

Approved
November 28, 2016

**Town of Cambria
Zoning Board of Appeals Meeting
October 24, 2016**

The regular monthly meeting of the Zoning Board of the Town of Cambria was called to order by Michael Sieczkowski, Chairman at 7:00 PM. Everyone was welcomed to the meeting, followed by the Pledge to the Flag.

Members Present: Michael Sieczkowski, Chairman
Thomas C. Andrews
Alan Johnson
Peter Smith
Bradley Rowles

Members Absent: None

Also Present: James McCann, Building Inspector
Randy Roberts, Councilman and Liaison to the Town Board
Matt Foe, Councilman
Gary Billingsley, Attorney
William J. Amacher, Chairman Planning Board

A motion was made by Mr. Smith and seconded by Mr. Johnson to approve the Minutes for the September 26, 2016 Meeting, Unanimously approved, motion carried.

The public hearing notice was read as it appeared in the town newspaper.

Special Permit Renewal

**ZBSP-10-04-04A Dora Coolbaugh
3274 Andrews Road, Ransomville, NY 14131
SBL#77.00-1-15.22**

Ms. Coolbaugh was present at the meeting and stated that she would like to renew her Special Permit to maintain a private kennel and continue to house up to 8 dogs. Mr. McCann stated that there have been no issues with this Special permit. A motion was made by Mr. Smith and seconded by Mr. Johnson to renew this special permit for 5 more years, all in favor, motion carried.

Special Permit Renewal

ZBSP-2015-009 Janice Salerno
3101 Lower Mountain Road, Lockport, New York 14094
SBL#105.00-1-11.12

Ms. Salerno indicated in a conversation with Mr. McCann that she would not be renewing her Special Permit to maintain a private kennel for up to 4 dogs. A letter will be forthcoming from Ms. Salerno to terminate this special permit. A motion was made by Mr. Rowles and seconded by Mr. Smith to terminate this Special Permit upon receipt of the letter from Ms. Salerno, all in favor, motion carried.

Public Hearings: Use Variance
ZBUV-2016-003 Jim Rosasco
4894 Lower Mountain Rd, Lockport, New York 14094
SBL#93.00-2-36

A use variance to permit applicant to construct an 18kW ground mounted solar electric system south of applicant's residence on said premises, whereas Local Law No. 1 of the year 2013 Regulating Solar Energy Systems in the Town of Cambria requires such systems to be contained within the limits of the building roof and/or on rooftops of principal or accessory buildings in the A-R District.

Local Law No. 1 Amended in 2015 in order to address the issue of glare, and Public Hearing Notice is accordingly amended.

Mr. Rosasco was present at the meeting along with Mr. Sam Germaine from Solar Liberty Energy Systems. Mr. Rosasco would like to install 18kW ground mounted solar arrays. Due to limited roof space the ground is the only space available. Mr. Rosasco stated that he hopes to have this home for many years and future generations. It is his understanding that after 10 years the system will have paid for itself and will be supplying energy to his family. He further stated that the solar arrays will be placed facing the south side of the property, this will address the glare issue often associated with solar array. They will be facing away from neighbors at the back of property facing farmland. He plans to add landscaping in the future so they are less visible.

According to Mr. McCann New York State has raised residential solar arrays to 25kW so these are within the guidelines for residential purposes.

Public Hearing Open

Mr. Randy Roberts, 4924 Lower Mountain Rd inquired as to what happens to the extra energy that is not used. Mr. Rosasco stated that it feeds back into the grid to offset the times when the solar arrays are not producing as much energy.

Public Hearing Adjourned

Rosasco-Solar Array -continued

Further information was discussed regarding the solar arrays:

There is not enough room on the roof for solar array placement. They cannot be placed on the existing barn on Mr. Rosasco's property because it is most likely too old to hold the panels and is located 200 feet from the house. The most ideal spot for placement is on the ground behind an existing garage, roughly 15 feet from the property line. The solar arrays would be mounted on steel beams not on wood and may be divided into two sections 25 feet from East property line. The arrays are permanently tilted at a 30 degree angle to limit issues with glare. The solar array panels have a 25 year warranty

To be granted a Use Variance certain criteria must be met. It appears to the Zoning Board, that this application does not meet these criteria. Ground mounted solar arrays are not permitted in the Town of Cambria in the Agricultural-Residential Zone. The Town of Cambria encourages and supports residents efforts for a greener existence, however current laws prohibit ground mounted solar arrays.

Mr. Rosasco felt that at this time it would be in his best interest to voluntarily withdraw his application for solar arrays. A motion was made by Mr. Rowles and seconded by Mr. Johnson, all in favor, motion carried to allow Mr. Rosasco to withdraw his application at this time.

Old Business:

Area Variance ZBAV-2016-005
Mark and Mary Jane Fremont
204 Hinds Street, Tonawanda, New York 14150
Relating to 5012 Baer Road, Sanborn, New York 14132
SBL # 105.00-1-90

Mr. and Mrs. Fremont would like to obtain an Area Variance to permit construction of a residence on their property located at 5012 Baer Road. This parcel is currently the subject of a subdivision application for a division into two (2) parcels to be used for residential purposes which application is currently in the process of being considered by the Town of Cambria Planning Board. This division requires approval because the parcel contains 66 feet frontage, whereas the Zoning Ordinance does not permit construction of a residence upon a parcel containing less than 150 feet of frontage.

Mr. and Mrs. Fremont were present at the meeting with their Lawyer Mr. Joseph Gannon. Mr. McCann explained that the survey completed by the Brook's family, matched the two surveys Mr. and Mrs. Fremont had their surveyor complete. When comparing the surveys it is clear they have been completed independently. In both surveys there is the 66

Old Business: Fremont-Area Variance Continued

foot right of way, fenced pond with only minor differences that show that each was done independently. If Mr. and Mrs. Fremont obtain subdivision approval to divide their 12 acre parcel into 2 lots, the 5 acre lot with the renovated church will be for their son, and the second, 7 acre lot will be for their proposed residence. Both deeds should reflect the shared driveway.

The public hearing had already been held, but several members of the board wished to discuss issues relating to this area variance. Mr. Andrews was concerned about what will happen with this property in the future, he is concerned that this may create a "can of worms" in the future. It was also suggested that a road be constructed rather than the shared driveway. Having a road would be too great an expense. In addition the trucks that would need to plow snow would not have an area in which to turn around.

A motion was made by Mr. Smith and seconded by Mr. Johnson to grant an area variance for two residences, to permit applicant to construct one house on the proposed 7 Acre parcel and to permit renovated church to be used as a residence on proposed 5 Acre parcel. This variance is conditional on the Planning Board granting subdivision approval. Accessory buildings as allowed by Zoning Ordinances shall be permitted. No additional subdivision or development of said parcel for residential purposes is permitted.

Jeff Rodger ZBAV-2016-008**Kelly Strade-Crowley-ZBAV-2016-009**

No action taken at this meeting, the Planning Board will be acting as lead agent.

New Business: Nothing at this time

Reports:

Chairman-Nothing at this time

Building Inspector- Nothing at this time.

Attorney- Mr. Billingsley stated that the Town Board is working on final revisions for the Zoning Board Ordinances. These changes include a new definition for Agri-Business, New Permitted Uses in the A-R District with site plan review by the Planning Board. Those interested may wish to attend a Public Hearing on November 10, 2016.

Board Members- Nothing at this time.

The next meeting of the Zoning Board of Appeals will take place November 28, 2016 at 7:00PM.

A motion was made by Mr. Smith and seconded by Mr. Johnson to adjourn the meeting at 8:02PM.

Respectfully Submitted by
Melinda Olick