

## ZONING BOARD OF APPEALS

Town of North Dansville & Village of Dansville  
14 Clara Barton Street  
Dansville, NY 14437

### Minutes for Thursday, August 17, 2023

Meeting was called to order by Mark Specchio at 7:00pm

#### Pledge of Allegiance

#### Roll Call:

|                |                                      |
|----------------|--------------------------------------|
| Board Members: | Chairperson, Mark Specchio – Present |
|                | Mary Ann Holden - Present            |
|                | Dick Gillard - Present               |
|                | Karen Schleyer - Absent              |
|                | Chuck Infantino Present              |
|                | Bill Crowell (Alt.) Present          |
|                | Jennifer Howe (Alt.) Present         |

Village Engineer Sherman Gittens was present.

Village Attorney John Vogel was present.

|                             |                  |                                  |                 |
|-----------------------------|------------------|----------------------------------|-----------------|
| <b>Guests:</b> Marlene Mark | Janice Holmes    | James Huver                      | Donna Didas     |
| Karen Norton                | Chuck Mendy      | Diane Huver                      | Linda Brewer    |
| Kathy Falkner               | Shawna Gilmartin | Alison Knights                   | Jim Brewer      |
| David Falkner               | Liam Gilmartin   | David Knights                    | Billie Martina  |
| Gary Kramer                 | Nancy Nice       | Bill Pfnunter                    | Mike Martina    |
| Sherry Kramer               | Joe Coburn       | Susan DeMuth                     | David LeVasseur |
| Quinn Golden                | Angela Henchen   | Henry Zawodzinski (Hodgson Ross) | Robert Waltman  |
| Andrew Elwell               | Ted Manor        | Dan Compitello (DRS)             |                 |
| Charlie Perkins             | Gerald Welch Jr. | Mufuta Tshimanga (Bergmann)      |                 |

**Introduction of New Alternate Member**, Bill Crowell who will be representing Karen Schleyer tonight.

#### Approval of 07/20/2023 Minutes:

**A Motion** was made by Dick Gillard to accept the July 20, 2023 Minutes.

**2<sup>nd</sup>** by Mary Ann Holden

All were in favor with **5 AYE, 0 NAY, 0 Abstain.**

#### NEW BUSINESS:

- **APPLICATION from** Amber Henchen at 2 Eagle Street to request a Special Use Permit to run an Eye Lash Extension Business out of her house.

Board members looked over the application and discussed.

The enclosed side porch would be made into the salon and have its own entryway.

There will be one customer at a time by appointment.

There will be a parking spot in the driveway for the customer.

**A Motion was made by** Dick Gillard to move the next Zoning Board of Appeals meeting to Monday Sept 25, 2023 at 7pm as there will not be a quorum at the regular Sept 21, 2023 meeting.

**2<sup>nd</sup>** by Mary Ann Holden

All were in favor with **5 AYE, 0 NAY, 0 Abstain.**

**A Motion was made by** Mary Ann Holden to set a *Public Hearing* for 2 Eagle St on Sept 25, 2023 @ 7pm.  
**2<sup>nd</sup> by** Dick Gillard  
All were in favor with **5 AYE, 0 NAY, 0 Abstain.**

The applicant was given information and instructions for notifying neighboring property owners 10 days prior to the Sept 25<sup>th</sup> meeting. And to bring the dimensions of her house (needs to be less than 25% of square footage).

**PUBLIC HEARING for Andrew Elwell** at 47 Chestnut Ave was opened at 7:07pm by Mark Specchio.

- Applicant is requesting an area variance for his fence.
- Requesting his 6' fence be 48" instead of the code of 36".
- Applicant submitted the Certified Mail Receipt to the Secretary
- Andrew Elwell was asked if there were any changes to his application. He stated, there was not.

During a discussion it was stated there was a clear visual while backing out of the applicant's driveway and would not be blocking traffic view as it is 55' away from the fence. The plan was to cut the top part of the fence to 40"-48" and put a flat board on top of the new top area to cap it off, making a ledge.

One board member asked the reasoning for the height he is requesting. Applicant replied that the center support is at 40" and will probably cut it lower than the 48".

A board member suggested that maybe he would take the fence off, cut the bottom half then reattach the fence then he would still have 2 supports. Applicant stated he has 1600 screws in the fence, and it would be less time and easier to cut it from the top while the fence is still intact.

**The floor was opened** to the public for comments.

A neighbor of the applicant spoke to the board stating that the fence is not blocking traffic view and he feels the applicant should be able to have the fence for the safety of their children, especially with 9 offenders within a 3-block area. He also stated he was concerned that since the public hearing was posted, there were 2 vehicles that parked in front of the house and walked around looking at the fence- also stating it was not anyone from the board.

**The Board when through the Facts and Findings and a Roll Call Vote was taken.**

**A motion was made by** Mary Ann Holden to Grant the Variance.  
**2<sup>nd</sup> by** Dick Gillard

|                        |                      |     |
|------------------------|----------------------|-----|
| <b>Roll Call Vote:</b> | Mark Specchio –      | NAY |
|                        | Mary Ann Holden -    | AYE |
|                        | Dick Gillard -       | NAY |
|                        | Chuck Infantino -    | NAY |
|                        | Bill Crowell (Alt.)- | NAY |

**1 AYE, 4 NAY, 0 Abstain.**

**Variance is Not Granted**

**The public hearing was closed** at 7:38 pm by Mark Specchio.

**PUBLIC HEARING for James Huver** at 14 Saylor was opened at 7:22pm by Mark Specchio.

Applicant is requesting an area variance to construct a garage 4' from the property line.

- A Signature list was given to the Secretary of the residents they were to contact & inform of the public hearing.
- The applicant provided photos marked with the exact spot of the location of the garage.
- There was a discussion between applicant and Board.
  - o The house was built in 1962 when there were no property line codes.
  - o Applicants bought the house in 1979.
  - o Applicant stated the trees would be taken down to make room for the garage.
  - o The right of the pine trees, there is an open field.

The Floor was opened to the public to make comments and state concerns.

No One Spoke

**The Public Hearing was closed** at 7:41pm By Mark Specchio.

**The Board when through the Facts and Findings.**

**A motion was made** by Mary Ann Holden to grant the variance.

**2<sup>nd</sup> by Dick Gillard**

|  |     |
|--|-----|
| <b>Roll Call Vote:</b> Mark Specchio – | AYE |
| Mary Ann Holden -                      | AYE |
| Dick Gillard -                         | AYE |
| Chuck Infantino-                       | AYE |
| Bill Crowell (Alt.)-                   | AYE |

All were in favor with **5 AYE, 0 NAY, 0 Abstain.**

**Variance is Granted**

**PUBLIC HEARING for Delaware River Solar Farm** at N Main St was opened at 7:41pm by Mark Specchio.

Applicant is requesting a Special Use Permit for a Solar Farm.

ZBA Chair, Mark Specchio gave DRS the floor to explain the project.

Update from the last meeting:

- The new structure in the town of Sparta, is outside the zone area of the project.
- The access road through the project does conform with the codes the Town and Village currently has.
- Will need more direction from Tammy and can be reviewed during the site plan review.
- RE: The County Planning Board's concern of Ag land. This property is owned by IDA and is zoned industrial/Ag. The use of the Solar project is temporary, though long term it can be returned to farmland.
- The area South and in front of the project that will continue to be farmed.

Questions were asked by the board:

Q: Will there be soil samples taken so when the project is decommissioned, the soil can be put back to its original state.

A: The project is expected to be 25yrs and will have a nitro mixing ground cover, so it will enhance the soil.

Q: Concerns of the Access Road and turn around.

A: Every 150' of road, there needs to be a hammerhead turn around. The project is designed to meet the NYS Fire Code. The apron will be paved up to 50' then gravel with will be rated for fire trucks.

Q: What is the maintenance plan for the access road?

A: When there is a code for a certain depth of snow accumulation, the snow will be cleared.

There was a discussion with the Board and the Village Engineer about additional requirements.

Q: Was the Town of Sparta notified of this project?

A: They have been.

### **The Floor was opened to the Public to Speak.**

#### Several members of the public spoke with concerns:

- After decommissioning, has there been a study for drainage, how crops will grow after the ground has been compacted?
- The recent Solar Farm fires in NYS, cell battery storage, are fire companies/men trained for these types of fires?
- If the grid can't handle the power from windmills, how can it handle solar?
- Taking away from our farmland.
- Concerns of fire code and the project with the footage of the access road.
- Liability when the project is sold.
- Hammerhead Turnaround
- Material Safety Data Sheets

*Several other topics were brought up and discussed.*

#### Replies:

- Only the posts for the panels will be sitting on the ground beside the access road. The rest of the site will be what the DEC considers a meadow effect throughout the life cycle of the project so there will be grass under the panels.
- The fires that happened were due to cell battery storage and this project does not use the cell batteries so that is not a risk. The risk of a fire is no greater than there is right now with the corn field there. Emergency Services are in the process of getting trained on the new regulations of NYS on brush fires. We would direct firefighters to make sure it does not go outside the fence of the project.
- The grid can handle solar power and have been working with NYSEG with it.
- Liability would be carried with the project along with any special requests.
- The Hammerhead turn around is a site plan question and as it is now, complies with the NYS fire Code.
- There are MSDS. It is not certain at this point if the solar panels that have been purchased will be used at this project or go to another site. The MSDS will go to the Code Officer and Village Engineer.

**A Motion** was made by Dick Gillard to continue the public hearing open at the next meeting, Sept 25, 2023, at 7pm.

**2<sup>nd</sup>** by Chuck Infantino

All were in favor with **4 AYE, 0 NAY, 0 Abstain.**

### **OLD BUSINESS:**

There was no Old Business to discuss.

### **ADJOURNMENT**

**A Motion** was made by Dick Gillard to adjourn the meeting.

**2<sup>nd</sup>** by Chuck Infantino

All were in favor with **4 AYE, 0 NAY, 0 Abstain.**

**Adjourned** at 9:20pm

**Next Meeting** is Monday, September 25, 2023, at 7pm – Town Hall 14 Clara Barton St. Dansville.

Jennifer will book the auditorium for September 25, 2023 @ 7pm. Also, will publish the Public Hearings for 2 Eagle St on the Town and Village Websites and in the Village appointed newspaper and will follow up with the Town of Sparta in regard to being contacted about the Solar Project.

Respectfully Submitted,  
Jennifer Howe, ZBA Secretary