

Town of Hamilton
Zoning Board of Appeals Meeting
PUBLIC HEARING

Tuesday, July 2, 2019 at 7:00pm
Hamilton Public Library
13 Broad Street
Hamilton, NY

Present: Harvey Kliman, Jeff Schindler, Lydia Slater, Bill Nolan, Deputy Clerk Elisa Robertson, Code Enforcement Officer Mark Miller

Absent: Harmon Hoff

Audience: Ian and Astrid Helfant and John DeRouchey

Meeting called to order at 7:03 pm at the Hamilton Public Library

Resolution 2019-5: Motion to Approve the Minutes from the May 16, 2019 meeting

Motion: Jeff Schindler

Second: Lydia Slater

Vote: Aye – 4 Nay – 0

ADOPTED

Ian Helfant, Area (height) Variance, 7334 Bonney Hill Road, Hamilton, tax map # 154.-1-22.1:

The applicant is asking for an area variance. They wish to install a small-scale pole mounted solar system on their property. Town of Hamilton Zoning Law does not address pole mounted systems. The structure would consist of 2- 4x4 square cement footings, 2 poles, and 40 nodules. To be set back from their house approximately 50 feet in a primarily wooded area of the property. The area would make it very well masked. They believe strongly in renewable energy sources and wish to contribute to making it more appealing to others. It will be a long pay-back but they feel it is worth it.

The Applicant is coming before the ZBA because these panels will violate the height restriction that is listed in our Town Solar Law which states a height restriction of 12 feet. These pole mounted panels can be adjusted for the change in seasons and are intended to be tall enough to still be able to use the property underneath. Our Zoning Law does not address pole mounted systems because they are a fairly new development.

There is discussion about what the potential maximum height would be at different times of the year; how the panels are adjusted; the aesthetics; and the productivity. The specific location is discussed and what alternative methods could be used to achieve the same

goal. Board member Kliman wishes to review the criteria for granting a variance according to the Town of Hamilton Zoning Law, Article 10.1-3-B (page 69). The following are the boards comments regarding each criterium:

1. There would be no undesirable change to the character of the neighborhood or nearby properties
2. Alternatives are discussed, this plan seems to be the best solution for the property. They would need to clear cut approximately 3 acres of land to use a ground mounted system. They would lose much of the use of their backyard.
3. Yes and no for the determination if this is a substantial variance. It is not for a pole mounted system, but it is substantial for a ground mounted. It is possibly a safer type of installation; and would be no taller than any other auxiliary structure. Land underneath can still be used for other things like a garden or play.
4. The system would not have an adverse impact on the physical or environmental conditions in the neighborhood.
5. Yes it is self-created; however, this type of system was not accounted for at the time of our new Solar Law.

Board member Kliman refers to Article 10.1-3-C and D (page 70); which states that the board shall grant the minimum variance necessary and that they may impose conditions.

The applicant asks about the Special Use Permit application and the Planning Board meeting process. Deputy Clerk Robertson briefly explains what they will need to do to get the process started and notifies them of the next meeting and cut-off dates.

Resolution 2019-6: Motion to grant this variance with the condition of when adjusted that the maximum height be no more than 20 feet above the average ground level.

Motion: Jeff Schindler

Second: Lydia Slater

Vote: Aye – 4 Nay – 0

ADOPTED

Resolution 2019-7: Motion to adjourn at 7:25.

Motion: Jeff Schindler

Second: Bill Nolan

Vote: Aye – 4 Nay – 0

ADOPTED

Respectfully submitted by:
Elisa E. Robertson
Deputy Clerk