

**Town of Cambria
Zoning Board of Appeals Meeting
August 28, 2017**

The regular monthly meeting of the Zoning Board of the Town of Cambria was called to order by Peter Smith, Chairman at 7:01PM. Everyone was welcomed to the meeting, followed by the Pledge to the Flag.

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

Members Absent: No members were absent

Also Present: Randy Roberts, Councilman, Town Board Liaison
James McCann, Building Inspector
Gary Billingsley, Attorney

Due to an oversight the July minutes were not approved at this meeting. The July minutes will be approved at the Zoning Board of Appeals Meeting on September 25, 2017.

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

Special Permit Renewal

**ZBSP-2001-10 Crown Castle-Cell Tower
4160 Upper Mountain Rd, Sanborn NY 14132
SBL# 106.00-1-27.2/CT1**

Crown Castle submitted a letter requesting renewal of their Special Permit for an additional five (5) years. The check for the \$500 renewal fee has been paid. Mr. McCann stated there are no issues with this Special Permit renewal.

A motion was made by Mr. Rowles and seconded by Mr. Johnson to renew this Special Permit for 5 years, all in favor, motion carried.

New Business**Special Permit****ZSP2017-003****Sally Kolkmeier****4915 Townline Rd Sanborn, NY 14132****Regarding-SBL#79.00-2-8.2****4891 Ridge Rd****Public Hearing Notice**

Special Permit to permit applicant to maintain a Tourist Home to be known as Wolf Ridge Lodge Guest House upon premises commonly known as 4981 Ridge road pursuant to the Special Permit Ordinance of the Town of Cambria.

Mr. and Mrs. Kolkmeier were present at the meeting and stated they are seeking 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.

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. In a letter Mrs. Kolkmeier presented to the Board she stated that some of her neighbors are upset with her decision to open a Guest House-Vacation Rental House. They feel she was not forthright with her intentions. She stated that while renovations were being completed over the last three years she has kept the grounds well maintained in an effort to be a good neighbor. Upon completion of the renovations she invited her surrounding neighbors over to see the inside and discuss any concerns they may have. Several neighbors did visit the home and one neighbor said he loved the idea, another figured if Mr. and Mrs. Kolkmeier put so much time and money into the house, they must plan on making sure no one will wreck the place. According to Mrs. Kolkmeier the closest neighbor to the east came over and said he is fine with the Guest House-Vacation Rental House provided if he has a concern he can call and the situation will be taken care of right away.

Special Permit-Kolkmeyer continued

In an effort to address the concerns of her neighbors, Mrs. Kolkmeyer will have the following rules:

- A \$100 refundable security deposit at time of reservation.
- Renters will need to be 25 years of age or older to stay at the house and show proper ID when they arrive.
- No loud noise after 11:00PM and before 9:00AM.
- No fireworks.
- All garbage must be bagged and put in garbage cans.
- No other visitors allowed to sleep over.

Mrs. Kolkmeyer further stated that she plans to personally speak to all potential renters in an effort to screen and weed out undesirable persons. She stated that she will have a phone conversation with potential renters rather than renting the property via internet sites. If there is any concern by her neighbors or herself, she has the right to enter the house at any time and "kick out" the renters without any notice and/or call the police. The renters will then lose their deposit.

Public Hearing-Open**Kelly Winslow-4988 Ridge Road Lockport, NY 14094**

Mrs. Winslow read from a prepared statement in opposition of the proposed Guest House-Vacation Rental House. Mrs. Winslow addressed the Board as the representative for the six other neighbors who signed a petition to prevent 4981 Ridge Road from becoming a guest house for short term rental for transient population. Mrs. Winslow stated that she and her husband have lived on Ridge Road for 35 years and are very familiar with this house. According to Mrs. Winslow the Ridge Road community initially welcomed Mr. and Mrs. Kolkmeyer to the neighborhood. Issues developed after neighbors were given four different stories regarding future plans for this property. Neighbors were told it was going to be their retirement home; or they planned to rent to their daughter, a rental property, or a rental vacation home. Mrs. Winslow stated that she feels Mrs. Kolkmeyer was not forthcoming with the facts regarding her intentions for this property. The neighbors feel that short term renters have no interest in the home and will not keep it and the community safe. Mrs. Winslow stated that if she wanted to live next to a property rented to a transient population they would have bought property next to Twin Oaks. Mrs. Winslow expressed concern that this property will turn into a "party house".

Special Permit-Kolkmeyer continued**Sally Marotta-Reed-5292 Cambria Road Sanborn, NY 14132**

Mrs. Reed stated that she has lived in the Town of Cambria for 51 years and is invested in the Town. She supports small business and is the director of the day program in the Town of Cambria. She had the opportunity to walk through the proposed Guest House-Vacation Rental Home and can see that the owners have put a lot of "blood, sweat and tears" into this property. Mrs. Reed also explained that she is also a Buffalo Public School Teacher, she and her co-workers rent houses just like this to prepare for the coming school year, develop lesson plans, have fellowship and spend money in the community they are visiting. She stated they never have a "party house"; they explore and discover what the area has to offer. Mrs. Reed feels the Town should be given the opportunity to explore this new venue to encourage tourism. She feels this will be an opportunity for visitors who are returning to the area to visit family; they will have a place to stay that is close. Mrs. Reed stated that she understands the concern of the neighbors, but feels the Town needs to explore this new opportunity.

Public Hearing-Closed

Mr. Billingsley explained that the Town Board recently amended the definition of Tourist Home in the Zoning Ordinance. As a use permitted by Special Permit, site plan approval from the Planning Board is required. This is the first application of this type in the Town. On August 21, 2017 the Planning Board granted Mr. and Mrs. Kolkmeyer Site Plan Approval with the following conditions, no parking on the road, no parking in the grass and no parking in the front yard.

The Board needs to consider the criteria for Special Permit listed in Section 1101 of the Zoning Ordinance for the Town of Cambria.

The Petition to prevent 4981 Ridge Rd, Cambria, NY from becoming a guest home for short term rental for transient population was read to all present.

Mr. Billingsley suggested that the Board could consider to either table the application to further consider this new Special Permit, or they could make a motion on the application this evening. He reminded the Board that upon initial approval special permits are granted for (1) one year and then may be granted for up to (5) five years subsequently.

Board members had several questions:

Mr. Johnson asked where Mr. and Mrs. Kolkmeyer live how far they are from the property in question, Mr. and Mrs. Kolkmeyer reside at 4915 Townline Rd Sanborn, NY 14132 which according to Mrs. Kolkmeyer is about 10 minutes away.

Special Permit-Kolkmeier continued

Mr. Johnson asked about smoke alarms and Carbon Monoxide detectors, Mr. McCann stated they are present and follow code. Mrs. Kolkmeier also stated they have had an initial check by the Niagara County Health Department; further inspection will be conducted after approval from this Board.

Mrs. Retzlaff-Hurtgam asked what the cost would be to rent the proposed Tourist Home, Mrs. Kolkmeier explained that it will cost about \$250 per night for Friday-Saturday-Sunday, \$175 per night Monday-Thursday with a better rate if the renter stays three (3) or more nights.

Mr. Rowles asked if Mrs. Kolkmeier has a business model or plan and how often does she plan to rent out the house, Mrs. Kolkmeier responded that she does and would like to have it rented out every weekend once approval has been granted.

A motion was made by Mr. Andrews and seconded by Mr. Johnson to table a decision on this Special Permit, all in favor, motion carried.

Mrs. Kolkmeier offered the Board and interested neighbors a tour of the proposed Tourist House.

Special Permit**ZSP2017-004****Ryan Sherwood****3136 Andrews Rd, Ransomville, NY 14131****SBL # 77.00-1-48.3****Public Hearing Notice**

Special Permit to permit applicant to raise up to six (6) chickens upon said premises which contain 2.5 acres pursuant to the Special Permit Ordinance of the Town of Cambria, which permits animal husbandry by Special Permit upon premises containing less than five (5) acres.

Mr. Sherwood was present at the meeting and stated that he would like a permit to have (5) five hens. He originally had 6 chickens but one (1) turned out to be a rooster so he now has five (5) hens.

Public Hearing-Open**Mr. Caracci-3126 Andrews Road Ransomville, NY 14131**

Mr. Caracci stated that he has no issue with Mr. Sherwood having chickens but the hens have gotten out and been on his property. He also expressed concern that the hen house is located on the "septic spot". Mr. Caracci stated he has had issues before but Mr. Sherwood's daughter does a good job with the chickens.

Public Hearing-Closed**Special Permit-Ryan Sherwood continued**

Mr. Sherwood stated that the hen house used to be the old play set and is located near the septic tank; the run for the hens goes over that area. The fence has been repaired so the hens no longer escape.

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

A motion was made by Mr. Rowles and seconded by Mr. Johnson to grant Mr. Sherwood a Special Permit for one (1) year to have up to five (5) hens, no roosters, the hens will be kept in an enclosure and not free range, all in favor, motion carried.

Old Business No old business at this time.

Reports

Chairman- The Zoning Board is continuing their efforts to address the 1000' limit on Accessory Buildings.

Building Inspector- Nothing at this time.

Attorney- Nothing at this time.

Board Members- Nothing at this time.

The next meeting of the Zoning Board of Appeals will take place Monday, September 25, 2017 at 7:00PM.

A motion was made by Mr. Johnson and seconded by Mr. Andrews to adjourn the meeting at 7:53PM all in favor, motion carried.

Respectfully Submitted by
Melinda Olick

