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Town of Cambria Zoning Board Meeting Minutes  
May 23, 2022

Call to order

A meeting of the Zoning Board of Appeals was held at of the Cambria Town Hall on May 23, 2022 @ 7:00 pm. Everyone was welcomed followed by the Pledge of Allegiance.

Attendees included: Peter A. Smith, Chairman  
Andrew Milleville, Member  
Cheryl Shoop, Member  
Harmony Retzlaff-Hurtgam, Member  
Thomas Andrews, Member  
Mark March, Alternate Member  
Gary M. Billingsley, Town Attorney  
Randy Roberts, Liaison to the Town Board  
Building Inspector, James McCann and Deputy Building Inspector, Matthew Cooper

Alternate member not in attendance: Bradley Rowles

Attorney recommended that Board go into executive session for purposes of discussing pending litigation. Motion to go into executive session made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried,

Board went into executive session at 7:01 pm and session ended at 7:07 pm.

There was no action taken at the executive session.

Motion to close the executive session and reconvene was made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

Approval of minutes

Motion to approve the April 25, 2022 minutes was made by Mr. Andrews and seconded by Ms. Shoop, all in favor, motion carried.

New Business/Public Hearings. Attorney read Notice of Public Hearing for meeting.

**DUNCAN, ERICA**  
**3214 SAUNDERS SETTLEMENT ROAD, SANBORN**

**ZSP-2022-004**  
**SBL#119.03-1-8**

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Ms. Duncan is requesting a Special Permit for a private dog kennel for up to five (5) dogs (a coon hound, 2 dachshunds, a mastiff and a basset).

Public Hearing was opened.

Shelley Hitzel of 3210 Saunders Settlement Road had several concerns; including what limits on number of dogs would exist if Special Permit is approved? Do laws prohibiting habitual barking apply? Is it a boarding kennel?

Michael Eagan of 3217 Southway Drive also asked if this would be a boarding kennel.

An unsigned letter regarding the application was submitted to the Town. Mr. McCann and attorney confirmed that unsigned letters are not considered at Public Hearings by this Board.

Public Hearing closed.

Mr. Smith stated that he had received a telephone call concerning barking dogs.

Steps that applicant currently takes to minimize impact of barking dogs on neighbors were discussed. Dogs are sometimes taken to work. They are usually kept inside the house.

Possibility of granting Special Permit, but allowing it to eventually expire by attrition of dogs was discussed. Applicant explained that oldest dog, the coon hound, has cancer. It was explained that Special Permit could expire at such time as applicant has three (3) or fewer dogs.

Applicant confirmed that the coon hound makes the most noise. Mr. Andrews stated he is concerned about the noise made when dogs bark. Applicant confirmed that the dogs are sometimes kept in a sun room in the house with open windows when she is not home, and she would discontinue this.

A motion for a Negative Declaration under SEQRA was made by Mr. Andrews and seconded by Mr. Milleville, all in favor, motion carried.

A motion to grant a Special Permit for one (1) year for up to five (5) dogs, with applicant to control barking of dogs and comply with applicable laws, with the number of dogs to be reduced to three (3) dogs by attrition with no replenishment, at which time a Special permit will no longer be

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required, was made by Mr. Milleville and seconded by Mr. Andrews, all in favor, motion carried.

**SHANAHAN, BRIAN**  
**4004 BURCH ROAD, RANSOMVILLE**

**ZSP-2022-003**  
**SBL# 77.00-1-57**

Mr. Shanahan stated that he would like to construct a small pond and use the fill to raise the elevation for a barn he is planning, to fill in a few low areas on his property, and to create some berms. 826 cubic yards of fill would be generated.

Public Hearing was opened.

There were no comments.

Public Hearing was closed.

Mr. Shanahan was asked if he would be constructing the pond as per the April 5, 2022 letter from Niagara County Soil & Water. He said yes. He was asked if any fill will be removed. He said no.

A motion for a Negative Declaration under SEQRA with a finding that construction of the pond will not cause any environmental damage and that it will not adversely affect drainage was made by Ms. Shoop and seconded by Mr. Andrews, all in favor, motion carried.

A motion to grant a Special Permit to construct said pond in accordance with the April 5, 2022 letter from Niagara County Soil & Water, with no fill to be removed, was made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

**SHANAHAN, BRIAN**  
**4004 BURCH ROAD, RANSOMVILLE**

**ZBAV-2022-007**  
**SBL#77.00-1-57**

Mr. Shanahan is requesting a pole barn that would contain 2,400 square feet to store personal items. He wishes to construct it closer to his residence than permitted in order to avoid some Federal wetlands. He acknowledged that he is not permitted to place fill in wetland areas.

Public Hearing was opened.

There were no comments.

Public Hearing closed.

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Mr. Smith asked applicant if he would be able to reduce size of pole barn to 2,000 square feet and place it at least 25 feet from his residence. He said he could do that, and withdrew his application for an area variance. He was advised to apply for a Building Permit. Attorney and Mr. Milleville stated that based upon his withdrawal, Building Permit application should be able to facilitated.

**BANKS, SCOTT**  
**5338 BAER ROAD, SANBORN**

**ZSP-2022-005**  
**SBL#119.00-1-40**

Mr. Banks is requesting a Special Permit to keep up to ten (10) chickens upon his premises. They would be caged in the southwest corner of his lot. There are no neighbors in the immediate vicinity of the where he would like to keep the chickens.

Public Hearing was opened.

There were no comments.

Public Hearing was closed.

A motion for a Negative Declaration under SEQRA was made by Ms. Shoop and seconded by Mr. Andrews, all in favor, motion carried.

A motion to grant a Special Permit for one (1) year to permit applicant to maintain up to ten (10) chickens in a confined area on the southwest corner of his premises with no roosters was made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

**KULIK, PAVEL**  
**5142 BAER ROAD, SANBORN**

**ZAV-2022-008**  
**SBL#119.00-1-33**

Mr. Kulik is requesting a pole barn that would contain 2,304 square feet.

Public Hearing was opened.

There were no comments.

Public Hearing closed.

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Ms. Shoop asked how big Mr. Kulik's lot was. He said about three (3) acres.

Mr. Smith asked if Mr. Kulik could reduce the size of the proposed pole barn to 2,000 square feet. He said he did not believe it would be a problem and agreed to withdraw his application. He was advised to apply for a Building Permit.

<b>JAMES MANNING</b>	<b>ZAV-2022-009</b>
<b>5209 UPPER MOUNTAIN ROAD, LOCKPORT</b>	<b>SBL#107.00-2-17</b>

Mr. Manning stated he would like to construct a pole barn in the Escarpment District that would contain 1,280 square feet and be located within 5 feet of his west side lot line, which would allow him to utilize his existing driveway.

Public Hearing was opened.

There were no comments.

Public hearing was closed.

Applicant was asked about large building on adjoining lot that he owns. Discussion took place concerning type of lines, apparently septic or drainage, that were in vicinity of proposed building. Applicant was hoping to avoid the area of these lines, if possible. After further discussion, applicant stated he could meet 10 foot side yard setback requirement.

Motion to approve application for pole barn in Escarpment District with ten (10) foot side yard setback as agreed upon by applicant made by Mr. Milleville and seconded by Mr. Andrews, all in favor, motion carried.

<b>CODY DEVELOPMENT 2, LLC</b>	<b>ZAV-2022-010</b>
<b>3911 RIDGE ROAD, LOCKPORT</b>	<b>SBL#78.00-1-27</b>

Tara Bennett and Michael Montaldo appeared on behalf of applicant for an area variance to permit applicant to reduce the number of parking spaces to 35 from the 72 required spaces for the proposed 10,640 square foot building as required by the Zoning Ordinance. Applicant is proposing construction of a Dollar General, one of approximately 17,000 such stores in the United States. 72 spaces are more than they need. 35 spaces will more than meet their needs at all times of the year,

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including Christmas, which is the busiest time of the year. These stores customarily have customers who are in and out after making quick purchases of a few items. Fewer parking spaces will result in a smaller paved area, which will minimize the impact on nearby wetlands and will help in the placement of the septic system.

Public Hearing was opened.

Robert and Denise Curto of 3924 Ridge Road spoke in opposition to the project. They reside across the street from the proposed business. They questioned the need for a Dollar General in the proposed location, and stated that the increase in traffic would adversely affect them.

Public Hearing closed.

Mr. Montaldo and Ms. Bennett noted that no gasoline sales are proposed, and that fewer parking spaces will result in the need for less pavement, which is better for the environment. They added that general industry standards recommend 29 parking spaces for this type of business and size of structure. They confirmed that there was extra space for additional parking if the use of the building were to change in the future, and confirmed that the property is zoned Business.

Mr. McCann noted the need for a SWFF Permit, Niagara County Health Department approval for the septic system and the requirement of a Site Plan Review by the Town Planning Board.

Motion was made to approve the area variance to reduce number of required parking spaces from 72 to 35 was made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

**WALKER, KENNETH**  
**3815 UPPER MOUNTAIN ROAD, SANBORN**

**ZBAV-2022-006**  
**SBL#106.00-1-41.12**

Mr. Walker wishes to purchase a shed and place same in a location that will be close to his work shop, and will not affect existing poplar and pine trees or his septic system that are in the area behind his residence where such a structure would be permitted to be located by the Zoning Ordinance. The shed will be movable, and would be close to the color of his house.

Public Hearing was opened.

There were no comments.

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Public Hearing closed.

Mr. Smith asked applicant to confirm that proposed location of shed was near the turnaround in his front yard. Applicant confirmed that that this was the proposed location, and that proposed placement was also health concern related.

Motion to approve was made by Mr. Andrews and seconded by Mr. Milleville, all in favor, motion carried.

**SPECIAL PERMIT RENEWALS**

**KALINSKI, DAVID**  
**5901 SHAWNEE ROAD, SANBORN**

**ZSP-2016-002**  
**PRIVATE KENNEL**

There have been no issues reported.

Motion to renew Special Permit for 5 years made by Ms. Shoop and seconded by Mr. Andrews, all in favor, motion carried.

**HOGG, RODNEY and KYRA**  
**5310 SHAWNEE ROAD, SANBORN**

**ZSP-2008-04**  
**DISPLAY MARKETING BUSINESS**

There have been no issues reported.

Motion to renew Special permit for 5 years was made by Mr. Milleville and seconded by Mr. Andrews, all in favor, motion carried.

**REPORTS**

There were no reports

Motion to adjourn at 8:38 pm made by Mr. Andrews and seconded by Ms. Retzlaff—Hurtgam, all in favor, motion carried.

Gary M. Billingsley  
Attorney

Date of Approval: June 27, 2022

