

# Town of Cambria Zoning Board Meeting Minutes

## May 22, 2023

### Call to order

A meeting of the **Zoning Board of Appeals** was held at **Cambria Town Hall** on **May 22, 2023**, @ 7:00 pm. Chairman Smith welcomed everyone followed by the Pledge of Allegiance.

### Attendees included:

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

Members not in attendance included:

### Approval of minutes

A motion to approve the **April 24, 2023** minutes was made by Mr. Andrews and seconded by Mr. Milleville, all in favor, motion carried.

### New Business/Public Hearings

Mr. Billingsley read the Public Hearing Notices.

**DEGUEHERY, Thomas**  
**4895 Shawnee Rd., Sanborn**  
*Special Permit-Animal Husbandry*

**ZSP-2023-006**  
**SBL#106.00-1-6.42**

Mr. Deguehery would like to have chickens for his children. They would be kept in a 10 x 10' shed and have a 40 x 8' enclosed run.

Public hearing was open.

Public hearing was closed.

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### Motion

A motion for negative SEQR was made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

A motion to approve the Special Permit to house chickens but no roosters for one year was made by Mr. Andrews and seconded by Ms. Shoop, all in favor, motion carried.

**TURNER PROP./MODERN-TEC**  
**4935 Lockport Rd., Lockport**  
*Area Variance- Wind Turbine*

**ZBAV-2023-008**  
**SBL#121.00-2-73**

Padma Kasthurirangan from Buffalo Renewables explained that the 250 Kw wind turbine is to offset the energy use for the property owner. They are requesting a 1x total setback rather than the required 1.5x and to remove the setback required from the owner's buildings. Ms. Kasthurirangan went through the five variance criteria and her reasoning for how those criteria are met in this case. (The full description is attached to these minutes.) She also referenced cell towers in the area for comparison to other structures that do not meet the setbacks and have posed no security issues to date but have been up for years.

Mr. Billingsley stated that a Special Permit was previously granted to owner Chris Matyas for his business and that the turbine would be used for his business with net metering.

Public hearing was opened.

Public hearing was closed.

Ms. Kasthurirangan stated that ice on the turbine will cause the turbine blades to be off balance and therefore it will not run in icy conditions so there's no risk of ice flying off the turbine. It also has breaks and monitoring capabilities.

Mr. Billingsley explained that Wendel Engineers are looking further into SEQR regarding the turbine and he recommends that both the Planning and Zoning Boards meet on the same night in June to collaborate on the Site Plan and Special Permit.

Mr. Billingsley advised the Board that they can act on the Area Variance request or wait for more information. An Issue the Planning Board had was that the turbine is too close to the property line and that Mr. Matyas has two parcels that need to be combined. Ms. Kasthurirangan provided paperwork to Mr. Billingsley at the meeting where Mr. Matyas agrees to combine his two parcels.

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Ms. Kasthurirangan explains that the total height is 176' to the tip of the blade. She provided an example of a turbine located in Tonawanda that is near buildings there. She provided a letter of recommendation from the owner of that turbine stating that the proximity has not been a problem. (Letter is attached to these minutes).

Mr. Billingsley recommended board members could do a site visits if they choose. There are also wetlands on the property and he recommends no action be taken until next month's meeting.

Ms. Kasthurirangan asked that a decision on area variance be made as there is a June 30 deadline for the NYS grant.

### Motion

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

**TURNER PROP. /MODERN-TEC**  
**4935 Lockport Rd., Lockport**  
*Special Permit-Wind Turbine*

**ZSP-2023-008**  
**SBL#121.00-2-73**

Public hearing was opened.

Public hearing was closed.

### Motion

A motion to table the special permit until the June meeting was made by Mr. Milleville and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

**FLYNN, Shawn**  
**2990 Carney Drive, Sanborn**  
*Special Permit for Heating & Cooling Business*

**ZSP-2023-004**  
**SBL#119.00-1-12.11**

Mr. & Mrs. Flynn own a heating and cooling company and are looking to purchase the property on Carney Drive to operate their business out of.

Public hearing was opened.

Joe Wegrzyn of 2980 Carney Drive stated that he welcomes the Flynn's as it would be an improvement to the current owner of that property who violates building codes and property maintenance requirements.

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Public hearing was closed.

Mr. Flynn stated that there would be 5 employees. He is confident they will be good neighbors.

### Motion

A motion for negative SEQR was made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

A motion to approve the application for a Special Permit pursuant to the applicant complying with the conditions set forth by the Planning Board for the Site Plan, made by Mr. Andrews and seconded by Mr. Milleville, all in favor, motion carried.

### Old Business

**CONNOR, Donald**  
**3017 Lower Mtn. Rd., Sanborn**  
**Special Permit-Pond**

**ZSP-2023-003**  
**SBL#105.00-1-8**

Mr. Andrews inquired if Mr. Connor has dug any test holes for the pond as he recommends doing so. Mr. Connor has not tested the soil yet. He needs the pond for fire suppression purposes.

### Motion

A motion to approve the pond with findings that there are no drainage or environmental concerns, with the letter from the Niagara County Soil and Water Conservation District for approval, was made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

### Special Permit-Renewals

**BANKS, Scott**  
**5338 Baer Rd., Sanborn**  
**Animal Husbandry-Chickens**

**ZSP-2022-005**  
**SBL#119.00-1-40**

A signed letter indicating a request to renew the special permit was provided to the building department. No concerns from the Building Inspectors.

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#### Motion

A motion to approve the special permit renewal for 5 more years was made by Mr. Milleville and seconded by Mr. Andrews, all in favor, motion carried.

#### Reports

No reports.

#### Announcements

Mr. Billingsley stated that Mr. Roberson wanted to schedule a training session for the Board. There was discussion of the best dates and times in June.

#### Adjournment

A motion to adjourn at 7:40 pm was made by Mr. Andrews and seconded by Ms. Shoop, all in favor, so carried.

*Krista Brocious*

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Planning/Zoning Clerk



May 22, 2023

Town of Cambria  
4160 Upper Mountain Rd  
Sanborn, NY 14132

Re: Wind Energy Project proposal for Modern Tec Mfg at 4935 Lockport Rd, Lockport, NY 14094

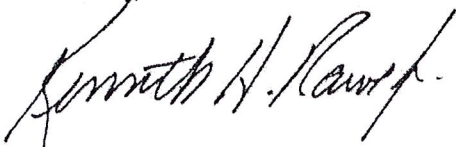
To whom it may concern,

I am Ken Rawe Jr. P.E. B.S. Civil/Environmental Engineer. I was a partner in Oakgrove Construction Inc., a Heavy Highway and Bridge Contractor for 35 years, retiring in 2010. In 2010, I formed Triad Recycling and Energy Corp, a Construction and Demolition Debris Recycling company with 2 partners. Triad is located at 3755 river road, Tonawanda, NY 14150.

We powered our crushers, grinders and screeners with electric generated by two 100 kW wind turbines installed by Buffalo Renewables. Installed on 120' self-supported monopole towers, each system is 160' high to the tip of the blade. The first of these turbines, installed in 2016, is sited approximately 90' from our C&D processing building. The tower does not pose any safety concerns to our operations or the building(s) on site.

The 2 turbines together generate 320,000 kWh a year and helped us eliminate our demand charge completely saving us over \$40,000.00 in energy costs per year. Based on my experience, I highly support the proposed wind energy project by Buffalo Renewables for Modern Tec Manufacturing. I would be willing to arrange a tour of the facility for the town of Cambria's various board members, if interested.

Sincerely,



Kenneth Rawe Jr. P.E.  
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Tonawanda, NY 14150  
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