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Town of New Lebanon
PO Box 328
New Lebanon, New York 12125
Phone: 518.794.8884 | Fax: 518.794.9694
Email: BuildingDept@townofnewlebanon.com

35 - APP fee
25 - Public Notice
Reimb. fee
\$60

ZONING BOARD OF APPEALS APPLICATION

Application No. (office use only): _____

SITE INFORMATION

Site Location (911 Address): 103 Cemetery Rd Nearest Crossroad: W Hill Rd.
Tax Map No.: 19-1-10 Zoning District: RA2

PROPERTY OWNER & APPLICANT INFORMATION

Property Owner Name: Philipp C. Rathgeb Phone: 908 403 5929
Mailing Address: 103 Cemetery Rd, New Lebanon, NY 12125
Email: gowest80@gmail.com
Applicant Name (if different from Property Owner): _____ Phone: _____
Mailing Address: _____
Email: _____

SURVEYOR INFORMATION (if applicable)

Surveyor Name: _____ License No.: _____
Mailing Address: _____
Email: _____ Phone: _____

ENGINEER / ARCHITECT INFORMATION (if applicable)

Name: _____ License No.: _____
Company Name & Address: _____
Email: _____ Phone: _____

PURPOSE OF APPLICATION (check ONE; a separate application is required for each request)

- Appeal Zoning Enforcement Officer (ZEO) Permit Denial (complete Section A - Appeal / Interpretation)
- Appeal: Interpretation of Zoning Ordinance or Zoning Classification Boundary (complete Section A - Appeal / Interpretation)
- Area Variance (complete Section B - Area Variance and attach SEQR forms)
- Use Variance (complete Section C - Use Variance and attach SEQR forms)
- Special Permit for _____ (identify use) (attach SEQR forms and drawings and provide a detailed narrative showing compliance with relevant requirements of Zoning Ordinance 205-13 B and E; also see General Instructions.)

For an appeal or variance request, only complete and submit the section (A, B or C) pertaining to the relief you are requesting.

GENERAL PROJECT INFORMATION

Project Use/Description: Installation of a ground mounted solar panel array

The project occurring within 500 feet of (Check all that may apply):

- A municipal Boundary
- County or State Park or recreation either existing or proposed
- State or County road or right-of-way, either existing or proposed
- State or County owned building or institution
- Stream or drainage channel owned by the County or for which channel lines have been established
- Active farm operation within a County Defined Agricultural District

SECTION B - APPLICATION FOR AREA VARIANCE

Applicant Name: Philipp C. Rathgeb

Date: 10/2/2024

Identify and describe by section number of the Zoning Ordinance requirement(s) from which you seek relief: 205-7 area and bulk regulations, 205 attachment 1, RA-2, min. sideyard setback: I only have 34' instead of the required 50'.

Provide the names and addresses of owners of all property within 100 feet of your property and within 100 feet of any road frontage that is directly opposite your property's road frontage. The list shall also contain the Town of New Lebanon current tax map numbers for each parcel. (The Building Department Clerk can assist you with this.) Attach additional pages as required.

- Shaker View Farm LLC, A. Jacobs, 81 N 5th St, Columbus, OH 43215 19-1-11.1 + 19-1-12
- Haren M Benzie, 87 Cemetery Rd, New Lebanon, NY 12125 19-1-8
- Wouter Schmit Jongbloed, 74 3rd Pl Apt. 11231 Brooklyn, NY 11231 19-1-5.111
- Julia Freatman Bell, 74 3rd Pl Apt. 11231, Brooklyn, NY 11231 19-1-5.111

Attach a drawing showing all features that are relevant to the variance you are seeking, such as the location of the structure or use in question, and the adjoining properties, roads, etc..

To grant an Area Variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the five Area Variance Standards listed below. Please provide responses to each of the five Area Variance Standards. Attach additional pages as required.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

The solar panel array will be mostly hidden from line of sight from other properties as it's surrounded by trees.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance? Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

There are limited places on my property with sufficient exposure to sun. The proposed location was deemed the best by the solar company. Moving the location further north and east would require the removal of a huge pine tree and a built out patio with fire place.

3. Whether the requested area variance is substantial.

The requested area variance is to place the solar array 34' from the property line instead of 50'. The property line is to parcel 19.-1-9 which is owned by me.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

no

5. Whether the alleged difficulty was self-created.

The situation was created by finding the best location for a ground mounted solar panel array.

I certify that the statements herein contained are true to the best of my knowledge and belief and I have prepared and submitted all pages of this application. By signing this application, the undersigned does hereby grant permission to members of the Town of New Lebanon Zoning Board of Appeals and Building Department to enter upon my property for the purpose of examining same by reason of an application now pending before said Board.

Signature of Property Owner Nancy L Date: 10/2/2024

Signature of Applicant Nancy L Date: 10/2/2024

Fees: Appeals to ZBA (incl. interpretations, use variance, and area variance applications) can be found under the zoning section of the Town's Fee Schedule located here:
<https://secureservercdn.net/198.71.233.235/482.ab5.myftpupload.com/wp-content/uploads/2021/03/Updated-fee-Schedule-12.8.20.pdf>

A DECISION DOCUMENT BY THE ZONING BOARD OF APPEALS AND A BUILDING PERMIT APPLICATION (IF APPLICABLE) MUST BE SUBMITTED AND OBTAINED BEFORE BEGINNING ANY CONSTRUCTION OR OCCUPANCY.

Office Review – office use only

Date Received: _____ Application No: _____

Zoning Classification: _____

Fee Paid: \$ _____ Date: _____ Check No.: _____

Receipt No.: _____

Was Application complete when received? Yes ___ No ___

If No: Date Application was complete _____

Date of meeting when Application will be first reviewed by ZBA _____

Referred to: Planning Board on _____ County Planning Board on _____

Clerk Signature: _____ Date: _____

Invoice

THE COLUMBIA PAPER

Invoice number C9870E60-0008
Date of issue October 9, 2024
Date due October 16, 2024
Check payable to: Columbia Paper

THE COLUMBIA PAPER
11 Augusta Court
Clifton Park, New York 12065
United States
+1 518-859-6353

Bill to
pzclerk@townofnewlebanon.com

\$21.87 USD due October 16, 2024

[Pay online](#)

Confirmation Id: ceae086a

Description	Qty	Unit price	Amount
Publication date: 10/17/2024	1	\$21.87	\$21.87
Subtotal			\$21.87
Total			\$21.87
Amount due			\$21.87 USD

Check payable to:Columbia Paper

Click this link for Ad copy:

https://qacmainstorage.blob.core.windows.net/notices/NY/Columbia_Paper/Columbia_County/Publicnotice_COLUMBI_ceae086a.pdf

Ad Text:

COLUMBIA COUNTY PUBLIC NOTICE LEGAL NOTICE PUBLIC HEARING TOWN OF NEW LEBANON COLUMBIA COUNTY NOTICE IS HEREBY GIVEN that the Town of New Lebanon Zoning Board will be holding a Public Hearing on behalf of Philipp C. Rathgeb for a request for a westerly side setback area variance to install a ground mount solar array. The property is located at 103 Cemetery Road, in the Town of New Lebanon. The Public Hearing will take place on Tuesday, November 5, 2024, 7 00 P.M. at the Town of New Lebanon Meeting Hall; 14755 State Route 22n. More information is available by contacting the Planning Zoning Clerk on her normal business hours. Cissy Hernandez Town of New Lebanon Planning Zoning Clerk October 9, 2024

25.00



Town of New Lebanon
PO Box 328
New Lebanon, New York 12125
Phone: 518.794.8884
Email: BuildingDept@townofnewlebanon.com

RECEIVED
SEP 24 2024
NEW LEBANON BUILDING DEPT

ZONING REVIEW/VERIFICATION APPLICATION (Step 1 of 2)

Application (office use only) No: BP-2024-114

SITE INFORMATION

Site Location (911 Address): 103 Cemetery Rd, New Lebanon Ny 12125 Nearest Crossroad: _____
Tax Map No.: 19.1-10 Zoning District: RA2

APPLICANT INFORMATION

Applicant Name: SunCommon/Mitch Warman
Mailing Address: 881 NY-28, Kingston Ny 12401
Email: hv.rpm@suncommon.com Phone: 845-372-9401
Applicant's Agent/Professional: Same as Above
Agent Phone: 845-372-9401 Agent Email: hv.rpm@suncommon.com

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

Owner Name: Phillipp Rathgeb
Mailing Address: 103 Cemetery Rd, New Lebanon, Ny 12125
Email: gowest80@gmail.com Phone: 908-403-5949
Owner's Agent/Professional: SunCommon/Mitch Warman Phone: 845-372-9401

NATURE OF PROPOSED WORK (check all that apply)

- New Structure Additions/Decks/Accessory Structures Interior/Exterior Remodel Change of Tenant Change of Use Other

Project Use/Description: Ground Mounted Solar Array
Example: Request to establish (fill in the blank – such as Office Space Use, Retail Use, Restaurant Use, Auto Repair Use) use at unit #123 (at Mall Name if applicable) or Request for Modification of Space for (fill in the blank)

1) Please attach a detailed narrative explaining the details of the proposed use, including proposed tenant, any anticipated changes to the space or floor plans, accommodations necessary for water, sewer, parking, etc.

2) If your proposal changes the exterior footprint in any way, please include a sketch of the property including existing structures, approximate well and septic locations and the proposed new structure/addition. Dimensions must be provided from the proposed change in the building to the front, rear and side property lines. The front setback should be measured from the center of the traveled portion of the road.

AREA & BULK REGULATIONS SCHEDULE 1

Height: 11 ft Width: 12ft 10 in Length: 34 ft 6 in Lot Size: 1.50 # of Stories: _____

RA1, 2 & 5 Districts: For Principle Buildings, what is the building coverage (Footprint) in sq. ft. _____
Comm/C-rec/C-R Districts: For Principle Buildings, what is the percent of Lot Coverage : _____

I certify that the statements herein contained are true to the best of my knowledge and belief and I have prepared and submitted all pages of this application

Signature of Property Owner Please see attached auth Date: _____
Signature of Applicant Mitch Warman Date: 9/17/24

Fees: Zoning Permit Fee please refer to Town Fee Schedule:
<https://secureservercdn.net/198.71.233.235/482.ab5.myftpupload.com/wp-content/uploads/2021/03/Updated-fee-Schedule-12.8.20.pdf>

Zoning Officer Review – Office Use Only

Date Received: 9/27/24 Application No: _____

Zoning Approval is authorized. Application referred to the CEO for issuance of a building and zoning permit

Zoning Permit Issued & does not need to be referred to the CEO

Application Denied Referred to ZBA Case # _____ Referred to PB Case # _____

Reason for denial:

Area Variance Approval Required for ground mount solar display structure
Required side setback 50 ft Proposed side setback 34'

If denied, you may appeal the denial to the Zoning Board of Appeals by filing a written appeal on the form available from the Planning & Zoning Clerk within sixty days after the date of the denial, specifying the grounds thereof and the relief sought.

ZBA Approved PB Approved: Special Conditions: Case No # _____ Decision document Dated _____

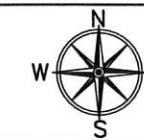
Zoning Officer Signature: _____ Date: _____

<u>Fees</u>
Date: _____
Zoning Review Fee: _____
Ck No: _____
Receipt No: _____

DRAWING LIST	
PV-01	TITLE SHEET
PV-02	SITE PLAN
PV-03	ARRAY LAYOUT
PV-04	ELECTRICAL DRAWING
PV-05	STORAGE DETAILS

DESIGN CRITERIA	
WIND SPEED (MPH):	115
EXPOSURE CATEGORY:	B
GROUND SNOW LOAD (PSF):	40
ASCE Code:	7-10

SCALE: 1" = 25'



SCOPE OF WORK

ARRAY(S): INSTALLATION OF GROUND-MOUNTED PV ARRAY NORTH OF HOUSE.

CONDUIT RUNS: DC TRENCH TO RUN SOUTH FROM GM PV ARRAY, ACROSS DRIVEWAY, TO NORTH GARAGE WALL (APPROX. 50' TOTAL). DC TO EXIT TRENCH, ENTER GARAGE, AND RUN TO PV EQUIPMENT + POWERWALL LOCATION ON INTERIOR EAST GARAGE WALL. AC FROM INVERTERS + POWERWALL TO EXIT SOUTH GARAGE WALL, RUN EAST ALONG SOUTH WALL, WRAP TO EAST HOUSE WALL, AND RUN TO TESLA BACKUP GATEWAY LOCATION ON EXTERIOR EAST WALL. LOW VOLTAGE WIRE TO RUN FROM POWERWALL OUT SOUTH GARAGE WALL FOR ENERGY STORAGE SYSTEM (ESS) SHUTDOWN SWITCH.

ELECTRICAL EQUIPMENT: (1) DC DISCONNECT (PV RAPID SHUTDOWN INITIATION DEVICE) ON BACK OF GM PV ARRAY. (2) INVERTERS, (2) AC DISCONNECTS AND (1) POWERWALL3 ON EAST INTERIOR GARAGE WALL. ESS SHUTDOWN SWITCH ON EXTERIOR SOUTH WALL. TESLA BACKUP GATEWAY, ISOLATED LOADS PANEL, AND AC DISCONNECT ON EAST EXTERIOR HOUSE WALL, ADJACENT TO UTILITY METER.

INTERCONNECTION: FULL PV SYSTEM IS TOO LARGE FOR A SINGLE POWERWALL; SPLIT INTERCONNECTION REQUIRED. LAND (1) INVERTER OUTPUT AND POWERWALL OUTPUT ON INTERNAL BUS BAR OF BACKUP GATEWAY. INTERCONNECT SECOND INVERTER OUTPUT VIA LINE SIDE TAP IN BACKUP GATEWAY. REWIRE EXISTING MAIN SERVICE PANEL AS BACKED UP LOADS PANEL, FED FROM BACKUP GATEWAY. INSTALL NEW ISOLATED LOADS PANEL, FED FROM ISOLATED LUGS IN BACKUP GATEWAY. RELOCATE LOAD BREAKERS TO ISOLATED LOADS PANEL AS NEEDED.

Customer Signature:

It is a violation of New York State Education Law Article 145 for any person, unless acting under the direct supervision of a licensed professional engineer, to alter this drawing in any way.

APPLICABLE CODES

CONTRACTOR TO COMPLETE ALL WORK IN ACCORDANCE WITH 2020 RESIDENTIAL CODE OF NEW YORK STATE

CONTRACTOR TO ENSURE THAT THE ENERGY STORAGE SYSTEM IS INSTALLED IN COMPLIANCE WITH SECTION R327 OF THE 2020 RESIDENTIAL CODE OF NEW YORK STATE, AND, IF APPLICABLE, SECTION 1206 OF THE 2020 FIRE CODE OF NEW YORK STATE.

RECEIVED
SEP 24 2024
NEW LEBANON BUILDING DEPT

REVISION	DESCRIPTION	DESIGNED BY	DATE
0	Original	PSC	07/18/2024



TITLE PAGE

REV-0	PSC
PV-01	
1 of 5	



suncommon

SUNCOMMON CONFIDENTIAL AND PROPRIETARY

SUNCOMMON
1155 FLATBUSH ROAD
KINGSTON, NEW YORK 12401
(866) 452-7652

Rathgeb, Philipp
103 Cemetery Rd.
New Lebanon, NY 12125
Town of New Lebanon
Columbia County
(908) 403-5929

ZONING DETAILS

PARCEL ID:	19.1-10
ZONING CODE:	RA2 -
REQUIRED SETBACKS:	Front: N/A, Side: 50', Rear: 50'
ACTUAL SETBACKS:	Front: 151', Side: 34'/124', Rear: 171'

UTILITY DETAILS

UTILITY:	NYSEG
SERVICE TYPE:	Overhead
SERVICE SIZE:	200A
METER #:	38 934 009

PV SYSTEM DETAILS

DC SYSTEM SIZE (kWp):	10.90
AC SYSTEM SIZE (kW/kVA):	10.00
(QTY)MODULE:	(20)Longi LR5-72HBD 545
(QTY) INVERTER:	(2)Solis-1P5K-4G-US

ENERGY STORAGE SYSTEM DETAILS

(QTY) BATTERY MODEL:	(1) TESLA POWERWALL 3
TOTAL AC SYSTEM POWER(kw):	11.5
TOTAL USABLE ENERGY (kwh):	13.5