

**Town of Cambria
Zoning Board of Appeals Meeting
July 22, 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
Cheryl L. Shoop
Alan Johnson
Thomas C. Andrews

Members Absent: Bradley Rowles

Also Present: Gary Billingsley, Attorney
James McCann, Building Inspector

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

There was no public hearing notice to be read for the items on tonight's agenda.

Old Business **Patricia Williams**
ZBAV 2019-007 **1867 Mount Conness Court, Antioch, California 94531**
 Concerning 3312 Saunders Settlement Rd
 SBL# 119.03-1-31.1
 Area Variance-Set Back

Ms. Williams was not present therefore a motion was made by Mr. Johnson and seconded by Mr. Andrews to table this Area Variance until the end of the meeting, all in favor, motion carried. Mr. McCann stated that he has spoken to Ms. Williams and was under the impression she would be present at this meeting.

At the end of meeting Ms. Williams still was not present. Several of the neighbors with property close to the parcel in question were present. Since the public hearing held on June 24, 2019 was adjourned until this evening. The public hearing was re-opened. Several neighbors were present and spoke again to voice their opposition to the application.

**Old Business-Patricia Williams Area Variance-Set Back
Public Hearing**

Kathleen Britton, 3300 Saunders Settlement Road, Sanborn, NY 14132 stated that she lives two lots over from this property and feels that all houses should be kept in line with the existing homes. Ms. Britton further stated that everyone uses their backyard and a house in the proposed location will destroy the privacy of residents who have owned their property for many years.

A motion was made by Mr. Andrews and seconded by Mr. Johnson to deny this Area Variance due to the adverse effect on the neighborhood including privacy concerns of nearby residents, as well as applicant's failure to appear before this Board on two (2) separate occasions, all in favor, motion carried.

Old Business Jeffrey and Denise Abbott
Renewal 4454 Baer Road, Ransomville, NY 14131
Special Permit SBL# 91.00-1-19.4
ZBSP-2018-006 Animal Husbandry-Chickens

Mr. or Mrs. Abbott were not present at the meeting. This is the third time this Board meet to renew this Special Permit. In addition Mr. Billingsley read the letter that had been sent to Mr. and Mrs. Abbott in an effort to determine if they would like to renew their Special Permit.

The Board has had no contact or communication from Mr. or Mrs. Abbott a motion was made by Mr. Johnson, seconded by Mr. Andrews to terminate this Special Permit, all in favor, motion carried.

Renewal Niagara Forestry/Brian Whyte
Special Permit 4177 Lower Mountain Road, Lockport, NY 14094
ZBSP-2012-06 SBL# 92.00-1-66
Log Mill

Mr. Whyte was not present; a motion was made by Mr. Johnson and seconded by Mrs. Shoop to table this Special Permit renewal until the end of the meeting, all in favor, motion carried.

Mr. Whyte was still not present at the end of the meeting. Mr. Smith asked Mr. McCann, in his opinion, how did he think Mr. Whyte was doing with the clean-up he promised to complete when he was granted this Special Permit. According to Mr. McCann and several Board members, Mr. Whyte has not done anything to the buildings.

Special Permit Renewal Niagara Forestry/Brian Whyte

Hay bales still remain strewn about. Among many other things the property badly needs to be weed whacked. Mr. Billingsley was directed to send Mr. Whyte a letter informing him that he should attend the August Meeting of this Board make some progress in cleaning up the property if he wishes to have this Special Permit renewed.

A motion was made by Mr. Andrews and seconded by Mrs. Retzlaff-Hurtgam for Attorney to send a letter to Mr. Whyte requesting that he follow the conditions that were put in place when renewal of this Special Permit was last granted, and to appear at the August Meeting of this Board, all in favor, motion carried.

The following information is taken from the original decision Dated May 3, 2012 for Mr. Whyte's Special Permit and the conditions set forth by this Board on January 28, 2019:

The Special Permit granted to Mr. Whyte/Niagara Forestry on May 3, 2012 stated namely to bring logs to said site to sort, reload and haul to mills for lumber, to saw logs for lumber and to make firewood upon said site, and to make maple syrup upon said site, pursuant to the Special Permit Ordinance of the Town of Cambria.

1. It appears from said hearing that said Special Permit can be granted upon the following conditions without affecting the public safety and welfare;
2. It appears that substantial justice will be done by granting said Special Permit;
3. The proposed use is compatible with existing uses in the Town; and
4. The proposed use will have no adverse impact upon surrounding uses in the Town.

After due deliberation and upon said Findings of Fact, it is hereby decided that the application of the above-named NIAGARA FORESTRY to permit applicant to operate said business as hereinbefore described is granted upon the following conditions:

1. No sawing of logs shall be permitted on Sundays.
2. Storage of logs shall be on the west side of barn number 5 on applicant's sketch plan, not closer to the road than said barn, for up to one (1) year. After the expiration of one (1) year, storage of said logs shall be to the rear of said bam.
3. If premises shall be vacated by applicant, any items pertaining to the logging operation shall be removed from the property by applicant.

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4. In all other respects, applicant shall abide by the Zoning Ordinance of the Town of Cambria. Information from Decision Dated July 23, 2012 Filed in Town Clerk's Office August 16, 2012.

Special Permit Renewal Niagara Forestry/Brian Whyte

This Special Permit shall be for a period of one (1) year and may be renewed without further public hearing.

The Board expressed their desire to have this property cleaned up it is an eyesore on a busy intersection between Cambria, Lewiston and Lockport.

The Board clearly stated if the property is not cleaned up this Special Permit will not be renewed and allowed to expire.

A motion was made by Mrs. Retzlaff-Hurtgam and seconded Mr. Johnson to table this Special Permit renewal until the February Meeting with the following conditions:

Mr. Whyte must meet with Mr. McCann on or before February 11, 2019 to discuss what progress has been made in cleaning up this property if Mr. Whyte is noncompliant with the cleanup requirements the original permit will be terminated by its own terms, all in favor, motion carried.

Renewal	Marjorie-Ed Saleh
Special Permit	5269 Subbera Road, Lockport, NY 14094
ZBSP-2018-009	SBL# 106.00-2-10.43
	Animal Husbandry

Mr. Saleh was present at the meeting and stated all is going well with the chickens. Mr. McCann stated that there have been no issues with the chickens that have been brought to his attention.

A motion was made by Mrs. Retzlaff-Hurtgam and seconded by Mr. Andrews to renew this Special Permit for five (5) years to allow Mr. and Mrs. Saleh to have no more than ten (10) chickens, no roosters, chickens have to be kept in coop, not free range, all in favor, motion carried.

Renewal	Freedom Run Winery-Richard Sean Manning-Lawrence Manning
Special Permit	5138 Lower Mountain Road, Lockport, NY 14094
ZBSP-2018-008	SBL# 93.00-2-27.2
	Operate Small Bistro

Mr. And Mrs. Lawrence Manning were present at the meeting and would like to renew this Special Permit to operate a small bistro. Mr. McCann stated there have been no issues with this Special Permit.

A motion was made by Mr. Andrews and seconded by Mr. Johnson to renew this Special Permit for five (5) years to allow Mr. and Mrs. Manning to operate a small bistro at Freedom Run Winery, 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

Mr. Billingsley asked if the Board would agree to change the next meeting of the Zoning Board of Appeals to take place Monday August 19, 2019 at 8:00PM following the Planning Board Meeting, this motion was made by Mr. Andrews and seconded by Mrs. Retzlaff-Hurtgam, all in favor, motion carried.

A motion was made by Mr. Andrews and seconded by Mr. Johnson to adjourn the meeting at 7:18PM, all in favor, motion carried.

Respectfully Submitted by
Melinda Olick

