

# Town of Cambria Zoning Board Meeting Minutes

## February 27, 2023

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### Call to order

A meeting of the **Zoning Board of Appeals** was held at **Cambria Town Hall** on **February 27, 2023**, @ 6:30 pm. Chairman Smith welcomed everyone followed by the Pledge of Allegiance.

### **Attendees included:**

Peter A. Smith, Chairman  
Thomas Andrews, Chairman  
Cheryl Shoop, Member  
Harmony Retzlaff-Hurtgam, Member  
Andrew Milleville, Member  
Mark March, Alternate  
Gary Billingsley, Town Attorney  
Building Inspector/Code Enforcement, James McCann  
Deputy Building Inspector/Code Enforcement, Matthew Cooper  
Krista Brocious, Planning /Zoning Board Clerk

Members not in attendance included: Randy Roberts, Liaison to the Town Board

### Approval of minutes

A motion to approve the **January 23, 2023** minutes was made by Mr. Andrews and seconded by Mr. Milleville, all in favor, motion was carried.

### New Business/Public Hearings

Mr. Billingsley read the Public Hearing Notices.

**MEAL, Garret**  
**5704 Campbell Blvd, Lockport**  
**Area Variance**

**ZBAV-2023-002**  
**SBL#121.00-2-30**

Mr. Meal explained that he would like to expand his current garage to a two-car garage. He spoke to the neighbors on the side the garage will be expanded upon and they were fine with it.

Public Hearing was opened.

Public Hearing was closed.

Mr. Meal was asked if the two trees on that side would be impacted. He stated they would not.

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Mr. Billingsley stated that this went in front of the Niagara County Planning Board and they recommended approval.

### Motion

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

**KOSZTOWNIAK, Barbara**  
**2988 Saunders Settlement, Sanborn**  
*Private Kennel*

**ZSP-2023-001**  
**SBL#119.17-1-8 & 9**

Ms. Kosztowniak explained that she has rescue dogs. She has her own and one or two that she fosters to adopt out. On average the dogs weigh under 20 pounds.

The building department received three letters within a couple of days of the meeting opposing the approval of this which were given to all Board members the night of the meeting.

The public hearing was opened.

Joanne Buzzeo of 6210 Ranchview Drive, East Amherst, read the letters she and her ex-husband Anthony Buzzeo of Houston Texas, wrote and submitted to the board before the meeting in opposition to Ms. Kosztowniak being granted the special use permit. They own the property at 2984 Saunders Settlement Road. Reasons for their opposition included incessant dog barking, odors, impact on market prices, deterrence of potential buyers, and her inability to keep up with property maintenance. Ms. Buzzeo also read a letter she brought to the meeting from the tenant, Matthew Buzzeo, living at 2984 Saunders Settlement Road, Sanborn in opposition to Ms. Kostowniak being granted the special use permit. The barking and inability to enjoy his property were cited in that letter also.

Jerry Buzzeo of 5772 Joanne Drive is opposed to the approval of this permit as well. Mr. Buzzeo stated that the dogs bark continuously and he can't enjoy his backyard. His tenant has stated that she can't take the noise and may leave. Mr. Buzzeo stated that he hears Ms. Kosatowniak calling her dogs loudly. He is also concerned about the condition of Ms. Kosztowniak's property. He explained that there was a tree that fell on her property and grass continued to grow around the downed tree and he saw wild animals entering and exiting that space at all hours of the night.

Carol Lueke of 5776 Joanne Drive stated that she hears dogs barking all the time and cannot enjoy her backyard because of it. She opposes the granting of a permit.

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The public hearing was closed.

Ms. Kosztowniak stated that she has not been previously made aware of any of the problems discussed. Her dogs are mostly kept in the house. She has all small dogs-Bishons, Yorkies, and a Chihuahua. She has six dogs. Four of the dogs are hers and two she is looking for permanent homes for them. She explained that finding homes for senior dogs is challenging as people are typically looking for puppies. They are all senior dogs and range in age from 7-12 years old. She has a 5' privacy fence and the dogs are always fenced in. Ms. Kostowniak stated that she regularly cleans the waste from the yard.

Ms. Kostowniak has lived in the house for 1.5 years and moved in with four dogs. She was unaware of the three-dog rule in the Town and found out when she came to license the six dogs with the Clerk's Office.

Ms. Shoop asked Mr. McCann if there have been complaints about Ms. Kosztowniak's dogs. He responded that there had not been any until the letters from the Buzzeo's in the days before the meeting.

Ms. Kosztowniak explained that she registered the dogs at the Town Hall in October 2022. She registered all six dogs at the time because she thought she had to even if she is fostering two of them. Ms. Kosztowniak works with Tiny Paws, Big hearts Rescue, and takes a fee when the dogs are adopted. She had found a home for two puppies and adopted them out before all of this.

Mr. McCann stated that having the dogs adopted and taking a fee would be considered business use which is not permitted.

Mr. Smith asked if Ms. Kostowniak could get down to only three dogs. She stated that it is hard to get senior dogs adopted but she could try to get down to the allowed amount of three.

Ms. Kostowniak was advised not to bring in any more rescues.

Mr. Billingsley recommended that the board table this to allow Ms. Kostowniak time to rehome some of the dogs.

### Motion

A motion to table the Special Use Permit request for 1 month was made by Mr. Milleville and seconded by Mr. Andrews, all in favor, so carried.

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**MANTA, Donald**  
**5843 Baer Rd, Sanborn**  
*Area variance*

**ZBAV-2023-001**  
**SBL#134.00-1-22**

Mr. Manta is planning to build a house on this lot. He would like a set-back of 220' so there can be a walkout basement. He spoke with the neighbors and there were no issues with the setback for them. The lot is 4 acres.

The public hearing was opened.

The public hearing was closed.

### Motion

A motion for negative SEQR was made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, so carried.

A motion to approve the area variance for a setback of 220' was made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, so carried.

### Special Permit/Variance Renewals

**REDFERN, Michael**  
**4573 Lower Mt. Rd., Lockport**  
*Auto repair shop area variance*

**SBL#93.00-1-23.2**

A signed letter indicating a request to renew the variance was provided to the building department. No concerns from the Building Inspector.

### Motion

A motion to renew for five years was made by Mr. Andrews and seconded by Ms. Shoop, all in favor, so carried.

**BAMPTON, Michael**  
**4528 Ridge Rd, Lockport**  
*Animal husbandry*

**2012-02**  
**SBL#79.00-1-40**

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A signed letter indicating a request to renew the special permit was provided to the building department. No concerns from the Building Inspector.

### Motion

A motion to renew for five years was made by Mr. Milleville and seconded by Ms. Retzlaff-Hurtgam, all in favor, so carried.

**BELL, Gary**  
**4379 Plank Rd., Lockport**  
*Private kennel*

**2009-01**  
**SBL#79.00-1-26**

A signed letter indicating a request to renew the special permit was provided to the building department. No concerns from the Building Inspector.

### Motion

A motion to renew for five years was made by Ms. Shoop and seconded by Mr. Andrews, all in favor, so carried.

**PIEKOS, Vicki**  
**4287 Ridge Rd., Lockport**  
*Outdoor equipment sales*

**SBL#78.00-2-24.2**

A signed letter indicating a request to renew the variance was provided to the building department. No concerns from the Building Inspector.

### Motion

A motion to renew for five years was made by Ms. Retzlaff-Hurtgam and seconded by Mr. Andrews, all in favor, so carried.

**HOLBERT, Kevin**                      **06-29-15A**  
**5176 Shawnee Rd., Sanborn**      **SBL# 119.00-2-17**  
*Animal husbandry-Chickens*

Mr. Billingsley stated that there has been no contact from the three letters sent to Mr. Holbert therefore he recommends the Special Permit terminate by its own terms.

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### Motion

A motion to allow the permit to terminate by its own terms was made by Mr. Andrews and seconded by Mr. Milleville, all in favor, so carried.

### Reports

Chairman Smith inquired about Mr. Rosasco. Mr. March stated that nothing has changed at the property. Mr. McCann said he would send it over to Mr. Billingsley for legal action.

### Adjournment

A motion to adjourn at 7:40 pm was made by Mr. Andrews and seconded by Ms. Retzlaf-Hurtgam, all in favor, so carried.

Krista Brocious

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Planning/Zoning Clerk