunmueller said the redesign was possible and discussed how to reconfigure the design to satisfy the Boards request. Ms. Braunmueller said she would send an updated map of the project to the board no later than the end of the following week for the Board to review before the next scheduled Public Hearing on October 5th.

Chairperson Oatman asked for more information on the wetlands to which Ms. Braunmueller explained that the wetlands were considered, under current regulations, Isolated Non-Federally Regulated Wetlands. Ms. Braunmueller stated that the wetlands were only wet for approximately a month out of the year due to seasonal influences and the topography of the land, and that the racking piles are not considered a disturbance and could be built in those areas.

Member Tunstall asked if there was ever any leakage from the solar panels to which Ms. Braunmueller said for the operation of the solar arrays there was no leakage as they were self-contained and had no liquid but silica. Mr. Shimel asked that they label each individual encroachment on the setback. Chairperson Oatman asked the Board if they had any other comments or questions. The Board had none.

A motion was made by Member Tunstall and seconded by Member Mushtare to act as Lead Agency to conduct the environmental review for the Unlisted Action.

The vote went as follows:					
Member Tunstall:	Yes	Member Favret:	Yes	Chairperson Oatman:	Yes
Member Mushtare:	Yes	Member Hallett:	Yes		
The motion passed.					

The Board reviewed and completed Part 2 of the Short Environmental Assessment Form. Based on a review of the information and analysis, the Board determined that the proposed action would not result in any significant adverse environmental impacts. A motion to declare a Negative Declaration was made by Member Favret and seconded Member Mushtare.

The vote went as follows:					
Member Tunstall:	Yes	Member Favret:	Yes	Chairperson Oatman:	Yes
Member Mushtare:	Yes	Member Hallett:	Yes		
The motion passed.					

The Board determined that the Area Variance Application met all the requirements for Preliminary Review and that the Area Variance Application was complete. A motion was made by Member Mushtare and seconded by Member Tunstall to deem the Area Variance Application as complete.

The vote went as follows:					
Member Tunstall:	Yes	Member Favret:	Yes	Chairperson Oatman:	Yes
Member Mushtare:	Yes	Member Hallett:	Yes		
The motion passed.					

A motion to send the project to the County Planning Board for their September 27, 2022 meeting was made by Member Mushtare and seconded by Member Favret.

The vote went as follows:					
Member Tunstall:	Yes	Member Favret:	Yes	Chairperson Oatman:	Yes
Member Mushtare:	Yes	Member Hallett:	Yes		
The motion passed.					

A motion to set a Public Hearing for the October 5, 2022 meeting at 6:30 PM was made by Member Tunstall and seconded by Member Mushtare.

The vote went as follows:					
Member Tunstall:	Yes	Member Favret:	Yes	Chairperson Oatman:	Yes
Member Mushtare:	Yes	Member Hallett:	Yes		

The motion passed.

Chairperson Oatman stated to Ms. Braunmueller that they would need to provide a revised Variance Site Plan to the Board no later than September 21, 2022 and a letter would be mailed outlining the Public Hearing information.

Adjournment

A motion was made by Member Hallett and seconded by Member Favret to adjourn the meeting at 6:51 PM.

The vote went as follows:					
Member Tunstall:	Yes	Member Favret:	Yes	Chairperson Oatman:	Yes
Member Mushtare:	Yes	Member Hallett:	Yes		
The motion passed.					