

Town of Cambria Zoning Board Meeting Minutes

April 22, 2024

Call to order

A meeting of the **Zoning Board of Appeals** was held at **Cambria Town Hall** on **April 22, 2024**, @ 7:00 p.m. Chairman Smith welcomed everyone followed by the Pledge of Allegiance.

Attendees included:

Peter A. Smith, Chairman
Thomas Andrews, Vice Chairman
Andrew Milleville, Member
Harmony Retzlaff-Hurtgam, Member
Mark March, Member
Randy Roberts, Liaison to the Town Board
Abe Platt, Town Attorney
Building Inspector/Code Enforcement, James McCann
Deputy Building Inspector/Code Enforcement, Matthew Cooper
Krista Brocious, Planning /Zoning Board Clerk

Members not in attendance included: Cheryl Shoop, Member

Approval of minutes

A motion to approve the **March 25, 2024**, minutes was made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

Attorney Platt read the public hearing notice regarding the following.

New business

VULAJ, Katherine **ZSP-2024-003**
4642 Thrall Rd., Lkpt **SBL#79.00-1-56**
Animal husbandry

Katherine and Daniel Vulaj were present. They would like 10 chickens to be housed in a 5 X 5' coop with a 10 X 10' run behind their garage. They are going to make the coop match the aesthetics of their house. They have no neighbors on one side. They will have no roosters.

Public hearing was opened.

Public hearing was closed.

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Motion

A motion for negative SEQR was made by Mr. Andrews and seconded by Mr. March, all in favor, so carried.

A motion to approve the special permit for one year was made by Mr. Andrews and seconded by Mr. March, all in favor, so carried.

Attorney Platt read the public hearing notification regarding the following.

MANTA, Donald **ZSP-2024-004**
5825 Baer Rd., Sanborn **SBL#134.00-1-22.2**
Tourist home (Airbnb)

Donald Manta was present. He would like to have an Airbnb (Tourist Home) on the second floor of the house he is building at the above address. He will be living on the first floor and basement of the house. He plans to put up a 7 ft fence with shrubbery and trees. He says people mostly come to visit the falls and are in and out. Guests will have no access to outdoor spaces, campfires or anything like that. Mr. Manta provided a sketch of his house and proposed fence etc. for the Board members at the meeting.

Public hearing was opened.

Al Morgan of 5813 Baer Road explained that the direction of Mr. Mantas's home faces directly into his backyard and it's an invasion of his privacy. People staying on the second floor of the home would be able to look down and watch his grandchildren playing in the yard. He is also concerned about what having an Airbnb (tourist home) will do to the property values. He is against having the Airbnb (tourist home) there.

Desiree McConnell-Reil of 5807 Baer Road expressed concerns with the home position and proximity to her home as well. She also has concerns about strangers being able to look into her backyard and watch her children play. She feels this will take away from the privacy in her backyard and is very uncomfortable and unsettled with having strangers able to watch over her backyard and finds it to be a safety risk for the children. She also has concerns about the impact on the value of her home.

Linda Morgan of 5813 Baer Road expressed many of the same concerns as her husband. She doesn't feel secure having strangers able to look into her backyard and watch her grandchildren or be around them. She believes the Airbnb (tourist home) will have a negative impact on the area.

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Attorney Platt explained that a tourist home is an approved use and conforms with the zoning plan but recognizes a need for some oversight through a special permit. The Board would need to have an obvious and good reason to deny the special permit. The ordinance allows not more than 3 guests for not more than 3 consecutive nights. It's up to the Board to set the parameters and balance the interests.

The Board inquired with Mr. Manta whether he built this house with the purpose of having a tourist home and he stated that he did not. He is using it to make a little extra money and pay taxes. He will not be continuing the tourist home out of the house he is currently living in once this one is done.

Attorney Platt pointed out that most applications run with the land but that the new owner would have to reapply for the special permit.

The Board inquired how many rentals Mr. Manta did last year, and he stated roughly 12-14 rental contracts with summer being the busiest time. Most of the guests were couples.

Mr. McCann reiterated to everyone that a tourist home has no more than 3 guests at a time for no more than 3 consecutive days.

There were lengthy discussions about where guests would have access to the home, parking, the fence, and what it covers. There were lengthy discussions about the sketch drawing Mr. Manta provided the board and possible remedies for the neighbor's concerns.

Mr. McCann stated that Mr. Manta would have to appear in front of the Planning Board with a Site Plan.

There was a motion to table the application until elevation drawings could be obtained by Mr. March and seconded by Mr. Andrews however Ms. Retzlaff-Hurtgam, Mr. Milleville, and Chairman Smith voted against that. Motion not carried. Discussions continued.

Mr. Manta then asked if he changed the tourist space to the basement if that would help and the Board agreed that it would. The neighbors still wanted the fence to be put up and the shrubbery to block the view of the comings and goings of the guests. The neighbors also inquired if the fence would have to be put up before guests could stay at the house and the Board agreed that would be a condition.

There were more lengthy discussions of how it would work to move guests to the basement part of the house and how the neighbor's concerns could be remedied.

Motion

A motion to approve the special permit for a tourist home was made by Mr. Milleville and seconded by Mr. Andrews with the following conditions:

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- The house is never to be rented by guests without the Manta's being there also.
- There will be a fence at the back edge of the house to the front of Al and Linda Morgan's home
- The rental area is the basement only
- The parking area in the front of the house and that be their egress.
- There will be no activities for guests outside. (fires, parties)
- There will be no guests until the fence is completed.
- The permit for the tourist home will not begin until Mr. Manta's first occupancy. It will be one year from that date.

All in favor, so carried.

Special Permit-Renewals

None

Reports

None.

Announcements

None.

Adjournment

A motion to adjourn @ 8:20 pm was made by Mr. Andrews and seconded by Ms. Mr. March, all in favor, so carried.

Krista Brocius

Planning/Zoning Clerk
