

**Town of Cambria
Zoning Board of Appeals Meeting
April 15, 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
James McCann, Building Inspector

A motion was made by Mr. Johnson and seconded by Mr. Andrews to approve the Minutes for the March 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

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; Mr. Smith suggested this item be tabled until the end of the meeting to allow Mr. Mojeski an opportunity to arrive.

A motion was made by Mr. Rowles and seconded by Mr. Andrews to table this agenda item until the end of the meeting, all in favor, motion carried.

Mr. Mojeski was not present at this meeting, and has not communicated with this Board. This Special Permit renewal has been on the agenda since February, with no communication from Mr. Mojeski this Special Permit will therefore be allowed terminate.

A motion was made by Mr. Andrews and seconded by Mr. Rowles to allow this Special Permit to terminate by its own terms, all in favor, motion carried.

Special Permit- Renewal**ZSP-2007-005****David Kubiniec****4049 Saunders Settlement Road, Sanborn, NY 14132****SBL# 120.00-1-19.112****Plumbing Business**

Mr. Kubiniec was not present; Mr. Smith suggested this item be tabled until the end of the meeting to allow Mr. Kubiniec an opportunity to arrive.

A motion was made by Mr. Rowles and seconded by Mrs. Retzlaff-Hurtgam to table this agenda item until the end of the meeting, all in favor, motion carried.

Mr. Kubiniec was not present at this meeting, and has not communicated with this Board.

A motion was made by Mr. Rowles and seconded by Mr. Johnson to table this Special Permit until the May Meeting, all in favor, motion carried.

Special Permit- Renewal**ZSP-1995-006****Darrin Peck****4400 North Ridge Road, Lockport, NY 14094****SBL# 78.00-2-52****Hair Salon**

Mr. Peck was not present at the meeting, but did send a letter to the Board. The letter was unclear if Mr. Peck wished to renew or terminate his Special Permit. Mr. Peck was unable to be contacted due to the Town not having a working phone number.

A motion was made by Mr. Rowles and seconded by Mr. Andrews to table this Special Permit until the May Meeting, all in favor, motion carried.

New Business**Special Permit- New****ZSP-2019-004****Donald Barton****3914 Lower Mountain Road, Lockport, NY 14094****SBL# 106.00-1-17.111****Animal Husbandry-6 Chickens****Public Hearing Notice**

Special Permit to permit applicants to maintain up to six (6) chickens on said premises which contain approximately 1.7 acres pursuant to the Zoning Ordinance of the Town of Cambria, which permits animal husbandry by Special Permit upon premises containing less than five (5) acres.

New Business-Special Permit- Donald Barton continued

Mr. Barton was present at the meeting and stated he would like this Special Permit to keep six (6) hens for eggs, no roosters. The chickens will stay in a coop and have a fenced in area.

Public Hearing Open

No public comment

Public Hearing Closed

A motion was made by Mr. Andrews and seconded by Mr. Rowles to Declare a Negative Declaration under SEQR, all in favor, motion carried.

A motion was made by Mr. Johnson and seconded by Mr. Rowles to approve this Special Permit for One (1) year to allow Mr. Barton to have six (6) hens no Roosters, all in favor, motion carried. Subsequent renewals may be for up to five (5) years, at the discretion of the Board.

Area Variance
ZBAV-2019-004

Carlo Perfetto
348 Hammocks Drive, Orchard Park, NY 14127
Perfetto Vineyards
Shawnee Road, Sanborn, NY 14132
SBL# 106.00-1-9.11
Set Back

Public Hearing Notice

For an area variance to permit applicant to construct a pole barn with dimensions of 54 feet by 70 feet upon premises located on the east side of Shawnee Road between Upper Mountain Road and Stoelting Road (Tax Map No. 106.00-1- 9.11) within 10 feet of the east rear property line, whereas the Zoning Ordinance of the Town of Cambria does not permit construction of such a structure closer to a rear lot line than 100 feet upon such a parcel.

Mr. Perfetto was present at the meeting and stated he owns the vineyard with no structure for his equipment. He would like to construct a 54' x 70' pole barn, to store his equipment. He has chosen that particular area to place the building due to die off of the existing vineyard due to shade. The shade is created by existing trees. The type of grapes he grows Pinot noir do not like the shade. Mr. Demaison, who manages his vineyard, suggested placing the proposed building as far to the east as possible to prevent shade. According to Mr. Perfetto the back of his property is Escarpment, therefore will not accommodate the proposed pole barn. He also doesn't want to interfere with the existing drainage.

Area Variance-Carlo Perfetto continued

He further stated he would like the building placed in the currently proposed location rather than in the lot in the front because he feels it would be unfair to the neighbors to place a pole building between their existing houses.

Public Hearing Open

Donald Demaison, 3617 Lower Mountain, Sanborn, NY 14132, stated he would like Mr. Perfetto to be granted this Area Variance so he can store of his stuff in his own building.

Matthew Robins, 4991 Shawnee Road, Sanborn, NY 14132, stated that he owns the property to the east and has no issue with the proposed pole barn.

Public Hearing Closed

Mr. Perfetto stated the proposed pole building will be 22' in height with an interior ceiling of 14'. The proposed building will be used solely for the storage of equipment.

A motion was made by Mrs. Retzlaff-Hurtgam, seconded by Mr. Johnson to approve this Area Variance based upon factors including placing the Building farther away from the residences on Shawnee Road and to minimize the amount of shade on the grape vineyard, all in favor, motion carried.

Reports

Chairman- Nothing at this time.

Building Inspector- Nothing at this time.

Attorney- Mr. Billingsley stated the Board has made some changes to the Amendments to the Zoning Ordinance that address the transfer of the property from one family member to another. The Town Board has fine-tuned and tied up some loose ends regarding these amendments.

Board Members- Nothing at this time

The next meeting of the Zoning Board of Appeals will take place Monday May 20, 2019 at 8:00PM, following the Planning Board Meeting which will be held at 7:00PM.

A motion was made by Mr. Andrews and seconded by Mrs. Retzlaff-Hurtgam to adjourn the meeting at 7:45PM, all in favor, motion carried.

Respectfully Submitted by
Melinda Olick