

# Town of Cambria Zoning Board Meeting Minutes

## June 27, 2022

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### Call to order

A meeting of **Zoning Board of Appeals** was held at **Cambria Town Hall** on **June 27, 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  
Matthew Foe, Liaison to the Town Board  
Building Inspector, James McCann and Deputy Building Inspector, Matthew Cooper  
Krista Brocious, Clerk Planning /Zoning Board

Members not in attendance included: N/A

### Approval of minutes

Motion to approve May 23, 2022 minutes made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

Mr. Billingsley read the Public Hearing Notices.

### New Business/Public Hearings

**LORTZ, James**  
**5078 Carriage Lane, Lkpt**  
**Porch**

**ZBAV-2022-012**  
**SBL#107.04.1-43**

Mr. Lortz explained that his current concrete 4x4' porch is cracked with a broken railing. He would like to expand it to 6x18' and put a roof on it. He would only be expanding it two (2) extra feet out. He wants to be able to sit and enjoy the front porch.

Public hearing was opened.

Public Hearing was closed.

### Motion

A motion to approve the expansion was made by Mr. Andrews and seconded by Mr. Milleville, all in favor, carried.

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**MILLER, Jason/CIR Electrical Corp.**  
**3667 Ridge Road, Lkpt**  
**Ground Mounted Solar**

**ZBAV-2022-014**  
**SBL#77.00-2-32.2**

Mr. Miller explained that he purchased a house that is all electric and he would like to add 917 sq. ft. of solar panels to his property. He would like to build a garage and have solar panels to power that also. He would rather not put them on the roof of his house in case that needs to be replaced.

Public hearing opened.

Public hearing closed.

The amount of solar panels would be equivalent to a 200 amp service and that would be enough to power the garage and house. Mr. McCann explained that over 500 sq. ft. of solar requires a variance for a ground mount system. That is the limit on ground mounted solar for a residential area. After that a Site Plan is needed and it would be considered an accessory structure.

Mr. Milleville sees no reason to go outside the limit of square footage of solar that the town allows as there is no hardship here and there are other options to be considered.

Mr. March expressed concern about the grading of the land sitting down low compared to the grade of the road. The panel would be nearly eye level alongside the road with the drop down of the property and then the 28 degree array. He questioned whether it would counteract the drop. There may be a significant amount of glare coming off the panel for vehicles traveling down that road.

Mr. Smith suggests planting more trees and bushes. The town has been made aware of complaints in the past regarding glare from other solar panels in town. Mr. Kevin Wagner from CIR Electrical states that there is anti-reflective glass used now unlike it used to be. It gives about the same glare as windows or a pond. This is a fixed system sized to his need for all electric in his home.

Mr. Miller asked about the difference from having the allowable amount of solar panels to what he has requested if there is a second one behind the first array with regards to the glare. The farther he goes back the farther his property drops back from the road.

There is discussion around the amount of service the extra sq. ft. of solar panels would provide as opposed to working with less. Mr. Thomas pointed out that this request for extra square footage of paneling is almost 100% greater than the amount that the zoning ordinance allows. Mr. Wagner states that he did not figure out smaller numbers other than the amount that fit

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his clients need. Mr. Miller stated that if he were to go smaller he would still have an electric bill which is not what he wants. He wants at least a 2 car garage and an above ground pool at some point also.

There is continued discussion around the possibility of putting some of the panels on the roof of the garage once it is built. Mr. Wagner explains the incentives will change if they wait and he will lose out considerably.

Mr. Milleville explained that there is no real hardship here in wanting to go outside the town code. What happens today will set a precedent. It would be a rewrite of Town law.

Mr. Wagner asserts that the change to all electric is coming.

Mr. Miller doesn't want them on his roof because it's a log cabin and he's been fixing leaks.

Mr. Wagner says there is an incentive to lose if he doesn't get this approved now. Federal tax credit drops from 26% to 22% at the end of the year and NYSEDA as well. He is locked into the current amount of \$.50 but it will go to a less amount in a month or so to about \$.35.

Mr. Billingsley recommends tabling this for 1 month to allow the town to double check what can be done with this and for the owner to go back and look for alternative options to the extra square footage of array on the ground of his property.

### Motion

A motion to table by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, carried.

**STEPHENS, Kate**

**4240 Church Road, Lkpt**

***Animal Husbandry-6 Chickens/4 Ducks***

**ZSP-2022-006**

**SBL#77.00-2-51.2**

Ms. Stephens explained she would like to house six (6) chickens and four (4) ducks in an existing structure on her property.

Public Hearing opened.

Public hearing closed.

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### Motion

A motion for negative SEQR made by Ms. Shoop and seconded by Mr. Andrews, all in favor, carried.

A motion to approve special permit for six (6) chickens and (4) ducks, in a coop, with no roosters, for one year made by Ms. Shoop and seconded by Mr. Andrews, all in favor, carried.

***CODY DEV 2, LLC***  
***5218 Upper Mountain Rd., Lkpt***  
***Parking Spaces-Corner store***

***ZAV-2022-0013***  
***SBL#107.00-2-23***

Mr. Arlington of Apex Consulting is present. This is basically the same plan as last fall when the area variance was granted for the set back of the building. Last month the Planning Board felt it was appropriate that Ava's Table comply with the parking ordinance as well as the convenient store. There are currently only three (3) parking spaces and now there will be 24 spaces as a correction to that. Mr. Arlington is asking for relief of 2 spaces from the 10 spots needed based on sq. footage of the front of the building. Sixteen (16) are required for convenient store then ten (10) spaces for Ava's Table which comes to twenty-six (26) spaces and they have twenty-four (24) so they are asking for relief for two (2) spaces.

Last week the Niagara County Planning Board gave recommendation for approval. The site is constrained and they have maximized the amount of space for parking with still leaving space for circulation. From a financial standpoint his client doesn't want to lose the tenant currently there or make the new convenient store smaller.

Mr. McCann explained that as the State laws progress, buildings must be more handicap accessible but this space does not do a good job with that. Cars currently park in the right-of-way there and there are lines in which to park there.

There is brief further discussion about current parking practices.

Mr. Arlington explains those spaces are not legal parking spots because of circulation and space. They are providing a lot more parking spaces than there is now. For just Ava's alone there will be 3 up front and 5 in back. Ava's table is not handicap accessible now and won't be if the project is approved but the convenience store is.

Public hearing opened.

Mr. James Lortz of 5078 Carriage Lane asks about the grease traps and garbage cans blocking the parking spots. He inquires as to the type of convenient store this will be.

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Mr. Arlington explains that the traffic flow will be fixed with this project they are proposing.

Public hearing closed.

### Motion

A motion to approve the relief for the two (2) parking spaces made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, carried.

### Reports

There were no reports.

### Adjournment

A motion to adjourn @7:45 was made by Mr. Milleveille and seconded by Mr. Andrews, all in favor, carried.

Krista  
Brocius  
Secretary

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