

**Town of Cambria
Zoning Board of Appeals Meeting
January 28, 2018**

The regular monthly meeting of the Zoning Board of the Town of Cambria was called to order by Peter Smith, Chairman at 7:00PM. 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

A motion was made by Mr. Johnson and seconded by Mr. Rowles to approve the Minutes for the December 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 would like to continue to work on the cleaning up the property at 4177 Lower Mountain Road and have his Special Permit renewed. The property is owned by Mr. Milleville and Mr. Whyte works the property. A meeting took place between Mr. McCann, Mr. Whyte and his attorney Joe Townsend, at that meeting it was discussed and agreed upon that Mr. Whyte had 30 days to clean up the property. According to Mr. McCann the logs are still on the West side of the Building. Mr. Billingsley stated there is still equipment out by the Road. There is also a large mountain of manure that Mr. Whyte needs to remove in to be in compliance with the original Special Permit

Old Business**Special Permit-Renewal-Niagara Forestry/Brian Whyte**

The Special Permit granted to Mr. Whyte/Niagara Forestry on May 3, 2012 stated namely to bring logs to said site to sort, reload and haul to mills for lumber, to saw logs for lumber and to make firewood upon said site, and to make maple syrup upon said site, pursuant to the Special Permit Ordinance of the Town of Cambria.

1. It appears from said hearing that said Special Permit can be granted upon the following conditions without affecting the public safety and welfare;
2. It appears that substantial justice will be done by granting said Special Permit;
3. The proposed use is compatible with existing uses in the Town; and
4. The proposed use will have no adverse impact upon surrounding uses in the Town.

After due deliberation and upon said Findings of Fact, it is hereby decided that the application of the above-named NIAGARA FORESTRY to permit applicant to operate said business as hereinbefore described is granted upon the following conditions:

1. No sawing of logs shall be permitted on Sundays.
2. Storage of logs shall be on the west side of barn number 5 on applicant's sketch plan, not closer to the road than said barn, for up to one (1) year. After the expiration of one (1) year, storage of said logs shall be to the rear of said bam.
3. If premises shall be vacated by applicant, any items pertaining to the logging operation shall be removed from the property by applicant.
4. This Special Permit shall be for a period of one (1) year and may be renewed without further public hearing.
5. In all other respects, applicant shall abide by the Zoning Ordinance of the Town of Cambria. Information from Decision Dated July 23, 2012 Filed in Town Clerk's Office August 16, 2012.

The Board expressed their desire to have this property cleaned up it is an eyesore on a busy intersection between Cambria, Lewiston and Lockport.

The Board clearly stated if the property is not cleaned up this Special Permit will not be renewed and allowed to expire.

A motion was made by Mrs. Retzlaff-Hurtgam and seconded Mr. Johnson to table this Special Permit renewal until the February Meeting with the following conditions:

Mr. Whyte must meet with Mr. McCann on or before February 11, 2019 to discuss what progress has been made in cleaning up this property if Mr. Whyte is noncompliant with the cleanup requirements the original permit will be terminated by its own terms, all in favor, motion carried.

Area Variance
ZBAV-2018-021

Frank-Rachel Dispenza
3130 Ridge Road, Ransomville, NY 14131
SBL# 91.00-1-6.2
Repair barn foundation-addition of covered wood deck

Public Hearing Notice

Area Variance to permit applicants to complete repair of a barn upon said premises and to construct an attached covered wood deck to said barn with dimensions of 12 feet by 20 feet within approximately 18 feet of the road right-of-way, whereas the Zoning Ordinance does not permit construction of such a structure closer to the road right-of-way than 60 feet.

Mr. Dispenza was present at the meeting and explained that the barn on his property which is not part of the business was in poor repair, the east wall was falling down they had the foundation brick re-pointed but water was eroding and washing away the foundation. To prevent this from happening the deck was added to the building. Mr. Dispenza stated that the building is used for personal use only including family gatherings with his six children. In the future Mr. Dispenza plans continue the improvements to the barn with metal siding and roof.

Public Hearing Open

No public comment

Public Hearing Closed

Mr. Dispenza explained that there was miscommunication between himself and the contractor that is why the deck is partially complete and he is now seeking the approval from this board. Mr. McCann stated that when he spoke to the contractor he thought they were discussing an awning or overhang not a large deck. Mr. Dispenza stated that the deck is in line with his house and those of the neighbors it will not obscure the neighbors view.

A motion by Mr. Rowles and seconded by Mr. Andrews to approve this Area Variance, all in favor, motion carried.

Reports

Chairman- Nothing to report at this time

Building Inspector- Not present at this meeting

Attorney- Mr. Billingsley stated that the Board has been working on regulations regarding wineries, breweries, distilleries and meaderies.

Board Members- Nothing to report at this time

The next meeting of the Zoning Board of Appeals will take place Monday, February 25, 2019 at 7:00PM, following the Planning Board Meeting at 6:00PM.

A motion was made by Mr. Andrews and seconded by Mrs. Retzlaff-Hurtgam to adjourn the meeting at 7:35PM all in favor, motion carried.

Respectfully Submitted by
Melinda Olick