

**Town of Cambria
Planning Board Meeting
August 21, 2017**

The regular monthly meeting of the Planning Board of the Town of Cambria was called to order by William J. Amacher, Chairman at 7:01 PM. Everyone was welcomed to the meeting, followed by the Pledge to the Flag.

Members Present: William J. Amacher, Chairman
Roger Schreader, Sr.
Gerald E. Kroening
Douglas Mawhiney
Garret Meal

Members Absent: All Members Present

Also Present: Matt Foe, Councilman, Town Board Liaison
James McCann, Building Inspector
Gary Billingsley, Attorney

A motion was made by Mr. Meal and seconded by Mr. Schreader to approve the minutes of the July Meeting as presented, unanimously approved, motion carried.

New Business

PSBD2017-008 Eric Ganshaw
Subdivision 4335 North Ridge Road, Lockport, NY 14094
Regarding-78.00-2-13.2
Vacant land located on North Ridge Rd
1-Lot Minor Sub-division

Mr. Ganshaw was present at the meeting and is seeking subdivision approval to create a 335' x 351' lot. The proposed 2.6 acre lot will used to construct a residence for the applicants sister construction will begin when she sells her existing residence.

The Board was concerned that should Mr. Ganshaw wish to sell the remaining lot that is left between the proposed lot and Mr. Ganshaw's existing residence it would not meet the requirements to be considered a building lot in the Town of Cambria. Mr. Ganshaw and his sister felt that would be fine and wished to continue with approval for this site plan.

A motion was made by Mr. Kroening and seconded by Mr. Mawhiney to waive the public hearing, all in favor, motion carried.

A motion was made by Mr. Schreader and seconded by Mr. Meal to declare a negative declaration under SEQR, all in favor, motion carried.

A motion was made by Mr. Kroening and seconded by Mr. Meal to approve Mr. Ganshaw's one lot minor sub-division, all in favor, motion carried.

PSBD2017-005 Gary DiLaura
Site Plan 7605 West Rivershore Dr, Niagara Falls, NY 14304
Regarding-SBL#134.00-1-68
3056 Saunders Settlement Rd
Site Plan

Mr. DiLaura was present at the meeting and is requesting Site Plan approval to construct additional self-storage units on Lot #4 of his self-storage facility located at 3056 Saunders Settlement Road. Lot #4 is the last lot 125' of the west side of the parcel. Mr. DiLaura would like the self-storage business to include rental, sale and storage of portable storage buildings as well as storage of RV's. Mr. DiLaura eventually plans to construct three new self-storage buildings. The proposed permanent self-storage buildings would be 40' x 200' on the eastern portion of lot #4, 24' x 200' on the western most boundary with a 25' side setback and 20' x 80' on the southernmost boundary. All proposed buildings will have a 25' setback with a total of 14,400 sq. ft. for all three buildings. On this site Mr. DiLaura has 6-10 Portable units to rent and sell. These units are 12' x 24' and some are smaller. The units are similar to the "POD" concept (portable on demand) storage. These units are used by contractors who need secure storage space on smaller job sites. Mr. DiLaura explained to the Board that he has someone with a trailer to move the portable units for him; he does not move them himself. Mr. DiLaura further explained that he will leave 36' between the proposed new building and 25' between old and new building to allow for snow removal.

The Board did not feel there were any issues with the site plan the applicant proposed, to continue to sell portable outside storage units until the new buildings are constructed. Mr. McCann reminded Mr. DiLaura that if the portable outside storage units are rented out while on-site then a Building Permit is required.

Mr. DiLaura stated that he intends to construct the new buildings in stages.

A motion was made by Mr. Kroening and seconded by Mr. Mawhiney to recommend to the Town that this site plan be approved with the following conditions, that Mr. DiLaura limit the amount of outside storage on this site and continue to phase out the outside storage (including portable storage units and RVs) as the new buildings are constructed, with the understanding that when the new buildings are complete he will discontinue outside storage, all in favor, motion carried.

PSBD2017-008 Sally Kolkmeier
Site Plan 4915 Townline Rd Sanborn, NY 14132
Regarding-SBL#79.00-2-8.2
4891 Ridge Rd

Mr. and Mrs. Kolkmeier were present at the meeting and stated they are seeking site plan approval to operate a "Vacation House" at the residence they own at 4891 Ridge Rd.

The Town Board has changed the Zoning Ordinance to revise the definition for "Home, Tourist" and replace with the following: A single family residence, which is leased to a single client, with no more than six (6) adult occupants, or four (4) adults and four (4) children, under the age of 18 years old, for a stay of seven (7) days or less. "Home, Tourist" will be placed under Special Use Permit with a fee of \$200.00 an additional \$250.00 fee for the required yearly compliance inspection.

A public hearing will be held at the Zoning Board of Appeals Meeting on Monday, August 28, 2017 at 7:00pm.

Mr. and Mrs. Kolkmeier purchased this home in 2014 and have been renovating since then. The house has 3 bedrooms, 1 bathroom and a queen size pullout sofa to accommodate guests. Mr. McCann stated that he has no issues with this site plan and this kind of rental is becoming very popular in the area.

Mr. and Mrs. Kolkmeier plan to advertise on the Wine Trail and with Buffalo/Niagara Tourism in an effort to encourage people to visit Niagara County.

A motion was made by Mr. Mawhiney and seconded by Mr. Kroening to approve this site plan with the following conditions, no parking on the road, no parking in the grass and no parking in the front yard, all in favor, motion carried.

Old Business

PSBD2017-004 Thomas Ohol
5832 Comstock Rd, Lockport, NY 14094
Regarding-SBL# 121.00-2-46.211
Vacant land located on Lockport Rd

This item was tabled until next month to allow Mr. Ohol and Mr. and Mrs. Prohaska the potential buyer time to compile information.

Resident Concerns

A number of residents were present at the meeting to discuss and/or refute the complaints concerning A Gust of Sun Winery, 4515 Baer Rd, Ransomville, NY 14131.

Tim McInnis-4530 Baer Rd, Ransomville, NY 14131

Addressed the Board regarding what he referred to as the "Bar" at 4515 Baer Rd. Mr. McInnis stated that he feels this property should not be considered a Winery because they do not have any vineyards to grow any grapes. In speaking with Robert Somers, Manager, Farmland Protection Unit of the New York State Department of Agriculture and Markets to be considered a farm operation 51% of the product sold must be produced by farm produced grapes. According to Agricultural and Markets Law (AML) 301(15) "For a winery to be considered a farm it must produce over 51% of the juice need to make their wine"

According to Mr. McInnis the Gust of Sun Winery is in violation of Town of Cambria Zoning Ordinance Section 1108 Part F and Part B. Section 1108 of the Town of Cambria Zoning Ordinance is entitled Required Off-Street Parking and Automobile Storage Spaces. Section B "states if the vehicle storage space or standing space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Appeals may permit such space to be provided on other off-street property provided such space lies within 400 feet of the main entrance to such principal use. Such vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner". Section F states "The parking spaces provided along with their necessary driveways and passageways shall be surfaced or finished in a manner adequate to eliminate dust and mud problems. Plans for such parking spaces are to be included with the plans for the construction of buildings and other structures and are to be presented to the Building Inspector at the time application for building permits are to be filed. Such parking areas are to be kept free of obstruction and unsightly objects. Intersections of parking areas with sidewalks or street pavements must be made in an approved manner. Provision must be made for the adequate drainage of parking area". Mr. McInnis would like the Town of Cambria to consider the residents of the town and the 17 young children that live nearby and enforce the Town Ordinances in regard to A Gust of Sun Winery.

Eric Gustafson, 4515 Baer Rd, Ransomville-Mr. Gustafson is the owner of Gust of Sun Winery was present at the meeting and thanked the Board for the opportunity to discuss these concerns. He stated that the statements made at the previous meeting were exaggerated and untrue. The concerns expressed by other residents were grounded in misinformation and lack of understanding. Mr. Gustafson encouraged any neighbor who has an issue to come over and they could discuss it in good faith.

Resident concerns continued

He further stated that he was unaware that there were any issues upsetting the neighbors as no one has ever been over to inform and discuss any issues. Mr. Gustafson further stated that he feels these are the same residents who have been trying to shut down his business from the beginning. Mr. Gustafson stated that the previous Building Inspector had received numerous complaints when the winery was under construction. He also stated that the closest house to the winery is over 300' away.

Mr. Gustafson addressed each concern presented to this Board at the July Meeting, they are as follows:

Parties until 11:00AM-According to Mr. Gustafson this is absolutely false, they run after hours events a few times per month and they usually run from 6:00PM-9:00PM. If they have a band the music is done by 9:00PM or 9:30PM.

Customers urinating and vomiting in resident yards-Mr. Gustafson stated that he has never known of or been told such an incident has taken place. If this behavior has occurred he has never been notified. They do not serve anyone who appears inebriated and try to discourage such behavior in their customers.

Inebriated customers exposing themselves to neighbors-Mr. Gustafson again stated that they refuse to serve inebriated customers, and take the appropriate steps when they do encounter a customer in that state. They are not aware of this behavior and would discourage anyone behaving in this manner. Adequate restrooms are provided on their property. If this is a common occurrence they should have been notified and made aware that this was happening and would have taken such behavior very seriously. Mr. Gustafson stated they are a family business, and family friendly their children often play in the backyard during business hours.

Beer trucks delivering beer to what is supposed to be a winery-Mr. Gustafson stated his business is a winery but they do keep some beer on hand for customers that may wish to have a different type of beverage. According to Mr. Gustafson beer sales are a small part of their business. In addition he didn't understand why his neighbors concern themselves with who is pulling in their driveway.

Trash in the neighborhood from parties-According to Mr. Gustafson they take great pride in their property and work very hard to keep things neat and tidy. They provide trash receptacles throughout their property for customer use. They have no control over customers who choose not to use trash receptacles or when things get blown away in the breeze.

Bands playing loud music each and every weekend-Mr. Gustafson stated they have 9 outdoor concerts planned between May and September. Bands are asked to play at a lower volume. Having musical acts perform at their winery is essential to their business. Musical acts only last 3 hours and finish well before they are required to by the town noise ordinance. All are welcome to attend and enjoy.

Resident concerns continued

Parking in the road, creating a hazard-Mr. Gustafson explained that their property has two driveways that are used as parking lots during business hours. One driveway can accommodate 10 cars and the other 14 cars or several larger vehicles. When necessary they have made use of the property they own across the street and have used that property as a parking area. They discourage bus traffic from doing many of the things that are upsetting the neighbors but at times their signs and suggestions are ignored.

Numerous out buildings on the property-Mr. Gustafson stated that many of the buildings on their property have been there for over 10 years. The buildings were there before they purchased the property and are used by their farm winery.

The residents expressed concern about a parking lot on the west side of Baer Road that is planned to accommodate buses-According to Mr. Gustafson this is a complete fabrication; as stated they do on occasion have parking on the vacant lot they own across the street. When they do have to utilize this area they attempt to do so as safely as possible.

Concern about the "party pavilion"-Mr. Gustafson stated this pavilion is being erected to replace the tents they currently use. The tents have become battered and torn and Mr. Gustafson feels the pavilion will beautify the neighborhood.

In closing Mr. Gustafson offered and is willing to communicate in an effort to politely solve many of these issues and concerns.

Mr. Gustafson provided the Board with a handout summarizing his discussion. This information was used to ensure accuracy in these minutes.

Jennifer Mullany -4491 Baer Rd, Ransomville, NY 14131

Ms. Mullany addressed all present and refuted much of what was stated by Mr. Gustafson. She resides at 4491 Baer Rd with her finance' Richard Antoncich. Ms. Mullany stated that in the 5 years she has resided at this address all the issues and concerns that have been mentioned she has experienced. Her finance' was unable to attend tonight's meeting because the stress is adversely affecting his health. She stated that she has contacted A Gust of Sun Winery on numerous occasions to make them aware of these issues. In her opinion they are trying to become the New York Beer Project. In the future she plans to call the police when these things occur. Ms. Mullany stated that she has never known A Gust of Sun Winery to have vineyards.

Resident concerns continued**Pamela S. McInnis-4530 Baer Rd, Ransomville, NY 14131**

Ms. McInnis expressed concern for the children in the neighborhood. She also expressed concern about the resale value of her home. Ms. McInnis also stated that she does not want to close the winery down.

Gary Gustafson-5 Summer Haven Dr, Hilton NY

Mr. Gustafson's son Eric owns A Gust of Sun Winery, stated that they have no vineyards for producing grapes because they were destroyed by harsh winter weather. According to Mr. Gustafson they are in the process of re-building that is why the rows are empty.

The Chairman indicated that although this Board appreciates the issues and concerns of all Town of Cambria residents in the future these issues would be better discussed with the Town Board for the Town of Cambria. The Town Board would be the appropriate venue for these discussions. The Town of Cambria Town Board Meetings are held the second Thursday of each month at 7:00PM.

Reports:

Chairman- Nothing to report at this time.

Building Inspector- Nothing to report at this time.

Attorney- Nothing to report at this time.

Board Members- Nothing to report at this time.

A motion was made by Mr. Schreader and seconded by Mr. Meal to adjourn the meeting at 8:26PM.

The next meeting of the Planning Board will take place Monday, September 18, 2017 at 7:00PM.

Respectfully Submitted by
Melinda Olick

