

Cazenovia Zoning Board of Appeals

Meeting Minutes

January 24, 2022

Members present: Thomas Pratt; David Silverman; Gary Mason; David Vredenburgh; Luke Gianforte, Alternate Member; Michael Palmer, Alternate Member

Members absent: Val Koch

Others present: Roger Cook; John Langey; Matthew Kerwin; Matthew Vredenburgh; Ingrid Mahoney; Brendan Rigby; Gregory Alton; Steven Smith; Carol Ash; Donald Ash; Kyle Reger

T. Pratt called the meeting to order at 7:30 p.m.

Roll was taken. Luke Gianforte will be acting as a voting member in Val Koch's absence this evening.

Motion by G. Mason seconded by D. Vredenburgh, to approve the December 27, 2021 meeting minutes was carried unanimously.

The next regularly scheduled meeting will be Tuesday, February 22, 2022.

There will be a work session Tuesday, February 15, 2022.

T. Pratt asked that the rustling of papers, the clicking of pens, and other background noise be minimized for the benefit of the recording.

T. Pratt advised the public to provide their name and address and to come forward when speaking during the public hearing. He asked that they make statements, not ask questions, address the Board, not the Applicants, and they not repeat previously stated comments.

Lounsbury, Tucker & Lisa - #21-1393 – Use Variance – Off Cobb Hill Road, Cazenovia
(Thomas Pratt) *Blue Sky Towers III, LLC/Verizon*

T. Pratt explained the proposal was for a use variance in the RA Zone off Cobb Hill Road for a telecommunications tower. The representatives from Blue Sky Towers/Verizon were not present this evening and have asked that the file be continued until next month. He invited comments from the Board.

There were none.

He stated the public hearing was open, but he suggested comments be held until the Applicants can hear them at the next meeting, however he said if there was a reason comments needed to be provided this evening, the Board would hear them at this time.

There were no comments.

Motion by G. Mason, seconded by D. Silverman, to continue the public hearing and the file was carried unanimously.

Lucas, David - #21-1401 – Revised Major Special Use Permit – 2405 Barrett Road, New Woodstock
(Thomas Pratt) *TJA- NY Barrett Rd New Woodstock, LLC*

Matthew Kerwin of Barclay Damon arrived just in time to represent the file.

T. Pratt said the application was for a special use permit for a solar development in the Rural A (RA) Zone. He said the Town of Cazenovia Planning Board (Planning Board) reviewed and approved the

(amended) proposal. He asked Mr. Kerwin to give a summary of the changes from the original proposal that received Zoning Board of Appeals approval previously.

M. Kerwin explained that the changes to the plan were a result of supply chain issues due to COVID. Previously they proposed double-racking solar arrays, but that plan had to be revisited because delayed delivery of those materials rendered the project financially unviable without the New York State Energy Research & Development Authority (NYSERDA) incentives. The plan was redesigned to utilize single-racking system and they provided communications stating those materials could be delivered sooner, allowing them to redesign, obtain reapprovals, and to construct before the deadline for the financial incentives.

M. Kerwin said the changes actually improved the layout; they were able to shrink the footprint of the facility. He displayed the drawing created by C & S Companies entitled *C-101 Aerial Site Plan TJA-NY-Barrett Rd, LLC 2405 Barrett Road New Woodstock, NY 13122 National Grid Case # 270379 Lat:42.83224 Long: -75.82884* and explained there would be two (2) arrays on the south side of Barrett Road, the eastern array and the western array. He said the eastern array had not been changed except that a few panels had been added to its west side, but all would remain within the previously approved fence line.

M. Kerwin said the redesign allowed them to shrink the footprint of the western array and he showed the outline of the approved fence line as it compared to the smaller proposed fence line. By pulling the panels away from the hillside to the east, the southern border of the array was reduced and they would be able to add landscaping along the entire southern portion as well as along the north western edge, which they had not been able to do originally.

M. Kerwin then displayed the photo simulations (sims) that had been provided previously and the revised versions for comparison of the visual effects from seven (7) vantage points along Barrett Road, and New York State Route 13/80.

D. Silverman asked that the photos be circulated among the audience.

J. Langey explained that a few weeks ago the Planning Board had reviewed the same proposal under site plan review. He said the project had received approvals for site plan review and a special use permit previously, but because of supply chain issues, the Applicants returned. The Town Board was asked to grant a variance for a moratorium on solar facilities which was in place, and the Town Board granted that variance. The Applicants then sought a revised site plan approval which they were recently given with a number of conditions. The Applicants were now before the ZBA for the same amendments for a special use permit.

M. Kerwin showed the Board how the visual impacts from the first two vantage points were virtually unchanged despite the height of the racks now being proposed being 14 ½ feet whereas the approved racks were 8 feet tall.

J. Langey interjected that the proposed height was less than the maximum allowed in the current solar law (which was 20 feet). He believed the location of the racks lower on the landscape would result in less visual perception despite the increase in the height of the rack.

M. Kerwin affirmed that was the case and added it addressed further the visual impacts that had concerned the Planning Board.

T. Pratt believed the Applicants agreed to increase the landscaping as well, which would also lessen the visual impacts.

M. Kerwin continued showing the photo sims.

M. Palmer asked if the screening had to be adjusted to compensate for the increase in the rack height.

M. Kerwin said they did and showed the adjustments on C-101.

M. Palmer asked what the screening would be.

D. Vredenburgh read that dogwood, spruce, elderberry, and red cedar were proposed.

M. Kerwin showed how the vantage point from the 5th perspective (Barrett Road & Route 13/80 at 2000 feet) would be improved.

M. Palmer asked the height of the initial plantings.

J. Langey said the height would be the same as originally approved, and there was a condition that any dead, dying, or diseased vegetation would be replaced.

M. Palmer asked the timeframe for replacement.

J. Langey thought a minimum of two (2) years was required, but later found that it was required for the life of the project.

M. Palmer asked if at installation the screening would completely shield the view.

J. Langey did not think it would completely shield the project, but the Planning Board sought to significantly soften the view.

Continuing with the photo sims, M. Kerwin showed how the view from the 6th perspective (Route 13/80 at 600 feet) was slightly improved.

M. Kerwin said the biggest change was visible from the 7th perspective (Route 13/80 at 1600 feet) where the impact was most reduced. The array would still be visible but it would be improved along that stretch of Route 13/80, which he added had been initially determined not to be significant.

M. Kerwin said the Planning Board had asked them to include additional vantage points from Kinney Road during the second site plan review, so he showed those four (4) photo sims as well.

M. Palmer asked who enforces the condition of the landscaping.

J. Langey answered if the Town receives a complaint, Mr. Cook would contact the operator of the facility and give a reasonable timeframe to replace any dead, dying, or diseased material.

M. Palmer asked if the special use permit would be renewable.

J. Langey responded the Board did not require that because of the nature of the static facility. He thought the equipment and the facility would be checked a couple times a year.

M. Palmer asked the lifespan of the project.

J. Langey believed it was 20 -25 years and explained the removal bond that was a condition of the Planning Board. He said John Dunkle, the Engineer for the Town, helped determine the amount of the bond to be collected now for decommissioning at the end of the use. He also spoke about the discussion that will take place about the restoration of farmland as the Town develops new solar facility regulations. He pointed out that these Applicants were “under the wire for the new regulations.”

T. Pratt added that if a facility were inactive for 12 months, the owner would have to remove the facility.

J. Langey stated there were many triggering events that cause the Applicant to remove the project. The operator would be given sufficient notice to cure the default. He noted bankruptcy would be a trigger.

M. Palmer asked how one would know if a facility was active.

J. Langey believed the property owner would know since that was how they would be paid.

R. Cook believed signs of neglect would also be an indication.

J. Langey agreed saying a maintenance obligation would also exist with a maintenance schedule for mowing and upkeep.

M. Kerwin said Michael Frateschi, who was unable to attend this evening, lives in the area has been very responsive to the Town’s requests and questions.

There was more discussion regarding the importance and the calculation of the decommissioning bond.

J. Langey mentioned that the property owner may also require protections as part of their land leasing in the event they are required to remove the structures from the property if no decommissioning bond existed.

T. Pratt added the decommissioning should not only involve removal of material but also restoration of the land.

J. Langey affirmed Mr. Dunkle’s projection included the restoration of the land to the prior condition with the exception of the access roads, in the event the landowner might them to remain.

M. Palmer asked the amount of site work that would be involved and if a land disturbance permit would be required.

R. Cook answered a permit to do the whole project would be needed which would involve following Department of Environmental Conservation (DEC) regulations for the storm water pollution prevention plan (SWPPP), and with great oversight from the Town Engineer.

T. Pratt added that Mr. Dunkle has been very involved with those details.

T. Pratt asked about a section in the State Environmental Quality Review (SEQR) that noted a wetland installation. He saw that it was a federal wetland, not a DEC wetland.

M. Kerwin said the initial approval allowed them to install within the wetland, and there would not be a change to that. He explained that because it was a Federal wetland, there was no 100' buffer involved. He believed documentation from the Army Corp of Engineers (ACOE) had been provided for the first application stating that the work within the wetland would not require a permit.

J. Langey said that was correct, that letter was in the file.

T. Pratt confirmed one on the drawings showed how minor the wetland work would be. He commented that it would be a small area.

T. Pratt believed the proposed construction would begin March of 2022 and be completed by February of 2023.

M. Kerwin explained that the NYSERDA incentives expire in October or November of 2023, so they hope to order materials and to finish construction early in 2023.

T. Pratt asked about the panels and the tilt.

M. Kerwin said the panels will tilt in one direction following the path of the sun resulting in an equal dispersion of precipitation throughout the day.

T. Pratt noted the required setbacks were 300 feet from the road, 250 feet from the front, 100 feet from the rear, and 100 feet from the side. He asked if those setbacks would be met.

M. Kerwin said they would be. He displayed drawing C-101 and showed that the fence would be within the rear setback, but stated that was allowed. He explained the western array would be closer to Barrett Road as it was now proposed, but that would still be within the required setback.

T. Pratt asked about emergency and safety access. He wondered if access would be provided at all times. He asked if there would be a sign displaying a manned phone in the event of an emergency or problem.

M. Kerwin affirmed there would be a person answering any such calls.

T. Pratt asked if the panels would be non-reflective and if there would be no glare.

M. Kerwin said a glare analysis was included in the material submitted.

T. Pratt asked about the trim around the panels.

M. Kerwin responded the trim would have a matte finish.

T. Pratt asked about the base.

M. Kerwin answered that it would be the same and thought it would be a gray.

T. Pratt asked about lighting.

M. Kerwin thought lighting would only be proposed around the power sources where the arrays connect to the power grid. He said, “that lighting would not be on around the clock.”

T. Pratt asked if the lighting would be shielded and dark-sky compliant.

M. Kerwin said it would be.

T. Pratt asked if it would be used for maintenance.

M. Kerwin affirmed it would.

After looking through his documents, Mr. Kerwin did not see lighting included in the proposal and presumed any lighting needed would be temporary and brought by the overseers.

J. Langey also did not recall lighting as part of the proposal.

T. Pratt asked if grass would be growing beneath the panels.

M. Kerwin affirmed it would and said they would make it consistent with the maintenance plan created by John.

T. Pratt asked about traffic.

M. Kerwin did not anticipate additional traffic once the proposal was operational. He said maintenance checks would only be done “a couple times a year.” He said during construction there would be more traffic.

T. Pratt asked about noise during construction.

M. Kerwin thought noise would be minimal during construction. It would include the movement of earth and installing roads. He thought once the racking system was installed the noise would be at a minimum.

T. Pratt asked about the installation of a foundation for the racking system.

M. Kerwin believed the racking would be pile-driven.

J. Langey said the hours of construction were limited to 7:00 A.M – 7:00 P.M.

T. Pratt noted that was Monday – Friday; on Saturdays it would be from 9:00 A.M – 6:00 P.M.

J. Langey added that it was a sparsely populated area.

D. Vredenburg confirmed the details showed it would be post-driven.

J. Langey recalled when the Planning Board reviewed the SEQR it was determined any noise or vibrations would be temporary in nature from the construction site.

D. Vredenburg asked if the panels' maximum height would be 14 ½ feet when rotating.

The highest angle would be 14 ½ feet.

D. Vredenburg asked if there would be year-round access to both arrays.

M. Kerwin answered, "Yes."

D. Vredenburg asked if the road would be plowed year-round.

M. Kerwin believed it would.

R. Cook did not believe the section of Barrett Road, at the uppermost part above the Town of Cazenovia line, would be plowed by the Town of DeRuyter

J. Langey believed part of Barrett Road was seasonal.

T. Pratt believed that the prior approval included someone, on behalf of the operator, to be available to provide access to the facilities quickly in the event of a problem if access was needed.

The location of the eastern array was discussed as it pertains to Barrett Road and road maintenance.

Motion by D. Vredenburg, seconded by G. Mason, to open the public hearing was carried unanimously.

T. Pratt invited comments at this time.

Hearing none, motion by D. Silverman, seconded by D. Vredenburg to close the public hearing was carried unanimously.

J. Langey recommended the SEQR be reaffirmed and stated the Planning Board was the Lead Agency for the Environmental Review. He recommended the Negative Declaration of the Planning Board including their findings be adopted for purposes of this resolution. He also noted the General Municipal Law Recommendation Report (GML) from Madison County had been returned for local determination.

T. Pratt then discussed conditions that should be included. He said the Planning Board conditions should be reflected as well as the conditions of the ZBA’s previous approval. He also said there should be no (greater) impacts on any of the viewsheds, there should be a sign listing a phone number to contact in the event of issues which would be answered by an actual person at all times, access would be provided by the Operators in the event of an emergency, including the plowing required to get to the facilities, the finish of all trim for the panels would have a matte finish and there would be no reflective material associated with the arrays

Motion by D. Vredenburg, seconded by G. Mason, to reaffirm the matter as a Type One Action, to reaffirm the Negative Declaration previously determined by the Planning Board acknowledging that the modifications of the project will result in no significant environmental impacts, and to approve the amended special use permit as most recently submitted with the same terms and conditions as previously approved, with the same conditions as the most recent site plan review approval, and with the additional conditions just stated was carried as follows:

Luke Gianforte	Voted	Yes
David Silverman	Voted	Yes
Gary Mason	Voted	Yes
David Vredenburg	Voted	Yes
Thomas Pratt	Voted	Yes.

Skanda Farms LLC/ Mahoney, Ingrid - #21-1404 – Area Variance – US Route 20 East, Cazenovia (Val Koch)

Matthew Vredenburg and Ingrid Mahoney were present to represent the file.

David Vredenburg recused himself for this application and Michael Palmer assumed the role as a Voting Member at this time.

T. Pratt stated an area variance on Route 20 East was being sought. He explained the purpose was for the expansion of a (self) storage area that was presently in the Town of Nelson onto the property to the west, on the corner of Moseley Road, over the town line into the Town of Cazenovia.

Displaying his drawing L-200 entitled *Cazenovia Self Storage 2685 Route 20 East, Town of Cazenovia, Madison County, New York Ingrid Mahoney Preliminary Site Plan – ZBA Variance* dated 12/15/2021, M. Vredenburg explained they were seeking relief for the maximum 20% of impervious surface coverage for a site within the Rural B Zone. They are requesting 58%. He said this would be the first part of the process and they understood they will have to return to the Board for a special use permit, which would include greater details of the business as well as storm water management and the like.

M. Vredenburg repeated the plan was for an expansion and showed where the existing self-storage business was located in relation to the site. The property they were hoping to develop was currently owned by Skanda Farms.

M. Vredenburg said the tallest storage building would be less than ten (10) feet tall. Two (2) types of buildings were being proposed; one would be the typical storage building with exterior roll-up doors for access, and the other would have interior access and be temperature-controlled, without roll-up doors.

M. Vredenburg believed for the purposes of the application, they assumed they will need pavement around all the proposed future buildings, but for the time being, they would only be installing two (2) new buildings. The overall plan provided for the addition of other buildings as shown as the demand arises.

M. Vredenburg stated the main access for the proposed buildings would still be through the existing gate and card reader for the existing facility. A secondary access was being proposed for only emergency and management purposes which would be located off Moseley Road.

M. Vredenburg said screening and storm water management was being proposed as well.

At the work session Mr. Pratt had suggested the storm water management be shifted toward the back of the site so the plan was modified to move it to the back corner as much as possible. He stated the technical details of the plan would be developed once they knew if the area variance would be granted.

Recreational vehicle (RV) and boat storage was also a part of the plan.

M. Vredenburg showed where the existing storage was located on the adjacent property and explained that another recommendation he received was to pair the new area for the same use. (This resulted in the elimination of one future building.)

M. Vredenburg said one other change he made was the shifting of the proposed location of access from Moseley Road believing the more southerly location would facilitate the access for emergency vehicles.

M. Palmer asked about the timing of the full plan, asking if all the buildings and the RV and boat storage were part of the current plan.

M. Vredenburg answered that they were. He elaborated that they were looking for the approval of two of the new buildings, but they would build out the full storm water management to accommodate future expansion, with the understanding that they would have the special use permit renewed and they would need to provide more details of the expansion as each building was needed with the related applications.

M. Palmer asked if that was the preference of the Designer, the Applicant, or the Town, asking why segmenting would be requested.

T. Pratt thought it was because they were unsure what would happen between now and the future.

M. Palmer asked if the Applicants desired to wait.

M. Vredenburg explained they were unsure if the building would be internally accessed or externally accessed. He did not know when it would come online.

M. Palmer asked if that would change the size of the building.

M. Vredenburg answered it would not and it would not increase the size of the impervious surface area being requested at this time. He said they would not need greater expansion than the area they are seeking to cover.

T. Pratt asked how much asphalt would be installed initially.

M. Vredenburg showed the amount of asphalt that would be installed for the first two additional buildings, which would wrap the first building and would be between the two (2) proposed buildings.

J. Langey asked if the access off Moseley would be installed at that time.

M. Vredenburg did not believe it would.

J. Langey said the first thing to be done was to coordinate this application with the Town of Nelson Planning Board since the access would be in their township. He explained he spoke with John Dunkle who was not only the Engineer for the Town of Cazenovia but also a member of the Town of Nelson Planning Board, and Mr. Dunkle felt it was appropriate to obtain consent of the plans and the application from the Town of Nelson. He also talked to Mr. Dunkle about reviewing the storm water impacts within the context of the variance.

T. Pratt said his understanding was that what was being currently sought was the addition of two (2) buildings and the related asphalt, but the Applicants were also giving the Board the big picture of their plan as well.

J. Langey said the comment about segmenting was a good point. As the Board considered the proposal, they needed to consider the larger picture down the line.

M. Palmer thought it would inconvenience the Applicant to have to reapply every time they wanted to put up a new building. He felt all the details that the Board would need to know to consider the entire expansion were being provided.

T. Pratt pointed out that the only application being considered, and that had been submitted at this time, was the area variance for additional impervious surface coverage.

M. Vredenburg expressed the Applicants' desire to be approved for the whole plan. He felt only minor modifications, if any, would be needed in the future.

D. Silverman pointed out that permits were only good for a certain length of time.

J. Langey interjected variances did not expire.

R. Cook added special use permits also did not expire.

M. Palmer commented that if the Applicants only wanted two (2) buildings, no variance would be needed.

J. Langey said the Planning Board would require future site plan reviews (for future buildings), but any area variance “would travel with them.” He spoke about phasing and how that was part of subdivisions, and thought the Board would want to see what the project would look like if no further expansion was done and if only the first two buildings and the related asphalt was installed.

J. Langey assumed the second phase would be the rest of the build out shown.

M. Vredenburgh responded, “Not necessarily.”

I. Mahoney said she would build one building at a time.

G. Mason asked about RV and boat parking wondering if that would be paved.

J. Langey said Mr. Mason raised a good point because RV and boat parking should not overtake the site.

M. Vredenburgh said he had never requested impervious surface relief, so he thought once that was granted, in the application process for the special use permit, more detailed information would follow regarding the placement of RV’s and boats. He said they could “get into that level of detail” if the Board thought it was necessary for the area variance.

J. Langey brought up the issue of screening for RV’s and boats.

M. Vredenburgh said the buildings would provide screening and they would be happy to add vegetative screening as necessary.

J. Langey asked Mr. Cook if he recalled the mention of screening in the *Comprehensive Plan* associated with Route 20.

M. Vredenburgh commented that the RB zone was for commercial development.

J. Langey agreed but explained he believed the Code addressed screening of parked boats and RV’s. He asked if a berm would be involved.

M. Vredenburgh responded “it certainly could be.”

J. Langey remarked the Planning Board would want to know about screening.

T. Pratt asked about increased traffic.

M. Vredenburgh responded that typically there was not a lot of traffic associated with self-storage, and commented that it was good that a small, local street would not be burdened by any increase of traffic. He felt Route 20 could easily accommodate any additional traffic.

M. Palmer asked about the busiest days.

I. Mahoney said the end of the month and the beginning of the month were the busiest.

T. Pratt asked about lighting.

M. Vredenburgh said lighting would be mounted on the buildings, be downlit and dark-sky compliant. He explained there would be no need to light the access ways because there should be sufficient ambient light coming from the buildings. He asked Ms. Mahoney if she has lighting at the current RV/boat area.

I. Mahoney answered she currently does not have any additional lighting for the RV/boat storage area, and she did not believe any would be needed in the future. She remarked they do not have many RV's now.

T. Pratt asked that the lighting be low-level.

More discussion followed.

R. Cook said the Town has a maximum at the property lines.

M. Vredenburgh said it would be achievable.

T. Pratt asked for more detail regarding the screening of the RV's and boats.

J. Langey said the section of Code that talks about that was found in 165-91 which covers outdoor storage. He said there were four (4) specific criteria that Mr. Vredenburgh would want to address.

M. Vredenburgh said if the project moves forward, he would look at the existing vegetation and determine what was worth keeping and what should be supplemented with evergreens.

R. Cook said 5% of the total lot could be used for outdoor storage.

T. Pratt asked about emergency access and the ability to reach someone in the event of an emergency,

I. Mahoney said the manager's cell phone number was posted.

T. Pratt asked about the colors.

I. Mahoney replied that the same colors would be used, beige and green.

M. Vredenburgh displayed photographs of the existing structures.

L. Gainforte verified that the issue before the Board at this time was the square footage of the impervious surface area being sought for the site.

T. Pratt answered the Board could not take action because the GML had not been returned from Madison County.

Motion by M. Palmer, seconded by G. Mason, to open the public hearing was carried unanimously.

Steven Smith of 4039 Mosley Road was the first to speak. He said he lives across the street, to the west of the proposed development. He explained his mother owns the property and she was in Florida so he read a letter that she asked to be submitted to the file. It said,

“Dear Cazenovia Zoning Board of Appeals,

This is in reference to the application filed by Ingrid Mahoney for an area variance to exceed the allowed 20% maximum impervious coverage for a property in Rural B zone for the construction of self-storage units.

I am opposed. I won the property at 4039 Mosley Road, a single-family home. Aware of Skanda Farms across the road at the time of purchase, we understood it to be a rural agriculture type property that we honestly welcomed as a neighbor. Also at that time, we understood the adjacent property to the north was a commercial property housing a strip mall, limited in size, residential-type appearance and minimum traffic and activity. There is a natural, treed, undeveloped strip of land separating that property from mine. Skanda Farm and the small strip mall have little if any impact on the use of my property or its value.

I was notified as I am within 500 feet of the proposed expanded structure of self-storage units. The area variance permit is asking for increasing the impervious surface to 54% far exceeding the 20% allowed. That is a substantial increase. If it were 6% more, it would triple the allowable amount. My understanding is the existing storage units adjacent to the property applying for the area variance was permitted by the Town of Nelson with regulations different from Cazenovia's. To expect Cazenovia to permit this area variance to coincide with Nelson's Codes should not be assumed.

I ask the Board to consider if Ms. Mahoney could achieve her proposed development by purchasing additional property to the south of the existing storage units? This would eliminate the concerns of the 20% impervious surface requirement, additional water run-off onto Route 20 or Mosley road [sic], and the impact on neighboring residential housing. This does not appear to be a hardship of utilization of property held by the applicant for years whereas taxes have been paid or other possible development had been denied. Environmental issues include but are not limited to storm water retention as it has for other commercial property development along Route 20. The proposed road access off Mosley Road, although indicated for only maintenance, makes me question why the need if already access off Route 20 exists. This additional impervious surface permission would lead the way to a negative impact on the neighboring properties creating more traffic and an undesirable sight lessening our property values. As

a Board with the power of setting a precedence if this relief is granted what would discourage any future developer from asking for relief to increase lot coverage so as to maximize development potential?

It is respectfully submitted that the applicant has failed to satisfy her burden of proof justifying the relief requested.

Carol Schoch

4039 Mosley Road, Cazenovia, NY. 13035.”

S. Smith said as a resident he had concerns himself. He said his house sits well below the grade of the road and would be downhill from the property in question indicating drainage issues may affect him. Another consideration was the wildlife currently in the area.

Carol Ash and her husband Donald were present, and she said they live at 4025 Mosley Road. The concerns she shared were the increase in traffic, saying her driveway already “was turnaround central” for people missing their exit from Route 20, and believed that additional development would add to that situation. She already hears the beeping of the access gate off Route 20 which would also increase. She stated she had valid concerns about her property value. She said she was not excited about viewing storage sheds, boats, or campers. She explained there is currently a culvert that runs under the road between her house and the adjacent house and ultimately flows to the back of her property. She was concerned about additional drainage and the impact upon that already problem area. She said she was not opposed to growth, but she thought consideration of the tax-paying residents should be given. She said it was mentioned that screening would be needed to protect the view from Route 20, and asked about the visual impact for the neighbors along Mosley Road. She hoped the Board would consider the “big picture.”

There were no other comments at this time, but T. Pratt said the public hearing would be left open and the file would be continued.

J. Langey said a copy of the application would be provided for the Town of Nelson, and he presumed the Board would like Mr. Dunkle to review the plans. He said the balancing test of weighing the criteria for an area variance must be used within the context of the overall project. He anticipated the Board having more information at the next meeting. He said Mr. Vredenburg would work with his client to determine the physical details to be developed if an approval were given and things were to “come online.” He thought the Planning Board would benefit from seeing how Phase One would look if it were the extent of the development, needing its own drainage facilities and believing the drainage plan would incorporate the necessary drainage for the entire plan. He thought the comments from the neighbors would also impact the plan. He said there was a lot going on, including hearing from Nelson, Madison County and the Engineer for the Town.

M. Palmer asked if an approval would be given for the storm water segmented.

J. Langey did not think so, but thought the development of the storm water was more an issue for the Planning Board, however the ZBA had the right to understand what the storm water management facilities would be. Those details would not need to be finely designed, however, in case the project did not move forward. He said the concept should be in place. He further explained that if the variance were to be approved, a special use permit would then need to be approved, as well as site plan approval from the Planning Board.

More discussion followed regarding the approval process.

J. Langey reminded the Board one of the area variance criteria was impacts upon the environment.

R. Cook indicated the process could be similar to that done for the solar facility, with site plan approval preceding the special use permitting process.

J. Langey repeated his advice that Mr. Vredenburg review the outside storage requirements, as well as consideration regarding the screening along Mosley Road.

R. Cook advised Mr. Vredenburg to review the site plan section in regard to lighting as well.

M. Palmer asked if the issue raised by the neighbors would be addressed in the future.

T. Pratt believed all the issues would inherently be addressed by the development of a business plan aside from the issue of the beeping gate.

M. Vredenburg offered to respond to all the issues.

M. Palmer asked if those issues were considerations in considering the area variance.

J. Langey thought more so during the special use permit process. He repeated in reviewing the criteria for granting an area variance the Board should consider the entire project.

More discussion followed regarding the secondary access road and mitigations that could be placed to offset concerns.

Motion by M. Palmer, seconded by G. Mason to continue the file was carried unanimously.

Motion by M. Palmer, seconded by G. Mason, to adjourn the meeting at 8:50 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – January 25, 2022