

Minutes of a special meeting of the Johnson City
Zoning Board of Appeals held on August 20, 2025 at
6:30pm at Village Hall, 60 Lester Avenue, Johnson
City, New York.

Present: Edward Mazanek, Chairman
Leonard Sas, Vice Chairman
Dr. Stephen Holowinski, Secretary
Donald Slota
Christopher Brown

Also Present: Keegan Coughlin, Village Attorney
Randy Shear, Code Enforcement Officer

Absent: Kim Cunningham, Zoning Board Clerk

Chairman Mazanek called the meeting to order at 6:30pm.

Attorney Coughlin and the Board discussed the agenda.

Attorney Coughlin asked for a motion to set a public hearing for 5 Mills Place for a rear setback area variance and 75 N. Baldwin Street for an area variance.

Motion to set public hearings for 5 Mills Place and 75 N. Baldwin Street was made by Mr. Slota and seconded by Mr. Sas. The motion carried with all present voting in the affirmative.

Attorney Coughlin brought forward the agenda item of Stephan Moore, 151 Pearl Avenue for a ground mount solar system for a residential property. It was discussed that there are no current site plan drawings for the project because the moratorium was enacted. It became in any applicant's best interest to come talk the zoning board of appeals before moving forward with any site plan designs and wasting money. As soon as moratorium went into effect, Mr. Moore reached out to Randy and Attorney Coughlin to learn about the hardship use variance procedure and what information is needed to be supplied in order to put together a narrative for that. Attorney Coughlin confirmed the standards for the hardship use variance are similar to that of an outright use variance.

Attorney Coughlin read the standards for the hardship use variance from the Village's enacted moratorium.

Attorney Coughlin stated it is a similar four-part test to a use variance test that is applied here. He does not think there are any area variances required here, but it would require going to the Planning Board for site plan for a solar review if the Zoning Board voted to grant the hardship variance.

Attorney Coughlin explained the moratorium. A moratorium gets put in place if the Village Board as the legislative body has determined there is a ground swell of concern that is not appropriately contemplated under the existing Zoning Code. In addition to Mr. Moore's reach-out about ground mounted solar and residential facilities, he fielded several calls and Randy fielded several calls and there were a lot of folks reaching out about residential facilities specifically in the Deyo Hill road region, in the paper streets region that is off of Deyo Hill Road and a few other properties off Harry L Drive/EJ Development and then several near Reynolds Road near the Village line. Mr. Moore was significantly further along than these other folks,



so he opted to apply for this use variance. The Village Board said they didn't contemplate it would be viable for residents to want to put ground mount they just thought they would do roof mount. So, they need to contemplate the impacts on the neighborhood as part of the zoning regulation. The Village Board has started those conversations, but very limited. They have not made much progress yet.

Attorney Coughlin discussed the hardship waiver application Mr. Moore submitted that was received by Code Officer Shear and Attorney Coughlin via e-mail submission. The hardship use variance test gets applied here.

Describe how compliance with the aforementioned provisions would deprive the property owner of a reasonable rate or return on investment should those provisions be applied to this circumstance.

Mr. Moore's submitted response: Compliance with the moratorium on ground mount solar would stop me from installing such a system which was allowable given the location and design of the intended unit as per village code at the time of my property purchase, at the time of the signing of contract with my solar company and at the time of my purchase of a property survey which was needed for the project. Denial of this application would deprive me of recovering the value of money already spent for the aforementioned survey and non-refundable down payment to the solar company. Furthermore, denial of this application would deprive me of recovery of the value of the time off from work I have already taken in order to handle business related to the solar project.

Describe how the alleged hardship relating to the property is unique and does not apply to similarly situated properties.

Mr. Moore's submitted response: My property is fairly unique in that the multiple adjoining lots with unused space allowed construction of a ground mount solar unit which qualified fully under then standing Johnson Code for both solar and accessory buildings. Coupled with this, the area designated for the project can be realistically used for little else. Furthermore, my house has been deemed unfavorable for rooftop solar installation by multiple solar installation companies, making ground mount solar my only viable solution.

Mr. Moore explained the roof is facing east west. It's a typical Cape Cod style house so the dormers stick out and with the fire code you have three feet on any structure to access the roof.

Describe alternatives to the proposed action that the applicant has considered and rejected and why they were rejected.

Mr. Moore's submitted response: As noted above, there truly are no other viable solar installation location alternatives on the property. Before signing contracts and spending any money, I dug for as much information on the current Johnson City Code for solar installations (as I am sure the code officer is aware of) in order to be as certain as possible that my project would be allowable. After many discussions on both design and code and many measurements, it was determined that it would qualify, under pre-moratorium code. This driving force behind such research was knowing that there really was no other viable alternative.

Attorney Coughlin stated additionally, since the original submission of his application there was additional information provided that he, Randy and the applicant were aware of with the updated federal tax legislation, any and all tax incentives related to solar development have been stripped away making this year show time or no time for a lot of projects.

Mr. Moore stated it would be a \$11,000 swing if he doesn't have his project completed by December 31st.



Total system would be \$14,000.00. He is not sure 115% of his current usage. He added panel efficiencies decrease over time.

Attorney Coughlin advised with the circumstances here, and the hardship use variance test, once we convert to the formal meeting, after hearing Mr. Moore out as it relates to the four-part test and deciding on the application. Attorney Coughlin stated the address is 151 Pearl Avenue. Just north of Summit Street.

Mr. Slota said the company you contract with is going to be here in 20 years, (realistically the panels only last 10-12 years) to dismantle the panels

Attorney Coughlin advised that he and Randy discussed this with the applicant and he informed them that he intentionally chose a local company that has been around for a long time, not one of the ones that sprung up on grant money. Mr. Moore confirmed.

Attorney Coughlin explained the hardship use variance test is a slightly altered use variance test that the Board is used to, but it similarly needs to meet all four points.

Attorney Coughlin stated there are no other projects that have come up; the moratorium appears to have swayed others folks from applying or they are waiting until next year.

Attorney Coughlin provided clarification to the Board that the meeting was already called to order because the Village did not advertise this as a hybrid work session/ regular meeting so we didn't have to wait twenty minutes to convert to a regular meeting.

PRIVILEGE OF THE FLOOR

Chairman Mazanek opened the privilege of the floor. There were no attendees at the meeting who wished to speak, therefore, Chairman Mazanek closed the privilege of the floor.

MINUTES

A motion to approve the minutes of the June 16, 2025 regular meeting was made by Mr. Sas and seconded by Mr. Slota. The motion carried with all present voting in the affirmative.

NEW BUSINESS

151 Pearl Avenue – Stephan Moore

Public Hearing

Hardship Waiver Application – Ground Mount Solar Project

Chairman Mazanek opened the public hearing for the ground mount solar project.

Attorney Coughlin added at 151 Pearl Avenue.

Stephan Moore stated he resides at 151 Pearl Avenue.

Mr. Sas confirmed the Board had not seen an application or drawings in print just the application discussed earlier in the meeting.

Mr. Moore stated under the current moratorium he wouldn't be able to install what he started and mildly



invested in. He didn't want to start something he wasn't able to finish. Before he signed anything it was clear to him that they would qualify and make it under the current code. After he made investment with the survey and the down payment for the solar site people came out took measurements and tested the ground for applicability then the moratorium was passed. He came to the Village Board meeting where the moratorium was passed and he put the brakes on his project and started the hardship variance. With the December 31st tax code change, it makes his project not financially feasible at that point. Without the \$11,000 credit the rate on the return would not make it worth it to move forward.

Attorney Coughlin said it would be helpful to the Board to give the exact dollar figures on what the long-term savings would be for him, what else he could do with the property and the money he has already spent.

Mr. Moore explained. So far, he has invested a little over \$2,000 which he wouldn't be able to recover. The property it would be on is dead property. It wouldn't be able to be used for anything else. It is off the side of the driveway in a back corner of a property. It is a perfect place to put something whether it is a solar array or a shed. Moneywise the total bill, when it's all said and done, would be about \$41,000.00. \$11,000 would come back to him as tax credits on taxes from the federal government and \$5,000 from New York State so he would be recovering \$16,000 on that investment and the rest would be paid off over time. It would cost him about \$250.00 a month to pay over time. His electric bill is about \$260 a month. So, he would be essentially paying his electric bill by a loan through New York State through a solar program that New York State runs which offers low interest loans.

Mr. Moore confirmed he is willing to fence the property is in.

Mr. Moore said there is a house on the other side of this. He stated they were the first people he contacted when he hatched this idea and they were totally fine with it. The neighbors could definitely see it but they talked about putting a fence up for their dog. They would be most visibly impacted by it.

He explained there were two arrays. The one was 10 feet and the other may have been 12. The Endicott company was 12 feet and the one he was seeking in Ithaca was 10 feet. The footprint would be 16 panels at 3 feet wide so 49 feet long. It would be tied to his house. It would be 120 x 127. It would be within the normal setbacks; the 5-foot setback or more from their house. There will be no security fencing. The panels are stationary; they don't move with the sun.

Attorney Coughlin added the lot is .12 acres, but once it is combined with the other two it would be .36. The lot where the panel would go is 155 Pearl.

Mr. Moore explained NYSEG would put a line underground on the backside of his property into his basement and tied directly into the panel. And he would need final approval from NYSEG.

Mr. Moore showed the Board and Attorney Coughlin a map of the property. He informed the Board that he talked to all of the neighbors in the area.

Attorney Coughlin said the Board has discussed and began review of the reasonable return, the self-created parts of the test. The hardship being unique to the property. Does the Board have any questions as to that?

Mr. Sas responded only a shed or possibly a gazebo could be put there.

Mr. Moore stated his property is unique compared to other people. He doesn't know many people that have three conjoined lots that would have that space to use. Aside from the applicants from Deyo Hill Road.



There are not a lot of space in the Village someone could do this.

Attorney Coughlin stated the additional part of the test about the use if granted would not alter the character of the neighborhood. Does anyone have any questions for the applicant regarding that?

Chairman Mazanek said it is a unique structure but does not think it will alter the character any more than putting up a shed or someone putting solar on the roof.

Attorney Coughlin added the roof panels are designed to fit in. Part of the differences are the ground mount systems are not commonly what you see in people's backyards. People think of them in an industrial capacity.

There were no further questions.

Chairman Mazanek closed the public hearing.

Attorney Coughlin reviewed the hardship use variance test.

- That the alleged hardship has not been self-created.

The Board agreed that no due to the uniqueness of the timing of the moratorium and where Mr. Moore was at in his application.

- That the alleged hardship to the property in question is unique and does not apply to a substantial portion of the district or neighborhood

Attorney Coughlin advised the Board the factors to consider for this portion of the test are if the applicant had talked about the roof situation and that won't work for building code. Not a lot of folks on the northside own multiple lots. There are certain areas on the northside where there are wider or tiered backyards and there are areas where people could do something similar without having multiple lots but having multiple lots is certainly a differentiating factor.

Certainly, on the lower northside where the lots are a little more postage stamp sized you could say the upper parts are unique although somewhat similar, but with the pitch of the roof factored with the size of the lot could be unique.

The Board agreed it is unique.

- That the requested use variance if granted will not alter the essential character of the neighborhood

Mr. Sas said people have a lot of different things whether it is a pool or a shed so each of those didn't change the essential character of the neighborhood, so he would say it does not alter the essential character of the neighborhood.

The Board agreed.

- The Board would need to make a determination that the applicant cannot realize a reasonable return provided the lack of return is substantial as demonstrated by competent financial evidence.



Attorney Coughlin advised the Board of the factors to consider. Specifically, if it is denied or can't be built in time, he loses the \$2,000 invested and he loses out on the federal tax credit. He went on to explain that the dollars and cents return would be difficult, the Board would need to feel comfortable that the house becomes no longer a worthwhile investment without the solar panels. With this factor you have to consider the entire impact to the property not just the impact of the solar situation.

Mr. Moore confirmed the \$2,100 he has spent and the \$11,000 in federal credits. He bought the house about ten years ago.

Attorney Coughlin said we do not know what the Village Board will decide on the solar regulation changes. He advised the case law generally says that it needs to cost money; a negative investment and proportionate to the overall investment. If he hadn't started the process before the moratorium, it would be self-created and likely an absolute no.

Mr. Moore said he has paid \$1,100 for the survey and \$1,000 for the down payment on the contract.

Attorney Coughlin questioned if the Village Board approved to allow these after the moratorium is done or when that was finalized and New York found money and it is viable there, is the down payment still good for you in the future.

Mr. Moore said it is for work already done for coming out doing measurements, taking solar radiation measurements and sending a crew out to pound posts to make sure they could pound posts, placing stakes in the ground. He would have to save the stake location. If they felt like they had to send a crew out again because it's been too long so they would do it over again.

Attorney Coughlin said the Village Board's plan is to talk about the moratorium and corner stores very soon. They wanted to shoot for an introduction in October for the new build season.

Mr. Moore confirmed they are looking at the return on the investment is looking at the entire property, not just on the solar panels. If he were able to build it at the size quoted. In twelve years, he wouldn't be paying the electricity bill for the foreseeable future. He had much different numbers from Cornell than the Board heard. They said as far as lifespan, the panels and equipment are all warranted for 25 years at a 90-95% productivity. They are said to go until 40, but they are guaranteed for 25 years.

Mr. Brown asked if the Board could hold it over.

Mr. Moore advised that building install time for the Ithaca Company is unknown because they are very busy right now.

Chairman Mazanek said he doesn't see anything else other than to deny. Mr. Brown said instead of denying if they can hold it over and wait on the moratorium.

Attorney Coughlin stated ultimately what that would do is functionally put an approval time for October or November and that would not work with construction based on ground freeze. The only other benefit of holding it over would be if there is anything to find regarding the reasonable return factor. If they want time to consider that factor further or for him to research it more that would be the only benefit of a hold over.

Mr. Moore said he has an old neighbor in Owego that has one that was done by the same company that he could take a picture of.



Attorney Coughlin advised moratoriums are set up so there is no presumptive grandfathering unless someone has gone all the way to the building permit stage.

Attorney Coughlin asked if Mr. Moore could send a picture of his old neighbor's solar project as part of his application.

Mr. Sas said if he spent \$2,500 on a well-insulated sliding glass door, the property value would increase because of that, if he put in top quality window replacements, the property value would increase because of that.

Attorney Coughlin asked if Renovus has any information regarding the increased value to Mr. Moore's house by the installation of the system?

Mr. Moore responded he thinks that information is in the packet they sent him.

Mr. Brown asked if that would be for next month's meeting or if the Board would do another special meeting.

Attorney Coughlin recommended that they take time to figure the information out and the information is put together in time then the Board could schedule a special meeting based on construction concerns. You have historically held special meetings for similar situations like the mall project.

Mr. Sas said the special meeting will be quick since we only have the one question. He moves that we hold it over. Mr. Brown agreed.

Mr. Shear stated that will allow him the proper time to get us the information and give us time to do the research we want to do.

Motion to hold over the hardship use variance for 151 Pearl Avenue was made by Mr. Sas and seconded by Mr. Slota. The motion carried with all present voting in the affirmative.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Sas. The motion passed with all those present voting in the affirmative.

The meeting was adjourned at 7:30 pm.

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

