

Town of Clarence
 One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
 Tuesday, September 11, 2018
 7:00 p.m.

Chairman Daniel Michnik called the meeting to order at 7:00 p.m.

Zoning Board of Appeals members present:

Chairman Daniel Michnik	Vice-Chairman Ryan Mills	Patricia Burkard
Patrick Krey	Jonathan Hickey	Richard McNamara

Town Officials present:

Director of Community Development James Callahan	Councilman Paul Shear
Deputy Town Attorney Steven Bengart	

Other interested parties present:

Paul Runfola	Allen Mann	Fred Cook	Sharon Cook
Art Pogorzala	Louise Meyer	Phil Jarnot	Marina Jarnot
Deborah Frandina	Leo Kuziemkowski	Mrs. Leo Kuziemkowski	Tim Smith
Matthew Richards	Jim Bielmeier	Janis Lichtenthal	Robert Lichtenthal, Jr.
Erin Small	Quinn Porzio	David Nawrot	

Motion by, Jonathan Hickey, seconded by Richard McNamara, to approve the minutes of the meeting held on, July 10, 2018, as written.

Patrick Krey	Aye	Jonathan Hickey	Aye
Ryan Mills	Aye	Patricia Burkard	Aye
Richard McNamara	Aye	Daniel Michnik	Aye

MOTION CARRIED.

Motion by, Jonathan Hickey, seconded by Richard McNamara, to approve the minutes of the meeting held on, August 14, 2018, as written.

Richard McNamara	Aye	Patricia Burkard	Aye
Ryan Mills	Aye	Jonathan Hickey	Aye
Patrick Krey	Aye	Daniel Michnik	Aye

MOTION CARRIED.

For the record, Daniel Michnik recused himself from Appeal No. 6 and Mr. Mills will be acting as the Chairman.

Old Business

Appeal No. 6

RSA Development LLC
Restricted Business

Requests the Board of Appeals approve and grant a variance to allow a density of eight (8) residential units for the proposed multiple-family project located at 6449 Transit Road.

*Appeal No. 6 is in variance to §229-126(D). *Code allows up to six (6) residential units.

DISCUSSION:

As a Zoning Board entity we can approve, deny or table this request. We received an email request from Russell Salvatore to the Town at 1:35 today, September 11, 2018, that he would like to table this for this evening. We would like to hear from any neighbors who would like to speak. This will be tabled and put on the agenda for next month. No action will be taken tonight. Would anyone like to be on the record for this matter?

Paul Runfola, of 8050 Old Post Road West, stated that he understands that no decisions will be made this evening. He asked the board to reject the variance to allow eight (8) units. He has concerns about the request for the two (2) additional units being requested by Mr. Salvatore as the two (2) additional units would impact him and his neighbors. He is concerned about the density of the forest, the impact to his neighborhood in terms of noise, pollution, drainage and privacy. He believes that the current situation, being zoned for six (6) units, is for a good reason and he asks that the Board reject the variance.

Deborah Frandina, of 8065 Old Post Road West, stated that she is across from the project but feels that this affects the entire Farmington Woods community. She has lived in the neighborhood since 1988 and all of the neighbors have been there equally as long. She stated this is a good community, we pay our taxes and send our children to the neighborhood schools. We keep our houses in great condition, we are part of the community, and we are engaged. To have six (6) townhouses that are rentals behind our neighborhood homes to me is just awful. I am a realtor since 1989 and this will not enhance the property values in our neighborhood. If anything, it will detract by having six (6) more rentals in that small space. There are already rentals with the Phase 1 building. Tenants do not have the same type of dedication to the community as homeowners have. I have a lot of concerns about having so many people in such a small area. If the townhouses are rented out and have 2 bedrooms, there could be up to 24 or more people in that small area. If they are 3 bedrooms that could be up to 36 people. So, I am really concerned about the density that all of the rentals will have in that small space. I do not think it's a good idea to have eight (8). I am disappointed that there will probably be six (6) but I think that eight (8) is really just too much. Thank you for your time this evening and I hope that you will vote against the eight (8) and only allow the six (6).

Allen Mann, of 8091 Clarherst Drive, my main concern is the property value. When we moved in we understood that there was a potential of all these apartments. We didn't sign up for this number. This is not what we agreed to when we purchased our homes. I think for that reason alone you should reject the request for this variance. It just isn't right.

ACTION:

Motion by Jonathan Hickey to **table** old business Appeal No. 6, seconded by Ryan Mills.

ON THE QUESTION:

To table Appeal No. 6 per the request of Mr. Russell Salvatore.

Patrick Krey	Aye	Jonathan Hickey	Aye
Richard McNamara	Aye	Patricia Burkard	Aye
Ryan Mills	Aye		

MOTION TABLED.

New Business**Appeal No. 1**

Timothy Smith
Residential Single Family

Requests the Board of Appeals approve and grant:

- 1.) A 1,096 square foot variance to allow a 1,296 square foot detached accessory structure.
- 2.) A 6' variance to allow a 22' tall detached accessory structure.

Both requests apply to 6094 Long Street.

Appeal No. 1 is in variance to §229-55(D), and §229-55(E)(2).

DISCUSSION:

For the record, Daniel Michnik recused himself from Appeal No.1 and Mr. Mills will be acting as the Chairman of this Committee.

Tim Smith, of 6094 Long Street, is present and explained that he has a couple cars and jet skis that he would like to put in the structure. He stated that the house is a little small and the garage that he has now is attached to the house so he has limited storage. So, he would like to put in extra storage, he also stated that he heard there might be houses going in behind him so he would also like to block that view.

Mr. Krey asked if it would be a garage or a pole barn. Mr. Smith stated that it would more of a pole barn. Mr. Krey asked how he would get the cars to the structure and Mr. Smith indicated that there is enough space on his property to bring the cars back. Mr. Smith also stated that it would not be an everyday usage, just in the spring and the fall. It would be on the North side of the house. Mr. Krey asked if he was going to drive on his grass to get the cars back there. Mr. Smith stated yes, right now he uses a storage unit and that is not cheap. He has a 1969 Cutlass Convertible and he is looking at a 1972 Chevelle and if he gets that he will need more storage. Mr. Hickey asked if there was neighbor notification and Mr. Smith stated yes, both neighbors signed it. A copy of the neighbor notification was given to the Board. Copies of neighbor notifications signed by 6088 Long Street and 6100 Long Street were given to the Board. No further questions.

Mr. Hickey stated that he is one that likes to see pictures of what Mr. Smith is aiming for. He would like to see something to give him a sense to what Mr. Smith would like to do. He asked Mr. Smith if he had any rough rendering that would show the size, shape or materials that would show what this structure would look like in the backyard? Mr. Smith stated that he does have something from Dave Ganschow who lives across from the Post Office. Mr. Smith stated that he would make sure his structure match his house, it would be the same as his home. Mr. Hickey stated that Mr. Smith asked for a big structure. Did he ever consider a smaller structure that would meet all of his needs that would accomplish what you want to accomplish? Mr. Smith stated that he did not look at anything smaller because he wanted to have the structure big enough for his cars and if he needed to get in there to do work he would be able to. Mr. Smith also stated that he knows there are variances on how high you can go. Mr. Hickey says that you are allowed 16 feet. Mr. Smith stated that if his home is only 12 feet, then he would not go higher than his home. He does not want an eyesore, he has lived there a year and it is his intention to live in the home for a long time. Two request for variances are the square footage and the height. Mr. Hickey asked if Mr. Smith would be willing to cap the height to match the height of his home. Mr. Smith stated yes, he does not need to go any higher. Without a variance Mr. Smith can go to 16 feet high. Mr. Smith is willing and expected to come within the variance. Mr. Hickey would like to see some sort of rough rendering to give a sense of what it would look like and to include dimensions. Mr. Smith said that he would contact an architect. Mr. Hickey said that he has a problem agreeing today without seeing what was discussed, a structure that matches the home in height and look. No further questions.

Ms. Burkard stated that she agrees with Mr. Hickey. She is also concerned with the height because Mr. Smith has a ranch style home. She doesn't want people driving by seeing a massive structure behind the home. She would also like to see some sort of rendering to see what the structure would look like. Would the structure have windows, garage doors, she would like a better idea of what the building would look like. She asked what the dimensions would be. Mr. Smith answered that he thought they were 56x24, he believes. He does not know the dimensions of his home. She asked if you would see the side of the structure sticking out from his home and he said no. You will only see it when you pull up and pull away. She stated that he did a fabulous job on his home and that it was an improvement to the neighborhood. No further questions.

Mr. Mills stated that he has the same concerns as Mr. Hickey and Ms. Burkard. He stated that it is a sizable variance request and the aesthetics and character of it are significant in our determinations and without any drawings at all it is difficult for us to envision it. So some renderings would be helpful, some elevations, floorplans. They do not have to be final architectural drawings but something so the Board can envision the project.

All of the Board members have spoken. Mr. Mills asked if Mr. Smith would like the issue tabled for another month. Mr. Smith stated yes and that he would get what was requested for the next meeting.

ACTION:

Motion by Jonathan Hickey to **table** new business Appeal No. 1, seconded by Patricia Burkard.

ON THE QUESTION:

To table Appeal No. 1 to allow Mr. Smith time to obtain renderings of his proposed structure that shows character, dimensions and aesthetics of the structure.

Patrick Krey	Aye	Jonathan Hickey	Aye
Richard McNamara	No Vote	Patricia Burkard	Aye
Ryan Mills	Aye		

MOTION CARRIED.

Appeal No. 2

Matthew Richards
Residential Single Family

Requests the Board of Appeals approve and grant a 120 square foot variance to allow a 320 square foot detached accessory structure located at 9275 Roll Road.

Appeal No. 2 is in variance to §229-55(H).

DISCUSSION:

Mr. Richards, of 9275 Roll Road, is present and stated that they need more room for their growing family. He has a very small garage that is attached to the house. They need more room to store children bikes, lawnmowers, etc.

Mr. McNamara asked about the low ground in the back. Mr. Richards said that they would like to move it out of the wet low area and put a 10 foot wide filled area and plant some grass on it to get back to the garage area. There will be no electrical and no plumbing. The size is 16 by 20 feet. Mr. Richards said they will be matching the house with the siding and roofing. Pictures were submitted. For the record they are referring to Exhibit A in the record, double doors with two windows on each side. No other questions.

Ms. Burkard has no questions.

Mr. Mills asked if the foundation would be a concrete slab and Mr. Richards answered yes, a concrete slab. Did you explore different locations? Mr. Richards stated yes, moving it back would get the structure out of the water and he didn't put it on the east side of the home because there is a 50 foot easement due to power lines. He did not want it directly behind his home because it would obstruct the view of the field and wildlife that come in. Any further to the west he felt that he would be encroaching upon his neighbor and he did not want to put a structure up against his neighbor's fence. Mr. Richards feels that this is the best location to satisfy all around him. No further questions.

Mr. Hickey asked Mr. Richards how long he has lived at the property, Mr. Richards stated that he has lived there for six (6) years and it is his intention to stay there for a while. Mr. Hickey asked if his neighbors were on board with the project. Mr. Richards has neighbor notifications for the following addresses, 9295 Roll Road and 9265 Roll Road. Mr. Hickey asked who will build the structure. Mr. Richards stated that Star Construction would build the structure and that it would take approximately 2-3 weeks for the concrete to cure after being poured. He is hoping that the structure would only take 2 days to build after the concrete is cured so the entire structure could be completed by the first week in October. Mr. Hickey asked if Mr. Richards would be running a business out of the new structure. Mr. Richards replied no. Mr. Hickey has concerns about people using new structures for business purposes and wanted it on the record that he would not be running a business out of the new structure. No further questions.

No additional questions from the Board.

ACTION:

Motion by Patricia Burkard to **approve** new business Appeal No. 2 as written, seconded by Richard McNamara.

ON THE QUESTION:

The applicant has provided some evidence in way of testimony that shows a natural buffer along the east side of the property. He has a good size parcel and the shed would be set back a good ways from the neighbors views and for those reasons we should approve.

To approve Appeal No. 2:

Patrick Krey		Jonathan Hickey	Aye
Richard McNamara	Aye	Patricia Burkard	Aye
Ryan Mills	Aye	Daniel Michnik	Aye

MOTION CARRIED.

Appeal No. 3

David Sarles
Residential Single Family

Requests the Board of Appeals approve and grant a 170’ variance to allow a 250’ front yard setback for the construction of a single family home at 5505 Thompson Road.

Appeal No. 3 is in variance to §229-52(3). *Established front yard setback of 80’.

DISCUSSION:

The record is a letter received from the applicant received September 10, 2018 from David Sarles to the Clarence Town Board.

Dear Sirs, please allow Jim Bielmeier to represent me in any matters before you. Jim is building us a house at the above address. Jim is authorized to make our case before the Zoning Board of Appeals on September 11th as well as any future proceedings. Sincerely, David Sarles.

Neighbor notifications have been submitted for 5549 Thompson Road, 5485 Thompson Road and 5525 Thompson Road. All three neighbors on the sides.

Mr. Bielmeier stated that they are looking for a front yard setback of 248 feet. A couple of factors on where the home is going, there is a creek in front, they have a grading plan from GPI dated June 21, 2018 that Mr. Bielmeier is referring to. For the record they are referring to the area in front of the house, elevation 636. The home should not be built on the part marked 636 as not to block the neighbor. Grades 641, 639 and 637 are all low spots. They want to place the house in the best spot for drainage. There is a sewer line that runs directly in front of the home. It is a sanitary sewer, 5525 Thompson Road is on a sewer. This home will be on septic because they cannot get into the sewer. Mr. Cimato owns the sewer so nobody else can tie into the sewer line. They already have approval for the septic. There is no way to place the house closer due to the sewer line, it would be impossible to place the house within the 45’ setback. The sewer line did not show up on the original survey when the property was purchased. The survey was dated 9/21/1999 is a survey by Kenneth M. Hahn. It does not appear to depict a sewer line. According to the survey, the house scale is 250 feet back – 8525 Thompson Road. So, we are in line at 248 feet back. The plans for the house were not in the packets that the Board members received. For the record, the

Board was give five (5) pages, Exhibit A, of plans for the home. The home will have a 6 car garage. The home will be about 4,600 square feet of living space with an estimated cost of \$900,000-\$1,000,000. The biggest factor is the sewer line, it would be difficult to get the home closer to the road.

Mr. Hickey was asked if he has any questions for the applicant, he replied no.

Mr. McNamara was asked if he has any questions for the applicant, he replied no.

Ms. Burkard asked if this was the only way to put a house on this lot if this gets approved. Mr. Bielmeier stated there is no other place to put a home on this plot of land. With the sewer line the way it is it makes it difficult. This is one parcel of land. You want to stay behind the sewer line and out of the water. This is the original parcel. The owners have owned the land since last summer.

Daniel Michnik asked when they would expect to start the project. Mr. Bielmeier answered that they would have to put a bridge over the creek and they have been waiting about 6 months for a DEC permit which they received approval on about two (2) months ago. They were just told recently by the Building department that they needed a variance so they can get started. They will be starting the building this week. The question was asked by Mr. Michnik if they would have horses on the property. Mr. Bielmeier stated that the owners are into organic vegetables and trees. They planted about 100+ trees on their last property. They are local residents who will make this their permanent home. He had no further questions.

No additional questions.

ACTION:

Motion by Ryan Mills to **approve** new business Appeal No. 3 as written. Mr. Mills stated the applicant provided some testimony regarding some unique drainage concerns associated with this parcel as well as a sewer issue. He also presented some evidence that they were unaware of the sewer issue by way of the whole survey when the property was purchased. Due to these reasons it will be very difficult to situate the home anywhere farther up or closer to the road then where they are positioning it. Seconded by Jonathan Hickey.

ON THE QUESTION:

Mr. Hickey also stated that while by way of proximity and distancing, in my opinion, this is probably substantial. I am convinced by everything you said with respect to the property itself but most importantly the distinction I see is that your goal is to preserve your neighbors environmental situation and value by way of where you are placing the house. You testified in detail that there will be no negative environmental impact in the manner you are building the house. In fact, if it was built in code it might be more problematic. The way I see it is that you are solving a potential problem and/or avoiding a problem and/or preserving your neighbors both physical and environmental impact is very important with a variance of this size.

To approve Appeal No. 3:

Patrick Krey		Jonathan Hickey	Aye
Richard McNamara	Aye	Patricia Burkard	Aye
Ryan Mills	Aye	Daniel Michnik	Aye

MOTION CARRIED.

Appeal No. 4

Robert J. Lichtenthal, Jr.
Residential Single Family

Requests the Board of Appeals approve and grant a 40 square foot variance to allow a 240 square foot detached accessory structure located at 8125 Donna Place.

Appeal No. 4 is in variance to §229-55(H).

Chairman Daniel Michnik has recused himself from Appeal No. 4.**DISCUSSION:**

Mr. Lichtenthal, of 8125 Donna Place, is present and has stated per the application that he would like to put up a shed in the back and that 200 square feet is a little too small. He would like a 20'x12' shed for 240 square feet. He is on corner lot with the appropriate setback. He has a ranch style home and the storage in the basement is not practical based on the layout of the home. After back and shoulder surgery for the home owners it makes it difficult to get the stuff to the basement based on the layout. It is becoming impractical. They lost there off site storage as Mr. Lichtenthal's mother is selling her home. He needs extra storage to store his patio furniture, lawn equipment and other outside residential materials. With the volume that would be stored it works better to have a shed.

Mr. Mills stated that he did not see neighbor notifications on record. Mr. Lichtenthal stated that they do have neighbor notifications and that all of his neighbors were notified via certified mail. The neighbor notifications will be entered into the record. 8135 Donna Place (which is adjacent), 4055 Clarendon Drive (which is adjacent), 4060 Clarendon Drive, 4070 Clarendon Drive and 4085 Clarendon Drive. The neighbor notifications were all sent via certified mail. A question was asked if any neighbors have agreed to the shed. Mr. Lichtenthal stated that a signed form from a neighbor was returned and has been added to the record as Exhibit A, neighbor notification for 4070 Clarendon Drive is Exhibit B. Mr. Lichtenthal stated that some neighbors came to him and verbally said that they do not have any issues with the shed.

Marina Jarnot, of 8135 Donna Place, spoke on the issue. She asked about the 5 feet neighbor setback. Mr. Mills explained that he is all set with the setback. Mr. Mills advised that the reason he is here is because he is allowed a 200 square foot shed but he would like a 240 square foot shed so he is here seeking a variance based on size, not a variance based on height. Mr. Lichtenthal stated that the shed would be 12x20 feet, if you are facing Donna Place the shed is 12 feet wide and 20 feet deep. He stated that the stakes are out measuring the 12x20 feet he has ran the string and left the pink survey string so that anyone who came by could see the survey line. Mr. Lichtenthal stated that it is about 6 feet off of the property line of his neighbor. It is 6 feet off the back property line. Ms. Jarnot stated that there are large trees next to the proposed structure, would they be cut down and is there going to be a driveway leading to the structure. Ms. Jarnot will wait to hear the rest of the testimony before stating if she is for or against the variance request.

Mr. Krey stated that when he went by the property there was wood in the driveway, he asked if that was for the shed. Mr. Lichtenthal stated yes. Mr. Krey asked for a description of the shed and Mr. Lichtenthal stated that it is going to be primary storage shed with a concrete floor so there will be no varmint issues. Mr. Krey asked if the neighbor behind him has a shed and he said that he thinks it is a different neighbor. Mr. Krey stated that the other shed seems to be similar size as the one that is being requested.

Mr. Hickey asked the applicant to speak about the trees, driveway and what the composition of the structure will look like. Mr. Lichtenthal stated that the trees that are there are not on their property but they are encroaching onto his property. He is hoping not to touch the trees that are encroaching but he stated that he would love it if they were no longer encroaching onto their property. The roots of the trees are on the Jarnot property located at 8135 Donna Place. He does not care to have a driveway leading to the new structure. The structure would be wood

framed, vinyl sided and have a concrete floor. It will have two windows and a door that will face towards Clarendon. The solid side of the structure/shed will face towards 8135 Donna Place. It will also be solid towards 4055 Clarendon. No further questions.

Ms. Burkard asked if they have a picture of what the shed will look like. She also asked if the siding would match the house and Mr. Lichtenthal stated that they have a brick home with only a little bit of siding. Ms. Burkard asked what color the roof will be and the applicant answered charcoal grey with black shutters. A picture was shown of a raised storage shed with a little porch on the front. The porch will face the applicant’s porch. There is a garage door so that the applicant can ride his lawn tractor into the shed. Ms. Burkard asked about the trees shown in the picture. Mr. Lichtenthal stated that the pine trees are on their neighbor’s lawn. Ms. Burkard asked if they wanted the neighbors to take down the trees and the applicants said no, they might just need to trim a few branches and they do prefer the trees because they provide privacy.

Mr. McNamara stated that he had no questions.

Mr. Mills asked if there would be any additional landscaping around the structure. The applicant stated that they will not be providing additional landscaping. Mr. Mills asked if there were any other questions from the Board or from neighbors. Ms. Jarnot asked if there would be power to the structure/shed and Mr. Lichtenthal stated no.

The Jarnots do not have a position that they would like to take at this time.

Mr. Mills stated that there were no further questions and called for a motion.

ACTION:

Motion by Jonathan Hickey to **approve** new business Appeal No.4 as written. Motion seconded by Richard McNamara.

ON THE QUESTION:

Mr. Hickey says that this is not a substantial variance, the neighbors have good questions and he feels that good answers were given. The structure will not have power and it will not be used for a commercial purpose. Mr. Hickey asked the applicant how long they have lived at the residence and the applicant answered 3 years and they plan on the home being their retirement house. With that being said based on the amount of time the applicant plans on living at the house, the quality of the proposed structure in terms of the aesthetics and construction materials that he is in favor of the variance.

To approve Appeal No. 4:

Patrick Krey	Aye	Jonathan Hickey	Aye
Richard McNamara	Aye	Patricia Burkard	Aye
Ryan Mills	Aye	Daniel Michnik	Recused

MOTION CARRIED.

Appeal No. 5

Erin Small
Residential Single Family

Requests the Board of Appeals approve and grant a 4’ variance to allow a 6’ side yard setback for the placement of a detached accessory structure (emergency generator) located in the side yard of 8912 Michael Douglas Drive.

Appeal No. 5 is in variance to §229-55(E) (1).

Ryan Mills recused himself from Appeal No. 5

DISCUSSION:

Ms. Small, of 8912 Michael Douglas Drive, is present and stated that she would like to add an emergency generator to the side of the home so when she loses power she will still have electricity. Mr. Michnik read the neighbor notification on record for 8902 and 8922 Michael Douglas Drive.

Mr. Krey asked if Ms. Small could provide more details on the generator. She stated that it is a 10Kw generator and she will run it on a weekday during a normal hour and not on the weekends for the cycling. Mr. Krey went to the location and was surprised at how small the location was and asked if that generator is large enough. Ms. Small answered that she has a single floor small ranch home and she is just looking to keep the heat on if/when she loses power. Mr. Krey asked if she loses power frequently and Ms. Small answered yes, unfortunately she does.

Mr. Hickey has no questions.

Ms. Burkard has no questions.

Mr. McNamara has no questions.

Mr. Michnik asked who is installing the unit, when it would be installed and the approximate cost of the generator. Ms. Small stated that Fabian Electric would install the generator and if approved the applicant is hoping to have it installed by the end of the month. She does not have the figures on the final cost of the project but estimates it will be about \$2,500, maybe a little more. Mr. Michnik asked if this is larger than an air conditioner and Ms. Small stated that it is a little larger than an air conditioner unit. Richard Bigler is in the audience and is unable to speak but nodded that the unit is a little larger than an air conditioner. The staked out section is pretty accurate. He has no further questions.

ACTION:

Motion by Patrick Krey to **approve** new business Appeal No.5 as written. Motion seconded by Daniel Michnik

ON THE QUESTION:

Mr. Michnik stated that this should be approved based on the fact that this area does lose power and a 10K generator is not overwhelmingly large for the area. She also has neighbor notification and she is willing to run the cycle during the week when no one is home.

To approve Appeal No. 5:

Patrick Krey	Aye	Jonathan Hickey	Aye
Richard McNamara	Aye	Patricia Burkard	Aye
Ryan Mills	Recused	Daniel Michnik	Aye

MOTION CARRIED.

Appeal No. 6

David and Lynne Nawrot
Residential Single Family

Requests the Board of Appeals approve and grant a variance to allow a ground mounted solar photovoltaic system on a residential single family parcel less than five (5) acres in side at 4586 Shisler Road.

Appeal No. 6 is in variance to §184-6(B)(1).

DISCUSSION:

Mr. Michnik requested neighbor notifications. For the records neighbor notifications are on file for 4578 Shisler Road and 4590 Shisler Road.

Mr. David Nawrot, of 4586 Shisler Road and Mr. Quinn Porzio from Buffalo Solar Solution, the company that would be contracted with the homeowner if approved are both present. They are seeking approval to put two (2) pole mounts into the ground that would hold a total of thirty (30) panels. After viewing the property and reviewing the zoning regulations they saw that the property needs to be over five (5) acres to have a ground mount system. The pole mounted systems are considered ground mount per the Towns code. The biggest difference is a ground mount is usually multiple points of entry into the ground but our pole mounts only have one single entry into the ground and can be tilted throughout the year to increase production. Due to this you can actually use less panels to cut your cost. We are requesting that we put in the pole mount system on a parcel of land that is under five (5) acres.

Mr. Nawrot spoke on the subject. He was concerned about paneling the house and the garage just to gain the same production that they would receive from the pole mount structure. Their home is over 100 years old and has been remodeled and updated. He felt that having a pole mount would be much more efficient because he would be able to get the snow off during the winter to help continue production. In this county we get a lot of snow. Mr. Nawrot also stated that he spoke with Supervisor Casilio about the array that was on the Senior Citizens Center. He warned him that things have changed with code and Mr. Nawrot feels that it would make more sense to bypass placing the panels on the roof. This would allow for easier access for service in case of any issues.

Mr. Hickey asked how big the property is. Mr. Nawrot stated that the property is 3.5 acres, is was originally five (5) acres but 1.5 acres was split off for Michael Tarbell, Mrs. Hickeys brother, whose widow lives next door. Mr. Hickey asks what is the purpose of having a solar mounted system. Mr. Porzio explains that it is to offset 100% of the Nawrots daily usage. An example would be to eliminate their electrical bill down to the basic monthly fee. It would be used to combat rising utility bills as rates increase over time. It is also an alternative to other forms of energy. Mr. Nawrot stated that they are trying to go green and that over 25 years it could save them upwards of \$65,000 in electric bills. The applicants live in the home by themselves and plan to live in the home for the rest of their lives. The breakeven point is about 5 years. The cost of the project if approximately \$30,000 but with rebate incentives they will be getting about \$16,000 back. Mr. Hickey asked if other options were looked at. Mr. Porzio stated, yes, the applicant could put panels on their roofs but that would increase the cost as more panels would be needed. With the pole mounts being able to be adjusted to the angle of the sun it increases the production of the panels which makes it a better investment. Mr. Hickey asked what a roof mounting would cost, Mr. Porzio stated that it would be approximately an additional 5 panels for about an additional \$5,000. Mr. Nawrot stated that it would be better to have all of the panels in one place for ease of maintenance and construction. The panels would be about two (2) feet clearance and depending on the tilt of the panel the panel would be under 16 feet high. There is a hand crank and the application shows you if you are receiving maximum power. Mr. Hickey does not have any further questions.

Mr. McNamara asked if the unit could be motorized. Mr. Porzio stated no and motorized cranks they tend to stay away from. As you start to introduce motors to units it increases the cost and you need to install wind sensors. So,

if the winds are above a certain MPH, the system will table top and that cuts down on production if you have a windy year. Not many motorized units are installed in this area due to the snow. The unit that will be installed is about a 9kw unit. A solar converter will be located in the basement. They are looking to offset 102% of their electrical bill. No further questions from Mr. McNamara.

Ms. Burkard asked if this is guaranteed to work and receive all of this power. Mr. Porzio stated that the manufacturer has a 25 year production warranty. Meaning that they will produce a certain percentage and if the panels fall below that percentage the warranty will kick in and the panels will be replaced. They use generation estimates from a state website, NY SERDA as well as PB Watts. It takes data into effect such as the angle of the panel, sunny days, etc. They put an estimated production but their company does not specifically guarantee because of unknown weather. Ms. Burkard asked if you have to pay the money upfront and then get reimbursed back. Mr. Nawrot stated that the NY SERDA rebate comes back immediately after the contract is signed, the other two (2) rebates is done when you file your taxes with the federal and state governments. Ms. Burkard asked what would happen if they do not get the production that the company says. Mr. Nawrot stated that if he gets 80% of the power that they are estimating, he will be extremely happy. Based on all of the reading materials that he has reviewed, he should get close to 100% of what they pay. He also stated that now that his children have moved out they will be using less energy. Through the app he will be able to see how the panels are producing. He stated that the company has been very transparent with them and they all feel that they should have excellent production. The company maintains the panels through a warranty.

Mr. Mills asked about the safety concerns with the panels being at an angle. Mr. Porzio said that when you get into motors you cannot lock the panels in. With it being a physical crank there is more tolerance with it so that it will not slip the gear. Mr. Mills asked if they have had any issues with the panels on the pole system in this area. Mr. Porzio stated that the only issue that they have had in the past is that the panel would spin. The manufacturer neglected to notify them that they needed to place spin prevention bolts on the units and there were problems in the past with the panels spinning. The manufacturer recommends that the panels have one (1) spin prevention bolt and they now use three (3) spin prevention bolts in all of their poles now. Mr. Mills asked if there have been any issues since then and Mr. Porzio answered no. Mr. Mills asked if there were any other safety issues with the pole mounting issues. Mr. Porzio stated no, but some customers like their units higher so that they can mow under them. This is not a safety issue. Mr. Porzio stated in this case they could place them higher but he does not know what height variances are for the Town. Mr. Mills asked if the foliage and buffer around the units is consistent throughout the year. Mr. Nawrot stated yes, the buffer to the south is consistent, the buffer to the road and east is consistent, and the foliage to the west is consistent simply because there are woods all around. To the east where their garage is. He stated that there are privet hedge and apple trees that block an area. They will be adding spruce on the along the lot to be nice to the neighbors. The applicant stated that throughout the summer their neighbor cannot see into their yard based on her trees, shed and fence. Mr. Mills has a concern that neighbors will see the panels and that it will be viewable from the road. Mr. Mills wants to make it part of the motion to put up six (6) foot spruce along the North line. Mr. Nawrot is acceptable to this. He has no further questions.

Mr. Michnik asked if this has to be fenced in for safety issues and they answered no. Mr. Michnik asked how long Buffalo Solar Solutions has been in business. Mr. Porzio answered under this name, 3 years and prior to that they would bid for jobs for other companies and provide the installation. He stated that the owner was not happy with the way some of the other companies were treating their customers, so he started Buffalo Solar Solutions. Mr. Porzio has worked for Buffalo Solar Solutions for just over a year and a half and previously worked in an internship for another solar company and started working for Buffalo Solar Solutions out of college. He is not the salesperson for their company but is the Project Manager at Buffalo Solar. He works with the client from the point of sale through the installation process, inspection and afterwards to get the customer started to maintain the system online. Mr. Michnik asked who is responsible for maintaining the system. Mr. Porzio stated that the customer would be responsible for cleaning the units but we don't really have dust in this area. There is a ten (10) year workmanship warranty on the system and they would maintain the system. Outside of the ten (10) years they would still maintain the system but it would no longer be under warranty. Mr. Michnik asked how many poles would be used for the system, they answered that there would be two (2) poles each with fifteen (15) panels. The top edge of the panel would measure sixteen (16) feet high. They would measure about 16 ½ by 16 ½ feet. They systems will be facing south so they could be placed right next to each other or line them up into one array with two (2) poles, it would be

the customers' preference. Mr. Michnik stated that it could create a smaller footprint. Mr. Nawrot said that he wants to limit the footprint and plant more trees. If the item was lying flat, it would be 17' by 33' wide. Mr. Porzio stated that they would maintain the system, as long as they were in business, for the next ten (10) years, it would be free for the customer under the warranty. No further questions.

What determined the placement on the property, was it customer preference or where you get the most sun. Mr. Porzio stated that it was both customer preference and making sure you are far enough from the tree lines as not to create shading on the panels that would decrease the investment. Mr. Nawrot stated that some of that went into the decision so that it would not be visible from the road and making sure it is out of the way.

ACTION:

Motion by Richard McNamara to **approve** new business Appeal No.6 as written. Motion seconded by Ryan Mills but wants Mr. McNamara to add that the applicant agrees to put six (6) foot spruce along the north side of the property. Discussion about how many spruce trees need to be planted since they need to be planted fifteen (15) apart. The change has been made for the spruce to be six (6) feet tall and planted fifteen (15) apart with no less than four (4) spruce trees.

ON THE QUESTION:

To approve Appeal No. 6:

Patrick Krey		Jonathan Hickey	Aye
Richard McNamara	Aye	Patricia Burkard	Aye
Ryan Mills	Aye	Daniel Michnik	Aye

MOTION CARRIED.

ACTION:

Motion by Ryan Mills to adjourn the meeting. Motion seconded by Patricia Burkard.

Meeting adjourned at 8:34 p.m.