

Town of Cambria Zoning Board Meeting Minutes

March 27, 2023

Call to order

A meeting of the **Zoning Board of Appeals** was held at **Cambria Town Hall** on **March 27, 2023**, @ 7:00 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
Randy Roberts, Liaison to the Town Board
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:

Approval of minutes

A motion to approve the **February 27, 2023**, minutes was made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

New Business/Public Hearings

Mr. Billingsley read the Public Hearing Notices.

GOFF, Adam
3130 Ridge Rd, Ransomville
Use Variance-Pond

ZBUV-2023-001
SBL#91.00-1-6.2

Mr. Goff explained that he would like a fishpond in his backfield, and he wants to raise and then sell the fish.

The public hearing was opened.

The public hearing was closed.

Mr. Andrews inquired about the mining permit having the name of a previous owner on it. Mr. Goff said he's not sure as he has been trying to make sure the name is changed on the forms.

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He stated that Niagara Frontier Clay has taken a permit out to mine the clay on Mr. Goff's property and has permits from the Department of Environmental Conservation. Mr. Andrews asked for clarification as to the purpose of the permit. He wanted to know if it was to mine the property for clay and sell it to the landfills or to raise fish. Mr. Goff states that it's to sell it and use the proceeds to raise fish so he can farm the land otherwise the land is just clay and is useless. Mr. Goff has been researching fishponds but is not fluent in farming. He is aware of previous owners' issues with using this land and he believes this will be a viable use for it.

Mr. Milleville asked what type of fish Mr. Goff will be raising and harvesting. Mr. Goff explained that initially, he was leaning towards the salmonoids and trout, but his research has indicated that may not work so then he will raise catfish. Mr. Goff stated that he has 5 years to figure out the fish farming as that's how long it would take to get the pond ready. He is limited to online research until he gets approval to have the pond.

Mr. Billingsley explained that the Town is in process of researching if there was a previous use variance granted on this property. He recommends that the board table this for a month so he can research the legal status of any prior use variances that were granted and look at what changes in conditions may be needed for this applicant. Mr. Billingsley asked if anything was done for the mining application concerning SEQR. Mr. Goff was unsure. Mr. Billingsley would like to investigate that further as well.

Motion

A motion to table for further investigation into this, especially for State Environmental Quality Review was made by Mr. Milleville and seconded by Mr. Andrews, all in favor, so carried.

BROOKS, Jeffrey
3339 Upper Mtn. Rd., Sanborn
Use Variance-Trucks/Trailers

ZBUV-2023-002
SBL#105.00-1-31.2

Mr. Brooks would like to leave his truck and trailer at his home where it is now. He hauls old couches etcetera and sometimes can't get to the dump before it closes so he leaves it in the trailer tarped until he can dispose of it.

The public hearing was open.

Gerry Campbell of 3333 Upper Mtn. Rd. opposes this. It's 40 feet from his house and he has pictures showing that there are rats and mattresses with bedbugs hanging out. He has times and dates showing that there is plenty of time to take it to the dump and not leave it there.

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Mr. Andrews asked what kind of business Mr. Brooks has. Mr. Brooks stated that it is a side business to remove old furniture. He has had the trailers and truck there his whole life and they were there when Mr. Campbell moved in. Mr. Brooks asserted that he stores no perishables and always keeps the trailer tarped therefore there are no rats.

Mr. Milleville inquired if there is a fence between the properties. Mr. Brooks states that there was but it was knocked over.

Doug Szathmary of 3350 Upper Mountain Rd. said he has no problem with the trailer being there. There are no issues.

Mark Kotlewski of 3338 Upper Mountain Rd. said has never had a problem with Mr. Brooks.

Kevin Brooks explained that he is Jeffery's brother and that the truck and trailer have always been parked there. It used to be their father's property and the trailer was there when Mr. Campbell moved in.

Chairman, Smith confirms with Mr. Brooks that the trailer is just being parked there.

Mr. Brook's property is 18 acres with approximately 220 ft. of frontage. Mr. Milleville asked if he could keep the trailer on the opposite side of his house farther away from Mr. Campbell which Mr. Brooks agrees to.

Motion

A motion to approve the use variance with the condition that the truck and trailer be moved to the opposite side of the property, covered, and with no perishable items made by Mr. Milleville and seconded by Mr. Andrews, all in favor, so carried.

MAIOLO, Derek
4952 Saunders Sett., Lockport
Area Variance-Pole Barn

ZBAV-2023-003
SBL#121.00-2-53

Mr. Maiolo would like to put a 40' x 60' pole barn that is bigger than his house on his property. He has no garage so this would be where he stores his vehicles, lawnmower, UTV, patio furniture etcetera. He also has a small shed next to his house and one other shed that became a chicken coop that's approximately 6' x 10'.

The public hearing was opened.

The public hearing was closed.

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The board asked Mr. Maiolo if he was willing to go smaller for the pole barn as that's a large ask for what is allowed for one building according to the ordinance.

Mr. Maiolo said he is willing to go to 40' x 50' if he has to.

Motion

A motion to approve the pole barn at 40' x 50' with the condition that Mr. Maiolo cannot add any other buildings to his property 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 was able to get two of her dogs adopted. She is now down to four and could send a dog to her to live with her son if need be. The four remaining dogs are between seven and nine years old.

She has purchased a mesh cover for the open part of the fence that offers 90% coverage to help with the dogs not being able to see outside the yard to help mitigate barking.

She has plans to have the dirt mound leveled and seeded once the weather allows.

Motion

A motion to allow a special permit to harbor four dogs until that number is reduced through attrition at which time Ms. Kosztowniak will be permitted no more than three dogs was made by Mr. Milleville and seconded by Ms. Shoop, all in favor, so carried.

Special Permit-Renewals

DUNN, Cheri
3494 Upper Mtn. Rd., Sanborn
Mini Horse

ZSP-2022-001
SBL#119.00-2-1

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

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Motion

A motion to renew the special permit for five years for a mini horse was made by Ms. Shoop and seconded by Mr. Andrews, all in favor, so carried.

WILSON, Jerauld
4306 Ridge Rd., Lockport
Equipment Storage

ZSP-2021-012
SBL#92.00-1-12.1

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 the special permit for five years for equipment storage was made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, so carried.

Reports

None

Announcements

None

Adjournment

A motion to adjourn at 7:45 pm was made by Mr. Andrews and seconded by Ms. Shoop, all in favor, so carried.

Krista Brocious

Planning/Zoning Clerk