

**Town of Cambria
Zoning Board of Appeals Meeting
October 22, 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
Harmony Retzlaff-Hurtgam
Thomas C. Andrews
Bradley Rowles

Members Absent: Cheryl L. Shoop, Alternate

Also Present: Joseph Ohol, Councilman, Town Board Liaison
Gary Billingsley, Attorney

A motion was made by Mr. Johnson and seconded by Mrs. Retzlaff-Hurtgam to approve the Minutes for the September Meeting as presented, unanimously approved, motion carried.

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

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 unable to attend tonight's meeting. Mr. Billingsley has spoken to Mr. Townsend who will be representing Mr. Whyte and requested that this matter be tabled until the November meeting.

A motion was made by Mr. Rowles and seconded by Mr. Johnson table this Special Permit Renewal until the November Meeting, all in favor, motion carried.

Special Permit Renewal

ZSP-2017-010 Scott Tubo
4246 Plank Road, Lockport, NY 14094
SBL# 79.00-2-8.2
Chicken Husbandry

Mr. and Mrs. Tubo were present at the meeting and stated there have been no issues with their chickens. Mr. Billingsley stated that there have been no issues reported to the Town of Cambria regarding their chickens.

A motion was made by Mr. Andrews and seconded by Mr. Johnson to approve this Special Permit Renewal for five (5) years, all in favor, motion carried.

Special Permit Renewal

ZSP-2017-011 Stephan Gore
4419 Upper Mountain Road, Lockport, NY 14094
SBL# 107.00-1-54.3
Chicken Husbandry

Mrs. Gore was present at the meeting and stated there have been no issues with her chickens. Mr. Billingsley stated that there have been no issues reported to the Town of Cambria regarding these chickens.

A motion was made by Mr. Andrews and seconded by Mr. Johnson to approve this Special Permit Renewal for five (5) years, all in favor, motion carried.

Special Permit-New

ZBAV-2018-013 Doug and Shelia Feind
Area Variance 500 Blackman Road, Lockport, NY 14094
SBL# 106.00-2-9.3
Animal Husbandry-Chickens and Ducks

Public Hearing Notice

Special Permit to permit applicants to raise five (5) ducks and five (5) chickens for eggs to be raised in two (2) separate coops upon said premises which contain approximately 1.3 acres pursuant to the Special Permit Ordinance of the Town of Cambria.

New Special Permit- Feind**Public Hearing Open**

No Public Comment

Public Hearing Closed

Mr. and Mrs. Feind were present at the meeting and stated they would like to have five (5) ducks and five (5) chickens for eggs. The chickens and ducks will be kept in separate fenced coops; they will not be allowed to roam free range.

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

A motion was made by Mr. Johnson and seconded by Mr. Rowles to approve this Special Permit for one (1) year to allow Mr. and Mrs. Fiend to have five (5) chickens and five (5) ducks, all in favor, motion carried.

Area Variance

ZBAV-2018-014 Arthur and Dalene Dory
4986 Baer Road, Sanborn, NY 14132
SBL# 105.00-1-91
Pole Barn

Public Hearing Notice

An area variance to permit applicants to construct a pole barn with dimensions of 24 feet by 60 feet even with the front of their residence which would be closer to the road right-of-way than the rear back wall of the residence upon said premises, which building would have a total of 1,440 square feet, whereas the Zoning Ordinance of the Town of Cambria does not permit construction of an accessory building that exceeds 1,000 square feet upon such a parcel, nor closer to the road right-of-way than the rear main wall of a residence upon such a parcel.

Public Hearing Open

No Public Comment

Public Hearing Closed

Mr. and Mrs. Dory were present and the meeting and stated they would like to construct a pole building with the dimensions 24 feet by 60 feet. They have merged their properties and now have almost two (2) acres.

Area Variance-Arthur and Dalene Dory continued

Mr. and Mrs. Dory stated they would like the proposed pole building to be even with their residence, they would like everything to be uniform, lined up with the front of their house. They would like the proposed building to be on the side of their residence to leave the back yard open so they will be able to continue to enjoy that space.

According to Mr. and Mrs. Dory the proposed building will be used to store their boat, four-wheeler, snowmobile, lawnmower and other recreational vehicles.

The Zoning Ordinance for the Town of Cambria is very clear and states the following:

Section 303 BARNS AND OTHER ACCESSORY BUILDINGS

-No detached garage shall be placed closer to a side or rear property line than ten (10) feet, shall not be closer than the front foundation of the house or 60 feet from the street right-of-way, and in the case of a lot abutting more than one street, shall not be closer to either street than the area of the foundation closest to each street or 60 feet from each street right-of-way.;

-No accessory building as defined herein shall be placed closer to the side or rear property lines than ten (10) feet, shall not be closer than twenty-five (25) feet to the principal dwelling, shall not be placed closer to the street line than the rear main wall of the principal dwelling, and in the case of a lot abutting more than one street, shall not be placed closer to either street than the area of the foundation farthest from each street.

EXCEPTIONS:

3-5 acres-No accessory building as defined herein shall be placed closer to the side or rear property lines than twenty (20) feet and every foot above fifteen (15) feet in height an additional two (2) feet shall be required of lot line setback, shall not be closer than twenty-five (25) feet to the principle dwelling, shall not be placed closer to the street line than the rear main wall of the principle dwelling, and in the case of a lot abutting more than one street, shall not be placed closer to either street than the area of the foundation farthest from each street.

5 acres- No accessory building as defined herein shall be placed closer to the side or rear property lines than one hundred (100) feet, shall not be closer than twenty-five (25) feet to the principle dwelling, shall not be placed closer to the street line than the rear main wall of the principle dwelling, and in the case of a lot abutting more than one street, shall not be

Area Variance-Arthur and Dalene Dory continued

placed closer to either street than the area of the foundation farthest from each street

-In relation to an attached garage or carport built as a structural part of a dwelling, with or without breezeway connection, the same side and front yards shall be required as for a dwelling and such side yards shall be measured from the outer walls of such garage or carport.

-No barn or building used for active farm operations, other than a building containing less than 150 square feet, shall be constructed within 100 feet of the highway right-of-way or within 25 feet of the principal dwelling, nor within 100 feet of any other property line.

Land requirements for Accessory Buildings:

0-1 acre- Allowed two (2) accessory buildings- each building not to exceed one thousand (1,000) square feet; total not to exceed two thousand (2,000) square feet.

1-3 acres- Allowed two (2) accessory buildings- one (1) building can be up to one thousand five hundred (1,500) square feet; total not to exceed two thousand five hundred square feet.

3-5 acres- Allowed two (2) accessory buildings- one (1) building can be up to two thousand (2,000) square feet; total not to exceed three thousand (3,000) square feet.

5 acres or more- See Article III Section 303, subsection 4.

Mr. Rowles stated that the size of the building is not an issue but the proposed location is the problem with this Area Variance. Further discussions took place as to possible solutions or a middle ground where the proposed building could be placed and follow the Zoning Ordinance for the Town of Cambria.

The Board felt that no hardship was demonstrated as to why the proposed building needed to be flush with the front of the house. The Zoning Ordinance is very clear the proposed building must be set back behind the house.

The Board suggested placing the proposed building back an additional fifteen (15) feet in order to follow the Zoning Ordinance.

Area Variance-Arthur and Dalene Dory continued

Mr. Dory stated that he has a driveway and culvert in place to accommodate the proposed building, in addition the stone pad is completed and the trusses are to be delivered tomorrow.

The board suggested using the stone pad that has already been placed as a driveway/parking pad and place the building back fifteen (15) feet behind the front wall of the existing residence.

A motion was made by Mr. Rowles and seconded by Mr. Johnson to approve this 24' by 60' pole building, which will be placed fifteen (15) feet behind the front wall of the existing residence, all in favor, motion carried.

Reports

Chairman- Nothing to report at this time

Building Inspector- Not present at this meeting

Attorney- Nothing to report at this time

Board Members- Nothing to report at this time

The next meeting of the Zoning Board of Appeals will take place Monday, November 19, 2018 at 6:00PM, followed by the Planning Board Meeting at 7:00PM.

Mr. Andrews was appointed Chairman for the November meeting as Mr. Smith, Chairman and Mr. Johnson Vice Chairman will be unable to attend that meeting.

A motion was made by Mr. Johnson and seconded by Mr. Rowles to adjourn the meeting at 7:45PM all in favor, motion carried.

Respectfully Submitted by
Melinda Olick