

**Town of Cambria
Zoning Board of Appeals Meeting
December 16, 2019**

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
Harmony Retzlaff-Hurtgam
Alan Johnson
Bradley Rowles
Cheryl L. Shoop
Thomas C. Andrews

Members Absent: No members were absent

Also Present: Gary Billingsley, Attorney

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

Renewal Jay Eisenhardt
Special Permit 5120 Ridge Road, Lockport, NY 14094
ZBSP-2005-13 SBL # 79.00-2-53.2
Private Kennel

Mr. Eisenhardt was not present at the meeting; a motion was made by Mr. Rowles and seconded by Mrs. Retzlaff-Hurtgam to table this Special Permit renewal until the end of the meeting, all in favor, motion carried.

Mr. Eisenhardt was not present at the end of the meeting; Mr. Smith suggested that a letter be sent to Mr. Eisenhardt regarding the renewal of this Special Permit.

A motion was made by Mr. Rowles and seconded by Mrs. Retzlaff-Hurtgam to table this Special Permit until the January Meeting, all in favor, motion carried.

Renewal
Special Permit
ZBSP-2018-014
ZBSP-2018-015

Nicole Fair
5319 Shawnee Road, Sanborn, NY 14132
Public Stable
Retail Shop
SBL# 120.00-1-3.1

Ms. Fair was present at the meeting and stated the public stable currently has four (4) horses and two (2) ponies. The number fluctuates as horses and ponies come and go. According to Mr. McCann there have been no issues and this is the first renewal for this Special Permit to operate a public stable.

Ms. Fair stated that her retail shop is doing well. Mr. McCann stated there have been no issues and this is the first renewal for this Special Permit to operate a retail shop.

A motion was made by Mr. Rowles and seconded by Mr. Johnson to renew both Special Permits (1) to Operate a Public Stable and (2) to operate a retail shop for five (5) years, all in favor, motion carried.

Renewal
Special Permit
ZBSP-2018-16

Brian Torsell
4449 Ridge Road, Lockport, NY 14094
SBL # 78.00-2-21
Animal Husbandry-Chickens

Mr. Torsell was present at the meeting with Jeanette Miller who is a volunteer with the Niagara County Farm Bureau. Mr. Torsell stated that all is well with his chickens they are happy and healthy. Mr. McCann stated there have been issues with the chickens, the piles of compost, rats in the yard, and general discontentment with the whole situation on the part of the neighbors.

Mr. Torsell had a prepared statement which he read from, but did not provide to the Board or the secretary taking minutes. According to Mr. Torsell and Ms. Miller this Special Permit is no longer necessary according to their interpretation of Agricultural and Markets Law (25 AA Section 305A), which Mr. Torsell and Ms. Miller referenced again and again but refused to provide the Board or the Secretary with the information.

According to Mr. McCann, Mr. Billingsley and the Board, when this Special Permit was granted last year, it was done with the understanding that Mr. Torsell would scale down his flock to just 10 chickens, only hens no roosters. However, according to Mr. Torsell, he now has 20 plus chickens and Duke the rooster. Aside from the chickens it appears that the issue is the materials strewn around the yard which most would agree are junk or thought to be junk in nature.

Special Permit Renewal- Torsell

All of these issues are a direct violation of the Zoning Ordinance in the Town of Cambria, which is why Mr. Torsell has found himself in court on a number of occasions.

According to Ms. Miller the property is utilizing a technique referred to as SPIN Farming and/or Perma Culture Farming. The property that Mr. Torsell's is "farming" is .43 acres, 84.92' by 235' and contains his residence and a detached garage. The general opinion of the Board was that the property is a mess and needs to be cleaned up.

Mr. Billingsley stated he will communicate with Agricultural and Markets regarding interpretation of these laws.

A motion was made by Mr. Johnson and seconded by Mr. Andrews to table the renewal of this Special Permit until February to allow Mr. Torsell time to clean-up the property, all in favor, motion carried.

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| Old Business | Christ Centered Properties/OXAIR |
| Special Permit | 2990 Carney Drive, Sanborn, NY 14132 |
| ZBSP-2019-010 | SBL# 119.00-1-12.11 |
| | Assembly of equipment for medical and industrial use |

According to Mr. McCann this application has been withdrawn.

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| Old Business | Patrick Andalora |
| Special Permit | 4595 Townline Road, Ransomville, NY 14131 |
| ZBSP-2019-009 | SBL# 91.00-1-41.12 |
| | Business |

Mr. Andalora and his attorney Ryan Hanna were present at the meeting. Mr. Andalora has been before this Board to seek approval to operate his paving business from an existing structure. The general consensus of the Board is that the number of vehicles exceeds what is allowed in an Agricultural-Residential Zone. Mr. Billingsley read the Zoning Ordinance for the Town of Cambria to establish that this is not an allowable use in this area. He reminded the Board these are the standards the Board needs to consider when granting Special Permits.

This application was referred to the Niagara County Planning Board for consideration and was referred back to this Board without issue.

Special Permit- Andalora continued

A discussion took place as to the options available to Mr. Andalora; he would like to build a pole barn in the future to store his equipment. The Board suggested renting a lot at another location to park his equipment.

By agreement of the applicant a motion was made by Mr. Rowles and seconded by Mr. Andrews to table this Special Permit until the February 24, 2020 meeting of the Zoning Board to allow Mr. Andalora time to find another location to store his equipment, all in favor, motion carried.

Reports

Chairman- Nothing at this time.

Building Inspector- Nothing at this time.

Attorney- Nothing at this time.

Board Members- Nothing at this time.

The next meeting of the Zoning Board of Appeals will take place Monday, January 27, 2020 at 7:00PM, following the Planning Board Meeting.

A motion was made by Mr. Andrews and seconded by Mr. Johnson to adjourn the meeting at 8:00PM, all in favor, motion carried.

Respectfully Submitted by
Melinda Olick

