

Town of Cambria Zoning Board Meeting Minutes March 28, 2022

Call to order

A meeting of **Zoning Board of Appeals** was held at **Cambria Town Hall** on **March 28, 2022** @ 7:00pm. Everyone was welcomed and informed that the meeting is being video and audio recorded. Everyone recited the Pledge of Allegiance.

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

Members not in attendance included: Thomas Andrews, Member

Approval of minutes

Motion to approve February 28, 2022 minutes made by Mr. Milleville and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

New Business/Public Hearing

Wilson, Jerauld Z-SP-2021-012
4306 Ridge Road SBL#92.00-1-12.1

Attorney Mark Murphy was present with his clients Mr. & Mrs. Wilson. Mr. Murphy stated it's a straight forward application. The key word is storage, not discussing operations. There would be no business. There would be no traffic in or out other than the few vehicles Mr. Wilson has. There are two dump trucks and three additional pieces of equipment. The operation doesn't involve any employees and no traffic in or out. This is just for storage.

Public Hearing Open.

Dave Galassi of 4308 Green road said he has let it go for 10-12 years, the operation back there but the last 3 years it has been a little too much. The trucks are loading, dumping and stockpiling. The equipment is being used on the property. 7:00pm and the loader noise echoes in his back yard and he doesn't like it. He wants to know what the millings and the loading and moving of the trucks is for.

Attorney Murphy responded that the millings are not part of the business.

Town of Cambria Zoning Board Meeting Minutes March 28, 2022

Mr. Billingsley explained he is stockpiling millings for offsite projects and some for himself. He suggests that perhaps there should be a site plan done for the board and neighbors.

Dave Miller 4380 Green Road stated that Mr. Wilson has been dumping the millings and it's leaching into the land around him. He wants to know if it will decrease the value of the homes. The noise goes from dusk till dawn and he doesn't like it. He hears the noise until it gets dark and all day long on the weekends.

Public Hearing Closed.

Attorney Murphy explained that dumping is not what this meeting is for and he is not aware of any complaints or citations of dumping. Mr. Wilson is a one man show with no employees and operations are slowing down as Mr. Wilson is in his sixties. Mr. Wilson leaves at 7am and gets back at 7pm from work. There is no work going on at night. If there are noise complaints brought those will be dealt with. We are talking about a permit for the future not what has happened in the past. His work is seasonal, spring to November and off the premises. He doesn't believe the claims of noise credible or consistent with what has been brought to the town in the past.

Mr. March asked if Mr. Wilson does repairs. Yes, but not at night. One dump truck goes in and out. The trucks are kept outside or in the barn which is 500-800' off the road.

Mrs. Retzlaff-Hurtgan inquired as to why he is just seeking a permit now if this has been in operation for years. What came to light? Mr. McCann was not aware of it and we never had any official complaints about it until September when the special permit was applied for. Mr. Billingsley explained that there is an ongoing zoning violation matter with this. This application halts the justice court proceeding. They are on hold until this board makes a determination. Attorney Murphy said that they do take responsibility for the delay in handling this matter and apologize.

Mr. March asked if it is quiet there on the property from 7am-7pm and if there is traffic. Mr. and Mrs. Wilson state usually no but sometimes he come back for lunch.

Mr. Wilson stated he has millings he is stockpiling so he can get around on his property. He will load and take to other properties. He clears the old grape fields he has. The noise would be when he does the work regarding the millings. His property was purchased in 1994. The millings are for personal use and not with the business. He has no lights on his property to do anything with the trucks at night. There is mill farm next to him that he might be getting in trouble for.

Mr. Billingsley asks if the work with the millings can be done in a way that is less bothersome to the neighbors. Mr. Wilson would agree to appropriate hours and keeping it away from his neighbors. He has a pay loader and crawler excavator. He goes away to Florida in the winter so

Town of Cambria Zoning Board Meeting Minutes March 28, 2022

it would be just in the summer. Agreement made for milling work to be done only between the hours of 9am-4pm.

Motion

A motion for Negative SEQR made by Ms. Shoop and seconded by Ms. Retzlaff -Hurtgam, all in favor, motion carried.

The millings and noise are discussed further. Mr. Milleville explained that the noise is a different matter. We are not here to discuss that. We are talking about allowing storage of vehicles and equipment at the property.

Attorney Murphy says they would like a solution that everyone can live with. His client will have the road completed by the end of this summer and stick to a 9am-4pm timeframe for the day.

A motion to allow Mr. Wilson to store his vehicles on site and 9am-4pm for hours of operation to build his road made by Chairman Smith and seconded by Ms. Shoop.

Mr. March -Nay
Mr. Milleville-Yay
Ms. Retzlaff-Hurtgam- Yay
Ms. Shoop- Yay
Ms. Smith- Yay

Motion approved.

Reports

There were no reports.

Adjournment

Motion to adjourn @7:31pm made by Mr. March and seconded by Ms. Retzlaff-Hurtgam, motion carried.

Krista Brocius
Secretary

Date of approval