

**Town of Cambria
Zoning Board of Appeals Meeting
July 23, 2018**

The regular monthly meeting of the Zoning Board of the Town of Cambria was called to order by Peter Smith, Chairman at 7:00PM. Everyone was welcomed to the meeting, followed by the Pledge to the Flag.

Members Present: Peter Smith, Chairman
Alan Johnson
Harmony Retzlaff-Hurtgam
Thomas C. Andrews
Cheryl L. Shoop, Alternate

Members Absent: Bradley Rowles

Also Present: Joseph Ohol, Councilman, Town Board Liaison
Gary Billingsley, Attorney

A motion was made by Mr. Johnson and seconded by Mrs. Retzlaff-Hurtgam to approve the Minutes for the June Meeting as presented, unanimously approved, motion carried.

The public hearing notice was read as it appeared in the town newspaper.

Special Permit-Renewals

**ZBSP1992-07 Grace Colosimo
3588 Lower Mountain Road, Sanborn, NY 14132
SBL# 105.00-2-60.2
Rooming House**

There was no representative for the Colosimo Family present at the meeting. Mr. Billingsley will communicate with the Colosimo family about this Special Permit as Mr. McCann has concerns.

A motion was made by Mr. Andrews and seconded by Mr. Johnson to table this Special Permit Renewal until the August meeting, all in favor, motion carried.

ZBSP-2012-06 Niagara Forestry/Brian Whyte
4177 Lower Mountain Road, Lockport, NY 14094
SBL# 92.00-1-66
Log Mill

Mr. McCann informed the Board that Mr. Whyte's meeting notice was returned due to an address issue therefore Mr. Whyte was not aware that his Special Permit Renewal was on the agenda.

A motion was made by Mr. Andrews and seconded by Mr. Johnson to table this Special Permit Renewal until the August meeting, all in favor, motion carried.

ZBSP-2017-02 Aaron Ohar
4107 Ridge Road, Lockport, NY 14094
SBL# 78.00-1-17.2
Animal Husbandry

In July of 2017, Mr. Ohar was approved by this Board to raise 5-6 laying hens with no roosters permitted; the chickens were to be kept confined and not run free range on the property. This Special Permit was granted for one year from that date with a five year renewal after the initial year. Mr. Ohar was present at the meeting and stated that all is going well with his chickens. Mr. McCann stated that there have been no issues with this Special Permit.

A motion was made by Mr. Johnson and seconded by Mrs. Retzlaff-Hurtgam to renew this Special Permit for five (5) years, all in favor, motion carried

Special Permit-New

ZBSP-2018-008 Freedom Run Winery-Richard Sean Manning-Lawrence Manning
5138 Lower Mountain Road, Lockport, NY 14094
SBL# 93.00-2-27.2
Operate Small Bistro

Lawrence Manning was present at the meeting, and stated they would like this Special Permit to serve food to their Winery customers. The Bistro will be serving hand cut fries, Panini, salads and various other farm to table menu items. The hours of operation for the proposed Bistro would be Sunday-Wednesday 12:00-6:00PM and Thursday-Saturday 12:00-8:00PM.

Manning-Freedom Run Winery-Bistro Special Permit**Public Hearing Notice**

Special Permit to permit applicant to operate a small bistro to serve food to winery customers to be located in the existing winery upon premises commonly known as 5138 Lower Mountain Road pursuant to the Special Permit Ordinance of the Town of Cambria.

Public Hearing Open

Kirk Brown, 5180 Lower Mountain Rd, Lockport 14094 stated that he and his wife have no issues with the Manning Family. They have owned their property for thirty (30) years and have known the Manning Family for the last ten (10) years. Mr. Brown owns the building lots on each side of his residence and does not want to live next to a restaurant. Mr. Brown sent a letter to Mr. Smith, Chairman of the Zoning Board in the event he and his wife were unable to attend the meeting. Mr. and Mrs. Brown were present at the meeting and have concerns about smell from food that is being cooked coming from the proposed Bistro. He stated that he purchased the additional lots so no one could build next to them and also as a financial investment. Mr. Brown has concerns about what the proposed Bistro will do to the value of his property. He stated that he didn't buy property next to McDonalds or Applebee's and doesn't want to feel like he did. Mr. Brown is also concerned that music will be played late at night.

Eric Gustafson, 4515 Baer Rd, Ransomville, 14131 was present at the meeting and stated he supports the proposed Bistro, and stated New York State has rules that they will be mandated to follow.

Mike-Connie Clifford, 5167 Lower Mountain Rd, Lockport, NY 14094 were present at the meeting, and stated that they live directly across the street from the Manning's Winery and support the proposed Bistro there have been no issues with food smells and they like music.

Robin-Duncan Ross, 4746 Cambria-Lockport Townline Rd, Lockport 14094 were present at the meeting. Mrs. Ross stated that their Winery shares 1,000 feet of property with the Manning winery, they have no issue with the proposed Bistro and feel the Town should approve this Special Permit. She further stated that weddings that are held at the Manning Winery are over by 8:00PM.

Public Hearing Closed

The Board asked Mr. Manning if he plans to have music at this site, he stated that he currently doesn't have any plans for music but if he did it would be kept at acceptable levels.

Manning-Freedom Run Winery-Bistro Special Permit

Mr. Manning stated that all food will be prepared in-doors and there will be no grill outside. The kitchen and all food areas have been inspected by Agricultural and Markets and the Niagara County Health Department.

The Bistro will utilize the seating that is currently in place for the winery customers.

Mr. Billingsley stated the proposed Bistro; if approved will be required to comply with all the requirements of the Niagara County Health Department. Mr. Manning stated they are currently in compliance with Niagara County Health Department requirements to allow catering and to serve wine at outside events.

A motion was made by Mr. Andrews and seconded by Mr. Johnson to declare a negative declaration under SEQR, all in favor, motion carried.

A motion was made by Mr. Andrews and seconded by Mr. Johnson to approve this Special Permit for Mr. Manning/Freedom Run Winery to operate a small Bistro at the winery for one (1) year, required to comply with Niagara County Health Department requirements, all in favor, motion carried.

ZBSP-2018-009 Marjorie Saleh
5269 Subbera Road, Lockport, NY 14094
SBL# 106.00-2-10.43
Animal Husbandry

Public Hearing Notice

Special Permit to permit applicant to raise ten (10) chickens in an enclosed coop upon said premises which contains approximately one (1) acre pursuant to the Zoning Ordinance of the Town of Cambria, which permits animal husbandry by Special Permit upon premises containing less than five (5) acres.

Public Hearing Open

No comment

Public Hearing Closed

Mr. Saleh was present at the meeting and stated that he would like to continue to keep the ten (10) chickens he and his family have had since April. Thus far the chickens have not produced any eggs; a discussion took place as to the possible reasons for no egg production and solutions. Mr. Saleh stated that he applied for this Special Permit when he realized it

Saleh-Special Permit-continued

was needed to keep chickens on property with less than five (5) acres in the Town of Cambria. Mr. McCann stated there have been no issues with the chickens other than no eggs.

A motion was made by Mr. Andrews and seconded by Mrs. Shoop to declare a negative declaration under SEQR, all in favor, motion carried.

A motion was made by Mrs. Retzlaff-Hurtgam and seconded by Mr. Johnson to approve this Special Permit to keep up to ten (10) chickens for one (1) year, all in favor, motion carried.

Old Business**Special Permit-New****ZSP-2018-004****Raelean McGee****5920 Meahl Road, Lockport, NY 14094****SBL# 121.00-1-37.2****Operate Landscape Business from Home**

Ms. McGee was not present at the meeting. Mr. McCann stated a letter will be sent to Ms. McGee.

A motion was made by Mr. Johnson, seconded by Mr. Andrews to table this application for a Special Permit until the August Meeting, all in favor, motion carried.

Old Business**Use Variance****ZBUV-2018-002****Tyler Booth****5182 Ridge Road, Sanborn, NY 14132****SBL# 79.00-2-19.12****Antique Sales Business****Special Permit****ZSP-2018-007****To use premises to host public and private events**

Mr. Booth was present at the meeting he and his family have been working to restore the property that was previously known as the Forsyth Tavern. This property was built in 1808 and is the first building in the Town of Cambria and the second oldest building in Niagara County. Mr. Booth plans to restore the property to what it looked like in 1808. His family has been helping but the restoration is very time consuming and expensive. They would like to have the barn open as an antique shop for 2-3 days per week until the foundation is finished.

Tyler Booth- Former Forsyth Tavern-

When the former tavern is restored they would like to host small events. The building is 1,102 feet on the first floor and 602 feet on the second floor therefore would not accommodate a very large crowd. Mr. Booth feels the former tavern would provide an ideal venue for small family gathering at the historic site. Mr. Booth is working on addressing the concerns of the neighbors that were discussed at the last meeting. Mr. Booth suggested improving the "U" driveway and using more of an area near the barn that had previously been farm parking. Another possible solution Mr. Booth suggested would be to have the entrance on Ridge Road and the exit on Townline Road. Additional parking could be provided on the side of the barn where there is already a concrete pad. According to Mr. Booth the State Department of Transportation previously conducted a traffic study of the intersection. This study has not been published yet but the findings suggest that the intersection is 5,000 cars below what is needed for traffic light installation.

Mr. Billingsley, Mr. McCann, this Board and the Niagara County Planning Board would like Mr. Booth to provide a great deal more detailed information. An engineered parking lot plan needs to be developed with specific dimensions, regular and handicapped parking areas clearly marked. In addition to change the entrance and exit will require approval from the New York State Department of Transportation. Mr. Billingsley suggested Mr. Booth contact the Niagara County Planning Board to determine what additional information will be needed.

In addition to the comments provided during the public hearing held at the June Meeting, the Board received a letter from the Town of Cambria Historian, Brooke Morse encouraging the Board and the Town of Cambria to support Mr. Booth in his efforts to restore the former Forsyth Tavern.

The Board also received a letter from Mr. and Mrs. Rickerson expressing their continued concerns about the proposals put before the Board regarding the former Forsyth Tavern.

A motion was made by Mr. Johnson and seconded by Mr. Andrews to table this Use Variance and Special Permit to allow Mr. Booth to provide additional information, all in favor, motion carried.

Reports

Chairman- Nothing at this time.

Building Inspector- Nothing at this time.

Attorney- Nothing at this time.

Board Members- Nothing at this time.

The next meeting of the Zoning Board of Appeals will take place Monday, August 27, 2018 at 7:00PM.

A motion was made by Mr. Andrews and seconded by Mr. Johnson to adjourn the meeting at 8:00PM all in favor, motion carried.

Respectfully Submitted by

Melinda Olick

A handwritten signature in black ink that reads "Melinda Olick". The signature is written in a cursive style with a large initial "M" and "O".