

SPECIAL USE VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on October 7, 2021

Applicant: Dr. Robert Andre, represented by Jay Didas of Fusion Energy Services SUP : #091521-Z SUP

Address: _____ Zoning District: A/R

Telephone: Agent's mobile #585) 370-3063 Published Notice on 9/23/21 DM

Property Location: 1425 Wickham Road, Middlesex NY 14507 County Planning Approval N/A

Applicable Section of Town Zoning Code: Art. V, Sect.#401, Sched. I & Sect.#502.1.1-6 PB Site Plan Approval Date: 9-01-21

NATURE OF REQUEST

Applicant requests a Special Use Permit to install a ground-mounted 0.024-acre residential solar array system for personal use at 1425 Wickham Road, in the Town of Middlesex. This application requires a Special Use Permit per Zoning requirement per Article V, Section #401, Schedule I and Special Requirements listed in Section #502.1.1 through 6.

502.1. GENERAL REQUIREMENTS

502.1.1 That the proposed land use or activity is to be located, constructed and operated so that the public health, safety and welfare will be protected

Yes No Reasons: As designed, this solar array installation meets all of the above, and complies to Zoning, with no negative impact to the neighborhood.

502.1.2 That existence of the proposed land use or activity will not cause substantial injury to the value of other property in the surrounding neighborhood.

Yes No Reasons: This proposed installation in on a 45-acre parcel, It is several 100 feet back from the main road with a heavily wooded buffer between its location and the road, so it is not visible except by aerial view. It will not have any negative impact on the surrounding neighborhood.

502.1.3 That adequate landscaping and screening is provided.

Yes No Reasons: The location of the solar array on the property is deep within the parcel on a wooded lot that is on a remote road in the Town of Middlesex. It is adequately screened from view by the road.

502.1.4 That adequate off-street parking and loading are provided and that ingress and egress are so designed as to cause minimum interference with traffic on abutting roads.

Yes No Reasons: Yes, there is hardly any traffic on this remote road, and onsite and off-road parking is adequately provided on the parcel.

502.1.5 That the proposed land use or activity will not result in excessive erosion and will not increase surface-water runoff onto abutting properties.

Yes X No ___ Reasons: The surrounding properties are not close and consist of pasture and wooded land which is fairly flat. There is no erosion aspect with this installation as there will be very little ground disturbance with the proposed installation as designed.

502.1.6 That existing roads and utilities serving the proposed project are determined to be adequate.

Yes X No ___ Reasons: The existing roads serving the proposed project are determined to be adequate and utility service will be provided adequately with this proposed installation.

502.2. SPECIFIC REQUIREMENTS (when applicable)

DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above factors, in a motion made by Ted Carman, and seconded by Richard DeMallie, finds that:

X The benefit to the Applicant DOES outweigh the detriment to the character, health, safety, and welfare of the neighborhood and therefore the Special Use Permit request is **granted**.

NOTE: SEC. 908.0 of the Town of Middlesex, NY Zoning Law states:

Any person or persons jointly or severally aggrieved by any decision of the Zoning Board of Appeals, or any officer, department, board or bureau of the Town, may apply to the Supreme Court by proceeding under Article 78 of the Civil Practices Law and Rules. Such action must be instituted within thirty (30) days after the filing of a decision in the Office of the Town Clerk.

CONDITIONS:

The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community:

The Zoning Board of Appeals accepts the advisory recommendation from the Planning Board to grant the Special Use Permit.

Rebecca Parshall, Chair
Chairperson, Zoning Board of Appeals

October 7, 2021
Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Rebecca Parshall (zoom)</u>	<u>X</u>	___
Member	<u>Ted Carman</u>	<u>X</u>	___
Member	<u>Elizabeth Grant</u>	<u>X</u>	___
Member	<u>Richard DeMallie</u>	<u>X</u>	___
Member	<u>Win Harper (alt)</u>	<u>X</u>	___

(Version update May, 2011)