

Regular Meeting of the Zoning Board of Appeals

**TOWN OF STEPHENTOWN
26 GRANGE HALL ROAD,
STEPHENTOWN, NEW YORK 12168
JANUARY 20, 2026**

The Regular meeting of the Zoning Board of Appeals, Town of Stephentown was called to order by *Chairman Roland Barth* at 7:10 PM at the Town Hall.

ZBA MEMBERS PRESENT:

Dick Sime
Roland Barth
Tom Quimby
Joel Hunt

OTHER TOWN OFFICIALS PRESENT:

Owen Cassavaugh, Code Enforcement Officer
Craig Crist, Esq., Legal Counsel
Stephanie Hoffman, Secretary

ZBA MEMBERS ABSENT:

David Cass

A quorum was established.

8 members from the Public were present.

Motion was made by board member Quimby to appoint Roland Barth as the Chairman of the Zoning Board of Appeals; this motion was seconded by J. Hunt. Votes: 3 Aye 0 Nay – motion passed (Sime was not present for this portion of the meeting).

Attorney Crist explained that the meeting concerned a proposed utility-scale solar project located at 427 West Road by Delaware River Solar in the Town of Stephentown, further known as Stephentown I LLC. Attorney Crist requested the Code Enforcement Officer to provide an overview of the application submitted to him and the reason for denial.

Code Enforcement Officer Cassavaugh stated that the application was denied because the proposed project did not meet the requirements of the Town Solar Law. Specifically, the law requires a 250-foot setback and limits area coverage to 25%. The submitted application proposed a 31-foot setback and 50% area coverage for the 25-acre parcel, the plan also includes building on wetlands.

James Armstrong introduced himself as the representative of Delaware River Solar and Applicant Stephentown I, LLC and introduced Mollie Messenger the Project Developer, Legal Counsel Matthew Lipinski and Jenna Rackerby, and property owners John and Stephanie Deyo. Armstrong explained the reasons the location was selected for the project, and the steps and procedures Applicant had already taken and would continue to take prior to the start of the project. He stated that the company would coordinate with emergency services to ensure proper access to the site. Armstrong said that the project has “major positive points.” He said that the project was set in the wood line. He was that it is to be 3.2 AC MW but could be up to 5.0 MW if desired. When asked, he said the project would be fixed panels and would use the existing access road. He said that they have leased 25 acres of the 214 acre parcel. Hunt asked Armstrong why they could not meet the setback requirement when the parcel was so large. Armstrong said it was because of the hilly nature of the property and because there are grading concerns. He said that the project is placed in the best place it fits and that it is 31 feet from the edge of the fence line. He said that they have started the process with Army Corps as to the wetlands but have been informed by NYS DEC that it is not lands that NYSDEC will take jurisdiction. He said that Applicant

has not submitted a decommissioning plan yet. He said that usually lot coverage is of the entire lot. Barth asked about noise impacts. Armstrong said that the noise is minor and cannot be heard from a nearby house, stating that the closest house is 1000 feet away.

Applicant was asked about the Solar Power Network site. They were unfamiliar with that. CEO Cassavaugh said Applicant's proposed site is 31 feet from that site. Applicant said that the project is a community solar project and all power generated will stay in Stepehentown. Quimby asked the number of inverters and point of connection. Armstrong said it will be on the Deyo property at West Road.

Attorney Rackerby gave a presentation as to Applicant's position on the why the public utility standard should govern the area variance decision and not the area variance standard set forth in New York State Town Law. She referred the Board to Applicant's prior written submission on this subject.

Attorney Crist asked whether the applicant wished to overturn the determination of the Code Enforcement Officer or whether the Board should consider the matter as an area variance application. The applicant's attorneys stated that they were only seeking a determination of their application for an area variance but were reserving all rights.

Attorney Crist further asked whether the applicant agreed that the ZBA determination would occur before the Planning Board considered the application for site plan approval. Attorney Liponis agreed and noted when asked by Crist that Applicant was in agreement that because the variance needs to be heard first and SEQRA needs to be completed there was no time periods running at this time for a determination of a special use permit or site plan application.

Attorney Crist said he wanted it to be clear and again asked the applicant to confirm that they agreed that no statutory time periods under the Town Code were currently running with respect to any Special Use Permit or Site Plan application. Both the applicant's attorneys and James Armstrong confirmed that this was correct and that the applicant was not asserting or invoking any rights related to the statutory timeframes for Special Use Permit or Site Plan review. The Board acknowledged this statement on the record and proceeded with the understanding that no statutory review timelines had commenced.

Attorney Crist explained that an escrow account would need to be established to cover engineering and legal review. The applicant agreed and said that they preferred a written escrow agreement and could provide a proposed one to the Town

The Board determined that the application was not complete at this time and directed that it be forwarded to the Town Engineer for review. The applicant agreed.

The ZBA noted that a request will be made to the Planning Board to assume Lead Agency status for this project under SEQRA, consistent with how the Planning Board had served as lead agency for the previous two solar projects.

MOTION TO ADJOURN AT 8:07 PM

MOTION BY: R. BARTH

SECONDED BY: T. QUIMBY

VOTES OF:

4 AYE

0 NAY

Stephanie M. Hoffman

ZBA Secretary