

May 19, 2014

The regular monthly meeting of the ZONING BOARD of APPEALS of the TOWN of CAMBRIA was called to order by Michael Sieczkowski, Chairman, at 8:00 P.M. He welcomed everyone to the meeting followed by the Pledge to the Flag and then announced the agenda for this evening.

Members present: Michael Sieczkowski, Chairman
Thomas Andrews, Craig Powley, Donald Robinson, Peter Smith
Also present: Matthew Foe, Councilman
Randy Roberts, Councilman and liaison to the Town Board
James McCann, Building Inspector
Gary Billingsley, Attorney

Secretary read Notice of Public Hearing as it appeared in the Lockport Union Sun and Journal to consider the following application:

(05-05-14) DONALD MANTA, 5843 Baer Road, Sanborn, New York 14132, for a **Use Variance** to permit applicant to construct a 12 kW solar array ground-mounted solar electric system to be located northeast of the residence upon 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 roof tops of principal or accessory buildings in the A-R District.

A motion was made by Mr. Robinson and seconded by Mr. Smith to approve minutes of meeting of April 28, 2014 as presented. Unanimously approved, motion carried.

PUBLIC HEARING:

(05-05-14) DONALD MANTA was present at this meeting and has submitted the following: Application for a Use Variance, Short Environmental Assessment Form, Agricultural Data Statement, sketch of subject property, and picture of two solar panels.

Mr. Manta said he would like to place 12 KW ground mounted Solar Array (50 solar panels) to be located north of existing barn approximately 200 feet from the road perpendicular to Baer Road (2 rows) 250 to 300 watts.

Public Hearing open: there were no comments from members of the public.
Public Hearing closed.

Chairman asked applicant what will power be used for and applicant replied energy will be for his home and what they don't use will go back into the grid.

Mr. Powley asked who will be doing the installation and Mr. Manta said he will be doing it himself and will have an electrician do the part to the pole.

Applicant said by having the system on the ground, can clean off the snow in the winter time. Panels are about 71 inches by 34 inches with total height of approximately 8 feet. There will be 50 panels (two rows of 25, about 50 feet long).

Mr. Andrews asked if the panels follow the sun? Will you adjust for the season monthly? How often do you adjust the panels?

Mr. Manta said they can be adjusted manually, probably about four (4) times a year.

It was asked what will be the total square feet area of the panels and Mr. Manta said about 564 square feet. They are less than 50 feet long and tall as barn and trees. Shadow does go on the barn. There will be about 150 feet from side lot line.

He said he plans to use galvanized metal instead of wood posts as shown in the picture.

Counsel asked the applicant about the four criteria issues at the bottom of the first page of the Application for a Use Variance:

1. If reasonable return can be realized from property as is? Mr. Manta said öyesö.
2. If alleged hardship is unique in the community? No answer
3. If requested change will alter character of neighborhood? Mr. Manta said this should be no detriment to the community.
4. If alleged hardship is self-created? Mr. Manta said regulations caused hardship. The panels could not be placed on the roof of his home. Cannot put solar on the roof, do not have enough space.

Mr. Manta was asked if he resides at this property and he said yes, plan to have energy-efficient electric system.

A motion was made by Mr. Robinson and seconded by Mr. Smith to declare **negative declaration under SEQR** on application of Mr. Manta to construct solar electric system. Unanimously approved, motion carried.

A motion was made by Mr. Andrews and seconded by Mr. Powley to **approve** application for Use Variance to Donald Manta, 5943 Baer Road, Sanborn, to construct a 12 kW Solar array ground-mounted solar electric system to be located northeast of the residence upon said premises. Unanimously approved, motion carried.

OLD BUSINESS: Proposed revisions in the Zoning Ordinance will be available for Planning and Zoning Boards review for the June meetings. Most of the changes are on setbacks.

Discussion on amending Zoning Ordinance pertaining to Solar Energy with proposed changes.

Building Inspector reported there has been no contact with Marc Varisco since the April meeting regarding the proposed barn to be built on property located west of 3553 Lower Mountain Road.

A motion was made by Mr. Robinson and seconded by Mr. Smith to authorize Attorney to send a letter to Mr. Varisco asking him what he plans to do regarding the Area Variance he is asking for to construct a barn, dimensions 30 feet by 80 feet, on the premises located on the west side of 3553 Lower Mountain Road within 20 feet of the west side lot line and 80 feet of the east side lot line? Unanimously approved, motion carried.

Mr. Sieczkowski said he was under the impression no building is permitted unless there is a principal building already on the property, and if a farm, has to have \$10,000.00 in income from that farm. There is no residence on the property at the present time. Can a barn be erected with five acres?

It was said Dept of Agriculture and Markets does not set standards in the town.

Customarily, ordinance does not permit an accessory building unless there is a residence on the property. Does the land have to be worked in order to be classified as a farm?

REPORTS:

Chairman and board members would like the applications to contain better information, especially, more information on the sketches, roads by name, acreage, footage from road, setbacks, and topography where necessary.

Building Inspector said he would be glad to make changes in any way, get more information from applicant and anything to help the board make decisions.

He had no report this evening.

Attorney ó no report

Board members ó no report

Mr. Roberts ó no report this evening

The next regular meeting will be Monday, June 23, at 8:00 P.M.

A motion was made by Mr. Robinson and seconded by Mr. Powley to adjourn at 8:35 P.M.

Respectfully submitted,

Marjorie E. Meahl, Rec. Secy.

Minutes approved: _____