

Town of Cambria Zoning Board

August 26, 2021

Call to order

A regular monthly meeting of the Zoning Board of the Town of Cambria was called to order by Chairman, Peter A. Smith at 7:00pm. Everyone was welcomed to the meeting followed by the Pledge of Allegiance.

Attendees:

Peter A. Smith, Chairman
Alan Johnson, Vice Chairman
Thomas Andrews, Member
Bradley Rowles, Member
Cheryl Shoop, Alt. Member
Gary Billingsley, Attorney
James McCann, Building Inspector
Randy Roberts, Councilman and Liaison to the Town Board
Krista Brocious, Secretary Planning /Zoning Board
Tamara Cooper, Town Clerk

Members not in attendance: Harmony Retzlaff-Hurtgam

Public attendees:

Aaron Shafford of 5057 Escarpment Drive
Susan Fischer of 5108 Carriage Lane
Roger Schreader of 5175 Upper Mt. Rd.
David & Rosanne Pushkas of 5461 Townline Road
Jacob Henry of 4968 Junction Road
Amy Manning of 5208 Upper Mt. Rd.
Frederick Anderson of 4614 Mt. Vernon Blvd.
Sharon Tasnel of 5693 Subbera Road
Robin & Craig Nacca of 4285 Oak Orchard Rd.
Eric Westphal of 4560 Lower Mt. Rd.
Roger & Gail Palmer of 5699 Subbera Rd.
Thomas & Sandra Dickey of 5285 Upper mt. Rd.

Mr. Billingsley announced to the public that the meeting was being audio taped.

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Approval of minutes:

Mr. Billingsley announced that all previous minutes besides July have been approved. A motion was made by Mr. Johnson and seconded by Mr. Andrews to approve the minutes of the July 26, 2021 meeting as presented. Unanimously approved, motion carried.

Announcements:

Mr. Smith announced that there are 3 different public hearings tonight. Mr. Billingsley then read the Public Hearing Notices. He indicated that because all three requests border the Towns of Lockport or Lewiston they need to be referred to the Niagara County Planning Board. All applications will have to be tabled until the September meeting.

Public Hearings **ZB-AV-2021-009** **Cody Dev. 2 LLC-Corner Store**
Area Variance **5218 Upper Mt. Rd., Lockport 14094**

Notice:

(ZB-AV-2021-10) CODY DEVELOPMENT 2 LL of 5105 Lockport Road, Lockport, New York 14094 for an area variance to permit applicant to construct an addition to a structure located at 5218 Upper Mountain Road 9.9 feet from the road right-of-way. Said existing structure is 9.9 feet from the road right-of-way. The proposed addition would be 2,400 square feet, and would be used for a convenience store. Said premises are zoned B-1. The Zoning Ordinance of the Town of Cambria does not permit construction of such a structure closer to the road right-of-way than 80 feet.

Apex Consulting Engineer, Tim Arlington, was present to speak on behalf of Mr. Fran Barone/Cody Development LLC regarding The Corner Store convenient store. Mr. Arlington presented a diagram for reference for the board members and public to view. The convenient store has a tenant which is Ava's Table. Mr. Barone proposed cleaning up the existing store and make improvements. The small one story addition in the back will be removed to create a new convenient store and the gas pump will be moved out of the right-of-way. There would be parking in back. The main entrance would be off Townline Road. The existing building is 9.88 ft away from the right away and the existing building section that will be taken down is 9.9 away ft. Mr. Barone is proposing to continue the same building line that exists (60 x 40 convenience store). Ava's will stay in the existing section they are currently in. Mr. Arlington explained that essentially the two uses would be separated.

The site drains rain water to the south and there will be a detention pond. There is a significant hardship with complying with Town ordinances because the nature of the lot is so small. They

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are not asking for any additional relief for the existing building. The intention is to improve upon the existing structure and conditions of the property.

Chairman, Peter Smith opened the hearing to the public.

Questions asked by the public in attendance include the following:

- How many gas pumps will there be? There will be two.
- How many entrances will there be? Two, the existing entrance on Upper Mountain Road and one on Townline Rd. which Mr. Arlington hopes will alleviate the traffic at that intersection somewhat. The Townline Road entrance is to be the main entrance to the Corner Store. Mr. Arlington believes the state will ask for the entrance to be closed off to standard entrance size. The state also has to approve the new entrance.
- Will there be a handicap access, as there currently isn't any? Yes, there will be handicap accommodations according to regulation requirements.
- Will there be a fence around the property? There is not presently a plan for a fence but Mr. Arlington will discuss that with Mr. Barone and work with the residents as much as possible. There will be a closed off parking lot
- Will there be a fence or anything around the detention pond to prevent children from falling in? There will not be anything around the detention pond. It is a standard detention pond designed to catch the run off and send it to the ditch. There should only be water in it during periods of heavy rain and that will drain rather quickly. Detention pond is approximately 40x60. It's a depression in the lawn basically.
- What will the store and pump hours be? Mr. Arlington cannot answer that question for sure as that is up to Mr. Barone but he assumes that the store will run as it does now.
- What will the lighting on the new store be like? The lighting will be on the canopy and faced down or be shielded.
- Will there be anything to block the headlights from the vehicles coming and going from bothering the neighbors? Mr. Arlington can propose a fence or landscaping of some sort to block off the property.
- Is the detention pond a bio detention pond for petroleum use as required by NYS? Concerns were expressed regarding the run off containing petroleum as it does now whenever it rains. The run off contains petroleum and runs off as far as Escarpment Drive since the drains have been tapped in together. It is not a bio detention pond; the state does not require that for this type of property according to Mr. Arlington. He explains that all the convenience stores and gas stations in the area are the same as what he will be doing with this property. The detention pond that will be added will help to control the run off as there presently aren't any measures used to control that. A neighboring resident stated that the run off he sees on his property anytime it rains currently contains petroleum. He explains that everything from Upper Mountain comes

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right on to his property on Escarpment Drive. He is concerned about that more than the renovation of the store.

- Do we have any other buildings in Cambria that are only 9ft from a county road? Chairman Smith answers that he believes that the Tim Hortons is pretty close.
- Will the store have a different address as a result of the new entrance? Mr. McCann states that the store will retain the same address.
- Why is Mr. Fran Barone not here? Mr. Arlington expressed that as the engineer he is usually responsible for explaining since this is a proposed site plan. He can let Mr. Barone know that people have concerns they would like to address with him.
- How many parking spaces will there be? 23 as required by the ordinance.
- Will people start parking on the road for lack of space with the remodel? Mr. Arlington says there will be a lot more parking than there is now.
- Will the west side of the property be paved to combine the two sides? Yes. Mr. Arlington anticipates but cannot confirm that the state will ask for the entranceway to be cordoned off to be standard size rather than opened like it is now.
- Can one of the entrances just be an exit? Entrance on Upper Mountain and exit to Townline? That is up to the State. It is a good point and Mr. Arlington will discuss that. That could also be a problem for the tenant, Ava's.
- Is a restaurant proposed for Ava's? No, nothing has been discussed to expand that business.

Another neighboring resident states that she is opposed to the expansion of the store. She asserts that there is enough traffic and congestion there already. People are not following the traffic laws and it's a danger to the children getting on the bus. Many residents in attendance conveyed their concerns with the existing traffic problems and safety matters at the location. There have been a lot of accidents at the area.

Mr. Arlington asserts that the State DOT will be asking for certain criteria. He anticipates that the remodeling of the store and entrances will be an improvement to the all the issues expressed by the public. He and Mr. Barone are looking to work with the residents and their concerns to improve upon the existing conditions of the store. A highway work permit will have to be issued. Mr. Arlington does not have the jurisdiction to make decisions on the traffic and entrances. He is anticipating what the NYS DOT will require of the area. The intent is that the petroleum trucks will come off of Upper Mountain and go out through the Townline Road entrance.

Some of the public says that they are not opposed to the remodel but they have concerns about how the remodel will impact the current conditions and if they will make them worse or better. Setting shorter hours for the store and pumps is a proposed suggestion as well as fencing is suggested to help curb some of the problems by a member of the public.

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It is noted by Mr. Arlington that there are more board hearings that have to occur in order for the proposed remodel to move forward, including many discussions with the DOT. The state usually doesn't like multiple entrances but this property needs more than one to provide safety as much as possible.

Public hearing is closed by Chairman Smith.

Mr. Billingsley asked where the paved areas will be and is then shown by Mr. Arlington on the diagram.

Chairman Smith inquired if the board members had any other questions and reiterates that the public hearing is closed. No other questions.

Motion

Motion to table until Niagara County Planning Board has had the time to make a recommendation made by Mr. Rowles and seconded by Mr. Johnson. All in favor, approved.

ZB-AV-2021-010 BRONTMIRE, John/Nacca, Robin
Area Variance 5421 Townline Road, Lockport 14094

(ZB-AV-2021-011) ROBIN NACCA, applicant, residing at 4285 Oak Orchard Road, Albion, New York 14411, and JOHN BRONTMIRE, owner, residing at 2397 S. 500 W. Clearfield, Utah 84015 for an area variance to permit applicant to construct an accessory building in the R-1 Zoning District of the Town of Cambria which would contain approximately 4,000 square feet upon premises commonly known as 5421 Townline Road, whereas the Zoning Ordinance of the Town of Cambria does not permit construction of an accessory building in the R-1 Zoning District that exceeds 1,000 square feet.

Mrs. Nacca appeared before the board and explained that she is going to try and take over the property of her late Aunt and Uncle Brontmire on Townline Road. She wants to make it a forestry lovely park and she needs a large building for her son who does most of the work. He is a forester and is going to make a pathway and habitat to enjoy the trees and wildlife. She wants to make it nice and enjoyable for everyone. Mrs. Nacca then asked Mr. Mathis to explain the proposal in more detail.

He explained they are requesting to build a barn 50x80 ft. building. It's a standard pole barn build to house the equipment that we plan to use on the 90 acres. It is not being used for commercial use. There is no business being run. It is shielded by existing 150 ft. of dense

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foliage. They are requesting this building for storage so all the equipment can be housed without being seen.

Mrs. Nacca explained that her son repairs farm equipment and this will allow him to preserve and repair farm equipment that they own as it is very old and he doesn't have the money to buy new equipment.

Chairman Smith opened the discussion to the public.

Frederick Anderson who has a vacant property 500 ft. adjacent to that property asked about the run off of the property for the tractors. Is there going to a containment pond? Mr. Nacca answers that there is no need for a retention pond on this 90 acre property. Mr. Anderson is concerned about pollution to the property from the tractors. He also asked if there would be a bathroom.

David Pushkas who lives right next door would like to know if this property will be rezoned? No, it will not be rezoned and they are not asking for it to be rezoned.

Chairman Smith asks if anyone else wants to speak. Public hearing is closed. Board members had nothing to add.

Motion to table until the Niagara County Planning Board makes a recommendation by Mr. Rowles and seconded by Mr. Andrews. All in favor, motion carried. Mr. Nacca explained the diagram he brought along to the board members.

Mr. Billingsley asked if a smaller building would be sufficient. Mrs. Nacca responds that they cannot possibly do a smaller building; they could do two building instead of one if needed.

ZB-SP-2021-010 PARLETTE, Louretta
Special Permit 5748 Campbell Blvd., Lockport

(Z-SP-2021-010) LAURETTA PARLETTE of 5748 Campbell Boulevard, Lockport, New York 14094 for a Special Permit to permit applicant to maintain a private kennel upon said premises permitting applicant to harbor five (5) dogs over six (6) month old registered to applicant as permitted by the Special Permit Ordinance of the Town of Cambria.

Twana Parlette of 5748 Campbell Boulevard appeared before the board for her mother Louretta Parlette. They are asking to have 4 dogs at their property. Building Inspector was called at the time. They have had the dogs since the end of May. It was supposed to be 5 dogs

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but it will only be 4 now. She has worked things out with the neighbors and if it is ok with everyone they would like a kennel license.

Chairman Smith opened the hearing to the public.

Chairman Smith closed the hearing to the public.

Motion

Motion to table until the Niagara County Planning Board makes a recommendation by Mr. Rowles and seconded by Mr. Johnson. All in favor, motion carried.

Special Permits

Crown Castle-Cell Tower

OHOL-4221 Lockport Road, Lockport 14094

Motion to extend Crown Castle's permit by 5 years was made by Mr. Johnson and seconded by Mr. Rowles, all in favor, motion carried.

Old Business

ZB-AV-2021-007 BEVAQUA, Ernest

Area Variance 4471 Ridge Road, Lockport 14094

Mr. Bevaqua appears before the board and brings pictures to show the board. Proposed barn is 10 ft. from the right of way and 33 ft. from the other side. Mr. Bevaqua would like the door facing the driveway. If Mr. Bevaqua were to move it, it would be getting too close to the drainage area. Structure will be 10 ft. high. He removed the shed but would prefer not to have to take down a rather large tree in that area. Board discusses some possible alternative options. The issue being that it should not be closer to the road than the residence but there isn't much room on the property to play with. Due to the lay out of the property there are no better options for where to put the barn.

Motion

Motion to approve based upon drainage concerns, unusual configuration of property, and changing elevations of property made by Mr. Andrews and seconded by Mr. Rowles. All in favor, motion carried.

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Announcements

There is discussion about changing the night of the Zoning meetings. Town Counsel Liaison, Mr. Randy Roberts states that the Town Board has to approve that.

Adjournment

Motion to adjourn made by Mr. Andrews and seconded by Mr. Rowles. All in favor, motion carried. Meeting adjourned at 7:50pm.

Krista Brocious
Clerk

September 27, 2021
Date of approval
