

PENDLETON ZBA AGENDA

TUESDAY, 06/22/21 7:00 PM

1. Public Hearings
 - a. **Dunnigan Solar Road 1 LLC (c/o Borego Solar Systems, Inc.) – 6100 Dunnigan Rd.** Applicant, on behalf of owner, is requesting an area variance to install a large-scale solar energy system with a lot coverage factor or 36.1% where maximum allowed is 25% per Town Code §247-68.22A.(3)(c). Area variance sought is 11.1% large-scale solar energy system lot coverage variance. Property is approx. 36 acres and mix-zoned CO-2 Medium Commercial, LI Light Industrial, and R2 Medium-Density Residential.
 - b. **Jacus, Carmen and Louis – 7227 Bear Ridge Rd.** Applicant seeks to create via subdivision a buildable lot having width of 96.5 ft. where a legal buildable lot requires a minimum width of 100 ft. per Town Code §247-11C.(2). Area variance sought is 3.5 ft. lot width variance. Property is approx. 10 acres and zoned R2 Medium-Density Residential.
2. Open regular meeting of ZBA
3. Changes to agenda
4. New Inquires to ZBA
5. Review minutes from prior meeting(s)
 - a. 25 May 2021 – See <https://pendletonny.us/wp-content/uploads/2021/06/150-ZBA-May-2021-Minutes.pdf>
6. Deliberation on Hearing(s)
 - a. Dunnigan Road Solar 1
 - b. Jacus, Carmen and Louis
 - c. Panasyuk, Aleksandr – 6121 Campbell Blvd. (hearing 27 April 2021) Owner wishes to construct a 40' x 100' accessory structure totaling 4000 SF whereas maximum allowed is 2000 SF on a parcel over 7 acres per Town Code 247-34E(3). Size of parcel is 136 ft. x 3300 ft. (approx. 30 acres) and is zoned R-2 Residential.
7. Correspondence. TBD – based on inbox at Town Hall
8. Special Topics – None planned
9. Miscellaneous ZBA items:
 - a. Attendance: next meeting 27 June 2021 7:00 PM
 - b. Comments: ZBA members, Legal
10. Adjourn regular meeting

Area Variance Considerations

1. Benefit to applicant vs Detriment to community
2. Mandatory considerations:
 - a. Will the granting of the variance result in an undesirable change to the character of the neighborhood or will it be detrimental to nearby properties
 - b. Are there alternative solutions that would not require a variance
 - c. Is the requested variance substantial
 - d. Will the variance have an adverse effect on the physical or environmental conditions in the neighborhood or district
 - e. Is the applicant's difficulty self-created

Use Variance Requirements

No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

- (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (4) that the alleged hardship has not been self-created.