# Town of Cambria Zoning Board Meeting Minutes July 24, 2023

#### Call to order

A meeting of the Zoning Board of Appeals was held at of the Cambria Town Hall on July 24, 2023 @ 7:00 pm. Chairman Smith welcomed everyone followed by the Pledge of Allegiance.

Attendees included: Peter A. Smith, Chairman
Cheryl Shoop, Member
Harmony Retzlaff-Hurtgam, Member
Mark March, Alternate Member
Gary M. Billingsley, Town Attorney
Randy Roberts, Liaison to the Town Board
Building Inspector, James McCann and Deputy Building Inspector, Matthew Cooper

Members not in attendance: Andrew Milleville and Thomas Andrews

Approval of minutes

Motion to approve the June 26, 2023 minutes was made by Ms. Retzlaff-Hurtgam and seconded by Mr. March, all in favor, motion carried.

New Business/Public Hearings. Attorney read Notice of Public Hearing for meeting.

# THOMPSON, ISAAC 5051 ESCARPMENT DRIVE, LOCKPORT SPECIAL PERMIT – ANIMAL HUSBANDRY

ZSP-2023-010 SBL#107.04-1-75

Mr. Thompson explained he would like to have ten (10) chickens with no roosters.

The public hearing was opened.

Richard Backlas of 5044 Lockport-Junction Road said Mr. Thompson should be allowed to have chickens.

The public hearing was closed.

Mr. Thompson confirmed that the chickens would be contained with no roosters.

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A motion for a Negative Declaration under SEQRA was made by Ms. Shoop and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

A motion to grant a Special Permit for one (1) year for up to ten (10) chickens and no roosters, with applicant to keep the chickens confined and comply with applicable laws was made by Mr. March and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

DIETZ, LUKE 5779 WILLOW CREEK LANE, SANBORN SPECIAL PERMIT – ANIMAL HUSBANDRY ZSP-2023-013 SBL# 119.17-2-7

Mr. Dietz confirmed he was requesting a Special Permit for six (6) chickens so his children could learn about animals and responsibility for chores.

Public Hearing was opened.

Richard and Susan Backlas of 5044 Lockport-Junction Road each said it was a good idea.

Public Hearing was closed.

A motion for a Negative Declaration under SEQRA was made by Ms. Shoop and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

A motion to grant a Special Permit for one (1) year for up to six (6) chickens and no roosters, with applicant to keep the chickens confined and comply with applicable laws was made by Mr. March and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

GURNOW, JOSEPH ZBAV-2023-010 4454 UPPER MOUNTAIN ROAD, LOCKPORT SBL#107.00-1-53

Mr. Gurnow is requesting permission for a porch closer to the road right-of-way than 60 feet.

Public Hearing was opened.

There were no comments.

Public Hearing closed. Unapproved

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Mr. March asked applicant about color of porch and material to be used. Applicant said it would be painted white, and that he would be using a composite material. Attorney asked if porch would be closer to the road than the existing stoop. Applicant said yes by a few feet.

A motion to grant area variance as requested was made by Mr. March and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

# CROSSLAKE FIBER USA LP ZSP-2023-012 5050 LOCKPORT-JUNCTION ROAD, LOCKPORT SBL#107.00-2-31 SPECIAL PERMIT FOR STORAGE SHED

Attorney Allison Bartlett from Harter, Emery & Secrest appeared on behalf of Crosslake Fiber to request a Special permit for a second storage shed on premises with dimensions of 11 feet by 37 feet, and two (2) area variances to locate the shed as proposed. It would be similar to an existing structure already on premises, and would be constructed within the existing fenced area.

Public Hearing was opened.

Richard Backlas of 5044 Lockport-Junction Road advised the Board that he and his wife reside directly north of Crosslakes premises. He stated Crosslakes "has not been a very good neighbor to me." He asked if the shed would be inside the existing fence. He advised the Board that there were some drainage issues. There was also some discussion concerning the solar array and berm that had been reviewed and approved by the Town and Niagara County Planning Boards at their July 17, 2023 meetings. Mr. Backlas advised the Board that water from the property generally drains toward his residence. He also stated that applicant could do a better job keeping the grass area mowed.

Public Hearing was closed.

Ms. Bartlett confirmed the shed will be constructed inside the fence, and that she would be looking into the issues raised by Mr. Backlas, including drainage.

Susan Backlas asked Chairman Smith if she could speak. Mr. Smith said he would permit her to speak. Ms. Backlas asked if the existing brush along their south line could be maintained.

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A motion for a Negative declaration under SEQRA was made by Ms. Shoop and seconded by Mr. March, all in favor, motion carried.

Mr. McCann recommended that if the Board was so inclined, it could include in its motion that applicant be required to submit a landscaping and ditching plan that would need to be approved by the Building Department.

Motion to grant Special Permit for a second shed and area variances permitting a second shed and the related improvements to be located approximately 50 feet from the road right-of-way and approximately 37 feet from the north side lot line inside fenced area as requested, with applicant to submit a landscaping and ditching plan subject to review and approval of Building Department made by Ms. Retzlaff-Hurtgam and seconded by Mr. March, all in favor, motion carried.

SPECIAL PERMIT RENEWALS

# DUNCAN, ERICA ZSP-2022-004 3214 SAUNDERS SETTLEMENT ROAD, SANBORN PRIVATE KENNEL

There have been no issues reported.

Motion to renew Special Permit for 5 years made by Ms. Shoop and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

OHAR, AARON 4107 RIDGE ROAD ZSP-2017-002 ANIMAL HUSBANDRY- CHICKENS

There have been no issues reported.

Motion to renew Special Permit for 5 years made by Mr. March and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

HENNING, JAMES 2006-10 2967 LOWER MOUNTAIN ROAD, SANBORN HORSE STABLES

There have been no issues reported.

Motion to renew Special permit for 5 years was made by Ms. Retzlaff-Hurtgam and seconded by Mr. March, all in favor, motion carried.

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Unapproved

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Motion to table renewal of Operating Engineers Special Permit made by Mr. March and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

### **REPORTS**

There were no reports

Motion to adjourn at 7:37 pm made by Mr. March and seconded by Ms. Retzlaff—Hurtgam, all in favor, motion carried.

Gary M. Billingsley

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Attorney