

TOWN OF MAYFIELD ZONING BOARD OF APPEALS' MEETING

26 February 2025

MEETING MINUTES

BOARD MEMBERS PRESENT:

— DANIEL SARDELLI
✓ LARRY CIOFFI
✓ MARILYN SALVIONE
✓ PETER TAUTZNIK
✓ RICHARD DIXON

OTHERS PRESENT:

✓ NORMAN BARBOSA, CODE ENFORCEMENT OFFICER
✓ Alex Martin (Kasselman Solar)
✓ Patrick McGovern and Karen McGovern
✓ Robert Gaito
✓ John Kessler
✓ Ralph Desiderio
✓ Toben Green

AGENDA ITEMS:

1. 111 Woodshollow Rd – Variance case for building a storage building/business in a Mixed Use 2 lot.
2. 130 Pekara Dr – Variance case to replace/rebuild a garage/accessory structure with smaller than allowed setback.
3. 204 Cty Hwy 157 – Variance case for a small solar energy system with higher capacity than allowed.

I. CALL MEETING TO ORDER:

The meeting was called to order at: 18:00 (6p.m.)

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes of the meeting on January 22, 2025 (with typos corrected).
MADE BY: PT
SECONDED: LC
VOTE: ALL

III. 111 Woodshollow Rd – AREA USE VARIANCE

- a. Mr. Robert Gaito owns 111 Woodshollow Rd Gloversville, NY 12078 (Tax Parcel Map No 136.-9-1), which is approximately 4.6 +/- acres in size. The property is located within zoning district Mixed Use 2. The applicant is seeking a variance for the Local Zoning Law (#2) of the Town of Mayfield (Year 2017), Section 301: Zoning Uses.

The applicant is seeking a variance specifically related to the allowable use (page 27), listing “Storage Facility” as a “Not Permitted” (N) use for the area.

- b. Public Hearing

The public hearing was opened at:	18:05
MADE BY:	MS
SECONDED:	LC
VOTE:	ALL
The public hearing was paused/closed at:	18:19
MADE BY:	PT
SECONDED:	LC
VOTE:	ALL

Speakers: Robert Gaito, 336 Woods Hollow, Patrick McGovern, 130 Pekara Dr

DISCUSSION:

-Applicant gave review from previous meeting’s presentation and highlighted the property was used previously as a car shop/mechanical repair place. He admitted that the homework was on him but he is not able to undo the fact that the property has been bought and information about the zoning wasn’t completely known. Still, he would like to turn the property into something productive and add to the community.

-RD asked him to answer the rate of return question from the form. “If you weren’t given the variance, what would be the repercussion?” The applicant responded his total investment would be 500K, but to build out the property in phases, at a roughly 4-5 years, with so far a 300k purchase investment, plus 60K for cleaning up since taking on the property. If no variance given, lot likely would have to be sold. The price on the market much probably would not match the amount invested so far.

-Applicant was asked the expected return rate and advised that at a 50% occupancy, it would be around 78k. His estimate overall is that it would take 7-8 years to, at an average of 50% occupancy, to get a total return.

-A question then came up as to if there was any pushback from neighborhood; none so far

-RD brought up a previous storage variance, from applicant, Mr. Klueg, and advised Mr. Gaito that in his case, he proved nothing else could be done at the site, when he applied for the variance itself.

-Mr. Patric McGovern then requested to make a comment during the public hearing: He advised the board that the lot has been unkept up until the time the applicant bought and took it over, after which he cleaned it up and has since maintained in much better condition.

-The Board then continued the discussion, going over the questions listed on the attached Use Variance Findings & Decision (see attached)

IV. 130 Pekara Dr – NON-CONFORMING BUILDING REPLACEMENT

- a. Mr. Patrick McGovern owns 130 Pekara Dr Gloversville, NY 12078 (Tax Parcel Map No 121.17-1-6), which is approximately 0.15 +/- acres in size. The property is located within zoning district Lake Area 1. The applicant is seeking a variance for the Local Zoning Law (#2) of the Town of Mayfield (Year 2017), Section 401: Area & Height Requirements.

The applicant is seeking a variance specifically related to the Use Category table (page 20), listing “7 Feet” as a minimum distance between any building and the lateral lot boundary. The property already has a non-conforming accessory building (detached garage) at the proposed location, built at an unknown date, preceding Zoning/Code.

b. Public Hearing

The public hearing was opened at:	18:05
MADE BY:	PT
SECONDED:	LC
VOTE:	ALL
The public hearing was paused/closed at:	18:19
MADE BY:	PT
SECONDED:	LC
VOTE:	ALL

Speakers: Patrick McGovern, 130 Pekara Dr

DISCUSSION:

-The Board asked the CEO if the lot coverage had been verified. With the proposed new building, the lot is still under the maximum coverage, 30%, with a total of 26% of allowed coverage taken up so far

-Mr. McGovern took the opportunity during the hearing to recap his petition before the Board.

-LC recommended a reciprocation clause for the neighbor next door, as stated on the letter sent by her showing support for the variance, whenever she does come before the Board for a variance like this case

-The Board then continued the discussion, going over the questions listed on the attached Use Variance Findings & Decision (see attached)

V. 204 County Highway 157 – SMALL SOLAR ENERGY SYSTEM

- a. Olbrych Realty INC, represented by Mr. Andrew Olbrych, owns 204 County Highway 157 Mayfield, NY 12112 (Tax Parcel Map No 119.-10-22-11), which is approximately 62.6 +/- acres in size. The property is located within zoning district Business. The applicant is seeking a variance for the Local Zoning Law (#2) of the Town of Mayfield (Year 2017), Section 201: Definitions.

The applicant is seeking a variance specifically related to the Small Solar Energy System (page 16, number 104) definition, changing the limitation of 15 kilowatts (kW) to be proportional to the size of his structure/warehouse, as proposed by the subject matter expert, to 69.9kilowatts (kW), representing 12-15% of the building usage.

b. Public Hearing

The public hearing was opened at:	18:05
MADE BY:	PT
SECONDED:	MS
VOTE:	ALL
The public hearing was paused/closed at:	18:19
MADE BY:	PT
SECONDED:	LC
VOTE:	ALL

Speakers: Alex Martin, Kasselmann Solar Representative;
Ralph Desiderio – 152 Eden Ln; Robert Gaito – 336 Woods Hollow Rd.

DISCUSSION:

-Review of proposal before the Board by Kasselmann Solar Representative on behalf of applicant

-Proposed variance will pave way for getting ahead of future roof repair

-Increase capacity from 2-3% to 12-15%

-Mr. Ralph Desiderio spoke during the public comment section, adding the following:

*Pointed out typos on the application

*Suggested that a change to the definition of a small solar system based on the kw/h, as sought by the applicant, would set a precedent

*Recommended the ZBA should consider making the applicant go through the Planning Board instead, via the Local Law 2 of 2022, instead

*Mentioned solar in the geographical area of the world we are only peaks at 22% efficiency, which makes the State push for solar confusing

-Mr. Robert Gaito, from 336 Woodshollow made the following comments:

*Defining a solar system by the kw/w, which is set under the current law at 15kw/h could be problematic, because by the time the limit was set, it could be that it was difficult to attain, but as the solar technology has improved, the threshold now might be trivial and outdated

*Anecdotally, solar for his house does show efficiency 10 out of 12 months per year

-Mr. Desiderio asked to speak again and said the following:

* In regards to the remark made by Mr. Dixon earlier, mentioning credits for electricity, someone is paying for the electricity, whether it is the applicant or someone else, that is debatable, but ultimately the cost has to be paid by someone. This variance would be better evaluated going the route of the other Town Law for solar, i.e. the solar farm law, rather than this particular law the applicant is seeking variance for right now

-Alex Martin, Kessleman Solar representative then used the public comment hearing to add the following:

* There is more than kw/h taken in consideration for this on-site usage rather than sale for someone else. This application is only for the applicant's own consumption. If the commercial warehouse were a home, the electricity would be enough to offset the consumption of one room. The main factor in going this route with the project would be the expected roof replacement foreseen to happen in the near future.

-The discussion then focused on the possible factors leading to the law being set at 15 kilowatts/hour

-CEO mentioned that limitations could be placed on the variance if the Board would like to have more granular control over the matter

-RC and PT provided cautiously optimistic perspectives on the matter

-RD stated the Law is not caught up to the technology and changing it would be difficult

- RD advised that the Board has up to 30 days to issue a decision, if they so choose
- Alex Martin, the Kasselman representative advised he could attach more evidence of the off-set amount for the project for the purposes of showing energy consumption in setting a precedent
- CEO Norman Barbosa then asked if it would be possible to verify usage for the energy agreement
- RD reiterated the case itself is based on the CURRENT Town Law.
- RD asked if the roof + ground array would create an energy surplus. Mr. Alex Martin advised that it would NOT. The energy produced WILL NOT ever be more than the average consumption of the warehouse, as the property is not energy independent
- The Board then continued the discussion, going over the questions listed on the attached Use Variance Findings & Decision (see attached)

VI. OTHER BUSINESS:

A. Code Enforcement Update:

- The Board requested CEO forward link to sign up for SUNY training
- Refer to Town Board a suggestion to look at developing/updating laws on Solar and Storage units

B. Board Update:

- SUNY Training coming up on 9 April 2025

C. Miscellaneous

N/A

VII. CLOSE OF THE MEETING:

MOTION: To close the meeting at: 19:52

MADE BY:	PT
SECONDED:	LC
VOTE:	ALL