

TOWN OF EDEN
ZONING BOARD OF APPEALS
2795 EAST CHURCH ST, EDEN, NY 14057

PUBLIC HEARING DATE: August 19, 2021

BOARD MEMBERS PRESENT: Kristin Kent, Chair
Joseph Winiecki
Drew Riedel
Doug Scheu
Candice Pineau

BOARD MEMBERS EXCUSED: Curtis Neureuter

TOWN BOARD: Gary Sam

APPLICANT: Joshua Vanhout
Lynn McKinlay – Solar Liberty

RE: **Appeal No. 2021-5
Vanhout
3381 Kickbush Gulf**

Ms. Kent called the hearing to order at 7:00 p.m. and asked for comments on the May minutes. **Mr. Riedel moved to approve the minutes from the May 20, 2021 meeting; seconded by Mr. Winiecki; all members present voted "Aye". Minutes approved.**

Ms. Kent then read the Legal Notice for this hearing published in the “The Sun”:

Vanhout: application for a variance at 3381 Kickbush Gulf, to allow installation of a ground-mounted residential solar system in the front yard, in violation of Code sections 225-23 and 172-6-D(1).

Ms. Kent confirmed with Ms. Crowe that the property notice list was completed. Mr. VanHout confirmed that he authorized Solar Liberty to file the variance application on his behalf.

Mr. Vanhout was then asked to explain the reason he applied for the variance. He explained that his lot is mostly wooded and he does not want to cut down any trees to provide space for the solar panels.

Mr. Vanhout was then asked questions by the board related to the requirements the board must consider in variance requests (*his answers are in italics*):

Will this create variance an undesirable change in the neighborhood? *No, I don't believe it would. We are the second to last house on the street and it is a private road. The other side of the road is all open fields.*

Is there an alternative method that could provide a solution? *No, we have no other option because of the dense trees. My lot is just under 4 acres. I would need to remove approximately 2*

acres of trees to accommodate the 180° of full sun exposure and proper function of a roof-mounted system.

Will this be a substantial variance? Ms. Kent noted that this request is a 100% variance request; the Solar Code prohibits ground-mounted solar displays entirely in front yards. *No, we do not feel this is substantial. This is a private road, it's more like a driveway.*

Will the variance create an adverse environmental effect on the neighborhood? *No. This wouldn't affect anyone in the neighborhood.*

Is the need for the variance self-created? *No, I don't feel this problem was self-created.*

Mr. McKinlay stated that they typically come up with two proposals for an applicant, one roof-mounted and one ground-mounted. Ideally the engineers prefer to install roof-mounted systems. Due to the height of the trees, a significant number of trees would need to be removed for a roof-mounted system. Mr. McKinlay was asked about the size of the solar panels. The panels would be 41' wide in total and 8-12' in the air.

Mr. VanHout added that one of his neighbors said she's in favor of his project, and would be willing to place the panels in front of her home, the first parcel on Kickbush Gulf (when turning in from Jennings Road).

The Board discussed that the proposed variance is substantial; that the Code doesn't distinguish between solar placed on private or public roads; that neighbors (including the vacant, open parcel to the south) can change; and that cutting trees provides an alternative to front yard solar. Board members expressed concern that granting the variance could create a precedent for front yard solar, for other Eden properties with treed backyards.

Mr. Riedel made a motion to deny the variance at 3381 Kickbush Gulf, particularly because of the substantial nature of the request; Seconded by Mr. Winiecki. Ms. Kent, Mr. Riedel, Mr. Winiecki and Ms. Pineau voted in favor of the motion. Mr. Scheu voted against the motion. Motion approved.

Meeting was adjourned at 7:20 pm.

Respectfully submitted,

Jen Crowe, Secretary
Eden Zoning Board of Appeals