

Town of Cambria Zoning Board Meeting Minutes

February 28, 2022

Call to order

A meeting of **Zoning Board of Appeals** was held at **Cambria Town Hall** on **February 28, 2022 @ 7:00pm**. Everyone was welcomed followed by the Pledge of allegiance.

Attendees included: Peter A. Smith, Chairman,
Thomas Andrews, Member
Harmony Retzlaff-Hurtgam, Member
Cheryl Shoop, Member
Andrew Milleville, Member
Mark March, Alternate Member
Gary Billingsley, Town Attorney
Randy Roberts, Liaison to the Town Board
Building Inspector, James McCann and Deputy Building Inspector, Matthew Cooper
Krista Brocious, Secretary Planning /Zoning Board

Members not in attendance included: Bradley Rowles, Member

Approval of minutes

Motion to approve December 20, 2021 minutes made by Mr. Andrews and seconded by Ms. Shoop, all in favor, motion carried.

New Business

DUNN, Cheri
3494 Upper Mt. Rd.

Z-SP-2022-001
SBL#119.00-2-1

Ms. Dunn was present with her daughter. She was seeking approval for a mini horse they would like to buy. Ms. Dunn explained she wants to remodel a shed into a barn for the mini horse. She is going to get a composter for the mini horses waste and a landscaping company would remove it. Her daughter has been in 4H and has been very active with it. Her goal is to train the horse for showing, driving, and eventually into a therapy horse as well.

Public hearing opened. No one spoke. Public hearing closed.

Mr. Milleville wanted to know if Ms. Dunn has spoken to her neighbors to see how they feel about it. Ms. Dunn says that her property is located on the corner of Upper Mt and Baer. She has no direct neighbors on two sides of her. The lot to the left is a very nice family and they are fine with it. There is an empty lot between them. The neighbors behind her are aware of it and fine with it also. Ms. Dunn has chickens already and the neighbor behind says he doesn't hear any of it. Mr. McCann explained that she would need another variance for the barn. Ms. Dunn stated that the shed already exists and the shed is big enough to house the mini horse. Chairman Smith inquired as to where the mini horse will be kept when not in the shed. Ms. Dunn stated that she would have a corral built. The mini horse will socialize with other mini horses that friends of theirs own. She has a fenced in area for the mini horse. Mr. Smith pointed out that the property is only

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2/3 of an acre. Ms. Dunn approached the board to show on the survey print where the shed, corral, and area for the mini horse would be.

Mr. Billingsley asked how tall the mini horse will be. Ms. Dunn explained that the tallest he will ever be is 38 1/2". The mini horse is male and there will be no breeding.

Mr. Andrews surmised that the mini horse is about the size of a Great Dane. Ms. Dunn agreed with that comparison. Ms. Dunn expressed to the board what it would mean for her daughter to have this mini horse. A friend of hers is willing to transport the mini horse with a trailer for them when needed.

Ms. Dunn confirmed that the mini horse would be confined in a corral, have his own stall and that the waste would be adequately disposed of. The corral would be a small size circle in her backyard. She's not sure on size yet. The mini horse would be contained in a fenced in area in a space that is still within her yard.

The board members and attorney discussed this matter further. Chairman Smith expressed his concern with the lack of space for this mini horse.

Motion

A motion for negative SEQR was made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam.

A motion to approve the mini horse for a year with the conditions that the mini horse be confined and the waste disposed of properly made by Mr. Andrews, seconded by Ms. Shoop Carried, all in favor, approved.

ELLIS, James
4758 Thrall Rd.

ZB-AV-2022-001
SBL#107.00-1-16.1

Mr. McMahon from Buffalo Solar and Mr. James Ellis were present. Mr. McMahon explained that Mr. Ellis would like a solar array in his yard. It would have to be in the side yard rather than the rear yard which is why the variance is needed. Mr. Ellis explained that there are 100 year old maple trees above the roof so the panels can't go there and there is an orchard to the east side of the property that prevents the arrays from going there. Mr. Ellis plans to plant more conifers to further mitigate the arrays from being visible from Thrall road. This is a residential system so it's meant to offset no greater than 110% of Mr. Ellis's energy consumption. The project is twenty six (26) 425 watt panels split into two smaller arrays.

Open public hearing. No one spoke. Public hearing closed.

Chairman Smith asked about the two panels and if they would articulate focus to the sun. Mr. McMahon clarifies that it is not a tracking system it is a fixed tilt ground mount at a 25 degree pitch faced to the south. Due to the shade they are shifting it a bit south east and adjusting the degrees to increase the solar access throughout the year.

The storm in July ripped out the lanes in the escarpment and a lot of dead Ash so the arrays cannot go on the escarpment.

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Mr. Milleville inquired as to the height of the array. Mr. McMahon states that the rear array at a 25degree tilt will be 8'3" max height.

Mr. Milleville wanted to clarify if there were any other reasons rather than visibility, the ordinance states the arrays should be in the back of the house. Mr. Billingsley said that it is to be less noticeable and farther from the road.

Mr. McMahon states that the array is 67'3" inches from the road.

Gary states that the Planning board granted approval subject to the Zoning board granting approval at this meeting.

Chairman Smith asked how tall the conifers are going to start out. Mr. Ellis said they will be 5' to start out.

Motion

A motion to approve made by Mr. Andrews (with tall enough live conifers) and seconded by Ms. Retzlaff-Hurtgam, all in favor, carried.

ZAPALOWSKI, Eric
4510 Cambria-Wilson Rd.

ZB-AV-2022-002
SBL#92.00-1-86

Mr. Zapalowski explained that he made a mistake and didn't obtain a building permit before he put up a shed. He put it in the wrong spot. He has wetlands on his property. It was built by an Amish shed builder so it's not attached to the ground in any way. It was technically moveable but it won't be due to the wetlands. It is placed behind trees 83' from the road.

Open public hearing. No one spoke. Public hearing closed.

Mr. Milleville asked what the purpose is for the shed that it is so far back from the house with no path to it. Mr. Zapalowski explained that it's for storage. There is a gravel path going to it that makes it accessible by tractor. There are wetlands, a creek behind the house, and septic in the way of getting to it. There is a playset for the kids on the north side of the lot also. There are lots of trees back there as well.

Mr. Milleville points out that approval for this could set a bad precedent.

Mr. Zapalowski apologized and explained that the house and garage were just built in December of 2020 and there was a misunderstanding on his part regarding the need for a shed permit and whether he or the shed builder needed to obtain he permit.

Ms. Shoop inquired as to where he would put the shed if he had to move it. Mr. Zapalowski states that he doesn't know where else he can put it. The lots on either side of him are wetlands also.

Mr. Billingsley asserts that applicant Zapalowski has made a good faith effort to remedy the issue. As soon as the improper placement was discovered, Mr. Zapalowski applied for the area variance. Mr. Billingsley recommends that the board focus on the difficulties that this property possesses and

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consider this under the circumstances of whether or not the board would have approved it if Mr. Zapalowski came before them prior.

Chairman Smith wanted to know what is between the shed and the road. Mr. Zapalowski said there is a line of maple trees and brush. You can see the shed from the road currently but he painted it a dark green to try and make less visible. It is 13' in height and the walls are 8'.

Motion

A motion to approve the variance was made by Ms. Shoop and seconded by Mr. Andrews, all in favor, approved.

Reports

There were no reports.

Adjournment

A motion to adjourn was made by Mr. Andrews seconded by Mr. Milleville, all in favor, approved at 7:51pm.

Krista Brocious
Secretary

March 28, 2022

Date of approval