

Town of Cambria Zoning Board Meeting Minutes February 24, 2025

Motion

A motion to approve the area variance with the following findings:

Mr. Wagner could not achieve his goal without a variance. The project would not harm the environmental/physical conditions of the neighborhood. There would not be an undesirable change to the neighborhood's character or to nearby properties. The request is not substantial as the total square footage of all three accessory structures would be less than 2,000 sq. ft. The difficulty was self-created, but that fact is not necessarily determinative, was made by Mr. Milleville and seconded by Mr. March, all in favor, so carried.

MANNING, R. Sean
Lower Mtn. Rd., Lkpt

ZBUV-2025-001
SBL#106.00-1-12.211

Use Variance-Rock business

Mr. Manning wants to use his property with a garage on it to store rocks for a rock sorting and selling business he has through Hans Ponds. The rocks are being sold out of Hans Ponds. Mr. Manning stated that there is no business being conducted on his property. He is just storing rocks there.

The public hearing was open.

Ms. Annette Fitzgerald of 3816 Lower Mtn. Rd. stated that there was a rock sorting machine in the garage that was very loud. She went over to see what was going on and Mr. Hans and a couple other people were there. They couldn't hear her at first over the noise of the machine. There was a lot of dust and traffic coming and going. She opposes this use variance.

Ms. Kim Sarles of 3791 Stolting Rd. was looking for some clarification on what properties Mr. Manning has connected. She and Mr. Manning discussed this at the meeting. She was also concerned about noise and dust issues. She inquired what would happen if Mr. Manning sold this property down the road after being granted a use variance. It was answered that the garage building will then always have a business use.

The public hearing was closed.

Attorney Platt explained that Mr. Manning would have to show he meets the five criteria of a use variance for the board to have a basis to approve his request.

Use Variance Criteria are as follows:

To allow a use not otherwise allowed in zoning, an applicant must demonstrate to the Board-unnecessary hardship. Such demonstration includes all of the following, for each and every permitted use:

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- Cannot realize a reasonable return-substantial as shown by competent financial evidence;
- Alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood;
- The requested variance will not alter the essential character of the neighborhood;
- Alleged hardship has not been self-created.

At this time Mr. Manning withdrew his application for a use variance.

Special Permit-Renewals

ABRAHAM, Susan **2011-01**
3531 Upper Mtn. Rd., Sanborn **SBL#105.00-2-40**
Private Kennel

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

Motion

A motion to renew the special permit for 5 years was made by Mr. Milleville and seconded by Ms. Retzlaff-Hurtgam, all in favor, so carried.

WOLEBEN, Mark & Sheila
5152 Shawnee Rd., Sanborn **SBL# 119.00-2-18.21**
In-Law Apt

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

Motion

A motion to renew the special permit for 5 years was made by Ms. Retzlaff-Hurtgam and seconded by Mr. March, all in favor, so carried.

COPELAND, Elizabeth **2011-03**
3061 Moore Rd., Ransomville **SBL#77.00-1-51**

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Private Kennel

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

Motion

A motion to renew the special permit for 5 years was made by Mr. Milleville and seconded by Ms. Retzlaff-Hurtgam, all in favor, so carried.

GAROFALO, Jennifer
4571 Budd Rd., Lkpt
Veterinary Clinic

ZSP-2023-005
SBL#93.00-2-45.22

A signed letter indicating a request to renew the special permit was provided to the building department. No concerns from the building department. Mr. McCann said that he has received complaints about Dr. Garofalo's dogs barking but that has nothing to do with the inspection department. She has done everything that was asked of her.

Mr. & Mrs. Siezckowski's attorney stated that he and the Siekowski's would like to speak. All three of them spoke in extreme opposition to Dr. Garofalo having her special permit renewed for a veterinary clinic. (More information can be found on the recording of this meeting).

Attorney Platt recommended that the board table this and allow Dr. Garofalo to be present at next month's meeting and respond to what was said.

Motion

A motion to table the special permit renewal for one month was made by Mr. Milleville and seconded by Mr. March, all in favor, so carried.

CLOY, David
4269 Burch Rd., Ransomville
Fabricating Business

1996-01
SBL#77.00-1-29.12

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

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Motion

A motion to renew the special permit for 5 years was made by Mr. March and seconded by Ms. Retzlaff-Hurtgam, all in favor, so carried.

Reports

Town Board Liaison, Randy Robert informed the Board that Ms. Cheryl Shoop has resigned from the board, therefore Mr. March will be moving up to a member seat. The newly appointed alternate member of the Zoning Board is Dr. Jennifer Garofalo as she expressed interest in such position.

Adjournment

A motion to adjourn @ 8:00 pm was made by Mr. March and seconded by Mr. Milleville, all in favor, so carried.

Krista Brocius

Planning/Zoning Clerk