

TOWN OF STUYVESANT
VARIANCE APPLICATION SUBMITTAL CHECKLIST

___ Completed Zoning Board of Appeals application obtainable from the Zoning Enforcement Officer

___ Copy of the Zoning Use or Building Permit that was denied. This must contain the Zoning Enforcement Officer's reason for denial and signature. *See attached.*

___ A plot plan drawn to scale showing the following: *See special use permit/site plan application submitted on Feb. 7, 2025.*

1. All boundary lines and dimensions.
2. All structures, whether existing or proposed, including dimensions
3. Driveway location
4. Well & Septic Field locations
5. Setbacks of all structures, existing and proposed, driveways, wells, septic fields, sign locations and off-street parking areas
6. The names of all abutting landowners


___ A copy of the deed and survey map for the parcel in question. *See attached.*

___ A list of the names and addresses of all property owners within 300' of the parcel's boundaries
See attached.

___ A completed short/long form Environmental Assessment Form available from the Zoning Enforcement Officer *See special use permit/site plan application submitted on 2/7/25.*

___ Any information deemed necessary by the applicant to justify the issuance of the variance.
(See next page for the statutory Standards for the Issuance of Use and Area Variances)
See attached letter.

Applicant's Name: RPNY Solar 12, LLC (Renewable Properties, LLC)
Address 44 Montgomery St., Suite 3150
San Francisco, CA 94104
Telephone Number: 801-557-7971

Signature:  Date: 3/12/25

STATUTORY STANDARDS FOR THE ISSUANCE OF USE & AREA VARIANCES

Section 267-b of General Town Law permits the local Zoning Board of Appeals (Z.B.A.) to grant waivers from the strict application of the Zoning Ordinance provisions. However, this relief by law can only be issued under hardship of practical difficulty situations. The following information outlines the tests that must be met before you, as an applicant, would be eligible for a variance. Supporting documentation to these tests ***must*** be included in your application submitted.

If a use variance is being requested:

The applicant must demonstrate to the Z.B.A. that each and every permitted use under the zoning regulations for the particular District in which the parcel is located, that:

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

If an area variance is being requested

The Z.B.A., in making its determination shall take into consideration the benefit to the applicant if the variance is granted, as weighed against any identified detriment to the health safety and welfare of the community. It shall also consider:

- Whether an undesirable change will be produced in the character of the community or a detriment to nearby properties will be created;
- Whether the benefit sought can be achieved by some other feasible method;
- Whether the variance is substantial in nature;
- Whether the variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or District; and
- Whether the alleged practical difficulty was self-created.

APPLICATION TO THE ZONING BOARD OF APPEALS

Applicant's Information

Name: RPNY Solar 12, LLC (Renewable Properties, LLC) Phone No. 801-557-7971

Address: 44 Montgomery St., Suite 3150 San Francisco, CA 94104

[I] [We] do hereby appeal the decision or the determination made by the [Zoning Enforcement Officer (ZEO)] or the [Building Inspector (CEO) dated Feb. 21, 2025], whereby an application was [denied] [approved] for a: Zoning or Use Permit

The CEO/ZEO determined that the requested special use permit/site plan application for this proposed Tier 3 Solar Energy System should be denied.

Certificate of Occupancy, or
 A Notice of Violation was issued for the following:

Location: 1681 Route 9, Stockport, NY 36021 Date Acquired: Lease agreement signed 10/23/22

Tax Map # 62-1-47.6; 62-1-8.6; 62.4-1-5 Zoning District: A- Agricultural

Type of Appeal: Area Variance Use Variance Interpretation

Complete the following if applying for an Area Variance See attached letter

Will an undesirable change of the community or a detriment to the community be created if the variance is granted? Yes No. If yes, explain how: _____

Can the benefit sought be achieved by some other feasible method? Yes No If yes, explain:

Is the variance requested substantial in nature? Yes No

Please explain: _____

Will the variance, if granted, have an adverse impact on the physical or environmental conditions of the neighborhood? Yes No Please explain: _____

Was the alleged difficulty self-created? Yes No

Please explain: _____

Complete the following if applying for a Use Variance **Not Applicable**

A reasonable return from the parcel cannot be realized because: _____

(attach pertinent financial information: tax bills, mortgage payments, renovation costs, etc.)

Show what unique features are present on/in the parcel or structure that are not present on other similarly zoned parcels or lots: _____

Show how, if granted, that the use variance will not alter the essential character of the neighborhood:

Show why the alleged hardship was not self-created: _____

Complete the following if applying for an Interpretation

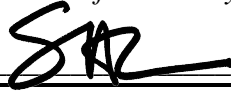
Section of the Ordinance which you believe was misinterpreted by the Z.E.O.: Local Law 1 of 2022 (Solar Law), Sections 7(J)(6) and Appendix 2. See attached letter.

Explain why you believe the decision or determination of the Z.E.O. was incorrect:

See attached letter.

(attach additional sheets if necessary)

Signature: _____



Date: _____ 3/12/25

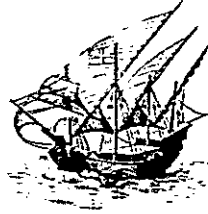
FOR Z.B.A. USE ONLY

Date Received: _____

Hearing Date: _____

Decision: _____

Conditions: _____



**TOWN OF STUYVESANT
BUILDING DEPARTMENT
Kevin.W.Haberland CEO/ZEO
Building Inspector
5 Sunset Drive
STUYVESANT, NY 12173
PHONE: 518-758-6248
FAX: 518-758-8077**

February 19, 2025

**Ref: Mitchell Avenue Agrivoltaic Project
County Route 46
Stuyvesant, NY 12173
SBL: 62.-1-47.6**

On February, 7th 2025 the Town of Stuyvesant received plans for an application from RPNY Solar LLC for a proposed Tier 3 Solar Energy System. The system would be constructed on a 21.33 Acre parcel and the construction would use 16.96 acres. Upon reviewing the proposed plans, I found the following deficiencies.

- Agricultural Integration Grazing Management Plan from UNITED AGRIVOLTAIC NORTH AMERICA LLC does not meet the Stuyvesant Solar Energy Law. Parcels over 20 acres that contain more than 35% of Prime Farmland of Statewide Importance are required to preserve a block of farm land that encompasses 75% of the soils of prime Farmland or Farmland of Statewide Importance. This is not consistent with Local Law 2022 Chapter 7 Section J Paragraph 6.**

- The project as drawn on the plans submitted show the Solar Equipment with in the 100' setback but the fencing outside the setback put forth in Appendix 1 of the Stuyvesant Solar Energy Local Law 2022. It is my determination all parts of the construction including fencing need to be in the 100' set back.**

- The Fire Apparatus Access Roads on the plan submitted show the roads only accessing part of the Solar Energy System. It is my determination that**

the roads are to be re designed to make better access to the entire Solar Energy System in case of emergency.

It is my determination that the proposed Tier 3 Solar Energy System must be denied and would need a project redesign or an appeal to the Town of Stuyvesant Zoning Board to obtain zoning variances or interpretation. If there are any questions please reach out.



Kevin.W.Haberland CEO/ZEO

021-0341

Khaberland@stuyvesantny.us

518-758-6248 Ext.118

PARCEL ID	Parcel Street Address	Municipality	OWNER	Owner Mailing address	
63.3-1-9	State Rte. 9	Stockport	Alamillo Daniel & Michelle	1697 Route 9	Stuyvesant NY 12173
62.4-1-1	1697 Route 9	Stockport	Alamillo Daniel M	1697 Route 9	Stuyvesant NY 12173
62.-1-21	1644 Route 9	Stockport	Altomer Anthony J	1596 Route 9	Stuyvesant NY 12173
62.-1-8	1644 Route 9	Stockport	Altomer Anthony J	1596 Route 9	Stuyvesant NY 12173
62.4-1-16.200	39 Pats	Stockport	Altomer Anthony J	1596 Route 9	Stuyvesant NY 12173
62.-1-47.1	County Route 46	Stuyvesant	Altomer Anthony James III	1603 Route 9	Stuyvesant NY 12173
62.-1-46	402 County Route 46	Stuyvesant	Altomer Charles E	402 Cty Rte 46	Stuyvesant NY 12173
62.-1-9	1603 Route 9	Stockport	Altomer James W III	1603 Route 9	Stuyvesant NY 12173
62.4-1-4	1677 Route 9	Stockport	Altomer Karen A	1677 Route 9	Stuyvesant NY 12173
62.4-1-5	1681 Route 9	Stockport	Altomer Karen A	1677 Route 9	Stuyvesant NY 12173
62.4-1-39	30 Mitchell	Stockport	Bermel John P Jr.	30 Mitchell Ave	Stuyvesant NY 12173
62.-1-15	19 Pats	Stockport	Bonilla Keve	PO BOX 237	Stuyvesant Falls NY 12174
62.4-1-29	36 Mitchell	Stockport	Cipollino Gavin	36 Mitchell Ave	Stuyvesant NY 12173
62.4-1-2	1689 Route 9	Stuyvesant	Drumm Lori J	1689 Rt 9	Stuyvesant NY 12173
63.3-1-71	State Rte. 9	Stuyvesant	Drumm Lori J	1689 State Rte. 9	Stuyvesant NY 12173
63.3-1-8.200	20 Keils	Stuyvesant	Frick Richard H	PO BOX 96	Stuyvesant Falls NY 12174
63.3-1-70.200	21 Keils	Stuyvesant	Gaschel Robert	592 Muitzeskill Rd	Schodack Landing NY 12156
63.3-1-8.120	32 Keils	Stuyvesant	Gottlieb Bryan	PO BOX 153	Stuyvesant Falls NY 12174
62.-1-44	438 County Route 46	Stuyvesant	Groat Douglas	PO BOX 144	Stuyvesant Falls NY 12174
62.-1-45	County Route 46	Stuyvesant	Groat Douglas E	PO BOX 144	Stuyvesant Falls NY 12174
62.4-1-16.100	33 Pats	Stockport	Johnson Roberta A	33 Pats Ln	Stuyvesant NY 12173
62.4-1-26	33 Mitchell	Stockport	Keil Deborah	33 Mitchell Ave	Stuyvesant NY 12173
62.-1-24	1684 Route 9	Stockport	Keil Edwin A	PO BOX 189	Stuyvesant Falls NY 121740189
62.4-1-24	1651 Route 9	Stockport	Martin Kyle A	1651 Route 9	Stuyvesant NY 12173
62.4-1-25	28 Mitchell	Stockport	Murdie Jason D	28 Mitchell Ave	Stuyvesant NY 12173
62.4-1-6	1659 Route 9	Stockport	Myers Drucilla L	1659 Rt 9	Stuyvesant NY 12173
62.-1-30.-2		Stockport	National Grid	300 Erie Blvd W	Syracuse NY 13202
42.-1-32	Gibbons (Off)	Stuyvesant	Niagara Mohawk Power Corp	300 Erie Blvd W	Syracuse NY 13202
63.3-1-72	State Route 9	Stockport	Novak Richard M Jr	1679 State Rte. 9	Stuyvesant NY 12173
62.4-1-3.200	1679 Route 9	Stockport	Novak Richard M Jr.	1679 Route 9	Stuyvesant NY 12173
62.4-1-7	25 Mitchell	Stockport	Pavlovic Mladen	25 Mitchell Ave	Stuyvesant NY 12173
62.-1-43	460 County Route 46	Stuyvesant	Pellnat Christopher	460 County Rte 46	Stuyvesant NY 12173
62.-1-22	1680 Route 9	Stockport	Protestant Congregation		Stuyvesant NY 12173
62.-1-58	446 County Route 46	Stuyvesant	Red Barn FCR LLC	441 County Route 46	Stuyvesant NY 12173
62.4-1-40	1669 Route 9	Stockport	Shields Roberta	1669 Route 9	Stuyvesant NY 12173
62.-1-41	468 County Route 46	Stuyvesant	Smith Kimberly C	468 Cty Rte 46	Stuyvesant NY 12173
62.-1-40	429 County Route 46	Stuyvesant	Smith Sharon	429 Cr 46	Stuyvesant NY 12173
62.4-1-28	26 Pats	Stockport	Snyder Gary L	PO BOX 52	Columbiaville NY 12050
62.4-1-9	40 Pats	Stockport	St Onge Marcel	3067 Rt 9	Valatie NY 12184
62.-1-42	464 County Route 46	Stuyvesant	Strattman Candice	464 County Route 46	Stuyvesant NY 12173
62.-1-38.110	409 County Route 46	Stuyvesant	Third Day Farm LLC	409 County Rte. 46	Stuyvesant NY 12173
62.-1-64	409 County Route 46	Stuyvesant	Third Day Farm LLC	409 County Rte. 46	Stuyvesant NY 12173
63.3-1-1	472 County Route 46	Stuyvesant	Williams Donna A	472 Cr 46	Stuyvesant NY 12173
63.3-1-2	476 County Route 46	Stuyvesant	Yates George	476 Rte 46	Stuyvesant NY 12173