

Town of Cambria Zoning Board Meeting Minutes

September 26, 2022

Call to order

A meeting of the **Zoning Board of Appeals** was held at **Cambria Town Hall** on **September 26, 2022**, @ 7:00 pm. Everyone was welcomed followed by the Pledge of Allegiance.

Attendees included:

Peter A. Smith, Chairman
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
Krista Brocious, Clerk Planning /Zoning Board

Members not in attendance included: Building Inspector, James McCann, and Deputy Building Inspector, Matthew Cooper

Approval of minutes

A motion to approve August 22, 2022 minutes made by Mr. Andrews seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

New Business/Public Hearings

Mr. Billingsley read the Public Hearing Notices.

LAROCK, David
5103 Carriage Lane
Animal husbandry-Chickens

ZSP-2022-011
SBL#107.04-1-51

David LaRock is present and explains that he would like 9 chickens, no roosters.

Public Hearing open.

Mr. Jim Roasasco of 4894 Lower Mt. Rd. believes that Mr. LaRock should be able to have his chickens.

Public hearing Closed.

Mr. LaRock has had the chickens since April and says he has had no issues with the neighbors.

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

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A motion to approve the special permit for chickens was made by Mr. Milleville and seconded by Ms. Retzlaff-Hurtgam subject to them being confined, there are no more than 10, and there will be no roosters.

PREZIOSO, Theresa
V/L Van Dusen Road
Area variance for set back

ZBAV-2022-017
SBL#93.00-1-1.21

Thresea Prezioso is present. She would like to build a house on Van Dusen Rd. with a 125 ft. setback from the road right-of-way.

Public hearing open.

Cathie Mazzone of 4451 Van Dusen Rd. opposes the further setback. She is concerned that Ms. Prezioso's house lights will shine in her backyard all the time. Ms. Mazzone says she already has the Winery lights that bother her. She wants more privacy.

Public Hearing Closed.

Ms. Prezioso explains this is the normal frontage it is just farther back than her neighbor. There would be a lot in between the two properties.

Mr. Billingsley asks if there is anything Ms. Prezioso can do to keep the lights away from the neighbors.

Ms. Prezioso states that she plans to leave the brush as is and would not have outward lighting. House would be further to the left. There would be enough space between the two properties. She is proposing a two-story house that is about 1900 sq. ft. Any entrance lights would shine away from the neighbor as her driveway would be on the opposite side.

Mr. Andrews and Mr. Smith indicate that there are plenty of trees that currently exist there to buffer the two properties.

Motion

A motion to approve the 125 ft. setback was made by Mr. Andrews and seconded by Ms. Shoop contingent upon an adequate buffer to shield the house next door whether it be vegetation, a berm, etc., all in favor, so carried.

KNOX, James
4713 Cambria-Wilson Rd
Area variance for a larger accessory building

ZBAV-2022-016
SBL#92.00-1-23.112

Mr. Knox wants a second storage building. He owns the lot next door also that is currently being combined. He would like to store his RV there.

Public hearing open.

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Jim Rosasco of 4894 Lower Mt. Rd. thinks Mr. Knox should be able to have whatever he wants on his property.

Public hearing closed.

Mr. Knox is in process of combining the two lots. He filled out the paperwork a month ago. He intends to build a 32 ft. x 56 ft., roughly 1,800 sq. ft storage building in the spring. He has a 1200 sq. ft building now. The building he is proposing would have to be 16 ft. high to fit his 14 ft. boat. It will be a pole barn that has the same siding, coloring, and as the other one. The existing building is about 100 ft. back from the residence. He will house the RV, boat, snowmobiles, and tractor.

Motion

Contingent on the Deed being completed for combining the two parcels, and the pole barn meeting all side and rear setbacks as required by zoning regulations, a motion to approve the area variance was made by Mr. Andrews and seconded by Mr. Milleveille, all in favor, so carried.

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

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

Mr. Rosasco says he is a small family breeder of mostly german shepherds and a trainer for military dogs.

Public hearing open.

William Fisher of 4864 Lower Mt. Rd. opposes this. He lives next door. There is no fencing in the area and Mr. Rosasco is training attack dogs. Mr. Fisher has grandchildren at his house and is worried about this.

Mr. Billingsley read the two letters from Town residents, Larry Ryndak of 4871 Lower Mountain Road and Renee March of 4864 Lower Mountain Road opposing this also. Both expressed concerns about Mr. Rosasco breeding aggressive attack dogs, the safety of children in the area, and the lack of fencing.

Commander Haji Shareef of 7158 Bear Ridge Road stated that Mr. Rosasco has donated dogs to him. He understands the perception of certain breeds. Mr. Shareef trains service dogs for veterans with PTSD. He would not work with anyone who did not breed the dogs with the right temperament. All of the dogs Mr. Rosasco has given him are very well-behaved with good instruction, cuddly, and driven by love.

Brian Short of 4902 Lower Mountain Road lives next door, doesn't exactly oppose this but is also concerned. His wife and children do not feel safe. There are a couple of breeds he doesn't care for. Some of the dogs are well-mannered and others concern him. He is worried that it is hard for Mr. Rosasco to be in control of the dogs while he is training them. They can be aggressive and sometimes need to be called off but Mr. Rosasco can only have so much control over that. He also believes Mr. Rosasco has

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more dogs that he can handle without additional manpower. He would like to know what stipulations would be in place if this were to be allowed.

Jordan Short also of 4902 Lower Mountain Road says there have been multiple times the dogs have gone onto their property and the dogs have almost bit her and her sister. They have a fence for their dog and Mr. Rosasco's dogs have come over and bothered their dog. There's been a rat problem from Mr. Rosasco from smoking dog bones and causing a foul smell. It smells like fecal matter whenever it is windy and she doesn't feel safe outside since Mr. Rosasco's dogs aren't on leashes or fenced in.

Mr. Short explains that it's certain dogs and not all.

Ms. Short is not in agreement with her father. She is not sure which dogs are ok and which are more aggressive so it makes her very uneasy. She has had bad experiences and doesn't feel safe.

Public hearing closed.

Mr. Andrews points out that breeding is not listed on the use variance application and it should be.

Mr. Rosasco was unaware that Ms. Short has been so uncomfortable and apologized. He tries to be a good neighbor and talk to his neighbors. He is sorry about the bone smoking, it was something he tried and it didn't work. He won't be doing it again. He has been considering putting up a fence. Mr. Rosasco believes what he is doing is part of the agricultural cycle of things. He feels the characterization of his dogs is not accurate.

He believes he has contributed to the neighborhood and this community is a blessing to have. He has taken steps to make his property a self-contained operation. He has two young boys and the dogs are socialized around kids. He grew up with and worked at kennels and has a very long history working with dogs.

Mr. Rosasco goes on to explain his work and sponsorship for members of law enforcement to work with dogs and attend training. He goes on to explain his work with the dogs in great detail.

Mr. Milleville states that they are to decide if this has negative effects on the neighbors and the surrounding area, not to debate his business. Mr. Milleville asks how many dogs he has now.

Mr. Rosasco has 20 dogs on the premises currently. Mr. Milleville has serious concerns with the noise this causes and the lack of fencing. Mr. Milleville asks the neighbors if noise is an issue and the response was yes.

Mr. Billingsley asks how many dogs are over 6 months. There are about five (5).

Mr. Milleville asks the neighbors if noise is an issue and the response was yes.

Mr. Smith inquired about what the hours of training are. Mr. Rosasco admits he has varied hours and he has trained at 2 am at times.

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Mr. Billingsley explains that Mr. Rosasco cannot sell dogs here. The basic rule is you are allowed to have 3 dogs that you own yourself. Breeding and selling dogs and the amount of dogs is well beyond what is permitted in the AR (agricultural-residential) zone. There is further discussion on this.

At this point, Mr. Rosasco stated he wished to withdraw his application.

Special Permit Renewals

CROWN CASTLE
4160 Upper Mountain Rd.
Cell Tower

ZSP-2022-012
SBL#106.00-1-27.2/CT1

A signed letter was received from Crown Castle representative Laura Cuervo stating they would like to renew the special permit for the cell tower.

Motion

A motion for 5-year renewal was made by Mr. Andrews and seconded by Ms. Shoop, all in favor, so carried

BOWERS, Stacy
3191 Lower Mt. Rd.
Private Kennel

ZSP-2021-011
SBL#105.00-1-15.111

A signed letter was received from Ms. Bowers stating she would like to renew the special permit.

Motion

A motion for 5-year renewal to approve private Kennel renewal was made by Mr. Milleville and seconded by Mr. Andrews, all in favor, so carried.

Reports

There were no reports.

Adjournment

A motion to adjourn at 8:00 pm was made by Mr. Andrews and seconded by Mr. Milleville, all in favor, carried.

Krista Brocious

Clerk