

**Town of Cambria  
Zoning Board of Appeals Meeting  
October 28, 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  
Thomas C. Andrews  
Bradley Rowles  
Cheryl L. Shoop

**Members Absent:** No members were absent

**Also Present:** Gary Billingsley, Attorney

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

**Old Business**

**Special Permit  
Renewal  
ZBSP-2002-011**

**Kathrin Caccamise  
4931 Ridge Road, Lockport, NY 14094  
SBL# 79.00-2-4  
Dog-Cat Grooming Business**

Ms. Caccamise was not present at the meeting; a motion was made by Mr. Rowles and seconded by Mr. Andrews to table this Special Permit renewal until the end of the meeting, all in favor, motion carried.

Ms. Caccamise was not present at the end of the meeting, a motion was made by Mr. Rowles and seconded by Mr. Johnson to have Mr. Billingsley send a letter asking if she would like this Special Permit renewed, all in favor, motion carried.

**New Business**

**Special Permit  
Renewal  
ZSP-1999-01  
(12-28-98)**

**Timothy Swift-Niagara's Lazy Lakes Camping  
4312 Church Road, Lockport, NY 14094  
SBL# 77.00-2-56  
Mobile Home year-round basis**

**New Business**  
**Special Permit**  
**Renewal**  
**ZSP-1999-01**  
**(12-28-98)**

**Timothy Swift**  
**4314 Church Road, Lockport, NY 14094**  
**SBL# 77.00-2-57**  
**Business Purposes**

Mr. Swift was not present at the meeting; a motion was made by Mr. Rowles and seconded by Mr. Johnson to table both of Mr. Swift's Special Permit renewals until the end of the meeting, all in favor, motion carried.

Mr. Swift was not present at the end of the meeting, a motion was made by Mr. Johnson and seconded by Mrs. Retzlaff-Hurtgam to send a letter asking if Mr. Swift would like his two (2) Special Permits renewed, all in favor, motion carried.

**Old Business**  
**Special Permit**  
**Renewal**  
**ZBAV-2008-08**

**Robert- Sharon Sullivan**  
**4454 Baer Rd, Lockport, NY 14094**  
**SBL# 91.00-1-19.4**  
**Private Kennel**

Mr. and Mrs. Sullivan no longer live in the Town of Cambria their House sold September 26, 2016. A motion was made by Mr. Rowles and seconded by Mr. Andrews to allow this Special Permit to terminate pursuant to law, all in favor, motion carried.

**Old Business**  
**Special Permit**  
**Renewal**  
**ZBAV-2018-012**

**Doug and Shelia Feind**  
**500 Blackman Road, Lockport, NY 14094**  
**SBL# 106.00-2-9.3**  
**Animal Husbandry-Chickens and Ducks**

Mr. and Mrs. Feind and their daughter were present at the meeting. Things are going well with the chickens and ducks and they would like to renew this Special Permit. Mr. Billingsley spoke to Mr. McCann prior to the meeting and there have been no issues.

A motion was made by Mr. Johnson and seconded by Mrs. Retzlaff-Hurtgam to approve this Special Permit for five (5) years, all in favor, motion carried.

**Old Business**  
**Special Permit**  
**ZBSP-2019-009**

**Patrick Andalora**  
**4595 Townline Road, Ransomville, NY 14131**  
**SBL# 91.00-1-41.12**  
**Business**

According to Mr. Billingsley this Special Permit should be postponed until the November Meeting at the request of Amy Fisk, Senior Planner at Niagara County Department of Economic Development. The postponement is based upon the fact that the applicant requested the Niagara County Planning Board postpone consideration of his application until it's November Meeting.

**New Business**  
**Special Permit**  
**ZBSP-2019-010**

**Christ Centered Properties/OXAIR**  
**2990 Carney Drive, Sanborn, NY 14132**  
**SBL# 119.00-1-12.11**  
**Assembly of equipment for medical and industrial use**

### **Public Hearing Notice**

Special Permit to permit applicant and/or its lessees to assemble prefabricated air separation equipment for medical and industrial use in an existing structure upon premises commonly known as 2990 Carney Drive pursuant to the Special Permit Ordinance of the Town of Cambria.

Mr. and Mrs. Wendt owners of the property were present along with Mr. Zeni who is interested in purchasing this property to house his company OXAIR. Mr. Zeni stated that he has been speaking to Mr. McCann for about a month regarding the possibility of relocating his business to the property owned by Mr. and Mrs. Wendt located at 2990 Carney Drive. Mr. Zeni's company is currently located at 8320 Quarry Road in the Town of Niagara. It is the Wendt's request that should the Special Permit be approved it could then be transferred to Mr. Zeni upon his purchase of this property.

According to information provided to the Board by Mr. Zeni his company is the North American manufacturer and worldwide distributor of high purity oxygen delivery systems, cylinder filling plants and oxygen generators for medical, industrial and military applications.

Mr. Zeni described his company as a family business with five (5) employees. It operates from 8:00AM to 5:00PM. The company is currently diversifying to re-sell medical equipment. There will be deliveries but large items are handled at Ferrous Manufacturing in Lackawanna.

Mr. Zeni stated he and his companies are very transparent and encourage the Board and interested parties to look at their current facility.

**Christ Centered Properties/OXAIR continued****Public Hearing Open**

**Mr. Joe Wegrzyn of 2980 Carney Drive, Sanborn** asked that the Board please consider his input regarding this Special Permit Application and provided the following information:

Town of Cambria Zoning Ordinance

**Section 1101 CONDITIONS FOR THE GRANTING OF SPECIAL PERMITS**

- a. No change in character of the neighborhood.
- b. No depreciation of property values.
- c. No excessive noise or disturbance of neighborhood.
- d. No appreciable change in traffic
- e. Adequate parking arrangements.
- f. Plan must be approved with appropriate landscaping.
- g. No outside storage of materials.
- h. In the discretion of the Board of Appeals the permit may be reviewed upon its expiration and Extended for an additional one year period or for such other period of time not to exceed five years which may be established by the Board of Appeals if conditions of area have not changed. Special permits are renewable without the necessity of a public hearing.

**Section 1101(a)**

The character of the neighborhood will be changed forever. There is no place in an Agricultural Residential district for an Industrial Chemical business. There are 10 homes located within 550 feet of the 2990 Carney Drive property. One of the homes is located 75 feet from the intended building. The Air Separation business has a danger of catastrophic failure and the exposer of dangerous chemicals. The existing building will have to be modified extensively to accommodate the safety issues inherent with the Industrial Chemical/Air Separation business. Not to mention the realization of possible expansion.

**Section 1101(b)**

Property values will be greatly affected by the hazards of having an Industrial Chemical business in the neighborhood. This neighborhood has a Residential style to it because of the closeness of the homes.

**Section 1101 (c)**

With the process of assembly, testing, running of compressors, repair work, and cleaning of materials all will contribute to excessive noise and pollution in the neighborhood. The area has always valued the quietness of a dead end road. The natural environment, which surrounds Carney Drive, is a wooded hollow. This causes a natural enhancement of noise, which is unique to this area. So the possibility of additional hours of running an Industrial Chemical business could bring more employees more noise and a second shift.

**Christ Centered Properties/OXAIR-Public Hearing continued**

## Section 1101. (d)

The traffic and its effects on the neighborhood are very real and dangerous. There are young and old people using the road for walking and bicycling. The last lease individual of the building stated in front of the Zoning Board on 6.29.2015 that " Fed Ex delivers supplies once a week and occasionally UPS makes a delivery". This has proven to be completely inaccurate. The Fed Ex trucks delivered and picked up twice a day everyday with the evening truck being a very large box truck style, UPS trucks on the other hand, delivered and picked up about three times a week. Other delivery trucks have also added to the traffic pattern. The speed and the number of the vehicles on Carney Drive have been intolerable. The neighborhood had started a petition trying to get the speed reduced or somehow controlled which all of the neighbors signed and turned it to the Town of Cambria and nothing was done.

Things to consider if the Special Permit is granted.

- 1) Limiting night time operations of the manufacturing business.
- 2) In the event the new renter/owner proposes any new structures, any expansion in use or any change in use and/or activities, the new renter/owner must obtain a new Special Permit and/or Site Plan Approval for said Business.
- 3) The Town of Cambria's Building inspector will make yearly inspections for safety and Industrial Chemical non-approved work being done at this location.
- 4) Address the safety aspect of having a 1000 gallon storage tank of Liquefied Propane on the property. There was and is the availability for using natural gas.
- 5) Addressing the building expansion that was previously done. It does not meet and did not meet the Town of Cambria's building code. Under Article V Section 505 "At a minimum, all such structures or buildings shall be placed upon a continuous perimeter concrete foundation below the frost line." This was not adhered to with the pole barn style addition.

In addition to the above information Mr. Wegrzyn, asked why this discussion is happening at the Zoning Board of Appeals and not being addressed by the Planning Board.

**Renee Learman, 3020 Carney Drive, Sanborn** also expressed concern about the proposed new business; she requested additional information and wanted to know where their dumpster would be located as that had previously been an issue.

**John Wachowicz, 2962 Carney Drive, Sanborn** found information about OXAIR online that states the company has 20-48 employees. He wondered if the current building is up to code to house an operation such as being proposed. Why are they moving from their current site in the Town of Niagara?

**Christ Centered Properties/OXAIR-Public Hearing continued**

Several other interested residents from Carney Drive were also present at this meeting.

**Public Hearing Adjourned Until the November Meeting**

A motion was made by Mr. Andrews and seconded by Mr. Johnson to adjourn this Public Hearing regarding Christ Centered Properties/OXAIR until the November 18, 2019 Meeting of the Zoning Board of Appeals, all in favor, motion carried.

Mr. Billingsley suggested that given the numerous issues that have been raised and the Board requiring additional information this public hearing should be adjourned until the November Meeting to allow the Board time to gather additional information and visit OXAIR's current facility, and allow any further concerns to be discussed by the public.

The Board will visit the current facility on November 5, 2019 at 4:00PM.

**Reports**

**Chairman-** Nothing at this time.

**Building Inspector-** Mr. McCann was unable to attend tonight's 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, November 18 2019 at 7:00PM, following the Planning Board Meeting.

A motion was made by Mr. Andrews and seconded by Mr. Rowles to adjourn the meeting at 8:10PM, all in favor, motion carried.

Respectfully Submitted by  
Melinda Olick

