

Approved

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# Town of Cambria Zoning Board Meeting Minutes

**Date:** November 17, 2025

**Time:** 6:30 PM

**Location:** Town Hall Meeting Room, 4160 Upper Mountain Road, Sanborn, New York

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## **Attendees included:**

Peter A. Smith, Chairman

Thomas Andrews, Vice Chairman

Mark March, Member

Harmony Retzlaff-Hurtgam, Member

Andrew Milleville, Member

Jennifer Garofalo, Alt. Member

Abe Platt, Town Attorney

Deputy Building Inspector/Code Enforcement, Matthew Cooper

Krista Brocious, Planning /Zoning Board Clerk

**Members not in attendance included:** Building Inspector/Code Enforcement, James McCann, Louise Brachmann, Liaison to the Town Board

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## **Call to Order**

The meeting was called to order by Chairman Smith who welcomed everyone to the meeting and asked everyone to stand for the pledge of allegiance.

## **Approval of Minutes**

**Motion :** To approve minutes from **November 10, 2025** meeting

- Made by: Mr. March
  - Seconded by: Ms. Retzlaff-Hurtgam
  - Vote: All in favor. Motion passed.
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## **The Public Hearings were read by Attorney Platt.**

1. OWNER/APPLICANT: Joseph B. Nye  
PROPERTY LOCATION: 4636 Ridge Road,  
(Tax Map No. 79.00-1-27) Lockport,  
Niagara County, New York

APPLICATION FOR AN AREA VARIANCE of the provisions of the Zoning Code of the Town of Cambria to subdivide premises situated within the Agricultural Residential (AR) Zoning District into two lots each with approximately 135 feet of frontage, whereas the

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Zoning Code requires such lots to have a minimum frontage of 150 feet within said district.

2. OWNER/APPLICANT: Crosslake Fiber USA LP

PROPERTY LOCATION: 5050 Lockport Junction Road,  
(Tax Map No. 107.00-2-31) Cambria,  
Niagara County, New York

APPLICATION FOR A SPECIAL USE PERMIT to construct and operate a structure including communications equipment (antennas and headend equipment racks) on premises situated within the Agricultural Residential (AR) Zoning District.

At such public hearing, all persons interested, who wish to be heard will be heard.

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**NYE, Joseph**

**ZBAV-2025-018**

**4636 Ridge Rd., Lkpt**

**SBL#79.00-1-27**

**Area Variance-Frontage**

**Proposal:** Subdivide property in AR district into two lots, each with ~135 ft frontage (required: 150 ft). Intended to separate house and barn from main parcel and later build a house on remaining land (approx. 50 acres).

**Applicant Statement:**

- Wants to subdivide to build a future home.
- Existing barn is on the parcel to be separated.
- Notes property has 269.5 ft total frontage.

**Public Comments:**

- **Martin Hixson, 4602 Ridge Rd:** Strong opposition; concerns about new neighbors, loss of privacy, flooding issues, farmland preservation.
- **Francis Brosman, 7924 Townline Rd, Appleton NY:** Concerned about area becoming developed, loss of rural character.
- **Sue Krone, Plank Rd:** Concerned about how the lot is being split.

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- **Dehlinger, 4686 Ridge Road:** Agrees with Mr. Hixson. Concern about rules being inconsistently enforced. Concerned about zoning regulations being changed often.

## Board Questions & Discussion:

- Lot is approximately 50 acres; applicant seeking to create 1-acre lot with 135 ft frontage.
- Board noted difficulty was self-created, purchased knowing zoning could restrict development.
- Considerations:
  - Impact on neighborhood character
  - Substantiality of variance (15 ft short per lot)
  - No major environmental or traffic concerns

## Decision:

**Motion:** For Negative SEQR Declaration

- Made by: Mr. March
- Seconded by: Ms. Retzlaff-Hurtgam
- Vote: All in favor. Motion carried.

**Motion:** To deny the variance based on self-created hardship and non-compliance with frontage requirements.

- Made by: Mr. March
- Seconded by: Mr. Andrews.
- Vote: All in favor of denial.
- **Application denied.**

**Note:** It was during this discussion that Board Members, Mr. Andrews and Mr. Milleville arrived at the meeting.

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**CROSSLAKE FIBER USA LP**  
**5050 Lockport Rd., Lkpt**

***Special Permit-Communications Equip.***

**ZSP-2025-008**

**SBL#107.00-2-31**

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**Proposal:** Install communications structure, including antennas and equipment racks, adjacent to existing SpaceX facility. Includes fenced compound (196 ft x 197 ft), screening with juniper trees, connected via existing driveway.

## Key Details:

- 8 ft chain-link fence with privacy slats.
- Landscaped perimeter with juniper trees (6–10 ft tall at maturity).
- No new curb cut required.
- Facility unmanned; minimal traffic.

## Public Comments:

- **Duncan Ross of 4746 Townline Road:** Concerned about aesthetics; suggested better building design instead of hiding it. Mr. Ross asked what facility does.
- **Linda of Lockport Road:** Concerned about safety and content of facility (EMF, hazardous materials).

## Applicant Responses:

- Facility receives satellite signals (Starlink), converts to fiber transmission.
- Same as the existing facility; non-hazardous, no gas, no storage, no radioactive materials.
- No external structures besides antennas and equipment.
- FCC compliant; low EMF exposure risk.

## Board Discussion:

- No significant change to neighborhood character.
- Low noise, minimal traffic, no lighting or material storage.
- Not considered a homeland security or terrorism risk.
- Same operations have existed on property since ~2021.

## Decision:

**Motion:** for Negative SEQR

- Made by: Mr. Andrews
- Seconded by:
- Vote: Approved. All in favor. Motion Carried.

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**Motion:** to approve special use permit made by for 1-year term, with conditions:

- Must comply with all FCC regulations.
- Not a detriment to neighborhood.
- Proper landscaping, no outside storage.
- No change to traffic or property aesthetics.
- Made by: Mr. Andrews
- Seconded: Ms. Retzlaff-Hurtgam
- Opposed by: Mr. March
- Vote: Approved (majority).

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**WHITTALL, Darren**

**ZSP-2025-005**

**V/L Lower Mtn Rd., Lkpt**

**SBL#107.00-1-15.112**

***Special Permit- Pond***

**Proposal:** Construct pond for recreation and to create fill for house construction.

**Key Details:**

- Pond roughly 200 ft long, 100 ft wide.
- No water inflow except natural rainfall.
- Fill to be used to raise home site near road.
- Must comply with Niagara County Soil & Water Conservation District findings.

**Discussion:**

- Concern raised about bedrock depth; applicant agreed to conduct test borings.
- No spoils to be removed from property.
- Minimum setback distances discussed. Mr. Cooper stated that it is 100 ft. from the right-of-way

**Decision:**

**Motion:** For negative SEQR

- Made by: Mr. Andrews
- Seconded by: Mr. March
- Vote: All in favor. Motion Carried.

**Motion:** to approve with conditions:

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- Made by: Mr. Milleville
  - Seconded by: Mr. Andrews
    - Must follow Soil & Water Conservation District recommendations.
    - No soil removed from property.
    - Conduct test borings before excavation.
  - Vote. All in favor. Motion carried.
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## Special Permit Renewals:

**BOOTH, Tyler** **ZSP-2018-007**  
**Forsyth Warren Tavern Living History Farm Museum**  
**5182 Ridge Road** **SBL#79.00-2-19.12**  
*Public & Private Events*

**BOOTH, Tyler** **ZSP-2019-006**  
**Forsyth Warren Tavern Living History Farm Museum**  
**5182 Ridge Road** **SBL#79.00-2-19.12**  
*Living history farm museum*

Two permit renewals up for consideration:

- 2018-007 (Public and Private Events)
- 2019-006 (Living History Museum)
- Outstanding issues: handicap parking improvements, accessible paths, and banister spindle compliance for Certificate of Occupancy.
- Planned Development District application in progress; may resolve permit needs.

## Decision:

**Motion:** to approve the first permit listed

- Made by: Mr. March
- Seconded by: Mr. Andrews

**Motion:** to approve the second permit listed

- Made by: Mr. Milleville

Approved

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- Seconded by: Mr. Andrews
- Vote: All in favor. Motion carried

Both permits renewed for 1 year.

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### Legal Updates

- Town attorney noted a zoning appeal filed by Mr. Booth.
  - Under review to determine if it should proceed before ZBA or Town Board.
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### Adjournment

**Motion:** to adjourn passed unanimously.

- Made by: Mr. Andrews
- Seconded by: Mr. March

**Meeting Adjourned @roughly 7:45 pm**

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*Krista Brocius*

Planning/Zoning Clerk