

August 24, 2020 – Unapproved Minutes
Contents subject to Change

Town of Cambria
Zoning Board Meeting
August 24, 2020

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

Members Present: Peter Smith, Chairman
Alan Johnson,
Harmony Retzlaff-Hurtgam
Thomas Andrews

Members Absent: Bradley Rowles
Cheryl Shoop

Also present: James McCann, Building Inspector
Gary Billingsley, Attorney

Attorney advised Board that due to Covid 19 issues, that meeting was being taped, that members of the Board should identify themselves when speaking, and that motions should be by roll call vote.

A Motion was made by Mr. Johnson and seconded by Ms. Retzlaff-Hurtgam to approve the minutes of the February 24, 2020, July 5, 2020 and July 27, 2020 Meetings, the motion was put to a roll call, which resulted as follows:

Mr. Andrews voting aye
Mr. Smith voting aye
Mr. Johnson voting aye
Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed.

Jeffrey Ventry appeared this evening to request renewal of his Special Permit for a heating and air conditioning business at 5155 Townline Road. Mr. McCann advised the Board that he was not aware of any issues or complaints concerning this Special Permit. Attorney indicated he was also not aware of any issues or complaints, and that in the past, this Special Permit had been renewed for five (5) years.

A Motion was made by Ms. Retzlaff-Hurtgam and seconded by Mr. Andrews to renew Mr. Ventry's Special Permit for a period of five (5) years, the Motion was put to a roll call, which resulted as follows:

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- Mr. Andrews voting aye
- Mr. Smith voting aye
- Mr. Johnson voting aye
- Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed.

New Business	Nathan Leary
Special Permit	5210A Cambria Road, Sanborn, NY 14132
Z-SP-2020-001	To Conduct Federal Firearm Transfer Paperwork

Public Hearing Notice

Application to permit applicant to maintain a home occupation by Special Permit to permit applicant to conduct federal firearm transfer paperwork, transfers of firearms and related background checks in an existing residence upon said premises pursuant to the Special Permit Ordinance of the Town of Cambria.

Mr. Billingsley advised the Board that the Town Planning Board had recommended approval subject to any public input at the Public Hearing. He further noted for the Board that Mr. Leary’s request was similar to a request previously made and granted by this Board to Gerardo Buzzeo.

Public Hearing-Open

No Comments

Public Hearing-Closed

Mr. Johnson asked if Applicant was going to sell firearms or transfer firearms. Applicant said mostly transfer firearms. Mr. Johnson also asked if applicant intended to get liability insurance. Applicant said most likely.

Attorney confirmed that conditions that were a part of the Buzzeo Special Permit had been reviewed by applicant and were acceptable to him. Attorney asked Mr. Johnson to read the conditions of the Buzzeo Special Permit, which he did as follows: Applicant shall obtain any and all necessary federal, state and local approvals to conduct said paperwork, transfers and background checks, including approval from the Bureau of Alcohol, Tobacco and Firearms, as well as a New York State dealer’s License; Applicant shall be permitted to conduct said paperwork, transfers and background checks for “long guns” based upon the approvals for which he is currently able to applications for; Applicant shall be permitted to conduct said paperwork, transfers and background checks for “pistols” at such time as he is able to apply for and obtain all required approvals to conduct said paperwork, transfers and background checks required to transfer “pistols;” Applicant shall safely store any firearms which are temporarily maintained on

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his premises as a result of transfers hereunder in a gun safe separate from any gun safe containing firearms owned by Applicant; this Special Permit shall be for a period of one (1) year and may be renewed without further public hearing; and in all other respects, Applicant shall abide by the Zoning Ordinance of the Town of Cambria.

A Motion for a Negative Declaration under SEQRA was made by Mr. Andrews and seconded by Mr. Johnson, the Motion was put to a roll call, which resulted as follows:

- Mr. Andrews voting Aye
- Mr. Smith voting aye
- Mr. Johnson voting aye
- Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed.

A Motion was made by Mr. Johnson and seconded by Ms. Retzlaff-Hurtgam to grant a Special Permit to Nathan Leary to conduct federal firearm transfer paperwork, transfers of firearms and related background checks at his residence at 5210A Cambria Road subject to the conditions read by Mr. Johnson earlier in the meeting, the Motion was put to a roll call, which resulted as follows:

- Mr. Andrews voting aye
- Mr. Smith voting aye
- Mr. Johnson voting aye
- Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed

New Business	Steven Mangold
Special Permit	4870 Upper Mountain Road, Lockport, NY 14094
Z-SP-2020-004	To construct a pond for recreational purposes upon premises commonly known as 4825 Upper Mountain Road

Public Hearing Notice

Application to permit applicant to construct a pond for recreational purposes containing a surface area of approximately .5 acres upon premises commonly known as 4825 Upper Mountain Road approximately 660 feet from the road right-of-way, approximately 210 feet from the east and west side lot lines, and approximately 210 feet from the north rear lot line pursuant to the Special Permit Ordinance of the Town of Cambria.

Mr. Mangold confirmed that he wished to construct a .5 acre pond for recreational purposes as

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stated in the Notice of Public Hearing. Some of the fill would be used around his property for grading for his proposed residence. He stated he owns approximately 15 acres.

Mr. Billingsley confirmed that the Town Planning Board had recommended approval subject to any public input at the Public Hearing.

Public Hearing-Open
No Comments
Public Hearing-Closed

Mr. Smith asked the applicant if he was going to be building a home. Applicant said yes, and that all fill will remain on site, and that pond would be constructed as per letter dated May 5, 2020 from Niagara County Soil and Water.

Mr. Johnson asked if there were any issues with bedrock in the area of the pond. Applicant said no.

Mr. Smith asked if there would be a fence during construction, Applicant agreed to have the area being excavated fenced during construction.

Mr. Johnson asked how far the pond would be from the road. Applicant said approximately 600 feet. Mr. Johnson also asked how the pond would be filled with water. Applicant said it would be filled from water run-off.

A Motion for a Negative Declaration under SEQRA was made by Mr. Andrews and seconded by Mr. Johnson, the Motion was put to a roll call, which resulted as follows:

Mr. Andrews voting aye
Mr. Smith voting aye
Mr. Johnson voting aye
Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed.

A Motion was made by Mr. Johnson and seconded by Mr. Andrews to grant a Special Permit to Mr. Mangold to construct a half acre recreational pond upon premises commonly known as 4825 Upper Mountain Road as per letter from Niagara County Soil and Water dated May 5, 2020 upon a finding that , with no fill to be removed from premises, and that by agreement of the applicant, a fence shall be in place in the excavated area during construction of the pond, said permit being granted upon a finding that that construction of said pond will not result in environmental damage, and that construction of said pond will not adversely affect drainage, the Motion was put to a roll call, which resulted as follows:

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- Mr. Andrews voting aye
- Mr. Smith voting aye
- Mr. Johnson voting aye
- Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed.

A motion was made by Ms. Retzlaff-Hurtgam and seconded by Mr. Johnson to move the Hynes application to the end of the meeting, the Motion was put to a roll call, which resulted as follows:

- Mr. Andrews voting aye
- Mr. Smith voting aye
- Mr. Johnson voting aye
- Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed.

Eric Smith appeared before the Board concerning the Public Hearing on his application for a repair shop to repair automotive and agricultural equipment at 4502 Van Dusen Road. Attorney advised that Planning Board had tabled the matter based upon the fact that a joint owner of premises had contacted the Building Department to indicate opposition to the application. On the basis of the foregoing, the Planning Board tabled action on its review and recommendation concerning the application. Eric Smith was present this evening in case the Zoning Board had any questions.

Attorney confirmed that Chairman Smith was required to recuse himself on the matter, and Vice Chairman Johnson temporarily took over for Chairman Smith and asked the applicant to confirm that he was requesting a Special Permit for a repair shop at to repair automotive and agricultural equipment. The Board had no further questions.

Chairman Smith resumed chairing the meeting.

A Motion was made by Mr. Johnson and seconded by Ms. Retzlaff-Hurtgam to move the Clark application to the end of the meeting, the Motion was put to a roll call, which resulted as follows:

- Mr. Andrews voting aye
- Mr. Smith voting aye
- Mr. Johnson voting aye
- Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed.

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Chairman advised that earlier in the day, Tyler Booth had requested that he be placed on this evening’s agenda. Mr. Booth appeared before the Board and discussed various concerns that he had with respect to determinations and/or requirements provided by Mr. McCann with respect to his Special Permits including his Special Permit for the Forsythe-Warren Living History Farm Museum at 5182 Ridge Road. The Zoning Board, having not previously been provided with information relating to Mr. Booth’s concerns, requested that Mr. Booth put his concerns in writing and submit same to the Board, with the Board to review same at its next regular meeting on September 28, 2020.

A Motion was made by Ms. Retzlaff-Hurtgam and seconded by Mr. Johnson to notify the applicants who did not appear at this evening’s meeting that they should appear at the next meeting of this Board, the Motion was put to a roll call, which resulted as follows:

- Mr. Andrews voting aye
- Mr. Smith voting aye
- Mr. Johnson voting aye
- Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed.

Reports

Chairman – Nothing at this time

Attorney – Nothing at this time

Building Inspector – Nothing at this time

The next regular meeting of this Board is scheduled on September 28, 2020 at 7 p.m.

A motion to adjourn the meeting at 7:56 p.m. was made by Ms. Retzlaff-Hurtgam and seconded by Mr. Andrews, the motion was put to a roll call, which resulted as follows:

- Mr. Andrews voting aye
- Mr. Smith voting aye
- Mr. Johnson voting aye
- Ms. Retzlaff-Hurtgam voting aye

Meeting adjourned.

Respectfully submitted by Gary Billingsley

