

**Town of Cambria
Zoning Board of Appeals Meeting
July 24, 2017**

The regular monthly meeting of the Zoning Board of the Town of Cambria was called to order by Peter Smith, Chairman at 6:58PM. Everyone was welcomed to the meeting, followed by the Pledge to the Flag.

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

Members Absent: No members were absent

Also Present: Matt Foe, Councilman, Acting Town Board Liaison
James McCann, Building Inspector
Gary Billingsley, Attorney

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

Special Permit

**ZBSP-2005-06 Brenda VanCamp
4990 Shunpike Rd, Lockport, NY 14094
SBL# 93.00-2-4.2**

Ms. VanCamp was present at the meeting and stated that she would like to renew her Special Permit for a private kennel. This Special Permit was last renewed in 2012 for 5 years. Mr. McCann and Mr. Billingsley both stated there have been no issues with this Special Permit and do not for see any issue with a 5 year renewal.

A motion was made by Mr. Rowles and seconded by Mr. Johnson to renew this Special Permit for 5 years, all in favor, motion carried.

Zoning Board

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July 24, 2017

New Business

Special Permit

ZBSP-20017-02

Aaron-Maureen Ohar

4107 Ridge Rd, Lockport, NY 14094

SBL# 78.00-1-17.2

Public Hearing Notice

Special Permit to permit applicants to raise chickens on said premises which contains 1.8 acres 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. and Mrs. Ohar were present at the meeting and stated they would like a Special Permit to have 5-6 chickens and no roosters, they plan to have a small chicken coop with 150' run on the west side of the barn.

Public Hearing-Open

No comments

Public Hearing-Closed

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

A motion was made Mr. Rowles and seconded by Mr. Johnson to grant this Special Permit to Mr. and Mrs. Ohar to raise 5-6 laying hens with no roosters permitted, to be kept confined and not run free range on the property. This Special Permit is granted for one year from this date and five year renewal after the initial year.

ZBAV-2017-011

Priscilla Ferguson

4861 Lower Mountain Rd, Lockport, NY 14094

SBL# 93.00-2-47.22

Public Hearing Notice

Area Variance to permit applicant to construct a pole barn upon said premises containing dimensions of 30 feet by 36 feet, whereas the Zoning Ordinance for the Town of Cambria does not permit construction of an accessory building that exceeds 1,000 square feet upon such a parcel.

Ms. Ferguson was not present at the meeting, but was represented by her son Matthew Ferguson. They would like to construct a 30' x 36' pole barn for personal storage to store a skid steer and lawnmower.

Zoning Board
-continued
Ferguson-Continued

Public Hearing-Open

No comments

Public Hearing-Closed

When asked by Mr. Rowles why the building needs to be so big, 30' x 36'. Mr. Ferguson responded that is the size of kit that is sold. The proposed building will have a 10' ceiling. The siding will be tan or yellow to match the house.

A motion was made by Mr. Johnson and seconded by Mr. Rowles to approve this Area Variance and allow construction of a 30' x 36' pole barn, all in favor, motion carried.

ZBAV-2017-0012 Janelle Cecchini-Owner
6262 Corwin Station, Newfane, NY 14108
John Soto-Applicant
5262 Subbera Rd, Lockport, NY 14094
Regarding- 5226 Baer Rd, Sanborn, NY 14132
SBL# 119.00-1-35.1

Public Hearing Notice

Area Variance to permit applicant to construct an addition to a garage upon said premises commonly known as 5226 Bear Rd 8 feet from the north 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.

Ms. Cecchini and Mr. John Soto were both present at the meeting. They would like to replace the rotted old garage attached to the house at 5226 Baer Rd.

Public Hearing-Open

No comments

Public Hearing-Closed

The proposed garage would be located 9 feet from the lot line, not the 8 feet as per public hearing notice. The Zoning Ordinance for the Town of Cambria doesn't permit a structure closer to the lot line than 15 feet. The attached garage would be 24 feet wide and 75 feet deep. They would like the garage this size to accommodate a 30' boat and a sports car. Vacant land is located on the property lot line in question.

A motion was made by Mr. Rowles and seconded by Mr. Andrews to approve this Area Variance for an attached garage within 9 feet of lot line, all in favor, motion carried.

Zoning Board
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Old Business

July 24, 2017

ZBAV-2017-013 Robert-Kaylynn Kalota
5882 Shawnee Rd, Sanborn, NY 14132
SBL# 120.00-1-74

Public Hearing Notice

Area Variance to permit applicants to construct an accessory building with dimensions of 30 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. Kalota and his Attorney Nicholas Robinson were present at the meeting. Mr. Robinson explained that Mr. Kalota had previously applied to this Board in June to construct a 40 x 60' storage building. The previous Area Variance Mr. Kalota had applied for was denied at the June 26, 2017 Zoning Board of Appeals Meeting due to exceeding the 1,000 square feet allowed by the Town of Cambria Zoning Ordinance.

The applicant indicated the requested size of the building would actually be 34' x 60'.

Mr. Kalota would use the building to store his two boats, tractor, RTV, ATV, and other items. Mr. Robinson provided pictures to illustrate how items are stored outside, or stored in garage that appears to be very crowded. Mr. Robinson also provided an additional letter from Mr. Kalota neighbors in support of the proposed building. This Board has already received four letters of support from neighbors. The Board has received a total of five letters from neighbors in support of Mr. Kalota.

In addition Mr. Robinson stated that it would be more pleasing to the eye to have one large building rather than two small buildings or the outside storage as exists now.

Mr. Robinson addressed the Board on the five criteria which must be met in order for an Area Variance to be granted. They are as follows:

1. Can the benefit be achieved by other means feasible to applicant; Mr. Robinson stated that for Mr. Kalota there are no other means available.
2. Is there an undesirable change in the neighborhood character or to nearby properties. According to Mr. Robinson there is no way around Mr. Kalota needs this size building to store all of his "toys".
3. Whether the request is substantial; Mr. Robinson argued that Mr. Kalota owns a substantial lot of almost 2 acres. There would be roughly 70,000 of green space left after construction of the proposed building.
4. Whether the request will have an adverse physical or environmental effect; no adverse effect help to improve the appearance of neighborhood no longer have lots of stuff stored outside.
5. Whether the alleged difficulty is self-created; Mr. Robinson stated that there is no way around it Mr. Kalota has lots of things he needs to store so that is self-created, but 9 out of 10 issues that are brought to the board are self-created.

ZBAV-2017-013 Kalota-continued

The Board reminded Mr. Robinson and Mr. Kalota that they must balance the benefit to the applicant with the detriment to the health, safety and welfare of the community.

This Board has the responsibility to grant the minimum variance necessary and may impose reasonable conditions when necessary.

Public Hearing-Open

No comments

Public Hearing-Closed

The Board explained to Mr. Kalota that the Zoning Ordinance is very clear on the size of accessory buildings. The Zoning Ordinance for the Town of Cambria clearly states that accessory buildings cannot exceed 1000 square feet. Mr. Rowles explained that the Board needs to adhere to Town Law; this proposed building well exceeds that limit. The proposed building is double the size allowed by the Town of Cambria Zoning Ordinance. This building would be considered a substantial variance request with more than 800 square feet over the 1,000 square feet allowed.

The Board explained that what he is requesting is well over the square footage allowed by the current ordinance. The Board stated again that 1,000 square feet is the maximum size for an accessory building in the Town of Cambria.

A motion was made by Mr. Rowles and seconded by Mr. Andrews to deny this Area Variance; due to the fact that it is substantial, the benefit sought can be achieved by other feasible means, the existing condition is self-created. As the vote was not unanimous the secretary was asked to poll the Board, the votes were recorded as follows:

Mr. Rowles- Yes

Mr. Andrews- Yes

Mr. Johnson- Abstain

Ms. Retzlaff-Hurtgam - Yes

Mr. Smith- No

The Area Variance was denied, motion carried.

The Zoning Board explained that they may not always agree or like when someone must be denied, but it is their duty to adhere to the Zoning Ordinance for the Town of Cambria. The ordinances were created with the intention to be fair to all Town residents. The ordinances were not developed to be intentionally unfair or to have a resident feel they are treated unfairly.

Zoning Board
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July 24, 2017

Old Business-continued

ZBAV-2017-008 Janice Salerno-David Kutis
3101 Lower Mountain Rd, Sanborn, NY 14132
SBL# 105.00-1-11.12

Ms. Salerno applied to the Board last month for an Area Variance to construct a 70'x 80' barn approximately 30 feet from the west side lot line. The Zoning Ordinance of the Town of Cambria does not permit construction of an agricultural building closer to a side lot line than 100 feet. At the June Meeting the board asked Ms. Salerno to reconsider the placement of the proposed barn. Ms. Salerno was present at the meeting and stated that she plans to construct the barn 100' from each property line. Mr. Billingsley advised she could move forward with construction once the building permit has been obtained.

Reports

Chairman- Nothing at this time.

Building Inspector- Nothing at this time.

Attorney- Nothing at this time.

Board Members- Nothing at this time.

Mr. Billingsley addressed the Board to acknowledge the efforts of the members of the Zoning Board of Appeals. The Board has been presented with some difficult applications and has to make some decisions they have struggled with. In an effort to address these issues Mr. Billingsley suggested the Zoning Board schedule a work meeting.

The Zoning Board of Appeals will hold a work meeting on Monday, July 31, 2017 at 7:00PM.

The next meeting of the Zoning Board of Appeals will take place Monday, August 28, 2017 at 7:00PM.

A motion was made by Mr. Johnson and seconded by Mr. Andrews to adjourn the meeting at 7:48PM all in favor, motion carried.

Respectfully Submitted by
Melinda Olick