



March 8, 2022

Town of Ellicottville  
Kelly Fredrickson  
PO Box 600  
Ellicottville, NY 14731

RE: Kathleen McGoldrick Variance Application, 8331 W. Valley Rd.

Dear Kelly:

Enclosed, please find the variance application and fees for a solar installation at 8331 W. Valley Rd., Ellicottville, NY 14731, check #18122.

Supporting documents are also included:

Option 1 is the original requested placement with the most productivity.

Option 2 satisfies the 100' setback but has less productivity.

Option 3 satisfies both the 100' and 30' setbacks but has the least productivity.

Please contact me with any questions. Thank you.

Very truly yours,  
Solar Liberty Energy Systems, Inc

A handwritten signature in blue ink that reads "Lyndsey Mavissakalian".

Lyndsey Mavissakalian  
Associate Project Manager  
Email: [lyndsey@solarliberty.com](mailto:lyndsey@solarliberty.com)  
Phone: 716.634.3780 ext. 110

Enclosure





**TOWN AND VILLAGE OF ELLICOTTVILLE  
BUILDING / CODE ENFORCEMENT  
DIVISION**



17 MILL ST. ELLICOTTVILLE, NY 14731

Code Enforcement Officer: Kelly Fredrickson, (716) 699-4773

E-MAIL: [kelly.fredrickson@evlengineering.com](mailto:kelly.fredrickson@evlengineering.com)

Planner: Gary Palumbo, , (716) 923-1325, E-MAIL: [gary.palumbo@aecom.com](mailto:gary.palumbo@aecom.com)

**ZONING BOARD OF APPEALS APPLICATION**

Property is in: ☒ TOWN ☐ VILLAGE App. # \_\_\_\_\_

**APPLICANT INFORMATION:**

Applicant's name: Kathleen McGoldrick

RECEIVED 3/18/22  
Date: 3/4/22

Mailing address: 8331 W. Valley Rd., Ellicottville, NY 14731

Cell Phone Number: 716-699-9909

E-Mail: katmcg2002@yahoo.com

Applicant must be (check all that apply): ☒ Owner ☐ Operator ☐ Lessee

Applicant's Engineer or representative: Solar Liberty Energy Systems, Inc., Lyndsey Mavissakalian

Address: 6500 Sheridan Dr., Ste 120, Buffalo, NY 14221

Phone #: 716-634-3780

E-Mail: lyndsey@solarliberty.com

**PROPERTY OWNER INFORMATION (if different than Applicant)**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Cell Phone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**TYPE OF APPEAL:**

☒ Area Variance ☐ Use Variance ☐ Interpretation of Zoning Law text or map

Section of Zoning Law from which variance is requested: D-4 and D-5

Describe the requested variance: Due to the layout of the property, the only location for the solar array is in the front yard, and the most productive placement falls within the front and side setbacks.

Is this appeal from a decision of the Town/Village of Ellicottville Building Official? ☒ YES ☐ NO

If yes, what as the type of decision or permit? Solar permit/building permit denial

Date of decision: 2/22/22

A previous appeal ☐ has ☒ has not been made with respect to this decision or with respect to the property. If a previous appeal was made, provide the Appeal # \_\_\_\_\_ and Date of Appeal \_\_\_\_\_

### Reasons Supporting Your Appeal

Please reply to the questions below for the type of appeal that you are making. These are the criteria that the Zoning Board of Appeals will use to evaluate your appeal. Provide as much detail as possible. Feel free to attach an additional statement.

#### AREA VARIANCE

In making its determination on an area variance, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance were granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making that determination, the ZBA will consider these five questions.

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by the granting of the area variance?  
No - this is a rural setting, and the solar mounts will be clean and neat in appearance.
2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?  
No - the roof is unsuitable for a solar array, and other placements on the property are not as productive due to the hills and trees.
3. Is the requested area variance substantial?  
For the setbacks, no. There is no way around the D-5 variance. There is no side or rear yard to place the array.
4. Will the proposed variance have a adverse effect or impact on the physical or environmental conditions in the neighborhood or district?  
No - the array consists of only 3 pole-mounts
5. Is the alleged difficulty self-created, which consideration shall be relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.  
No - the rear yard is forested area, and there is no side yard due to the placement of the house.

#### USE VARIANCE

In order for the Zoning Board of Appeals to grant a use variance, the applicant shall show that the applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial, as demonstrated by competent financial evidence; and
2. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood; and
3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

4. That the alleged hardship has not been self-created

Provide a statement that discusses each of these points, demonstrating that the zoning regulations have caused unnecessary hardship.

**INTERPRETATION OF ZONING LAW**

Provide a statement that describes what the Building Official determined, what you believe should be the interpretation, and why.

Attach additional statement.

**PROPERTY / FACILITY NAME**

Address: 8331 W. Valley Rd., Ellicottville, NY 14731

Property tax map #: 38.002-1-1.3

Current use of property: Residential

Description of Proposed Project/Use (attach additional pages, survey and plans):

Residential use solar array

**Zoning Requirements from Town/Village Zoning Law.**

Front yard setback: 100', Rear yard setback: \_\_\_\_\_, Side yard setback: 30',

Combined side: \_\_\_\_\_, Minimum lot size: \_\_\_\_\_, Width: \_\_\_\_\_,

Height: \_\_\_\_\_, Floor area ratio: \_\_\_\_\_ (Village)

Usable Open space: \_\_\_\_\_

**Site Information**

Size of site: \_\_\_\_\_ Sq. Ft.      Size of area to be developed: \_\_\_\_\_ Sq. Ft.

**Main Structure:**

Construction type: \_\_\_\_\_ Front yard setback: \_\_\_\_\_ feet

Height: \_\_\_\_\_ stories, \_\_\_\_\_ feet Side yard setback: \_\_\_\_\_ feet

# of family units: \_\_\_\_\_ Total of both side yard setbacks: \_\_\_\_\_ feet

Size of lot: \_\_\_\_\_ Sq. Ft. Rear yard setback: \_\_\_\_\_ feet

Usable Open space: \_\_\_\_\_ % Floor area ratio: \_\_\_\_\_ (Village)

Corner or interior lot? \_\_\_\_\_ Other: \_\_\_\_\_

Accessory Building:

Description: \_\_\_\_\_

Percentage of yard: \_\_\_\_\_ Height: \_\_\_\_\_ feet.

Setback from rear lot line: \_\_\_\_\_ feet. Setback from side lot line: \_\_\_\_\_ feet.

Floodplain:

FIRM Zone \_\_\_\_\_ BFE \_\_\_\_\_

Flood Plain Development Permit Required? ☐ YES ☒ NO

**ATTACHMENTS**

Attach all relevant items listed in the Town/Village of Ellicottville Zoning Law for type of application(s) being submitted. Additional copies of all plans, documents and other application materials may be required. See attached list of required forms and information needed for type of application being submitted. Deadline for submittal is three (3) weeks prior to regularly scheduled meeting date. Meeting dates are subject to change by the Board Chair.

**SIGNATURES**

Applicant and Owner (if different) must sign the application.

I hereby certify that I have examined this application and know the same to be true and correct. All provisions of laws and ordinances covering this type of work will be complied with whether specified herein or not. The acceptance or approval of this application does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction, land use or the performance of construction. I have read and am familiar with the Town/Village of Ellicottville zoning law that is relevant to this application(s).

Additional Fees may be charged for: pre-application meetings, SEQR review, and additional legal/consulting/engineering labor. Permit Fees are NON-REFUNDABLE

Permission to inspect – I hereby consent to Town/Village of Ellicottville Staff inspection of the project site and adjacent property areas. Town/Village staff may enter the property without notice. Inspection may occur without the owner, applicant or agent present. If the property is posted with “keep out” signs or fenced with an unlocked gate, staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site.

Applicant Signature: Kathleen McGoldrick Date: Mar 8, 2022  
Kathleen McGoldrick (Mar 8, 2022 09:33 EST)

Applicant must be (check all that apply) ☒ Owner ☐ Operator ☐ Lessee

Applicant Name: <sup>Print</sup> Kathleen McGoldrick

Property Owner's Signature (if different than applicant) \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner's Name: <sup>Print</sup> \_\_\_\_\_

Office use only:

Application Fee(s) \_\_\_\_\_

Received by: \_\_\_\_\_ on \_\_\_\_\_ (Date)

Project Number(s): \_\_\_\_\_





NOTES: 1. EQUIPMENT LOCATION TO BE FIELD VERIFIED  
2. SITE COMPLIANCE WITH APPROPRIATE STATE AND LOCAL CODES TO BE VERIFIED BY AUTHORITY HAVING JURISDICTION

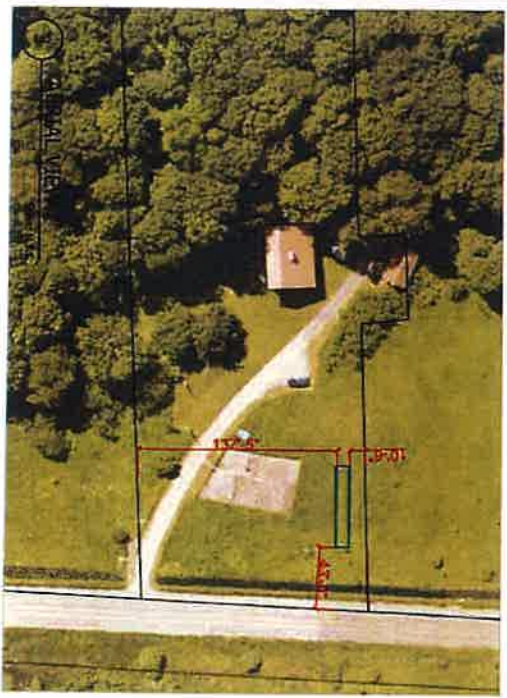


1 SITE PLAN & EQUIPMENT LAYOUT  
Scale: 1" = 20'

PV SYSTEM SUMMARY	
TOTAL STC DC SYSTEM SIZE	9.72 kW
SOLAR MODULE MODEL	SUNPOWER A6
SOLAR MODULE STC DC RATING	360 W
SOLAR MODULE INFO	61.3" x 41.2" x 1.8" 45.5 lbs
SOLAR MODULE COUNT	27
RACKING SYSTEM	MT SOLAR POLE MOUNT
PITCH OF ARRAY	30°
INVERTER MODEL	INTEGRATED MICROINVERTERS
ARRAY AZIMUTH	180°
PANEL CLEARANCE	3"
INTERCONNECTION VOLTAGE	240V/1Φ

LEGEND	
	UNSHADED SOLAR MODULE
	SHADED SOLAR MODULE
	MICROINVERTER
	EASY TO READ METER
	AC COMBINER BOX
	UTILITY METER
	AC DISCONNECT
	MAIN BREAKER PANEL
	ELECTRICAL TRENCH
	VENTING AND PATHWAY

2 PV SYSTEM OVERVIEW  
Scale: N.T.S.



3 AERIAL VIEW  
Scale: 1" = 20'

**General Notes**

THE INSTALLATION OF PV SYSTEM SHALL BE IN ACCORDANCE WITH THE MOST RECENT NATIONAL ELECTRIC STANDARDS AS ADOPTED BY JURISDICTION

**ELECTRICAL STAMP AREA**

THIS IS TO BE COMPLETED BY A LICENSED ELECTRICIAN AND A SIGNATURE AND SEAL ARE REQUIRED TO BE AFFIXED TO THIS DOCUMENT. THE SIGNATURE AND SEAL OF THE ELECTRICIAN SHALL BE AFFIXED TO THIS DOCUMENT.

No.	Design and Title	Date
1	Approved/Date	Date

**PROJECT NAME AND ADDRESS**

Tully Residence  
R311 VYVALL RD  
ELICHTHILL, NY 14231

**DESIGNER**

5500 Sheridan Drive  
Suite 120  
Buffalo, NY 14221  
866 80 RENEW

**CERTIFIED**

PV INSTALLATION PROFESSIONAL

**DATE**

12/05/2021

**AS NOTED**

PV-S1

## Aurora Shade Report

Annual Production : 11,800kWh

**Customer**  
Rodney Tolley

**Designer**  
Nathan Rizzo

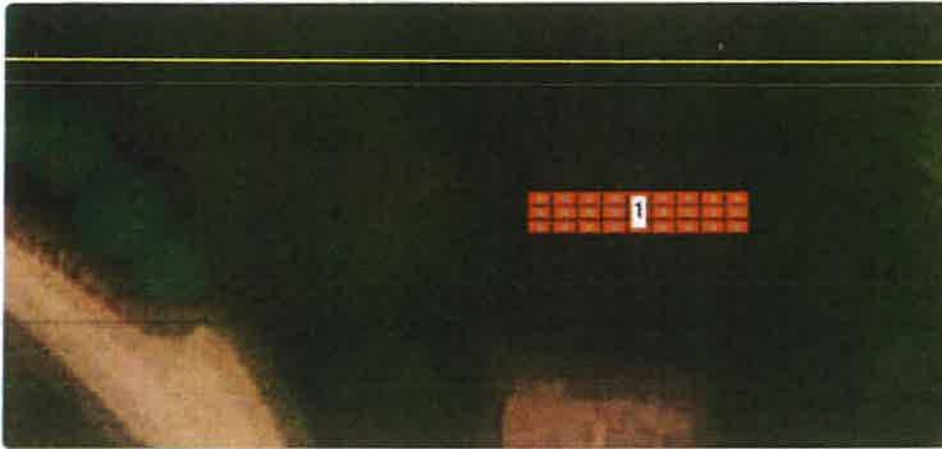
**Organization**  
Solar Liberty

**Address**  
8331 West Valley Road  
West Valley, NY 14171,  
USA

**Coordinates**  
(42.362832, -78.607939)

**Date**  
2 March 2022

### Annual irradiance



### Summary

Array	Panel Count	Azimuth (deg.)	Pitch (deg.)	Annual TOF (%)	Annual Solar Access (%)	Annual TSRF (%)
1	27	180	30	100	94	94
Weighted average by panel count	-	-	-	-	93.9	93.9

### Monthly solar access (%) across arrays

Array	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	93	92	94	95	96	97	98	97	96	92	85	83



**Customer**  
Rodney Tolley

**Address**  
S331 West Valley Road  
West Valley, NY 14171,  
USA

**Designer**  
Nathan Rizzo

**Coordinates**  
(42.362832, -73.607439)

**Organization**  
Sola+Liberty

**Date**  
2 March 2022

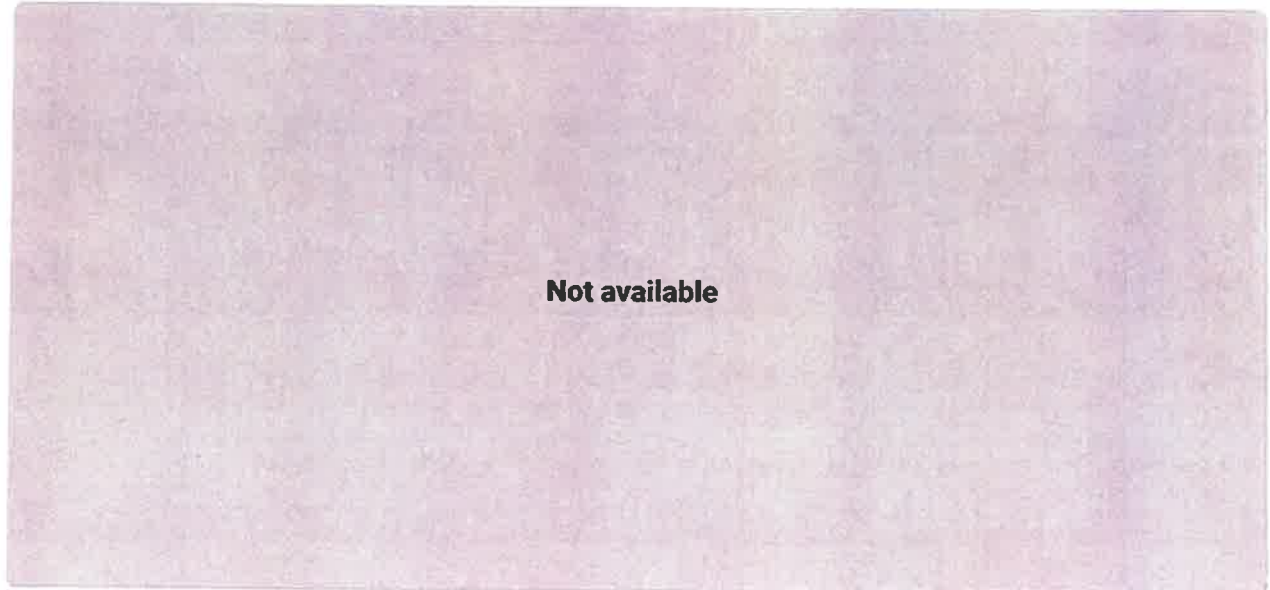
Zoomed out satellite view



3D model



3D model with LIDAR overlay  72 ft



Not available



**Customer**  
Rodney Tolley

**Designer**  
Nathan Rizzo

**Organization**  
Solar Liberty

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USA

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**Date**  
2 March 2022

**Street view and corresponding 3D model**



I, **Nathan Rizzo**, certify that I have generated this shading report to the best of my abilities, and I believe its contents to be accurate.

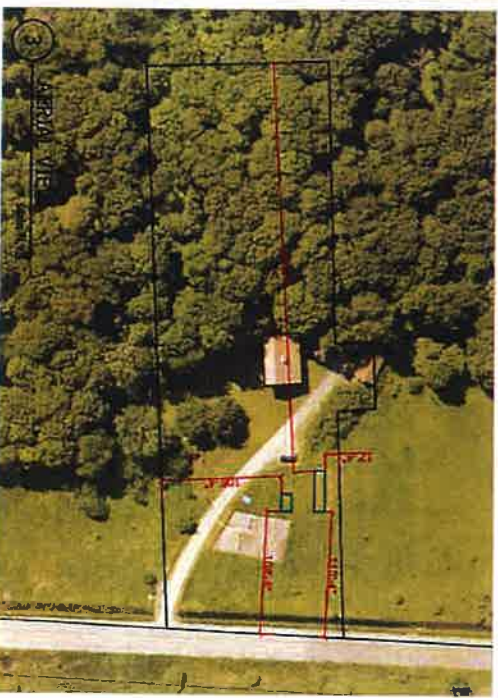


NOTES: 1. EQUIPMENT LOCATION TO BE FIELD VERIFIED  
2. SITE COMPLIANCE WITH APPROPRIATE STATE AND LOCAL CODES TO BE VERIFIED BY AUTHORITY HAVING JURISDICTION

PV SYSTEM SUMMARY	
TOTAL STC DC SYSTEM SIZE	9.77 KW
SOLAR MODULE MODEL	SUNPOWER AC
SOLAR MODULE STC DC RATING	350 W
SOLAR MODULE INFO	61.3" x 41.2" x 1.5" 45.5 lbs
SOLAR MODULE COUNT	27
RACKING SYSTEM	MT SOLAR POLE MOUNT
PITCH OF ARRAY	30°
INVERTER MODEL	INTEGRATED MICROINVERTERS
ARRAY AZIMUTH	160°
PANEL CLEARANCE	3'
INTERCONNECTION VOLTAGE	240V/1Ø

**LEGEND**

- UNGRADED SOLAR MODULE
- SHARDED SOLAR MODULE
- MIXED ORIENTATION SOLAR MODULE
- INVERTER
- DC-TO-AC METER
- AC CONDENSER PUMP
- UTILITY METER
- AC DISCONNECT
- MAIN BREAKER PANEL
- ELECTRICAL TRENCH
- VERTICAL AND PATHWAYS



**General Notes**

THE INSTALLATION OF PV SYSTEM SHALL BE IN ACCORDANCE WITH THE MOST RECENT NATIONAL ELECTRIC CODE (NEC) AND ANY APPLICABLE STATE AND LOCAL JURISDICTION.

**ELECTRICAL TAP/FAIR**

NO OTHER WORK IS TO BE DONE ON THE SYSTEM. THE SYSTEM IS TO BE INSTALLED IN ACCORDANCE WITH THE MOST RECENT NATIONAL ELECTRIC CODE (NEC) AND ANY APPLICABLE STATE AND LOCAL JURISDICTION.

**SOLARLIBERTY**

5500 Sheridan Drive  
Suite 120  
Buffalo, NY 14221  
866-30-RENEW

**CERTIFIED**  
PV INSTALLATION PROFESSIONAL

**Project Name and Address**

McSodick Residence  
8371 VV Kirby Rd.  
Machos NY 14101

**Owner Name** CR  
**Owner Address** CR  
**Date** 12/01/2021  
**AS NOTED** PVS1

## Aurora Shade Report

Annual Production: 10,850kWh

**Customer**  
Rodney Tolley

**Designer**  
Nathan Rizzo

**Organization**  
Solar Liberty

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West Valley, NY 14171,  
USA

**Coordinates**  
(42.362832, -78.607939)

**Date**  
2 March 2022

### Annual irradiance



### Summary

Array	Panel Count	Azimuth (deg.)	Pitch (deg.)	Annual TOF (%)	Annual Solar Access (%)	Annual TSRF (%)
1	18	180	30	100	91	91
2	9	180	30	100	91	91
Weighted average by panel count					91	91

### Monthly solar access (%) across arrays

Array	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	74	85	91	92	94	94	95	96	94	89	83	77
2	74	85	92	92	94	95	96	96	93	86	80	73



**Customer**  
Rodney Tolley

**Designer**  
Nathan Rizzo

**Organization**  
Solar Liberty

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Zoomed out satellite view

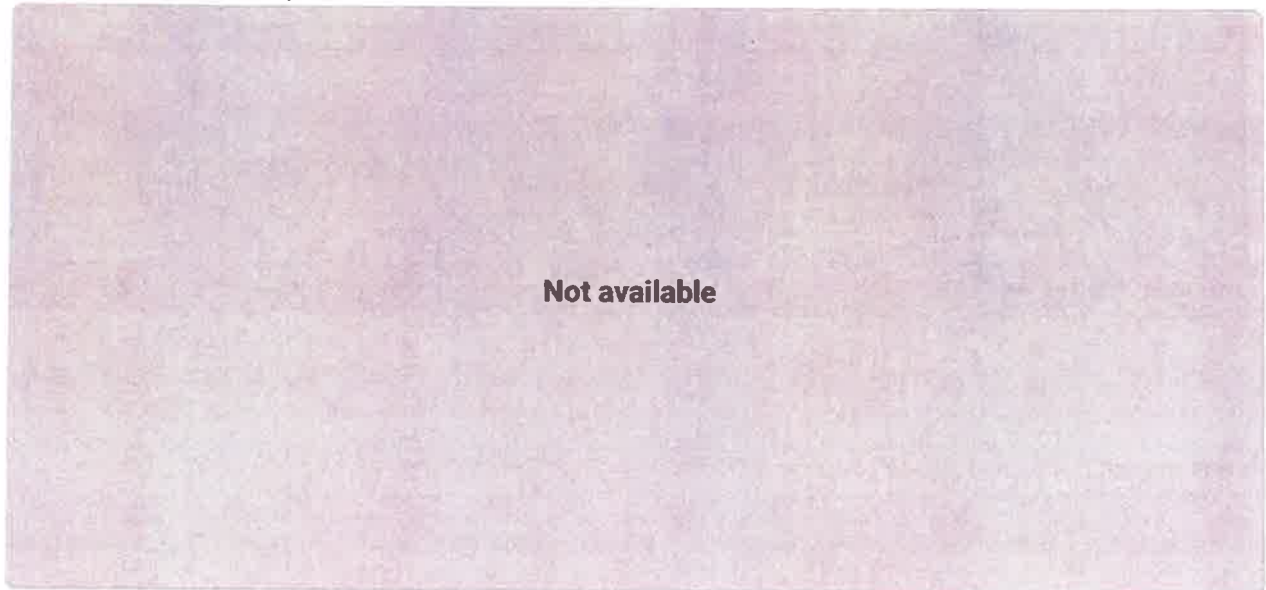


3D model



3D model with LIDAR overlay

NaN ft



**Customer**  
Rodney Tolley

**Designer**  
Nathan Rizzo

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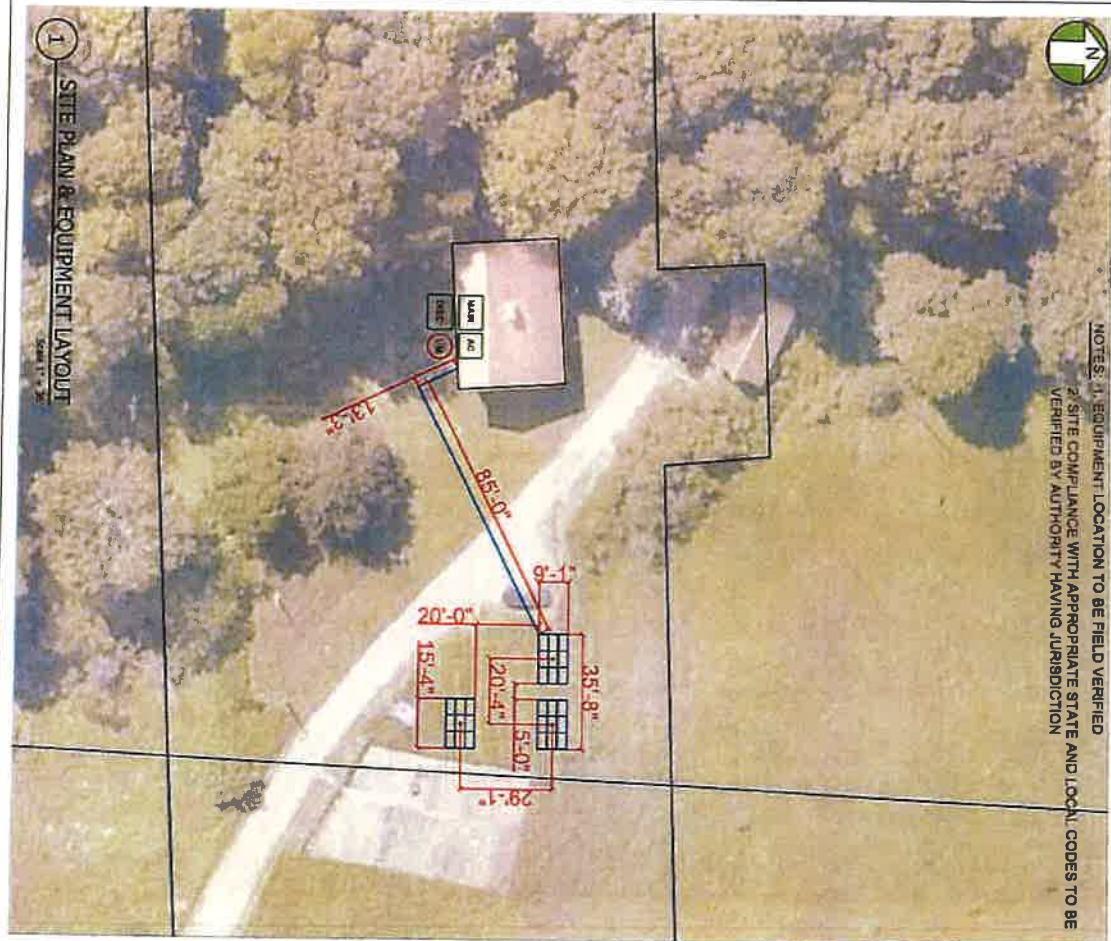
**Street view and corresponding 3D model**



I, **Nathan Rizzo**, certify that I have generated this shading report to the best of my abilities, and I believe its contents to be accurate.



NOTES: 1. EQUIPMENT LOCATION TO BE FIELD VERIFIED  
2. SITE COMPLIANCE WITH APPROPRIATE STATE AND LOCAL CODES TO BE  
VERIFIED BY AUTHORITY HAVING JURISDICTION



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SOLAR MODULE STC DC RATING	360 W
SOLAR MODULE INFO	61.3" x 41.2" x 1.0", 45.5 lbs
SOLAR MODULE COUNT	27
RACKING SYSTEM	MT SOLAR POLE MOUNT
PITCH OF ARRAY	30°
INVERTER MODEL	INTEGRATED MICROINVERTERS
ARRAY AZIMUTH	180°
PANEL CLEARANCE	3"
INTERCONNECTION VOLTAGE	240V/1Φ



**LEGEND**

- UNPAIDED SOLAR MODULE
- SHADED SOLAR MODULE
- MEXED OPERATION SOLAR MODULE
- INVENTOR
- EASY TO READ METER
- AC CROWDER BOX
- UTILITY METER
- AC DISCONNECT
- MAIN
- ELECTRICAL TRENCH
- VENTING AND PATHWAYS

<p><b>General Notes</b></p> <p>THE INSTALLATION OF TV ACCESSORIES SHALL BE IN ACCORDANCE WITH THE RECENT NATIONAL ELECTRIC AND BUILDING CODES, AND STANDARDS AS MONITORED BY JURISDICTION.</p>			
<p>ELECTRICAL TRAMP AREA</p>			
<p>INSTALLATION OF TV ACCESSORIES SHALL BE IN ACCORDANCE WITH THE RECENT NATIONAL ELECTRIC AND BUILDING CODES, AND STANDARDS AS MONITORED BY JURISDICTION.</p>			
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96	Label	Label	Label
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## Aurora Shade Report

Annual Production: 10,500kWh

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Rodney Tolley

**Designer**  
Nathan Rizzo

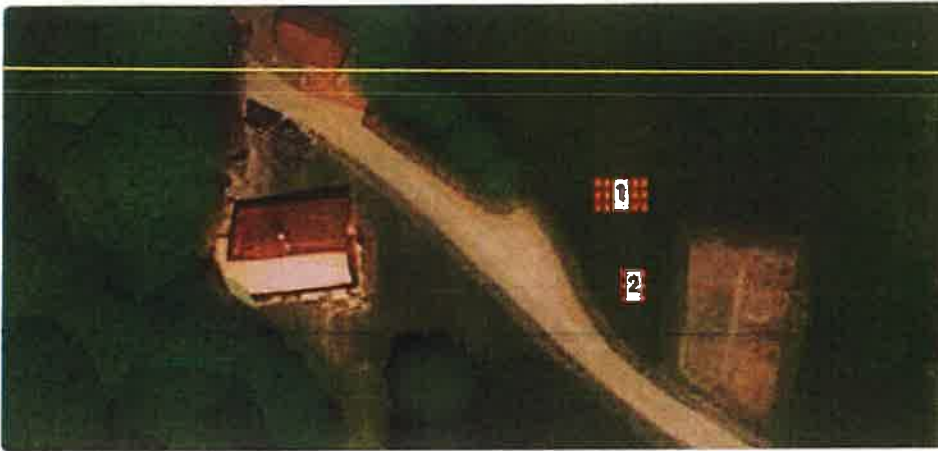
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Solar Liberty

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**Date**  
2 March 2022

### Annual irradiance



### Summary

Array	Panel Count	Azimuth (deg.)	Pitch (deg.)	Annual TOF (%)	Annual Solar Access (%)	Annual TSRF (%)
1	18	180	30	100	90	90
2	9	180	30	100	89	89
Weighted average by panel count		-	-	-	89.9	89.9

### Monthly solar access (%) across arrays

Array	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	73	84	90	91	94	94	95	95	93	88	79	73
2	73	80	92	90	94	94	95	95	92	84	77	71

**Customer**  
Rodney Tolley

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Nathan Rizzo

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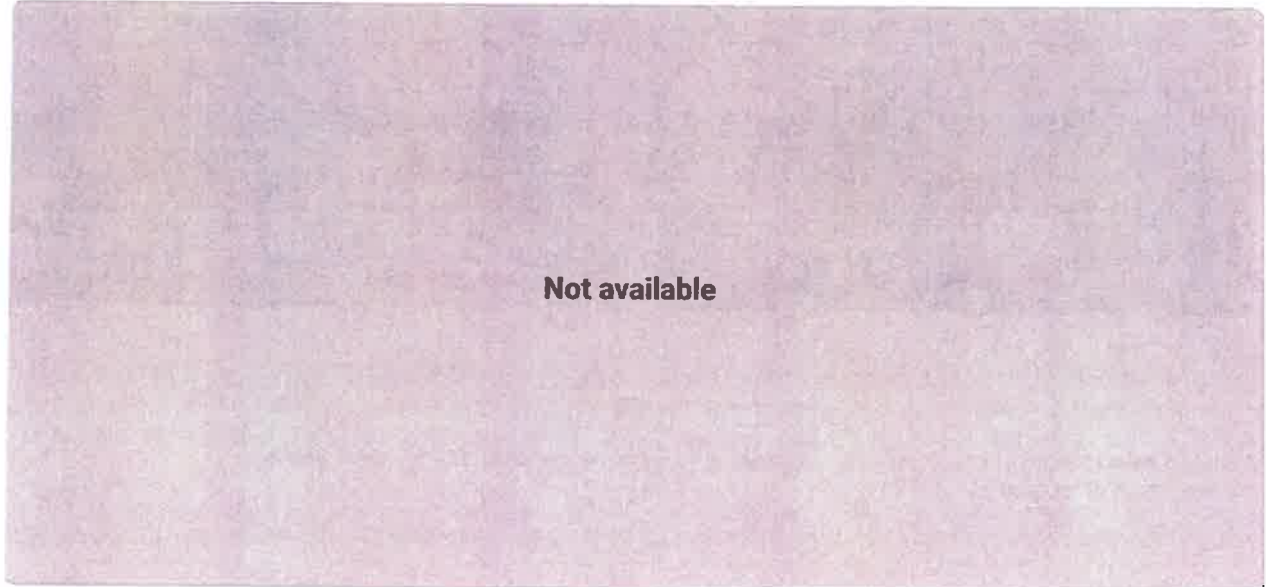
Zoomed out satellite view



3D model



3D model with LIDAR overlay  69 ft



Not available

**Customer**  
Rodney Tolley

**Designer**  
Nathan Rizzo

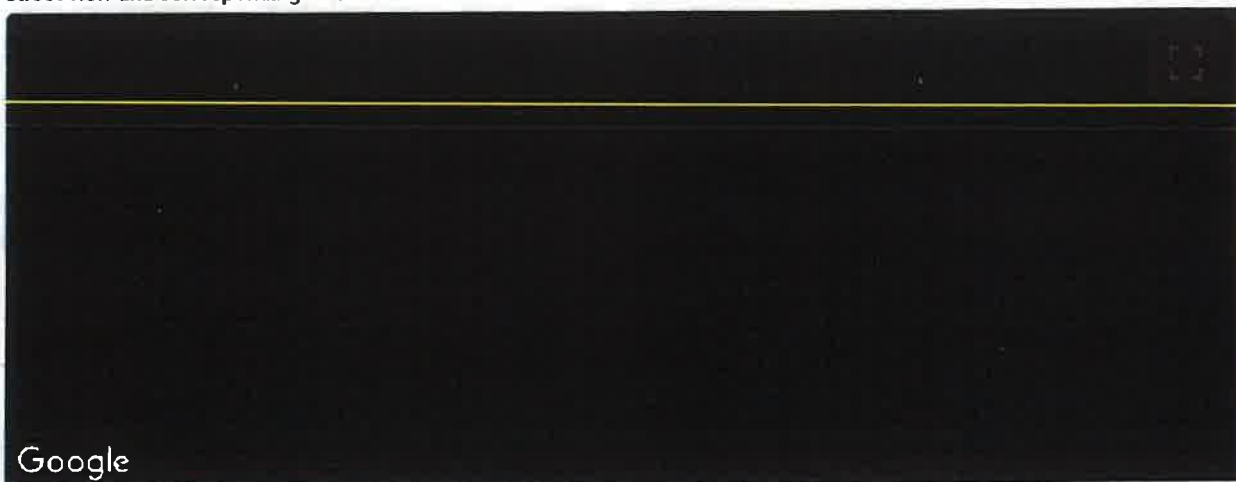
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**Street view and corresponding 3D model**



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