

**Town of Cambria  
Zoning Board of Appeals Meeting  
September 24, 2018**

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  
Alan Johnson  
Harmony Retzlaff-Hurtgam  
Thomas C. Andrews  
Cheryl L. Shoop, Alternate

**Members Absent:** Bradley Rowles

**Also Present:** Joseph Ohol, Councilman, Town Board Liaison  
Gary Billingsley, Attorney

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

The public hearing notice was read as it appeared in the town newspaper.

**Special Permit-Renewal**

**ZBSP1992-07      Grace Colosimo  
3588 Lower Mountain Road, Sanborn, NY 14132  
SBL# 105.00-2-60.2  
Rooming House**

Mr. McCann stated that at an inspection of this property in August 2018, there were numerous violations of the New York State Property Maintenance Code. A list of these violations was distributed to all Board members. Due to the vast number of violations Mr. McCann does not recommend renewal of this Special Permit to operate a Boarding House.

A motion was made by Mr. Andrews and seconded by Mr. Johnson to allow this Special Permit to expire and not renew due to the numerous violations, all in favor, motion carried.

**Special Permit-Renewal**

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

Mr. McCann asked that this Special Permit be tabled until the October Meeting.

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

**Special Permit Renewal**

**ZSP-2017-003      Sally Kolkmeier-Wolf Ridge Guest House**  
**4915 Townline Rd, Lockport, NY 14094**  
**Concerning SBL# 79.00-2-8.2**  
**4981 Ridge Road**  
**Tourist Home**

Mrs. Kolkmeier was present at the meeting and stated that things are going great with her Tourist Home. Mr. McCann stated that he has been through the house and everything is very well run and well-kept and there have been no issues with this Tourist Home.

This is the first renewal for this and the Buffone Tourist home.

A motion was made by Mr. Johnson and seconded by Mr. Andrews to renew this Special Permit to operate a Tourist Home in the Town of Cambria for five (5) years all in favor, motion carried.

**Special Permit Renewal**

**ZSP-2017-007      Nicholas and Evelyn Buffone**  
**4611 Townline Rd, Ransomville, NY 14131**  
**SBL# 91.00-1-41.11**  
**Tourist Home**

Mr. and Mrs. Buffone were present at the meeting and stated that things are going great with their Tourist Home. Mr. McCann stated that he has been through the house and everything is very well run and well-kept and there have been no issues with this Tourist Home.

This is the first renewal for this and the Kolkmeier Tourist home.

A motion was made by Mr. Johnson and seconded by Mr. Andrews to renew this Special Permit to operate a Tourist Home in the Town of Cambria for five (5) years all in favor, motion carried.

**Special Permit -Renewal**

**ZBSP-2017-009     Anthony Marchioni**  
**5763 Pascoe Park, Sanborn, NY 14132**  
**SLB# 119.03-1-20.1**  
**In-Law Suite**

Mr. and Mrs. Marchioni were present at the meeting and stated that things are going well with the In-Law Suite. They received the Certificate of Occupancy on Father's Day and his Mother in-law has been living there while she receives treatment for cancer and her daughter is close by to assist with care. This is the first renewal for this Special Permit.

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

**Special Permit -Renewal**

**ZBSP-2017-005     Roger Taylor**  
**4524 Ridge Road, Lockport, NY 14094**  
**SLB# 79.00-1-39**  
**Chicken Husbandry**

Mr. Taylor was present at the meeting and stated that all is going well with his chickens, no roosters. Mr. McCann stated he has had no issues with the chickens, but would like Mr. Taylor to clean up his yard there have been some complaints by the neighbors.

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

**New Business**

**ZBAV-2018-013     Timothy Wrate**  
**Area Variance     3007 Lower Mountain Rd, Sanborn, NY 14132**  
**SBL# 105.00-1-7**  
**Erect Garage in front of house**

**Public Hearing Notice**

An area variance to permit applicant to construct a garage upon said premises closer to the road right-of-way than the residence upon said premises. The residence is approximately 450 feet from the road right-of-way, and the proposed garage would be approximately 300 feet from the road right-of-way and contain dimensions of 60 feet by 32 feet. The Zoning Ordinance of the Town of Cambria does not permit construction of a garage closer to the road right-of-way than the residence upon such a parcel.

**New Business-Timothy Wrate-Area Variance continued**

Mr. Wrate was present at the meeting and stated he would like to construct a garage to store his tractor and other personal items. There is another garage which he may tear down he is not sure yet, they recently bought this property and that garage is full of items from the move.

**Public Hearing Open-No public comment-Public Hearing Closed**

Mr. Wrate has spoken to his neighbors and they do not have any issues with the proposed garage. Several Board members mentioned and Mr. Wrate agreed that you are unable to see the property from the Road due to large trees.

A motion was made by Mr. Andrews and seconded by Mr. Johnson to approve this Area Variance, all in favor, motion carried.

**Old Business****Tyler Booth****Use Variance****5182 Ridge Road, Sanborn, NY 14132****ZBUV-2018-002****Concerning-SBL# 79.00-2-19.12****Special Permit****Antique Sales Business****ZSP-2018-007****To use premises to host public and private events**

Mr. Booth and his family were present at the meeting and provided a site plan for all Board members. The drawing illustrates the placement of driveway, berm and, parking spaces. The issue had been raised previously with regard to possible wetlands near the site of the proposed driveway. Concerns were raised regarding possible wetlands when it was noted that cattails were growing in the ditch at the front of the property. The driveway will be roughly 200 feet from the south property line well away from the cattails. In addition although cattails are growing near this site it is not a designated wetland. Additional off road parking is available if necessary.

The drawing also illustrated a berm that will be in place along the south side property line to block head light glare on the neighbor's property. The type of tree will be determined by the landscape architect as to which type of tree will create the greatest block.

Mr. Booth stated the parking lot is gravel and will have approximately 17 parking spaces; it is difficult to be more specific regarding parking spaces with a gravel lot. The parking lot will have a 24 foot gap between rows of parking to allow vehicles to enter and exit.

The Historian for the Town of Cambria also recommended approval of the proposals set forth by Mr. Booth for the former Forsyth Tavern.

Mr. McCann stated he has spoken to the Booth family and has no issue with these Special Permits

**Tyler Booth- Former Forsyth Tavern continued**

Mr. Billingsley explained and clarified that because this property is on the border for the Town of Cambria and the Town of Lockport, this application was reviewed and recommendations were made by the Niagara County Planning Board. The Niagara County Planning Board recommended approval with conditions, which will be discussed as the motions are made.

According to Section 1101 page 35 of the Zoning Ordinance for the Town of Cambria regarding Conditions for granting Special Permits

1. Such special permits may be authorized by the Board of Appeals initially for one year only upon satisfaction in each instance of such conditions as to the general character, height and use of structure or structures; as to the provisions of surrounding open space and the treatment of grounds; as to the general fitness of the structure or use to its proposed location; as to the provision for automobile parking or storage; and as to street capacity and use as in the opinion of the board, may be necessary to safeguard public health, comfort, convenience, and as may be required for the preservation of the general character of the neighborhood in which such building and/or structure is to be placed or such use is to be conducted. In granting Special Permits; the Board of Appeals shall consider whether the requested use meets the following conditions:
  - a. No change in character of 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.
2. The entire report of the Planning Board, if required or requested, shall be considered at the meeting at which request for the special permit is considered by the Board of Appeals.
3. To assist the Board of Appeals in its determination, an application for a permit under this section shall be accompanied by plans and other descriptive matter sufficient to clearly portray the intentions of the applicant, and such plans and other descriptive matter shall become a part of the record.

**Tyler Booth- Former Forsyth Tavern continued**

In addition to the above criteria, Mr. Billingsley explained that some confusion existed as to why Mr. Booth was dealing with the Erie County Department of Transportation; he explained that the person or people you would usually deal with have retired so the Erie County Department of Transportation has been assisting in the interim.

Motions made regarding the Special Permit for the Antique Sales Business:

A motion for a negative declaration under SEQR was made by Mr. Andrews and seconded by Mr. Johnson, all in favor, motion carried. This motion was based on this property not being a designated wetland, and the proposed driveway not being in the area with cattails on premises, all in favor, motion carried.

A Motion was made by Mr. Johnson and seconded by Mr. Andrews to approve the Special Permit to operate an Antique Sales Business with the following conditions for one (1) year:

1. No more than twenty (20) people in the antique shop.
2. Adequate off-street parking; no parking on road right-of-way permitted.
3. Suitable buffer in place on South lot line.
4. Permit from the DOT for curb cut.
5. Traffic flow signs in place. All in favor, motion carried.

Motions made regarding the Special Permit to host public and private events at the former Forsyth Tavern:

A motion for a negative declaration under SEQR was made by Mr. Johnson and seconded by Mrs. Shoop, all in favor, motion carried. This motion was based on this property not being a designated wetland, and the proposed driveway not being in the area with cattails on premises, all in favor, motion carried.

A Motion was made by Mr. Johnson and seconded by Mr. Andrews to approve the Special Permit to host public and private events with the following conditions for one (1) year:

1. No more than forty (40) people in the former Forsyth Tavern.
2. Adequate off-street parking; no parking on road right-of-way permitted.
3. Suitable buffer in place on South lot line.
4. Permit from the DOT for curb cut.
5. Traffic flow signs in place. All in favor, motion carried.

Mr. Booth was reminded by Mr. McCann that he needs to see the engineered plans for the former Forsyth Tavern to ensure the plans adhere to required Building Code. Handicapped bathrooms must be in place, the building can be historical on the outside but it must meet the current building code on the inside.

**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, October 22, 2018 at 7:00PM.

A motion was made by Mr. Johnson and seconded by Mr. Andrews to adjourn the meeting at 7:50PM all in favor, motion carried.

Respectfully Submitted by

Melinda Olick

