

Town of Cambria Zoning Board Meeting Minutes

April 24, 2023

Call to order

A meeting of the **Zoning Board of Appeals** was held at **Cambria Town Hall** on **April 24, 2023, 2023**, @ 7:00 pm. Chairman Smith welcomed everyone followed by the Pledge of Allegiance.

Attendees included:

Peter A. Smith, Chairman
Thomas Andrews, Chairman
Harmony Retzlaff-Hurtgam, Member
Andrew Milleville, Member
Mark March, Member
Gary Billingsley, 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 & Randy Roberts, Liaison to the Town Board

Approval of Minutes

A motion to approve the **March 27, 2023** minutes was made by Ms. Retzlaff-Hurtgam and seconded by Mr. Andrews, all in favor, motion carried.

New Business/Public Hearings

Mr. Billingsley read the Public Hearing Notices.

BENEDICT, James
4028 Beebe Rd., Newfane
Area Variance-Pole Barn

ZBAV-2023-004
SBL# 79.00-2-18.3

Mr. Benedict explained that he would like to build a 50' x 80' structure closer to the property line because of the pond in the rear of the house and that there is a driveway there already to access the structure.

The public hearing was opened.

The public hearing was closed.

Mr. Benedict plans to put the structure 25' to the rear and 50' to the right of the existing metal garage. It would be approximately 200' from the road right-of-way. He would store his camper, lawn equipment, and golf cart and have a small personal woodworking shop in the structure.

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The driveway he has would provide the means to get the camper into storage. There is an open wooded area next to where he wants the structure and he spoke to his neighbors about it and they were fine with it.

Motion

A motion to approve the area variance was made by Mr. Milleville and seconded by Mr. Andrews with the conditions of a 50' setback and that the structure only be used for personal items and nothing commercial.

The vote was put to a roll call which resulted as follows:

Mark March- Nay
Thomas Andrews- Aye
Peter Smith- Aye
Harmony Retzlaff-Hurtgam-Aye
Andrew Milleville-Aye

The area variance was therefore approved.

GAROFALO, Jennifer-Marie
4571 Budd Rd., Lockport
Special Permit-Small mobile vet clinic

ZSP-2023-005
SBL# 93.00-2-45.22

Dr. Garofalo explained that she is a veterinarian and just bought the property in November. Dr. Garofalo stated that she purchased this property to have a barn and a small vet clinic. She explained that the existing barn is not fit for animals, therefore she would like to put up a new one so she can have her 3 horses there. She would like a 60' x 120' barn with 6-8 stalls and a small office. She would have some horses that she is treating staying in the other stalls for short periods. She does not anticipate this causing a lot of traffic.

The public hearing was opened.

Paul Suita of 3344 Lockport Rd., owns the land adjacent, behind, and across the street from Dr. Garofalo and is strongly opposed to her having any type of veterinary business on the property. Mr. Suita voiced several concerns. He does not want the increase in traffic, horses to end up in his field, horses to be boarded there, etc. He doesn't want a vet clinic there.

Michael and Susan Sieczkowski of 4555 Budd Road were present in opposition to the veterinary clinic. Mr. Sieczkowski read a lengthy letter to the board expressing a plethora of concerns he has with a vet clinic being next to his property. Some of these concerns included:

- a u – shaped driveway to access the barn which would shine headlights onto their property
- euthanizing and disposing of animals,

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- water runoff onto his property
- increased traffic and noise

Mr. Sieczkowski stated that the clinic does not fit in with the zoning ordinance and agrees with Mr. Siuta's points as well. Mr. Sieczkowski and his wife ask that the application be turned down as they strongly oppose the clinic.

The public hearing was closed.

Dr. Garofalo stated that she does not want to have a boarding facility. Her stables would be able to be broken down to 6 stalls if need be or house a maximum of 8 horses. She owns three horses and would have at times, horses that she is treating in the stalls.

Mr. Billingsley explained that this would have to go to the Town Planning Board for a Site Plan review.

Dr. Garofalo asked if she would be able to have a barn if not her vet clinic as she requires a barn for her own horses. Mr. McCann explained that she can build a barn for her own personal use.

Mr. Billingsley asked if she would be treating only horses or if she would see other animals at her clinic. Dr. Garofalo replied that she sometimes does euthanasia for dogs but that there would be no carcass disposal on her property. She uses a combination of Eastern and Western medicine and is the only veterinarian in the area that does so.

Dr. Garofalo also stated that she would want a small indoor horse arena as there are black walnut trees on her property which are harmful to horses making it impossible for her to have the horses out to pasture.

Mr. Billingsley reiterated that this would need to go to the Planning Board. He recommended that Dr. Garofalo put together a detailed plan of what she is proposing and give it to the building department and work with code enforcement. She could be on the May agenda if she gets all the information in on time.

Motion

A motion to table the special use permit was made by Mr. Milleville and seconded by Mr. Andrews, all in favor, motion carried.

SMITH, Douglas
3118 Saunders Sett., Sanborn
Area Variance-addition

ZBAV-2023-006
SBL# 134.00-1-6

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Mr. Smith explained that he would like to put a small addition on the south side of his home. It's currently only a 2 bedroom 1 bath so he and his wife would like to add a living room/den and a half bath. He has a legal non-conforming house that is 12.5' from the property line rather than the required 15' so he would like to go 12.5' from the property line with the addition as well thus squaring up the house. He spoke to his neighbors about putting on the addition and they are fine with it.

The public hearing was opened.

The public hearing was closed.

Motion

A motion to approve the variance was made by Mr. Milleville and seconded by Mr. March, all in favor, motion carried.

BIAMONTE, Thomas & April
Upper Mt. Rd., Sanborn

ZBUV-2023-004
SBL#105.00-1-51.2

Use Variance-Pole barn before house built

Mr. Biamonte is looking to get a use variance to build a 6,000 sq. ft. barn on the property to house personal farm machinery and construction equipment. Mr. Biamonte said there are no plans to build a house on the property right now but perhaps later. He plans to plant evergreen trees and possibly some grapes.

The public hearing was opened.

The public hearing was closed.

The property is 50 acres, and the setback would be almost half a mile. The property is a little over 100' from the escarpment. Mr. Biamonte plans to put a road in to tie into the main road once he speaks to the neighbors. He stated that someone else is farming the land there now but hopes to eventually farm it.

Motion

A motion to approve the use variance was made by Mr. Andrews and seconded by Mr. Milleville contingent upon the barn being used for personal and not commercial equipment, the property being used partially for agricultural purposes, and the setback being approximately a half mile.

The vote was put to a roll call which resulted as follows:

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Old Business

GOFF, Adam
3130 Ridge Rd., Ransomville
Pond

ZBUV-2023-001
SBL#91.00-1-6.2

Mr. Billingsley explained that there had previously been a use variance granted for this property under a previous owner to have a pond and fish. Potential litigation was involved in the application and the variance was ultimately granted in July 2014. One condition of that approval was that the pond be completed within 5 years. At that time the Department of Environmental Conservation did a SEQR study.

Mr. Goff stated that he wants to excavate the clay, sell it, and use the proceeds to start a fish farm to sell fish. He has done research but would need to go to the Boston hub to get the fish and learn more. He is looking at types of fish that are guaranteed to be marketable and sees plenty of opportunity to sell fish but would like approval before he can get a full business plan together.

Mr. Milleville inquired as to how the fish will be harvested. Mr. Goff described three different ways he had researched.

Mr. Goff stated that the pond would be about 18 ' deep as that is where they hit bedrock and can't go any further. It would be 1,600' away from the road and won't be visible to those passing by.

Mr. Milleville asked if Mr. Goff has done any financial studies regarding the feasibility of this undertaking. Mr. Goff stated that fish are more profitable than most crops and that recirculation of an aquaculture system creates its own biodome.

Mr. Millville asked what Mr. Goff's occupation is and he responded that he is retired military.

Mr. McCann explained that Mr. Goff is asking for a use variance and has no business plan. There is no guarantee that the pond will ever come about which leaves the board with an application for mining clay.

Mr. Billingley and the Board asked Mr. Goff if he could come up with a complete business plan. The board and Mr. Goff agreed on meeting again in approximately two months give or take depending on how long it would take Mr. Goff.

Motion

A motion to table this variance application for approximately two months was made by Mr. March and Ms. Retzlaff-Hurtgam, all in favor, motion carried.

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Special Permit-Renewals

MAIOLO, Derek
4952 Saunders Sett., Lockport
Area Variance-Pole Barn

ZBAV-2023-003
SBL#121.00-2-53

A signed letter indicating a request to renew the special permit was provided to the building department. No concerns from the Building Inspectors.

Motion

A motion to approve the special permit renewal for 5 more years was made by Mr. Milleville and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

Reports

None

Announcements

None

Adjournment

A motion to adjourn at 8:20 pm was made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, so carried.

Krista Brocious

Planning/Zoning Clerk