

**Town of Cambria  
Zoning Board of Appeals Meeting  
August 19, 2019**

The regular monthly meeting of the Zoning Board of the Town of Cambria was called to order by Peter Smith, Chairman at 8:00PM. Everyone was welcomed to the meeting, followed by the Pledge to the Flag.

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

**Members Absent:** Bradley Rowles

**Also Present:** Gary Billingsley, Attorney

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

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

<b>Old Business</b>	<b>Raelean McGee</b>
<b>Special Permit</b>	<b>5920 Meahl Road, Lockport, NY 14094</b>
<b>Renewal</b>	<b>SBL# 121.00-1-37.2</b>
<b>ZSP-2018-004</b>	<b>Operate Landscape Business from Home</b>

Ms. McGee was not present therefore a motion was made by Mrs. Retzlaff-Hurtgam and seconded by Mr. Johnson to table this Special Permit until the end of the meeting, all in favor, motion carried.

Ms. McGee was still not present at the end of the meeting, a motion was made by Mr. Andrews and seconded Mrs. Retzlaff-Hurtgam that Mr. Billingsley write a letter to Ms. McGee regarding this Special Permit Renewal, all in favor, motion carried.

**Old Business**                      **Steven Palistrant**  
**Special Permit**                **5907 Shawnee Road, Sanborn, NY 14132**  
**Renewal**                            **SBL# 120.00-1-61.11**  
**ZBSP-2018-010**                **Animal Husbandry- Chickens**

Mr. Palistrant responded to the request for renewal letter that he would be unable to attend this meeting. A motion was made by Mr. Johnson and seconded by Mr. Andrews to table this Special Permit Renewal until the September Meeting.

**Old Business**                      **James Burandt**  
**Special Permit**                **3462 Lower Mountain Road, Sanborn, NY 14132**  
**Renewal**                            **SBL# 91.00-1-19.4**  
**ZBSP-07-16-2014**                **Private Kennel**

Mr. Burandt responded to the request for renewal letter that he no longer needs this Special Permit. A motion was made by Mr. Andrews and seconded by Mrs. Shoop to allow this Special Permit to expire by its own terms, all in favor, motion carried.

**Old Business**                      **Mancene Sinclair**  
**Special Permit**                **4140 Burch Road, Ransomville, NY 14131**  
**Renewal**                            **SBL# 77.00-1-53**  
**ZBSP-08-04-2014**                **Private Kennel**

Mrs. Sinclair responded to the request for renewal letter that she no longer needs this Special Permit. A motion was made by Mr. Andrews and seconded by Mrs. Retzlaff-Hurtgam to allow this Special Permit to expire by its own terms, all in favor, motion carried.

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

Mr. Whyte was not present; a motion was made by Mr. Johnson and seconded by Mr. Andrews to table this Special Permit renewal until the end of the meeting, all in favor, motion carried.

Mr. Whyte was still not present at the end of the meeting. Mr. Billingsley has already sent a letter to Mr. Whyte.

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

**New Business**            **Denise-Steven Fitzgibbon**  
**ZBAV-2019-09**        **4263 Cambria-Wilson Road, Lockport, NY 14094**  
                                 **SBL# 78.00-1-17.12**  
                                 **Area Variance**

### **Public Hearing Notice**

An area variance to permit applicants to maintain an accessory building upon a portion of said premises that would be subdivided approximately 12.4 feet from the north side lot line on such subdivided parcel, whereas the Zoning Ordinance of the Town of Cambria does not permit an accessory building to be maintained closer than 15 feet from the side lot line upon such a parcel.

Mr. and Mrs. Fitzgibbon were present at the meeting and would like to divide their property to sell one parcel and house to their son. The property must be divided for their son to obtain financing.

### **Public Hearing Open**

No comment from the public

### **Public Hearing Closed**

Mrs. Fitzgibbon brought pictures to show the Board how their house has "wings" that stick out. Mrs. Fitzgibbon stated that they are not 100% sure they want to sub-divide the property at this time, as their son may decide to move to a larger house. She was advised to hold off on this Area Variance and the subsequent sub-division request. They will need to discuss their plans with Mr. McCann upon his return.

A motion was made by Mr. Johnson and seconded by Mrs. Retzlaff-Hurtgam to table this Area Variance until the September Meeting, all in favor, motion carried.

**New Business**            **Clifford Schlemmer**  
**ZBAV-2019-10**        **4378 Townline Road, Lockport, NY 14094**  
                                 **SBL# 79.00-2-24**  
                                 **Area Variance**

### **Public Hearing Notice**

An area variance to permit applicant to construct an accessory building on an existing concrete pad with dimensions of 8 feet by 20 feet approximately 2 feet from the south side lot line of said premises, whereas the Zoning Ordinance of the Town of Cambria does not permit construction of an accessory building closer to a side lot line than 15 feet.

**Schlemmer Area Variance continued**

Mr. Schlemmer was present at the meeting and would like to remove the trailer he has next to his garage and replace the trailer with an Amish Built Shed. The proposed shed will not be an addition nor will it be attached to the existing garage. He would like to place the proposed shed on an existing concrete pad; the shed would be 8' by 20' and one (1) foot from the existing garage. He is proposing a separate building that will remove the trailer which is an eyesore and improve his property.

**Public Hearing Open**

Cheryl Cook, 4384 Cambria-Lockport Townline Road, according to Ms. Cook she is against Mr. Schlemmer's proposed shed because it will be against her property line. She stated that there are exiting drainage issues with their properties. Ms. Cook feels that his property drains into her yard. She provided pictures of wet area and side view of the Schlemmer property.

**Public Hearing Closed**

In an effort to clarify property lines and other issues a motion was made by Mr. Johnson and seconded by Mr. Andrews that the Board request a current survey of Mr. Schlemmer's property and a picture of the proposed Amish Built Shed, all in favor, motion carried.

A motion was made by Mr. Johnson and seconded by Mrs. Shoop to table this area Variance until the September Meeting, all in favor, motion carried.

**New Business            Kevin Haseley**  
**ZBAV-2019-11        3449 Raymond Road, Sanborn, NY 14132**  
**SBL# 134.00-1-58**  
**Area Variance**

**Public Hearing Notice**

An area variance to permit applicant to construct an accessory building upon said premises containing dimensions of 40 feet by 60 feet closer to the road right-of-way than the rear main wall of applicant's residence, whereas the Zoning Ordinance of the Town of Cambria does not permit construction of an accessory building that exceeds 1000 square feet, nor does it permit construction of such a structure closer to the road right-of-way than the rear main wall of the residence.

**Haseley continued**

Mr. and Mrs. Haseley were present at the meeting and stated they would like to build a big 40' by 60' garage next to their house to park their cars and boat. In addition their children are involved in wrestling and the rear of the proposed building would be the ideal location for a practice matt.

Mr. and Mrs. Haseley further stated that they would like to use the existing concrete pad for the proposed garage. They feel if the proposed garage were placed further back it might interfere with an existing maple tree. They feel the overall look of their property would be more symmetrical with the placement they have proposed.

**Public Hearing Open**

Jeremiah Collins 5960 Townline Road, Sanborn stated that he is Mr. Haseley's neighbor and no issue with the proposed building. They feel the proposed building will provide some privacy between their houses.

**Public Hearing Closed**

Mr. Andrews stated that the Board appreciates Mr. and Mrs. Haseley's situation but the size of their proposed building is well over what the Zoning Ordinance for the Town of Cambria allows. The building they are proposing is 2,400 sq.' which is well over the 1000sq.' that are allowed in the town.

Mr. Johnson suggesting attaching the proposed building to the house, Mr. and Mrs. Haseley stated that where the building would attach to their residence are the children's bedrooms they expressed concern about blocking the light from the bedrooms.

Further discussion took place regarding what it means for the building to be attached to the house. It would be necessary for Mr. McCann to provide necessary guidance on this issue.

Therefore a motion was made by Mr. Andrews and seconded by Mr. Johnson to table this Area Variance until the September meeting to allow Mr. McCann to speak to Mr. and Mrs. Haseley, all in favor, motion carried.

**Reports**

**Chairman-** nothing at this time

**Building Inspector-** James McCann, Building Inspector was unable to attend this meeting.

**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 23, 2019 at 7:00PM.

A motion was made by Mrs. Retzlaff-Hurtgam and seconded by Mr. Andrews to adjourn the meeting at 8:48PM, all in favor, motion carried.

Respectfully Submitted by  
Melinda Olick