A Regular Meeting of the Zoning Board of Appeals was held on Thursday, February 13, 2020, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Daniel Bassette

Stephen Maxon

David Cook

Dustin Cichon

ABSENT: Stephen Tudhope

ATTORNEY: David Hou

OTHERS: Town Councilman John Hagreen

Minutes were taken by Michelle Booth.

Mr. Bassette opened the meeting at 7:00 p.m.

**MENDON RENEWABLES AREA VARIANCE PUBLIC HEARING CONT.**

Christopher Knox for Mendon Renewables, 101 Summer St., 2nd Floor, Boston, MA, for property owned by Happy Acres, LLC located at Quaker Meeting House and Boughton Hill Road, consisting of 169.2 acres, bearing Tax Account No. 229.01-1-11.2, located in an RA-5 zone, to install a solar farm on said property in a state designated wetland, which requires an area variance .

Mr. Knox reviewed the plans with the Board. He stated there are 7 small, unmapped, intermittent wetlands in the area. They are depicted on drawings C1.0 and C1.1. Mr. Knox said they would avoid the areas as much as possible.

The Army Corp of Engineers and Labella have reviewed the plans, their concerns were met.

Mr. Cichon asked what type of battery will be used. Mr. Knox explained that at this time they do not have any plans to install a battery.

Mr. Bassette asked if there would be any change in character in the neighborhood. The applicant stated no.

Mr. Bassette asked if there were alternative methods to achieve what they desire. The applicant stated no.

Mr. Bassette asked if this was a significant request. The applicant stated no.

Mr. Bassette asked if this would have any physical or environmental effects in the neighborhood. The applicant stated no.

Mr. Bassette asked if this was a self-created difficulty. The applicant stated no.

Mr. Bassette asked if there are any comments from the public. There were no comments.

**MOTION**

Mr. Cook moved, second by Mr. Cichon, to close the Public Hearing.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon– aye; Mr. Cook – aye; and Mr. Cichon – aye.

**MINUTES**

**MOTION**

Mr. Maxon moved, second by Mr. Cichon, to approve the October 24, 2019 minutes as submitted.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon– aye; Mr. Cook – aye; and Mr. Cichon – aye.

1. **MENDON RENEWABLES AREA VARIANCE DETERMINATION**
2. Mr. Maxon moved, seconded by Mr. Cichon, that the area variance requested by Mendon Renewables, 101 Summer St., 2nd Floor, Boston, MA, for property owned by Happy Acres, LLC located at Quaker Meeting House and Boughton Hill Road, consisting of 169.2 acres, bearing Tax Account No. 229.01-1-11.2, located in an RA-5 zone, to install a solar farm on said property in a state designated wetland, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Christopher Knox and Joe Fiori, on behalf of Mendon Renewables, appeared before the Zoning Board of Appeals at the public hearing on October 24, 2019, and again on February 13, 2020.
2. The property is owned by Happy Acres, LLC, who has submitted a letter, dated September 27, 2019, stating Mendon Renewables represents them in all matters related to this Area Variance.
3. The applicant is requesting to install a solar farm, a portion of which will be in a state designated wetland. Section 260-49E of the Mendon Zoning Code states no solar farm shall be erected in a state designated wetland.
4. The total parcel is approximately 169.2 acres, while the solar installation will use approximately 24.1 acres. Of that approximately 1.3 acres are in the state designated wetland. The remainder of the parcel will be farmed, as it currently is.
5. The planned site is over 1650 feet from the nearest road, and the topography should minimize visual impact. In addition, vegetative screening is planned to further decrease visual impact.
6. A portion of the wetland region of the property has been previously farmed, and the planned installation includes this area. No expansion into the remaining wetlands is planned.
7. The applicant claims their installation method complies with Army Corps of Engineers requirements for work in wetlands. GZA GeoEnvironmental of New York submitted a letter, dated October 21, 2019, stating this project does not require a permit or regulation from United States Army Corps of Engineers. Labella Associates, the Town Engineer, submitted a letter dated October 30, 2019, supporting that the Army Corps of Engineers has no objections to this project.
8. To the west of the solar installation there is an easement for the city of Rochester’s water supply and the applicant is aware of this.
9. The Town of Mendon Planning Board had an application for this project, and declared themselves Lead Agency in regards to SEQR. They issued a negative declaration at their meeting on February 5, 2020. At that same meeting, the Planning Board granted approval to this overall project, with conditions. One of those conditions was acquiring this variance.
10. Members of the public were given the opportunity to comment during the public hearing.
11. This application is exempt from County Planning Board review under General Municipal Law 239-m pursuant to an agreement dated January 24, 1994 between the County and the Town which exempts matters set forth therein from further County review.

**CONCLUSIONS OF LAW**

1. The requested benefit can**not** be achieved by other feasible means, as relocating to work around the wetlands would lead to increased total footprint and greater impact on the area.
2. The request is **not** substantial, as the installation would not cause significantly more impact than the existing farming.
3. In light of the Town Planning Board having issued a negative declaration on SEQR, and having received letters from both the Town Engineer and GZA GeoEnvironmental, this Board finds the request will **not** have any adverse physical or environmental effects.
4. The request will **not** have an undesirable change in the neighborhood, as the terrain of the land, combined with the planned screening, should effectively hide the solar installation.
5. The difficulty **was** self-created, as the terrain and its condition predate the applicants plans.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon– aye; Mr. Cook – aye; and Mr. Cichon – aye.

**MOTION**

Mr. Maxon moved, second by Mr. Cichon, to adjourn the meeting.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon– aye; Mr. Cook – aye; and Mr. Cichon – aye.