

**Town Of Cambria
Zoning Board of Appeals Meeting
April 26, 2021**

The regular monthly meeting of the Zoning Board of the Town of Cambria was called to order to order by Peter Smith, Chairman at 7:02 pm. Everyone was welcomed followed by the Pledge to the flag.

It was noted by Gary Billingsley that Bradley Rowles would be in attendance in a few minutes, Cheryl Shoop acted as a voting member.

Members Present: Peter Smith
Alan Johnson
Harmony Retzlaff-Hurtgam
Tom Andrews
Chery Shoop, Alternate
Bradley Rowles

Members Absent: No members were absent

Also Present: Gary Billingsley, Attorney
Jim McCann, Building Inspector
Randy Roberts, Town Board Liaison

March minutes were not distributed.

Renewal **Rosalie Storrey**
Special Permit **3927 Fair Court-East**
 Sanborn, NY 14132

Mrs. Storrey would like to renew her permit for her home sewing business, she was not present at the meeting but has sent a notice that she wishes to renew, Jim McCann has had no problems.

A motion was made to renew for another 5 years by Alan Johnson and seconded by Tom Andrews, all in favor, motion carried.

Renewal **Jay Wendt**
Special Permit **3030 Saunders Settlement Road**
 Sanborn, NY 14132

Mr. Wendt no longer needs the in law apartment.

A motion was made by Tom Andrews and seconded by Harmony Retzlaff-Hurtgam to let the permit expire on its own terms, all in favor, motion carried.

Renewal **Edward Puffpaff**
Special Permit **5184 Shawnee Road**
 Sanborn, NY 14132

Mr. Puffpaff was not present at the meeting, it was recommended by Mr. Billingsley that this be tabled until the May meeting.

A motion was made by Harmony Retzlaff- Hurtgam and seconded by Tom Andrews to table until May meeting, all in favor, motion carried.

Special Permit **Bryan Deuble**
Z-SP-2021-002 **5266 Baer Road**
 Sanborn, NY 14132

Mr. Deuble was not present but his wife was there on his behalf. A request for a special permit to keep chickens on less than 5 acres was tabled from the March meeting due to the turkey that was on the premises, the turkey is now gone there have been complaints by the neighbors that the chickens are free ranging. Mr. Billingsley recommended that should the Board be inclined to approve, the conditions should include the following:

- Not more than 10 chickens and/or Ducks
- No Roosters , Geese or Turkeys
- Kept in a pen, not free range

Motion for Negative SEQRA made by Tom Andrews and seconded by Cheryl Shoop, all in favor, motion carried.

Motion to approve special permit with a status check to make sure the Deuble's are under compliance with the guidelines specified by Mr. Billingsley and that there are no complaints from the neighbors , Motion made by Harmony Retzloff- Hurtgam and seconded by Alan Johnson, all in favor, motion carried.

Bradley Rowles has joined the meeting, Cheryl Shoop is remaining stand in for Brad and voting as a board member this evening.

New Business:

**Use Variance
ZB-AV-2021-001**

**Vincenetta Speck
3873 Ridge Road
Lockport, NY 14094**

Kevin Wagner with Solar by CIR is representing Mrs. Speck who was also present at the meeting . Initially the solar was going on the barn that failed the structural engineers standards and her house wasn't big enough to support that much power so on the ground is their last option for Mrs. Speck to have solar energy. The Public Hearing was last month but the applicant was not present , Mr. Smith asked if there was anyone from the public who wanted to speak, there was no public to speak. This parcel is 37.9 acres 250 ft of frontage, panels will be 176 ft. from the road, 25 panels contained in one array of 32 ft. x 14ft.

Motion for Negative SEQRA by Tom Andrews and seconded by Alan Johnson, all in favor, motion carried.

The buildings are in rough condition, therefore the ground mount is the only solution, there was a brief discussion on this matter.

Motion to deny this permit for solar panels made by Tom Andrews and seconded by Cheryl Shoop, all in favor, motion carried.

**Area Variance
ZB-AV-2021-005**

**Michael & Jennifer Dipasquale
4560 Baer Road
Ransomville, NY 14131
SBL # 91.00-1-19.12**

The Dipasquale's were not present at the meeting, Michael Manning of Berkshire Hathaway Zambito Realtors and Candace Schultz, the listing agent with Great Lakes Real estate were at the meeting on behalf of the Dipaquale's.

The Dipasquale's are parceling off a lot to sell, the purchasers are moving from a dense area and looking for a more rural area and are asking for a variance to allow a setback of up 600 ft. for future construction

of a home. The purchasers are not building this year but would like to close on this land with the setback in place, they may or may not build 600 ft. back depending on expenses. Mr. Manning had supporting evidence of other properties in the area that had at least a 400ft-500 ft. setback. There was a lengthy discussion on this application. The attorney, Mr. Billingsley suggested to get a sketch of the nearby houses and the approximate distances back so the board has more specific information to make a decision.

A motion to table this application until more specific setback with a sketch of the two houses on each side of this land and their setbacks be provided was made by Tom Andrews and seconded by Alan Johnson, all in favor, motion carried.

Old Business:

Special Permit	Tyler Booth
ZSP-2018-002	5182 Ridge Road
ZSP-2019-006	Lockport, NY 14094

Chairman Smith welcomed Tyler Booth and his attorney, David Flynn, to the meeting.

Mr. Billingsley advised the Board that Mr. Flynn had been working with Mr. Roberson and Mr. Billingsley to address the request for information contained in Chairman Smith's recent letter to Mr. Booth.

Mr. Flynn confirmed that he represents Mr. Booth and the Forsyth Tavern before the Board this evening. He had some questions and comments concerning the Special Permits for antique sales, public events and the museum. The Special Permit for public events has been extended, the other Special Permits have not been extended, have technically lapsed and he is requesting that they be extended. Mr. Flynn also discussed and questioned the status of a Special Permit granted in 2019 numbered 2019-006 that referenced a Special Permit granted on September 24, 2018, which applicant indicated he did not have. Mr. Billingsley confirmed that the Special Permit for antique sales had not been renewed.

Mr. Billingsley recommended that based upon the Town and the applicant working together to determine what else will need to be provided, that the Board not take any action this evening. He further asked that that applicant confirm his actual plan is so the Town can work with the applicant to determine what additional information is needed, and what additional applications might be required.

Mr. Flynn again requested that the Special Permit for antique sales be extended. He is concerned about it lapsing. Mr. Billingsley indicated it may be a matter of semantics, that the Town is not currently taking the position that it has lapsed, and would request that the applicant show the Town what he would like to do so the Town would be in a position to issue a building permit and certificate of occupancy for the use. The attorneys and Board Chairman indicated that would be their understanding so long as the Town and applicant are working together.

Mr. Booth brought plans to this meeting, including the previous survey, a topographical survey and an earlier 1991 survey from UB. He indicated little has been done to the property, other than some

restoration work. He said his plans for the museum have not changed, that if they change, such as a possible cabin, he would want to come back in the future and modify site plan at that point, he currently wishes to operate as a museum and plans to do public events. He thought that the Special Permit for the museum may have superseded the Special Permit to host public events, and that perhaps the Special Permit for the museum would be sufficient.

Mr. Billingsley recommended that as per Mr. Smith's request, Mr. Booth submit a comprehensive plan of what he wishes to do in the future, get a package together and submit to the Building Department. A discussion of Chairman Smith's letter followed, and what applicant should submit. Applicant was advised to submit documents to the Building Department.

There was also a discussion concerning the second access road.

Mr. McCann discussed the status of Mr. Booth's plans, he said they need to show handicapped accessibility, whether the State Code will require a fire separation if overnight guests, and what is required for conversion of a single family residence to use a museum, said there was a commercial checklist that is submitted.

Mr. Flynn requested that Special Permit be renewed. A discussion followed concerning what applicant wished or did not wish to do followed, including whether he wished to operate a restaurant, tavern, sale of food, etc. Mr. Booth said he did not intend to run a restaurant at this time, not an entertainment venue, not a night club, not a wedding venue said it is a museum, said alcohol and food would be geared to museum events.

There was additional discussion about the entrance on Route 93, including whether it was needed for fire equipment access, whether it was needed due to number of people at public events, safety at the corner, whether it had been recommended by the Niagara County Planning Board, etc.

Mr. Billingsley raised the possibility of Board conducting a special meeting, and confirmed that the Board will need time to review information that the applicant will be providing. Mr. Flynn wanted to make sure the applicant is getting the Board what whatever information it is requesting. Mr. Flynn reaffirmed that Mr. Booth does not wish to construct a second driveway, especially if intersection is being reconfigured.

Mr. Billingsley recommended information that is requested be coordinated with Mr. Roberson, that meeting be scheduled by attorneys, and that a motion for a special meeting at such time as all requested information is submitted be made. This motion was made by Alan Johnson and seconded by Thomas Andrews, all in favor, motion carried.

Mr. Flynn confirmed that he will be working with Mr. Roberson to provide the information that is requested by the Town.

Mr. Johnson suggested that applicant bring in copies of whatever information he has provided to the Town to future meetings to make sure all information is available.

Public Hearing Closed

A Motion to approve area variance made by Tom Andrews and seconded by Alan Johnson, all in favor, motion carried.

**Special Permit
ZB-SP-2021-008**

**Nicole Fair
5319 Shawnee Road
Sanborn, NY 14132**

A special permit is needed for a horse riding arena to be open to the public.

A motion for Negative SEQRA made by Alan Johnson and seconded by Harmony Retzlaff-Hurtgam, all in favor, motion carried.

A Motion to open the horse arena to the public to ride horses made by Alan Johnson and seconded by Harmony Retzlaff- Hurtgam, all in favor, motion carried.

**Special Permit
ZSP-2021-004**

**Craig Forsey
5020 Baer Road
Sanborn, NY 14132
SBL# 105.00-1-32.2**

Mr. Forsey is looking for a special permit to raise chickens, his daughter would like to have up to(10) chickens.

Public Hearing open – No public was present

Public Hearing Closed

A Motion for Negative SEQRA made by Tom Andrews and seconded by Harmony Retzlaff-Hurtgam, all in favor, motion carried.

A motion to approve special permit for up to (10) chickens, no roosters not free range, need to be in an enclosed pen for one year made by Alan Johnson seconded by Tom Andrews, all in favor, motion carried.

**Special Permit
Z-SP-2021-005**

**Cody Proefrock
3041 Upper Mountain Road
Sanborn, NY 14132
SBL# 105.13-1-14.2**

Mr. Proefrock was not present at the meeting, Mr. McCann explained what Mr. Proefrock is looking to do which is turn an old dog pen into a shelter for ducks.

Public Hearing Open- no public present

Public Hearing closed

A motion for Negative SEQRA was made by Tom Andrews and seconded by Harmony Retzlaff-Hurtgam, all in favor, motion carried.

A motion to approve (6) ducks made by Harmony Retzlaff –Hurtgam and seconded by Tom Andrews for one year, kept in a pen, all in favor, motion carried.

**Special Permit
ZSP-2021-003**

**Jenna & Daniel Polk
5830 Joanne Drive
Sanborn, NY 14132
SBL# 119-17-1-67**

Mr. Polk is looking to put up a chicken coop for chickens.

Public Hearing Open- Mr. McCann spoke to one of Mr. Polk’s neighbors when he explained it was just for hens the neighbor had no problem with it.

Public Hearing Closed

Mrs. Shoop asked if he was in the process of building the coop Mr. Polk said that they have a coop it’s fenced off chickens can maintain 110 sq. ft area that is fenced off,

A motion for Negative SEQRA made by Tom Andrews and seconded by Alan Johnson, all in favor, motion carried.

A motion was made to approve application for one year for up to10 chickens, no roosters, they have to be confined in a pen made by Harmony Retzlaff- Hurtgam and seconded by Tom Andrews, all in favor, motion carried.

**Special Permit
Z-SP-2021-009**

**Jeffrey Sheehan
3278 Ridge Road
Ransomville, NY 14131
SBL# 91.00-1-17**

Jeff wants to buy the old Spina Shop that is on their property a special permit is needed to transfer into his name.

Public Hearing Open – no public present

Public Hearing Closed

Mr. Billingsley let the board know of the conditions of the existing special permit are he is permitted to conduct vehicle inspection and general repair shop from an existing structure at 3270 Ridge Road, the hours of operation shall be from the hours of 7:00 am to 6:00 pm Monday through Saturday, there should be no gas pumps permitted there shall be no sales of used or new vehicles there should be no outside storage of junk, the applicant shall be permitted no more than one employee, that no business should be

conducted outside of the existing structure and the premises should be kept in a neat and orderly fashion, permit is initially for one year.

A motion for Negative SEQRA made by Tom Andrews and seconded by Alan Johnson, all in favor, motion carried.

A motion to start a new permit for 1 year with the same conditions as Mr. Spina by Alan Johnson seconded by Cheryl Shoop, all in favor, motion carried.

A motion to table Mr. & Mrs. Puffpaff, Curione Farms, and Ernest Bevacqua until May meeting made by Tom Andrews and seconded by Harmony Retzloff-Hurtgam, all in favor, motion carried.

Reports:

Building Inspector: Nothing at this time

Town Board: Nothing at this time

Attorney: Nothing at this time

Board Members: Bradly Rowles asked about getting prior documentation from Niagara County Planning Board on the Tyler Booth matter, due to missing items/documentation.

The next Meeting of the Zoning Board will be on May 24, 2021 @ 7:00 pm

A motion to adjourn the meeting @ 8:57 pm made by Tom Andrews and seconded by Peter Smith, Chairman, all in favor, motion carried.

Respectfully Submitted by

Jennifer L. Wrate

