

# Zoning Board of Appeals

The Town of Marshall

Minutes of the Regular Meeting Zoning Board of Appeals on 13 March 2024

A meeting of the Zoning Board of Appeals (ZBA) of the Town of Marshall, County of Oneida, and the State of New York was held at the Town Hall 2651 State Rt. 12B, Deansboro, NY on this 13<sup>th</sup> day of March 2024.

**Present:** C. McGill, J. McNair, J. Stephenson, D. Zweifel-Yaciuk

**Absent:** None

**Guests:** Ashley Champion, Esq., Vice President and General Counsel for Norbut Solar Farms (NSF) and Dante Ruia, Town of Marshall Planning Board member

This meeting was called to order at 18:30 by J. McNair.

## **RESOLUTION #1**

A motion was made by C. McGill and seconded by J. Stephenson to approve the January meeting minutes. There was one abstention by D. Zweifel-Yaciuk as she was not present at the January meeting. The motion was approved 3-0-1.

## **RESOLUTION #2**

A motion was made by C. McGill and seconded by J. Stephenson to approve the February meeting minutes. There was one abstention by J. McNair who was not present at the February meeting. The motion was approved 3-0-1.

## **Old Business**

The RIC Energy Application is on hold due to issues with the interconnect agreement.

## **New Business:**

Ashley Champion, Esq. representing NSF, requested a one-year extension to the NSF solar project citing their interconnection agreement has been completed and a 25 percent deposit was made for all three sites to move forward. She said the geotechnical pilot testing had been performed for the foundation and racking system and non-refundable deposits were made for procurement of the equipment. She stated these demonstrated a substantial financial commitment by NSF.

ZBA members questioned Ashley on whether the sites had been substantially altered, which they have not. Ashley also explained that the interconnection agreement cannot be undone, and that NSF would lose their deposit. The ZBA explained that there was a trust gap for not adhering to the initial timeline when work was to commence in the late summer or early fall of 2022. Based on this, the ZBA made the following motion below:

## **RESOLUTION #3:**

On a motion made by J. McNair and seconded by J. Stephenson, the following resolution was agreed to:

Adopted: 4-0-0

Resolved that the Zoning Board of Appeals agrees to grant Norbut Solar Farm an extension so as to expire on October 11, 2024, to align with the Town of Marshall Building Permit #2023-14 to the Special Use Permit and Site Plan Approval originally issued on October 12, 2022 which was based on the applicant's (Norbut Solar Farm) ability to demonstrate a financial commitment and fully executed interconnection agreement.

## **Executive Session:**

To discuss a specific personnel matter.

The meeting was adjourned at 19:59.

Initials: DZY

Date: 5 April 2024

CC: ZBA board