

Approved  
December 19, 2016

**Town of Cambria  
Zoning Board of Appeals Meeting  
November 28, 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  
Bradley Rowles

**Members Absent:** Alan Johnson  
Peter Smith

**Also Present:** Randy Roberts, Councilman and Liaison to the Town Board  
Matt Foe, Councilman  
Gary Billingsley, Attorney

A motion was made by Mr. Rowles and seconded by Mr. Andrews to approve the Minutes for the October 24, 2016 Meeting, Unanimously approved, motion carried.

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

**Special Permit Renewal**

**ZBSP-10-01-01      Community Bible Church  
4424 Upper Mountain Rd, Lockport, NY 14094  
SBL#107.00-1-69**

Mr. Josh Coney and Mr. Dave Winquist were present at the meeting representing Community Bible Church. They stated that the Community Bible Church would like to renew its Special Permit. They are continuing to work on the church; they are working on the south wing. They stated that no changes are needed, and they would like to renew the permit for 5 years.

A motion was made by Mr. Rowles and seconded by Mr. Andrews to renew this special permit for 5 more years, all in favor, motion carried.

**Special Permit Renewal**

**ZBSP-10-30-00B      Donald DeMaison  
3617 Lower Mountain Rd, Sanborn, NY 14132  
SBL# 105.00-2-22**

Mr. DeMaison sent a letter dated November 28, 2016 indicating that the business has been terminated this Special Permit is no longer required.

A motion was made by Mr. Andrews and seconded by Mr. Rowles to allow this Special Permit to expire and not be renewed, all in favor, motion carried.

**Special Permit Renewal**

**ZBSP-08-31-98C    Thomas-Sally Reed**  
**5262 Cambria Rd, Sanborn, NY 14132**  
**SBL# 106.00-1-65**

Mr. and Mrs. Reed were not present at the meeting, the Board was not clear if the Reed's intended to renew their special permit for their tent rental business.

A motion was made by Mr. Andrews and seconded by Mr. Rowles to table this discussion until further information can be obtained about renewing this special permit, 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 sent an e-mail to the Building Inspector indicating that she would not be renewing her Special Permit to maintain a private kennel for up to 4 dogs to terminate this special permit. A motion was made by Mr. Rowles and seconded by Mr. Andrews to terminate this Special Permit upon receipt of the letter from Ms. Salerno, all in favor, motion carried.

**New Business**

**Public Hearings:    Use Variance**  
**ZBUV-2016-004    Erich Donato**  
**5071 Lower Mountain Rd, Lockport, New York 14094**  
**SBL#93.00-2-11.2**

A use variance to permit applicant to construct two (2) single axis tracking pole mount solar panel arrays upon said premises, whereas Local Law No. 1 of the year 2015 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, and not ground mounted.

Mr. Donato was present at the meeting along with representatives from Buffalo Solar Solutions. Mr. Donato would like to install ground mounted solar arrays on poles at the rear of his house. The proposed solar array would consist of 30 panels. Each pole would contain 15 panels, they would face south at an 11 degree pitch. Issues with glare would be reduced due to the location and pitch. The proposed arrays would be located 35 feet south of north lot line. The arrays cannot be placed on his roof due to dormers on the roof.

**Public Hearing Open        No Comments from the public**

**Public Hearing Closed**

**Donato-Solar Array -continued**

Further information was discussed regarding the solar arrays:

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. Donato felt that at this time it would be in his best interest to voluntarily table his application for solar arrays and seek legal counsel. A motion was made by Mr. Rowles and seconded by Mr. Andrews, all in favor, motion carried to allow Mr. Donato to table his application for one month.

**Public Hearing:**

**Area Variance           ZBAV-2016-010**  
**Laura Huffman- Tom Gworek**  
**3453 Upper Mountain Rd, Sanborn, NY 14132**  
**SBL # 105.00-1-32.122**

An area variance to permit applicants to construct an accessory building with dimensions of 30 feet by 30 feet upon said premises containing a residence with dimensions of 894 square feet within approximately 24 feet of the east side lot line, whereas the Zoning Ordinance does not permit construction of an accessory building that exceeds the square footage of a residence upon said premises, nor closer to the east side lot line than 45 feet. Please note the correct square footage for the first floor of the residence is 894 square feet rather than 896 square feet as previously stated.

Ms. Huffman and Mr. Gworek were present at the meeting and stated they would like to build a 30 foot by 30 foot pole building. The building would be used to store and work on classic cars. Due to the location of the property on the escarpment the proposed location of the building is 24 feet from the road and parallel with their existing house, applicants require site plan review by this Board. Their proposed contractor has suggested placing the posts for the pole barn, then building a 6 foot retaining wall. This area would then need to be back filled in an effort to even out the grade prior to construction. Mr. Billingsley stated that due to the location of this property in the escarpment district there are many restrictions on what can and cannot be done. The Town Engineer will need to be involved and additional topographical information will probably be needed before the board can further discuss this issue. In addition it appears that this property is located in the flood plain.

**Public Hearing Open**

Mrs. Rosa Margevich, 5050 Baer Road, Sanborn, New York 14132, has lived in her home since 1961; does not like the idea of such a large building blocking her view. She feels that such a building would be the wrong look for the Town of Cambria. The Margevich family does not want a building blocking their mothers view. Mrs. Margevich son Martin Margevich was also present at the meeting and stated that he built the home that is now owned by Ms. Huffman and Mr. Gworek, he stated that there are large boulders where the proposed pole barn would be erected, and other fill was placed there when the road was widened several years ago. The Margevich family wanted to voice their opinion, and be understood that Mrs. Margevich home is her special nook and to please stick to the Zoning guidelines and don't change her special place and block her view.

Mr. Craig J. Forsey, 5020 Baer Road, Sanborn, New York, 14132, asked to see the site plan, where the proposed building would be placed and what type of fill would be used to bring the proposed site up to grade.

**Public Hearing Closed**

A motion was made by Mr. Rowles and seconded by Mr. Andrews to table this discussion until further notice, all in favor, motion carried. Board was asked to please note that the square footage of the first floor of the Huffman-Gworek residence is 894 square feet.

**Old Business:**

**ZBAV-2016-008     Jeff Rodger**  
**4772 Ridge Road, Lockport, NY 14094**  
**SBL# 79.00-1-20.1**

Area variance and special permit to construct a10kw residential wind turbine.

**ZBAV-2016-009     Kelly Strade-Crowley**  
**4453 Green Rd, Lockport, NY 14094**  
**SBL# 93.00-1-1.1**

Area variance and special permit to construct a10kw residential wind turbine.

Tyler Palmer of 2726 Angling Road, Medina, New York was present at the meeting to answer questions for both wind turbine applicants.

Jamie Johnson, from Wendel Engineering, Engineer for the Town of Cambria was present at the meeting and stated in a Memo dated November 21, 2016 the following:

1. Wendel has completed Parts 2 and 3 of the two Long Form EAFs on behalf of the Town of Cambria Planning Board (Lead Agency). For both locations it has been determined that the project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, it is recommended that a negative declaration be issued.

2. It is understood that the operational noise level of the wind turbine exceeds the Town's Audible Noise Standard; 52.1 dB(A) vs. 50.0dB(A). However, given the distance between the turbines and nearby residences and/or structures, we recommend exception to the Audible Noise Standard be granted.
3. The applicants shall verify that lighting in accordance with the Memorandum provided by Mercy Flight will be provided for both wind turbine sites.
4. For the Green Road site, applicant shall provide a letter from the adjacent air strip owner to verify their concurrence with the project, as well as to verify whether they have any specific requirements for the wind turbine in terms of lighting.

Based on their review of the revised applications, Wendel takes no objection to site plan approval for the 4453 Green Road and 4772 Ridge Road wind turbines applications, conditional upon receipt of items 3 and 4 above.

Town of Cambria Local Law No. 1 of the Year 2009, Section 3 was used in the compilation of these comments.

Mr. Billingsley explained that there was discussion regarding amending the Local Law concerning wind turbine heights over 100 feet but for now it will remain an area variance and special permit.

The board had several questions for Mr. Palmer, Mr. Andrews asked why is the height necessary on the Wind Turbines, Mr. Palmer explained that the height has been calculated and determined to be the most effective. Mr. Palmer further stated what is on the ground will have an effect on the wind turbines production.

Mr. Palmer explained decommissioning wind turbines at the end of the lease term. United Wind will take down at their cost or have someone else remove it, according to Local Law the wind turbine must be removed 6 months after it is no longer functioning.

The wind turbine lease is for 20 years; therefore the Board agreed that the special permit for both wind turbines would also be for 20 years.

Mr. Palmer stated that he will provide the Building Inspector with the information on the decommissioning of the wind turbines. He will also provide proof of insurance for United Wind.

**ZBAV-2016-008     Jeff Rodger**  
**4772 Ridge Road, Lockport, NY 14094**  
**SBL# 79.00-1-20.1**

**Public Hearing Resumed** No Comments from the public

**Public Hearing Closed**

A motion was made by Mr. Andrews and seconded by Mr. Rowles to approve this area variance, all in favor, motion carried.

**Jeff Rodger-continued**

A motion was made by Mr. Rowles and seconded by Mr. Andrews to approve the special permit with a 20 year term, with the conditions that United Wind Provide proof of insurance, information on decommissioning the wind turbines and provide verification that lighting is in accordance with Mercy Flight Memorandum, all in favor, motion carried.

**ZBAV-2016-009 Kelly Strade-Crowley**  
**4453 Green Rd, Lockport, NY 14094**  
**SBL# 93.00-1-1.1**

**Public Hearing Resumed** No Comments from the public

**Public Hearing Closed**

A motion was made by Mr. Andrews and seconded by Mr. Rowles to approve this area variance, all in favor, motion carried.

A motion was made by Mr. Rowles and seconded by Mr. Andrews to approve the special permit with a 20 year term, with the conditions that United Wind Provide proof of insurance, information on decommissioning of the wind turbines provides verification that lighting is in accordance with Mercy Flight Memorandum, and provide a letter from Mr. Smith owner of nearby air strip indicating that the lighting required by Mercy Flight is adequate for his air strip, all in favor, Motion carried.

Both wind turbine applicants were reminded following approval by the Zoning Board of Appeals they will need to come back to the Planning Board for Site Plan Approval.

**Reports:**

**Chairman-**Nothing at this time

**Building Inspector-** Nothing at this time.

**Attorney-** Nothing at this time.

**Board Members-** Nothing at this time.

The next meeting of the Zoning Board of Appeals will take place December 19, 2016 at 7:00PM.

A motion was made by Mr. Rowles and seconded by Mr. Andrews to adjourn the meeting at 8:26PM.

Respectfully Submitted by  
Melinda Olick