

## **Town of Torrey Zoning Board of Appeals**

March 2, 2020

Public Hearing

Present: Vice Chairman Tony Cannizzaro, Mark Gifford, Bob Constantine, George Dowse

Excused: Chris Hansen

Others present: Nathan Curtis, Chris Hansen, Gary Wood, Jean Constantine, Dave Granzin, Daryl Daggett, Dwight James, Code Officer.

Vice Chair opened the public hearing at 7:00 PM. He asked the secretary to note members present.

**Special Use # 20-01** Daniel Higgins DBA Lakeway Wheels LLC request a special use permit to sell used cars on his property at 1724 Rte 14 the former Citgo Gas Station.

A Special Use Permit is required for used cars sales in the Community Center District per Torrey Zoning Law § 98.65.

Town Law Section 267 Art. 16 All property owner(s) within 500' of property line of land affected by a zoning change must be notified.

*Notices sent to the following by clerk:*

Harold Johnson 889 Rte 54 Penn Yan, NY 14527

Carl & Mary Nelson 886 Rte 54 Penn Yan, NY 14527

Peter & Mauve Chapman 875 Rte 54 Penn Yan, NY 14527

Carol Brown 853 Rte 54 Penn Yan, NY 14527

Aaron Martin 1748 Pre Emption Rd Penn Yan, NY 14527

Joseph Ostroski 852 Rte 54 Penn Yan, NY 14527

Nancy Preziosi PO Box 133 Dresden NY 14441

Leo J DelRossa 860 Rte 54 Penn Yan, NY 14527

Mary Henderson 876 Rte 54 Penn Yan, NY 14527

Cynthia Davis 842 Rte 54 Penn Yan NY 14527

Mike Garrison 827 Rte 54 Penn Yan, NY 14527

Paul Perotto – Mr. Twistees 758 Pre Emption Rd Geneva NY 14456

Dan Higgins – 214 Billsboro Rd Geneva NY 14456

Mike Kenyon - Dairyman's Diner- Box 81 Dresden NY 14441

Daryl & Nate Daggett Box 82 Dresden NY 14441

Tim Hansen - 2244 Hansen Pt Penn Yan, NY 14527

Dresden Commons – Box 188 Dresden NY 14441

Frederick Zimmerman 3836 Rte 5 & 20 Canandaigua NY 14424

**Torrey Planning Board** on February 17, 2020 recommended approval.  
**Yates County Planning Board** on February 27, 2020 tabled decision on this application due to request of Yates County Treasurer.

Motion by Tony 2<sup>nd</sup> Mark to table this application to April meeting, carried.

**Area Variance # 20 -01** Chris Hansen / Jason Shoff are requesting an Area Variance for a proposed Solar Array project at Hansen Point Rd Tax Map # 52.03-1-20 in the Town of Torrey.

An Area Variance is required as the solar project exceeds the maximum lot coverage regulations in an Ag/Residential District per Torrey Zoning Law § 98.42

Town Law Section 267 Art. 16 All property owner(s) within 500' of property line of land affected by a zoning change must be notified.

*Notices sent to the following by clerk:*

SLD Hunters Club PO Box 15 Dresden, NY 14441  
James Smith 5249 Pre Emption Dundee, NY 14837  
Paula Edelmanna 210 Lovell Ave Elmira, NY 14905  
City Hill Excavation 2183 Rte 14 Penn Yan NY 14527  
Tim Hansen 2244 Hansen Spur Penn Yan NY 14527  
Deb Lent 2175 Rte 14 Penn Yan, NY 14527  
Marilyn Wood 2165 Rte 14 Penn Yan, NY 14527  
Melissa Baker 2161 Rte 14 Penn Yan, NY 14527  
Gary Wood 2155 Rte 14 Penn Yan, NY 14527  
Ivan Eberly 2105 Rte 14 Penn Yan, NY 14527

Torrey Planning Board on February 17, 2020 recommended approval.  
Yates Co. Planning Board on February 27, 2020 recommended approval.

### **STATEMENT OF THE CASE**

Chris Hansen and Nate Curtis appeared to present this application. Per a discussion with the planning board the project has been scaled back to 22% lot coverage.

The purposed Solar Array project will exceed the maximum lot coverage by 2%.

Jean Constantine of Perry Point Rd spoke in favor of this project. She supports green renewable energy projects.

Gary Wood neighbor on Rte. 14 spoke in opposition of this project. He wants the land to stay agricultural not commercial. He has spoken with the projects direct neighbor Paula Edelmann, who did not get a public hearing notice.

No further discussion, Tony closed the public hearing on this application.

**Special Use # 20-02** Chris Hansen / Jason Shoff to lease their land and build a Solar Array on property at Hansen Point Rd, presently crop fields. A Special Use Permit is required to operate a commercial business in an Ag/Residential District per Torrey Zoning Law.

Town Law Section 267 Art. 16 All property owner(s) within 500' of property line of land affected by a zoning change must be notified.

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Torrey Planning Board on February 17, 2020 recommended approval.  
Yates County Planning Board on February 27, 2020 recommended approval.

Chris has recently purchased land formally owned by his grandfather. To offset the financial burden he would like to build a commercial solar farm to sell the renewable energy back to a utility. The project site is 8.2 acres along Hansen Point Rd.

Chris contacted a friend in renewable energy projects for guidance and has investors for the project.

Gary Wood spoke in opposition, he has read that the production of solar panels leaves a larger carbon footprint, along with panels end of life disposal. Land should remain agricultural for crops not use for commercial. The solar array will be an eyesore to the community.

Dave Granzin spoke of the Planning Board discussion on the effect of these panels on the scenic viewshed of this area. Determined this project will not block the view of the lake.

Daryl Daggett said he supports the project progress is inevitable, green energy is the future.

No further discussion Tony closed the public hearing at 7:25.

Respectfully submitted,

**Town of Torrey Zoning Board of Appeals**  
Regular Meeting minutes  
March 2, 2020

Present: Vice Chairman Tony Cannizzaro, Mark Gifford, Bob Constantine  
George Dowse- alt.  
Excused: Chris Hansen

**Area Variance Application 20-1** Chris Hansen/Jason Shoff property at Hansen Point Rd. to install solar array exceeding maximum lot coverage allowed in an Ag/Res District.

**Motion** by Tony 2<sup>nd</sup> Mark to accept the application as complete, carried.

Brief discussion, that the area variance is asking for a 2% variance to the law.

**Motion** by Mark 2<sup>nd</sup> Bob to grant the Area Variance # 20-1 by roll call vote Cannizzaro- Aye, Gifford- Aye, Constantine- Aye, Dowse- Aye carried 4-0  
Granted with no stipulations.

**Special Use Permit # 20-2** Chris Hansen/Jason Shoff property at Hansen Point Rd. Commercial business of solar energy farm in an Ag/Res District.

**Motion** by George 2<sup>nd</sup> Bob to accept application as complete, carried.

Tony declared the Zoning Board as lead agency on the short form of SEQRA "State Environmental Quality Review"

Tony read each question aloud to the members for decision. on each item a negative finding was determined.

**Motion** by Bob 2<sup>nd</sup> Mark to accept the completed SEQRA and its finding a negative declaration, that the proposed action will not result in any significant adverse environmental impacts. Carried by all.

Declaration vote- Cannizzaro Aye, Gifford Aye, Constantine-Aye, Dowse-Aye  
4 Ayes 0 Nays

Brief discussion on site, if in future if solar farms becomes inactive if plans are in place to return site back to agricultural. Chris stated there is a plan in place.

**Motion** by Tony, 2<sup>nd</sup> Mark to Grant the Special Use Permit # 20-2 to Chris Hansen and Jason Shoff to operate a Commercial Solar business in an Ag/Res District on Hansen Point Rd.

This by roll call vote:

Cannizzaro- Aye, Gifford- Aye, Constantine- Aye, Dowse- Aye carried 4-0

**Special Use Application # 20-2 is hereby Granted with no stipulations.**

Tony made a motion to adjourn, 2<sup>nd</sup> Mark carried ay 7:35

Respectfully submitted,