

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES JULY 13, 2021

Members

Jeff Pangburn, Chairman
Bob Seward III
Scot Strevell
Tom Hickey
Matt Ostiguy

Also Present:

William Hessney, Attorney
Alison Lovely, Zoning Board Secretary
Kateri Rhatigan, Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Pangburn called the meeting to order and determined a quorum of five (5) members were present. Introductions were made.

PUBLIC HEARINGS:

NONE

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2021-03–Nittinger-1266 Best Road-Area Variance-Ground mounted solar array consisting of 8.25 acres

Chairman Pangburn stated there is no opening of the above public hearing tonight. Tonight's business is more procedural. The reason the Board is here is that the Planning Board has issued a SEQR coordination letter for the above project. The Planning Board on June 9, 2021 gave its desire to be Lead Agency for the above project. In order to keep the process moving, a resolution has been drafted to consent to the Planning Board to serve as Lead Agency. Chairman Pangburn asked if the Board had any comments or concerns & agree with this. Chairman Pangburn stated that this is a Type 1 action over 10 acres so it requires a coordinated review. Chairman Pangburn also stated he feels that the Planning Board is better to handle this, they have Town designated engineers to help them with review. This will come back to the Zoning Board. All the Board members agreed. Chairman Pangburn asked the Board if anyone had any questions/concerns.

- Scot Strevell asks if the Board gives input. Chairman Pangburn stated that is correct.
- Bob Seward stated that this is more of a planning issue so he feels that the Planning Board is more suited to review the project from a planning standpoint.
- Tom Hickey stated that he feels that the Planning Board has more experience with larger projects, and it will come back before this Board anyway for the Area Variance.
- Matt Ostiguy agrees.
- Tom Hickey wondered if there was any plan to address this issue more on the Zoning process as opposed to just an individual plan for an individual plan. Chairman Pangburn stated that there is an informal discussion among some Town Officials regarding a potential moratorium on future applications and possibly current applications and he will keep the Board informed.

RESOLUTION TO REQUEST TO CONSENT TO THE TOWN OF EAST GREENBUSH PLANNING BOARD'S SERVING AS LEAD AGENCY UNDER SEQRA

WHEREAS, on May 25, 2021, the Town of East Greenbush Zoning Board of Appeals (ZBA) declared its intent to seek lead agency status in connection with a coordinated review of an application filed by John Nittinger of 1266 Best Road East Greenbush, NY, 12061 requesting an Area Variance at the property located at 1266 Best Road East Greenbush, NY (Tax Map No. 156.-3-9) to construct a ground surface solar array covering 8.25 acres (the "Project") and directed that letters be sent to involved agencies requesting their consent to designation to the ZBA as lead agency; and

WHEREAS, on June 7, 2021, Town staff circulated letters and supporting materials to the list of potential involved and interested agencies in which the ZBA expressed its desire to serve as lead agency under SEQRA in connection with a coordinated review of a type 1 action; and

WHEREAS, on June 9, 2021, the Town of East Greenbush Planning Board duly adopted a resolution in which the Planning Board expressed its desire to serve as lead agency in connection with a coordinated review under SEQRA of the Project, and transmitted the same in writing to the ZBA on June 10th; and

WHEREAS, in response to the aforementioned June 7, 2021 letter the ZBA has not received from any other involved agencies an objection to the designation of the ZBA as lead agency or a desire that they be designated lead agency within the statutory 30 day limit; now, therefore, be it

RESOLVED, that the ZBA hereby consents to the establishment and designation of the Town of East Greenbush Planning Board to serving as lead agency for a coordinated review under SEQRA for the Project; and be it further

RESOLVED, that the ZBA, although it first received the Project application, hereby delegates its status as lead agency to the Town of East Greenbush Planning Board and instead the ZBA will serve as an involved agency under SEQRA.

This resolution was moved by Jeff Pangburn and seconded by Tom Hickey at a meeting duly held on July 13, 2021.

(Discussion?)

A vote was taken as follows:

Tom Hickey	<u>Yes</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Bob Seward III	<u>Yes</u>
Scot Strevell	<u>Yes</u>

Motion carries 5-0

Chairman Pangburn asked if anyone on the Board had any concerns to send over to the Planning Board.

- Tom Hickey stated this is a big step, as a precedence could be set.

Bill Hessney spoke on precedence. Basically, every application is considered on its own merit, its own facts and circumstances.

Chairman Pangburn would like to get a definitive and clear definition on the 8.25 acres of solar fields their proposing versus the 26 acres being cleared.

- Scot Strevell asked what happens to the panels eventually and if they just get left.

- Tom Hickey stated from his experience, the projects are usually bonded or something for clean-up.

Chairman Pangburn stated that the meeting notes from the last two meetings regarding this proposal can be forwarded to the Planning Board.

- Matt Ostiguy stated that they had asked the applicant if the solar array could be moved so it was completely out of view & should that be something this Board does or should we forward that to the Planning Board. Chairman Pangburn stated that it should be something we send to the Planning Board now to be made part of the site plan review process.

NEXT MEETING: The next scheduled meeting is July 27, 2021 & will be cancelled.

APPROVAL OF MINUTES:

Motion by Scot Strevell to approve the June 8, 2021 meeting minutes. Seconded by Bob Seward. Motion carried by a 4-0-1 vote. Matt Ostiguy abstains.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Bob Seward. Seconded by Tom Hickey. Motion Carried by a 5-0 vote.

Respectfully Submitted

Alison Lovely

Alison Lovely, ZBA Secretary