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# Town of Cambria Zoning Board Meeting Minutes

## October 25, 2021

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Approved

### Call to order

A meeting of **Zoning Board of Appeals** was held at **Cambria Town Hall** on **October 25, 2021** and called to order @ 7:00pm followed by the pledge of Allegiance. Attendees included **Peter A. Smith, Chairman, Alan Johnson, Vice Chairman , Thomas Andrews, Member, Harmony Retzlaff-Hurtgam, Member, Cheryl Shoop, Member, Gary Billingsley, Attorney, James McCann, Building Inspector, Randy Roberts, Councilman and Liaison to the Town Board and Krista Brocious, Secretary Planning /Zoning Board** Members not in attendance included **Bradley Rowles, Alternate Member.**

### Announcement

Mr. Billingsley announced that the newspaper did not get the Public Hearings published therefore by law the public hearings cannot proceed tonight. Everyone will be notified again when these will take place. He anticipates that Helsdon and Bowers will take place in November however; Wilson Enterprises will not be able to be heard for a while due to court proceedings from the attorneys handling that special permit request for Mr. Wilson.

### Approval of minutes

Motion to approve September minutes made by Mr. Johnson and seconded by Mr. Andrews. All in favor, motion carried.

### Special Permit Renewals

The following renewals were sent back with signature requests to renew their permits. Mr. McCann has no objection to renewals being granted.

**WISOR, Eric**                      **Z-SP-2015-015**  
**2958 Ridge Road, Ransomville**  
**Store Front Business**

### Motion

A motion to extend permit for Wisor for five (5) more years made by Ms. Shoop and, seconded by Ms. Retzlaff-Hurtgam. All in favor, Motion carried.

**CONTE, James and Luann**                      **Z-SP-2020-005**  
**4252 Plank Road, Lockport**  
**Animal Husbandry**

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### Motion

A motion to extend permit for Conte for five (5) more years made by Mr. Andrews and, seconded by Mr. Johnson. All in favor, motion carried.

**LAWRENCE, Jason**      **Z-SP-2020-007**  
**5858 Shawnee Rd.**  
**Animal Husbandry**

### Motion

A motion to extend permit for Lawrence for five (5) more years made by Ms. Retzlaff-Hurtgam and, seconded by Ms. Shoop. All in favor, Motion carried.

**LEARY, Nathan**      **Z-SP-2020-001**  
**5210A Cambria Road**  
**Federal Firearm**

### Motion

A motion to extend permit for Leary for five (5) more years made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam. All in favor, motion carried.

**COOLBAUGH, Dora**      **10-04-04A**  
**3247 Andrews Road**  
**Kennel License**

### Motion

A motion to extend permit for Coolbaugh for five (5) more years made by Mr. Andrews and, seconded by Mr. Johnson. All in favor, motion carried.

### Unfinished business

**STEPHENSON, Herbert**      **ZB-UV-2021-002**  
**5331 Townline Road**

Mr. Stephenson is present. Mr. McCann reminded the board that Mr. Stephenson is asking for a variance to put in a 46x96 sq. ft. building. Mr. Stephenson appeared in front of the Niagara County Planning Board (NCPB) regarding this. Mr. Billingsley said that the NCPB stated there is no municipal or countywide impact so it's on this board to make a ruling.

Mr. Andrews asked if this is to build an accessory building on a lot that is vacant. Mr. Stephenson stated that there is too much rock to put a house on his land. Mr. Stephenson stated that he plans to use the building for storage of farm equipment, boat, cars, etc.

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Mr. Andrews states that he doesn't see how they can approve this because it directly violates the zoning law.

Mr. Stephenson has a chicken coop and a two car garage on this property that is in very rough condition. Has tried to make those buildings feasible and not just let them fall down.

Mr. Andrews makes a motion to deny the request. Mr. Smith requested a second motion. No members second the motion at this time.

Mr. Stephenson explains he has looked into putting a house to live in on that property but it is too full of rock and would have to be built on a slab.

Mr. Smith asks for a second on the previous motion. No one seconded it.

Mr. Smith asked if Mr. Stephenson could remove one of his current buildings. More than two storage buildings are not allowed and Mr. Stephenson has those already. Mr. Stephenson asserts that he has put a lot of hard work into keeping the two buildings from falling and maintaining them and it would be difficult to have to remove one. He uses one of the buildings for parts for his furnaces. Mr. Smith states that he would be willing to entertain a motion to approve with a stipulation of time to remove one of the buildings. Mr. Stephenson agrees to take down the front building if he is given time to do so.

Mr. Smith motioned to approve on the condition that Mr. Stephenson takes down the building up front buildings within 6 months of the new building being erected. The motion is seconded by Johnson. Mr. Andrews opposes the motion. Chairman, Smith polled the board members as follows:

Ms. Shoop- Approve

Mr. Andrews- Deny

Mr. Smith- Approve

Mr. Johnson- Approve

Ms. Retzlaff-Hurtgam- Approve

### Reports

Mr. McCann, Building Inspector requested that the board revoke three (3) special use permits given to Tyler Booth for Forsyth-Warren Tavern for failure to provide the Building Inspection Department with plans showing the change of use to the two buildings from residential to business and agricultural to business by a certified design professional that meets the NYS Building Code Requirements and failure to obtain a Certificate of Occupancy. Mr. Booth has not taken the necessary steps to be in compliance with the Town of Cambria. Mr. McCann states that he has tried to work with Mr. Booth and his new attorney recently as there was brief compliance from Mr. Booth. However, it has not continued. Mr. Booth continues to use his property in ways not permitted, even after advice to the contrary from his own attorney.

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### Motion

A motion to revoke Special Use Permits Z-UV-2018, Z-SP-2019-006, Z-SP-2018-007 from Tyler Booth/ Forsyth-Warren Tavern for failure to provide the Building Inspection Department with plans showing the change of use to the two buildings from residential to business and agricultural to business by a certified design professional that meets the NYS Building Code Requirements and failure to obtain a Certificate of Occupancy made by Mr. Johnson and seconded by Mr. Andrews. All in favor, unanimously carried.

### Announcement

Mr. Johnson announced regrettably that he is resigning and this will be his last meeting.

### Adjournment

Motion to adjourn made by Mr. Johnson and seconded by Ms. Retzlaff-Hurtgam at 7:40pm. All in favor, motion carried.

Krista Brocius  
Secretary

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Date of approval