

**TOWN OF CAMBRIA TOWN BOARD**

**March 14, 2019**

The regular meeting of the Town of Cambria Town Board was held at 7:00 pm on the 14<sup>th</sup> day of March 2019 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, New York.

**BOARD MEMBERS PRESENT:**

Wright H. Ellis, Supervisor  
Matthew P. Foe, Councilman  
Jeffrey S. Hurtgam, Councilman  
Randy M. Roberts, Councilman  
Joseph Ohol, Councilman

**ALSO PRESENT:**

Tamara J. Cooper, Town Clerk  
Jon MacSwan, Highway Superintendent  
Robert Roberson, Attorney  
Approximately 135 interested individuals

Following salute to the flag, Supervisor Ellis opened the public hearing on the proposed amendments to the Zoning Ordinance.

**PUBLIC HEARING – Proposed Amendments to the Zoning Ordinance.**

The following public hearing notice was read by the Town Clerk:

**Notice of Public Hearing**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Cambria will hold a Public Hearing on the 14th day of March, 2019 at 7:00 PM at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York 14132, to hear and consider amendment of various provisions of the Zoning Ordinance of the Town of Cambria primarily intended to regulate breweries, cideries, distilleries, meaderies, microbreweries, wineries and other activities defined as agricultural tourism by site plan review or special permit, as well as regulating special events, together with Environmental review of the proposed changes pursuant to an E. A. F. on file with the Town Clerk of the Town of Cambria. A summary of the proposed changes to the present Zoning Ordinance of the Town of Cambria is as follows:

1. **ARTICLES I, IV, VI-X, X (A) and XII –XVI** - No change.
2. **ARTICLE II** ó New definitions added.
3. **ARTICLE III** - Minor revisions to permitted and prohibited uses in A-R District added.
4. **ARTICLE V** - Minor revision to site plan review procedure.
5. **ARTICLE X (B)** – Minor revision regarding MS4 District.
6. **ARTICLE XI** - Minor revisions to Section 1100 regarding procedure for review of applications for special permits and uses permitted by special permit. New Section 1130(1) sets forth policy of Town of Cambria regarding agricultural tourism. New Section 1130(2) adds new definitions. New Section 1130(3) clarifies when application for agricultural tourism use shall be by site plan review, and when it shall be by special permit. New Section 1130(4) clarifies that existing wineries, etc. that are ofarm operationsö as defined in these amendments engaging in Niagara County Wine Trail Events and other specified events do not require a site plan review or special permit. Sections 1130(5) through 1130(11) and 1130(15) provide for procedures for and exemptions from site plan review and/or special permit application procedures for new Agricultural Tourism uses as defined in these amendments. New Section 1130(12) requires existing wineries, etc. which propose additional structure(s), substantial expansion in use, change in use, etc. to obtain a site plan approval and/or a special permit for such use(s). New Section 1130(13) contains requirements when an existing winery, etc. is transferred. New section 1130(14) clarifies that the new amendments are not intended to supersede the NYS ABC Law. New Section 1130(16) provides for procedures for special events permits.

These Amendments shall become effective upon adoption by the Town Board pursuant to law.

All parties in interest and citizens will be given an opportunity to be heard at the aforesaid hearing.

BY ORDER OF THE TOWN BOARD,  
TOWN OF CAMBRIA

**Gary Billingsley-Planning and Zoning Attorney**

Mr. Billingsley gave a general description of the proposed amendments to the Zoning Ordinance. As part of the process the Town submitted the proposed changes to NYS Agriculture & Markets. NYS Ag & Markets made comments on various sections with recommendations. The recommendations were implemented and NYS Ag & Markets supports the amendments.



Supervisor Ellis indicated that there has been a review of the Full Environmental Assessment Form and the Town declares a Negative Environmental Impact.

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts it was resolved to declare a Negative Environmental Impact after review of the Full Environmental Assessment Form.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

#### **ZONING ORDINANCE AMENDMENTS**

Supervisor Ellis indicated that he has some concern and would like to investigate further. Supervisor Ellis recommends that the vote on the Zoning Amendments be rescheduled for the April 11, 2019, Town Board meeting and based on the public comments, adjustments be made accordingly.

**Upon a motion duly made by Councilman Ohol and seconded by Supervisor Ellis it was resolved to place the final vote on the Zoning Amendments on the agenda of the April 11, 2019, Town Board meeting after consideration of public comment. The Moratorium will be extended for a period of one month, to April 11, 2019.**

The question of the adoption of the forgoing Resolution was duly put to a vote on roll call, which resulted as follows:

**WRIGHT H. ELLIS voting AYE  
JOSEPH OHOL voting AYE**

**MATTHEW P. FOE voting NO  
JEFFREY S. HURTGAM voting NO  
RANDY ROBERTS voting NO**

*Motion failed.*

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Foe it was resolved to approve the body of the Zoning Ordinance Amendments as written with any potential changes resulting from the public comments, but not limited to the following:**

- 1. Section 501(1)(j) Clarify that ABC Farm Winery is not a prohibited use in B-1 and B-2 Districts.**
- 2. Section 1230 be changed to Section 1130 at the end of 505 (typo)**
- 3. Section 1130(6)(b) revised to clarify that a Special Permit Application will be referred to the Planning Board for its report or recommendation once application is received.**
- 4. Sections 1130(5) and 1130(10)(e) be revised to provide minimum setbacks of 125 feet.**
- 5. Section 1130(12) pertains to transfer of existing winery, etc. revised to clarify that a special permit or site plan will be required for existing agribusinesses including wineries that are transferred or which expand.**
- 6. Section 1130(16)(b)(2) Clarify that family gatherings such as reunions, graduation parties, birthday parties, private wedding, as well as Niagara County Wine Trail events are not considered special events. Reduce the number of people required for special event from 500 to 250.**
- 7. Clarifying provisions on sale or transfer of an existing winery to another family member.**
- 8. Clarify existing A & M guidelines for distilleries, and make changes as necessary to confirm that distilleries that meet A & M guidelines are a permitted use in the A-R District**

Councilman Foe stated that the Town of Cambria is both Business and Agricultural/Farm friendly. When someone buys a home in an agricultural community, they are in an AR Zone. The Town Board has to protect the people of the community. There are many articulate people present; however, there are also many people from the community not represented at tonight's meeting. They are people who live in an AR District and have an expectation of their neighbors. This amendment affects that expectation. There are many people in the Town that do not wish to have spot zoning.

The question of the adoption of the forgoing Resolution was duly put to a vote on roll call, which resulted as follows:

**WRIGHT H. ELLIS voting NO  
JOSEPH OHOL voting NO**

**MATTHEW P. FOE voting AYE  
JEFFREY S. HURTGAM voting AYE  
RANDY ROBERTS voting AYE**

The Resolution was thereupon declared duly adopted.

### SAUNDERS SETTLEMENT ROAD WATERLINE REPLACEMENT

Wendel, Engineer is still waiting for a highway work permit from the DOT.

### CAMBRIA HOUSING AUTHORITY APPOINTMENT

Supervisor Ellis indicated that Richard Eliseo will be reappointed to the Cambria Housing Authority for a five year term.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Foe it was resolved to reappoint Richard Eliseo to a five year term on the Cambria Housing Authority to expire 4/18/2024.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

### TOWN HALL HEATING SYSTEM

Mr. MacSwan, Highway Superintendent, indicated that the Town Hall heat exchanger and air conditioning are outdated and obsolete. An advertisement for sealed bids was placed in the paper for five days and bid opening will be on April 8<sup>th</sup> at 10:00 am at the Town Hall.

*Error: Bid opening is APRIL 8<sup>th</sup> not APRIL 4<sup>th</sup> as stated at the meeting.*

### TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Town Clerk Report February: Total Receipts: \$38,848.35
- Building Inspector Report February: Total fees collected: \$ 770.00  
Total estimated value of construction: \$350,694.00
- In receipt of a request from Pekin Fire Company to add Savannah Farr, 5066 Grove St. Sanborn, to their active roster; pending physical.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Roberts, it was resolved to approve addition of Savannah Farr, 5066 Grove St. Sanborn, to their active roster; pending physical.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

### HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent, Jon MacSwan, reported as follows:

- The Town has a full barn of salt and is in good shape.
- In April the Highway Dept. will begin milling Comstock Rd. The state should be in to fix a receiver at the end of the road to prevent flooding.
- If anyone has plow damage, start calling and as soon as plowing is over for the season they will come out and fix yards.

### WATER SEWER REPORTS

No Reports.

### ATTORNEY REPORTS

No Reports.

### CONCERNS OF CITIZENS

#### **David Edbauer- Plank Road**

Mr. Edbauer voiced his concerns about the Town Board passing the zoning amendments after hearing the concerns of the public.

#### **David Johnson-Tyler Road**

Mr. Johnson asked if the Town could pass a non-smoking policy around the town hall building. There are cigarette butts are all over the ground and it looks disgusting.

**David Godfrey-Niagara County Legislator**

- High speed Rural Broadband for Niagara and Orleans County is moving along and he hopes to hear something by the end of April.
- EMS and First Responders are preparing for trouble with the shoreline.
- Mr. Godfrey will be co-authoring a resolution to the Legislature to oppose the Governors ban on gun raffles.

**MOBILE MARKETING (SENTEXT)**

Councilman Foe indicated that a company has approached the Town, offering a service for text blasts from the town hall instead of making several phone calls. Each office will be responsible for the content to be sent. For instance- weather closures, water shutoffs, recreation info, etc. The Town will try this for one year. The proposal will be prepared for the April meeting.

**PROCUREMENT POLICIES**

**GENERAL**

**Flagpole**

Cooper Sign Company- \$5,139.68-Model ECSA351H-35øDeluxe 1H Series internal halyard ground set cone tapered aluminum flagpole. 5ø bottom diameter; 3ø top diameter; 0.188 wall and includes standard accessories.

**Upon a motion duly made by Councilman Roberts and seconded by Councilman Hurtgam, it was resolved to approve the proposal from Cooper Sign Company- in the amount of \$5,139.68 for a Model ECSA351H-35' Deluxe 1H Series internal halyard ground set cone tapered aluminum flagpole. 5" bottom diameter, 3" top diameter, 0.188 wall and includes standard accessories.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

**HIGHWAY**

**Hyster Batteries**

Battery replacement for Hyster Tow Motor Electric Forklift

Lifetech- sole provider - \$6,242.25- Hyster battery Model 18-85-23; Voltage 36; five year warranty on the battery only.

**Upon a motion duly made by Councilman Ohol and seconded by Councilman Hurtgam, it was resolved to declare Lifetech Equipment Companies as sole provider and approve the purchase of 2760 lb. Hyster battery Model 18-85-23; Voltage 36; five year warranty on the battery only in the amount of \$6,242.25.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

**HIGHWAY**

**Paving Rental and Options-per day**

3 proposals received

Mark Cerrone, Inc.: \$2,340.00

***Ken Young Paving, Inc.: \$1,400.00***

Villager Construction, Inc.: \$1,895.00

*Recommend accepting the proposal from Ken Young Paving, Inc. for the paving season.*

**Upon a motion duly made by Councilman Hurtgam and seconded by Councilman Roberts, it was resolved to accept the proposal from Ken Young Paving, Inc. for the paving season for the Town of Cambria in the amount of \$1,400.00.**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

**BOARD OF ASSESSMENT REVIEW**

Supervisor Ellis indicated that the Assessor is recommending the appointment of Frank Scarfone, 4229 Cambria Wilson Road to the Board of Assessment Review Board for a five year term to expire 9/30/2024.

**Upon a motion duly made by Councilman Foe and seconded by Councilman Ohol, it was resolved to appoint Frank Scarfone, 4229 Cambria Wilson Road to the Board of Assessment Review Board for a five year term to expire 9/30/2024**

**Ayes: Ellis, Foe, Hurtgam, Ohol, Roberts**

**-Motion Carried-**

**ADJOURNMENT**

The meeting was adjourned by motion made by Councilman Hurtgam and seconded by Councilman Roberts.  
Time: 8:37 pm

Respectfully submitted,

Tamara J. Cooper, Town Clerk