

# Town of Cambria Zoning Board Meeting Minutes

## August 22, 2022

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### Call to order

A meeting of the **Zoning Board of Appeals** was held at **Cambria Town Hall** on **August 22, 2022**, @ 7:00 pm. Everyone was welcomed followed by the Pledge of Allegiance.

### Attendees included:

Thomas Andrews, Chairman  
Harmony Retzlaff-Hurtgam, Member  
Cheryl Shoop, Member  
Andrew Milleville, Member  
Mark March, Member  
Gary Billingsley, Town Attorney  
Randy Roberts, Liaison to the Town Board  
Building Inspector, James McCann and Deputy Building Inspector, Matthew Cooper  
Krista Brocious, Clerk Planning /Zoning Board

Members not in attendance included: Peter A. Smith, Chairman

### Approval of minutes

A motion to approve June 27, 2022 minutes made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

Mr. Billingsley read the Public Hearing Notices.

### New Business/Public Hearings

**ROSASCO, James**  
**4894 Lower Mt. Rd., Lockport**  
*Use variance for private kennel*

**ZBUV-2022-002**  
**SBL#93.00-2-36.1**

This is postponed until next month. Mr. Rosasco was unable to make it at the last minute.

**MILLER, Jason/CIR Electrical Corp.**  
**3667 Ridge Road, Lkpt**  
*Ground Mounted Solar*

**ZBAV-2022-014**  
**SBL#77.00-2-32.2**

Mr. Billingsley clarified that there is a moratorium regarding solar panels which he read aloud. Based on his understanding, the Zoning Board would not be able to take action regarding this matter at this time.

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**COULTER FARMS**  
**3870 N. Ridge Rd., Lockport**  
*Special permit for retail food service*

**ZSP-2022-008**  
**SBL#78.00-1-37.1**

Owner Mark Falvo and Tim Arlington of Apex Consulting were present. They are proposing a small take-out restaurant in an existing building on the south side of N. Ridge Road. There is an existing white garage building that is underutilized and they are proposing to have a snack bar there. They will need to put in a grease trap, a septic tank, and a future leach field for the tank. There are two bathrooms adjacent to the buildings which have been newly renovated. There will be (one) 1 parking space for every 50 sq. ft. with a handicap space making a total of 16 spots.

A new electrical service would be necessary to handle cooking equipment in the building as it does not have electricity. Mr. Falvo will also look into extending the natural gas line over to the building as well.

They propose changing the current 4'x 8' farm sign to also advertise the take-out. The proposed sign will not be illuminated. There will be no seating inside the building but they will have some picnic benches outside. Mr. Falvo is proposing that initially, the snack bar will be a seasonal operation but he would like to extend it to be a year-round operation if it proves to be successful. Hours would be approximately 10 am-8 pm.

Public Hearing opened.

Miranda Hayes of 3876 N. Ridge Road asked about the mention of extended parking.

Mr. Arlington explained that there is no pavement just gravel so there is room for 16 vehicles including a handicap spot.

Public Hearing closed.

Ms. Shoop inquired about larger vehicles having room to park. Mr. Arlington pointed out space near the greenhouse to fit larger vehicles. The entrance is also essentially 3 lanes, approximately 11' wide to accommodate larger vehicles and there is a second exit-only space.

Mr. Billingsley explained that in this case, the special permit is not renewable. Once it is granted it is only terminated by the property being sold.

### Motion

A motion for negative SEQR was made by Mr. Milleville and seconded by Ms. Shoop, all in favor, so carried.

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A motion to approve the special permit made by Mr. Milleville, seconded by Ms. Retzlaf-Hurtgam, all in favor, and carried with the following conditions:

- 🍷 The hours of operation to be from approximately 10 am-8 pm up to 7 days a week
- 🍷 The applicant to comply with all county regulations for the septic tank and food services
- 🍷 Adequate off-street parking
- 🍷 Appropriate driveway access for ingress and egress for all vehicles on the property

**GENTER, Heather**  
**4280 Church Rd., Lockport**  
*Special permit for private kennel*

**ZSP-2022-010**  
**SBL#77.00-2-53.2**

Ms. Genter would like to keep her (4) four Beagles. They are contained in a fenced-in area when not in the house. Positive there will be no more breeding. They bred one time and she does not plan to do it again. She thought there was a five (5) dog minimum in the Town. When her son moves out he will take his dog with him and she will be down to (3) dogs and intends to keep it that way. The building department has not received any complaints about the dogs.

Public Hearing opened.

Public Hearing closed.

### Motion

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

A motion for approval of a special use permit for one (1) year with the number of dogs to be reduced by attrition, made by Mr. March, seconded by Mr. Milleville, all in favor, so carried.

**SOTO, John/CECCHINI**  
**5226 Baer Rd., Sanborn**  
*Shipping container as shed*

**ZBUV-2022-003**  
**SBL#119.00-1-35.1**

Mr. John Soto and Ms. Janelle Cecchini were present. Mr. Soto brought drawings and pictures of the shed/shipping container with him to show the Board. He explained the hardships he has been facing.

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The garage is large enough to house two shipping containers which is where they were kept. While they worked on fixing up the house, they lived in the other storage container. Mr. McCann saw the shipping container on the driveway and asked Mr. Soto to have it removed which he did. Mr. Soto cut holes for windows in the container they were living in so the company would not take the container back. That container is now part of the shed, one wall of which is visible outside. Mr. Soto has painted the shipping container wall to match the rest of the shed.

Public Hearing opened.

Chris and Robin Trimble of 5204 Baer Road stated their concerns and frustrations with the property and activities on Mr. Soto and Ms. Cecchini's property. They believe Mr. Soto is running his construction company out of his home as Bobcats are going all night. There is loud music and large bonfires that seem to contain some chemicals. They pointed out that there is a large amount of debris including buckets in the front of the house. They explained that this has been going on for about 7 years now. Mr. Soto asked to speak with them and said he would like to come to an agreement with his neighbors as he doesn't want to upset them.

Public Hearing closed.

Mr. March inquired about some equipment he saw around the shed. Mr. Soto explained that the machines are not used. They are stored there until he can find a new space for his business. He has been looking at different properties for the purpose.

Mr. Soto was asked if he was unaware that he violated the Town Code with the shipping container. Mr. Soto knew he could not have a shipping container outside but it is inside and not seen. The shed/container does meet the size requirements. The container Jim saw on the driveway and asked him to eliminate was removed promptly. The other container is inside the building and you cannot tell it is a shipping container. Mr. McCann reiterated that shipping containers are not a permitted use in an AR district. Mr. Soto said their son's furniture is inside the shipping container. There are no animals in the shipping container. No business uses in the container. Everything is air-tight and shrink-wrapped in the container. The shipping container is now a structural part of the building and cannot be removed.

Mr. Milleville asked the Trimbles if the shed/container is visible from their property.

Mr. Andrews wanted to know the time frame for Mr. Soto to finish one side of the shed/container. Mr. Soto responded that as soon as the Board says it's ok he will finish the side.

Mr. Millville highly suggests that any further building activities be run through the Building Department first.

A motion to approve the use variance based on economic hardship and medical constraints of Mr. Soto's son, made by Mr. Millville, seconded by Ms. Retzlaff-Hurtgam, all in favor, so carried with the following conditions:

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- ✦ That none of the shipping container is visible from the outside
- ✦ That it is finished within 3 months
- ✦ That it be used as a personal storage facility for the residence
- ✦ Not used for animal husbandry of any kind
- ✦ Not to be used for business purposes

**HANSEN, Michael**  
**5459 Comstock Road**

**ZSP-2016-004**  
*Tree Service Equipment Storage*

### Motion

A motion to terminate the special use permit because they don't own the property anymore was made by Mr. March, seconded by Ms. Shoop, all in favor, so carried.

### Reports

There were no reports.

### Adjournment

A motion to adjourn at 7:50 pm was made by Mr. Milleveille and seconded by Mr. Andrews, all in favor, carried.

*Krista Brocious*

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Clerk