

**Town of Cambria
Zoning Board of Appeals Meeting
September 25, 2017**

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
Thomas C. Andrews
Bradley Rowles
Harmony Retzlaff-Hurtgam

Members Absent: Alan Johnson
Cheryl L. Shoop, Alternate

Also Present: Randy Roberts, Councilman, Town Board Liaison
Matt Foe, Councilman
Gary Billingsley, Attorney

A motion was made by Mr. Rowles and seconded by Mr. Andrews to approve the Minutes for the July Meeting as presented, unanimously approved, motion carried.

A motion was made by Mr. Andrews and seconded by Mr. Rowles to approve the Minutes for the August Meeting as presented, unanimously approved, motion carried.

Mr. Smith informed all present that the November Zoning Board of Appeals Meeting will be held on November 20, 2017 at 8:00PM, following the November Planning Board Meeting.

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

Old Business

Special Permit

ZSP2017-003

**Sally Kolkmeier
4915 Townline Rd Sanborn, NY 14132
Regarding-SBL#79.00-2-8.2
4891 Ridge Rd**

Mr. and Mrs. Kolkmeier were present at the meeting and stated they are seeking approval to operate a "Vacation House" at the residence they own at 4891 Ridge Rd.

The Town Board has changed the Zoning Ordinance to revise the definition for "Home, Tourist" and replace with the following: A single family residence, which is leased to a

Special Permit-Sally Kolkmeier-continued

single client, with no more than six (6) adult occupants, or four (4) adults and four (4) children, under the age of 18 years old, for a stay of seven (7) days or less. "Home, Tourist" will be placed under Special Use Permit with a fee of \$200.00 an additional \$250.00 fee for the required yearly compliance inspection.

A public hearing was held at the Zoning Board of Appeals Meeting held on August 28, 2017. A motion was made by Mr. Andrews and seconded by Mr. Rowles to declare a negative declaration under SEQR, all in favor, motion carried.

A motion was made by Mr. Andrews and seconded by Mr. Rowles to approve this Special Permit to permit applicant to maintain a Tourist Home to be known as Wolf Ridge Lodge Guest House with the following conditions; the permit will be valid for one year, the permit will be reviewed in three (3) months and nine (9) months from the date of issue. Any violations will be cause for cancellation. The conditions include the following stipulations:

- A \$100 refundable security deposit at time of reservation.
- Renters will need to be 25 years of age or older to stay at the house and show proper ID when they arrive.
- No loud noise after 11:00PM and before 9:00AM.
- No fireworks.
- All garbage must be bagged and put in garbage cans.
- No other visitors allowed to sleep over.

The operations must be consistent with the most recent definition of a tourist house in the Zoning Regulations for the Town of Cambria. All in favor, motion carried.

New Business**Special Permit****ZBSP-2017-005****Roger Taylor****4524 Ridge Road, Lockport, NY 14094****SLB# 79.00-1-39****Chicken Husbandry****Public Hearing Notice**

Special Permit to permit applicant to raise up to ten (10) chickens upon said premises which contain dimensions of approximately 161 feet in width and approximately 190 feet in depth pursuant to the Zoning Ordinance of the Town of Cambria, which permits animal husbandry by Special Permit upon premises containing less than five (5) acres.

Mr. Taylor was present at the meeting and stated that he would like a permit to have (10) ten hens to provide eggs for his family.

Special Permit -Roger Taylor continued**Public Hearing Open**

No Comment

Public Hearing Closed

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

A motion was made by Mr. Rowles and seconded by Mr. Andrews to approve this Special Permit for Mr. Taylor to raise (10) ten chickens with no roosters to be kept in an enclosure not free range for 1 year, all in favor, motion carried.

Special Permit**ZBSP-2017-007****Nicholas and Evelyn Buffone****4611 Townline Road, Ransomville, NY 14131****SBL#91.00-1-41.11****Tourist Home****Public Hearing Notice**

Special Permit to permit applicants to maintain a Tourist Home upon premises commonly known as 4609 Townline Road pursuant to the Special Permit Ordinance of the Town of Cambria.

Public Hearing Open

Mrs. Kolkmeier asked if the neighbors had been notified about this Special Permit. When an item is on the meeting agenda and a public hearing is to be held land owners within 500 ft. of the parcel in question are notified.

Public Hearing Closed

Mr. and Mrs. Buffone were present at the meeting and would like a Special Permit to operate a Tourist Home on their property located at 4611 Townline Rd. Mr. and Mrs. Buffone will continue to reside in the other house located on the same parcel as the proposed Tourist Home. Mr. and Mrs. Buffone stated the proposed Tourist Home will have less traffic than a traditional rental. They would like to initially rent the house out on weekends and up to and not more than one week at a time. They will be marketing the rental on-line. They will rent the proposed Tourist Home to no more than four (4) adults, no children; the property has a long driveway so there should be no issues with traffic.

Special Permit-Nicholas and Evelyn Buffone-continued

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

A motion was made by Mr. Andrews and seconded by Mr. Rowles to approve this Special Permit to allow applicants to maintain a Tourist Home with the following conditions; the permit will be valid for one year, the permit will be reviewed in three (3) months and nine (9) months from the date of issue. Any violations will be cause for cancellation. The operations must be consistent with the most recent definition of a tourist house in the Zoning Regulations for the Town of Cambria. All in favor, motion carried.

Special Permit**ZBSP-2017-009****Anthony Marchioni****5763 Pascoe Park, Sanborn, NY 14132****SLB# 119.03-1-20.1****In-Law Suite****Public Hearing Notice**

Special Permit to permit applicant to construct an in-law apartment as an addition to the residence upon said premises pursuant to the Special Permit Ordinance of the Town of Cambria.

Mr. and Mrs. Marchioni were present at the meeting and stated that they would like to build an in-law suite for his wife's mother who is receiving cancer treatment.

Public Hearing Open

No Comment

Public Hearing Closed

In the future the in-law suite will be integrated and become part of their home.

A motion was made by Mr. Rowles and seconded by Mr. Andrews to grant this Special Permit for Mr. and Mrs. Marchioni for one year, all in favor, motion carried.

Area Variance

ZBAV-2017-014 Charles DePasquale
5025 Baer Road, Sanborn, NY 14132
SLB# 105.00-2-41.112
Pole Barn over 1,000sq. Ft.

Public Hearing Notice

To permit applicant to construct an accessory building with dimensions of 40 feet by 60 feet upon said premises, 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.

Mr. DePasquale was present at the meeting and would like to a 40' x 60' accessory building. He stated that he has no other buildings, it will be a nice building, and he owns 23.60 acres. He has spoken to his neighbors and they are fine with what he is proposing. In addition to storage Mr. DePasquale stated that he has two young sons and would like them to have a place to "learn to turn a wrench".

Public Hearing Open

No Comment

Public Hearing Closed

Discussion took place; the Board cannot approve a 2,400 sq. ft. building when the Zoning Ordinance for the Town of Cambria does not allow construction of accessory buildings over 1,000 sq. ft. Mr. DePasquale stated that he didn't understand why the Town of Cambria took his money to apply for an Area Variance that clearly is not allowed. Mr. Andrews asked if this property would be considered a farm because it contains 23.60 acres, this property is not considered a farm. It was explained that to be considered a farm, property must contain 5 or more acres, be farmed and produce \$10,000 profit. Mr. Billingsley stated that this information is located on page 6 of the Zoning Ordinance for the Town of Cambria and Section 301 of Agricultural and Markets Law.

Mr. Smith encouraged Mr. DePasquale to speak to Town Board members and directed him to Mr. Foe who was present at the meeting. Mr. Foe stated that he understands Mr. DePasquale concerns and the Town Board is currently working on possible changes in this specific Zoning Ordinance. Mr. Foe suggested that Mr. DePasquale speak to Mr. Ellis the Supervisor for the Town of Cambria as soon as possible. Mr. Foe suggested that Mr. DePasquale ask that his request for an Area Variance be tabled for one month to allow the Town Board time to discuss these possible changes.

A motion was made by Mr. Rowles and seconded by Mr. Andrews to table this Area Variance for one month, all in favor, motion carried.

Area Variance

ZBAV-2017-017 Mark Lendway
4117 North Ridge Road, Lockport, NY 14094
SLB# 78.00-1-12
Addition within 5' of property line

Public Hearing Notice

To permit applicant to construct an addition to his residence upon said premises approximately 5 feet from his west side lot line, whereas the Zoning Ordinance of the Town of Cambria does not permit such a structure to be closer to a side lot line than 15 feet.

Mr. Lendway was present at the meeting and explained that he would like to an addition to his residence to provide garage space so his wife will be able to park her vehicle inside during inclement weather. Mr. Lendway stated that a "Happy Wife is a Happy Life" and encouraged the Board to approve this addition.

Public Hearing Open

No Comment

Public Hearing Closed

The Board expressed concern that in the event of a fire, the fire trucks would be unable to reach this home. Using projected images Mr. Lendway was able to explain to the Board that firetrucks could use either driveway there is plenty of access to reach his home in the event of a fire.

A motion was made by Mr. Andrews and seconded by Mr. Rowles to approve this Area Variance to allow Mr. Lendway to construct an addition 5' from the property line, all in favor, motion carried.

Area Variance

ZBAV-2017-018 John and Eileen Chatley
3659 Upper Mountain Road, Sanborn, NY 14132
SLB# 105.00-2-33.2
Pole Barn over 1,000sq. Ft.

Public Hearing Notice

To permit applicants to construct a pole barn upon said premises containing dimensions of 30 feet by 40 feet, which said pole barn to constitute a third accessory building upon said premises, 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, and does not permit more than two accessory buildings upon such a parcel.

Area Variance-John and Eileen Chatley-continued

Mr. and Mrs. Chatley were present at the meeting; they would like to construct a 30' x 40' pole barn to replace an old building that had to be taken down.

Public Hearing Open

No Comment

Public Hearing Closed

A motion was made by Mr. Rowles and seconded by Mr. Andrews to approve this Area Variance and allow Mr. and Chatley to construct a 1,200sq ft. accessory building.

Area Variance

ZBAV-2017-019 Chad and Louise Brachmann
5354 Baer Road, Sanborn, NY 14132
SLB# 119.00-1-41.11
Pole Barn over 1,000sq. Ft.

Public Hearing Notice

To construct a pole barn to be used for agricultural purposes upon premises commonly known as 5354 Baer Road, 60 feet from the road right-of-way containing dimensions of 50 feet by 100 feet, whereas the Zoning Ordinance of the Town of Cambria does not permit buildings used for agricultural purposes to be located closer to the road right-of-way than 100 feet.

Mr. and Mrs. Brachmann were present at the meeting and stated they would like to construct a 50' x 100' pole barn to be used for Agricultural purposes. The proposed new building will replace an old barn that had to be torn down before it fell down. This building will not house animals.

Public Hearing Open

No Comment

Public Hearing Closed

A motion was made by Mr. Andrews and seconded by Mr. Rowles to approve this Area Variance and allow Mr. and Mrs. Brachmann to construct this pole building all in favor, motion carried.

Area Variance

ZBAV-2017-020 Kenneth and Debra Seabert
3682 Ridge Road, Lockport, NY 14094
SLB# 91.00-1-32.4
Erect Farm Stand

Public Hearing Notice

To erect a farm stand upon aid premises approximately 20 feet from the east side property line, whereas the Zoning Ordinance of the Town of Cambria does not permit buildings used for agricultural purposes to be located closer to a side lot line than 100 feet.

Public Hearing Open

Aaron Slack 3688 Ridge Road, Lockport, NY 14094

Mr. Slack stated that the Seabert's are his neighbors. He and his family fully support their Area Variance to construct a farm stand. According to Mr. Slack the Seabert family is good for the community. Mr. Slack further stated that he feels the farm stand is a wonderful idea, that the Seabert family is a great asset to the Town of Cambria. Mr. and Mrs. Seabert and their son Kyle are very hard working.

Public Hearing Closed

A motion was made by Mr. Andrews and seconded by Mr. Rowles to approve this area Variance for Mr. and Mrs. Seabert to construct a farm stand.

Area Variance

ZBAV-2017-021 James and Christy Mansfield
4733 Lower Mountain Road, Lockport, NY 14094
SLB# 93.03-1-10
Addition to existing home 8' from lot line

Public Hearing Notice

To permit applicants to construct an addition to said residence containing dimensions of approximately 19 feet by 36 feet which would include a garage and a master bedroom 5 feet from the west side lot line upon said premises, whereas the Zoning Ordinance of the Town of Cambria does not permit construction of such a structure closer to the side lot line than 15 feet.

Mr. Mansfield was present at the meeting and would like to construct a 19' x 36' addition. The proposed addition would include a garage, bedroom and master bath. Mr. Mansfield assured the Board that there is plenty of access for fire and emergency equipment should the need arise.

Area Variance-James and Christy Mansfield-continued**Public Hearing Open**

No Comment

Public Hearing Closed

A motion was made by Mr. Rowles and seconded by Mr. Andrews to approve this Area Variance for Mr. Mansfield to construct an addition, all in favor, motion carried.

Area Variance**ZBAV-2017-022****Chris Pasquale****4500 Baer Road, Ransomville, NY 14131****SLB# 91.00-1-48****Pole Barn over 1,000sq. Ft.****Public Hearing Notice**

To permit applicants to construct an accessory building with dimensions of 35 feet by 40 feet upon said premises, 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.

Public Hearing Open

No Comment

Public Hearing Closed

Mr. Pasquale was present at the meeting and would like an Area Variance to construct a 35' x 40' accessory building. The Board suggested that Mr. Pasquale request that the Board table this application for an Area Variance until next month after the Town Board has had an opportunity to review the 1000 sq. ft. maximum Zoning Ordinance for accessory buildings.

A motion was made by Mr. Andrews and seconded by Mr. Rowles to table this Area Variance until next month, all in favor, motion carried.

Use Variance**ZBUV-2017-005****Curt Rechin-Chris & Patricia Rechin-Donald Wells****5700 Shawnee Road, Sanborn, NY 14132****SLB# 119.00-2-35****Outdoor Storage****Public Hearing Notice**

To permit applicants to use said premises which are located in the B-2 Business District for outdoor storage, whereas the Zoning Ordinance of the Town of Cambria does not permit outdoor storage in the B-2 Business District of the Town of Cambria.

Mr. Rechin was present at the meeting and would like use his property for outside storage of trailers owned by Clayton Rowlands to help pay the taxes.

Public Hearing Open

No Comment

Public Hearing Closed

Mr. Rechin would to store up to 28 roll portable storage units. These units are taken to other sites and would only be stored on this property on a temporary basis when not in use.

Mr. Billingsley explained that in order to allow a use not otherwise allowed in Zoning, an applicant must demonstrate to the Board-unnecessary hardship.

The application must have all of the following:

1. Cannot realize a reasonable return-substantial as shown by competent financial evidence.
2. Alleged hardship is unique and does not apply to substantial portion of district or neighborhood.
3. Requested variance will not alter essential character of the neighborhood.
4. Alleged hardship has not been self-created.

The four (4) criteria have not been met therefore the Board was advised by Mr. Billingsley to deny this Use Variance as a matter of law.

Mr. Rechin stated that he will provide the income information; he is having a difficult time paying the school taxes.

Mr. Billingsley stated that the applicant must meet all four (4) of the criteria in order for a Use Variance to be granted. A discussion of what is allowed in the Area Zoned B-2.

A motion was made by Mr. Rowles seconded by Mr. Andrews to deny this Use Variance, all in favor, motion carried.

Reports

Chairman- Nothing at this time.

Building Inspector- Mr. McCann was not present at this meeting.

Attorney- Nothing at this time.

Board Members- Nothing at this time.

The next meeting of the Zoning Board of Appeals will take place Monday, October 23, 2017 at 7:00PM.

A motion was made by Mr. Andrews and seconded by Mr. Rowles to adjourn the meeting at 8:25PM all in favor, motion carried.

Respectfully Submitted by

Melinda Olick

