

**Town of Cambria  
Zoning Board of Appeals Meeting  
February 25, 2019**

The regular monthly meeting of the Zoning Board of the Town of Cambria was called to order by Peter Smith, Chairman at 7:15PM. Everyone was welcomed to the meeting, followed by the Pledge to the Flag.

**Members Present:** Peter Smith, Chairman  
Alan Johnson  
Thomas C. Andrews  
Bradley Rowles  
Harmony Retzlaff-Hurtgam  
Cheryl L. Shoop

**Members Absent:** No members were absent

**Also Present:** Gary Billingsley, Attorney  
Joseph Ohol, Councilman, Town Board Liaison  
Matthew Foe, Councilman, Acting Town Board  
Liaison Planning Board

A motion was made by Mr. Johnson and seconded by Mr. Rowles to approve the Minutes for the January Meeting as presented, unanimously approved, motion carried.

The public hearing notice was read as it appeared in the town newspaper.

**Old Business**

**Special Permit-Renewal**

**ZBSP-2012-06      Niagara Forestry/Brian Whyte  
4177 Lower Mountain Road, Lockport, NY 14094  
SBL# 92.00-1-66  
Log Mill**

Mr. Whyte was present at the meeting and stated he has been working to clean up as much as possible with the current weather conditions. Mr. McCann stated work has been done but there is still wood, manure, hay and straw that needs to be cleaned up. Mr. Billingsley reminded Mr. Whyte that when he was granted this Special Permit in 2012 he agreed to keep the property clean and well organized; thus far that has not been the case.

**Special Permit-Renewal Niagara Forestry/Brian Whyte-continued**

Mr. Whyte explained that he has a farm operation, and that hay and manure are a part of that, livestock are continuously making more manure all the time, therefore the pile just keeps growing. Mr. Whyte explained that he does sell the manure to local wineries as part of his operation. The Board suggested that Mr. Whyte put the logs behind the barn and put the junk vehicles out of sight, so the property looks tidy from the road. Mr. Whyte stated that there is a hay bine out front that he will move and a tractor that belongs to a neighbor he will have removed. Mr. Whyte said messes happen when you operate a farm but he will move the hay that is out front and put the logs behind the barn.

Mr. Andrews stated that the property in question leaves a lot to be desired. Mr. Billingsley explained to Mr. Whyte that the Town of Cambria is concerned about the appearance of this property, which Mr. Whyte is in the process of buying. Mr. Billingsley suggested that if the Board were inclined to renew this Special Permit they may want to include some conditions such as: logs placed in back of property, nothing else piled in the back where the logs will be placed. Mr. Whyte stated the roof will be replaced on barn by this summer (June 2019). The Town of Cambria would just like this corner clean.

Mr. Smith asked Mr. Whyte if this Special Permit renewal were granted would Mr. Whyte be able to keep this property clean. Mr. Whyte indicated that he will keep the property clean.

The Board stated no storage west of building and make the property look presentable.

A motion was made by Mr. Smith and seconded by Mr. Rowles to renew this Special Permit with the following conditions:

1. Repair roof on barn by June 2019 as discussed at the meeting.
2. No storage permitted west of barn #5.
3. Remove remaining items/farm products located in area near road and west of barn #5 as soon practicable and make property presentable.
4. Applicant to continue to receive directions and guidance from Mr. McCann regarding clean up and continued maintenance of property, and comply with same.

This renewal will come before this Board on July 19, 2019, all in favor, motion carried.

**Special Permit- Renewal****ZSP-2018-001****Matthew Mojeski****4954 Saunders Settlement Road, Lockport, NY 14094****SBL# 121.00-2-54****Animal Husbandry- 10 Chickens**

Mr. Mojeski was not present at the meeting therefore a motion was made by Mr. Rowles and seconded by Mr. Johnson to table this renewal until the end of the meeting, all in favor motion carried.

**Special Permit- Renewal****ZSP-2018-002****Amy Bradley****5393 Townline Road, Sanborn, NY 14132****SBL# 119.00-1-58.12****Private Kennel**

Ms. Bradley was present at the meeting and would like to renew her Special Permit to have four (4) dogs over six (6) months old. Mr. McCann stated there have been no complaints regarding this Special Permit.

A motion was made by Mrs. Retzlaff-Hurtgam and seconded by Mr. Rowles to renew this Special Permit for five (5) years, all in favor, motion carried.

**Special Permit -New****ZSP-2019-001****William and Sandra Parkhill****3171 Ridge Road, Sanborn, NY 14132****SBL# 105.00-2-61.12****Pond****Public Hearing Notice**

For a Special Permit to permit applicants to construct a kidney shaped recreational pond with approximate dimensions of 215 feet by 150 feet upon premises commonly known as Tax Map No. 105.00-2-61.12 west of 3547 Lower Mountain Road on the north side of Lower Mountain Road between Baer Road and Cambria Wilson Road pursuant to the terms and conditions of the Special Permit Ordinance of the Town of Cambria.

**Special Permit- New****ZSP-2019-002****Ryan and Lindsay Parkhill****4493 Upper Mountain Road, Sanborn, NY 14132****SBL# 105.00-2-61.11****Pond**

**Special Permit-Ryan and Lindsay Parkhill Pond continued****Public Hearing Notice**

To permit applicants to construct a kidney shaped recreational pond with approximate dimensions of 215 feet by 150 feet upon premises commonly known as Tax Map No. 105.00-2-61.11 west of 3547 Lower Mountain Road on the north side of Lower Mountain Road between Baer road and Cambria Wilson Road pursuant to the terms and conditions of the special Permit Ordinance of the Town of Cambria.

**The subsequent Minutes and Public Hearing will include discussion of both proposed ponds on adjacent properties owned by William and Sandra Parkhill and Ryan and Lindsay Parkhill.**

**Public Hearing Open**

Jean Rensel 4821 Baer Road, Sanborn was concerned the pond will become fetid and stagnant and become a breeding ground for disease spreading insects. Mr. Rensel stated he would prefer that the proposed ponds be located closer to the proposed Parkhill homes.

He also feels that in the springtime when there are heavy rains many properties become saturated with water and is concerned the ponds may exacerbate this already wet situation. Mr. Rensel further stated that some years his yard is so wet he is unable to get into his garden until July. He suggested the Parkhill's build their houses down the road and forget about the ponds.

In addition he is opposed to the setback variance, Mr. Rensel stated appearance effects the value of homes the Parkhill proposals will not be a part of the residential landscape that is currently in place. There is no reason for this variance, there is no hardship. He also questioned if a few months ago the Parkhill's proposed a large pond that was denied for many of the same issues.

Sam Caruso 4813 Baer Road, Sanborn stated that he agrees with Mr. Rensel and stated that he has spoken to Mr. McCann on numerous occasions about water issues near his home the water bubbles right up when it rains it is a very bad thing. He stated that he feels the proposed ponds will draw varmints to the neighborhood.

Mary Louise Miskey 4813 Baer Road, Sanborn stated that they are floating away on the water in this neighborhood; she feels the proposed ponds are just a whim with no good reason or hardship.

Frances George 3507 Lower Mountain Road, Sanborn stated they are unable to mow because it is too wet; concerned about water next to the lots.

**Special Permit Parkhill Ponds continued  
Public Hearing Closed**

Mr. Johnson suggested that the ponds may help with drainage of the neighbor's land that is wet. Mr. Smith stated there are underground springs in this area pushing water out, the way to fix that is to install drain tile. He further stated that the wind blows from the west so the neighbors will not be effected by any smell from the proposed ponds. Mr. Smith also stated that the ponds could help with drainage if property is sloped so water runs into the proposed ponds.

Mr. Parkhill stated they do not want to nor intend to flood their neighbors out with the proposed ponds. They have chosen a contractor who is familiar with this property.

The proposed ponds will be 12-15 feet deep according to recommendations by Niagara County Soil and Water.

The Parkhill's intend to treat the ponds to discourage cattails and stock the ponds with fish to eat insects.

Mr. McCann suggested the grade be set and explain how the water will drain and run off the property and into the pond to set the neighbors minds at ease. If drain tile is not installed in this area water problems will continue.

It was suggested that residents get together and discuss with the Highway Department about putting in a front ditch to assist with drainage issues.

The property slopes to the north and the proposed ponds will have an overflow to the hedge line on the east. The Parkhill's intend to make sure water doesn't run into the neighbor's property they are willing to make accommodations.

A motion was made by Mr. Rowles and seconded by Mr. Johnson to table both Special Permits for the ponds until the March meeting to allow the Parkhill's engineer time to provide information and survey to Mr. McCann ( within two (2) weeks) and coordinate with Jamie Johnson from Wendel Engineering, all in favor, motion carried.

**Area Variance**  
**ZBAV-2019-001**

**William and Sandra Parkhill**  
**3171 Ridge Road, Sanborn, NY 14132**  
**SBL# 105.00-2-61.12**  
**Set Back**

**Public Hearing Notice**

For an area variance to permit applicants to construct a residence upon premises commonly known as Tax Map No. 105.00-2-61.12 west of 3547 Lower Mountain Road on the north side of Lower Mountain Road between Baer Road and Cambria Wilson Road approximately 150 feet from the road right-of-way upon said premises, whereas the Zoning Ordinance of the Town of Cambria does not permit construction of a residence farther from the road right-of-way than 125 feet.

**Area Variance**  
**ZBAV-2019-002**

**Ryan and Lindsay Parkhill**  
**4493 Upper Mountain Road, Sanborn, NY 14132**  
**SBL# 105.00-2-61.11**  
**Set Back**

**Public Hearing Notice**

For an area variance to permit applicants to construct a residence upon premises commonly known as Tax Map No. 105.00-2-61.11 west of 3547 Lower Mountain Road on the north side of Lower Mountain Road between Baer road and Cambria Wilson Road approximately 150 feet from the road right-of-way upon said premises, whereas the Zoning Ordinance of the Town of Cambria does not permit construction of a residence farther from the road right-of-way than 125 feet.

**The subsequent Minutes and Public Hearing will include discussion of both proposed Area Variances regarding setback on adjacent properties owned by William and Sandra Parkhill and Ryan and Lindsay Parkhill.**

**Public Hearing Open**

Jerry George 3507 Lower Mountain Road, Sanborn is confused about the 25 feet setback and why that makes such a difference.

Gina Merlo 4410 Green Road, Lockport stated that she feels rules are made to follow so the setback rules should be followed.

Jean Rensel 4821 Baer Road, Sanborn asked what is the hardships regarding the setback and shouldn't be changed willy nilly.

**Area Variance Parkhill Setback continued**

Mary Louise Miskey 4813 Baer Road, Sanborn wondered why does the Town have a rule if no one is going to follow that rule.

**Public Hearing Closed**

Mr. Rowles asked what is the hardship that requires Mr. and Mrs. Parkhill to request an additional 25 'setback.

Mr. Parkhill explained that they both would like to have walk out basements; they felt that further setback would look better with the walkout basement. Mr. Parkhill indicated that most of the neighbors are back about 300 feet. If approved this will add an additional 80 feet to the turnaround which they need for the 40 'camper to make the turn.

Mr. Parkhill stated that they just wanted their homes further from the Road they are only doing this one time and want it to be how they want it.

It is roughly 150' from the house/garage to the Road Right-of-way.

A motion was made by Mr. Andrews and seconded by Mr. Johnson to approve both Area Variances for an additional 25 ' setback for Willian and Sandra Parkhill and Ryan and Lindsay Parkhill, all in favor motion carried.

**Area Variance****ZBAV-2019-003****Terry and Carol Vosburgh****3117 Lower Mountain Road, Sanborn, NY 14132****SBL# 105.00-1-13.111****Set Back****Public Hearing Notice**

For an area variance to permit applicants to construct a residence upon said premises 100 feet from the road right-of-way, when the rear main wall of an existing residence within

150 feet of the proposed residence is 80 feet from the road right-of-way, whereas construction of a residence within 150 feet of an existing residence closer to the road than the rear main wall of an existing residence more than 10 feet farther from the road right-of-way than the rear main wall of the existing residence is not permitted by the Zoning Ordinance of the Town of Cambria.

There was no one present to represent Mr. and Mrs. Vosburgh at the meeting, therefore their Area Variance was tabled until the March Meeting.

**Area Variance Vosburgh continued**

**Public Hearing Open**

No Public Comment

**Public Hearing Closed**

A motion was made by Mr. Rowles and seconded by Mr. Johnson to table this Area Variance until March, all in favor, motion carried.

**Reports**

**Chairman-** Nothing at this time

**Building Inspector-** Nothing at this time

**Attorney-** Mr. Billingsley stated a committee has been working on revisions to the Town of Cambria Zoning Ordinance regarding wineries, breweries, distilleries and meaderies etc. Policy of the Town included provisions of the Comprehensive Plan is to encourage these types of uses. If a farm produces 51% of its product as per applicable Agricultural and Markets Law guidelines, these types of farm operations may request site plan review for their proposed use. Special Events will require a permit from the Planning Board.

A public hearing will take place on March 14, 2019 for public comment on the revisions.

Board Members were asked to review these revisions and contact Mr. Billingsley, Mr. Foe, Mr. Ellis or Mr. McCann with questions or comments prior to the Public Hearing.

**Board Members-** Nothing at this time

The next meeting of the Zoning Board of Appeals will take place Monday, March 25, 2019 at 7:00PM.

A motion was made by Mr. Johnson and seconded by Mr. Andrews to adjourn the meeting at 8:35PM all in favor, motion carried.

Respectfully Submitted by

Melinda Olick

