

Minutes Approved  
January 28, 2019

Town of Cambria  
Zoning Board Meeting  
December 17, 2018

The regular monthly meeting of the Zoning Board of the Town of Cambria was called to order by Peter Smith, Chairman, at 7:00 P.M. He welcomed everyone to the meeting followed by the Pledge to the Flag.

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

Members Absent: None

Also present: Joseph Ohol, Councilman, Town Board Liaison  
James McCann, Building Inspector  
Gary Billingsley, Attorney

Chairman requested that Attorney take minutes due to Melinda Olick's inability to attend the meeting.

Motion to approve November minutes by Mr. Rowles, seconded by Mr. Andrews.

The Public Hearing Notice was read as it appeared in 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

Neither Mr. Whyte, nor his Attorney, Joseph Townsend, were present at tonight's meeting. Building Inspector stated Mr. Whyte was not in compliance with the terms of his Special Permit. It was requested that Attorney notify Mr. Whyte and his attorney that if Mr. Whyte intended to request renewal, that he must be present at the January 28, 2018 meeting of this Board, and come into compliance with the terms of his Special Permit.

A motion was made by Mr. Andrews and seconded by Mr. Rowles to table this Special Permit Renewal for one more month until the January Meeting, and for Attorney to write letter as requested above, all in favor, motion carried.

Special Permit – Renewal

Joseph Ohol  
4220 Saunders settlement road, Sanborn, NY 14094  
SBL# 120.00-2-47  
Storage of Railroad Ties & Stone

Mr. Ohol was present at meeting and requested renewal of his Special permit. In addition, he requested that the Special Permit be amended to also allow him to store and sell mulch upon said premises. It was clarified that the area to be used for this purpose is in front of the house on said premises and west of the driveway. Attorney indicated that request to amend the Special Permit was not substantial, and that a new public hearing would not be required.

A motion was made by Mr. Johnson and seconded by Ms. Retzlaff-Hurtgam to approve this Special Permit Renewal for five (5) years, with amended condition that applicant may also store and sell mulch in an area in front of the house and west of the driveway upon said premises, all in favor, motion carried.

Special Permit – New

Z-SP-2018-014      Nicole Fair  
Special Permit      5319 Shawnee Road, Sanborn, NY 14132  
SBL# 120.00-1-3.1  
Public Stable

Public Hearing Notice

For a Special Permit to maintain a Public Stable to board and train horses, and to occasionally rehabilitate horses, upon said premises which contain approximately 31.1 acres pursuant to the Zoning Ordinance of the Town of Cambria, which permits a Public Stable by Special Permit upon said premises.

Applicant was present at meeting and stated she wished to board horses upon said premises. She stated that she had done so at her previous residence. Her daughter also wishes to be involved with training horses and occasionally rehabilitating injured horses.

Public Hearing Open.

Richard Devantier 3769 Upper Mountain Rd, Sanborn raised issue of boarders respecting adjoining property owner's property rights. He stated he had no problems with the application otherwise. Applicant stated that that she marks the trails. Heidi Beutel 5333 Shawnee Rd, Sanborn said she had the same concerns.

Public Hearing Closed.

Mr. Johnson inquired regarding the number of horses. Applicant said no more than 10.

Mr. Smith asked about the number of stalls on premises. Applicant stated at least 10 or 11.

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

Special Permit – New

Z-SP-2018-015      Nicole Fair  
Special Permit      5319 Shawnee Road, Sanborn, NY 14132  
                                 SBL# 120.00-1-3.1  
                                 Retail Shoppe

Public Hearing Notice

For a Special Permit to permit applicant to use a small shed upon said premises for business purposes, namely a small gift shoppe to sell hand-made baskets and/or horse-related items pursuant to the Special Permit Ordinance of the Town of Cambria.

Applicant was present at meeting and stated there is an Amish shed on the property and that she wishes to sell baskets and other horse-related items from the shed. She added that not much traffic would be generated.

Public Hearing Open.

Heidi Beutel, 5333 Shawnee Rd, Sanborn had questions concerning which building on the property was going to be used, and where customers would park. Applicant stated that she has a huge driveway and parking area where customer's vehicles will park.

Lori Skinner, 5309 Shawnee Rd, Sanborn stated she lives next door, and verified that the parking area was more than sufficient.

Public Hearing Closed.

Board members had no questions.

Mr. Smith inquired regarding what types of horse-related items applicant wished to sell. She stated mostly smaller items such as gifts. She added that she would be open on a seasonal basis on Wednesdays through Sundays, with hours of operation up to 9 AM to 8 PM.

A motion for a Negative Declaration under SEQR was made by Mr. Andrews and

seconded by Mr. Johnson, all in favor, motion carried.

A motion was made by Ms. Retzlaff-Hurtgam and seconded by Mr. Johnson to approve this Special Permit for one (1) year, applicant to maintain premises in a neat and orderly fashion, days of operation Wednesday through Sunday, hours of operation from 9 AM to 8 PM, all in favor, motion carried.

Special Permit – New

Z-SP-2018-016

Special Permit

Brian Torsell

4449 Ridge Road, Lockport, NY 14094

SBL# 78.00-2-21

Animal Husbandry

Public Hearing Notice

For a Special Permit to permit applicant to maintain up to ten (10) chickens on said premises which contain approximately .43 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.

Applicant was present. He stated he wished to raise chickens, and that they would not be free range. There will be no roosters.

Public Hearing Open.

Mark Herbst, 4427 Ridge Rd, Lockport stated he is a neighbor, and asked whether Town does an inspection on properties when Special Permits have been granted before they are renewed. He also asked what happens if applicant does not follow the terms of a Special Permit. He added that he had spoken to some neighbors, that they had noticed chickens both inside and outside the residence, and that there were lots of items in the yard.

Brenda Case, 4450 Ridge Road, Lockport had concerns about chickens being kept in the house, stated she sees lights on in the front room of the house at night. She is also concerned about disposal of the waste, and the number of chickens maintained on premises. She also said she did not believe that the chickens were in chicken coop area yet. She also asked about what type of follow up there would be if applicant did not comply with the terms of any Special Permit if granted by this Board.

Public Hearing Closed.

Applicant acknowledged that he had been keeping some of the chickens in his residence, that he had gotten rid of a lot of the chickens already. He further acknowledged that his yard could use some work, and that he understands his neighbors' concerns.

Mr. Johnson asked when the chicken coop would be completed, and how many chickens

were currently on the property. Applicant indicated about twenty (20).

Mr. McCann indicated that he would inspect the property if made aware of concerns expressed by neighbors.

Mr. Smith inquired about other animals on premises. Applicant stated he had one (1) cat.

Mr. Andrews requested confirmation of the location of the property.

Mr. Rowles asked about inspections of the property. Mr. McCann stated he would investigate if requested to do so, otherwise he would take a look at premises when the Special Permit comes up for renewal.

Applicant stated he would butcher or sell in order to get down to ten (10) chickens.

A motion for a negative declaration under SEQR was made by Mr. Rowles and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion granted.

A motion was made by Mr. Rowles and seconded by Mr. Johnson to approve this Special Permit for one (1) year subject to the following conditions:

1. Applicant shall be permitted to have up to ten (10) chickens, no roosters, upon said premises.
2. Chickens shall be kept in chicken coop, and not be free range.
3. Chicken coop shall be completed within one (1) week of the date of this Special Permit.
4. Applicant shall reduce number of chickens being kept hereunder down to ten (10) within two (2) months of the date of this Special permit.
5. Applicant shall maintain premises in a neat an orderly manner.

All in favor, motion granted.

Reports

Chairman - Nothing at this time.

Attorney – Nothing at this time.

Building Inspector – Nothing at this time.

Mr. Ohol – Nothing at this time.

Board Members – Nothing at this time.

The next meeting of this Board will take place Monday, January 28, 2019 at 7:00 PM,  
preceded by the Planning Board Meeting at 6:00 pm

A motion was made by Mr. Rowles and seconded by Mr. Andrews to adjourn the meeting  
at 7:55 PM. All in favor, motion carried.

Respectfully submitted by  
Gary Billingsley

A handwritten signature in black ink that reads "Gary Billingsley" with a small "JMS" or similar mark at the end.