

Minutes for the Ticonderoga Zoning Board of Appeals held on January 23, 2018 in the Community Building commencing at 7:00 p.m. regarding a Use Variance.

Present: Eric Stoddard, Eric Leerkes, Joyce Barry, Amy Schryer, Tonya Thompson

Absent: Andy Belkevich

Recues: Doug McTyier

Others: Bill Ball, Marge Cross, Jim Leavens, Dean Cook

Mr. Stoddard called meeting to order at 7:00 p.m.

Pledge of Allegiance was sighted by all.

Public Hearing Announcement:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Ticonderoga will hold a Public Hearing and meeting on January 23, 2018 commencing at 7:00 p.m. at the Ticonderoga Community Building's Conference Room, located in the Basement at 132 Montcalm Street, Ticonderoga, NY, regarding an Application for a Use Variance submitted by Dean Cook concerning a property located at 3 Defiance Street, tax map number 150.51-4-9.000. All parties interested may be heard at such time.

Mailings went out to notify the adjoining landowners, with a letter of response from King Homer Trust. See attached letter.

No phone calls.

Dr. Cook spoke and stated that he filed this as a Use Variance but if board thinks he should file differently, he was willing to file differently if need be.

Mr. Stoddard asked Bill Ball if he found the application to be fine and he stated that in section 7, this is not allowed in the district right now, pre-existing non-conforming use can not be enlarged or make it more non-conforming.

Reviewed application and found to be complete, and filed as a Use Variance.

Dean Cook was sworn in when he submitted his application.

Mrs. Thompson swore in Marge Cross and Jim Leavens.

Mrs. Cross spoke and asked where the solar panels were going to be placed? Dr. Cook stated that they would be on the Defiance Street side, facing Blodgetts. He stated that she wouldn't be able to see them. He stated that is was the best place for them as far as solar exposure and the best place so they aren't obtrusive and not on The Portage side or near

Mrs. Cross's side. They will be facing another Commercial use and not anymore obtrusive than they are.

Mr. Stoddard asked if there was a size on the application, Dr. Cook said that there was. Mrs. Cross asked him to reference something that could tell her the size that they were going to be because she wasn't good at measurements, and how much room was required for these. Dr. Cook stated all they have to do is not be set back, there isn't anything in the zoning laws that ask about how much room they will take up.

Mrs. Cross said since she received her letter, she has spoken to appraisers and received a letter from the assessor here at the Town on how this would affect the value of her property if she chose to sell one day. There isn't a lot of data yet to tell her if this will be detrimental to her property yet, she does not find them attractive, that is her opinion, she does not want this to be a deterrent if she decide one day to sell her property. She has no plans to sell her property, but doesn't want to agree to this and later down the road when there is more data on this, that it will be hard to sell her property. That is her biggest concern. She also is concerned about the chemicals that are used to make the solar panels, with her having children coming to nursery school, and dance class. Not that they would be climbing on them, but if 10 years down the road find out that they can hurt people, causing cancer, there is a lot of unknowns for Mrs. Cross to make a good decision.

Dr. Cook replied that the solar panels are made from silicone, and not a chemical. Made from fine pieces of silicone, and they shave them thin and they give off electrons when exposed to light. If there was anything that was going to be like a chemical, it wouldn't be on his property. He understands her concerns, but there are no findings as of now to say that anything will happen with using the silicone. He is always concerned about this himself. He also stated that he didn't think the value of property would be affected. He said that solar panel have shown to have increased the value of homes by 25%.

Mr. Stoddard stated that it is a hard one to say whether it will affect property value or not. Many people have different opinions.

Dr. Cook stated that there is an underlining cause why he is doing this, slowly getting this country going in the right direction and getting off carbons and fossil fuels anything we can do to do this will help our kids and grandkids in the future, and everyone should be doing what he is doing, whenever you start your car, carbon dioxide goes into the air, up your chimney, the effects of global warming, floods, fire, this isn't magic, it is because the climate is heating up, this is one of the ways as an individual that we can make things better.

Mr. Stoddard asked if there was a reason that Dr. Cook didn't decided on roof mounted panels instead of ground mounted panels.

Dr. Cook stated, that his roof right now is not aligned for good solar, and talked about this at planning board a few months ago that he wasn't sure he could put them up at the

right angle and have them be the right height, and they would be visible to everyone in the neighborhood, including Mrs. Cross. It made sense to put them in the back of the building, and yes they would be seen by Blodgett's, but if it comes to being ugly he could talk about the Blodgett's building and all the stuff around their building, being in a residential neighborhood.

Mrs. Cross said that is part of her issue, that it is a residential area and when she drives by, she wouldn't mind if it were out in a field somewhere, she doesn't like it in a residential area. She understands this is the way to go and the way the country is going but as we go this way, the example she used is 50 years ago people were able to smoke and there wasn't a problem, but now they are finding it causes cancer. Are we going to find out 50 years down the road that my grandkids are getting cancer because of this? This might seem extreme, but this is how she feels.

Jim Leaven spoke and stated that he thinks it is an eye sore and he wouldn't be opposed to them being roof mounted, and Mrs. Cross agreed.

Mr. Stoddard asked Bill Ball if the roof mounted was allowable according to the current ordinance. Bill stated yes it is, but would still have to go to the Planning Board.

Mr. Leerkes asked how come he has seen other ground mounted solar panels in the town and Bill stated that this is because it is for residential use, and this is for a Commercial operation.

Mrs. Cross states that they get so much foot traffic on the Portage, can people damage these? Dr. Cook stated that if you threw rocks at them, you could be cause they are covered in glass, they are like a window. Mrs. Cross asked if he trusted people walking by, and Dr. Cook said so far no one has thrown rocks at his windows and they have been there since 1953, so there would have to be a little bit of trust there.

Jim Leavens stated again, that he feels they are ugly and that they are an eye sore. He hasn't research it a lot and doesn't know much about it, but seems like it would be much easier to have a roof top installation, the exiting structure is already there.

Dr. Cook said it is easier, but you almost have to have your house designed so that it has self exposure and put your panels on the roof and it would look really obnoxious sticking off on top of the roof.

Mrs. Cross stated she called a couple places and said her husband was interested in ground mounted solar panels. They gathered information from her and they said they would deter her from doing this because of to many trees in this area. She then asked them about the building on the corner, and they stated that it wouldn't be cost effective for anyone in that area because of the trees. She offered the number to the place she spoke to if any one would like it.

Dr. Cook stated that he didn't think that cost affective was in the zoning ordinance either.

Closed the Public Hearing at 7:25 p.m.

After much discussion the board has decided to deny the application for a Use Variance. This does not meet all of the 4 criteria needed for the Use Variance.

Dr. Cook said he didn't think a Use Variance applied to him and wanted to know if he should apply for something else. He asked if he put them on the roof would he need to have a Use Variance, and Mr. Leerkes told him that that wasn't for them to decide.

Resolution#1-2018 brought by Erik Leerkes, seconded by Joyce Barry to decline application. **All in Favor** 3-Aye, 0-Nay **Carried.**

Resolution#2-2018 brought by Erik Leerkes, seconded by Joyce Barry to close the meeting @ 7:30 p.m. **All in Favor** 3-Aye, 0-Nay **Carried.**

Respectfully submitted by Amy. L. Schryer