

**Town of Cambria
Zoning Board of Appeals Meeting
May 20, 2019**

The regular monthly meeting of the Zoning Board of the Town of Cambria was called to order by Peter Smith, Chairman at 8:01PM. Everyone was welcomed to the meeting, followed by the Pledge to the Flag.

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

Members Absent: Bradley Rowles

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 April Meeting as presented, unanimously approved, motion carried.

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

Special Permit- Renewal

ZSP-2018-006

**Jeffrey and Denise Abbott
4454 Baer Road, Ransomville, NY 14131
SBL# 91.00-1-19.4
Animal Husbandry-Chickens**

Mr. or Mrs. Abbott were not present at the meeting, Mr. Smith asked for a motion to table this Special Permit Renewal until the end of the meeting, so moved by Mr. Andrews, seconded by Mr. Johnson, all in favor, motion carried.

Mr. or Mrs. Abbott were not present at the end of the meeting, a motion to table this Special Permit Renewal until the June Meeting, was made by Mr. Johnson, seconded by Mrs. Retzlaff-Hurtgam, all in favor, motion carried.

Special Permit- Renewal**ZSP-2018-005****Kathryn Doran****4781 Lower Mountain Road, Lockport, NY 14094****SBL# 93.03-1-2****Private Kennel-Five Dogs**

Ms. Doran was present at the meeting, and would like to renew her Special Permit. Mr. McCann stated there have been no issues. This is the first renewal for this Special Permit; it can be renewed for up to five (5) years.

A motion was made by Mr. Johnson and seconded by Mrs. Retzlaff-Hurtgam, to renew this Special Permit for five (5) years, all in favor, motion carried.

Old Business**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 present at the meeting and wasn't sure the renewal was required before this Board. He stated that his property is in the B-2 or Business Zone. This may be an issue for the Planning Board. No Action required at this time.

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

Mr. Peck responded to the letter regarding renewal of his Special Permit: "Thank you for allowing this permit in the past. I will not be attending the meeting". An additional note from Mrs. Antoncich stated; Mr. Peck phoned and explained the Special Permit is no longer needed. OK to terminate.

A motion was made by Mr. Andrews and seconded by Mrs. Retzlaff-Hurtgam to allow this Special Permit to terminate by its own expiration.

New Business**Special Permit****ZSP-2019-006****Tyler Booth****3037 Lower Mountain Road, Sanborn, NY 14132****SBL# 79.00-2-19.12****Former Forsyth Tavern****Public Hearing Notice**

A special permit to permit applicant to operate a business in an existing structure, namely to use premises commonly known as 5182 Ridge Road previously known as the Forsyth Tavern to be known as the Forsythe-Warren Living History Farm Museum to re-establish said site as a working farm and tavern, and to permit guests to stay overnight, restored to period authentic, to be open for the education and enrichment of the community pursuant to the Special Permit Ordinance of the Town of Cambria.

Mr. Booth was present at the meeting and stated that he was before this Board last year and was unable to complete what he had proposed due to issues with a culvert pipe permit.

He is currently working to restore his property which was previously known as the Forsyth Tavern. Built in 1808 it is the second oldest building in Niagara County, Mr. Booth is working to restore this property to have it placed on the National Historic Register. The National Register of Historic Places is the United States federal government's official list of districts, sites, buildings, structures, and objects deemed worthy of preservation for their historical significance. Mr. Booth expects to receive this status in September. According to Mr. Booth the property has significance because it was the Town of Cambria's first Post Office; the barn was the first barn with a window.

With all the history associated with this property Mr. Booth would like a Special Permit to operate a living history museum. According to Wikipedia a living history museum is a type of museum which recreates historical settings to simulate a past time period, providing visitors with an experiential interpretation of history. It is a type of museum that recreates to the fullest extent conditions of a culture, natural environment or historical period.

Mr. Booth discussed at length the history of this property and his plans to renovate the site into a living history museum. His goal is to make the property as authentic as possible from putting the hearth back in place, recreating the kitchen garden. The property has apple, pear, peach trees and an abundant blackberry crop. He also plans to have the animals on the farm that were there in the 1800s; according to historic documents there were a goat, an ox, sheep, and chickens.

New Business-Special Permit-Tyler Booth-Former Forsyth Tavern

Mr. Booth plans to replicate the original cage bar that would have been in the Tavern in the 1800s. Mr. Booth explained that a cage bar was a cage from which alcohol was served. The server was locked inside and served the alcohol from a window.

Mr. Booth plans to operate the Tavern every day and offer visitors the opportunity to stay overnight in a rope and straw bed to recreate the historical experience. Less than fifty (50) visitors could comfortably visit the tavern at one time. The first floor is approximately 1,102 square feet, and the second floor is 602 square feet.

According to Mr. Booth where the Tavern is located all the corners are commercial except this one, he doesn't anticipate any issues with traffic or parking. In an effort to address headlight issues on the neighbor's house a berm is currently being constructed.

Public Hearing Open

William-Kathryn Rickerson, 4100 Cambria-Lockport Townline Road, Lockport 14094 stated they own the property adjoining the former tavern. They share 600' of property line with Mr. Booth's property, Mrs. Rickerson stated "that they are not here to squash his ideas" they have concerns about overnight guests, living next to a tavern. Mrs. Rickerson read from the Town of Cambria Zoning Ordinance, regarding these issues and asked what is intended. Mrs. Rickerson further stated that they to live on land once owned by the Warren family and understand the historical significance of the property. Concern was also expressed about someone living on the property to care for the animals that will be there.

Public Hearing Closed

Mr. Booth responded that the Tavern will be able to accommodate an overnight guest it will not be a bed and breakfast. He doesn't anticipate that there will be a lot of guests who desire to sleep in a rope and straw bed; rather this experience will be appreciated by authentic history buffs.

According to Mr. Booth, the authentic drink that will be served at the Tavern is called a "Syllabub" this drink contains rum, sugar and egg whites. There will be no other alcoholic beverages served, no wine or beer. Mr. Booth stated the Tavern will not be a bar or restaurant. There will be no seating but primitive tables that maintain the historical integrity of the property.

Mr. Booth explained that he resides not far from the Tavern and will be caring for the animals. The property is 5 acres, which will allow Mr. Booth the acreage to have livestock.

Mr. Booth understands that many things need to be done and permits received before alcohol can be served. The Board reminded Mr. Booth that he still needs to follow codes and ordinances historical significance does not supersede codes or ordinances.

New Business-Special Permit-Tyler Booth-Former Forsyth Tavern

Mr. Booth explained that the Tavern has a Unicosystem through ADT that detects heat, smoke and carbon monoxide. This system operates 24/7 and monitors the entire environment.

There are two (2) entrances and two (2) exits and a walkout basement. Fire extinguishers will be in place one or two depending on the need. Keeping with the historically authentic criteria there will be no seating and the Syllabub will be served from the cage bar.

Approval for this Special Permit was recommended by the Niagara County Planning Board.

The Board advised Mr. Booth to work with Mr. and Mrs. Rickerson to develop and solve the remaining issue with the berm between their two properties.

Mr. Booth stated that he would like to continue to operate the Antiques shop he currently has in the barn on the property. Mr. Booth was granted the Special Permit to operate an Antique Sales Business in September 2018.

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

A motion was made by Mr. Andrews and seconded by Mr. Johnson to approve this Special Permit to allow applicant to operate a business in an existing structure, namely to use premises commonly known as 5182 Ridge Road previously known as the Forsyth Tavern to be known as the Forsythe-Warren Living History Farm Museum to re-establish said site as a working farm and tavern, and to permit guests to stay overnight, restored to period authentic, to be open for the education and enrichment of the community pursuant to the Special Permit Ordinance of the Town of Cambria, subject to the following conditions:

1. Overnight guests as proposed are permitted.
2. Applicant shall obtain any and all Alcohol Beverage Control Law Licenses that may be required to sell alcohol as proposed.
3. With respect to applicant's proposal, he shall comply with all applicable provisions of the New York State Fire and Building Code, together with all other applicable laws and regulations.
4. Ingress and Egress for the property shall be as per Special Permit granted to applicant on September 24, 2018.
5. A berm or other suitable buffer shall be constructed on the south line of premises as per Special Permit granted to applicant on September 24, 2018, or as approved by Code Enforcement Officer.
6. Parking on said premises shall be as per Special Permit granted to applicant on September 24, 2018.
7. This Special Permit for one (1) year, all in favor, motion carried.

New Business**Special Permit
ZSP-2019-005****Peter Fitch
4630 Budd Road, Lockport, NY 14094
SBL# 93.00-2-44.11
Pond****Public Hearing Notice**

A Special Permit to permit applicant to construct a pond with dimensions of approximately 150 feet by 150 feet for recreational use upon said premises pursuant to the Special Permit Ordinance of the Town of Cambria.

Mr. Fitch was present at the meeting and would like to construct a half acre pond on his 32.50 Acre parcel.

Public Hearing Open

Cory McFee 4645 Plank Road, Lockport, NY 14094, stated that he has no issues with the proposed pond, but there are drainage issues on his property.

Brian Wells 4655 Plank Road, Lockport, NY 14094, stated that there are lots of drainage issues currently and in the past on their property, because the previous owner would not allow the Town to clean out ditch after creating a swale and two (2) ponds, this caused flooding of neighboring properties.

Public Hearing Closed

Mr. Fitch agreed that water is an issue on the property, and he has no issue with allowing the Town to clean out the ditch. The Board suggested that they speak to Mr. MacSwan, Highway Superintendent about the issues with the ditch.

Mr. Fitch stated that he is willing to dig test pits if necessary, and seal the area if the soil is sandy with clay and pack it down.

There is no other pond just a marshy area.

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

A motion was made by Mrs. Retzlaff-Hurtgam and seconded by Mr. Andrews to approve Mr. Fitch's pond providing no environmental damage is done and will not effect drainage and adheres to the recommendations of Niagara County Soil and Water in letter Dated May 1, 2019, all in favor, motion is carried.

New Business**Use Variance
ZBUV-2019-002****Joseph Caldwell
2960 Upper Mountain Road, Sanborn, NY 14132
SBL# 105.13-1-56
In-Law Apartment****Public Hearing Notice**

For a use variance to permit applicant to remodel an existing structure formerly used as store upon said premises into an in-law apartment, whereas the Zoning Ordinance of the Town of Cambria does not permit in-law apartments in such a structure in the B-1 Zoning District of the Town of Cambria.

Mr. Caldwell was present at the meeting and would like to remodel the existing storefront into a studio apartment for his mother.

Public Hearing Open

No Public Comment.

Public Hearing Closed

Mr. Billingsley explained that a Use Variance is necessary because this property is located in a B-1 Zone an area that is zoned for business. In using the house for his mother Mr. Caldwell is not changing the character of the building or the neighborhood. The location of residence and a structure formally used as a store, on the same premises is unique to this property.

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

A motion was made by Mr. Andrews and seconded by Mrs. Retzlaff-Hurtgam to approve this Use Variance for an in-law apartment, all in favor, motion is carried.

New Business**Area Variance****ZBUV-2019-002****Laura Oakes****4335 Cambria-Wilson Road, Lockport, NY 14094****SBL# 78.00-1-24.1****Pole Barn Placement****Public Hearing Notice**

For an Area Variance to permit applicant to construct a pole barn with the dimensions of 30 feet by 40 feet closer to the street line than the rear main wall of the principal dwelling upon said premises, whereas the Zoning Ordinance of the Town of Cambria does not permit construction of such a structure that exceeds 1,000 square feet, nor closer to the street line than the rear main wall of principal dwelling upon said premises in the A-R Zoning District of the Town of Cambria.

Public Hearing Open

Shawn Gram, 3468 North Road, Newfane, stated there are lots of pole barns in town there shouldn't be a problem with this one.

Public Hearing Closed

Ms. Oakes was present at the meeting and stated she would to construct a 30' by 40' pole barn to store her boat. Ms. Oakes stated that this location was chosen for the pole barn due to shape and curve of the driveway, she felt it was the only place for the pole barn. There is another 14' x 16' shed on the property that is just there they don't even use for any type of storage.

The proposed building will be two-tone gray with white trim. Sixteen feet from cement pad to eaves. If approval is granted to she plans to have the pole barn constructed by T-N-T construction.

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

A motion was made by Mr. Johnson and seconded by Mr. Andrews to approve this Area Variance to permit applicant to construct a pole barn with the dimensions of 30 feet by 40 feet closer to the street line than the rear main wall of the principal dwelling, pursuant to the applicants sketch plan, all in favor, motion carried.

Reports

Chairman- Nothing at this time.

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 June 24, 2019 at 7:00PM.

A motion was made by Mr. Andrews and seconded by Mrs. Shoop to adjourn the meeting at 9:30PM, all in favor, motion carried.

Respectfully Submitted by
Melinda Olick